



YEARBOOK

of the

UNITED NATIONS

1950

YEARBOOK
OF THE
UNITED
NATIONS



1950

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FOREWORD

The fourth Yearbook of the United Nations presents the record of the Organization during 1950.

During this year the United Nations was faced with a major issue—the outbreak of hostilities in Korea. The prompt action of the Organization in deciding on military measures to deal with a breach of the peace and the response of Member Governments to the call for assistance to the Republic of South Korea showed vividly the increasing realization that collective action is necessary to maintain peace. For the first time joint military action was taken on the decision of a world organization. Additional procedures were established by the General Assembly in November to enable the United Nations to deal promptly at all times with a threat to or breach of the peace or act of aggression.

The conciliatory functions of the United Nations were continued in Palestine, Kashmir and Greece, and its mediation efforts in Indonesia culminated in the admission of the sovereign Republic of the United States of Indonesia as a Member of the United Nations in September. Further action was taken to hasten the self-government of the former Italian colonies of Libya, Somaliland and Eritrea.

The force of international action to solve world problems was also demonstrated in the United Nations Technical Assistance Conference, in June, when over fifty nations pledged more than \$20,000,000 to aid the economic development of under-developed areas. The United Nations Expanded Programme of Technical Assistance began operating towards the end of the year.

The establishment of the Office of the United Nations High Commissioner for Refugees and the aid given and planned for Palestinian and Korean refugees show that the world community has recognized its responsibilities towards the victims of hostilities.

Throughout 1950, the work of the United Nations suffered from the absence from its counsels of the Union of Soviet Socialist Republics and certain other Members which absented themselves in protest against the continued representation of the Nationalist Government of China. This question and that of the restoration of peace in Korea and the rehabilitation of that country remained among the major questions facing the Organization at the end of the year.

The major problems and achievements of the United Nations must, however, be considered against the multifarious day-to-day activities of the Organization and its various specialized agencies, the record of which will be found in the following pages. It is hoped that this account will present to the reader, whatever his special interest, a picture of the problems which are being tackled, the work which is being done and the results which are being achieved.



TRYGVE LIE
Secretary-General.

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NOTE ON DOCUMENTATION

Resolutions adopted by the General Assembly, the Economic and Social Council and the Trusteeship Council are referred to in this Yearbook by their official numbers. The number of the session at which the resolution was adopted appears in parentheses: thus, the General Assembly's resolution 377 (V) is its 377th, adopted at its fifth session; the Economic and Social Council's resolution 290(XI) is its 290th, adopted at its eleventh session; and the Trusteeship Council's resolution 293 (VII) is its 293rd, adopted at its seventh session. The context indicates which organ is referred to. In the case of the Security Council, the document citation of the original mimeographed resolution is given. These resolutions are, in general, reproduced in printed form in the Official Records; they are also collected in single mimeographed documents: S/INF/4 covers resolutions adopted during 1950. In the case of the International Court of Justice, the full citations are given for documents cited.

In the case of other documents, such as reports and draft resolutions, the original citation is given. The basic symbol forms are as follows: General Assembly, A/-; Security Council, S/-; Economic and Social Council, E/-; Trusteeship Council, T/-. In many instances, these documents appear as supplements to the Official Records. As far as discussions are concerned, it has been thought sufficient to specify the meetings at which the discussions took place, which correspond to the numbers of the verbatim or summary records concerned.

The Official Records of the various organs of the United Nations are available for consultation at United Nations depository libraries throughout the world and may be obtained from authorized agents for United Nations publications. In addition to the Official Records, the United Nations publishes a number of studies, reports and periodicals in many fields, including economics, finance, statistics, social welfare, human rights, demography and international law. Reference is made in the text of this Yearbook to a number of these studies and reports issued during 1950. A list of United Nations Sales Agents appears at the end of this volume.

Resolutions quoted in this volume (in smaller type) are given in full and have not been abbreviated or paraphrased, except where the context shows this clearly to be the case.

A list of abbreviations appears on page 1014.

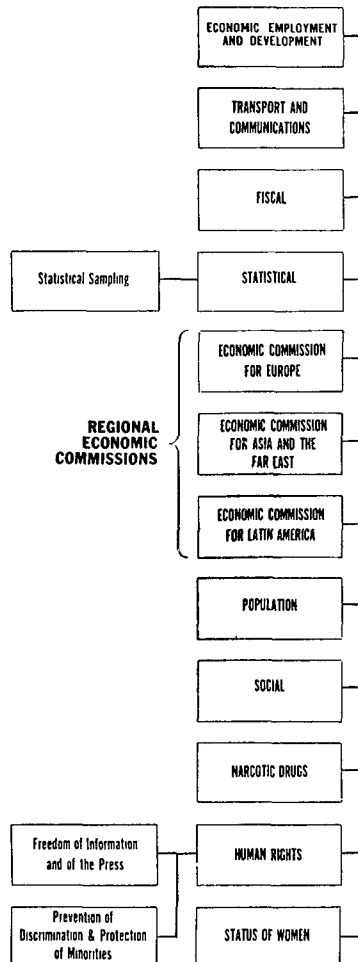
PART ONE

THE UNITED NATIONS

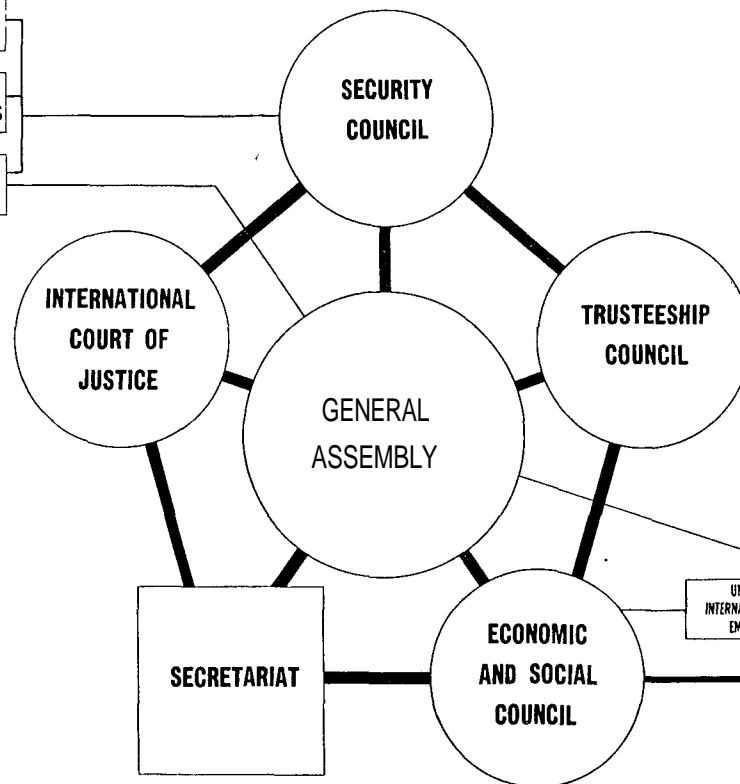
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ORGANS OF THE UNITED NATIONS

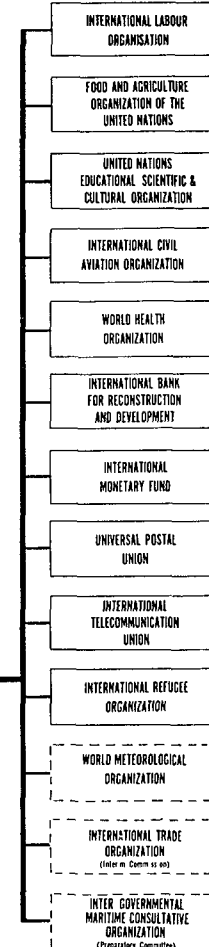
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P R I N C I P A L O R G A N S



SPECIALIZED AGENCIES



I. Introduction

A. ORIGIN AND EVOLUTION OF THE UNITED NATIONS¹

The United Nations came into being on 24 October 1945, when its Charter, drawn up and signed at the United Nations Conference on International Organization at San Francisco from 25 April to 26 June 1945, had been ratified by China, France, the USSR, the United Kingdom, the United States and a majority of other signatory States. The General Assembly, in resolution 168(II) of 31 October 1947, decided that 24 October should henceforth be celebrated as United Nations Day.

The following were among the principal steps leading to the establishment of the United Nations:

Declaration by "United Nations, signed on 1 January 1942, by which 26 nations subscribed to the purposes and principles of the Atlantic Charter and undertook to co-operate in winning the war. The Declaration was later signed by other countries.

Declaration of Four Nations on General Security (Moscow Declaration), issued on 30 October 1943, under which China, the USSR, the United Kingdom and the United States recognized the necessity for establishing as soon as possible a general international organization based on the sovereign equality of all peace-loving States and open to all such States, to maintain international peace and security.

Dumbarton Oaks Proposals, issued on 9 October 1944 following informal conversations between representatives of the United Kingdom and the United States and those of the USSR (21 August-28 September) and of China (29 September-7 October).

The proposals provided a blue-print for the proposed organization.

Crimea (Yalta) Conference, 4-11 February 1945, at which the USSR, the United Kingdom and the United States agreed to call a conference of the United Nations to draft a Charter on the basis of the Dumbarton Oaks Proposals, and also agreed on a formula for voting in the Security Council (an item outstanding from the Dumbarton Oaks Conversations). The decision to call the conference was made known in the Crimea Communique, issued on 7 February. The proposed voting formula was included in the texts of invitations to the Conference, sent on 5 March to those countries which had declared war on Germany or Japan and had signed the Declaration by United Nations.

Committee of Jurists, meeting in Washington, 9-20 April 1945, at which jurists from 44 countries prepared a draft Statute for the International Court of Justice.

United Nations Conference on International Organization (San Francisco Conference), 25 April-26 June 1945, at which representatives of 50 countries, on the basis of the Dumbarton Oaks Proposals, the draft Statute for the International Court of Justice and numerous amendments and proposals by individual Governments, drew up and, on 26 June 1945, signed the Charter of the United Nations.

Preparatory Commission, consisting of one representative of each nation represented at San Francisco, which met on 27 June in San Francisco and from 24 November to 23 December in London, and its Executive Committee of fourteen members, which met from 6 August to 24 November in London made recommendations for the organization of the United Nations and provisional arrangements for the first meetings of its principal organs.

B. THE UNITED NATIONS FROM 1946 TO 1949

The first session of the General Assembly opened in London on 10 January 1946. By the end of 1949, the following meetings of the United Nations principal organs had been held:

GENERAL ASSEMBLY			
First Session:	First Part	London	10 Jan.- 14. Feb. 1946
	Second Part	New York (Flushing Meadow and Lake Success)	23 Oct.- 15 Dec. 1946

¹ For a detailed account, see Y.U.N., 1946-47, pp. 1-50.

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First Special Session	New York (Flushing Meadow and Lake Success)	28 Apr.- 15 May 1947
Second Session	New York (Flushing Meadow and Lake Success)	16 Sept.- 29 Nov. 1947
Second Special Session	New York (Flushing Meadow and Lake Success)	16 Apr.- 14 May 1948
Third Session:		
First Part	Paris (Palais de Chaillot)	21 Sept.- 12 Dec. 1948
Second Part	New York (Flushing Meadow and Lake Success)	5 Apr.- 18 May 1949
Fourth Session:	New York (Flushing Meadow and Lake Success)	20 Sept.- 10 Dec. 1949

SECURITY COUNCIL

The Security Council has been in continuous session since 17 January 1946. By 31 December 1949 it had held 458 meetings. The first 23 meetings were held in London; the 24th to 356th meetings in New York at Hunter College (The Bronx), Henry Hudson Hotel or Lake Success; the 357th to 396th in Paris; and the 397th to 458th at Lake Success.

ECONOMIC AND SOCIAL COUNCIL

First Session	London	23 Jan.- 18 Feb. 1946
Second Session	New York (Hunter College, Bronx)	25 May- 21 June 1946
Third Session	New York (Lake Success)	11 Sept.- 10 Dec. 1946
(The Council recessed on 3 October and reconvened on 10 December 1946 to confirm the members of its functional commissions.)		
Fourth Session	New York (Lake Success)	28 Feb.- 29 Mar. 1947
Fifth Session	New York (Lake Success)	19 July- 17 Aug. 1947
Sixth Session	New York (Lake Success)	2 Feb.- 11 Mar. 1948
Seventh Session	Geneva	19 July- 29 Aug. 1948
Eighth Session	New York (Lake Success)	7 Feb.- 18 Mar. 1949
Ninth Session	Geneva	5 July- 15 Aug. 1949

TRUSTEESHIP COUNCIL

First Session	New York (Lake Success)	26 Mar.- 28 Apr. 1947
Second Session:		
First Part	New York (Lake Success)	20 Nov.- 16 Dec. 1947
Second Part	New York (Lake Success)	18 Feb.- 10 Mar. 1948
Third Part	New York (Lake Success)	21 Apr.- 5 May 1948
Third Session	New York (Lake Success)	16 June— 5 Aug. 1948

Fourth Session	New York (Lake Success)	24 Jan.- 25 Mar. 1949
Fifth Session	New York (Lake Success)	15 June- 22 July 1949
First Special Session	New York (Lake Success)	27 Sept. 1949
Second Special Session	New York (Lake Success)	8-20 Dec. 1949

INTERNATIONAL COURT OF JUSTICE

(All Sitzings at The Hague)

Election of officers, public inaugural sitting, appointment of Registrar, Deputy Registrar and staff of Registry, drafting and adoption of Rules of Court, etc.	3 Apr.- 6 May 1946
Drafting and approval of Regulations for staff of Registry, adoption of budget for 1948, and elections to Chamber for Summary Procedure, etc.	11 Feb.- 14 Mar. 1947
Corfu Channel Case (Preliminary Objection)	24 Feb.- 26 Mar. 1948
Conditions of admission of a State to membership in the United Nations (Opinion)	21 Apr.- 28 May 1948
Corfu Channel Case (Merits)	2 Nov.- 17 Dec. 1948
Corfu Channel Case (Merits)	14 Jan.- 11 Apr. 1949
Reparations for Injuries Suffered in the Service of the United Nations (Opinion)	14 Jan.- n Apr. 1949
Corfu Channel Case (assessment of compensation)	15 Nov.- 15 Dec. 1949
Competence of the General Assembly for the Admission of a State to the United Nations (Opinion)	15 Nov.- 15 Dec. 1949
Interpretation of peace treaties with Bulgaria, Hungary and Romania (Opinion)	15 Nov.- 15 Dec. 1949
Colombian-Peruvian Asylum Case (Time-limits)	15 Nov.- 15 Dec. 1949

During this period various subsidiary organs had been created, chiefly by the General Assembly and by the Economic and Social Council, and ten inter-governmental organizations had been brought into formal relationship with the United Nations as specialized agencies.

By the end of 1949, there were 59 United Nations Members. The Secretariat numbered 4,166, and was drawn from 55 nationalities.

The site for the permanent United Nations Headquarters in New York City was chosen on 16 December 1946, excavating work was begun on 14 September 1948, and the foundation stone of the Secretariat building, the first building to be erected, was laid by the Secretary-General in the

presence of the representatives of all the Member Governments at a special meeting of the General Assembly on 24 October 1949, which was addressed by the President of the United States. The building was financed by means of an interest-free loan from the United States Government.

During its first four years, the United Nations dealt with a wide variety of international problems in the political, economic, social and legal fields, as well as questions affecting the development of non-self-governing peoples.

In its role of maintaining international peace and security, the Organization, either in the General Assembly or in the Security Council, considered questions concerning: the withdrawal of Soviet troops from Iran; the withdrawal of British and French troops from Syria and Lebanon; the relations of Members of the United Nations with Spain; the situation in Greece and the Balkans (1) arising from the presence of British troops in Greece, (2) resulting from policies of the Greek Government alleged to be a threat to the peace and (3) resulting from aid allegedly provided to the Greek guerrillas by the States to the north of Greece; the situation in Indonesia (1) resulting from alleged military action against the local population by British and Japanese troops, and (2) resulting from the hostilities between the Netherlands and the Republic of Indonesia; the question of the treatment of Indians in the Union of South Africa; the government of the Free Territory of Trieste; the responsibility for damage to British war vessels and death of British sailors caused by mines in the Corfu Channel; the future government of Palestine and the maintenance of peace and security in that area; the maintenance of British troops in Egypt, and British policy in the Sudan; the independence of Korea; the dispute concerning the accession to India or to Pakistan of the State of Jammu and Kashmir; the events preceding the change of government in Czechoslovakia in February 1948; measures taken to prevent Russian wives of foreign nationals leaving the USSR; observance of the human rights clauses in the peace treaties with Bulgaria, Hungary and Romania; the occupation of Hyderabad by Indian troops; restrictions on transport and communications between the Western zones of Germany and Berlin; alleged threats to the political independence and territorial integrity of China; the future government of the former Italian colonies of Libya, Somaliland and Eritrea.

In certain of these cases, United Nations action was confined to discussions in the Assembly or the

Security Council and to the making of recommendations; in other instances commissions of inquiry or conciliation were established or a mediator designated.

For example, in the case of Palestine, the General Assembly voted a partition plan on 29 November 1947 on the basis of a report by a special committee sent to the area. When hostilities broke out between the Arab States and the newly-proclaimed State of Israel, it appointed, in May 1948, a United Nations Mediator to use his good offices to promote a peaceful settlement of the situation. The Mediator, Count Folke Bernadotte, backed by the Security Council, was successful in securing a truce, and he continued his mediation efforts until his assassination in September 1948, when the work was carried on by Ralph J. Bunche. As a result of the mediation efforts, armistice agreements were signed in the spring and summer of 1949 by Israel with Egypt, Lebanon, Jordan and Syria. Israel became a Member of the United Nations on 11 May 1949.

In Indonesia, a Committee of Good Offices, later called the United Nations Commission for Indonesia, secured the agreement of the Netherlands and the Republic of Indonesia to a cease-fire and a truce. When fighting broke out again between the two parties, the Commission, with the support of the Security Council, secured an agreement on measures to halt military operations and guerrilla warfare, on the release of political prisoners and on the calling of a round table conference at The Hague to devise means for the transfer of sovereignty from the Netherlands to the Republic of the United States of Indonesia. The Round Table Conference, at which the United Nations Commission for Indonesia assisted, took place from 23 August to 2 November 1949 and resulted in the transfer of sovereignty to the Republic of the United States of Indonesia on 27 December 1949.

In the case of Greece, the General Assembly set up a United Nations Special Committee to assist Greece, Albania, Bulgaria and Yugoslavia in establishing friendly relations and to observe their compliance with the Assembly's recommendations, which included an injunction that Albania, Bulgaria and Yugoslavia should cease aiding the guerrillas in fighting against the Greek Government. A Temporary United Nations Commission observed the elections held in South Korea (the only part of Korea open to it), following which a United Nations Commission was set up to observe and verify the withdrawal of the occupying forces and to lend its good offices to bring about the

unification of the country. A United Nations commission of inquiry and mediation was also set up to assist the solution of the India-Pakistan dispute concerning Jammu and Kashmir. It succeeded in securing acceptance of a cease-fire line and of certain basic principles for holding a plebiscite to decide whether Kashmir should accede to India or to Pakistan, but was unable to obtain agreement on the necessary measures to precede the plebiscite, such as troop withdrawal.

The questions of the Free Territory of Trieste and of the former Italian colonies were referred to the United Nations under the terms of the peace treaty with Italy. The Security Council accepted responsibility for guaranteeing the independence and integrity of Trieste. The General Assembly decided that Libya should be free and independent as soon as possible, and in any case not later than 1 January 1952, and appointed a United Nations Commissioner to hasten this; it decided that Italian Somaliland should be placed under Trusteeship, with Italy as the Administering Authority, for a period of ten years and should at the end of this period be independent; and it appointed, in 1949, a Commission to report on the disposal of Eritrea, bearing in mind the wishes of the inhabitants of the territory, the rights and claims of Ethiopia and the interests of peace and security in East Africa.

Persistent efforts were also made to reach agreement on the international control of atomic energy to ensure its use for peaceful purposes only and on the regulation of conventional armaments and of armed forces. It proved impossible, however, during the first four years of the United Nations, to secure agreement between the basic United States position, concurred in by the majority of the members of the Atomic Energy Commission, that international control of atomic energy should precede the elimination from national armaments of atomic weapons and that ownership and operation of atomic energy production facilities should be vested in an international control agency not subject to a "veto" in the Security Council, and the basic USSR position, that conventions for the unconditional prohibition of atomic weapons and for the international control of atomic energy should come into force simultaneously and that production facilities should remain in national hands, but subject to international inspection by an agency operating within the framework of the Security Council.

In the economic and social fields the activities of the United Nations spread over a wide area, as evidenced by the nine functional commissions

and three regional commissions of the Economic and Social Council—the Economic and Employment Commission, the Transport and Communications Commission, the Fiscal Commission, the Statistical Commission, the Population Commission, the Social Commission, the Commission on Narcotic Drugs, the Commission on Human Rights and the Commission on the Status of Women—and the regional economic commissions for Europe, for Asia and the Far East, and for Latin America. In the beginning, the discussions in the United Nations were mainly concerned with urgent problems resulting from the war, such, for instance, as the need for reconstruction of the devastated areas, the world shortage of food, the question of refugees and the special needs of the children of countries which had been the victims of aggression. Later, as the economy of the devastated countries began to recover—being assisted thereto by the economic commissions for Europe and for Asia and the Far East, the International Bank for Reconstruction and Development and other agencies—attention began more and more to be focused on the needs of the less developed countries. Technical assistance was given to such countries by the United Nations and the specialized agencies in the course of their regular programmes, and the General Assembly in December 1948 voted a special fund for this purpose. In 1949 the Assembly agreed that these technical assistance activities should be expanded and funds provided in the regular budget on a continuous basis.

In 1949, the Expanded Programme of Technical Assistance for Economic Development of Under-Developed Countries was adopted by the Economic and Social Council and approved by the General Assembly. This Programme provided for joint participation of the United Nations and some of the specialized agencies in rendering technical assistance, for a special fund to finance the programme to be made up of voluntary governmental contributions, and for special machinery to administer the programme.

Other economic questions considered by the United Nations included: international and national measures for achieving full employment, on which a committee of experts prepared detailed recommendations; measures to develop world trade, resulting in the holding of multilateral tariff negotiations; the development of transport, including steps to create an inter-governmental shipping organization and the adoption of a new International Convention on Road Traffic and a Protocol on Road Signs and Signals;

the conservation of resources, on which a United Nations conference was held in August and September 1949; the improvement of the comparability of statistics. Numerous economic, statistical and fiscal studies were undertaken and publications were issued, including annual surveys of world and regional economic conditions.

In the social field the United Nations took over and expanded the work of the League of Nations for the international control of narcotic drugs and the prevention of traffic in women and children. It also took over the urgent and important advisory social welfare services of UNRRA and in 1949 placed these on a continuing basis. It took steps to establish as a temporary agency the International Refugee Organization to care for the refugees who had been the concern of UNRRA and the Intergovernmental Committee on Refugees and decided in 1949 to establish a High Commissioner's Office for Refugees to deal with refugee problems after the dissolution of IRO. Through the United Nations International Children's Emergency Fund, food, clothing and medical supplies were provided to aid needy children, pregnant women and nursing mothers. To supplement governmental and other contributions, a world-wide appeal, the United Nations Appeal for Children, was conducted to secure voluntary contributions for such aid.

The first part of an international bill of human rights, the Universal Declaration of Human Rights, was proclaimed by the General Assembly on 10 December 1948, and work was begun on a draft Covenant and measures for implementation. A Convention on the Prevention and Punishment of the Crime of Genocide was also drawn up and was approved by the General Assembly. Work begun by an International Conference on Freedom of Information, called by the Economic and Social Council, on the drafting of conventions on freedom of information was carried on in the General Assembly and the Economic and Social Council. Other questions on which recommendations were made and studies initiated included: the status of women; population and migration problems; the prevention of discrimination and protection of minorities; standards of living; housing problems; the prevention of crime and the treatment of offenders.

The General Assembly in February 1946 decided that the information transmitted by Members of the United Nations which are responsible for the administration of Non-Self-Governing Territories not placed under Trusteeship, in accordance with Article 73 e of the Charter, should

be summarized, analysed and classified by the Secretary-General. These summaries and analyses have been examined annually by a special committee set up by the Assembly for the purpose. On the basis of the Committee's reports, which deal with functional fields in general but not with individual territories, the General Assembly has made recommendations concerning the transmission of information, measures for improving education in the territories, and the use of technical assistance facilities and the co-operation of the specialized agencies in furthering economic, social and educational development. By the end of 1949, eight administering countries had transmitted information on over sixty territories, information on most of the territories being submitted each year.

By 31 December 1949 ten Trust Territories had been placed under the International Trusteeship System: New Guinea (Australia); Ruanda-Urundi (Belgium); the Cameroons and Togoland (France); Western Samoa (New Zealand); Tanganyika, the Cameroons and Togoland (United Kingdom); Nauru (Australia, New Zealand and the United Kingdom jointly); and the strategic area, Trust Territory of the Pacific Islands (United States).

In accordance with the terms of the Charter, the Trusteeship Council by the end of 1949 had examined annual reports submitted by the Administering Authorities on each of these Trust Territories. It had examined over 120 petitions concerning the Territories and, in the case of petitions from the Ewe people of Togoland for unification, had heard representatives of the petitioners. Regular visiting missions were sent to East Africa in 1948 and to West Africa in 1949, and a special mission visited Western Samoa in 1947 to examine a petition from the Samoans for self-government. Recommendations for developing self-government in the Territories, for improving conditions, for abolishing such practices as whipping and such customs as child marriage and for improving educational facilities were made by the General Assembly and the Trusteeship Council.

The International Court of Justice had, by the end of 1949, delivered one judgment and rendered two advisory opinions to the General Assembly. The judgment concerned the Corfu Channel Case, arising out of a United Kingdom complaint that Albania was internationally responsible for damage to British warships and death and injury to British naval personnel caused by mines in the Corfu Channel. The Court on 9 April

1949 decided that Albania was internationally responsible and later fixed the amount of compensation due. It also decided that in one of its minesweeping operations the United Kingdom had violated Albanian sovereignty. In its first advisory opinion, given in May 1948, the Court stated that a Member of the United Nations was not entitled to make its vote in favour of admitting a State to membership in the Organization subject to conditions not provided in the Charter. In the second opinion, given in April 1949, the Court stated that the United Nations was competent to claim reparation for damages to its agents.

The International Law Commission was established by the General Assembly in November 1947 to work for the progressive development of international law and its codification; one of its first activities was to draw up a draft Declaration on Rights and Duties of States.

Conventions on privileges and immunities of the United Nations and of the specialized agencies were adopted in 1946 and 1947, and a Headquarters Agreement to provide for the privileges and immunities necessary as a result of the establishment of the Headquarters in New York was signed in June 1946 with the United States authorities. By the middle of August 1949, 569 treaties had been registered with the Secretariat.

C. THE UNITED NATIONS DURING 1950

During 1950 the principal political problem before the United Nations was that of Korea. Following a reported attack by North Korean forces on the United Nations-sponsored Republic of South Korea, the Security Council met immediately on 25 June and, deciding that a breach of the peace had occurred, called for a cessation of hostilities and the withdrawal of forces. Later, for the first time in the history of the Organization, it decided to take enforcement measures to deal with a breach of the peace; the Council authorized the formation of a Unified Command under the United States and called on Members of the United Nations to make forces and assistance available to this Command.

Fifty-three Members of the United Nations expressed in one way or another support of the Security Council resolutions.

By the end of the year, 42 countries had offered specific assistance in the form of troops, hospital ships, field medical units, strategic materials and food supplies. Ground forces from ten countries, naval units from eight countries and air units from five countries were, by 31 December 1950, helping the Republic of Korea.

The Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR, however, stated that the Council's resolutions were illegal since they had been adopted without the vote of the USSR, and with the vote of the "Kuomintang" representative, who, they said, had no right to represent China. The USSR took the position that the events in Korea were the result of a planned

and unprovoked attack by South Korean forces on the frontier areas of North Korea, and that the United States had resorted to open, armed intervention in Korea before the convening of the Security Council.

The General Assembly at its fifth session set up a United Nations Commission for the Unification and Rehabilitation of Korea. The Commission was to assist in taking steps to ensure conditions of stability throughout the country and for the establishment of a unified, independent and democratic Government in Korea. The Assembly decided that United Nations forces should not remain in any part of Korea for any purpose other than to achieve these objectives. It also outlined a general policy for the relief and rehabilitation of Korea and established a United Nations Korean Reconstruction Agency to undertake relief and reconstruction operations after the period of military activity. Meanwhile relief activities are being carried on under the Unified Command.

In November 1950, the Security Council considered the situation arising from a report of the Unified Command that United Nations forces had been "in hostile contact with Chinese Communist military units". After a draft resolution on this subject had failed of adoption on account of the negative vote of the USSR, the item "Intervention of the Central People's Government of the People's Republic of China in Korea" was placed on the Assembly's agenda. The Assembly in December asked its President to form a group to consist of himself and two other persons chosen by him to

try to arrange for a cease-fire, so as to prevent the conflict from spreading. This problem was still under consideration by the end of the year.

The Security Council also considered the "Complaint of the Armed Invasion of Taiwan". It rejected two draft resolutions on this subject, one proposed by the People's Republic of China and one by the USSR, both of which called upon the Council to condemn United States intervention in Taiwan and to request the withdrawal of forces. The proposal of the People's Republic of China had linked the question of Korea with that of Taiwan and had called for the withdrawal of United States and all foreign forces from Korea. This question was also placed on the General Assembly's agenda, but the Assembly did not take any action on the matter before the end of 1950.

Other political problems, first considered in previous years, remained before the United Nations. In the India-Pakistan dispute over the accession of the State of Jammu and Kashmir, a United Nations Representative was appointed to take over the duties of the Commission and to assist in a demilitarization programme, preparatory to holding a plebiscite in the area. He was not, however, able to secure the agreement of the two Governments to a programme.

In Palestine, the United Nations continued to supervise the carrying out of the terms of the armistice agreements. It also considered the problem of the Palestine refugees, and provided relief services to them through the United Nations Relief and Works Agency in the Middle East. Agreement was not reached on proposals for internationalizing Jerusalem.

Additional steps were taken to further the self-government of the former Italian colonies. The Assembly recommended measures for the transfer of powers to an independent Libyan Government by the end of 1951, and adopted provisions concerning the economic and financial arrangements necessitated by the transfer. It approved an Agreement placing Somaliland under Italian Administration under the Trusteeship System for ten years, after which it is to become independent. It decided that Eritrea should be an autonomous unit federated with Ethiopia.

A political issue affecting much of the work of the United Nations, not only in the political field, was the question of whether China should be represented in the various bodies of the Organization by a delegation representing the Nationalist Government of China or by one representing the People's Republic of China. The USSR, and later

the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, withdrew from meetings of United Nations bodies during the greater part of the year as a protest against the seating of the Nationalist Government representatives, who, they stated, had no right to represent China. The Assembly set up a committee to consider this question. It decided that in the meantime the Nationalist Government should continue to represent China in the General Assembly; it also recommended that the attitude adopted by the General Assembly or its Interim Committee concerning such a question should be taken into account by other organs of the United Nations.

During the year various proposals were made and steps were taken to strengthen the United Nations machinery for maintaining world peace. The Secretary-General put forward a Twenty-Year Programme for Achieving World Peace through the United Nations and discussed this with the heads of Governments in the United States, the United Kingdom, France and the USSR. The General Assembly commended the Secretary-General for his initiative and requested the appropriate organs of the United Nations to report to the sixth session on progress made.

The Assembly in a resolution entitled "Uniting for Peace", adopted on 3 November, decided that if the Security Council, because of lack of unanimity of its permanent members, failed to exercise its primary responsibility for maintaining world peace in any case where there appeared to be a threat to the peace, breach of the peace or act of aggression, the Assembly was to consider the matter immediately with a view to making appropriate recommendations to Members for collective measures. These measures might include the use of armed force when necessary to maintain or restore peace. It could meet for this purpose within 24 hours, on the request of any seven members of the Security Council or of a majority of Members of the United Nations. The Assembly also established a Peace Observation Commission to observe and report on areas where international tension exists and recommended that Member States include within their armed forces elements trained, organized and equipped for service as United Nations units. A Collective Measures Committee was established to advise Members in this regard and to report on measures which might be used to strengthen international peace and security. The USSR and certain other Members, although supporting the establishment of the Peace Observation Commission, maintained that

the resolution as a whole was unconstitutional and that it was tantamount to a revision of the Charter.

The principal development in the work of the United Nations for improving economic conditions was the launching of the United Nations Expanded Programme of Technical Assistance for Under-Developed Areas. To finance this Programme for the first eighteen months some \$20,000,000 was pledged by 54 Governments attending the United Nations Technical Assistance Conference in June 1950. As these funds became available the Programme came into operation towards the end of the year. Recommendations were also made by the Economic and Social Council and by the General Assembly on various aspects of the problem of economic development, particularly with respect to methods for financing it.

On the basis of a report by a committee of experts, detailed recommendations were made to Member Governments on national and international measures to promote and maintain full employment; the specialized agencies concerned were asked to co-operate, and several reports were called for from the Secretariat.

The work of the regional economic commissions was maintained and extended throughout the year, and accent was increasingly placed on measures for economic development; the technical activities of the United Nations in the statistical and fiscal fields were also continued.

In the social field, one of the principal developments was the adoption of the Statute of the Office of the United Nations High Commissioner for Refugees, which was to start activities at the beginning of 1951. Work was carried forward on the drafting of a convention on the status of refugees and a protocol on the status of stateless persons, and it was decided that these two instruments should be completed by a conference of plenipotentiaries in 1951.

Work was also continued on a Draft Covenant on Human Rights, which the Assembly decided should contain a clear expression of economic, social and cultural rights and on a Draft Convention on Freedom of Information. The Assembly condemned the "jamming" of radio broadcasts as a violation of freedom of information and recommended that measures to limit freedom of information and of the Press should, even in an emergency, only be taken in the most exceptional circumstances and then only to the extent required by the situation.

It was decided that UNICEF should be continued for a further three years, with a reconsti-

tuted Executive Board, and that it should devote increasing attention to the long-range and continuing needs of children, particularly in under-developed countries. Recommendations were also adopted for closer co-ordination with the specialized agencies, and the arrangements for consultation with non-governmental organizations were revised.

Other activities in the social field during the year included: assistance to Governments in improving their social welfare services; studies on slavery and on customs resembling slavery; measures to improve the status of women, including the formulation of principles for a convention on the nationality of married women; studies of population and migration questions.

Annual reports on the administration of all the Trust Territories except the Territory of Somaliland under Italian Administration, for which a Trusteeship Agreement was approved in December, were examined during the year by the Trusteeship Council, which also dealt with a record number of petitions—361—and examined the reports of its Visiting Mission on the Trust Territories in West Africa and on the Ewe problem. The Council also considered special questions affecting Trust Territories, including administrative unions of Trust Territories with adjacent Non-Self-Governing Territories under the administration of the same metropolitan Power and the use of the United Nations flag in the Trust Territories. Recommendations for furthering self-government and for improving conditions in the Territories were made by the Council and by the Assembly. Among the Assembly's recommendations was one calling for a special study of prevailing policies, laws and practices in the Territories relating to land, its utilization and alienation, and one calling for the adoption of immediate steps to abolish corporal punishment in all Trust Territories where it still exists.

In the case of other Non-Self-Governing Territories, on which information continued to be submitted by the Members responsible for their administration, special attention was paid in 1950 to the development of education. In the case of South West Africa the International Court of Justice, at the Assembly's request, gave an advisory opinion, in which it stated, among other things, that the Union of South Africa continued to have international obligations concerning the Territory under the Mandate, including the obligation to submit reports and transmit petitions. The Assembly established a committee to confer with the Union Government concerning proce-

dural measures necessary to give effect to the Court's opinion. It also reaffirmed its previous recommendation that the Territory should be placed under Trusteeship.

Two other advisory opinions were also given to the General Assembly by the Court and one judgment was handed down. The judgment concerned the Colombian-Peruvian Asylum Case, arising out of the asylum granted by the Colombian Ambassador to Peru to Víctor Raúl Haya de la Torre, who was being sought by the Peruvian authorities on the grounds that he had instigated and directed the military rebellion in Peru in October 1948. The other two advisory opinions concerned the competence of the General Assembly in the admission of Members to the United Nations and the interpretation of the peace treaties with Hun-

gary, Bulgaria and Romania.

Work accomplished by the International Law Commission included: the formulation of the Nürnberg Principles; recommendations of ways and means of making the evidence of customary international law more readily available; work on a draft code of offences against the peace and security of mankind. Preparatory work was also done on the codification of the law of treaties, the régime of the high seas, and arbitral procedure.

In November, the General Assembly decided to continue the Secretary-General in office for a period of three years.

The following pages give a fuller account of the actions of the United Nations on these questions and on the many other matters with which it was concerned during 1950.

II. Functions and Organization of the United Nations

A. THE GENERAL ASSEMBLY

The General Assembly is the only one of the six principal organs of the United Nations which consists of all the Members of the United Nations. It is essentially a deliberative, supervisory and reviewing organ.¹

In broad terms, the Charter states that the General Assembly may discuss any questions or any matters within the scope of the Charter or relating to the powers and functions of any organs of the United Nations, and, subject to the provisions of Article 12, paragraph 1, (see 1. a, below) it may make recommendations to the Members of the United Nations or to the Security Council, or to both, on any such questions or matters. The Assembly receives and considers annual and special reports from the Security Council, including an account of the measures that the Council had decided upon, or taken, to maintain international peace and security. The Assembly also receives and considers reports from other organs of the United Nations.

1. Functions and Powers

The functions and powers of the General Assembly fall into the following main categories: maintenance of international peace and security; promotion of international political, economic and social co-operation; operation of the International Trusteeship System and consideration of information on Non-Self-Governing Territories not placed under the System; organizational, administrative and budgetary functions.

a. MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members of the United Nations or to the Security Council, or to both.

The Charter, however, recognizes the special responsibilities of the Security Council as the organ of the United Nations entrusted with the primary responsibility for the maintenance of international peace and security. Thus, Article 12, paragraph 1, of the Charter provides that while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the Charter, the General Assembly is not to make any recommendations with regard to that dispute or situation unless requested by the Council to do so.

The General Assembly may, in accordance with Article 11 of the Charter, discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations or by the Security Council, or by a State which is not a Member of the United Nations and which is a party to a dispute, if that State accepts in advance the obligations of pacific settlement provided for in the Charter. Subject to the provisions of Article 12, paragraph 1, it may make recommendations to the State or States concerned or to the Security Council on such questions. Any such question on which action is necessary is to be referred to the Security Council by the General Assembly either before or after discussion.

Subject also to Article 12, paragraph 1, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from violations of the Purposes and Principles of the United Nations.

In its resolution adopted on 3 November 1950 under the title "Uniting for Peace,"² the General

¹ The Charter provisions with respect to the General Assembly are contained in Ch. IV, Arts. 9-22, and Arts. 1, 2, 4-7, 23, 24, 35, 60-64, 66, 85-88, 93, 96-98, 101, 105, 108 and 109. Arts. 4, 7-15, 32, 33 and 69 of the Statute of the International Court of Justice also contain provisions relating to the Assembly.

² See pp. 193-95.

Assembly decided that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, a breach of the peace or an act of aggression, the Assembly is to consider the matter immediately with a view to making recommendations to Members. These recommendations may include in the case of a breach of the peace or act of aggression the use of armed force, when necessary, to maintain or restore international peace and security. The Assembly may meet for this purpose in emergency special session at the request of the Security Council, adopted by a vote of any seven members, or at the request of a majority of the Members of the United Nations.

The Assembly at the same time established a Peace Observation Commission to observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger international peace and security. The Assembly also recommended that each Member of the United Nations maintain within its national forces elements so trained, organized and equipped that they can promptly be made available in accordance with its constitutional processes for service as United Nations units on recommendation of the Security Council or the Assembly.

The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

The Secretary-General, with the consent of the Security Council, notifies the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council, and similarly notifies the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

b. PROMOTION OF INTERNATIONAL POLITICAL, ECONOMIC AND SOCIAL CO-OPERATION

The General Assembly initiates studies and makes recommendations for the purpose of:

(1) Promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

(2) Promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and

fundamental freedoms for all, without distinction as to race, sex, language or religion.

The functions and powers of the United Nations with respect to international economic and social co-operation are vested in the General Assembly and, under the Assembly's authority, in the Economic and Social Council.³

c. OPERATION OF THE INTERNATIONAL TRUSTEESHIP SYSTEM

The functions and powers of the United Nations with regard to territories not designated as strategic⁴ that are placed under the International Trusteeship System, including the approval of the terms of Trusteeship Agreements and of their alteration or amendment, are exercised by the General Assembly; the Trusteeship Council, operating under the authority of the General Assembly, assists the General Assembly in carrying out these functions.⁵

d. INFORMATION ON NON-SELF-GOVERNING TERRITORIES

Members of the United Nations which are responsible for the administration of Non-Self-Governing Territories not placed under the International Trusteeship System have undertaken, under Article 73 e of the Charter, to transmit to the Secretary-General statistical and other technical information relating to economic, social and educational conditions in these Territories. The General Assembly considers the Secretary-General's summaries and analyses of this information, and is assisted in this consideration by a special committee established by it for the purpose.⁶

e. ORGANIZATIONAL, ADMINISTRATIVE AND BUDGETARY FUNCTIONS

The General Assembly elects the non-permanent members of the Security Council, the members of the Economic and Social Council, and such members of the Trusteeship Council as may be necessary to ensure that its membership is equally divided between Members of the United Nations which administer Trust Territories and Members which do not. The General Assembly and the Security Council, voting independently, elect the members of the International Court of Justice.

³ See p. 57.

⁴ The functions of the United Nations relating to strategic area Trust Territories are exercised by the Security Council; see pp. 46-47.

⁵ See p. 105.

⁶ See pp. 100-101.

Upon the recommendation of the Security Council, the General Assembly appoints the Secretary-General of the United Nations. The Secretary-General makes an annual report to the General Assembly on the work of the United Nations. He appoints the staff of the Secretariat in accordance with regulations established by the General Assembly.

The General Assembly considers and approves the budget of the United Nations. It decides on the proportion of the budget to be paid by each Member. The Assembly considers and approves any financial and budgetary arrangements with specialized agencies and examines the administrative budget of such agencies with a view to making recommendations to them.

Upon the recommendation, of the Security Council, the General Assembly may admit any State to membership in the United Nations; suspend the exercise of the rights and privileges of membership by any Member against which preventive or enforcement action has been taken by the Security Council; and expel from the United Nations any Member which has persistently violated the Principles of the Charter.

The General Assembly, upon the recommendation of the Security Council, determines the conditions on which a State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice. The General Assembly may request the International Court of Justice to give an advisory opinion on any legal question, and it may authorize the other organs of the United Nations, as well as the specialized agencies, to request advisory opinions of the Court on legal questions arising within the scope of their activities.

Any amendment to the Charter comes into force when it is adopted by a two-thirds vote of the General Assembly or of a General Conference called to amend the Charter, and is ratified by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

2. Voting and Procedure

The voting and procedure of the General Assembly are defined in the Charter as follows:

Each Member of the United Nations may send up to five representatives to the General Assembly, but each Member has only one vote.

Decisions of the General Assembly on important questions are made by a two-thirds majority

of the Members present and voting. These questions include: recommendations with respect to the maintenance of international peace and security; the election of the non-permanent members of the Security Council, the members of the Economic and Social Council and the elective members of the Trusteeship Council; the admission of new Members to the United Nations; the suspension of the rights and privileges of membership; the expulsion of Members; questions relating to the operation of the Trusteeship System; and budgetary questions. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, are made by a majority of the Members present and voting.

A Member of the United Nations which is in arrears in the payment of its financial contributions to the United Nations has no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

The General Assembly meets in regular annual sessions, commencing as a rule on the third Tuesday in September. Special sessions may be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations, or they may be called at the request of one Member if agreed to by a majority of the Members. Emergency sessions may be called at the request of the Security Council, on a vote of any seven members, or at the request of a majority of Members of the United Nations.

The General Assembly adopts its own rules of procedure. It may establish such subsidiary organs as it deems necessary for the performance of its functions.

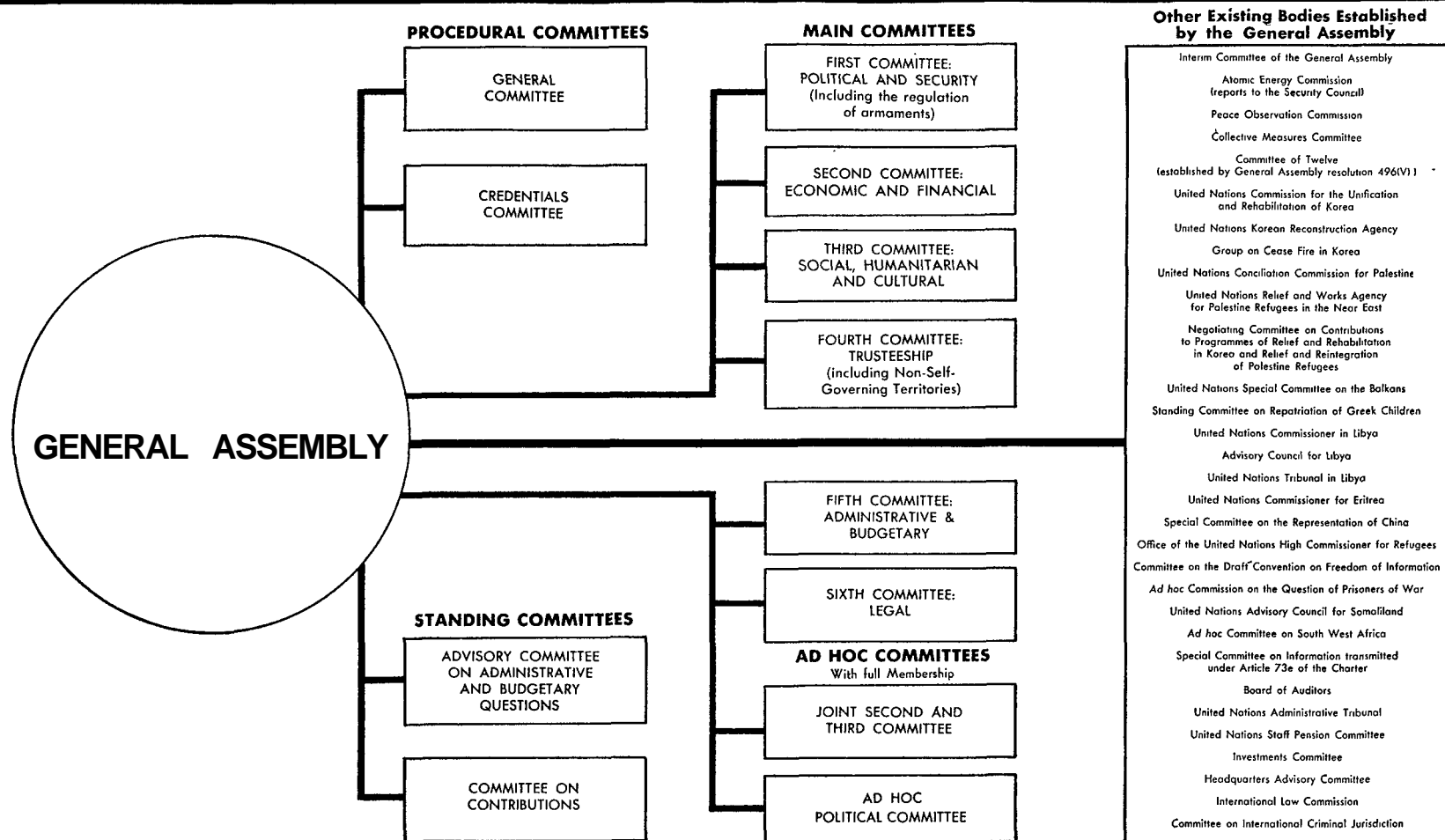
3. Structure

The rules of procedure of the General Assembly define its organizational structure, which can be outlined as follows.

At each session, the General Assembly elects a President and seven Vice-Presidents, who hold office until the close of the session at which they are elected. If the President finds it necessary to be absent during a meeting or any part thereof, he invites one of the Vice-Presidents to take his place. If the President is unable to perform his

STRUCTURE OF THE GENERAL ASSEMBLY

FIFTH REGULAR SESSION



functions, a new President is elected for the unexpired term.

There are four types of subsidiary bodies of the General Assembly:

- (1) Main Committees
- (2) Procedural Committees
- (3) Standing Committees
- (4) Other subsidiary bodies

The Committees under the first three headings are provided for in the Assembly's rules of procedure.

a. MAIN COMMITTEES

There are six Main Committees:

First Committee—Political and Security (including the regulation of armaments)

Second Committee—Economic and Financial

Third Committee—Social, Humanitarian and Cultural

Fourth Committee—Trusteeship (including Non-Self-Governing Territories)

Fifth Committee—Administrative and Budgetary

Sixth Committee—Legal

These Main Committees correspond to the major fields of responsibility of the General Assembly. They consider agenda items referred to them by the Assembly, and prepare recommendations and draft resolutions for submission to the Assembly in plenary meeting. Committees cannot introduce new items on their own initiative, but items may be disposed of by the Assembly without prior reference to a Committee. All Members of the United Nations have the right to be represented in each of these Committees. Each Committee elects its own officers. Decisions are made by a majority of the Members present and voting, a majority of the Committee constituting a quorum.

The First Committee considers, *inter alia*, the admission, suspension and expulsion of Members; any political and security matters within the scope of the Charter; the general principles of co-operation in the maintenance of international peace and security and the principles governing disarmament and the regulation of armaments; the promotion of international co-operation in the political field and the peaceful adjustment of situations likely to impair the general welfare and friendly relations among nations.

The Second Committee concerns itself with the economic and financial aspects of the work of the General Assembly, of the Economic and Social Council and of the specialized agencies, and any other economic and financial matters within the scope of the Charter. It considers the promotion of international co-operation in the economic field, including questions of higher standards of living,

international and national measures to achieve full employment and economic stability, and problems of the economic development of under-developed countries, such as technical assistance and financing.

The Third Committee considers the social, humanitarian and cultural aspects of the work of the General Assembly, of the Economic and Social Council and of the specialized agencies. It considers any other social, humanitarian, cultural, educational, health and related matters within the scope of the Charter or relating to the powers and functions of any of the organs of the United Nations.

The Fourth Committee considers matters relating to the International Trusteeship System and to Non-Self-Governing Territories.

The Fifth Committee considers matters pertaining to the budget of the United Nations, the contributions of Members, and financial and budgetary arrangements with the specialized agencies. It also considers administrative questions and matters relating to the organization of the Secretariat.

The Sixth Committee considers legal and constitutional questions, such as the registration of treaties, privileges and immunities of the United Nations, questions affecting the International Court of Justice, and, on occasion, the legal and constitutional aspects of questions referred to other committees. It also concerns itself with the progressive development of international law and its codification.

b. PROCEDURAL COMMITTEES⁷

There are two Procedural Committees: a General Committee and a Credentials Committee.

The General Committee consists of fourteen members, no two of whom may be members of the same delegation, and is so constituted as to ensure its representative character. It comprises the President of the General Assembly, who presides, the seven Vice-Presidents and the Chairmen of the six Main Committees. The General Committee studies the provisional agenda and the supplementary list, considers requests for the inclusion of additional items in the agenda, and reports to the General Assembly. It assists the President of the General Assembly in drawing up the agenda for plenary meetings, in determining the priority of agenda items, and in co-ordinating the proceedings of the committees. It also assists the President in the general conduct of the work

⁷ For members of these committees, see pp. 24-25.

of the General Assembly which falls within his competence. It may not, however, decide any political question. It may also make recommendations to the Assembly concerning the closing date of the session.

The Credentials Committee, which consists of nine members, is appointed at the beginning of each session by the General Assembly on the proposal of the President. The Committee examines and reports on the credentials of representatives. Any representative to whose admission a Member has objected is seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the General Assembly has given its decision.

c. STANDING COMMITTEES⁸

Two Standing Committees have been established, in accordance with the General Assembly's rules of procedure, to deal with continuing problems during and between its regular sessions. They are the Advisory Committee on Administrative and Budgetary Questions and the Committee on Contributions.

The Advisory Committee on Administrative and Budgetary Questions examines and reports on the budget and accounts of the United Nations, and advises the General Assembly on other administrative and financial matters referred to it. It consists of nine members, including at least two recognized financial experts. The members of the Committee are appointed on the basis of broad geographical representation, personal qualifications and experience; they serve for three years. The members of the Committee retire by rotation and are eligible for re-appointment. The two financial experts do not retire simultaneously.

The Committee on Contributions advises the General Assembly concerning all questions relating to the apportionment of the expenses of the United Nations among Members and on the action to be taken with regard to the application of Article 19 of the Charter, which deals with the question of Members which are in arrears in the payment of their financial contributions to the Organization. The Committee is also authorized by the General Assembly to recommend or advise on the scale of contributions for a specialized agency if requested by that agency to do so. The Committee consists of ten members who are selected on the basis of broad geographical representation, personal qualifications and experience; they serve for three years. The members of the Committee retire by rotation and are eligible for re-appointment.

d. OTHER SUBSIDIARY BODIES

Under its rules of procedure, the Assembly may also establish such ad hoc committees and other subsidiary bodies as it deems necessary for the performance of its functions.

During its fifth session (1950), the Assembly established the following ad hoc committees to assist it in the course of the session:

Ad Hoc Political Committee

Joint Second and Third Committee

Joint Second and Third Committee and Fifth Committee meeting jointly

The Committees had the same membership and general terms of reference as the Main Committees. The Ad Hoc Political Committee considered political and security items referred to it by the Assembly, and the Joint Second and Third Committee matters having both economic and social aspects: the organization and operation of the Economic and Social Council and its commissions and the relief and rehabilitation of Korea. Joint meetings of the Fifth Committee and of the Joint Second and Third Committee were held to consider questions concerning relations with the specialized agencies.

Other subsidiary bodies⁹ as established by the end of 1950 include the following:

(1) Interim Committee of the General Assembly

Each Member of the General Assembly has the right to be represented on the Interim Committee. Originally established during the second session and re-established for another experimental year during the third session, the Interim Committee was re-established by the General Assembly at its fourth regular session for an indefinite period as a subsidiary organ of the General Assembly. It meets as and when it deems necessary, provided the General Assembly is not actually in regular session. It assists the Assembly in the performance of its functions by considering:

(1) Any matters referred to it by or under the authority of the Assembly

(2) Any dispute or situation likely to impair the general welfare or friendly relations among nations, which may be proposed for inclusion in the provisional agenda of the Assembly either by a Member or non-

⁸ For members of these committees, see Annex II, p. 38.

⁹ For members of and representatives serving on these bodies during 1950, see Annex II, pp. 39-43. The Atomic Energy Commission, though established by the General Assembly in Jan. 1946, reports on all questions affecting peace and security to the Security Council. For details concerning it, see p. 49.

member State, or brought before the Assembly by the Security Council, provided the Committee determines the matter to be important and requiring preliminary study

(3) Questions relating to the general principles of co-operation in the maintenance of international peace and security and to the promotion of international co-operation in the political field [Charter, Arts. 11, par. 1, and 13, par. 1 (a)]

(4) The question of recommending the calling of a special session of the Assembly, in connexion with any matter under discussion by the Committee

The Committee may conduct investigations and appoint commissions of inquiry within the scope of its duties. An investigation or inquiry elsewhere than at the Headquarters of the United Nations is not conducted without the consent of the State or States in whose territory it is to take place.

The Committee may also request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities.

The Committee may not, however, consider any matter of which the Security Council is seized and which the Council has not submitted to the Assembly.

The representatives of the following Members stated when the Committee was established that they would not participate in its work, because they considered that the establishment of such a Committee was illegal and unconstitutional: the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR, the USSR and Yugoslavia.

(2) Peace Observation Commission

The Commission is composed of representatives of fourteen Member States designated by the General Assembly.

When called upon by the General Assembly, the Interim Committee or the Security Council, the Commission is to observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security.

The General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission upon the invitation or with the consent of the State into whose territory the Commission would be sent, provided that the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to use the Commission are to be made on the affirmative vote of two thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter.

The Commission may appoint sub-commissions and utilize the services of observers to assist it in the performance of its functions.

(3) Collective Measures Committee

The Committee consists of representatives of fourteen Member States designated by the General Assembly.

In consultation, with the Secretary-General and such Member States as it finds appropriate, the Committee is to study and report to the General Assembly and the Security Council, by 1 September 1951, on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Charter, Arts. 51, 52).

The Committee is to include in its report measures taken by Member States to maintain within their national forces elements so trained, organized and equipped that they could be made available for prompt service as United Nations units upon recommendation by the Security Council or the General Assembly.

With the approval of the Committee, the Secretary-General is to appoint a panel of military experts available to Member States requesting technical advice with regard to the organization, training and equipment of such elements.

(4) Committee of Twelve (Established by General Assembly Resolution 496(V))

This Committee consists of representatives of the members of the Security Council on 1 January 1951, and Canada.

It is to consider and report to the sixth session of the Assembly on ways and means of co-ordinating the work of the Atomic Energy Commission and the Commission for Conventional Armaments, and on the advisability of their functions being merged and placed under a new and consolidated disarmament commission.

(5) United Nations Commission for the Unification and Rehabilitation of Korea

The Commission consists of the representatives of seven Member States designated by the General Assembly.

The Commission is to:

(a) assume the functions previously exercised by the United Nations Commission on Korea;

(b) represent the United Nations in bringing about the establishment of a unified, independent and democratic government of all Korea;

(c) recommend to the Agent-General of the United Nations Korean Reconstruction Agency such policies

concerning, the Agency's programme and activities as it considers necessary for the discharge of its responsibilities under (b) above;

(d) determine, after consultation with the Agent-General, the geographical areas within which the Agency is to operate;

(e) designate the authorities in Korea with which the Agent-General may establish relationships, and advise him on the nature of such relationships.

The Commission is also authorized to take steps to support the Agent-General in fulfilling his tasks; to consider his reports to the General Assembly and transmit comments on them to the Economic and Social Council and the Assembly; and to call for information from him to assist in its work. The Commission may consult with the Agent-General and make recommendations to the Economic and Social Council regarding the provisional programme for Korean relief and reconstruction, particularly its adequacy to meet the needs of Korea.

The Commission was instructed to proceed to Korea as soon as possible and to report to the sixth regular session of the General Assembly and to any prior special session which might be called to consider the problem of the independence of Korea. It is to submit such interim reports as it may deem appropriate to the Secretary-General for transmission to Members.

(6) United Nations Korean Reconstruction Agency

The Reconstruction Agency, under the direction of a United Nations Agent-General, was established to administer the relief and rehabilitation programme of the United Nations in Korea. This programme is to be financed by voluntary contributions from Member and non-member Governments. Specialized agencies and non-governmental organizations have also been asked to contribute facilities, advice and services.

The Agent-General is appointed by the Secretary-General. He is assisted by one or more deputies whom he is authorized to appoint in consultation with the Secretary-General, and by an Advisory Committee consisting of representatives of five Members of the United Nations designated by the General Assembly.

The Agent-General is responsible to the General Assembly for the conduct of the relief and rehabilitation programme in accordance with policies established by the Assembly, having regard to general policy recommendations made by the United Nations Commission for the Unification and Rehabilitation of Korea. He is to consult with and generally be guided by this Commission concerning the Agency's programme and activities in

so far as they relate to the Commission's responsibilities, and to be governed by the Commission's advice in determining the geographical areas in which the Agency operates and the authorities in Korea with which he establishes relationships. He is to ascertain, after consultation with the designated authorities in Korea, requirements for relief and services, provide for their procurement, shipping, distribution and utilization, and assist the appropriate Korean authorities in taking the measures necessary for the rehabilitation of the Korean economy. The Agent-General reports to the General Assembly.

The Advisory Committee advises the Agent-General regarding financial, procurement, distribution and other economic problems relating to his planning and operations. It meets on the call of the Agent-General, but not less than four times a year.

(7) Group on Cease Fire in Korea

The Group on Cease Fire in Korea, consisting of the President of the General Assembly and two persons designated by him, was established on 14 December 1950 to determine the basis on which a satisfactory cease-fire in Korea could be arranged and to make recommendations to the General Assembly as soon as possible.

(8) United Nations Conciliation Commission for Palestine

The Conciliation Commission is composed of representatives of three Member States elected by the General Assembly.

It was established to assume, *inter alia*, functions originally given to the United Nations Mediator on Palestine and to carry out such additional functions and directives as might be given to it by either the General Assembly or the Security Council.

Among the tasks assigned to the Commission are those of taking steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them, of seeking arrangements among them to facilitate the economic development of the area, and of facilitating the repatriation, resettlement and economic and social rehabilitation of the refugees. The Commission has been instructed to establish an office which, under its direction, is to make arrangements for the assessment and payment of compensation for property to refugees not choosing to return home, as well as for their repatriation, resettlement and economic and social rehabilitation. This office is also to consult with the parties concerned regarding measures for the pro-

tection of the rights, property and interests of the refugees.

The Commission renders progress reports periodically to the Secretary-General for transmission to the Security Council and to Member States.

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

The Agency is administered by a Director with the advice and assistance of an Advisory Committee established by the Assembly. The Committee consists of representatives of four Members designated by the Assembly, and has power itself to add not more than three additional members from contributing Governments.

The Director is appointed by the Secretary-General in consultation with the Governments represented in the Advisory Committee.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East was established to carry out, in collaboration with local governments, direct relief and works programmes to aid Palestine refugees, as recommended by the Economic Survey Mission for the Middle East.

It consults with the interested Near Eastern Governments on measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available. The Agency also consults with the United Nations Conciliation Commission for Palestine with particular reference to its work in connexion with refugees.

The Director and the Advisory Committee consult with each Near Eastern Government concerned in the selection, planning and execution of projects.

The Agency has been instructed by the General Assembly to continue to furnish relief through June 1952 and to establish a reintegration fund, to be utilized for projects requested by any Government in the Near East and approved by the Agency, for the permanent re-establishment of refugees and their removal from relief. It is authorized to transfer to reintegration projects funds available for its current relief and works programmes.

(10) Negotiating Committee on Contributions to Programmes of Relief and Rehabilitation in Korea and Relief and Reintegration of Palestine Refugees

The Negotiating Committee is composed of representatives of seven Member States elected by the General Assembly.

It was established to consult during the fifth session of the Assembly with Member and non-member States as to the amounts which Govern-

ments might be willing to contribute on a voluntary basis towards:

(a) the programme for relief and works for the period ending 30 June 1951 for Palestine refugees and the programme of relief and reintegration projects for the year ending 30 June 1952; and

(b) the programme for the relief and rehabilitation of Korea.

(11) United Nations Special Committee on the Balkans

The Special Committee is composed of representatives of nine Member States elected by the General Assembly.

Seats are being held open for representatives from Poland and the USSR. The representatives of these countries stated that they would not participate in the work of the Committee because they considered that the Assembly in establishing it had acted contrary to the principles of the Charter, and that the Committee was unconstitutional.

The Special Committee on the Balkans observes the compliance by Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other with the recommendation of the Assembly to cooperate in the settlement of their disputes by peaceful means, and is available to assist the four Governments concerned in implementing the Assembly's resolutions. It is also instructed to observe and report on the response of Albania, Bulgaria and the other States concerned to the Assembly's injunction not to furnish aid to the guerrillas in fighting the Greek Government; to continue to utilize observation groups in its work; to verify the disarming and disposition of the Greek guerrillas who have entered Albania, Bulgaria and Yugoslavia; and to be available to facilitate the peaceful repatriation to Greece of all Greek guerrillas who desire to return and live in accordance with the law of the land.

The Committee is to report to the General Assembly and may recommend to Members, if it thinks this necessary for the maintenance of peace and security, the calling of a special session of the Assembly. The Special Committee may also consult with the Interim Committee of the General Assembly regarding the performance of its functions in the light of developments. It may recommend to the Interim Committee its own dissolution, and the Interim Committee may act on this recommendation as it thinks proper.

(12) Standing Committee on Repatriation of Greek Children

The Standing Committee is composed of the representatives of three Member States elected by the General Assembly.

Acting in consultation with the Secretary-General, the Standing Committee is to consult with the representatives of the States concerned with a view to the early repatriation of Greek children. The International Committee of the Red Cross and the League of Red Cross Societies have been invited to co-operate with the Committee.

**(13) United Nations Commissioner in Libya;
United Nations Advisory Council for Libya**

The United Nations Commissioner in Libya, appointed by the General Assembly, is advised by a Council consisting of:

(a) One representative nominated by the Government of each of the following countries: Egypt, France, Italy, Pakistan, United Kingdom and United States;

(b) One representative of the people of each of the three regions of Libya (Cyrenaica, Tripolitania and The Fezzan) and one representative of the minorities in Libya, appointed by the United Nations Commissioner, after consultation with the Administering Powers, the representatives mentioned in paragraph (a) and leading personalities and representatives of political parties and organizations in the territories concerned.

The main function assigned by the General Assembly to the United Nations Commissioner in Libya and the Council is to assist the people of the country in the formulation of the constitution and the establishment of an independent Government as soon as possible, and in any case not later than 1 January 1952.

The Commissioner, aided and guided by the advice of the Council for Libya, is to draw up a programme, in co-operation with the Administering Powers, for the transfer of powers to the Provisional Government, elected by the National Assembly, of Libya. All powers are to be transferred by the Administering Powers by 1 January 1952.

(14) United Nations Tribunal in Libya

The Tribunal is to be composed of three persons selected by the Secretary-General for their legal qualifications from the nationals of three different States not directly interested.

The Tribunal, on request, is to give to the Administering Powers, the Libyan Government after its establishment, and the Italian Government such instructions as may be required to give effect to the Assembly's resolution concerning economic and financial provisions relating to Libya resulting from the decision to establish an independent Libyan State. It is also to decide all disputes concerning the interpretation and application of this resolution.

(15) United Nations Commissioner for Eritrea

The United Nations Commissioner for Eritrea, elected by the General Assembly, is assisted by

experts appointed by the Secretary-General of the United Nations.

The Administering Power, in consultation with the Commissioner, is to prepare the organization of an Eritrean administration, induct Eritreans into all levels of the administration and make arrangements for and convoke a representative assembly of Eritreans chosen by the people. In consultation with the Administering Power, the Government of Ethiopia and the inhabitants of Eritrea, the Commissioner is to prepare a draft of the Eritrean Constitution to be submitted to the Eritrean Assembly. The Constitution is to be based on the principles of democratic government. The Commissioner is to advise and assist the Assembly in its consideration of the Constitution and is to approve it before it takes effect. The transition period is not to extend beyond 15 September 1952; during this period the Eritrean Government is to be organized and the Eritrean Constitution put into effect.

**(16) Special Committee on the Representation
of China**

The Committee is composed of representatives of six Member States elected by the General Assembly.

It is charged with considering the question of Chinese representation.

**(17) Office of the United Nations High
Commissioner for Refugees**

The United Nations High Commissioner for Refugees, elected by the General Assembly on the nomination of the Secretary-General, is to serve for a term of three years from 1 January 1951. He is to appoint for the same term a Deputy High Commissioner of a nationality other than his own.

The High Commissioner is to provide international protection, under the auspices of the United Nations, to refugees falling within the scope of the Statute of his Office. He is to seek permanent solutions for the problem of refugees by assisting Governments, and, subject to the approval of the Governments concerned, private organizations, to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

He acts under the authority of the General Assembly and receives policy directives from the Assembly and the Economic and Social Council. His work is to be of an entirely non-political, social and humanitarian character.

He is to provide international protection to refugees falling under the competence of his Office by:

(a) promoting the conclusion and ratification of international conventions for the protection of refugees;

(b) promoting through special agreements with Governments the execution of any measures to improve the situation of refugees and to reduce the number requiring protection;

(c) assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities;

(d) promoting the admission of refugees to the territories of States;

(e) endeavouring to obtain permission for refugees to transfer their assets, especially those necessary for their resettlement;

(f) obtaining from Governments information concerning the number and conditions of refugees in their territories and the laws and regulations concerning them;

(g) keeping in close touch with the Governments and inter-governmental organizations concerned;

(h) establishing contact with private organizations dealing with refugee questions;

(i) facilitating the co-ordination of the efforts of private organizations concerned with the welfare of refugees.

In the exercise of his functions the High Commissioner may request the opinion of an Advisory Committee. The Advisory Committee is to consist of representatives of States Members and States non-members, to be selected by the Economic and Social Council on the basis of their interest in and devotion to the solution of the refugee problem.

The High Commissioner is to report annually on his activities to the General Assembly through the Economic and Social Council.

The Office of the High Commissioner is located at Geneva.

(18) Committee on the Draft Convention on Freedom of Information

The Committee consists of the representatives of fifteen countries elected by the General Assembly.

The Committee was instructed to prepare a draft convention on freedom of Information, taking into account previous drafts and the observations of the Assembly's Third Committee on the subject. It was also requested to report on the results of its work to the thirteenth session of the Economic and Social Council, submitting recommendations, in particular, regarding the advisability of convening a conference of plenipotentiaries, with a view to the framing and opening for signature of a Convention on Freedom of Information.

(19) Ad Hoc Commission on the Question of Prisoners of War

The Ad Hoc Commission, established by the General Assembly, is to be composed of three qualified and impartial persons chosen by the

International Red Cross or, failing that, by the Secretary-General.

It is to seek a solution of the question of prisoners of war in a purely humanitarian spirit and on terms acceptable to all Governments concerned. The Commission is also to examine and evaluate the information furnished by Governments, in the light of the information made available to the fifth session of the General Assembly.

In case the Commission considers that this information is inadequate or that prisoners of war in custody or control of any foreign Government have not been repatriated or otherwise accounted for, it is to seek information from the Governments or authorities concerned regarding such prisoners, and to assist all Governments or authorities who so desire in arranging for and facilitating the repatriation of such prisoners.

The Ad Hoc Commission is authorized to use the good offices of any qualified and impartial person or organization who might contribute to the repatriation or accounting for of such prisoners. It is to send a report as soon as practicable on its work to the Secretary-General for transmission to Member States.

(20) United Nations Advisory Council for Somaliland

The United Nations Advisory Council for Somaliland is composed of three Member States elected by the General Assembly.

The Advisory Council is to advise Italy as the Administering Authority of Somaliland under the International Trusteeship System, on all measures envisaged for the inauguration, development and subsequent establishment of full self-government for the Territory. In particular it is to be consulted regarding plans for: the establishment and development of organs of self-government; economic and financial development; educational development; labour and social advancement; the transfer of the functions of government to a duly constituted independent government of the Territory. It is also to be consulted on ordinances which the Administering Authority may make and promulgate in exceptional circumstances.

States Members of the Advisory Council, if they are not members of the Trusteeship Council, are entitled to participate without vote in the debates of the Trusteeship Council on any question relating to the Territory of Somaliland under Italian Administration.

(The independence of Somaliland under Italian Administration is to become effective at the end of ten years from the date of approval of the

Trusteeship Agreement by the General Assembly on 2 December 1950.)

(21) Ad Hoc Committee on South West Africa

The Committee consists of representatives of five Member States elected by the General Assembly.

It is to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice regarding South West Africa. (The Court, among other things, stated: that the Union of South Africa continued to have international obligations under the League of Nations Mandate assumed on 17 December 1920 for South West Africa; that the functions of supervision over this territory should be exercised by the United Nations, to which annual reports and petitions from the inhabitants should be submitted; that the Union Government was not competent to modify the international status of the territory without the consent of the United Nations.)

As an interim measure, and as far as possible in accordance with the procedure of the former Mandates System, the Committee is to examine the report of the Union of South Africa on the administration of the territory and petitions and other matters relating to the territory transmitted to the Secretary-General.

It is to report to the sixth session of the General Assembly.

(22) Special Committee on Information Transmitted under Article 73 e of the Charter¹⁰

(23) Board of Auditors

The Board of Auditors is composed of the Auditors-General (or officers holding equivalent title) of three Members of the United Nations. The members of the Board are appointed by the General Assembly for three years and retire by rotation. They serve as external auditors of the accounts of the United Nations and of the International Court of Justice. The Board submits to the General Assembly an annual report.

(24) United Nations Administrative Tribunal

The Administrative Tribunal is composed of seven members, no two of whom may be nationals of the same State. Only three members sit in any particular case. The members of the Tribunal are appointed by the General Assembly for three years. Of the members initially appointed, however, the terms of two members are to expire at the end of one year and the terms of two members at the end of two years.

The Tribunal is competent to hear and pass judgment upon applications alleging non-observance of contracts of employment of staff members of the United Nations Secretariat or of their terms of appointment. It is not competent, however, to deal with any applications where the cause of complaint arose prior to 1 January 1950.

It is open to:

(a) any staff member of the United Nations Secretariat even after his employment has ceased, and TC any person who has succeeded to the staff member's rights on his death;

(b) any other person who can show that he is entitled to rights under any contract or terms of appointment.

In the event of any dispute as to whether the Tribunal has competence, the matter is settled by decision of the Tribunal. The judgments of the Tribunal are final and without appeal.

The competence of the Tribunal may be extended to specialized agencies brought into relationship with the United Nations in accordance with a special agreement to be made with each agency by the Secretary-General of the United Nations. Each special agreement will provide that the agency concerned be bound by the judgments of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of the agency. The special agreement will also include, among other things, provisions concerning the agency's participation in the administrative arrangements for the functioning of the Tribunal and for sharing its expenses.

(25) United Nations Staff Pension Committee

The Staff Pension Committee is composed of three members elected by the General Assembly, three appointed by the Secretary-General and three elected by the participants in the United Nations Joint Staff Pension Fund. Members are elected for three-year terms.

The Committee carries out the local administration of the United Nations Staff Pension Fund in accordance with the regulations established by General Assembly resolution 248(III) of 7 December 1948, and participates in the Joint Staff Pension Board, which is composed of members of the Staff Pension Committees of the United Nations and the specialized agencies and administers the Pension Fund in accordance with these regulations.

¹⁰ For details concerning this Committee, see under Non-Self-Governing Territories, pp. 100-101.

(26) Investments Committee

This Committee consists of three members appointed by the Secretary-General for three-year terms after consultation with the Advisory Committee on Administrative and Budgetary Questions, and subject to the approval of the General Assembly. Members retire by rotation.

The Committee advises the Secretary-General with regard to the investment of the pension funds and other trust and special funds under the control of the United Nations. The General Assembly has also authorized the Committee to provide advice to a specialized agency, at its request, on the nature and extent of investment of its funds.

(27) Headquarters Advisory Committee

The Headquarters Advisory Committee is composed of representatives of sixteen Member States elected by the General Assembly.

The Advisory Committee assists and advises the Secretary-General in making necessary arrangements for the establishment of the permanent headquarters of the United Nations in New York City.

(28) International Law Commission

The International Law Commission is composed of fifteen persons of recognized competence in international law and representing as a whole the main forms of civilization and the principal legal systems of the world. Its members are elected by the General Assembly for terms of three years and are eligible for re-election.¹¹

The Commission has for its object the promotion of the progressive development of international law and its codification. It is primarily concerned with public international law but is not precluded from entering the field of private international law.

(29) Committee on International Criminal Jurisdiction

The Committee is composed of the representatives of seventeen Members elected by the General Assembly.

The Committee was established to meet in Geneva on 1 August 1951 in order to prepare one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international criminal court.

4. Session and Officers

The fifth regular session of the General Assembly opened on 19 September 1950 at New York. It was still in session at the end of the year.

The following were the officers of the Assembly at its fifth session:

President

Nasrollah Entezam (Iran)

Vice-Presidents¹²

AUSTRALIA	UNITED KINGDOM
CHINA	UNITED STATES
FRANCE	VENEZUELA
USSR	

GENERAL COMMITTEE:

Chairman: The President of the General Assembly

Members: The Vice-Presidents of the Assembly and the Chairmen of the six Main Committees

FIRST (POLITICAL AND SECURITY) COMMITTEE:

Chairman: Roberto Urdaneta Arbelaez (Colombia)

Vice-Chairman: Fernand van Langenhove (Belgium)

Rapporteur: Thor Thors (Iceland)

SECOND (ECONOMIC AND FINANCIAL) COMMITTEE:

Chairman: Gustavo Gutiérrez (Cuba)

Vice-Chairman: V. V. Skorobogaty (Byelorussian SSR)

Rapporteur: J. Vilfan (Yugoslavia)

THIRD (SOCIAL, HUMANITARIAN AND CULTURAL) COMMITTEE:

Chairman: G. J. van Heuven Goedhart (Netherlands)

Vice-Chairman: A. S. Bokhari (Pakistan)

Rapporteur: R. Noriega (Mexico)

FOURTH (TRUSTEESHIP) COMMITTEE:

Chairman: Prince Wan Waithayakon (Thailand)

Vice-Chairman: Ahmed M. Farrag (Egypt)

Rapporteur: Peter Anker (Norway)

FIFTH (ADMINISTRATIVE AND BUDGETARY) COMMITTEE:

Chairman: Lt. General His Highness Maharaja Jam Shri Digvijayasinghji (India)

Vice-Chairman: Aleksander Krajewski (Poland)

Rapporteur: B. G. Fourie (Union of South Africa)

SIXTH (LEGAL) COMMITTEE:

Chairman: Vladimir Outrata (Czechoslovakia)

Vice-Chairman: Jacob Robinson (Israel)

Rapporteur: Adnan Kural (Turkey)

¹¹ On 10 Dec. 1950, the General Assembly, noting that the three-year term of office of the present members of the Commission was insufficient to enable the Commission to complete its current work, decided, without prejudice to any modification in the Commission's Statute, to extend the term of office of the present members for two years, making a total period of five years from their election in 1948.

¹² The heads of the respective delegations fill these posts.

Ad Hoc POLITICAL COMMITTEE:

Chairman: Victor A. Belaúnde (Peru)
 Vice-Chairman: Alexis Kyrrou (Greece)
 Rapporteur: Salvador P. López (Philippines)

JOINT SECOND AND THIRD COMMITTEE:

Chairman: Gustavo Gutiérrez (Cuba)
 Rapporteur: Mrs. D. B. Sinclair (Canada)

CREDENTIALS COMMITTEE:

Representatives of Belgium (Chairman), Chile, India, Mexico, Thailand, Turkey, USSR, United Kingdom and United States

China	282	25 Sept.
Colombia	285	26 Sept.
Cuba	282	25 Sept.
Czechoslovakia	285	26 Sept.
Dominican Republic	282	25 Sept.
Ecuador	286	27 Sept.
Egypt	288	28 Sept.
El Salvador	283	25 Sept.
Ethiopia	289	28 Sept.
France	286	27 Sept.
Greece	280	21 Sept.
Guatemala	280	21 Sept.
Honduras	280	21 Sept.
India	286	27 Sept.
Iraq	280	21 Sept.
Israel	286	27 Sept.
Lebanon	288	28 Sept.
Liberia	287	27 Sept.
New Zealand	280	21 Sept.
Netherlands	281	23 Sept.
Norway	287	27 Sept.
Pakistan	283	25 Sept.
Panama	288	28 Sept.
Peru	279	20 Sept.
Philippines	283	25 Sept.
Poland	287	27 Sept.
Sweden	285	26 Sept.
Turkey	283	25 Sept.
Ukrainian SSR	288	28 Sept.
Union of South Africa	282	25 Sept.
USSR	279	20 Sept.
United Kingdom	283	25 Sept.
United States	279	20 Sept.
Uruguay	288	28 Sept.
Venezuela	286	27 Sept.
Yugoslavia	282	25 Sept.

5. Participants in the General Debate

Representatives of the following 44 Member States participated in the initial general debate at the General Assembly's fifth session. The debate began at the 279th plenary meeting on 20 September and ended with a brief address by the Secretary-General at the 289th plenary meeting on 28 September.

Country	Meeting	Date
Argentina	288	28 Sept.
Australia	280	21 Sept.
Belgium	281	23 Sept.
Bolivia	283	25 Sept.
Brazil	279	20 Sept.
Byelorussian SSR	287	27 Sept.
Canada	287	27 Sept.
Chile	281	23 Sept.

6. Matters Considered by the General Assembly at Its Fifth Regular Session

Agenda Item ¹³	Discussion and Action Taken
1. Opening of the session by the Chairman of the delegation of the Philippines	Plenary meeting 277
2. Minute of silent prayer or meditation	Plenary meeting 277
3. Appointment of a Credentials Committee	Plenary meeting 277
4. Election of the President	Plenary meeting 277
5. Constitution of the Main Committees and election of officers	First Committee meetings 345, 346. Second Committee meetings 117, 118. Joint Second and Third Committee meetings 45, 48. Third Committee meetings 270, 271. Fourth Committee meetings 143, 144. Fifth Committee meetings 236, 237, 253. Sixth Committee meetings 212, 213. Ad Hoc Political Committee meeting 1
6. Election of Vice-Presidents	Plenary meeting 278
7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter	General Committee meetings 69-74. Plenary meetings 284, 285, 294, 319
8. Adoption of the agenda	Plenary meetings 279-283, 285-289
9. Opening of the general debate	
10. Report of the Secretary-General on the work of the Organization	Ad Hoc Political Committee meeting 78. Plenary meeting 325. Resolution 397(V)
11. Report of the Security Council	

¹³ For consideration of items by the General Assembly, see under substantive headings, Chapters III-VI.

Agenda Item	Discussion and Action Taken
12. Report of the Economic and Social Council	Joint Second and Third Committee meetings 45-52, 55, 56. Second Committee meeting 144. Third Committee meetings 276—278. Fifth Committee meetings 248, 253-255, 260-262. Plenary meetings 314, 320, 325. Resolutions 409(V), 411(V)-416(V), 419(V), 420(V)
13. Report of the Trusteeship Council	Fourth Committee meetings 144-173, 181. Plenary meeting 316. Resolutions 451(V)-441(V)
14. Election of three non-permanent members of the Security Council	Plenary meetings 290, 291, 294
15. Election of six members of the Economic and Social Council	Plenary meeting 291
16. Election of two members of the Trusteeship Council	Plenary meeting 291
17. Appointment of the Secretary-General of the United Nations	Plenary meetings 296-298. Resolution 492(V)
18. Installation of the Assistant Secretary-General in charge of Conference and General Services	Plenary meeting 305
19. Admission of new Members to the United Nations, including the advisory opinion of the International Court of Justice	Plenary meetings 289, 314, 318. Resolutions 491 (V), 495(V)
20. Palestine: <ul style="list-style-type: none"> (a) Question of an international regime for the Jerusalem area and protection of the Holy Places; special report of the Trusteeship Council (b) Assistance to Palestine refugees: report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (c) Repatriation of Palestine refugees and payment of compensation due to them; implementation of General Assembly resolutions regarding this question (d) Report of the United Nations Conciliation Commission for Palestine 	Ad Hoc Political Committee meetings 31-36, 57, 61-81. Fifth Committee meetings 262, 268, 278, 282, 283. Plenary meetings 315, 325, 326. Resolutions 393(V), 394(7)
21. Former Italian colonies: <ul style="list-style-type: none"> (a) Report of the United Nations Special Committee on Libya (b) Reports of the Administering Powers in Libya (c) Draft Trusteeship Agreement for the Territory of Somaliland under Italian Administration: special report of the Trusteeship Council (d) Report of the United Nations Commission for Eritrea (e) Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea (f) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement 	Ad Hoc Political Committee meetings 7-17, 37-40, 48-56, 64, 81, 82. Fourth Committee meetings 172-180, 186. Fifth Committee meetings 259, 261, 270, 274.. Plenary meetings 305-307, 315, 316, 325, 326. Resolutions 387(V)-390(V), 392(V), 442(V)
22. Threats to the political independence and territorial integrity of Greece: <ul style="list-style-type: none"> (a) Report of the United Nations Special Committee on the Balkans (b) Repatriation of Greek children: report of the Secretary-General 	General Committee meeting 69. First Committee meetings 392-398. Fifth Committee meeting 270. Plenary meeting 313. Resolution 382(7)
23. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations: report of the Interim Committee of the General Assembly	General Committee meeting 69. First Committee meetings 400-404. Plenary meeting 314. Resolution 383-(V)

Agenda Item

24. The problem of the independence of Korea: report of the United Nations Commission on Korea (Plans for the relief and rehabilitation of Korea: report of the Economic and Social Council)
25. Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms: advisory opinion of the International Court of Justice
26. International control of atomic energy
27. Action to achieve and maintain full employment and economic stability: report of the Economic and Social Council
28. Economic development of under-developed countries: report of the Economic and Social Council
29. Co-ordination between the United Nations and the specialized agencies:
 - (a) Agreements between the United Nations and the specialized agencies: report of the Economic and Social Council
 - (b) Concentration of effort and resources: report of the Economic and Social Council
 - (c) Administrative budgets of the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions
 - (d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies: report of the Secretary-General
30. Freedom of information:
 - (a) Draft Convention on Freedom of Information: report of the Economic and Social Council
 - (b) Interference with radio signals (Economic and Social Council resolution 306 B (XI))
 - (c) Question of the freedom of information and of the Press in times of emergency (Economic and Social Council resolution 306 C (XI))
31. Advisory social welfare services: report of the Economic and Social Council
32. Refugees and stateless persons:
 - (a) Provisions for the functioning of the High Commissioner's Office for Refugees: draft resolution proposed by the Economic and Social Council
 - (b) Definition of the term "refugee" to be applied by the High Commissioner for refugees: recommendations of the Economic and Social Council
 - (c) Problems of assistance to refugees: memorandum from the General Council of the International Refugee Organization of 20 October 1949
 - (d) Draft Convention relating to the status of refugees
 - (e) Election of the High Commissioner for Refugees
33. Administrative unions affecting Trust Territories: report of the Trusteeship Council
34. Information from Non-Self-Governing Territories:
 - (a) Summary and analysis of information transmitted under Article 73 e of the Charter: report of the Secretary-General
 - (b) Information transmitted under Article 73 e of the Charter: report of the Special Committee
 - (c) Election of two members of the Special Committee

Discussion and Action Taken

- First Committee meetings 346-353. Joint Second and Third Committee meetings 52-54, 56. Fifth Committee meetings 242, 264, 268, 275. Plenary meetings 292-294, 314. Resolutions 376(V), 410(V)
- General Committee meeting 69. Ad Hoc Political Committee meetings 2-6. Plenary meetings 302, 303. Resolution 385(V)
- Plenary meetings 321-323. Resolution 496(V)
- Second Committee meetings 137-144. Fifth Committee meeting 278. Plenary meeting 320. Resolutions 405-(V)-408(V)
- Second Committee meetings 119-135. Plenary meeting 312. Resolutions 399(V)-404(V)
- Joint Second and Third Committee meetings 48-51. Fifth Committee meetings 253-255, 260. Plenary meeting 314. Resolutions 411(V)-414(V)
- General Committee meeting 69. Third Committee meetings 317-324. Fifth Committee meeting 278. Plenary meeting 325. Resolutions 424(V)-426(V)
- Third Committee meetings 272-275. Fifth Committee meetings 248, 263. Plenary meeting 314. Resolution 418(V)
- Third Committee meetings 324-332, 334-338, 341, 344. Fifth Committee meetings 278, 282. Plenary meeting 325. Resolutions 428(V)-430(V)
- Fourth Committee meetings 198, 199. Plenary meeting 320. Resolution 443(V)
- Fourth Committee meetings 180-191, 198. Plenary meeting 320. Resolutions 444(V)-448(V)

Agenda Item

35. Question of South West Africa: advisory opinion of the International Court of Justice
36. Headquarters of the United Nations: report of the Secretary-General
37. Financial, reports and accounts, and reports of the Board of Auditors:
 - (a) United Nations, for the financial year ended 31 December 1949
 - (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1949
 - (c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950
38. Status of budgetary authorizations for the financial year 1950:
 - (a) Statement of 1950 budget expenses to 30 June 1950
 - (b) Advances from the Working Capital Fund: report of the Secretary-General
 - (c) Unforeseen and extraordinary expenses for 1950: report of the Secretary-General
 - (d) Supplementary estimates for 1950: report of the Secretary-General
39. Budget estimates for the financial year 1951:
 - (a) Budget estimates prepared by the Secretary-General
 - (b) Salary, allowance and leave system of the United Nations; report of the Secretary-General
 - (c) Reports of the Advisory Committee on Administrative and Budgetary Questions
40. Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions
41. Permanent Financial Regulations of the United Nations: report of the Secretary-General
42. Permanent Staff Regulations of the United Nations: report of the Secretary-General
43. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly:
 - (a) Advisory Committee on Administrative and Budgetary Questions
 - (b) Committee on Contributions
 - (c) Board of Auditors
 - (d) Investments Committee: confirmation of the appointment made by the Secretary-General
 - (e) United Nations Administrative Tribunal
44. United Nations Joint Staff Pension Fund: annual report of the United Nations Staff Pension Committee
45. Expenses of the Permanent Central Opium Board. Assessment of non-members of the United Nations, signatories of the Convention of 19 February 1925 relating to narcotic drugs: report of the Secretary-General
46. Organization of a United Nations postal administration: report of the Secretary-General
47. United Nations telecommunications system: report of the Secretary-General
48. Convention on the declaration of death of missing persons: report of the Secretary-General
49. Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions: report of the Secretary-General

Discussion and Action Taken

- Fourth Committee meetings 190-199. Fifth Committee meeting 278. Plenary meetings 320-322. Resolution 449(V)
- Fifth Committee meeting 264. Plenary meeting 320. Resolution 461(V)
- Fifth Committee meeting 237. Plenary meeting 302. Resolutions 450(V)-42(V)
- Fifth Committee meetings 263, 275. Plenary meeting 324. Resolutions 457(V), 468(V)
- Fifth Committee meetings 238-252, 256, 258 259, 263-265, 267, 269-271, 275-282. Plenary meetings 305, 314, 326. Resolutions 458(V), 470(V)
- Fifth Committee meetings 271-274, 276, 279. Plenary meeting 324. Resolution 462(V)
- Fifth Committee meeting 257. Plenary meeting 305. Resolution 456(V)
- Fifth Committee meeting 282. Plenary meeting 326. Resolution 469(V)
- Fifth Committee meetings 273, 275, 276. Plenary meeting 324. Resolutions 463(V)-467(V)
- Fifth Committee meetings 237, 252. Plenary meeting 302. Resolution 453(V)
- Fifth Committee meeting 258. Plenary meeting 305. Resolution 455(V)
- Fifth Committee meeting 258. Plenary meeting 305. Resolution 454(V)
- Fifth Committee meetings 263, 274. Plenary meeting 320. Resolution 460(V)
- Fifth Committee meeting 263. Plenary meeting 305. Resolution 493(V)
- Sixth Committee meetings 213, 214. Plenary meeting 298. Resolution 475 (V)

Agenda Item

50. Reparation for injuries incurred in the service of the United Nations: report of the Secretary-General
51. Designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act: report of the Secretary-General
52. Report of the International Law Commission on the work of its second session
53. Draft rules for the calling of non-governmental conferences: report of the Secretary-General
54. Registration and publication of treaties and international agreements: report of the Secretary-General
55. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America: report of the Secretary-General
56. Reservations to multilateral conventions
57. Treatment of people of Indian origin in the Union of South Africa
58. Permanent invitation to the Arab League to attend sessions of the General Assembly
59. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya with particular reference to paragraphs 2 and 3 of Annex XI of the Treaty of Peace with Italy
60. Development of a twenty-year programme for achieving peace through the United Nations
61. Recognition by the United Nations of the representation of a Member State
62. Relations of States Members and specialized agencies with Spain
63. Draft First International Covenant on Human Rights and measures of implementation
64. Long-range activities for children. United Nations International Children's Endowment Fund
65. Technical assistance for Libya after achievement of independence
66. Strengthening of democratic principles as a means of contributing to the maintenance of universal peace
67. Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory
68. United action for peace
69. Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations
70. Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America¹⁴

Discussion and Action Taken

- Fifth Committee meeting 264. Sixth Committee meeting 214. Plenary meetings 299, 305. Resolutions 458(V), 476(V)
- Sixth Committee meeting 250. Plenary meeting 320. Resolution 480(V)
- Fifth Committee meeting 278. Sixth Committee meetings 225—246. Plenary meeting 320. Resolutions 484(V)-489(V)
- General Committee meeting 69. Sixth Committee meeting 250. Plenary meeting 320. Resolution 479(V)
- Fifth Committee meeting 278. Sixth Committee meeting 246. Plenary meeting 320. Resolution 482(V)
- Sixth Committee meetings 248, 249. Plenary meeting 320. Resolution 481(V)
- Sixth Committee meetings 217-225. Plenary meeting 305. Resolution 478(7)
- Ad Hoc Political Committee meetings 41-48. Plenary meeting 315. Resolution 395(V)
- General Committee meeting 69. Sixth Committee meetings 213, 215-217. Plenary meeting 299. Resolution 477(V)
- Ad Hoc Political Committee meeting 80. Plenary meeting 325. Resolution 391(V)
- Plenary meetings 308-312. Resolution 494(V)
- Ad Hoc Political Committee meetings 18-24, 57—60. Plenary meeting 325. Resolution 396(V)
- General Committee meeting 69. Ad Hoc Political Committee meetings 25—30. Plenary meeting 304. Resolution 386(V)
- Third Committee meetings 287-316, 318. Plenary meeting 317. Resolutions 421(V)-423(V)
- Third Committee meetings 275, 278-287. Plenary meeting 314. Resolution 417(V)
- Second Committee meetings 135-137. Plenary meeting 308. Resolution 398(V)
- First Committee meetings 371, 372. Plenary meetings 281, 283, 287
- Third Committee meetings 338-340, 342-345. Fifth Committee meeting 282. Plenary meeting 325. Resolution 427(V)
- First Committee meetings 354-371. Fifth Committee meeting 256. Plenary meetings 299-302. Resolution 377(V)
- First Committee meetings 372-383. Plenary meeting 308. Resolutions 380(V), 381(V)
- First Committee meetings 405-407

¹⁴ The 5th session of the General Assembly was still in progress at the end of the year, the First Committee not having completed its agenda. Agenda items 70, 71, 75 and 76 were still under consideration at the end of the year. The last plenary meeting to be held in 1950 was the 326th on 15 Dec., and the last meeting of the First Committee the 418th on 18 Dec.

Agenda Item	Discussion and Action Taken
Additional Items:	
71. The question of Formosa ¹⁴	General Committee meetings 69-71, 74. First Committee meeting 399. Plenary meeting 294
72. Duties of States in the event of the outbreak of hostilities	General Committee meeting 71. First Committee meetings 384-390. Plenary meetings 294, 308. Resolution 378(V)
73. Establishment of a permanent commission of good offices	General Committee meeting 71. First Committee meetings 390, 391. Plenary meeting 308. Resolution 379(V)
74. Provision of a United Nations distinguishing ribbon or other insignia for personnel participating in Korea in the defense of the principles of the Charter of the United Nations	General Committee meeting 71. Fifth Committee meeting 278. Sixth Committee meeting 247. Plenary meetings 294, 320. Resolution 483(V)
75. Complaint by the Union of Soviet Socialist Republics regarding the violation of Chinese air space by the air force of the United States of America and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States ¹⁴	General Committee meetings 69-71, 74. First Committee meeting 408. Plenary meetings 294, 313
76. Intervention of the Central People's Government of the People's Republic of China in Korea ¹⁴	First Committee meetings 408—418. Plenary meetings 319, 324, 325. Resolution 384(V)

The following two items were also proposed for inclusion in the agenda:

Draft Declaration on Rights and Duties of States: item proposed by the Secretary-General
 Invasion of Tibet by Foreign Forces: item proposed by El Salvador (A/1453)

The General Committee, at its 69th meeting on 21 September, decided to postpone consideration of the former item to a future session and, at its 73rd meeting on 24 November, unanimously decided to postpone consideration of the latter item indefinitely on the ground that the information available was insufficient.

7. Constitutional and Organizational Questions

a. ELECTIONS AND APPOINTMENTS

(1) Vacancies in Membership of the Security Council

At its 290th and 294th plenary meetings on 29 September and 7 October 1950, the General Assembly elected Brazil, the Netherlands and Turkey as non-permanent members of the Security Council to replace Cuba, Egypt and Norway, retiring members, for a two-year period beginning 1 January 1951.

On the first ballot, 59 votes, all valid, were cast, making the two-thirds majority required for election 40. The result of the first ballot was as follows:

Brazil	57	Sweden	2
Netherlands	47	Yemen	2
Turkey	32	Bolivia	1
Lebanon	30	Burma	1

Brazil and the Netherlands were thus elected members of the Security Council.

Thirteen further ballots were taken for the third place on the Council.¹⁵ The voting in the

first twelve of these ballots was inconclusive, the results ranging from Turkey 33, Lebanon 27, to Turkey 36, Lebanon 24.

After the thirteenth ballot, the representative of Egypt asked for a postponement of further balloting to enable the Arab States to consider the situation in order to find a way out of the impasse. After the postponement the representative of Lebanon withdrew his candidature.

On the fourteenth ballot, 57 valid votes and 3 abstentions were recorded. Turkey received 53 votes and Lebanon 4. Turkey was therefore elected as the third non-permanent member of the Security Council.

¹⁴ See footnote p. 29.

¹⁵ In accordance with rule 93 of the Assembly's rules of procedure, the second ballot is restricted to the two candidates obtaining the largest number of votes. If a two-thirds majority is required, balloting is continued until one candidate secures two-thirds of the votes cast, "provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Member." In the 1950 elections for the Security Council, however, all ballots were restricted to the two candidates.

(2) Vacancies in Membership of the
Economic and Social Council

At its 291st plenary meeting on 29 September 1950, the General Assembly elected the Philippines, Poland, Sweden, the USSR, the United Kingdom and Uruguay as members of the Economic and Social Council for a three-year term, to replace, as of 1 January 1951, Australia, Brazil, Denmark, Poland, the USSR and the United Kingdom, retiring members.

Sixty votes, all valid, were cast, making the required two-thirds majority 40. The following were the votes obtained:

United Kingdom	....	52	Afghanistan	.....	4
USSR	.....	49	Indonesia	.....	2
Uruguay	.....	44	Australia	.....	1
Philippines	.....	43	Brazil	.....	1
Poland	.....	41	Burma	.....	1
Sweden	.....	40	Denmark	.....	1
Egypt	.....	39	Israel	.....	1
Bolivia	.....	25	Paraguay	.....	1

(3) Vacancies in Membership of the
Trusteeship Council

At its 291st plenary meeting on 29 September 1950, the Assembly elected the Dominican Republic and Thailand as members of the Trusteeship Council for three-year terms to replace, as of 1 January 1951, the Dominican Republic and the Philippines, retiring members.

On the first ballot 60 votes were cast, all valid, making the required two-thirds majority 40. The following were the votes cast:

Dominican Republic	.	54	Cuba	.....	1
Thailand	.....	38	Mexico	.....	1
Burma	.....	21	Nicaragua	.....	1
Guatemala	.....	2	Philippines	.....	1

The Dominican Republic was therefore elected on the first ballot. Two further ballots were held limited to the two countries with the largest number of votes, Thailand and Burma. On the second ballot, Thailand obtained 36 votes and Burma 24; on the third ballot, Thailand obtained 40 votes and Burma 20. Thailand was therefore elected, having obtained the required two-thirds majority.

(4) Vacancies in Membership of Subsidiary Organs
of the General Assembly

The General Assembly made the following appointments. All were made by unanimous vote at the Assembly's 324th plenary meeting on 14 December 1950 on the recommendation of the Fifth Committee, with the exception of the Special Committee on Information Transmitted under Article 73 e of the Charter.

(a) SPECIAL COMMITTEE ON INFORMATION
TRANSMITTED UNDER ARTICLE 73 e
OF THE CHARTER

In accordance with the terms of General Assembly resolution 332(IV) of 2 December 1949, the Fourth Committee, at its 191st meeting on 30 November 1950, elected Cuba and Pakistan as members of the Special Committee to replace, as of 1 January 1951, Sweden and Venezuela, retiring members.

There was some disagreement as to whether the two new members should be elected for three years, as provided by the resolution establishing the Committee (332(IV)), or for two, 1951 and 1952, when the Committee's composition and terms of reference were to be reviewed by the Assembly. The Chairman stated that although the resolution was not clear on this point, the intention had been to set up a body having continuity. If the Assembly decided, in 1952, to renew the Special Committee, the question as a whole would be dealt with then. The Fourth Committee then proceeded to a vote. Fifty-two votes, all valid, were cast, making the required majority 27. The following were the votes obtained:

Cuba	.....	32	Indonesia	.....	4
Burma	.....	18	Guatemala	.....	2
Pakistan	.....	17	Norway	.....	1
Sweden	.....	15	Thailand	.....	1
Venezuela	.....	11	Peru	.....	1

Cuba was accordingly elected. No other States having obtained the required majority, the Committee held a second vote, limited to Burma and Pakistan. Pakistan was elected by 25 of the 44 valid votes cast, the required majority being 23.

(b) ADVISORY COMMITTEE ON ADMINISTRATIVE
AND BUDGETARY QUESTIONS

On the Fifth Committee's recommendation (A/1671), the Assembly adopted resolution 463(V) appointing Rafik Asha, André Ganem, Braj Kumar Nehru and Igor V. Chechetkin as members of the Advisory Committee. The first three were appointed for a three-year term, commencing on 1 January 1951, to replace the retiring members of the Committee (André Ganem, Ján Papánek and N. Sundaresan). Mr. Chechetkin was appointed for a one-year term, commencing on 1 January 1951, to fill the vacancy in the Committee caused by the resignation of Valentin I. Kabushko.

In the elections held by the Fifth Committee at its 275th and 276th meetings on 5 and 6 December, three ballots had been taken to decide who should replace the retiring members of the Com-

mittee. On the first of these Mr. Ganem received 36 votes and no other candidate received the necessary two-thirds majority; on the second, Mr. Rafik Asha received 36 votes, no other the required majority; and on the third Mr. Nehru received 30 votes, no other the required majority. On a separate ballot to fill the vacancy caused by Mr. Kabushko's resignation, Mr. Chechetkin received 39 votes.

(c) COMMITTEE ON CONTRIBUTIONS

On the Fifth Committee's recommendation (A/1672), the General Assembly adopted resolution 464(V), appointing Sir Sydney Caine, Adolfo Nass, Maria Z. N. Witteveen and Elmer Boyd Staats as members of the Committee on Contributions. The first three were appointed for a three-year term, commencing on 1 January 1951, to replace the retiring members of the Committee (Rafik Asha, H. Champion and Miss Witteveen). Mr. Staats was appointed for a two-year term to fill the vacancy caused by the resignation of Frank Pace.

No elections had been held in the Fifth Committee, there being four candidates for appointment to four vacancies, and it having been indicated that Mr. Staats would prefer to be appointed for a two-year rather than for a three-year term.

(d) BOARD OF AUDITORS

On the Fifth Committee's recommendation (A/1673), the General Assembly adopted resolution 465(V), reappointing the Auditor-General of Colombia as a member of the Board of Auditors for a three-year term to commence on 1 July 1951. The candidature had been unopposed.

(e) INVESTMENTS COMMITTEE

On the Fifth Committee's recommendation (A/1674), the General Assembly adopted resolution 466(V) confirming the reappointment of Jacques Rueff, Honorary Governor of the Bank of France, as a member of the Investments Committee for a three-year term of office to commence on 1 January 1951.

Mr. Rueff had been appointed by the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions had concurred in the reappointment.

(f) UNITED NATIONS ADMINISTRATIVE TRIBUNAL

On the Fifth Committee's recommendation (A/1675), the General Assembly adopted resolu-

tion 467(V) appointing Lord Crook, Vladimir Outrata and Hamed Sultan as members of the Tribunal. The first two were appointed for a three-year term ending on 30 November 1953 to replace the retiring members of the Tribunal (Sir Sydney Caine and Mr. Outrata). Mr. Sultan was appointed for a period ending on 30 November 1952, to replace Omar Loutfi, who resigned.

At the Fifth Committee's 276th meeting on 6 December, on the ballot to decide who should be recommended for a three-year term, the result of the voting had been as follows: Lord Crook, 40; Mr. Outrata, 32; Roland Lebeau, 21.

On a second ballot to decide who should be recommended for a two-year term (the unexpired portion of Mr. Loutfi's term of appointment), Mr. Sultan had received 38 votes and Mr. Lebeau 14.

b. MAJORITY REQUIRED FOR THE ADOPTION BY THE GENERAL ASSEMBLY OF AMENDMENTS TO AND PARTS OF PROPOSALS RELATING TO IMPORTANT QUESTIONS

In its resolution 362(IV)¹⁶ of 22 October 1949, the General Assembly asked the Secretary-General to make a thorough legal analysis of the question of the degree of majority required for the adoption of amendments to and parts of proposals relating to important questions, which under Article 18, paragraph 2, of the Charter require a two-thirds majority of the Members present and voting in order to be adopted. The Assembly's Special Committee on Methods and Procedures had recommended (A/937) that the Assembly study this question, since its existing rules of procedure did not indicate whether amendments to proposals requiring a two-thirds majority for adoption also had to satisfy that requirement nor whether, when proposals were voted on in parts, each part required a two-thirds majority for adoption.

As requested in Assembly resolution 362(IV), the Secretary-General reported on the question to the fifth session (A/1356). The report showed that it had been the Assembly's practice to require a two-thirds majority for the adoption of parts of proposals themselves requiring such a majority. In the case of amendments to such proposals, however, the precedents were less conclusive, though the practice of adopting such amendments by a simple majority seemed to have been established. The report went on to state that the

¹⁶ See Y.U.N., 1948-49, p. 41.

Charter was not specific on the problem under consideration; it appeared to have been the intention of the Charter to leave the question for settlement by the Assembly in its rules of procedure.

On the basis of the legal analysis of the question, the Secretary-General proposed a new rule of procedure for adoption by the Assembly. This stated that decisions of the Assembly on amendments to proposals relating to important questions, and on parts of such proposals, should be taken by a two-thirds majority of the Members present and voting.

The question was considered by the Sixth Committee at its 213th and 214th meetings on 27 September.

The representatives of Argentina, Australia, Belgium, Brazil, Burma, Cuba, the Dominican Republic, France, India, the Philippines, Syria, Thailand, the United Kingdom and the United States expressed their agreement with the Secretary-General's conclusions. They supported a draft resolution introduced orally by the representative of Belgium, to have the Assembly adopt, with a slight drafting change, the proposed new rule as rule 85A of the rules of procedure and to provide that it enter into force from the time of its adoption.

The representative of Yugoslavia, opposing the draft resolution, argued that, in constitutional law, a qualified majority was required only for final decisions taken by a legislative body, whereas all other decisions of the same body were taken by a simple majority. Only final decision of the General Assembly on important questions, he maintained, should require a two-thirds majority. He thought it advisable to retain that flexibility in the procedure of the Assembly, as this would offer the greatest opportunities for conciliating the various views put forward.

After adopting, by 27 votes to none, with 14 abstentions, a Philippine amendment to have the new rule follow rule 84 as 84A rather than rule 85, the Committee adopted the Belgian draft resolution, thus amended, by 45 votes to none, with 3 abstentions.

On the Committee's recommendation (A/1433), it was adopted by the General Assembly at its 298th plenary meeting on 1 November by 57 votes to none, with 1 abstention, as resolution 475(V).¹⁷

c. PROCEDURES OF THE FOURTH COMMITTEE

The Fourth Committee of the General Assembly, at its 173rd meeting on 10 November, considered a draft resolution concerning the procedures it would follow in the future in examining matters relating to conditions in Trust and Non-Self-Governing Territories. The resolution was submitted jointly by India, Indonesia, Pakistan and the Philippines (A/C.4/L.76/Rev.1). It was proposed in this draft that the Committee should consider problems of an economic, social or educational nature in the Trust and Non-Self-Governing Territories jointly, without prejudice to the consideration of procedure, substance or general principle relating exclusively to either the Trust or the Non-Self-Governing Territories. The sponsors of the draft resolution held that this procedure would simplify the work of the Fourth Committee and reduce the amount of time spent in discussion.

Arguments against the suggested procedure, however, were put forward by other members of the Committee, who referred to the United Nations' extensive powers of control and supervision over Trust Territories as against its somewhat limited functions with regard to Non-Self-Governing Territories. They feared that the procedure might tend to weaken the Committee's discussion of questions concerning Trust Territories without in any way working to the advantage of Non-Self-Governing Territories. Moreover, decisions concerning the latter required only a simple majority vote, while decisions relating to the Trusteeship System required a two-thirds majority of the Assembly. It was also argued that the proposed procedure might cause loss of time, since a question might be discussed three times—as a problem common to both categories of Territories, in connexion with the Trusteeship Council's report, and finally, in connexion with the report of the Special Committee on Information Transmitted under Article 73 e.

Further consideration of the draft resolution was postponed until the Fourth Committee had discussed the information concerning Non-Self-Governing Territories. At the 181st meeting of the Committee, on 17 November 1950, the sponsors decided to withdraw their proposal because of the misgivings expressed in the Committee as to its practicability and because nothing would be lost if more time elapsed before considering such suggestions.

¹⁷ For text of new rule, see Annex III, p. 44.

ANNEX I. DELEGATIONS TO THE FIFTH REGULAR SESSION OF THE GENERAL ASSEMBLY¹⁸

AFGHANISTAN:

Representatives Abdol Hosayn Aziz
Abdul Hamid Aziz

Alternates Abdul Rahman Pazhwak
Nour Ahmad Etemadi
Abdul Hakim Tabibi
Hokom Tschand

ARGENTINA:

Representatives Jerónimo Remorino
José Carlos Vittone
Luis A. Arean
Rodolfo Muñoz

Alternates Ruben Dussaut
Andres Lescure
Julio C. Rodriguez Arias

AUSTRALIA:

Representatives P. C. Spender
Sir Keith Officer
E. Ronald Walker
B. C. Ballard
A. H. Tange

Alternates D. O. Hay
C. T. Moodie
J. Plimsoll
K. C. O. Shann

BELGIUM:

Representatives Paul van Zeeland
Fernand van Langenhove
August de Schryver
Jean Duvieusart
Herman Vos

Alternates Robert de Man
Albert Lilar
Adolphe van Glabbeke
Pierre Ryckmans
Mme. Simone Lehouck

BOLIVIA:

Representatives Adolfo Costa du Rels
Eduardo Anze Matienzo
Raúl Díez de Medina

Alternate R. Pacheco

BRAZIL:

Representatives C. de Freitas-Valle
João Carlos Muniz
Vicente Rao
Luiz Pereira Ferreira de Faro, Jr.
Gilberto Amado

Alternates Fernando Lobo
Danton Jobim
Henrique de Souza Gomes
Alvaro Teixeira Soares
Olyntho P. Machado

BURMA:

Representatives Myanaung U Tin
James Barrington
Aung Khine
U Kya Bu

Alternates Saw Ba Yin
Thakin San Myint
U Tin Maung

BYELORUSSIAN SSR:

Representatives Kuzma V. Kiselev
V. V. Skorobogaty
Pavel E. Astapenko

CANADA:

Representatives Lester B. Pearson
Hugues Lapointe
James Gray Turgeon
Jean Lesage
John H. Dickey

Alternates A. D. P. Heeney
C. Fraser Elliott
R. G. Riddell
C. S. A. Ritchie
Mrs. D. B. Sinclair

CHILE:

Representatives Hernán Santa Cruz
Eduardo Frei
Enrique Canas-Flores
Jacob Schaulsohn
Oscar Schnacke Vergara

Alternates Serafin Soto
Mrs. Ana Figueroa
Horacio Suarez

CHINA:

Representatives Tingfu F. Tsiang
Shih-shun Liu
P. C. Chang
Chao-chin Huang
Chieh Liu

Alternates Tsune-chi Yu
Chun-jien Pao
C. L. Hsia
Shuhsi Hsu
Chih-mai Chen

COLOMBIA:

Representatives Roberto Urdaneta Arbelaez
Eliseo Arango
Juan Uribe Cualla
Francisco Urrutia

Alternates Carlos Martinez Aparicio
Jorge Mejia Palacio
Gabriel Betancourt
Eduardo Carbonell

COSTA RICA:

Representatives Mario Echandi Jimenez
Luis Fernando Jimenez Mendez
Fernando Fournier Acuña
Manuel A. Freer Jimenez
Ruben Esquivel de la Guardia

Alternate Felix Roberto Cortes Noriega

CUBA:

Representatives Ernesto Dihigo
Gustavo Gutierrez
Francisco Ichaso
Manuel Brana
Carlos Blanco

Alternates Alberto Espinosa
Guy Perez Cisneros
José Manuel Cortina
Francisco V. Garcia Amador
José Miguel Ribas

¹⁸

For officers of the General Assembly at the fifth session, see pp. 24-25.

CZECHOSLOVAKIA:		Alternates	Georges Gorse Pierre Abelin Roger Garreau Maurice Couve de Murville
Representatives	Viliam Siroky Vavro Hajdu Frantisek Fisek Vladimir Outrata Adolf Hoffmeister	GREECE:	Representatives Sophocles Venizelos Constantine Tsaldaris Panayotis Kanellopoulos Jean Politis Alexis Kyrrou
Alternates	Arnost Tauber Eduard Goldstucker Jiri Nosek Bedrich Biheller Frantisek Vavricka		
DENMARK:		Alternates	Gregoire Cassimatis Leon Maceas Jean Stephanou Jean Spiropoulos Michel Melas
Representatives	Gustav Rasmussen William Borberg Alsing Andersen Henry L. W. Jensen Kristen Amby Hermod Lannung	GUATEMALA:	Representatives Ismael Gonzalez Arevalo Ricardo Castaneda Paganini Carlos Garcia Bauer Alfredo Chocano Gustavo Santiso Gálvez Juan Luís Orantes Luna
Alternates	Mathias Aagaard Wassard Mrs. Bodil Begtrup		
DOMINICAN REPUBLIC:		Alternate	
Representatives	Virgilio Diaz Ordonez Max Henriquez-Ureña Jose Ramon Rodriguez Porfirio Herrera Baez Enrique de Marchena y Dujarric Minerva Bernardino	HAITI:	Representatives Jean Price-Mars Joseph L. Dejean Ernest G. Chauvet Max H. Dorsinville Herard Roy
ECUADOR:	Representatives Antonio Quevedo José A. Correa Teodoro Alvarado Olea Clemente Duran Ballen	Alternate	August de Catalogne
		HONDURAS:	Representatives Tiburcio Carias, Jr. Alejandro Rivera Hernandez
EGYPT:	Representatives Mohamed Salah-el-Din Bey Mahmoud Fawzi Bey Mahmoud Hassan Pacha Mahmoud Abou El-Fath Guefry Ghali Bey	ICELAND:	Representatives Thor Thors Jonatan Hallvardsson
		INDIA:	Representatives Sir Benegal Narsing Rau Lt.-General His Highness Maharaja Jam Shree Sir Digvijaysinghji Ranjit Singhji Jadeja B. V. Keskar B. Shiva Rao Nawab Ali Yawar Jung
Alternates Ahmed Galal Eldine Abdel-Razzek Bey Abdel Monem Mostafa Bey Mahmoud Azmi Bey Ahmed M. Farrag Hamed Sultan	Alternates Mrs. Lakshmi Menon Gopal Swaroop Pathak Ramji Ram Saksena B. K. Nehru A. C. N. Nambiar		
EL SALVADOR:		INDONESIA:	Representative Lambertus Palar
Representatives	Hector David Castro Hector Escobar Serrano Miguel Angel Magaña Rolando Deneke Sigui	Alternates	R. Soedjatmoko Mangoendiningrat R. Moekarto Notowidigdo Idrus Nasir Djajadiningrat Soeleiman Hosein Tajibnapis Artati Sudirdjo
		IRAN:	Representatives Nasrollah Entezam Ali Gholi Ardalan Ghassem Ghassemzadeh Gholam Hossein Khochbin Djalal Abdoh
ETHIOPIA:	Representatives Ato Abte-Wold Aklilou Blatta Ephrem Tewelde Medhen Ato Abbebe Retta Ato Emmanuel Abraham		
Alternates	Ato Imru Zelieke John Spencer		
FRANCE:			
Representatives	Robert Schuman Jean Chauvel Pierre Montel Maurice Schumann Léon Jouhaux		

Alternates	Ali Nasr Mohammad Ali Hedayati Bagher Varasteh Khosrow Khosrovani	Alternates	Marga A. M. Klompe P. V. A. Roling J. H. Sprockel Maria Z. N. Witteveen J. P. Bannier
IRAQ:		NEW ZEALAND:	
Representatives	Mohammed Fadhil Jamali Atta Amin Ibrahim Alkhudairy Abdullah Bakr Awni Khalidy	Representatives	Sir Carl Berendsen G. R. Laking
Alternates	Ahmed Izzet Mohammed Mohamed Nasir Hashim Hilli	Alternates	T. P. Davin F. H. Corner Charles Craw R. G. Collins
ISRAEL:		NICARAGUA:	
Representatives	Moshe Sharett Abba S. Eban Arthur Lourie Jacob Robinson Zalman Aranne	Representative	Guillermo Sevilla-Sacasa
Alternates	Yehuda Pinhas Kohn Schmuel Eliashiv Moshe A. Tov Gideon Rafael Joseph Oren	Alternates	Colonel Carlos Eddie Monterrey Diego Manuel Chamorro
LEBANON:		NORWAY:	
Representatives	Philippe Takla Bahije Takiddine Fouad Ammoun Charles Malik Jamil Mikaoui	Representatives	Halvard M. Lange Finn Moe Arne Sunde Carl J. Hambro Jacob S. Worm-Muller
Alternates	Joseph Aboukater Victor Khouri Nadim Dimashkie Nazih Lahoud Karim Azkoul	Alternates	Erling Wikborg Mrs. Aase Lionaes Erling Qvale Peter Anker Bredo Stabell
LIBERIA:		PAKISTAN:	
Representatives	D. B. King Abayomi Cassell Henry Ford Cooper Richard Bright F. A. Price	Representatives	Sir Muhammad Zafrulla Khan Tafazzul Ali Ahmed S. Bokhari Mian Ziauddin S. Amjad Ali
Alternate	Roland H. Cooper	Alternates	C. M. Lobo Hatim A. Alvi Qazi Mohammed Isa Khan Bahadur Syed Itaat Husain Aziz Ahmed
LUXEMBOURG:		PANAMA:	
Representatives	Joseph Bech Hugues Le Gallais Pierre Majerus Pierre Pescatore	Representatives	Carlos N. Brin Jeptha B. Duncan Jose Lasso de la Vega Julio E. Heurtematte Ernesto de la Ossa
MEXICO:		PARAGUAY:	
Representatives	Luis Padilla Nervo Jose Ortiz Tirado Luciano Joubanc Rivas Benito Coquet Raúl Noriega	Representatives	Luis Oscar Boettner Osvaldo Chaves Amadeo Baez Allende Manuel J. Díaz de Vivar
Alternates	Carlos Peon del Valle Alonso Aguilar Monteverde	PERU:	
NETHERLANDS:		Representatives	Victor Andres Belaunde Juan Bautista de Laval Fernando Berckemeyer Carlos Holguín de Laval Raul A. Pinto
Representatives	D. U. Stikker G. J. van Heuven Goedhart L. J. C. Beaufort Daniel J. von Balluseck W. J. A. Kernkamp C. L. Patijn	Alternates	Teodosio Cabada Manuel F. Maurtua Carlos Salazar Romero Luís Alzamora
		PHILIPPINES:	
		Representatives	Brig.-General Carlos P. Rómulo Justiniano Montano Esteban Abada Diosdado Macapagal José Roy Arturo Tolentino

Alternates	Salvador P. Lopez José D. Ingles Mauro Mendez Narciso G. Reyes Adriano R. Garcia	Alternates	J. R. Jordaán H. M. Moolman Brand Fourie M. I. Botha J. S. F. Botha
POLAND:		USSR:	
Representatives	Stefan Wierblowski Jozef Winiewicz Jerzy Michalowski Juliusz Katz-Suchy Jan Drohojowski	Representatives	Andrei Y. Vyshinsky Yakov A. Malik Alexander S. Panyushkin G. N. Zarubin Amazasp A. Arutiunian
Alternates	Aleksander Krajewski Manfred Lachs Henryk Altman Stanislaw Gajewski Mrs. Irena Domanska	Alternates	T. T. Tajibaev A. Y. Babahodjaev
SAUDI ARABIA:		UNITED KINGDOM:	
Representative	Shaikh Asad Al-Faqih	Representatives	Ernest Bevin Kenneth Younger Sir Frank Soskice Lord MacDonald of Gwaenysger Sir Gladwyn Jebb
Alternates	Shaikh Ahmed Abdul Jabbar Shaikh Mohamed Muhtasib Aouney W. Dejany Jamil M. Baroody Omar Haliq	Alternates	Lord Ogmore Lord Crook T. F. Cook Mrs. Barbara Castle G. H. R. Rogers
SWEDEN:		UNITED STATES:	
Representatives	Osten Unden Rickard Sandier Georg Andren Erik Boheman John Bergvall	Representatives	Dean Acheson Warren R. Austin Mrs. Franklin D. Roosevelt John J. Sparkman Henry Cabot Lodge, Jr. John Foster Dulles
Alternates	Erik von Heland Rolf Sohlman Sven Grafström Mrs. Ulla Lindstrom Ragnar Casparsson	Alternates	Benjamin V. Cohen John Sherman Cooper Ernest A. Gross Mrs. Edith S. Sampson John C. Ross
SYRIA:		URUGUAY:	
Representatives	Faris Bey El-Khoury Farid Zeineddine Salaheddin Tarazi Rafik Asha	Representatives	Enrique C. Armand Ugon Don José A. Mora Enrique Rodríguez Fabregat Alvaro Vázquez Gilberto Pratt de Maria
Alternate	Najmuddin Rifai	Alternates	Felix Polleri Carrio Eduardo Jimenez de Aréchaga
THAILAND:		VENEZUELA:	
Representatives	Nai Warakan Bancha Prince Wan Waithayakon Konthi Suphamongkhon Chitti Sucharitakul Prasong Pibulsonggram Somchai Anuman Rajadhon	Representatives	César González Eduardo Plaza A. Victor M. Pérez-Perozo Luis Cabana Lorenzo A. Mendoza-Fleury
TURKEY:		Alternates	Nelson Himiob Adolfo Nass Roberto Álamo-Blanco
Representatives	Selim Sarper Muharrem Nuri Birgi Haydar Gork	YEMEN:	
Alternates	Adnan Kural Hamdi Ozgurel	Representatives	Sayed Alcadi Mohammad Al-Amri Sayed Hassan Ibrahim Sayed Abdurrahman Aboulsamad Abou-Taleb Sayed Alcadi Ismail Al-Girafi Sayed Ahmad Zebara
UKRAINIAN SSR:		Alternate	Talsat Yakoulo Al-Ghossain
Representatives	A. M. Baranovsky A. D. Voina C. P. Demchenko P. P. Udovichenko G. D. Stadnik		
UNION OF SOUTH AFRICA:			
Representatives	T. E. Donges G. P. Jooste A. A. Roberts D. H. Botha B. J. Jarvie		

YUGOSLAVIA:

Representatives Edward Kardelj
Viada Simic
Vlado Popovic
Ales Bebler
Sudjan Prica

Alternates Joza Vilfan
Milan Bartos
Veljko Vlahovic
Marjan Barisic
Jaksa Petric

REPRESENTATIVES OF THE INTERNATIONAL COURT OF JUSTICE

Representatives Jules Basdevant, President
Edvard Hambro

REPRESENTATIVES OF THE SPECIALIZED AGENCIES

INTERNATIONAL LABOUR ORGANISATION (ILO):

Representatives David A. Morse, Director-General
Léon Eli Troclet
Léon Jouhaux
Sir Guildhaume Myrddin-Evans
Harry Taylor
George P. Delaney
C. E. Shaw

FOOD AND AGRICULTURAL ORGANIZATION (FAO):

Representatives Norris E. Dodd, Director-General
Sir Herbert Broadley
Frank L. McDougall
F. L. Weisl
Karl Olsen

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO):

Representatives Jaime Torres Bodet,
Director-General
André de Blonay

C. M. Berkeley
S. G. Gebelt
Solomon V. Arnaldo
Arthur Gagliotti
Gerald Carnes

INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO):

Representatives Edward Warner, President of the Council
Albert Roper, Secretary-General
E. R. Marlin

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (BANK):

Representatives J. Burke Knapp
Enrique Lopez-Herrarte

INTERNATIONAL MONETARY FUND (FUND):

Representatives Camille Gutt, Managing Director
Gordon Williams
A. G. B. Fischer

UNIVERSAL POSTAL UNION (UPU):

Representatives John M. Redding
John J. Gillen
Greever Allan

WORLD HEALTH ORGANIZATION (WHO):

Representatives Brock Chisholm, Director-General
M. P. Siegel
W. P. Forrest
P. M. Kaul
Bernice Newton
Mabel Ingalls
G. E. Hill

INTERNATIONAL REFUGEE ORGANIZATION (IRO):

Representatives J. Donald Kingsley, Director-General
F. C. Blanchard
G. G. Kullmann
Marcel de Baer

ANNEX II. MEMBERSHIP OF SUBSIDIARY BODIES OF THE GENERAL ASSEMBLY¹⁹

STANDING COMMITTEES

A. Advisory Committee on Administrative and Budgetary Questions

Served until 31 December 1950:

André Ganem (France)
Ján Papánek (Czechoslovakia)
N. Sundaresan (India)

To serve until 31 December 1951:

Thanassis Aghnides (Greece) (Chairman)
C. L. Hsia (China)
Valentin I. Kabushko (USSR)
Igor V. Chechetkin (USSR)²⁰

To serve until 31 December 1952:

William O. Hall (United States)
Olyntho P. Machado (Brazil)
Sir William Matthews (United Kingdom)

B. Committee on Contributions

Served until 31 December 1950:

Rafik Asha (Syria)
H. Campion (United Kingdom)
Maria Z. N. Witteveen (Netherlands)

To serve until 31 December 1951:

Gustavo Martinez Cabanas (Mexico)
René Charron (France)
Pavel M. Chernyshev (USSR)
Seymour Jacklin (Union of South Africa)
Josué Sáenz (Mexico)²¹

To serve until 31 December 1952:

Kan Lee (China)
Frank Pace (United States)
Mitchell W. Sharp (Canada)
Elmer Boyd Staats (United States)²²

¹⁹ For membership and officers of the Main and Procedural Committees, see pp. 24-25.

²⁰ Elected on 14 Dec. 1950 to fill, from 1 Jan. 1951, the unexpired term of Mr. Kabushko, who resigned effective 5 Dec. 1950.

²¹ Elected on 11 May 1949 to fill the unexpired term of Mr. Martinez Cabañas, who resigned effective 8 Mar. 1949.

²² Elected on 14 Dec. 1950 to fill the unexpired term of Mr. Pace, who resigned effective 1 Jan. 1951.

OTHER SUBSIDIARY BODIES

C. Interim Committee of the General Assembly
Chairman: Joao Carlos Muniz (Brazil)
Vice-Chairmen: Abdur Rahim Khan (Pakistan)²³
J. R. Jordaan (Union of South Africa)
Rapporteur: Joseph Nisot (Belgium)

AFGHANISTAN:
Representative Abdol Hosayn Aziz

ARGENTINA:
Representative Juan Ramón Otano-Vilanova

AUSTRALIA:
Representative K. C. O. Shann

BELGIUM:
Representative Fernand van Langenhove
Alternate Joseph Nisot

BOLIVIA:
Representative Eduardo Anze Matienzo
Alternate R. Pacheco

BRAZIL:
Representative João Carlos Muniz
Alternate Carlos Sylvestre de Ouro Preto

BURMA:
Representative U So Nyun
Alternates U Tin Maung
U Ba Maung

BYELORUSSIAN SSR:²⁴

CANADA:
Representative Lester B. Pearson
Alternates Leon Mayrand
John W. Holmes
R. G. Riddell
Arnold Smith

CHILE:
Representative Hernán Santa Cruz

CHINA:
Representative Tingfu F. Tsiang
Alternates Chieh Liu
Tsune-chi Yu
Shushi Hsu

COLOMBIA:
Representative Eliseo Arango
Alternate Eduardo Carrizosa

COSTA RICA:
Representative Roberto Loria

CUBA:
Representative Alberto I. Alvarez
Alternates Carlos Blanco
José Miguel Ribas
Manuel G. Hevia
Francisco V. Garcia Amador

CZECHOSLOVAKIA:²⁴

DENMARK:
Representative **William Borberg**

DOMINICAN REPUBLIC:
Representative Max Henríquez-Ureña
Alternate Enrique de Marchena y Dujarric

ECUADOR:
Representative Antonio Quevedo
Alternate José A. Correa

EGYPT:
Representative Mahmoud Fawzi Bey
Alternate Ahmed M. Farrag

EL SALVADOR:
Representative Roberto Aguilar-Trigueros

ETHIOPIA:
Representative Hadis Alemayehou

FRANCE:
Representative Jean Chauvel
Alternates Francis Lacoste
Pierre Ordonneau
Jacques Tiné

GREECE:
Representative Alexis Kyrrou
Alternate Byron Theodoropoulos

GUATEMALA:
Representative Carlos Garcia Bauer

HAITI:
Representative Stephen Alexis

HONDURAS:
Representative Tiburcio Carias, Jr.

ICELAND:
Representative Thor Thors

INDIA:
Representative Sir Benegal Narsing Rau
Alternate M. Gopala Menon

IRAN:
Representative Nasrollah Entezam
Alternate Djalal Abdoh

IRAQ:
Representative **Ahmed Izzet Mohammed**

ISRAEL:
Representative Abba S. Eban
Alternates Arthur Lourie
Jacob Robinson
Gideon Rafael

LEBANON:
Representative **Karim Azkoul**

LIBERIA:
Representative **Henry Ford Cooper**
Alternates **Richard Bright**
Roland H. Cooper

LUXEMBOURG:
Representative Hugues Le Gallais

MEXICO:
Representative Luis Padilla Nervo
Alternate Raúl Noriega

²³ Resigned on 15 Mar. 1950.

²⁴ The Governments of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR, the USSR and Yugoslavia stated that they would not participate in the work of the Interim Committee, as they regarded it as unconstitutional.

NETHERLANDS:
 Representative Daniel J. von Balluseck
 Alternates H. Riemens
 J. M. A. H. Luns

NEW ZEALAND:
 Representative Sir Carl Berendsen
 Alternates G. R. Laking
 F. H. Comer

NICARAGUA:
 Representative Guillermo Sevilla-Sacasa
 Alternate Juan Morales Marengo

NORWAY:
 Representative Arne Sunde
 Alternates Bredo Stabell
 Hans Engen

PAKISTAN:
 Representative Ahmed S. Bokhari
 Alternate Colonel Rahat Said Chhatari

PANAMA:
 Representative Jephtha B. Duncan
 Alternate Ernesto de la Ossa

PARAGUAY:
 Representative Osvaldo Chaves
 Alternate Luis Oscar Boettner

PERU:
 Representative Carlos Holguín de Laval

PHILIPPINES:
 Representative Brig.-General Carlos P. Rómulo
 Alternates Teodoro Evangelista
 Mauro Mendez

POLAND:²⁴

SAUDI ARABIA:
 Representative Shaikh Asad Al-Faqih
 Alternates Jamil M. Baroody
 Omar Haliq
 Omar Abou Khadra

SWEDEN:
 Representative Sven Grafström
 Alternate Claes I. Wollin

SYRIA:
 Representative Rafik Asha
 Alternates Ahmed el-Aadly
 Najmuddin Rifai

THAILAND:
 Representative Prince Wan Waithayakon

TURKEY:
 Representative Selim Sarper
 Alternate Adnan Kural

UKRAINIAN SSR:²⁴

UNION OF SOUTH AFRICA:
 Representative G. P. Jooste
 Alternates J. R. Jordaan
 Brand Fourie

USSR:²⁴

UNITED KINGDOM:
 Representative Sir Alexander Cadogan
 Alternate Sir Terence Shone

UNITED STATES:
 Representative Warren R. Austin
 Alternates Ernest A. Gross
 Charles P. Noyes

URUGUAY:
 Representative Enrique Rodríguez Fabregat

VENEZUELA:
 Representative César González
 Alternates Victor M. Pérez-Perozo
 Lorenzo Mendoza-Fleury

YEMEN:
 Representative Sayed Abdurrahman Aboulsamad
 Abou-Taleb

YUGOSLAVIA:²⁴

D. Peace Observation Commission

CHINA	NEW ZEALAND
COLOMBIA	PAKISTAN
CZECHOSLOVAKIA	SWEDEN
FRANCE	USSR
INDIA	UNITED KINGDOM
IRAQ	UNITED STATES
ISRAEL	URUGUAY

E. Collective Measures Committee

AUSTRALIA	MEXICO
BELGIUM	PHILIPPINES
BRAZIL	TURKEY
BURMA	UNITED KINGDOM
CANADA	UNITED STATES
EGYPT	VENEZUELA
FRANCE	YUGOSLAVIA

F. Committee of Twelve (Established by General Assembly Resolution 496(V))

BRAZIL	NETHERLANDS
CANADA	TURKEY
CHINA	USSR
ECUADOR	UNITED KINGDOM
FRANCE	UNITED STATES
INDIA	YUGOSLAVIA

G. United Nations Commission on Korea

AUSTRALIA:
 Representative A. B. Jamieson

CHINA:
 Representative Yu-wan Liu (from 25 January)
 Alternate Ting Teh Ssutu

EL SALVADOR:
 Representative Angel Gochez Marin
 (from 29 May)
 Alternate Fidel Sánchez Hernández
 (from 29 May)

FRANCE:
 Representative Henri Brionval
 (from 15 February)
 Temporary Representative Henri Costilhes (until 15 February)

²⁴ See footnote p. 39.

INDIA:

Representative Anup Singh
 Alternates Chenchal Kondapi
 (from 29 January)
 Colonel M. K. Unni Nayar
 (from 25 July to 12 August)²⁵

PHILIPPINES:

Representative Bernabe Africa (from 30 January)
 Alternate Maximino G. Bueno
 (from 22 May)

TURKEY:

Representatives Kasim Gulek
 (from 26 January to 24 March)
 Kamil Idil (from 27 May)

H. United Nations Commission for the Unification and Rehabilitation of Korea

AUSTRALIA:

Representative J. Plimsoll
 Alternate H. W. Bullock

CHILE:

Representative Manuel Trucco
 Alternate Manuel Garreton

NETHERLANDS:

Representative Hendrik Mouw

PAKISTAN:

Representative Mian Ziaud-Din

PHILIPPINES:

Representative Bernabe Africa

THAILAND:

Representative Pote Sarasin

TURKEY:

Representative Cemal Husnu Taray
 Alternate Kamil Idil

I. United Nations Korean Reconstruction Agency
 Agent General²⁶

Deputy Agent General²⁶

Advisory Committee

CANADA UNITED STATES
 INDIA URUGUAY
 UNITED KINGDOM

J. Group on Cease Fire in Korea

Nasrollah Entezam, President of the General Assembly
 (Iran)

Lester B. Pearson (Canada)

Sir Benegal Narsing Rau (India)

K. United Nations Conciliation Commission
 for Palestine

FRANCE:

Representative Claude de Boisanger

TURKEY:

Representative Tevfir Rustu Aras

UNITED STATES:

Representative Ely Palmer

L. United Nations Relief for Palestine Refugees

ARGENTINA LEBANON
 AUSTRALIA UNITED KINGDOM
 EGYPT UNITED STATES
 FRANCE

M. United Nations Relief and Works Agency for
 Palestine Refugees in the Near East

Director Maj.-General Howard Kennedy
 (Canada)

Deputy Director James Keen (United Kingdom)

Advisory Committee

FRANCE:

Representative J. Tarbe de St. Hardouin

TURKEY:

Representative Refet Bele

UNITED KINGDOM:

Representative Sir Henry-Knight

UNITED STATES:

Representative John B. Blanford, Jr.

N. Negotiating Committee on Contributions to
 Programmes of Relief and Rehabilitation in Korea
 and Relief and Reintegration of Palestine Refugees

CANADA UNITED KINGDOM
 EGYPT UNITED STATES
 FRANCE URUGUAY
 INDIA

O. United Nations Special Committee on
 the Balkans²⁷

AUSTRALIA:

Representative B. C. Ballard
 Deputy John E. Ryan

BRAZIL:

Representative Rangel de Castro
 Deputy P. Carlos Magno

CHINA:

Representative Yuan-ning Wen

FRANCE:

Representative Emile Charveriat
 Deputy Paul Fouchet

MEXICO:

Representative F. Castillo Nájera
 Deputy Omar Josefe

NETHERLANDS:

Representative P. C. Visser
 Deputy Coert Binnerts

PAKISTAN:

Representative Ali Haider Abbasi

²⁵ Colonel Nayar was killed on 12 Aug. during a field trip to the front north of Taegu.

²⁶ J. Donald Kingsley was appointed on 7 Feb. 1951 and his deputy, Sir Arthur Rucker, on 11 Apr. 1951.

²⁷ Seats were held open for representatives of Poland and the USSR, which were also elected to membership of the Committee, but both Governments declared that they would not participate in the work of the Committee, since they considered it unconstitutional.

UNITED KINGDOM:

Representative W. L. C. Knight
Deputy G. A. Crossley

UNITED STATES:

Representative Jefferson Patterson
Deputy Philip A. Mangano

P. Standing Committee on Repatriation of
Greek Children

PERU SWEDEN
PHILIPPINES

Q. United Nations Commissioner in Libya;
United Nations Advisory Council for Libya

United Nations Commissioner in Libya:

Adrian Pelt (Netherlands)
United Nations Advisory Council for Libya

EGYPT:

Representative Mohamed Kamel Selim Bey

FRANCE:

Representative Georges Balay

ITALY:

Representative Baron G. Vitaliano Confalonieri

PAKISTAN:

Representative Abdur Rahim Khan

UNITED KINGDOM:

Representative Sir Hugh Stonehewer-Bird

UNITED STATES:

Representative Lewis Clark

CYRENAICA:

Representative Ali Assad el Jerbi

TRIPOLITANIA:

Representative Mustapha Mizran

THE FEZZAN:

Representative Ahmed el Hadj Es Senoussi Sofou

MINORITIES IN LIBYA:

Representative Giacomo Marchino

R. United Nations Commission for Eritrea;
United Nations Commissioner for Eritrea
United Nations Commission for Eritrea

BURMA:

Representative Aung Khine
Alternate U Maung Maung Soe

GUATEMALA:

Representative Carlos Garcia Bauer
Alternate José Luís Mendoza

NORWAY:

Representative Erling Qvale
Alternate Ivar Lunde

PAKISTAN:

Representative Mian Ziaud-Din
Alternate Mir Mohamed Shaikh

UNION OF SOUTH AFRICA:

Representative Maj.-General F. H. Theron
Alternate F. J. van Biljon

United Nations Commissioner for Eritrea:

Eduardo Anze Matienzo (Bolivia)

S. Special Committee on the Representation
of China

CANADA	MEXICO
ECUADOR	PHILIPPINES
INDIA	POLAND
IRAQ	

T. Office of the United Nations High
Commissioner for Refugees

United Nations High Commissioner for Refugees:

G. J. van Heuven Goedhart (Netherlands)

U. Committee on the Draft Convention on
Freedom of Information

CUBA	LEBANON	SAUDI ARABIA
ECUADOR	MEXICO	USSR
EGYPT	NETHERLANDS	UNITED KINGDOM
FRANCE	PAKISTAN	UNITED STATES
INDIA	PHILIPPINES	YUGOSLAVIA

V. United Nations Advisory Council for Somaliland

COLOMBIA:

Representative Edmundo de Holte-Castello

EGYPT:

Representative Mohamed Amin Rostem Bey

PHILIPPINES:

Representative Manuel Escudero

W. Ad Hoc Committee on South West Africa

DENMARK	UNITED STATES
SYRIA	URUGUAY
THAILAND	

X. Board of Auditors

Served until 30 June 1950:

Robert Watson Sellar (Canada)

To serve until 30 June 1951:

Antonio Ordonez Ceballos (Colombia)

To serve until 30 June 1952:

Otto F. Remke (Denmark)

To serve until 30 June 1953:

Robert Watson Sellar (Canada)

Y. United Nations Administrative Tribunal

Served until 30 November 1950:

Sir Sydney Caine (United Kingdom)

Vladimir Outrata (Czechoslovakia)

To serve until 30 November 1951:

Roland Andrews Egger (United States) (2nd Vice-
President)

Emilio N. Oribe (Uruguay)

To serve until 30 November 1952:

Mme. Paul Bastid (France) (1st Vice-President)
 Lt.-General His Highness Maharaja Jam Shree Sir
 Digvijaysinghji Ranjit Singhji Jadeja (India)
 (President)
 Omar Loutfi (Egypt)
 Hamed Sultan²⁸ (Egypt)

To serve until 30 November 1953:

Lord Crook (United Kingdom)
 Vladimir Outrata (Czechoslovakia)

Z. United Nations Staff Pension Committee

Elected by General Assembly (for three years to 31 December 1952):

Members R. T. Cristobal (Philippines)
 (Chairman)
 Edmundo de Holte-Castello
 (Colombia)
 N. I. Klimov (USSR)
 Alternates Carol C. Laise (United States)
 A. Nass (Venezuela)
 P. Ordonneau (France)

Appointed by the Secretary-General (for three years to 31 December 1952):

Members Hans C. Andersen
 Mrs. Alva Myrdal (to August 1950)
 Elisabeth Scheltema (from August 1950)
 Georges Palthey
 Alternates W. P. Barrett
 Laurence Michelmore
 Hanna Saba (to August 1950)
 Urbain Roullier (from August 1950)

Elected by the participants (for three years to 31 December 1952):

Members Marc Schreiber (Vice-Chairman)
 Raphael Trachtenberg
 David B. Vaughan
 Alternates François Eyriey
 Charles Hogan
 Georges Rabinovitch

AA. Investments Committee

Served until 31 December 1950:

Jacques Rueff, Honorary Governor of the Bank of France

To serve until 31 December 1951:

Leslie R. Rounds, First Vice-President of the Federal Reserve Bank of New York

To serve until 31 December 1952:

Ivar Rooth, Former Governor of the Bank of Sweden

BB. Headquarters Advisory Committee

AUSTRALIA	COLOMBIA	POLAND
BELGIUM	FRANCE	USSR
BRAZIL	GREECE	UNITED KINGDOM
CANADA	INDIA	UNITED STATES
CHINA	NORWAY	YUGOSLAVIA

CC. International Law Commission

Ricardo J. Alfaro (Panama)
 Gilberto Amado (Brazil)
 James L. Brierly (United Kingdom)
 Roberto Córdova (Mexico)
 J. P. A. François (Netherlands)
 Shuhsi Hsu (China)
 Manley O. Hudson (United States)
 Faris Bey El-Khoury (Syria) (2nd Vice-Chairman)
 Vladimir M. Koretsky (USSR)
 Sir Benegal Narsing Rau (India)
 A. E. F. Sandstrom (Sweden) (1st Vice-Chairman)
 Georges Scelle (France) (Chairman)
 Jean Spiropoulos (Greece)
 Jesús María Yepes (Colombia)
 Jaroslav Zourek (Czechoslovakia)

DD. Committee on International Criminal Jurisdiction

AUSTRALIA	FRANCE	PERU
BRAZIL	INDIA	SYRIA
CHINA	IRAN	UNITED KINGDOM
CUBA	ISRAEL	UNITED STATES
DENMARK	NETHERLANDS	URUGUAY
EGYPT	PAKISTAN	

ANNEX III. MODIFICATIONS OF THE RULES OF PROCEDURE²⁹

To give effect to its resolution 377(V)³⁰ adopted on 3 November 1950 under the title "Uniting for Peace," the General Assembly, in an annex to the resolution, amended rules 8, 9, 10, 16 and 19 of its rules of procedure and added a new rule 64A.

It also adopted a new rule 84A on the majority required for adoption of amendments to and parts of proposals relating to important matters.³¹ The amendments and the new rules are given below in italics.

²⁸ Appointed on 14 Dec. 1950 to fill the unexpired term of Mr. Loutfi, who resigned effective 25 May 1950.

²⁹ For complete text of revised Rules of Procedure, see A/520/Rev.2.

³⁰ See pp. 193-95.

³¹ See pp. 32-33.

I. SESSIONS

SPECIAL SESSIONS

SUMMONING ON REQUEST FROM THE SECURITY COUNCIL OR MEMBERS

Rule 8

(a) Special sessions of the General Assembly shall be held within fifteen days of the receipt by the Secretary-General of a request for such a session from the Security Council, or of a request from a majority of the Members of the United Nations, or of the concurrence of a majority of Members as provided in rule 9.

(b) Emergency special sessions pursuant to resolution 377 A (V) shall be convened within twenty-four hours of the receipt by the Secretary-General of a request for such a session from the Security Council, on the vote

of any seven members thereof, or of a request from a majority of the Members of the United Nations expressed by vote in the Interim Committee or otherwise, or of the concurrence of a majority of Members as provided in rule 9.

REQUEST BY MEMBERS.

Rule 9

O) Any Member of the United Nations may request the Secretary-General to summon a special session. The Secretary-General shall immediately inform the other Members of the United Nations of the request and inquire whether they concur in it. If within thirty days of the date of the communication of the Secretary-General a majority of the Members concur in the request, a special session of the General Assembly shall be summoned in accordance with rule 8.

(b) This rule shall apply also to a request by any Member for an emergency special session pursuant to resolution 377 A (V). In such a case the Secretary-General shall communicate with other Members by the most expeditious means of communication available.

NOTIFICATION OF SESSION.

Rule 10

The Secretary-General shall notify the Members of the United Nations, at least fourteen days in advance, of the opening of a special session summoned at the request of the Security Council, and, at least ten days in advance, in the case of a request by a majority of the Members or the concurrence of a majority in the request of any Member. In the case of an emergency special session convened pursuant to rule 8(b), the Secretary-General shall notify the Members of the United Nations at least twelve hours in advance of the opening of the session.

II. AGENDA

SPECIAL SESSIONS

PROVISIONAL AGENDA.

Rule 16

The provisional agenda of a special session, summoned at the request of the Security Council, shall be communicated to the Members of the United Nations

at least fourteen days before the opening of the session. The provisional agenda of a special session summoned at the request of a majority of the Members, or the concurrence of a majority in the request of any Member, shall be communicated at least ten days before the opening of the session. The provisional agenda of an emergency special session shall be communicated to the Members of the United Nations simultaneously with the communication summoning the session.

ADDITIONAL ITEMS.

Rule 19

During a special session items on the supplementary list and additional items may be added to the agenda by a two-thirds majority of the Members present and voting. During an emergency special session additional items concerning the matters dealt with in resolution 377 A (V) may be added to the agenda by a two-thirds majority of the Members present and voting.

XII. PLENARY MEETINGS

CONDUCT OF BUSINESS

Rule 64(A)

EMERGENCY SPECIAL SESSIONS.

Notwithstanding the provisions of any other rule and unless the General Assembly decides otherwise, the Assembly, in case of an emergency special session, shall convene in plenary session only and proceed directly to consider the item proposed for consideration in the request for the holding of the session, without previous reference to the General Committee or to any other Committee; the President and Vice-Presidents for such emergency special sessions shall be, respectively, the Chairman of those delegations from which were elected the President and Vice-Presidents of the previous session.

TWO-THIRDS MAJORITY.

Rule 84(A)

Decisions of the General Assembly on amendments to proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting.

B. THE SECURITY COUNCIL

The Charter provides that a Security Council,³² consisting of eleven members, shall be established as a principal organ of the United Nations and that, acting on behalf of all the Members of the United Nations, this Council shall have the primary responsibility for the maintenance of international peace and security.

1. Composition

China, France, the USSR, the United Kingdom and the United States are the permanent members of the Security Council.

The General Assembly elects the Council's non-permanent members, paying due regard, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other pur-

³² For the Charter provisions relating to the Security Council, see Ch. V, which defines the composition, functions and powers, voting and procedure of the Council; Ch. VI, which deals with pacific settlement of disputes; Ch. VII, which deals with action with respect to threats to the peace, breaches of the peace and acts of aggression; Ch. VIII, which relates to regional arrangements; Ch. XII, Arts. 76, 82-84, which relate to strategic areas in Trust Territories. Other provisions are to be found in Arts. 1, 2, 4-7, 10-12, 15, 18, 20, 65, 93, 94, 96-99, 106-109 of the Charter, and Arts. 4, 7-15, 35, 41, 69 of the Statute of the Court.

poses of the Organization, and also to equitable geographical distribution. The non-permanent members are elected for a term of two years. A retiring member is not eligible for immediate re-election.

Each member of the Security Council has one representative.

2. Functions and Powers

Broadly speaking, while the General Assembly may discuss any international dispute or situation, it is the Security Council which recommends appropriate procedures or methods of adjustment or terms of settlement for the pacific settlement of disputes and takes preventive or enforcement measures with respect to threats to the peace, breaches of the peace or acts of aggression.

In discharging its duties for the maintenance of peace and security, the Security Council is required to act in accordance with the Purposes and Principles of the United Nations as set forth in the United Nations Charter. The Members of the United Nations have agreed, for their part, to carry out the decisions of the Council in accordance with the Charter.

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council has been made responsible for formulating plans for establishing a system for the regulation of armaments. These plans, in the preparation of which the Council is assisted by the Military Staff Committee,³³ are to be submitted to Members of the United Nations.

The Security Council submits annual and, when necessary, special reports to the General Assembly.

The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security. Subject to the provisions of Article 12, paragraph 1, of the Charter (which provides that while the Council is exercising its functions with regard to any dispute or situation, the General Assembly may not make recommendations with regard to that dispute or situation unless requested to do so by the Council), the Assembly may make recommendations to the Council on any questions relating to the maintenance of international peace and security. Should action be required on any such question being considered by the Assembly, it is to be referred to the Council either before or after discussion. Likewise, the Secretary-General may bring to the attention of the Council any

matter which in his opinion may threaten the maintenance of international peace and security.

If any party to a dispute brought before the International Court of Justice fails to comply with a decision of the Court, the other party may have recourse to the Security Council, which may make recommendations or decide upon measures to be taken to give effect to the decision.

The specific functions and powers of the Security Council fall into five categories: pacific settlement of disputes, preventive or enforcement action, regional arrangements, strategic areas in Trust Territories and organizational functions.

a. PACIFIC SETTLEMENT OF DISPUTES

The Security Council may recommend procedures or methods of adjustment or terms of settlement for the pacific settlement of disputes.

The parties to a dispute, the continuance of which is likely to endanger the maintenance of international peace and security, are, first of all, to seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. When it deems it necessary, the Council is to call upon the parties to settle their dispute by such means.

The Security Council may investigate any dispute, or any situation which might give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Any Member of the United Nations may bring any such dispute or situation to the attention of the Security Council. A State which is not a Member of the United Nations may bring to the Council's attention any dispute to which it is a party, if it accepts in advance the obligations of pacific settlement provided in the Charter.

At any stage of a dispute, the continuance of which is likely to endanger the maintenance of international peace and security, the Security Council may recommend appropriate procedures or methods of adjustment. It is required to take into consideration any procedures which have already been adopted by the parties and, as a general rule, is to refer any legal dispute to the International Court of Justice.

Should it consider that the continuance of a dispute is in fact likely to endanger the maintenance of international peace and security, the

³³ See pp. 47-48.

Council is to decide whether to recommend such procedures or methods of adjustment or to recommend appropriate terms of settlement.

b. PREVENTIVE OR ENFORCEMENT ACTION

The Security Council determines the existence of any threat to the peace, breach of the peace or act of aggression, and makes recommendations or may take enforcement measures in order to maintain or restore international peace and security.

Before making any recommendations or deciding upon any enforcement measures, the Council may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. These measures are to be without prejudice to the rights, claims or position of the parties concerned. The Council is duly to take account of failure to comply with such provisional measures.

There are two categories of enforcement action the Security Council may take: "measures not involving the use of armed force" and "action by air, sea or land forces". The Council may call upon the Members of the United Nations to apply such measures as the complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations. If it considers these measures inadequate, the Security Council may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade and other operations by air, sea or land forces of Members of the United Nations.

All Members of the United Nations undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security. Such agreement or agreements are to govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided. The agreement or agreements are to be concluded between the Council and Members or groups of Members of the United Nations.

When the Security Council decides to use force, it must, before calling upon a Member not represented on it to provide armed forces, invite that Member, if the Member so desires, to participate in the Council's decisions concerning the employment of contingents of the Member's forces.

Nothing in the Charter, however, impairs the inherent right of individual or collective self-defence, if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by any Member in self-defence are to be reported immediately to the Security Council, and are not in any way to affect the Council's authority and responsibility under the Charter to take at any time such action as it deems necessary in order to maintain international peace and security.

c. REGIONAL ARRANGEMENTS

The establishment of the United Nations does not preclude the existence of regional arrangements or regional agencies which are consistent with the Organization's Purposes and Principles.

The Security Council is to encourage the development of pacific settlement of local disputes through such regional arrangements or agencies, either on the initiative of the States concerned or by reference from the Council. This provision, however, does not impair the functions and powers of the Council in dealing with any international dispute or situation which might endanger the maintenance of international peace and security.

The Security Council is to utilize, wherever appropriate, such regional arrangements or agencies for enforcement action under its authority. But no enforcement action may be undertaken under regional arrangements or by regional agencies without the authorization of the Council, except against the renewal of aggressive policy by the ex-enemy States of the Second World War.

The Security Council is at all times to be kept fully informed of activities for the maintenance of international peace and security undertaken or in contemplation under regional arrangements or by regional agencies.

d. STRATEGIC AREAS IN TRUST TERRITORIES

All functions of the United Nations relating to strategic areas in Trust Territories, including the approval of the terms of Trusteeship Agreements and of their alteration or amendment, are exercised by the Security Council.

The Security Council avails itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the Trusteeship System relating to political, economic, social and educational matters in the strategic areas. The Administering Authority of a Trust Terri-

tory may make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations toward the Security Council undertaken by the Authority.

e. ORGANIZATIONAL FUNCTIONS

The Security Council exercises certain functions and powers of an organizational or constitutional nature.

It may request the convening of special sessions of the General Assembly, the Economic and Social Council and the Trusteeship Council. It may request information and assistance from the Economic and Social Council.

The Security Council and the General Assembly, voting independently, elect the judges of the International Court of Justice. Upon the recommendation of the Security Council, the General Assembly determines the conditions under which a State which is not a Member of the United Nations may become a party to the Statute of the Court, and the Council lays down the conditions under which the Court may be open to a State which is not a party to the Statute. The Council may request the Court to give an advisory opinion on any legal question.

The Secretary-General is appointed by the General Assembly upon the recommendation of the Security Council.

New Members are admitted to the United Nations by the General Assembly upon the Security Council's recommendation. A Member of the United Nations against which preventive or enforcement action has been taken by the Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly on the Council's recommendation. The Council may restore the exercise of these rights and privileges. A Member of the United Nations which has persistently violated the Principles of the Charter may be expelled from the United Nations by the General Assembly upon the recommendation of the Council.

Any amendment to or any alteration of the Charter comes into force when it is adopted by a two-thirds vote of the General Assembly or of the General Conference provided for in Article 109 of the Charter, and ratified by two thirds of the Members of the United Nations, including the permanent members of the Security Council.

3. Voting and Procedure

The voting and procedure of the Security Council are defined in the Charter as follows:

Each member of the Council has one vote. Decisions of the Council on procedural matters are made by an affirmative vote of seven members. Decisions on all other matters are made by an affirmative vote of seven members, including the concurring votes of the permanent members, provided that a party to a dispute abstains from voting in decisions with respect to the pacific settlement of that dispute.

In the special case of the election of the judges of the International Court of Justice, an absolute majority (i.e. six votes) is required.

The Security Council is organized to function continuously. Each member of the Council is represented at all times at the seat of the United Nations. The Council may hold meetings at places other than the seat of the United Nations.

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

The Security Council adopts its own rules of procedure, including the method of selecting its President.

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected.

Any Member of the United Nations which is not a member of the Security Council, or any State which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Council, is invited to participate, without vote, in the discussion relating to the dispute. The Council lays down such conditions as it deems just for the participation of a State which is not a Member of the United Nations.

4. Structure

Subsidiary organs reporting to the Security Council are:

- (a) Military Staff Committee
- (b) Atomic Energy Commission
- (c) Commission for Conventional Armaments
- (d) Standing committees
- (e) Ad hoc committees and commissions

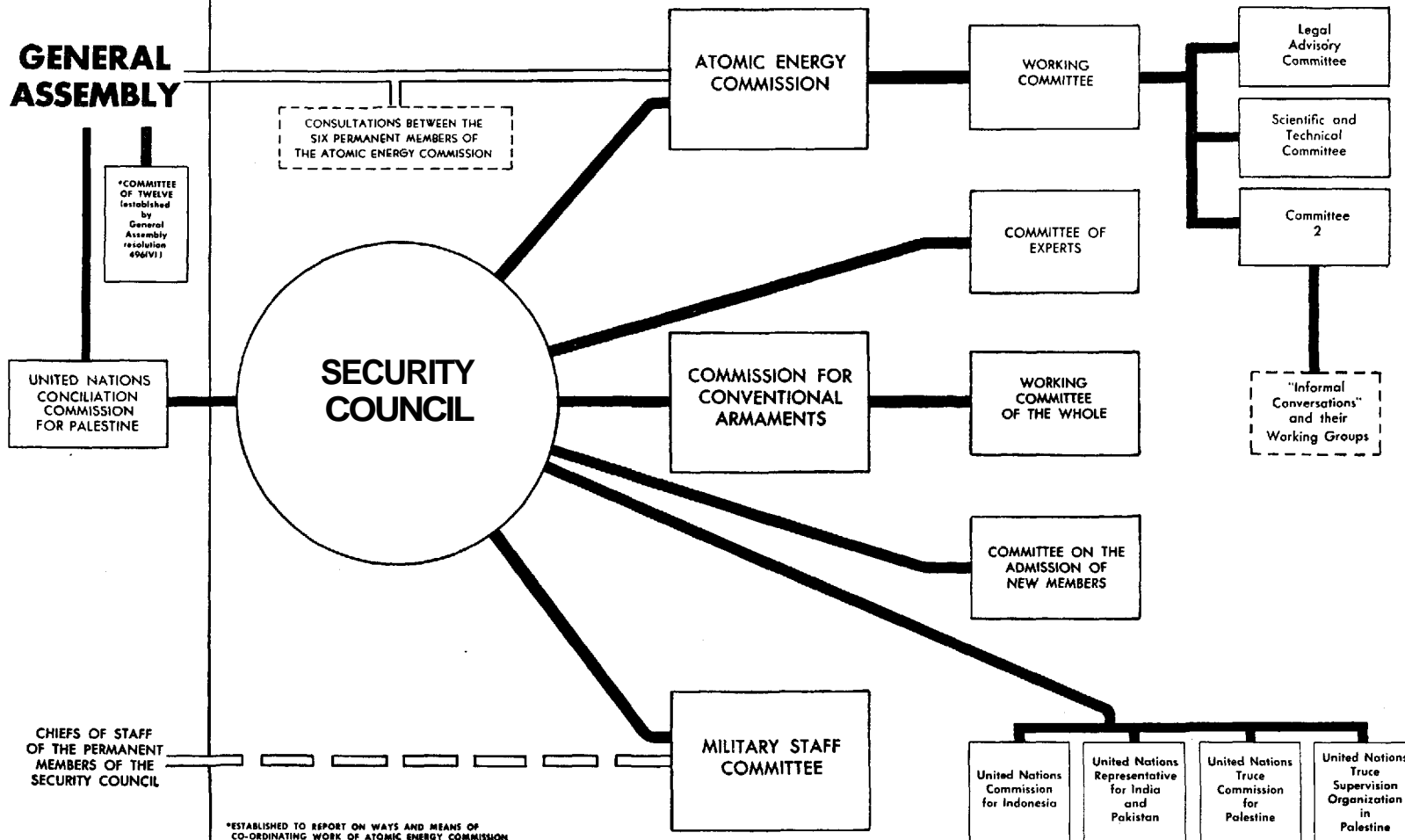
a. MILITARY STAFF COMMITTEE³⁴

The Military Staff Committee, which is provided for in the Charter, is composed of the Chiefs

³⁴ For representatives serving on the Committee, see Annex II, p. 55.

STRUCTURE OF THE SECURITY COUNCIL

GENERAL ASSEMBLY



*ESTABLISHED TO REPORT ON WAYS AND MEANS OF CO-ORDINATING WORK OF ATOMIC ENERGY COMMISSION AND COMMISSION FOR CONVENTIONAL ARMAMENTS AND ON ADVISABILITY OF THEIR FUNCTIONS BEING MERGED.

DECEMBER 1950

UN Presentation 9473 rev 4

of Staff of the permanent members of the Security Council or their representatives.

It advises and assists the Council on all questions relating to the Council's military requirements for maintaining international peace and security, the employment and command of forces placed at its disposal, regulation of armaments and possible disarmament.

The Committee is to be responsible, under the Security Council, for the strategic direction of any armed forces placed at the Council's disposal in accordance with the special agreements provided for in Article 43 of the Charter.

Members not represented on the Military Staff Committee will be invited to participate in its work when the efficient discharge of the Committee's duties so requires.

The Committee, after consulting the appropriate regional agencies, may establish regional sub-committees.

b. ATOMIC ENERGY COMMISSION³⁵

The Atomic Energy Commission, established by the General Assembly, consists of all the members of the Security Council and, in addition, Canada when that State is not a member of the Council.

The Commission deals with the problems raised by the discovery of atomic energy and other related matters.

In particular, it makes proposals for: extending between all nations the exchange of basic scientific information for peaceful ends; control of atomic energy to the extent necessary to ensure its use only for peaceful purposes; the elimination from national armaments of atomic weapons and other major weapons adaptable to mass destruction; effective safeguards, e.g., by inspection, to protect complying States against the dangers of violations and evasions.

The Commission submits its reports and recommendations to the Security Council, and receives directions from the Council on matters affecting the maintenance of peace and security.

The main committees of the Atomic Energy Commission are the Working Committee; Committee 2, dealing with controls; the Legal Committee; and the Technical and Scientific Committee. Each is composed of all members of the Atomic Energy Commission.

c. COMMISSION FOR CONVENTIONAL ARMAMENTS³⁶

The Commission for Conventional Armaments is composed of representatives of all the members

of the Security Council. It prepares and reports to the Council proposals for the general regulation and reduction of armaments and armed forces and for practical and effective safeguards in this connexion in order to give effect to General Assembly resolutions 41(1) and 42(1) of 14 December 1946³⁷ relating to the principles governing the general regulation and reduction of armaments and to information on armed forces to be supplied by Members of the United Nations.

It may make proposals concerning studies to be undertaken by the Military Staff Committee and other organs of the United Nations. The Commission may not, however, deal with matters within the competence of the Atomic Energy Commission.

The Commission for Conventional Armaments has established one continuing subsidiary organ, a Working Committee, composed of representatives of all the members of the Commission. The Working Committee formulates proposals for the general regulation and reduction of armaments and armed forces. It may establish such sub-committees as are necessary to deal with various aspects of its work; the Committee co-ordinates the work of these sub-committees, receives their reports and submits its own proposals in turn to the Commission for consideration.

d. STANDING COMMITTEES

Two standing committees have been established, each composed of representatives of all the members of the Security Council:

(1) Committee of Experts

The Committee of Experts studies and advises the Security Council on the rules of procedure. It also studies such matters as may be referred to it by the Council.

(2) Committee on the Admission of New Members

The Committee examines all applications for membership in the United Nations referred to it by the Security Council, and reports on them to the Council.

³⁵ For representatives serving on the Commission, see Annex II, p. 55. The General Assembly at its fifth session established a committee to consider ways and means whereby the work of the Atomic Energy Commission and the Commission for Conventional Armaments might be co-ordinated and the advisability of their functions being merged and placed under a new, consolidated disarmament commission.

³⁶ For representatives serving on the Commission, see Annex II, p. 56.

³⁷ For text, see Y.U.N., 1946-47, pp. 143 and 139.

e. AD HOC COMMITTEES AND COMMISSIONS³⁸

The Security Council establishes such ad hoc committees and commissions as may be required from time to time for special purposes. The following commissions appointed by the Security Council were in operation at 31 December 1950.

(1) The United Nations Commission for Indonesia³⁹ (formerly Committee of Good Offices) was established by the Security Council on 28 January 1949, to assist the Governments of the Netherlands and of the Republic of Indonesia in the settlement of their dispute. The Commission was to make recommendations to the Security Council as to the nature, powers and functions of the United Nations agency which should remain in Indonesia to assist in the implementation of the provisions of the agreement between the Governments of the Netherlands and of the United States of Indonesia.

(2) The Chief of Staff of the United Nations Truce Supervision Organization in Palestine observes the maintenance in Palestine of the cease-fire. It is also his function to assist the parties to the armistice agreements—Egypt, Jordan, Lebanon and Syria on the one hand, and Israel on the other—in the supervision of the application and observance of the terms of those agreements. He reports to the Security Council on the observance of the cease-fire in Palestine, and keeps the United Nations Conciliation Commission for Palestine⁴⁰ informed of matters affecting the Commission's work.

5. Members and Presidents

The following were members of the Security Council during 1950:⁴¹

Permanent Members

China, France, USSR, United Kingdom, United States

Non-Permanent Members

Elected to serve until 31 December 1950: Cuba, Egypt, Norway

Elected to serve until 31 December 1951: Ecuador, India, Yugoslavia

The presidency of the Council is held in turn by member States in the English alphabetical order of their names, each President holding office for one month. The following representatives held the office of President during 1950:

January.....China.....Tingfu F. Tsiang
February.....Cuba.....Carlos Blanco
March.....Ecuador.....Homero Viteri-Lafronte
April.....Egypt.....Mahmoud Fawzi Bey
May.....France.....Jean Chauvel

June.....India.....Sir Benegal Narsing Rau
July.....Norway.....Arne Sunde
August.....USSR.....Yakov A. Malik
September.....United Kingdom.....Sir Gladwyn Jebb
October.....United States.....Warren R. Austin
November.....Yugoslavia.....Ales Bebler
December.....China.....Tingfu F. Tsiang

6. Meetings of the Security Council and Matters Considered during 1950

The Security Council is organized to function continuously.

Meeting	Subject	Date
		January
459th	The question of the representation of China on the Security Council	10
460th	The question of the representation of China on the Security Council	12
461st	The question of the representation of China on the Security Council Regulation and reduction of conventional armaments and armed forces	13
462nd	Regulation and reduction of conventional armaments and armed forces Provisional rules of procedure of the Security Council The question of the representation of China on the Security Council	17
		February
463rd	The India-Pakistan question	7
464th	The India-Pakistan question	8
465th	The India-Pakistan question	9
466th	The India-Pakistan question	10
467th	The India-Pakistan question	24
468th	The India-Pakistan question Provisional rules of procedure of the Security Council	28
		March
469th	The India-Pakistan question	8
470th	The India-Pakistan question	14
		April
471st	The India-Pakistan question	12
		May
472nd	Appointment of a rapporteur or conciliator for a situation or dispute brought to the attention of the Security Council	24

³⁸ For members of and representatives serving on commissions, see Annex II, p. 56. The United Nations Truce Commission for Palestine, established by the Security Council to assist it in supervising the Council truce resolution of 17 April 1948, although dormant, has never been terminated by the Security Council.

³⁹ On 1 April 1951, the Commission adjourned sine die, while continuing to hold itself at the disposal of the parties.

⁴⁰ See p. 41.

⁴¹ For representatives serving on the Council, see Annex I, pp. 54-55.

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Meeting	Subject	Date	Meeting	Subject	Date
473rd	Complaint of aggression upon the Republic of Korea	25 June	493rd	Complaint of aggression upon the Republic of Korea	31
474th	Complaint of aggression upon the Republic of Korea	27	I	Complaint of armed invasion of Taiwan (Formosa)	
475th	Complaint of aggression upon the Republic of Korea	30		Complaint of bombing by air forces of the territory of China	
		July		The unceasing terrorism and mass executions in Greece ⁴²	
476th	Complaint of aggression upon the Republic of Korea	7			September
477th	Complaint of aggression upon the Republic of Korea	25	494th	Complaint of aggression upon the Republic of Korea	1
478th	Complaint of aggression upon the Republic of Korea	28	495th	Complaint of aggression upon the Republic of Korea	5
479th	Complaint of aggression upon the Republic of Korea	31	496th	Complaint of aggression upon the Republic of Korea	6
		August	497th	Complaint of aggression upon the Republic of Korea	7
480th	President's ruling on the representation of China	1		Complaint of armed invasion of Taiwan (Formosa)	
	Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China ⁴²			Complaint of bombing by air forces of the territory of China	
	Peaceful settlement of the Korean question ⁴²		498th	Discussion of draft report to General Assembly	8
	Complaint of aggression upon the Republic of Korea		499th	Complaint of bombing by air forces of the territory of China	11
481st	Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China ⁴²	2	500th	Discussion of draft report to General Assembly (closed meeting)	12
	Peaceful settlement of the Korean question ⁴²		501st	Complaint of bombing by air forces of the territory of China	12
	Complaint of aggression upon the Republic of Korea		502nd	Complaint of aggression upon the Republic of Korea	18
482nd	Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China ⁴²	3		Complaint of armed invasion of Taiwan (Formosa)	
	Peaceful settlement of the Korean question ⁴²			Complaint of expulsion by Israel of thousands of Palestinian Arabs into Egyptian territory, and the violation by Israel of the Egyptian-Israeli General Armistice Agreement	
	Complaint of aggression upon the Republic of Korea		503rd	Complaint of armed invasion of Taiwan (Formosa)	26
483rd	Complaint of aggression upon the Republic of Korea	4		Complaint of expulsion by Israel of thousands of Palestinian Arabs into Egyptian territory, and the violation by Israel of the Egyptian-Israeli General Armistice Agreement	
484th	Complaint of aggression upon the Republic of Korea	8		The India-Pakistan question	
485th	Complaint of aggression upon the Republic of Korea	10		Complaint of aggression upon the Republic of Korea	
486th	Complaint of aggression upon the Republic of Korea	11		Application for membership of the Republic of Indonesia	
487th	Complaint of aggression upon the Republic of Korea	14	504th	Adoption of the agenda	27
488th	Complaint of aggression upon the Republic of Korea	17		Complaint of armed invasion of Taiwan (Formosa)	
489th	Complaint of aggression upon the Republic of Korea	22	505th	Complaint of armed invasion of Taiwan (Formosa)	28
490th	Complaint of aggression upon the Republic of Korea	25	506th	Complaint of armed invasion of Taiwan (Formosa)	29
491st	Consideration of draft report to General Assembly (closed meeting)	28			
492nd	Complaint of aggression upon the Republic of Korea	29			
	Complaint of armed invasion of Taiwan (Formosa)				

⁴² These items were proposed, but not included in the agenda.

Meeting	Subject	Date
507th	Complaint of armed invasion of Taiwan (Formosa)	29
508th	Complaint of aggression upon the Republic of Korea	30
October		
509th	Recommendation regarding the Secretary-General (closed meeting)	9
510th	Recommendation regarding the Secretary-General (closed meeting)	12
511th	The Palestine question	16
512th	Recommendation regarding the Secretary-General (closed meeting)	18
513th	Recommendation regarding the Secretary-General (closed meeting)	20
514th	The Palestine question	20
515th	Recommendation regarding the Secretary-General (closed meeting)	25
516th	Recommendation regarding the Secretary-General (closed meeting)	30
517th	The Palestine question The Indonesian question	30
November		
518th	Special Report from the United Nations Command in Korea The Palestine question	6
519th	Complaint of aggression upon the Republic of Korea	8
520th	Complaint of aggression upon the Republic of Korea	8
521st	Adoption of the agenda Complaint of aggression upon the Republic of Korea	10
522nd	The Palestine question	13
523rd	Complaint of aggression upon the Republic of Korea	16
524th	Complaint of aggression upon the Republic of Korea The Palestine question	17
525th	Adoption of the agenda Complaint of armed invasion of Taiwan (Formosa) and, Complaint of aggression against the Republic of Korea ⁴³	27
526th	Complaint of armed invasion of Taiwan (Formosa) and Complaint of aggression against the Republic of Korea ⁴³	28
527th	Complaint of armed invasion of Taiwan (Formosa) and Complaint of aggression against the Republic of Korea ⁴³	28
528th	Complaint of armed invasion of Taiwan (Formosa) and Complaint of aggression against the Republic of Korea ⁴³	29
529th	Complaint of armed invasion of Taiwan (Formosa) and Complaint of aggression against the Republic of Korea ⁴³	30

Meeting	Subject	Date
530th	Complaint of armed invasion of Taiwan (Formosa) and Complaint of aggression against the Republic of Korea ⁴³	30
(No meetings of the Council were held during December 1950)		

7. Constitutional and Organizational Questions

a. WITHDRAWAL OF THE USSR FROM MEETINGS⁴⁴

On 8 January 1950, a telegram bearing the signature of the Foreign Minister of the People's Republic of China informed the Security Council that his Government considered that the presence of the "Kuomintang delegation" in the Council was illegal. His Government's position was that the "Kuomintang delegates" should be expelled from the Council.

On 10 January 1950, the representative of the USSR submitted a draft resolution (S/1443) which, considering the statement of the Central People's Government of the People's Republic of China of 8 January, proposed that the Council decide not to recognize the credentials of the representative concerned and to exclude him from the Security Council. The representative of the USSR stated that if the Council failed to take the "appropriate measures" the USSR delegation would not participate in the work of the Council until the "Kuomintang representative" was excluded.

On 13 January 1950, the Council rejected the USSR draft resolution by 6 votes to 3, with 2 abstentions. The representative of the USSR thereupon withdrew from the Council chamber after stating that the USSR would not recognize as legal any decision of the Security Council adopted with the participation of the representative of the "Kuomintang group" and would not deem itself bound by such decisions.

b. AMENDMENTS TO THE PROVISIONAL RULES OF PROCEDURE

By a letter (S/1447) dated 13 January 1950, the representative of India submitted to the Security Council two amendments to the provisional rules of procedure of the Council concerning representation and credentials of its members. The first amendment would add to rule 13 a new sentence, before the last sentence, stating that:

⁴³ These two items were jointly considered.

⁴⁴ For discussion of question of the representation of China, see pp. 421-29.

The credentials shall be issued either by the Head of the State or the Government concerned or by its Minister of Foreign Affairs.

The second amendment would add a new rule (rule 17A) stating that:

Where the right of any person to represent, or to continue to represent, a State on the Security Council, or at a meeting of the Security Council, is called in question on the ground that he does not represent, or has ceased to represent, the recognized Government of that State, the President of the Council shall, before submitting the question to the decision of the Council, ascertain (by telegraph if necessary) and place before the Council, so far as available, the views of the Governments of all the other States Members of the United Nations on the matter.

The Council, at its 462nd meeting on 17 January 1950, referred the proposal of India to its Committee of Experts for study and report.

The Committee of Experts, on 14 February, submitted its report (S/1457 & Corr.1) to the Council. It was the opinion of the Committee that the first amendment proposed by the representative of India should be incorporated in the provisional rules of procedure of the Security Council. The Committee felt that it should be left to the Council to decide whether to adopt that amendment to rule 13 immediately or to defer it till a later date.

With regard to the proposed new rule 17A, the Committee agreed with the representative of India that it would be desirable to establish a uniform procedure which could be adopted by all the organs of the United Nations in order that the possibilities of adopting conflicting decisions might be minimized. It was the opinion of the majority that the question was of such a nature that the General Assembly should be the organ of the United Nations to initiate the study and to seek uniformity and co-ordination with regard to the procedure governing representation and credentials. The Committee had, however, accepted the basic assumption that the right of the Security Council to deal with any issue relating to the representation or credentials of its members was not open to question. The Committee therefore considered that the Council should not, for the moment, take any decision on this amendment.

At the 468th meeting on 28 February 1950, the Council considered the report of the Committee and accepted without objection the suggestion of the representative of the United States that the English text of the proposed addition to rule 13 should read: "Credentials shall be issued either by the Head of the State or of the Government con-

cerned or by its Minister of Foreign Affairs."⁴⁵ The Council adopted the amendment.

With reference to the proposed new rule 17A, the Council endorsed the conclusions of the Committee of Experts.

c. APPOINTMENT OF A RAPPOREUR OR CONCILIATOR FOR A SITUATION OR DISPUTE BROUGHT TO THE COUNCIL'S ATTENTION

In a letter (S/1323), dated 13 May 1949, the Secretary-General transmitted to the Security Council the text of resolution 268 B (III)⁴⁶ adopted by the General Assembly on 28 April 1949 regarding the appointment of a rapporteur or conciliator for a situation or dispute brought to the attention of the Security Council.

At the 472nd meeting of the Council on 24 May 1950, the President of the Council stated that the General Assembly's resolution would not involve making a general rule of a practice to which the Council had had recourse in the cases of Palestine and Kashmir. Nor would it involve establishing a procedure which would remove an item from the Council's agenda and would precede or follow the discussions in the Council. Discussion of the resolution in the General Assembly had indicated a desire to avoid any conflict or overlapping with the existing procedure and to avoid establishing any rigid rules. Recalling previous cases in which the President of the Council had already exercised his powers of conciliation, he pointed out that it sometimes took longer than a President's term of office to settle a dispute or to clarify a situation. Moreover, the parties to the dispute might wish to have the help of some member of the Council other than the President. The Assembly resolution meant that the President would be asked to encourage the parties to agree upon the appointment of a member of the Council, who might be the President himself or any other member. Upon appointment, the member would carry out his work independently of his office, if he was President, and even independently of his membership of the Council.

The majority of the Council representatives were, in general, in favour of the idea embodied in the Assembly resolution. It was emphasized, however, that the Security Council should remain master of its own procedure and avoid the pitfalls of following a procedure that was laid down too rigidly. It was also generally agreed that the

⁴⁵ For text of the rule as amended, see Annex III, p. 56.

⁴⁶ See Y.U.N.. 1948-49, p. 416.

procedure recommended by the General Assembly was in no way to be mandatory for the Security Council with regard to each and every case brought to its attention.

The President, speaking as the representative of France, submitted a draft resolution (S/1486) which, taking note of General Assembly resolution 268 B (III) of 28 April 1949, stated that the Security Council decided, should an appropriate occasion arise, to base its action on the principles set forth in that resolution. It was adopted unanimously, one member (USSR) being absent.

8. Annual Report

The report of the Security Council (A/1361) to the fifth session of the General Assembly, covering the period from 16 July 1949 to 15 July 1950, was referred by the Assembly to the Ad Hoc Political Committee, which considered it at its 78th meeting on 12 December.

The representative of Australia orally proposed that the Committee should follow the procedure taken in the past and adopt a resolution calling on the General Assembly to take note of the report.

The representative of the USSR said that the Council's report included a number "of illegal decisions" which had been taken when the composition of the Council was "illegal because of the absence of the representatives of the USSR and China," and because of the "illegal participation of the representative of the Kuomintang group". He referred in particular to the resolutions on the Korean question, stating that they had no legal validity because they had been adopted in the absence of two permanent members of the Council, the USSR and China, and arguing that those resolutions had been adopted on the basis of "one-sided information submitted by the United States delegation" and because of United States pressure. When the draft report had been under consideration in the Security Council, he said, the USSR delegation had pressed for the deletion of refer-

ences to those decisions which had been taken by the Council at a time when its composition was illegal, and, failing to secure this, had been forced to abstain from voting on the draft report. He considered that the General Assembly could not properly take note of the report adopted by the Council until those decisions had been deleted.

The representative of France stated that the views of his delegation had been fully set forth in the records of the Security Council, and that they were diametrically opposed to those of the USSR.

The representative of the United States said that, while he did not question the USSR representative's right to criticize the report, he emphatically disagreed with his views.

The representative of China protested against the use of the term "representative of the Kuomintang group". He declared that the statement made by the USSR representative was not only an insult to his Government, which was the only legal Government of China, but also to the other members of the Security Council, which had endorsed the report.

The Chairman then put the Australian proposal to the vote; it was adopted by 42 votes to none, with 8 abstentions.

The report of the Ad Hoc Political Committee (A/1679), containing the draft resolution which it recommended that the General Assembly adopt, was considered by the Assembly at its 325th plenary meeting on 14 December. The representative of the USSR criticized the Security Council's report, repeating the arguments advanced in the Ad Hoc Political Committee. The draft resolution submitted by the Ad Hoc Political Committee was then put to the vote and adopted by 45 votes to none, with 6 abstentions, as resolution 397(V), as follows:

The General Assembly

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

ANNEX I. REPRESENTATIVES AND ALTERNATES ACCREDITED TO THE SECURITY COUNCIL

CHINA:

Representative	Tingfu F. Tsiang
Alternates	C. L. Hsia Shuhsi Hsu

CUBA:

Representatives	Alberto I. Alvarez Carlos Blanco Manuel G. Hevia José Miguel Ribas
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ECUADOR:

Representatives	Homero Viteri-Lafronte Antonio Quevedo
Alternates	Miguel Albornoz Alfonso Moscoso Teodoro Bustamante

EGYPT:

Representative	Mahmoud Fawzi Bey
Alternate	Ahmed M. Farrag

FRANCE:

Representative	Jean Chauvel
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Alternates	Francis Lacoste Pierre Ordonneau	UNITED KINGDOM:	
INDIA:		Representatives	Sir Alexander Cadogan Sir Gladwyn Jebb
Representative	Sir Benegal Narsing Rau	Alternates	J. E. Coulson D. S. Laskey
Alternates	Rajeshwar Dayal M. Gopala Menon A. S. Mehta	UNITED STATES:	
NORWAY:		Representative	Warren R. Austin
Representative	Arne Sunde	Alternates	Ernest A. Gross John C. Ross
Alternates	Ivar Lunde Bredo Stabell	YUGOSLAVIA:	
USSR:		Representative	Ales Bebler
Representative	Yakov A. Malik	Alternates	Vlado Popovic Djuro Nincic
Alternate	Semen K. Tsarapkin		

ANNEX II. MEMBERS OF SUBSIDIARY ORGANS REPORTING TO THE COUNCIL

A. Representatives Accredited to the Military Staff Committee		CUBA:	
CHINA:		Representative	Alberto I. Alvarez
Army Representative	Maj.-General Tai Chien	Alternates	Carlos Blanco José Miguel Ribas Manuel G. Hevia Francisco V. García Amador
Air Force Representative	Lt.-General Pong-tsu Mow		
Navy Representative	Commodore Ju-fon Kao	ECUADOR:	
FRANCE:		Representative	Antonio Quevedo
Army Representatives	Lt.-General P. Billotte (to 27 January 1950) Général de Brigade M. Penette (from 28 January 1950)	Alternate	José A. Correa
Air Force Representatives	Lt.-Colonel Jean Fournier (to 31 August 1950) Commandant Louis J. P. Le Gelard (from 1 September 1950)	EGYPT:	
Navy Representative	Capitaine de Fregate Pierre H. Mazoyer (from 5 July 1950)	Representative	Mahmoud Fawzi Bey
USSR:		Alternate	Brig.-General Mohamed Abdel Halim Khalifa Bey
Army Representative	Lt.-General A. Ph. Vasiliev	FRANCE:	
Air Force Representative	Lt.-General A. R. Sharapov	Representative	Jean Chauvel
UNITED KINGDOM:		Alternate	Pierre Auger
Army Representative	Colonel G. O. M. Jameson	INDIA:	
Air Force Representative	Air Vice-Marshal G. E. Gibbs	Representative	Sir Benegal Narsing Rau
Navy Representative	Rear-Admiral Lord Ashbourne	Alternate	M. Gopala Menon
UNITED STATES:		NORWAY:	
Army Representative	Lt. General Willis D. Crittenberger	Representative	Arne Sunde
Air Force Representative	Lt. General H. R. Harmon	Alternate	Bredo Stabell
Navy Representative	Vice-Admiral B. H. Bieri	USSR:	
B. Representatives and Alternate Representatives Accredited to the Atomic Energy Commission		Representative	Yakov A. Malik
CANADA:		Alternate	Semen K. Tsarapkin
Representative	General A. G. L. McNaughton	UNITED KINGDOM:	
Alternate	John W. Holmes	Representatives	Sir Alexander Cadogan Sir Gladwyn Jebb
CHINA:		Alternate	Sir Terence Shone
Representative	Tingfu F. Tsiang	UNITED STATES:	
Alternate	Hsieh-ren Wei	Representative	Warren R. Austin
		Acting Deputy Representative	John C. Ross
		YUGOSLAVIA:	
		Representative	Ales Bebler
		Alternate	Djuro Nincic

C. Representatives and Alternate Representatives
Accredited to the Commission for Conventional
Armaments

CHINA:

Representative Tingfu F. Tsiang
Alternates Shuhsi Hsu
Hsieh-ren Wei

CUBA:

Representative Alberto I. Alvarez
Alternates Carlos Blanco
José Miguel Ribas
Manuel G. Hevia
Francisco V. Garcia Amador

ECUADOR:

Representatives Homero Viteri-Lafronte
Antonio Quevedo
Alternate José A. Correa

EGYPT:

Representative Mahmoud Fawzi Bey
Alternates Brig.-General Mohamed Abdel
Halim Khalifa Bey
Colonel Abdel Hamid Ghaleb Bey

FRANCE:

Representative Jean Chauvel
Alternate Francis Lacoste

INDIA:

Representative Sir Benegal Narsing Rau
Alternates M. Gopala Menon
Rajeshwar Dayal

NORWAY:

Representative Arne Sunde
Alternates Ivar Lunde
Bredo Stabell

USSR:

Representative Yakov A. Malik
Alternate Semen K. Tsarapkin

UNITED KINGDOM:

Representatives Sir Alexander Cadogan
Sir Gladwyn Jebb
Alternates Sir Terence Shone
J. E. Coulson

UNITED STATES:

Representative Warren R. Austin
Deputy
Representative Frank C. Nash

YUGOSLAVIA:

Representative Ales Bebler
Alternate Djuro Nincic

D. Representatives and Alternate Representative;
on the United Nations Commission for Indonesia

AUSTRALIA:

Representatives T. K. Critchley
T. W. Cutts
Hugh Gilchrist
Alternate W. B. Pritchett

BELGIUM:

Representative Paul Bihin
Alternate H. Baeyens

UNITED STATES:

Representatives Edward A. Dow, Jr.
Hooker A. Doolittle
Jacob D. Beam
H. Merrel Benninghoff

E. Representatives on the United Nations
Commission for India and Pakistan⁴⁷

ARGENTINA:

Representative Carlos Leguizamón

BELGIUM:

Representative Robert van de Kerchove d'Hallebast

COLOMBIA:

Representative Alfredo Lozana

CZECHOSLOVAKIA:

Representative Oldrich Chyle

UNITED STATES:

Representative Robert Macatee

CHIEF UNITED NATIONS MILITARY OBSERVERS IN
KASHMIR

Brigadier H. H. Angle (from 10 January to 17 July 1950)

Colonel G. Coblenz (from 18 July to 27 October 1950)

Maj.-General R. H. Nimmo, C.B.E. (from 28 October 1950)

F. United Nations Representative for India
and Pakistan

Sir Owen Dixon (Australia) (from 12 April to 26 September 1950)

G. United Nations Truce Supervision Organization
in Palestine

Chief of Staff: Maj.-General William E. Riley

ANNEX III. MODIFICATION OF THE RULES OF PROCEDURE

Rule 13 was amended at the 468th meeting on 28 February 1950.⁴⁸ The amendment is printed in italics.

Rule 13

Each member of the Security Council shall be represented at the meetings of the Security Council by an accredited representative. The credentials of a representative on the Security Council shall be communicated to the Secretary-General not less than twenty-four hours before he takes his seat on the Security Council. The

credentials shall be issued either by the Head of the State or of the Government concerned or by its Minister of Foreign Affairs. The Head of Government or Minister of Foreign Affairs of each member of the Security Council shall be entitled to sit on the Security Council without submitting credentials.

⁴⁷ The Commission terminated on 30 June 1950 after its powers and responsibilities had been transferred to the United Nations Representative.

⁴⁸ See pp. 52-53.

C. THE ECONOMIC AND SOCIAL COUNCIL

The Charter recognizes that conditions of stability and well-being are necessary for peaceful and friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples.⁴⁹ With a view to creating such conditions, the United Nations undertakes to promote:

- (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 and fundamental freedoms for all without distinction as to race, sex, language or religion.

All Members pledge themselves to take joint and separate action in co-operation with the United Nations for the achievement of these purposes.

The Charter also provides that the various inter-governmental agencies having wide responsibilities in economic, social, educational, health and related fields are to be brought into relationship with the United Nations. The United Nations makes recommendations for co-ordinating the policies and activities of these specialized agencies and, where appropriate, it initiates negotiations among the States concerned for the creation of new agencies required for the accomplishment of its economic and social purposes.

The responsibility for the discharge of these functions is vested in the General Assembly and, under the Assembly's authority, in the Economic and Social Council, which is established as a principal organ of the United Nations.

The Council consists of eighteen Members of the United Nations, elected by the General Assembly for a term of three years. A retiring member of the Council is eligible for immediate re-election. Each member has one representative.

1. Functions and Powers

The principal functions and powers of the Economic and Social Council are:

- (a) to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters, and to make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations and to the specialized agencies concerned;
- (b) to make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all;
- (c) to prepare draft conventions for submission to the General Assembly with respect to matters falling within its competence; and

- (d) to call international conferences on matters falling within its competence.

As regards the specialized agencies, the Economic and Social Council may:

- (a) enter into agreements with any of the specialized agencies, defining the terms on which the agencies are to be brought into relationship with the United Nations, such agreements being subject to approval by the General Assembly;
- (b) co-ordinate the activities of the specialized agencies through consultation with and recommendations to them and through recommendations to the General Assembly and to the Members of the United Nations;
- (c) take steps to obtain regular reports from the agencies, and arrange with the Members of the United Nations, and with the agencies, to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly; and
- (d) communicate its observations on these reports to the General Assembly.

The Charter provides that any financial and budgetary arrangements with the specialized agencies are to be considered and approved by the General Assembly, which is also to examine the administrative budgets of the agencies with a view to making recommendations to them.

The Economic and Social Council may furnish information to the Security Council and assists that Council upon its request. It performs such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

In accordance with the terms of the Charter, the Council has been authorized by the General Assembly to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities.

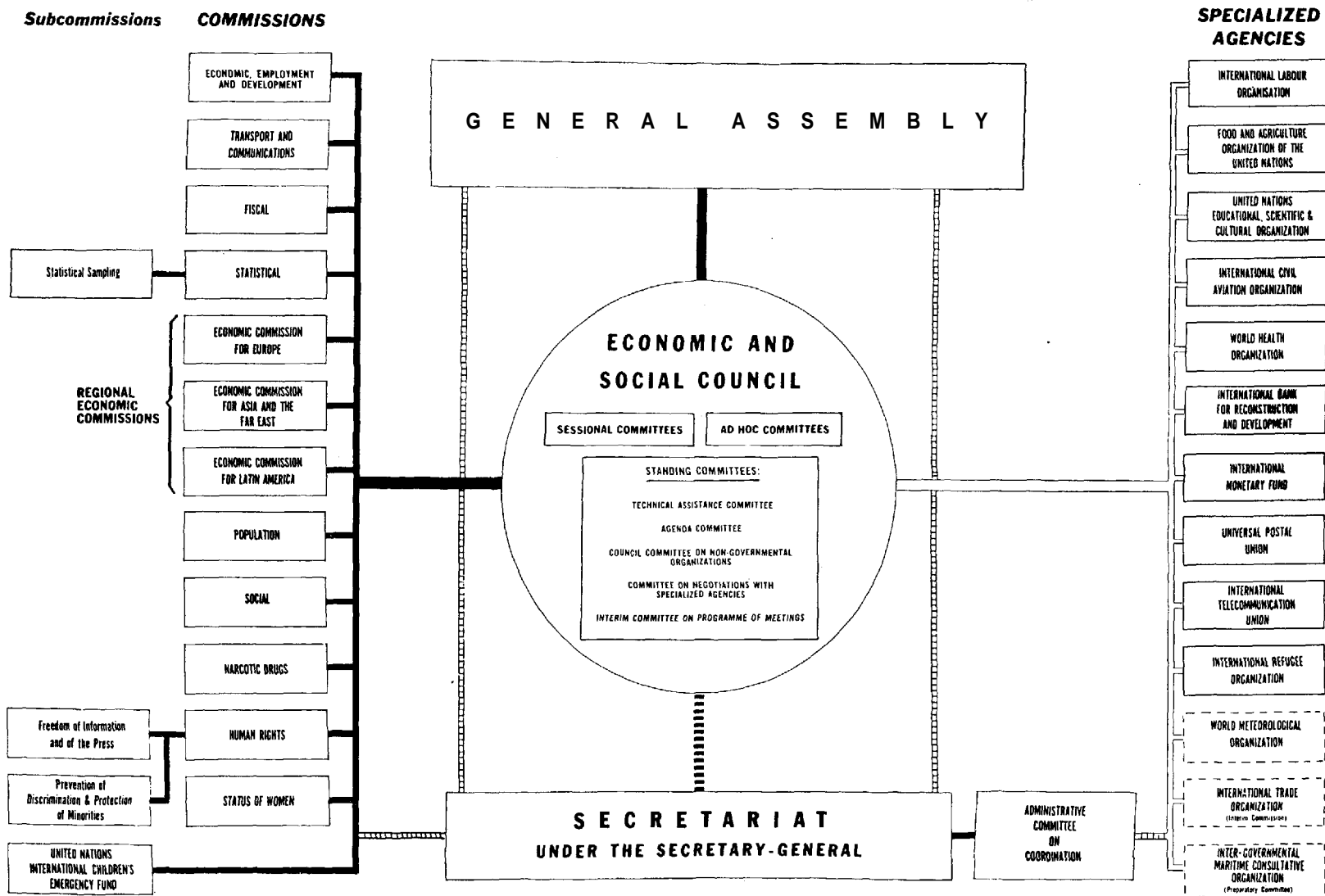
2. Voting and Procedure

Each member of the Council has one vote. The Council's decisions are made by a majority of the members present and voting.

The Charter provides that the Council shall set up commissions in the economic and social fields

⁴⁹ For the Charter provisions relating to the Economic and Social Council, see Ch. IX, which sets forth the objectives and functions of the United Nations in the realm of international economic and social co-operation, and Ch. X, which defines the composition, functions and powers, voting and procedure of the Economic and Social Council. Other provisions are to be found in Arts. 1, 2, 7, 15, 17, 18, 91, 96, 98, 101.

STRUCTURE OF THE ECONOMIC AND SOCIAL COUNCIL



and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

The Council invites any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

The Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of its commissions, and for Council representatives to participate in the deliberations of the specialized agencies.

The Council also makes arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Arrangements are made with international organizations and, where appropriate, also with national non-governmental organizations after consultation with the Member of the United Nations concerned.

The Economic and Social Council adopts its own rules of procedure. It meets as required in accordance with its rules, which include provision for the convening of meetings on the request of a majority of its members, or at the request of the General Assembly or the Security Council.

3. Structure

Subsidiary organs reporting to the Council are of five types:

- (1) Functional commissions and sub-commissions
- (2) Regional economic commissions
- (3) Standing committees
- (4) Special bodies
- (5) Ad hoc committees

a. FUNCTIONAL COMMISSIONS AND SUB-COMMISSIONS⁵⁰

The Council has established the following functional commissions:

- (1) Economic, Employment and Development Commission⁵¹
- (2) Transport and Communications Commission
- (3) Fiscal Commission
- (4) Statistical Commission
Sub-Commission on Statistical Sampling
- (5) Population Commission
- (6) Social Commission
- (7) Commission on Human Rights
Sub-Commission on Freedom of Information and of the Press
Sub-Commission on Prevention of Discrimination and Protection of Minorities

- (8) Commission on the Status of Women
- (9) Commission on Narcotic Drugs

Members of the functional commissions (except the Commission on Narcotic Drugs) after the initial period, are selected by the Council for three-year terms. One third of the initial members were selected for two years, one third for three years and one third for four years. In the case of the Commission on Narcotic Drugs, however, the initial members were all selected for three years. Subsequently ten members were appointed for an indefinite period, the remaining five being appointed for three years.

- (1) Economic, Employment and Development Commission

The Economic, Employment and Development Commission, consisting of eighteen members,⁵² advises the Council on economic questions in order to promote higher standards of living. In particular, it advises the Council on:

- (a) the prevention of wide fluctuations in economic activity and the promotion of full employment by the co-ordination of national full employment policies and by international action;
- (b) problems of the reconstruction of devastated areas and other urgent problems arising from the war, so as to help various Members of the United Nations whose territories have been devastated as a result of the war; and
- (c) the promotion of economic development and progress, with special regard to the problems of less developed areas.

The Commission draws the attention of the Council to the probable influence of policies and activities of the other Commissions of the Council, the specialized agencies or other international organizations on these matters.

Since its establishment, the Commission has also been charged with keeping under continuous review the problem of financing the economic development of under-developed countries and with advising the Council on full employment measures and policies reported by Governments under Council resolution 290(XI).⁵³

⁵⁰ For members of the commissions and sub-commissions and representatives serving on them, see Annex II, pp. 93-98.

⁵¹ The name and composition of this Commission, previously the Economic and Employment Commission, were changed at the Council's 11th session, and its two sub-commissions, on Employment and Economic Stability and on Economic Development, were abolished (see pp. 79-81).

⁵² The Economic and Employment Commission (the name of which was changed at the Council's 11th session) consisted of 15 members. The three new members were elected to take office as from 1 Jan. 1951.

⁵³ See pp. 472-74.

(2) Transport and Communications Commission

The Transport and Communications Commission, consisting of fifteen members, has the following functions:

- (a) To assist the Economic and Social Council in its tasks concerned with transport and communications problems
- (b) To advise the Council on the co-ordination of the work of the specialized agencies in the sphere of transport and communications
- (c) To report to the Council, on its request, on the work of any of the specialized agencies in the sphere of transport and communications
- (d) To advise the Council in fields where no permanent international organization yet exists and on problems which concern more than one sphere of transport or communications
- (e) To suggest to the Council the creation of new agencies, or the conclusion of new conventions or the revision of existing conventions
- (f) On instructions of the Economic and Social Council and when so authorized by convention or agreement between the parties, to perform the task of conciliation in cases of disputes between States and/or specialized agencies on problems concerning international transport and communications where such disputes are not dealt with by other means
- (g) To perform such other tasks as the Economic and Social Council may require of it on any question concerning international transport and communications
- (b) To assist the Security Council, if so desired by the Economic and Social Council, in accordance with Article 65 of the Charter
- (i) To assist the Trusteeship Council, if so desired by the Economic and Social Council, in accordance with Article 91 of the Charter

(3) Fiscal Commission

The Fiscal Commission, consisting of fifteen members, studies and advises the Council in the field of public finance, particularly in its legal, administrative and technical aspects.

(4) Statistical Commission

The Statistical Commission, consisting of fifteen members,⁵⁴ assists the Council in:

- (a) promoting the development of national statistics and the improvement of their comparability;
- (b) advising the organs of the United Nations on general questions relating to the collection, interpretation and dissemination of statistical information;
- (c) promoting the improvement of statistics and statistical methods generally;
- (d) co-ordinating the statistical work of specialized agencies; and
- (e) developing the central statistical services of the Secretariat of the United Nations.

The Sub-Commission on Statistical Sampling is composed of five experts elected by the Commission for an indeterminate period. It assists the Statistical Commission to give special consideration to the use of statistical sampling methods in meeting the needs of United Nations Members

and organs, the specialized agencies and non-governmental organizations brought into consultative status with the United Nations. It makes recommendations regarding the use of sampling methods in conjunction with an attempted complete enumeration, taking account of the circumstances which make sampling methods preferable to complete enumeration.

It also examines the use of statistical sampling in different countries and promotes the improvement of methodology in statistical sampling and its applications.

(5) Population Commission

The Population Commission, consisting of twelve members, studies and advises the Economic and Social Council on:

- (a) size and structure of populations and changes therein;
- (b) the interplay of demographic factors and economic and social factors;
- (c) policies designed to influence the size and structure of populations and the changes therein;
- (d) any other demographic questions on which either the principal or the subsidiary organs of the United Nations or the specialized agencies seek advice.

(6) Social Commission

The Social Commission, consisting of eighteen members, advises the Council on:

- (a) social questions of a general character, and in particular on all matters in the social field not covered by specialized inter-governmental agencies;
- (b) practical measures that may be needed in the social field;
- (c) measures needed for the co-ordination of activities in the social field;
- (d) such international agreements and conventions on any of these matters as may be required, and on their execution.

It reports to the Council on the extent to which the recommendations of the United Nations in the field of social policy are being carried out.

(7) Commission on Human Rights

The Commission on Human Rights, consisting of eighteen members, submits proposals, recommendations and reports to the Council on:

- (a) an international bill of rights;
- (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters;
- (c) the protection of minorities;
- (d) the prevention of discrimination on grounds of race, sex, language or religion; and
- (e) any other matter concerning human rights not covered by items (a), (b), (c) and (d).

⁵⁴ The membership of the Statistical Commission was increased from twelve to fifteen at the Council's 11th session. The new members were elected to take office as from 1 Jan. 1951.

The Sub-Commission on Freedom of Information and of the Press consists of twelve persons, chosen by the Commission on Human Rights, to serve until 31 December 1952. It considers issues and problems involved in the dissemination of information by newspapers and news periodicals, radio broadcasts and newsreels, and performs any other functions which may be entrusted to it by the Council or the Commission on Human Rights. The terms of reference specify various matters on which the Sub-Commission may make studies, reports and recommendations to the Council and state that it may collaborate with any legally constituted national or international press, information, broadcasting or newsreel enterprise or association in the formulation of general principles and proposals in the field of freedom of information. The Sub-Commission also discharges, with the approval of the Council, such other functions in the field of freedom of information as may be entrusted to the United Nations by inter-governmental agreements on information. It reports to the Economic and Social Council, except in matters relating to freedom of information as a fundamental human right, on which matters it reports, in the first instance, to the Commission on Human Rights.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities consists of twelve persons, elected to serve until 31 December 1952. It undertakes studies, particularly in the light of the Universal Declaration of Human Rights, and makes recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms, and the protection of racial, national, religious and linguistic minorities. It also performs any other functions which may be entrusted to it by the Council or by the Commission on Human Rights.

(8) Commission on the Status of Women

The Commission on the Status of Women, consisting of fifteen members, prepares recommendations and reports to the Council on promoting women's rights in political, economic, social and educational fields. It may also make recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights.

(9) Commission on Narcotic Drugs

The Commission on Narcotic Drugs is composed of fifteen Members of the United Nations, which are important narcotics-producing or -manufacturing countries or countries in which illicit traffic in narcotic drugs constitutes a serious prob-

lem. Ten Members of primary importance in these fields are appointed to membership of the Commission for an indefinite period until such time as they may be replaced by decision of the Council; the remaining five are appointed for three years. The terms of office of the Members of the Commission begin on the day of the first meeting of the session following their election and end on the eve of the first meeting of the session following the election of their successors.

The Commission assists the Council in exercising such powers of supervision over the application of international conventions and agreements dealing with narcotic drugs as may be assumed by or conferred on the Council; carries out such functions entrusted to the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs by the international conventions on narcotic drugs as the Council has found necessary to assume and continue; advises the Council on all matters pertaining to the control of narcotic drugs and prepares such draft international conventions as are necessary; considers what changes may be required in the existing machinery for the international control of narcotic drugs and submits proposals to the Council; and performs such other functions relating to narcotic drugs as the Council may direct.

b. REGIONAL ECONOMIC COMMISSIONS⁵⁵

The Council has established the following regional economic commissions:

- (1) Economic Commission for Europe
- (2) Economic Commission for Asia and the Far East
- (3) Economic Commission for Latin America

Members of the regional economic commissions were selected for the duration of the respective commissions. The membership of the commissions is largely based on the geographic scope of their work. Following are their terms of reference.

(1) Economic Commission for Europe

The Economic Commission for Europe consists of the European Members of the United Nations and the United States.

Other Members of the United Nations participate in a consultative capacity when the Commission considers matters of particular concern to them. European States not Members of the United

⁵⁵ For members of the commissions, see Annex II, p. 98. The Council is to review their organization and terms of reference, in accordance with the terms of reference of the commissions and of General Assembly resol. 409(V) (see p. 79).

Nations, except Spain, may also participate in a consultative capacity, on certain conditions, in the work of the Commission.

The Commission, with the agreement of the country concerned:

(a) initiates and participates in measures to facilitate concerted action for

- (i) raising the level of European economic activity;
- (ii) maintaining and strengthening the economic relations of the European countries both among themselves and with other countries of the world;
- (iii) dealing with European economic reconstruction;

(b) investigates and studies economic and technological problems and developments within member countries of the Commission and within Europe generally;

(c) collects, evaluates and disseminates economic, technological and statistical information.

The Commission may consult with the representatives of the Allied Control Authorities of the occupied countries on matters concerning the economies of these countries in relation to the rest of the European economy. It may also consult with specialized agencies and non-governmental organizations.

The Commission has established the following subsidiary organs:

- (a) Committee on Agricultural Problems
- (b) Coal Committee
- (c) Electric Power Committee
- (d) Industry and Materials Committee
- (e) Inland Transport Committee
- (f) Manpower Committee
- (g) Steel Committee
- (h) Timber Committee
- (i) Committee on the Development of Trade

These organs act in a consultative and advisory capacity, reporting on their activities and making recommendations in their fields to the Commission. They are authorized to present certain recommendations direct to interested Governments but may not take any action with respect to any country without the approval of the Government of that country.

Committees and sub-committees of the Commission are composed of interested members of the Commission and such other European States as the Commission decides.

(2) Economic Commission for Asia and the Far East

The Economic Commission for Asia and the Far East consists of fourteen members: the Members of the United Nations in Asia and the Far East and Australia, France, the Netherlands, New Zealand, the USSR, the United Kingdom and the United States.

Any State in the area which may later become a Member of the United Nations may then be

admitted as a member of this Commission. Burma, Pakistan and Indonesia became members of the Commission under this provision.

Other Members of the United Nations participate in a consultative capacity when the Commission considers matters of particular concern to them.

Certain territories, or parts of territories, are admitted to associate membership in the Commission without voting privileges.

The terms of reference of this Commission, within its area of operation, are similar to those of the Economic Commission for Europe (see above).

The Commission may also consult with the representatives of the Allied Control Authorities in Japan on matters concerning the economy of Japan in relation to the rest of the economy of Asia and the Far East.

This Commission has the following subsidiary organs:

- (a) Committee on Industry and Trade
 - (i) Sub-Committee on Iron and Steel
 - (ii) Sub-Committee on Electric Power
- (b) Inland Transport Committee
 - (i) Inland Water Sub-Committee
 - (ii) Railway Sub-Committee
 - (iii) Road Sub-Committee (not yet established)
- (c) Ad hoc Committees and Working Parties, e.g. Ad Hoc Sub-Committee on Travel; Joint ECAFE-UNESCO Working Party to increase the availability of educational, scientific and cultural materials in the ECAFE region

The Commission also has under it a Bureau of Flood Control, consisting of experts, which is part of the Secretariat.

(3) Economic Commission for Latin America

Membership of the Economic Commission for Latin America is open to the Members of the United Nations in North, Central and South America and in the Caribbean area, and France, the Netherlands and the United Kingdom.

Certain territories or parts or groups of territories in Central and South America and the Caribbean area may be admitted by the Commission to associate membership without voting privileges.

The geographical scope of the Commission's work is the twenty Latin American States Members of the United Nations, participating territories in Central and South America that have frontiers adjoining any of these States, and participating territories in the Caribbean area.

The tasks assigned to the Commission are, inter alia:

(a) to initiate and participate in measures to facilitate concerted action for

- (i) dealing with economic problems arising out of the war;
 - (ii) raising the level of economic activity in Latin America;
 - (iii) maintaining and strengthening the economic relations of the Latin American countries both among themselves and with other countries of the world;
- (b) to investigate and study economic and technological problems and developments in Latin American territories.

The Commission may not take any action in respect to any country without the agreement of the Government of that country, and is subject to the general supervision of the Economic and Social Council.

The Commission makes recommendations directly to Governments and specialized agencies concerned, subject to the Council's prior approval of proposals for activities affecting the world's economy.

It works in co-operation with the specialized agencies whose representatives attend its meetings and participate, without vote, in its deliberations with respect to items on its agenda relating to matters within the scope of their activities.

Non-governmental organizations that have been granted consultative status by the Economic and Social Council may participate in the same capacity in the work of the Commission.

In order to avoid unnecessary duplication of effort, the Commission has co-ordinated its activities with the Inter-American Economic and Social Council and, as may be necessary, the Commission will take measures to co-operate and co-ordinate its work with the Caribbean Commission.

c. STANDING COMMITTEES⁵⁶

(1) Technical Assistance Committee of the Council

This Committee, which is authorized to sit while the Council is not in session, is assisted by a Technical Assistance Board (TAB), an administrative body consisting of the executive heads, or their representatives, of participating organizations. It is composed of the members of the Economic and Social Council.

The Committee's terms of reference are to:

- (a) make for the Council critical examinations of activities undertaken and results achieved under the Expanded Programme of Technical Assistance;
- (b) examine each year's programme presented to it by the TAB and report to the Council making such recommendations as it considers necessary;
- (c) interpret and decide any cases of conflicts or questions concerning Council resolution 222(IX) on the

Expanded Programme of Technical Assistance for Economic Development of Under-Developed Countries when these are submitted to it by the TAB, through its Chairman;

(d) receive reports from the TAB on progress and implementation of, and disbursement of funds under, the Expanded Programme;

(e) review the working relationships between the participating organizations and the effectiveness of the methods of co-ordination in connexion with their technical assistance programmes, making recommendations when appropriate;

(f) perform other functions which the Council may assign to it.

(2) Committee on Negotiations with Specialized Agencies

The Committee, under the chairmanship of the President of the Council, is composed of eleven members, elected by the Council for an indeterminate period.

This Committee enters into negotiations, as specifically authorized, with inter-governmental agencies—agencies having wide responsibilities in economic, social, cultural, health and related fields—for the purpose of bringing them into relationship with the United Nations as specialized agencies. It submits to the Council draft preliminary agreements based upon these negotiations.

(3) Council Committee on Non-Governmental Organizations

This Committee is composed of the President and seven members of the Council elected each year at the first regular session of the Council. The President is chairman of the Committee; he does not have the right to vote.

The Committee:

(a) considers the detailed information submitted by the Secretariat on the non-governmental organizations which apply for consultative status and recommends to the Council what action should be taken;

(b) considers any proposals related to the consultative arrangements;

(c) examines the record of the organizations in consultative status from time to time and recommends to the Council whether or not their status should be renewed or modified;

(d) hears the representatives of the organizations and reports thereon to the Council;

(e) recommends to the Council which organizations in category A⁵⁷ should be heard by the Council; and

(f) considers requests from category A organizations that an item be placed on the provisional agenda of the Council. In this connexion the Committee takes into account the adequacy of the documentation submitted by the organization, the extent to which the item lends itself to early and constructive action, and

⁵⁶ For their members, see Annex II, p. 98.

⁵⁷ For categories of organizations, see pp. 66-67.

the possibility that the item might be more appropriately dealt with elsewhere. The Committee's decision that the item should not be placed on the provisional agenda is final.

(4) Agenda Committee

The Agenda Committee is composed of the President, the two Vice-Presidents and two other members elected at the first regular session of the Council each year to hold office until the first regular session of the following year, subject to their remaining members of the Council. At the same time, the Council also elects one alternate member State for each member of the Agenda Committee whose continued service on the Committee would be dependent on re-election to the Council before the terms of office of the Committee expires.

The Agenda Committee, prior to each session of the Council, considers the provisional agenda and makes recommendations on it to the Council at the first meeting of the session, including recommendations as to the inclusion, deletion or deferment of items and as to the order in which they will be considered.

The Committee, *inter alia*, makes recommendations to the Council concerning the procedure to be followed in the consideration of the items on the agenda, including the reference of certain items to the committees of the Council without preliminary debate in the Council.

The Agenda Committee may also recommend that, without preliminary debate in the Council, any item be referred to:

- (a) a specialized agency, with the proviso that the specialized agency report on its work to the Council;
- (b) one or more of its commissions, for examination and report at a subsequent session of the Council;
- (c) the Secretary-General for study and report at a subsequent session of the Council; or
- (d) the authority proposing the item, for further information or documentation.

A Member of the United Nations, or a specialized agency, which has requested the inclusion of an item in the provisional agenda, or a non-governmental organization which has proposed to the Council Committee on Non-Governmental Organizations that an item be placed on the provisional agenda, is entitled to be heard on the inclusion of the item by the Agenda Committee.

(5) Interim Committee on Programme of Meetings

The Interim Committee is composed of five members, appointed for an indeterminate period by the President of the Council, with the President or Acting President serving *ex officio*.

The Interim Committee is authorized to consult with the Secretary-General:

- (a) in making adjustments in the calendar of conferences of the subsidiary organs of the Council; and
- (b) in planning the draft calendar of conferences for succeeding years.

d. SPECIAL BODIES

(1) Permanent Central Opium Board

The Board is composed of eight persons appointed for five years by the Economic and Social Council in accordance with the provisions of the Convention of 19 February 1925, as amended by the Protocol of 11 December 1946. These provisions require that consideration be given to appointing, in equitable proportions, persons possessing a knowledge of the situation in narcotics-producing and -manufacturing countries on the one hand and in -consuming countries on the other, and connected with these countries. Members may not, however, hold any office which puts them in a position of direct dependence on their Governments.

The Permanent Central Opium Board, established by the Convention of 19 February 1925, is an independent institution connected administratively with the United Nations.

It is charged with the general international supervision of the narcotics trade. It receives, from parties to the Conventions of 19 February 1925 and 13 July 1931, statistics on imports and exports of narcotics, including stocks, seizures, manufacture and trade; from this data, the Board prepares an annual report to the contracting parties and to the Economic and Social Council. If information the Board receives leads it to conclude that any country is accumulating excessive quantities of narcotic drugs, it has the right to recommend that no further exports of narcotics shall be made to that country.

(2) Supervisory Body

The Supervisory Body is composed of four experts, two appointed by the World Health Organization and one each by the Commission on Narcotic Drugs and by the Permanent Central Opium Board.

The Supervisory Body, established by the Convention of 13 July 1931, examines each year government estimates of the needs for narcotic drugs for medical and scientific purposes throughout the world and prepares estimates for any territory for which estimates are not provided. It publishes an annual statement fixing the limits for the following year of imports, manufacture, etc., for every territory in the world.

(3) United Nations International Children's Emergency Fund

The United Nations International Children's Emergency Fund, established by the General Assembly in December 1946, reports to the Economic and Social Council.

The assets of the Fund are derived from contributions from Governments, voluntary agencies, individuals and other sources. In addition, the Fund received the residual assets of UNRRA. For the first four years of the Fund's existence, priority was given to children and adolescents of countries which were victims of aggression. Now its resources are being utilized to meet emergency and long-range needs and the continuing needs of children particularly in under-developed countries, with a view to strengthening the permanent child health and welfare programmes of the countries receiving assistance. The assistance of the Fund is principally in the form of supplies and equipment.

The Fund is administered by an Executive Director under policies, including the determination of programmes and allocation of supplies, established by an Executive Board in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission.

The 26-nation Executive Board⁵⁸ consists of the Governments of the States represented on the Social Commission and the Governments of eight other States, not necessarily Members of the United Nations. The latter are appointed by the Council with due regard to geographical distribution and to the representation of the major contributing and recipient countries.

(4) Administrative Committee on Co-ordination

The Administrative Committee on Co-ordination is composed of the Secretary-General of the United Nations, as chairman, and the executive heads of the specialized agencies brought into relationship with the United Nations.

The corresponding officers of agencies with which agreements are not yet in force, as well as the High Commissioner for Refugees, the Agent-General of the United Nations Korean Reconstruction Agency and the executive heads of other agencies within the structure of the United Nations itself, may also attend the meetings.

The Committee takes appropriate steps to ensure the fullest and most effective implementation of the agreements entered into between the United Nations and the specialized agencies and the co-ordination of activities to prevent duplication of work among the organizations.

Operating within the framework of the Committee are the following inter-agency consultative bodies:

Consultative Committee on Administrative Questions
Consultative Committee on Statistical Matters
Consultative Committee on Public Information

Other bodies are established as the need arises. These include ad hoc technical working groups for the purpose of planning joint action in specific fields, such as migration, long-range activities for children and rehabilitation of the physically handicapped. The International Civil Service Advisory Board, the Joint Staff Pension Fund Committee and the Joint Panel of Auditors are special bodies on which the interests of specialized agencies are represented.

(5) Interim Co-ordinating Committee for International Commodity Arrangements

This Committee is composed of a chairman, nominated by the Interim Commission for the International Trade Organization; one member, nominated by the Food and Agriculture Organization and concerned in particular with agricultural primary commodities; and one member concerned in particular with non-agricultural primary commodities. It keeps informed of and facilitates inter-governmental consultation or action with respect to commodity problems.

e. AD HOC COMMITTEES

During its sessions, the Economic and Social Council usually establishes sessional committees to deal with special categories of business, e.g. the Economic Committee, the Social Committee and the Co-ordination Committee. The Council and its subsidiary organs also establish such ad hoc committees as may be required from time to time for special purposes. For example, the Council set up an ad hoc committee, to be composed of not more than five experts, to survey the field of slavery and other institutions or customs resembling slavery and to suggest methods of attacking the problems arising from slavery. The Committee was requested to submit its final report to the thirteenth session of the Council.

An Ad Hoc Committee on Statelessness and Related Problems (later called Ad Hoc Committee on Refugees and Stateless Persons), consisting of representatives of Belgium, Brazil, Canada,

⁵⁸ Its composition was altered by the General Assembly in resol. 417(V) of 1 Dec. 1950; see p. 621. Previously it had been composed of 25 Members of the United Nations nominated by the Assembly and Switzerland, so designated by the Council.

China, Denmark, France, Israel, Poland, Turkey, the USSR, the United Kingdom, the United States and Venezuela, was established by the Council to consider the desirability of preparing a revised and consolidated convention relating to the international status of refugees and stateless persons, and to consider means of eliminating the problem of statelessness. The Secretary-General was invited to submit the report of the Committee to Governments for comments and subsequently to the Council at an early session.

The Council established an ad hoc committee, composed of representatives of Australia, Brazil, China, India, France, the USSR, the United Kingdom and the United States, to undertake, in co-operation with the Secretary-General, a comparative review of the organization and operation of the Council and its commissions. This Ad Hoc Committee on the Organization and Operation of the Council and Its Commissions was asked to report to the thirteenth session of the Council.

f. SPECIALIZED AGENCIES IN RELATIONSHIP WITH THE UNITED NATIONS

Agreements are in full force and effect between the United Nations and the following agencies:

International Labour Organisation (ILO)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
International Civil Aviation Organization (ICAO)
World Health Organization (WHO)
International Bank for Reconstruction and Development (Bank)
International Monetary Fund (Fund)
Universal Postal Union (UPU)
International Telecommunication Union (ITU)
International Refugee Organization (IRO)

The draft agreement between the World Meteorological Organization (WMO) and the United Nations⁵⁹ will come into force when approved by the Economic and Social Council and the General Assembly of the United Nations.

An agreement with the proposed Inter-Governmental Maritime Consultative Organization (IMCO), approved by the General Assembly on 18 November 1948, will come into force when that Organization is officially established and when the agreement has been approved by the Assembly of IMCO.

The negotiation of an agreement between the United Nations and the International Trade Organization (ITO), when and if established, has been authorized by the Economic and Social Council.

g. NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS⁶⁰

There are two categories of non-governmental organizations which have been granted consultative status by the Economic and Social Council:

Organizations in Category A—Those which have a basic interest in most of the activities of the Council and are closely linked with the economic or social life of the areas which they represent.

Organizations in Category B—Those which have a special competence in and are concerned specifically with only a few of the fields of activity covered by the Council

In addition, other organizations which have a significant contribution to make to the work of the Council are placed on a register for ad hoc consultation. The register includes:

(a) Organizations recommended for inclusion by the Council or its Committee on Non-Governmental Organizations

(b) International organizations in consultative status or similar relationship with a specialized agency which have not been granted consultative status in category A or B

(c) Other international organizations which apply to the Secretary-General for inclusion, and which, in his opinion, have a significant contribution to make to the work of the Council or its subsidiary bodies

Organizations to which the Council has decided not to grant consultative status in categories A and B are not thereby debarred from inclusion in the register.

Non-governmental organizations are excluded⁶¹ from relationship with the Economic and Social Council if they have legally constituted branches in Spain whose policies are determined and controlled by the Franco Government. They are, however, eligible if:

(a) they have only individual members in Spain who are not organized into a legally constituted branch;

(b) the branches in Spain though legally constituted have a purely humanitarian character and their policies are not determined and controlled by the Franco Government; and

(c) such branches are not active at the present time.

The provisional agenda of the Economic and Social Council is communicated to categories A and B organizations and to those on the register. Category A organizations may propose to the Council Committee on Non-Governmental

⁵⁸ This Agreement was approved by the WMO Congress, Mar.-Apr. 1951.

⁶⁰ For list, see pp. 666-67.

⁶¹ The Economic and Social Council on 21 Mar. 1951 by resol. 366(XII) revoked the decision intended to exclude from relationship with the Economic and Social Council those international non-governmental organizations which have legally constituted branches in Spain.

Organizations that the Secretary-General be requested to place on the provisional agenda items of special interest to themselves.

Organizations in categories A and B and on the register may designate authorized representatives to sit as observers at public meetings of the Council and its committees.

Categories A and B organizations may, under certain conditions, submit written statements relevant to the work of the Council on subjects on which these organizations have a special competence. They are also consulted by the Council Committee on Non-Governmental Organizations concerning matters within their competence which figure on the Council's provisional agenda or which the Council or the Committee or the organization requests consultation on.

Whenever the Council discusses an agenda item proposed by a category A organization, that organization may make an introductory statement to the Council; it may be invited to make a further statement for purposes of clarification in the course of the discussion. In the instance of other items, the Council Committee on Non-Governmental Organizations recommends which organizations in category A should be heard by the Council or its committees. With the approval of the Council or the committee concerned, such organizations are entitled to make one statement on such items.

4. Members and Officers

The following were the members of the Council during 1950 (elected to serve until the end of the year given):

1950: Australia, Brazil, Denmark, Poland, USSR, United Kingdom

1951: Belgium, Chile, China, France, India, Peru

1952: Canada, Czechoslovakia, Iran, Mexico, Pakistan, United States

The officers of the Council were as follows:

President: Hernán Santa Cruz (Chile)

First Vice-President: Sir A. Ramaswami Mudaliar (India)

Second Vice-President: Fernand Dehousse (Belgium)

5. Sessions

a. ECONOMIC AND SOCIAL COUNCIL

The Tenth Session was held at Lake Success, 7 February-6 March 1950. There were 31 plenary meetings, two Economic Committee meetings, eight Social Committee meetings and nine meetings of the Council Committee on Non-Governmental Organizations.

The Eleventh Session met at Geneva, 3 July-16 August 1950. Its work was dealt with in 41 plenary meetings, fifteen Economic Committee meetings, 49 Social Committee meetings, five Technical Assistance Committee meetings, fourteen Co-ordination Committee meetings, ten meetings of the Council Committee on Non-Governmental Organizations and two of the Interim Committee on Programme of Meetings. The eleventh session resumed⁶² at New York, 12 October-13 December 1950, and held 21 plenary meetings.

b. COMMITTEES OF THE COUNCIL

Committee on Procedure: 9-17 January 1950 at Lake Success

Agenda Committee: 1-2 February 1950 at Lake Success; 27 and 28 June 1950 at Geneva

Council Committee on Non-Governmental Organizations (in addition to meetings during Council sessions): 23 January, 6 February and 12 May 1950 at Lake Success

Interim Committee on Programme of Meetings (in addition to meetings during Council sessions): 10 March, 29 May, 9 June and 15 June 1950 at Lake Success

Ad Hoc Committee on Slavery: 13 February-23 March 1950 at Lake Success

Ad Hoc Committee on Statelessness and Related Problems: 16 January-16 February 1950 at Lake Success; 14-25 August 1950 at Geneva⁶³

Ad Hoc Committee on Organization and Operation of the Council and Its Commissions: 18 December 1950 at New York

c. FUNCTIONAL COMMISSIONS

Economic and Employment Commission: Fifth session—18-30 January 1950 at Lake Success

Sub-Commission on Economic Development: Fourth session—17 April-11 May 1950 at Lake Success

Transport and Communications Commission: Fourth session—27 March-4 April 1950 at Lake Success

Statistical Commission: Fifth Session—8—17 May 1950 at Lake Success

Sub-Commission on Statistical Sampling: Fourth session—5—15 September 1950 at Lake Success

Committee on Statistical Classification: Fourth session—2—5 May 1950 at Lake Success

Population Commission: Fifth session—22 May-2 June 1950 at Lake Success

Social Commission: Sixth session—3 April—5 May 1950 at Lake Success

Agenda Committee of the Social Commission: Sixth session—28-30 March 1950 at Lake Success

Commission on Human Rights: Sixth session—27 March—19 May 1950 at Lake Success

⁶² See pp. 270-76.

⁶³ Name later changed to Ad Hoc Committee on Refugees and Stateless Persons.

Sub-Commission on Freedom of Information and of the Press: Fourth session—15-26 May 1950 at Montevideo

Sub-Commission on Prevention of Discrimination and Protection of Minorities: Third session—9-27 January 1950 at Lake Success

Commission on the Status of Women: Fourth session—8-19 May 1950 at Lake Success

Commission on Narcotic Drugs: Sixth session—1-15 December 1950 at New York

d. REGIONAL ECONOMIC COMMISSIONS

Economic Commission for Europe: Fifth session—31 May-15 June 1950 at Geneva

Committee on Agricultural Problems: Second session—20-25 March 1950 at Geneva

Coal Committee: Tenth session—21 February 1950; Eleventh session—26 May 1950; Twelfth session—25 August 1950; Thirteenth session—23-25 November 1950; Fourteenth session—14-16 December 1950, all at Geneva

Committee on Electric Power: Sixth session—12-13 January 1950; Seventh session—27-28 September 1950, both at Geneva

Industry and Materials Committee: Fourth session—29 March-1 April 1950 at Geneva

Inland Transport Committee: Sixth session—19-22 September 1950 at Geneva

Steel Committee: Sixth session—2-3 March 1950; Seventh session—27-29 November 1950, both at Geneva

Timber Committee: Sixth session—3-6 April 1950; Seventh session—30 October-1 November 1950, both at Geneva

Economic Commission for Asia and the Far East: Sixth session—16-20 May 1950 at Bangkok

Committee on Industry and Trade: Second session—9-17 May 1950 at Bangkok

Sub-Committee on Iron and Steel: Second session—10-13 April 1950 at Calcutta

Travel Facilities Working Group: Third session—17-18 April 1950 at Bangkok (Consultative Meeting)

Ad hoc Committee of Experts on Inland Transport: 20-22 February 1950; 24 October-4 November 1950, both at Bangkok

Meeting of Railway Experts: 20-22 February 1950 at Bangkok

ECAFE/UNESCO Joint Working Party on Educational and Scientific Materials: 20-22 December 1950 at Bangkok

Economic Commission for Latin America: Third session—5-21 June 1950 at Montevideo

e. SPECIAL BODIES

Permanent Central Opium Board: 55th session—14-22 June 1950; 56th session—9-15 November 1950, both at Geneva

Narcotic Drugs Supervisory Body: 34th session—31 October-3 November 1950 at Geneva

Joint sessions of the Permanent Central Opium Board with the Narcotic Drugs Supervisory Body: Third session—20-23 June 1950; Fourth session—6-8 November 1950, both at Geneva

Administrative Committee on Co-ordination: 9th session 2-3 May 1950 at Paris; 10th session—17 October 1950 at New York

Interim Co-ordinating Committee for International Commodity Arrangements: 5-7 June 1950 at Washington

United Nations International Children's
Emergency Fund

Executive Board: 6-7 March 1950, 19-20 June 1950, 27-28 November 1950, all at Lake Success

Programme Committee: 1 February 1950 at New York; 6 March 1950 at Lake Success; 5-6 June 1950 at New York

Committee on Administration and Budget: 20-23 February 1950, 7 March 1950, 9 May 1950, 22 May 1950, 8-9 June 1950, all at New York

Committee on Voluntary Fund Raising: 20 March 1950 at New York

f. CONFERENCES CALLED BY THE COUNCIL

Conference on Declaration of Death of Missing Persons: 15 March-6 April 1950 at Lake Success

Technical Assistance Conference: 12-14 June 1950 at Lake Success

United Nations Tin Conference: 25 October-21 November 1950 at Geneva

6. Matters Considered by the Council at Its Tenth and Eleventh Sessions

a. TENTH SESSION

Agenda Item

1. Election of the President and the Vice-Presidents for 1950
2. Adoption of the agenda
3. Report of the ad hoc Committee on the factors bearing upon the establishment of an Economic Commission for the Middle East
4. Report of the Transport and Communications Commission (second session): inland transport in the Middle East
5. Question of the election of three members of the Economic Board for Palestine

Discussion and Action Taken

Plenary meeting 344

Agenda Committee meetings 15, 16. Plenary meeting 345.
Agenda Committee meeting 15. Plenary meeting 345.
Consideration deferred until 1951

Agenda Committee meeting 15. Plenary meeting 345.
Consideration deferred until 1951

Agenda Committee meeting 15. Plenary meeting 345.
Consideration deferred indefinitely

Agenda Item	Discussion and Action Taken
6. World economic situation ⁶⁴	Agenda Committee meeting 15. Plenary meetings 345, 359-362, 366, 367. Resolution 265(X)
7. Report of the Economic and Employment Commission (fifth session)	Considered jointly. Agenda committee meeting 15. Plenary meetings 345, 355-358. Resolution 267(X)
8. Full employment:	
(a) Report of the group of experts appointed by the Secretary-General under Council resolution 221 E (IX), on national and international measures for full employment	
(b) General Assembly resolution 308(IV) of 25 November 1949	Agenda Committee meeting 15. Economic Committee meeting 82. Plenary meetings 349, 367-371. Resolution 268(X)
9. Economic development of under-developed countries:	
(a) Third report by the Secretary-General on technical assistance for economic development under General Assembly resolution 200(III)	
(b) General Assembly resolution 306(IV) of 16 November 1949 on economic development of under-developed countries	
(c) Methods of financing economic development of under-developed countries	
(d) General Assembly resolution 307(IV) of 16 November 1949 on economic development and international economic and commercial policy	Agenda Committee meeting 15. Plenary meeting 371. Resolution 269(X)
10. International centre for training in public administration	
11. Economic Commission for Asia and the Far East: action arising out of resolutions of the fifth session of the Commission	Economic Committee meetings 81, 82. Plenary meeting 349. Resolution 270(X)
12. Report by the Secretary-General on the United Nations Scientific Conference on Conservation and Utilization of Resources	Plenary meeting 349. Resolution 271(X)
13. Report by the Secretary-General on the United Nations Conference on Road and Motor Transport	Plenary meeting 347. Resolution 272(X)
14. Report of the Commission on Human Rights (fifth session): completion of the consideration of the report, begun at the ninth session of the Council	Social Committee meeting 119. Plenary meeting 354. Resolution 275(X)
15. Survey of forced labour and measures for its abolition	Agenda Committee meeting 15. Plenary meetings 365, 366. Consideration deferred to 12th session
16. Trade union rights (freedom of association)	Agenda Committee meeting 15. Social Committee meetings 120-123. Plenary meeting 355. Resolution 277(X)
17. Draft convention on freedom of information	Agenda Committee meeting 15. Plenary meetings 345, 348. Resolution 278(X)
18. Report of the Social Commission (fifth session)	Considered jointly. Agenda Committee meeting 15. Social Committee meetings 117, 118. Plenary meetings 345, 354. Resolution 279(X)
19. Housing and town and country planning	
20. Report of the United Nations International Children's Emergency Fund	Plenary meeting 372. Resolution 280(X)
21. United Nations Appeal for Children	Plenary meetings 348, 349. Resolution 281(X)
22. Report of the Permanent Central Opium Board	Social Committee meeting 124. Plenary meeting 368. Resolution 282(X)
23. Implementation of recommendations on economic and social matters	Plenary meetings 346, 347. Resolution 283(X)
24. Co-ordination between the United Nations and the specialized agencies:	Plenary meeting 350. Resolution 284(X)
(i) Report of the Administrative Committee on Co-ordination	
(ii) Report by the Secretary-General on particular co-ordination matters	

⁶⁴ Considered jointly with item 31.

Agenda Item	Discussion and Action Taken
25. Report of the International Bank for Reconstruction and Development	Agenda Committee meeting 15. Plenary meeting 353. Resolution 273(X)
26. Report of the International Monetary Fund	Agenda Committee meeting 15. Plenary meeting 352. Resolution 274 (X)
27. General Assembly resolution 266(III) of 17 May 1949: "Problems of economic development and social progress of the former Italian colonies"	Agenda Committee meeting 15. Plenary meeting 345. Consideration deferred to 11th session
28. Application of the Republic of Korea for membership in the United Nations Educational, Scientific and Cultural Organization	Agenda Committee meetings 15, 16. Plenary meeting 347. Resolution 285 A (X)
29. Inter-governmental organizations	Plenary meeting 347. Resolution 286(X)
30. Non-governmental organizations:	Plenary meeting 372. Resolution 287(X)
(i) Applications and re-applications for consultative status	Plenary meetings 362-365. Resolution 288(X)
(ii) Review of consultative arrangements	Plenary meeting 372. Consideration deferred to 11th session
(iii) Question of non-governmental organizations handbook	
31. Study of the economic situation of Africa ⁶⁵	Agenda Committee meetings 15, 16. Plenary meetings 345, 359-362, 366, 367, 371. Resolution 266(X)
32. International reduction of working hours as a consequence of rising labour productivity	Agenda Committee meeting 16. Plenary meeting 345. Item referred to International Labour Organisation
33. Procedure for a study of world oil resources	Agenda Committee meeting 16. Plenary meeting 345. Consideration deferred to 12th session
34. Abolition of discriminatory measures of an economic and social character from which workers suffer on grounds of race or colour	Agenda Committee meeting 16. Plenary meeting 345. Item referred to International Labour Organisation
35. Revision of rules of procedure of functional commissions of the Council	Committee on Procedure meetings 35—43. Plenary meetings 351, 374. Resolution 289(X)
36. Calendar of conferences for 1950: adjustments consequent upon decisions of the General Assembly and other changes	Plenary meetings 354-356, 362, 371
37. Calendar of conferences for 1951: budgetary and administrative assumptions relating to the programme of conferences for 1951	Plenary meeting 372
38. Summary of financial implications of actions of the Council	Plenary meeting 374
39. Confirmation of members of functional commissions of the Council	Plenary meetings 347, 374
40. Election of members of the Agenda Committee for 1950	Plenary meeting 369
41. Election of members of the Council Committee on Non-Governmental Organizations for 1950	Plenary meeting 374
Supplementary Items	
1. Application of the Republic of the United States of Indonesia for membership in the United Nations Educational, Scientific and Cultural Organization	Agenda Committee meeting 16. Plenary meetings 345, 347. Resolution 285 B (X)
2. Application of the Hashemite Kingdom of the Jordan for membership in the United Nations Educational, Scientific and Cultural Organization	Plenary meetings 345, 348, 354. Resolution 285 C (X)
3. Interim report of the Ad Hoc Committee on Slavery	Plenary meetings 362, 372-374. Resolution 276(X)
4. Question of the exemption of Ipécopan from the provisions of international conventions on narcotic drugs	Plenary meetings 362, 372

⁶⁵ At its 345th meeting, on 7 Feb. 1950, the Council decided that the title of item 31 should be reformulated to read "Studies and data relating to the economic situation of Africa" and that the item should be considered with item 6.

Agenda Item	Discussion and Action Taken
b, ELEVENTH SESSION	
1. Adoption of the agenda	Agenda Committee meetings 18-20. Plenary meetings 376
2. General Assembly resolution 266(III): "Problems of economic development and social progress of the former Italian colonies"	Plenary meetings 413, 414. Resolution 322(XI)
3. Full employment: (a) Report of the group of experts appointed by the Secretary-General under Council resolution 221(IX), on national and international measures for full employment (b) General Assembly resolution 308(IV) (c) Council resolution 267 B (X)	Agenda Committee meeting 19. Economic Committee meetings 86-89, 93-95, 97. Plenary meetings 389-394, 411, 412. Resolution 290(XI)
4. Organization of the Economic and Employment Commission and its two Sub-Commissions	Agenda Committee meeting 19. Economic Committee meetings 92, 96, 97. Plenary meetings 396, 408, 415. Resolution 295 A (XI)
5. Technical assistance for economic development: (a) Technical assistance for economic development under General Assembly resolution 200- (III): (i) Report by the Secretary General (ii) Eligibility of associate members of the regional economic commissions for technical assistance under General Assembly resolution 200(III) (b) Expanded programme of technical assistance for the economic development of under-developed countries	Agenda Committee meeting 19. Plenary meeting 412. Resolution 291 A (XI)
6. Methods of financing economic development of under-developed countries, including consideration of the report of the Sub-Commission on Economic Development (fourth session)	Agenda Committee meetings 19, 20. Plenary meetings 412, 413. Resolution 291 B (XI)
7. General Assembly resolution 331(IV): "International collaboration in regard to economic, social and educational conditions in Non-Self-Governing Territories"	Agenda Committee meeting 19. Economic Committee meetings 90, 91, 95-97. Plenary meetings 381-385, 409. Resolution 294(XI)
8. Trusteeship Council resolution 110(V): "Higher education in the Trust Territories in Africa"	Agenda Committee meeting 18. Plenary meeting 413. Resolution 321(XI)
9. Report of the International Labour Organisation on training for apprentices and technical workers	Agenda Committee meetings 18, 20. Plenary meetings 376, 413. Resolution 320(XI)
10. International Centre for Training in Public Administration	Agenda Committee meetings 18, 19. Plenary meeting 395. Resolution 293(XI)
11. Availability of insecticides for the control of malaria	Plenary meetings 379, 380. Resolution 292(XI)
12. Annual report of the Economic Commission for Europe	Agenda Committee meetings 18, 19. Plenary meeting 403. Resolution 297(XI)
13. Annual report of the Economic Commission for Asia and the Far East	Agenda Committee meeting 19. Plenary meeting 398. Resolution 300(XI)
14. Annual report of the Economic Commission for Latin America	Agenda Committee meetings 18, 19. Plenary meetings 402, 403. Resolution 302(XI)
15. Report of the Transport and Communications Commission (fourth session)	Agenda Committee meeting 19. Plenary meetings 400, 401. Resolution 301(XI)
16. Report of the Statistical Commission (fifth session)	Agenda Committee meetings 18, 19. Economic Committee meetings 83, 85. Plenary meetings 386, 414. Resolution 298(XI)
17. Interim Co-ordinating Committee for International Commodity Arrangements: Review of International Commodity Problems 1949	Agenda Committee meetings 18, 19. Economic Committee meeting 83. Plenary meeting 386. Resolution 299(XI)
18. Report of the Population Commission (fifth session)	Agenda Committee meeting 19. Economic Committee meetings 84, 85. Plenary meetings 386, 399. Resolution 296(XI)
	Agenda Committee meetings 18, 19. Social Committee meetings 131, 132. Plenary meetings 388, 389. Resolution 308(XI)

Agenda Item	Discussion and Action Taken
19. Report of the Commission on Human Rights (sixth session)	Agenda Committee meetings 18, 19. Social Committee meetings 139-155, 157. Plenary meetings 377-379, 404. Resolution 303(XI)
20. Report of the Commission on the Status of Women (fourth session)	Agenda Committee meetings 18, 19. Social Committee meetings 132-134. Plenary meetings 388, 389. Resolutions 304(XI), 305(XI)
21. Report of the Sub-Commission on Freedom of Information and of the Press (fourth session)	Agenda Committee meetings 18, 19. Social Committee meetings 135-139. Plenary meeting 405. Resolution 306(XI)
22. Forced labour	Plenary meeting 413. Consideration deferred to 12th session
23. Trade union rights; allegations regarding infringements of trade union rights	Agenda Committee meeting 19. Plenary meeting 376. Item referred to International Labour Organisation
24. Report of the Ad Hoc Committee on Slavery (first session)	Agenda Committee meetings 18, 19. Plenary meeting 407. Resolution 307(XI)
25. Report of the Social Commission (sixth session) ⁶⁶	Agenda Committee meetings 18, 19. Social Committee meetings 125-129. Plenary meeting 387. Resolution 309(XI)
26. Long-range activities for children	Agenda Committee meetings 18, 19. Social Committee meetings 162-164. Plenary meetings 387, 392, 406. Resolution 310(XI)
27. Advisory social welfare services	Agenda Committee meetings 18, 19. Social Committee meetings 129, 130. Plenary meeting 388. Resolution 312(XI)
28. Social problems of the aboriginal populations and other under-developed social groups of the American Continent	Plenary meeting 397. Resolution 313(XI)
29. Procedure regarding the draft single convention on narcotic drugs	Plenary meeting 377. Resolution 315(XI)
30. Invitation to the United States of Indonesia to become a Party to the Protocol of 19 November 1948 relating to Narcotic Drugs	Plenary meeting 377. Resolution 317(XI)
31. United Nations research laboratories	Plenary meetings 410, 411. Resolution 318(XI)
32. Refugees and stateless persons: (a) General Assembly resolution 319 A (IV)	Agenda Committee meeting 19. Social Committee meetings 156, 169-173. Plenary meeting 414. Resolution 319 A (XI)
(b) Report of the Ad Hoc Committee on Statelessness	Agenda Committee meetings 18, 19. Social Committee meetings 156-161, 165-170. Plenary meetings 399, 406, 407. Resolution 319 B (XI)
33. Teaching of the purposes and principles, the structure and activities of the United Nations and the specialized agencies in schools and other educational institutions of Member States	Plenary meeting 397. Resolution 314(XI)
34. Report of the United Nations International Children's Emergency Fund	Agenda Committee meeting 19. Social Committee meeting 165. Plenary meeting 406. Resolution 311(XI)
35. Report of the International Labour Organisation	Agenda Committee meetings 18, 19. Co-ordination Committee meetings 53, 54. Plenary meeting 396. Resolution 325(XI)
36. Report of the Food and Agriculture Organization of the United Nations	Co-ordination Committee meeting 58. Plenary meeting 396. Resolution 326(XI)
37. Report of the United Nations Educational, Scientific and Cultural Organization	Agenda Committee meetings 18, 19. Co-ordination Committee meetings 66, 67. Plenary meeting 405. Resolution 331(XI)
38. Report of the World Health Organization	Co-ordination Committee meeting 57. Plenary meeting 396. Resolution 330(XI)
39. Report of the International Civil Aviation Organization	Co-ordination Committee meetings 54, 55. Plenary meeting 396. Resolution 327(XI)
40. Report of the International Telecommunication Union	Co-ordination Committee meeting 68. Plenary meeting 403. Resolution 328(XI)

⁶⁶ Excepting parts covered by items 26 and 27.

Agenda Item	Discussion and Action Taken
41. Report of the Universal Postal Union	Co-ordination Committee meeting 55. Plenary meeting 396. Resolution 329(XI)
42. Report of the International Refugee Organization	Co-ordination Committee meetings 55, 56. Plenary meeting 396. Resolution 332(XI)
43. Relations with and co-ordination of specialized agencies:	Co-ordination Committee meetings 59-65, 69-71. Plenary meeting 405. Resolution 324 A-E (XI)
(a) Action taken in pursuance of the agreements between the United Nations and the specialized agencies	
(b) Problem of the proliferation and overlapping of the programmes of the United Nations and specialized agencies	
(e) Report of the Administrative Committee on Co-ordination	
(d) Regional co-ordination	
(e) Report by the Secretary-General on particular co-ordination matters	
44. Inter-governmental organizations	Agenda Committee meeting 19. Co-ordination Committee meetings 48-52. Plenary meeting 396. Resolution 333(XI)
45. Non-governmental organizations:	
(a) Hearings of non-governmental organizations	Plenary meeting 381
(b) Review of non-governmental organizations in consultative status	Agenda Committee meeting 19. Plenary meeting 395. Resolution 334 A (XI)
(c) Question of non-governmental organizations handbook	Plenary meeting 395. Resolution 334 B (XI)
46. Draft rules for the calling of non-governmental conferences	Agenda Committee meetings 18, 19. Plenary meetings 376, 395. Resolution 335(XI)
47. Calendar of conferences for 1951	Interim Committee on Programme of Meetings, meetings 18-24. Plenary meetings 414, 434-436. Resolution 336(XI)
48. Summary of financial implications of actions of the Council	Plenary meeting 415.
49. Election of one third of the members of the Economic, Employment and Development Commission, the Transport and Communications Commission, the Fiscal Commission, the Statistical Commission, the Population Commission, the Social Commission, the Commission on Human Rights and the Commission on the Status of Women	Plenary meetings 408, 409
50. Confirmation of members of functional commissions of the Council	Plenary meeting 412
51. Arrangements regarding report of the Council to the General Assembly	Plenary meeting 409
Supplementary Items	
1. Report of the Interim Committee on Programme of Meetings on the sessions of the Commission on Narcotic Drugs and related meetings	Agenda Committee meetings 19, 20. Plenary meetings 376, 377, 381. Resolution 316(XI)
2. Assistance for the civil population of Korea ⁶⁷	Plenary meetings 399, 411, 416. Resolution 323(XI)
3. Plans for relief and rehabilitation of Korea	Temporary Committee on Provisional Programme for Relief and Rehabilitation in Korea meetings 1-6. Plenary meetings 416-433. Resolutions 337(XI), 338(XI)
4. Study of long-term measures to promote economic development and social progress of Korea	Plenary meetings 416, 436. Resolution 339(XI)

⁶⁷ At its 416th meeting, the Council decided to replace this supplementary item by supplementary items 3 and 4.

7. Constitutional and Organizational Questions

a. WITHDRAWAL OF CERTAIN MEMBERS FROM THE COUNCIL

At the commencement of the tenth session of the Council, the representative of the USSR stated at the 344th plenary meeting that he supported the announcement of the Central Government of the People's Republic of China that that Government did not recognize the right of the representatives of the "Kuomintang Group" to represent China and to speak on behalf of the Chinese people; he insisted that those representatives should be excluded from the Council, and referred to the announcement by the Central Government of the People's Republic of China to the Secretary-General of the United Nations of the nomination of its representative to the Council. He stated that his delegation considered the presence of the "Kuomintang Group" as illegal. His delegation would not participate in the work of the Council so long as the representative of the "Kuomintang Group" continued to serve on that organ. Similar statements were made by the representatives of Czechoslovakia and of Poland. The representative of the USSR submitted orally a draft resolution calling upon the Economic and Social Council to exclude the representative of the "Kuomintang Group" from the Council.

The representative of China stated that the members of the Economic and Social Council were elected by the General Assembly, and that the Council was not qualified to consider the problem of diplomatic recognition. His delegation represented the Chinese National Government, the legal Government of China. The fact that the Council was faced with a problem for which its rules of procedure failed to provide a solution, namely, the question of recognition or non-recognition of a Member State of the United Nations, in no way justified the refusal of some representatives to participate in the work of the Council.

Other members of the Council considered that it was the duty of members elected by the General Assembly to take part in the working of the Council and that withdrawal was a violation of the Charter. They stated that the question of the representation of China was not a justification for withdrawal. Withdrawal would not, however, affect the validity of the decisions of the Council. The Council, they declared, was not competent to examine the legal status of Governments, which question fell within the competence of the General Assembly and the Security Council.

The draft resolution submitted by the representative of the USSR was put to the vote, and rejected by 10 votes to 3, with 5 abstentions.

The representatives of the USSR, Poland and Czechoslovakia announced that their delegation would refrain from participating in the work of the Council, and that their Governments would not feel bound by any decisions taken by the Council as long as the representative of the "Kuomintang Group" participated in its work.

The representatives of the USSR, Poland and Czechoslovakia then left the Council chamber.

Similar statements were made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR at sessions of the functional commissions, standing committees and ad hoc committees of the Council.

In the case of the functional commissions listed below, the Acting Chairmen of the respective bodies ruled the draft resolutions concerning the representation of China out of order. The Acting Chairmen, in their rulings that the commissions were not competent to effect changes in their membership, made reference to the terms of reference of the functional commissions. According to these terms of reference, the functional commissions (except the Commission on Narcotic Drugs, of which the members are States) consist of representatives from Members of the United Nations selected by the Council; the Secretary-General consults with the Governments so selected before the representatives are finally nominated by these Governments and confirmed by the Council. In the cases listed below, on the dates given, a vote was taken and the ruling of the Chair upheld. Thereupon the representatives of the countries mentioned withdrew.

Economic and Employment Commission (fifth session), 18 January 1950: Representatives of the Byelorussian SSR, Czechoslovakia, Poland and the USSR

Transport and Communications Commission (fourth session), 27 March 1950: Representatives of Czechoslovakia, Poland and the USSR

Statistical Commission (fifth session), 8 May 1950: Representatives of Czechoslovakia and the USSR

Population Commission (fifth session), 22 May 1950: Representative of the USSR

Social Commission (sixth session), 3 April 1950: Representative of the USSR

Commission on Human Rights (sixth session), 27 March 1950: Representative of the USSR

The representative of the USSR did not attend the fourth session of the Commission on the Status of Women.

In the case of sub-commissions, similar motions were made. It was argued that, though the sub-commissions were composed of individuals who had been selected by the parent commission, their nominations had been subject to the recommendation of the Governments of which they were nationals.

In three cases referred to below, the Chairmen ruled that the sub-commissions, being composed of persons selected by their respective parent commissions in consultation with the Secretary-General, were not competent to decide upon their own composition. Their members were present in the capacity of experts and not as representatives of Governments. The motions were ruled out of order and the rulings of the Chair were upheld. Thereupon, the following members withdrew:

Sub-Commission on Economic Development (fourth session), 17 April 1950: Mr. Chernyshev (USSR)

Sub-Commission on Freedom of Information and of the Press (fourth session), 17 May 1950: Mr. Kotek (USSR)

Sub-Commission on Prevention of Discrimination and Protection of Minorities (third session), 16 January 1950: Mr. Formashev (USSR) and Mr. Winiewicz (Poland)

In the case of the Committee on Procedure, a proposal calling for the exclusion of the Chinese representative was ruled out of order by the Chairman and the ruling of the Chair was upheld by the Committee (16 January 1950). Thereupon, the representatives of the USSR and Czechoslovakia withdrew.

In the case of the following committees, where the Chairmen had not yet been elected at the time, similar proposals were voted upon and rejected. Thereupon the representatives of the countries mentioned withdrew.

Council Committee on Non-Governmental Organizations, 23 January 1950: Representative of the USSR

Interim Committee on Programme of Meetings, 10 March 1950: Representative of the USSR

Ad Hoc Committee on Statelessness and Related Problems, 16 January 1950: Representatives of Poland and the USSR

At the sixth session of the Economic Commission for Asia and the Far East, the representative of the USSR presented a motion calling for the expulsion of the representative of the Chinese National Government and for the recognition of the representative of the Central People's Government of the People's Republic of China as the legal representative of China; ECAFE resolved that, without raising the question of the competence of the Commission to decide upon these subjects, it was the wish and desire of ECAFE that

the matter should be decided by a higher body of the United Nations. The representative of the USSR stated that his delegation would not participate in the work of ECAFE so long as the representative of the "Kuomintang Group" continued to sit on it. Before withdrawing from the meeting, the representative of the USSR declared that his Government would not recognize as legal any decision adopted by the Commission with the participation of the representative of the "Kuomintang Group" and would not deem itself bound by such decisions.

The representative of the USSR moved a motion requesting the exclusion of the "Kuomintang Group" at the 63rd meeting of the Executive Board of the United Nations International Children's Emergency Fund. The Chairman stated that the Board was an inter-governmental body, and ruled that, like other United Nations organs, it was competent to decide the question of Chinese representation for itself. On the other hand, it was argued by some members that the Executive Board should follow the Economic and Social Council, which had left the decision in this matter to the major political organs of the United Nations. The Chairman's ruling was challenged and rejected by the Board. The representatives of Czechoslovakia, Poland and the USSR then withdrew.

At the session of the Agenda Committee in connexion with the eleventh session of the Council, the representative of Poland stated that he was participating in the work of the Agenda Committee in preparing the work of the eleventh session in the hope that a change in the problem of representation would enable him to participate in the work of the Council proper during its eleventh session. His Government had several proposals to make with the object of facilitating that work, though it did not retreat from the position which it had taken at the tenth session of not recognizing as legally valid any decisions taken during sessions of the Council and organs of the Council when the rightful Government of China had been deprived of representation. Other members of the Committee said that the decisions taken by the Council and its Commissions in the absence of certain members were within their competence to take, and were legal and valid; and that it was wrong for members who had been elected to the Council and its Commissions to absent themselves.

The representatives of Czechoslovakia, Poland and the USSR did not participate in the eleventh session of the Council.

At the 378th meeting of the Council, a communication was read from the USSR to the effect

that the Soviet Union, "in confirmation of the statement made by the representative of the USSR at the tenth session of the Council, would take no part in the work of the Council while it was attended by the Kuomintang representative".

At the 384th meeting of the Council, a note verbale from the Permanent Delegation of Czechoslovakia to the United Nations and a letter from the Permanent Representative of Poland to the United Nations were read, in which similar views were presented. The latter communication also deplored the fact that no invitation had been extended to the Central Government of the People's Republic of China to participate in the work of the Council.

The representative of China said that the States which had absented themselves from the Council were thereby acting illegally. The Chinese Nationalist Government was the legal government of China and represented the people of China, and it would be contrary to the Charter to unseat its representatives.

No further action was taken by the Council with regard to these communications.

b. REVIEW OF THE ORGANIZATION AND OPERATION OF THE COUNCIL AND ITS SUBSIDIARY BODIES

(1) Resolution Adopted by the Economic and Social Council

The Economic and Social Council at its eleventh session considered a number of matters relating to the question of increasing the effectiveness of the organization and operation of the Council and its commissions. In connexion with the organization of the Economic and Employment Commission and its two sub-commissions,⁶⁸ the Council examined the question of establishing an ad hoc committee to undertake a comprehensive review of the organization and operation of the Council and all of its commissions. This question was considered by the Council's Economic Committee at its 92nd, 96th and 97th meetings held on 31 July and 11 August 1950.

The Committee had before it a draft resolution (E/L.72), submitted by Canada, Chile, France and the United States, which called upon the Council to request the President to appoint an ad hoc committee to undertake a comprehensive review of the organization and operation of the Council and its commissions and to submit a report on the matter to the thirteenth session of the Council.

The majority of representatives were in favour of such a review being made. The representative

of Pakistan, for example, declared that those intermediary bodies of the Council which gave rise to duplication of work and added to the burdens of government departments and the Secretariat should be dissolved. The representatives of Belgium and the United Kingdom, inter alia, proposed that the Council's session be divided into several periods, one devoted to economic questions, another to social questions and a third to human rights. The representative of the United Kingdom further stated that it appeared to him that the Social Commission was not needed in addition to the Social Committee, nor the Economic and Employment Commission in addition to the Economic Committee, and that both those Commissions might therefore be dissolved. The representative of India, however, submitted that the question should be considered by the General Assembly, since all States Members of the United Nations would undoubtedly wish to express an opinion on it, and many of them might wish to be represented on any ad hoc committee set up to examine the question.

The joint draft resolution (E/L.72) was voted upon by the Council at its 408th plenary meeting on 12 August and was adopted unanimously. The Council, at its 415th plenary meeting on 16 August, decided to increase the number of members to be appointed to serve on the proposed ad hoc committee from seven to eight, the President of the Council to act as Chairman without a vote, except in the case of a tie, when he would have the deciding vote. The resolution adopted (295 B (XI)) read as follows:

B

The Economic and Social Council,

Considering the obligation of the Council to make a special review of the work of the regional economic commissions not later than 1951 with a view to determining whether they should be terminated, modified, or continued, and

Considering the interest that various Members of the United Nations have evidenced in increasing the effectiveness of the organization and operations of the Council and its commissions,

Requests the President of the Council to appoint an ad hoc committee of not more than eight members of the Council together with the President, acting as Chairman without vote (except in case of a tie), to undertake, in co-operation with the Secretary-General, a comprehensive review of the organization and operation of the Council and its commissions and to submit a report and recommendations thereon to the thirteenth session of the Council.

⁶⁸ See pp. 79-81.

The President subsequently appointed as members of the Ad Hoc Committee on the Organization and Operation of the Council and Its Commissions: Australia, Brazil, China, France, India, the USSR, the United Kingdom and the United States.

(2) Resolution Adopted by the General Assembly

The General Assembly referred to its Joint Second and Third Committee the section of the report of the Economic and Social Council which dealt with, among other things, constitutional and organizational matters and general questions. The Committee considered the report at its 45th-47th, 52nd, 55th and 56th meetings on 4 and 5 October and 11, 20 and 25 November 1950.

The Committee first heard the President of the Economic and Social Council make a comprehensive statement on the activities of the Council in the economic, social and co-ordination fields. He drew the attention of the members of the Committee to the establishment of the Ad Hoc Committee to examine the present organization and activities of the Council and its commissions.

While several members of the Joint Committee, including the representatives of Australia, Belgium, Egypt and the United Kingdom, paid tribute to the achievements of the Council, they expressed the opinion that there was an imperative need for the United Nations and the specialized agencies to review their economic and social activities. They felt that the General Assembly itself should lay down a policy which would permit the establishment of an order of priorities for economic and social projects and a distinction between the tasks to be undertaken immediately and those which were not of pressing importance. It was argued that no new activity should be undertaken unless it was urgent and there was a prospect of its being brought to a successful conclusion.

On the other hand, several representatives, including those of Chile, France, Lebanon, Saudi Arabia, Uruguay and Yemen, although they were in favour of any measures which would eliminate proliferation of separate organizations with overlapping functions, expressed concern about any scheme which, for reasons of economy, might curtail the vital functions of the Council. It was pointed out that the aim should not be to curtail expenditure but rather to spend well, and, when results became apparent, to spend more on such projects. The representatives of Lebanon and Yemen, *inter alia*, spoke against too much rigidity in the establishment of a certain order of prior-

ity, as such rigidity might result in curtailing the activities of the Council and the specialized agencies. The representative of Belgium, on the other hand, considered that it would be useful if the Ad Hoc Committee were to suggest priorities in the various economic and social programmes, since it was obvious that all problems could not be effectively studied at once. The representative of Yemen felt that the choice of projects and programmes should be left to the Governments concerned because they were better acquainted with the particular conditions of their own countries. The representative of Belgium considered that many of the activities which the United Nations appeared eager to assume could be undertaken by Member States at the national level, thus leaving the United Nations free to concentrate on a limited number of essential activities, such as the Expanded Programme of Technical Assistance.

The representatives of Egypt and Yemen spoke of the need for increasing the membership of the Economic and Social Council from eighteen to 24 so as to ensure a more adequate representation of all parts of the world. The representatives of Iraq, Lebanon, Saudi Arabia and Yemen drew attention to the importance of the principle of geographic distribution in the membership of the Council's commissions and asked that genuine regional representation be granted the Arab countries in the commissions.

A number of representatives welcomed the establishment of the Ad Hoc Committee to examine the organization and activities of the Council. The representative of the United Kingdom stated that his delegation would submit to that Ad Hoc Committee recommendations based upon its doubts about the usefulness of certain of the non-technical functional commissions and sub-commissions, which, in the opinion of the United Kingdom delegation, had lost their expert character and had become merely "forums for the repetition of debates of the committees of the Council and of the Council itself."

The representative of China thought that each of the functional commissions should study a specific question and report immediately to the Council. They should not, therefore, be permanent in nature. Thus, he explained, there would be no proliferation of commissions and the Council would be kept informed of the questions dealt with by each of them. With regard to questions requiring continuous action, such as those of human rights or technical assistance, they should be entrusted to permanent committees of the Council.

The representative of Lebanon stated that his delegation had submitted a memorandum on the question of the organization and operation of the Council and its commissions. This memorandum, among other things, had suggested as an alternative solution the setting up of a kind of interim committee composed of all the members of the Council. Such a committee would hold a session before each of the two sessions of the Council and at least one session between the two sessions of the Council. He thought that the Council should in any case set up such an interim subsidiary organ if it wished to fulfil all its obligations under the Charter.

In the course of the general debate, the representative of the USSR asked to have his statement recorded that the Economic and Social Council had no power to take decisions with the participation of the "Kuomintang" representative. The absence of China and the "illegal presence of a person who did not represent that country", he stated, had prevented the USSR, Poland and Czechoslovakia from participating in the Council's work, and he regarded the decisions which had been taken in their absence as illegal. In his opinion the Economic and Social Council was not working satisfactorily. A number of questions of secondary importance, such as the effects of chewing coca leaves, training in public administration and the question of the Geneva library, had been placed on its agenda and the Council had refused to consider a number of important questions such as the infringement of trade union rights, equal rights—including political rights—for women, and equal pay for equal work. He also criticized certain decisions of the Council concerning non-governmental organizations. He regretted that the World Federation of Trade Unions had been deprived of the right to submit proposals to the Council and that certain other international non-governmental organizations formerly in category B status had been placed on the register. The representatives of Czechoslovakia and the Ukrainian SSR associated themselves with the statements made by the USSR representative.

At the conclusion of the general debate, the Joint Committee began a discussion of three draft resolutions.

A joint draft resolution (A/C.2&3/L.16), submitted by Brazil, Chile, Cuba, India, Mexico, Lebanon and Yugoslavia, called for the maintenance of the regional economic commissions, although their organization and terms of reference might shortly have to be revised.

An Egyptian proposal (A/C.2&3/L.17&Add.1) was designed to recommend the Council to draw the attention of its Ad Hoc Committee (see above) to the necessity of taking into consideration General Assembly resolution 207(III) concerning the distribution of membership in subsidiary organs of the Council; to draw the attention of Members of the United Nations to the necessity of implementing General Assembly resolution 208(III) concerning the participation of Member States in the work of the Economic and Social Council; and to request the Secretary-General to submit a report to the General Assembly on the proposals communicated by Member States in pursuance of General Assembly resolution 208(III).⁶⁹

The purpose of an Argentine draft resolution (A/C.2&3/L.18/Rev.3) was to suggest to the Ad Hoc Committee that it was desirable that the largest number of Member States compatible with efficiency should be enabled to participate in the organization and work of the Council and its subordinate bodies.

The joint draft resolution as a whole was adopted by 32 votes to 3, with 7 abstentions; the Egyptian draft resolution as a whole was adopted by 33 votes to 2, with 9 abstentions; and the Argentine draft resolution was adopted by 33 votes to none, with 9 abstentions.

The report of the Joint Second and Third Committee (A/1567) containing the texts of the three resolutions adopted was considered by the General Assembly at its 314th plenary meeting on 1 December. The first draft resolution was adopted by 48 votes to 2, with 2 abstentions; the second draft resolution by 51 votes to none, with 2 abstentions; and the third draft resolution unanimously.

The representative of Australia, explaining the reason for his abstention from voting on the first resolution, declared that it was a procedural or constitutional resolution. He explained that the regional economic commissions were the creations of the Economic and Social Council, and were responsible not to the General Assembly but to the Economic and Social Council. The Council, he went on to say, by resolution 295 B (XI), had set up an ad hoc committee to review its subordinate machinery, including the regional economic commissions. It seemed to him unwise for the General Assembly at this stage to "interfere with the right of a principal organ of the United Na-

⁶⁹ For texts of resols. 207(III) and 208(III), see Y.U.N., 1948-49, pp. 107, 109.

tions, namely the Economic and Social Council, to form its own independent views as to the future of its own machinery and its own regional economic commissions". At the same time he pointed out that he was not taking a position against the maintenance of regional economic commissions. He declared that Australia's experience as a member of ECAFE had led it to value very highly the regional approach to international economic problems.

The texts of the resolutions (409 A, B and C (V)) adopted read as follows:

A

The General Assembly,

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

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

B

The General Assembly,

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

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

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

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

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

The General Assembly,

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

Bearing in mind General Assembly resolution 208(III),

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

(3) Preliminary Meeting of the Ad Hoc Committee

The Ad Hoc Committee on the Organization and Operation of the Council and Its Commissions, under the chairmanship of the President of the Council, held a preliminary meeting⁷⁰ on 18 December 1950.

The representative of the USSR stated that he considered the presence in the Committee of the "representative of the Kuomintang group" as illegal, and moved that the Chairman and the Committee should exclude from participation in its work the "representative of the Kuomintang group", and should invite the rightful representative of the Central People's Government of the People's Republic of China to participate. The Chairman indicated that a similar resolution had been considered and voted on in the Council and in some of its commissions. Since the Ad Hoc Committee was a committee of the Council, appointed under a Council resolution, it was unable itself to change the composition of its members and must accept the representative of China who had been accepted by the Council. He therefore declared the USSR motion out of order. The Chairman's decision was approved by 6 votes to 1.

The Committee decided at that meeting that Member Governments should be requested to transmit any proposals or observations which they might wish to make on the questions before the Committee so as to reach the Secretary-General not later than 1 March 1951 in order that the Committee might have adequate time to study their views. Member Governments who wished to make oral as well as written statements to the Committee were invited to do so.

The Committee also requested the Secretary-General to submit (1) a statement on the administrative implications of frequent or continuous sessions of the Council, and (2) reports on the activities of the functional commissions of the Council and their sub-commissions, together with an account of the decisions of the Council, the General Assembly and other United Nations bodies based upon their recommendations.

c. INCREASE IN MEMBERSHIP OF SUBSIDIARY BODIES AND ABOLITION OF SUB-COMMISSIONS

(1) Organization of the Economic and Employment Commission and Its Two Sub-Commissions

The Economic and Employment Commission, at its third session in April-May 1948, discussed the

⁷⁰ The Ad Hoc Committee met subsequently at New York, 10 Apr.-22 May and 25-28 June 1951.

revision of its methods of work and its terms of reference, and appointed an organizing committee to examine the problem in all its implications. At its seventh session, the Economic and Social Council, by its resolution 139 C (VII) adopted on 26 August 1948, decided to defer the amendment of the Commission's terms of reference until a later stage and requested the Member States of the United Nations to submit their comments on that point. At its fourth session, in May 1949, the Economic and Employment Commission took note of that resolution and decided to recommend to the Council that the Sub-Commission on Employment and Economic Stability and the Sub-Commission on Economic Development should be abolished. The Council at its tenth session deferred decision on that proposal until its eleventh session, and agreed that no further meeting of the Sub-Commission on Employment and Economic Stability should be held until the question of its future had been settled.

At its eleventh session, the Economic and Social Council considered the question at its 396th and 408th plenary meetings, held on 20 July and 12 August, and the Economic Committee of the Council considered it at its 92nd, 96th and 97th meetings held on 31 July and 11 August 1950.

A Drafting Committee set up by the Economic Committee, after considering the question on 4 August, adopted, by 4 votes to 2, a draft resolution which would, *inter alia*, (1) suspend meetings of the Economic and Employment Commission between the Council's eleventh and thirteenth sessions; (2) authorize the Council's Economic Committee to sit while the Council was not in session in order to carry out the functions which would have been carried out by the Commission during the period of its proposed suspension; and (3) abolish the Commission's two sub-commissions.

The report of the Drafting Committee (E/AC.6/L.10 & Add. 1 & 2) which contained the text of this draft resolution was considered by the Economic Committee at its 96th and 97th meetings. The Committee also had before it a draft resolution (E/AC.6/L.16) submitted by Chile and the United States as an alternative text. This, among other things, suggested (1) changing the name of the Economic and Employment Commission to the Economic, Employment and Development Commission; (2) increasing the membership of the Commission to eighteen; (3) authorizing the Commission to meet twice a year; and (4) abolishing the two sub-commissions.

The majority of the representatives in the Economic Committee spoke against the draft resolution adopted by the Drafting Committee and in favour of the alternative text submitted by Chile and the United States. They considered that it would be unwise to suspend the meetings of the Economic and Employment Commission at the very time when "new and ambitious tasks had been entrusted to it". They declared that the obligations imposed by the Charter made it difficult to suspend entirely the meetings of the Commission. It was felt that the Commission's being made up of non-governmental representatives provided for greater flexibility in the results of its deliberations.

While the representatives of Australia and Denmark, among others, favoured the Chilean-United States draft, they felt that the membership of the Economic and Employment Commission should not be increased. They considered that, as the proposed *Ad Hoc* Committee⁷¹ would shortly be reviewing the organization of the Council and its subsidiary bodies, it was desirable that for the present there should be as few changes as possible in the composition of the Commission.

The representatives of Brazil, France and the United Kingdom, *inter alia*, spoke in support of the Drafting Committee's resolution. They considered the work of the Economic and Employment Commission to be unsatisfactory, and the reason lay in the way in which it was organized. As an *ad hoc* committee was to be set up to look into the organization of the subsidiary bodies of the Council, it seemed desirable to these representatives that that committee should have a chance of considering a new system, which would, in their opinion, probably prove more efficient than the old.

When put to the vote, the draft resolution submitted by the Drafting Committee was rejected by 11 votes to 4. The draft resolution submitted by Chile and the United States was amended slightly and then adopted unanimously.

The report of the Economic Committee (E/1816) was considered by the Council at its 408th plenary meeting on 12 August. The draft resolution was voted upon first in parts, and then as a whole, and was adopted unanimously, as a whole, as resolution 295 A (XI). Its text is as follows:

The Economic and Social Council,

Recognizing that problems of economic development of under-developed countries, particularly that of financing such development, should receive increased and continuing attention,

⁷¹ See pp. 76-77.

Bearing in mind the additional responsibilities placed upon the Economic and Employment Commission by the Council's resolution 290(XI) on the problem of full employment;

Having taken note of the Council resolution 295 B (XI) establishing an ad hoc committee for the purpose of reviewing the organization and operation of the Council and its commissions,

Changes the name of the Economic and Employment Commission to the Economic, Employment and Development Commission;

Increases the membership of the Commission to eighteen;

Authorizes the Commission to meet twice a year; and, if exceptional circumstances require, to hold an extraordinary session at the call of its Chairman;

Requests the Commission to place the problem of financing economic development on the agenda of at least one of its sessions each year; and

Abolishes the Sub-Commission on Employment and Economic Stability and the Sub-Commission on Economic Development.

(2) Statistical Commission

In its report (E/1696/Rev.1) to the Economic and Social Council, the Statistical Commission, at its fifth session held in May 1950, stated that it had drawn the attention of its members to General Assembly resolution 207(III) adopted on 18 November 1948, in which it was urged that it would be equitable and highly beneficial if all Members of the United Nations were invited to co-operate on the functional commissions and recommending that the Economic and Social Council should try to achieve a wider geographical distribution of membership in these commissions.

The Commission reported that a number of developments since its establishment in 1946 justified an increase in its size, such as: establishment of the regional economic commissions; wide interest created in the work of the Statistical Commission arising from the establishment of international standards in different branches of statistics; and the development of technical assistance and other similar programmes to give help on statistical matters to under-developed countries. The Commission recommended that its size be increased from twelve to fifteen members to bring it in line with other commissions.

The question was considered by the Council's Economic Committee at its 83rd meeting on 7 July 1950.

The representatives of Canada, India and the United States spoke in favour of approving the Commission's recommendation that its membership be increased to fifteen. They explained that the Commission's limited membership had made

it difficult for it to work satisfactorily on all the additional tasks which it had undertaken since it had been set up. The limited number of persons on the Commission made it impossible to assign qualified experts to the subsidiary ad hoc bodies established by the Commission to deal with specialized statistical problems. Increasing the Commission's membership, they declared, would strengthen it, both by broadening its geographical basis and by extending its technical qualifications.

The representatives of France and the United Kingdom, while in favour of increasing the Commission's membership, pointed out that it was important that Governments should nominate experts completely qualified to take part in the work which the Commission was supposed to do, and not government officials without special qualifications.

A draft resolution increasing the membership of the Statistical Commission from twelve to fifteen was adopted unanimously by the Economic Committee, and, on its recommendation (E/1753), by the Council at its 386th plenary meeting on 12 July as resolution 299 G (XI).

d. DRAFT RULES FOR THE CALLING OF NON-GOVERNMENTAL CONFERENCES

By resolution 367(IV) of 3 December 1949,⁷² the General Assembly requested the Secretary-General to prepare, after consulting the Economic and Social Council, draft rules for the calling of non-governmental conferences, with a view to their study by the Assembly.

Accordingly, the Secretary-General submitted to the Council at its eleventh session a memorandum on the question (E/1723). The Council, in resolution 335(XI) of 20 July 1950, unanimously approved the draft rules and recommended that they be submitted to the General Assembly.

At the Assembly's fifth session, the matter was considered at the 250th meeting of the Sixth Committee on 4 December, and at the 320th plenary meeting on 12 December 1950.

Amendments to the draft rules submitted by the Secretary-General (A/1333) were proposed by Australia (A/C.6/L.161) and South Africa (A/C.6/L.166).

The representative of Australia considered that it was necessary to delegate some powers in this respect to the Secretary-General, since circumstances requiring action might arise in the time

⁷² See Y.U.N., 1948-49, p. 113.

between the Council's decision to call a conference of non-governmental organizations and its actual meeting. He submitted, however, that there were some matters on which the Council should make its own final decisions, and which should be excluded from any possible delegation of powers. These were the settling of terms of reference and of who should be invited. His proposal, he said, was submitted as an appropriate formula to secure this end. After discussion in the Committee, the representative of Australia withdrew his amendment; he and the representative of France submitted a joint amendment (A/C.6/L.167) which, with some modifications suggested orally by the representative of Iran, was subsequently adopted. (For text, see rule 2, paragraph 3, below.)

The representative of the Union of South Africa said that he had some doubts as to whether non-governmental organizations could be invited to a conference without consulting the State in which they were domiciled. His delegation had therefore proposed (A/C.6/L.166) the addition of a clause providing that the Economic and Social Council should in each case obtain the approval of the State within whose jurisdiction the person or organization concerned fell.

The representative of Argentina considered that in convening non-governmental conferences the Council should, in line with the provisions governing its relations with those bodies, apply different rules to national or international organizations enjoying consultative status on the one hand, and to those without consultative status on the other. Therefore, he proposed (A/C.6/L.168) that a sub-paragraph should be added which would establish a distinction between national organizations with and those without consultative status; the latter might be invited only after consultation with the State concerned.

The South African amendment was withdrawn in favour of the Argentine amendment, which, with slight modifications, was later adopted. (For text, see rule 2, paragraph 2, below.)

The Sixth Committee also considered whether the Charter gave the Economic and Social Council the right to call non-governmental conferences. The representatives of Czechoslovakia and the USSR were of the opinion that only the General Assembly could decide whether such conferences should be called and that the Economic and Social Council could merely be asked to convene them.

Representatives of, among others, France, the United Kingdom and the United States, on the other hand, considered that the Charter gave the

Council the right to call such conferences, in that it authorized the Council to make suitable arrangements for consultation with non-governmental organizations which were concerned with matters within its competence. The Council, they argued, could, therefore, convene with the representatives of such organizations individually or collectively, and the calling of a conference was clearly a suitable arrangement for consultation with the organizations.

After a series of votes on the draft rules and the amendments to them, during which the Australian-French and the Argentine amendments were adopted in slightly modified form, the Committee adopted the draft rules, as a whole, as amended, by 25 votes to 4, with 7 abstentions.

On the Committee's recommendation (A/1632), the Assembly, at its 320th plenary meeting on 12 December, adopted by 35 votes to 5, with 2 abstentions, resolution 479(V), as follows:

The General Assembly,

Having considered the draft rules for the calling of non-governmental conferences by the Economic and Social Council, which were submitted by the Secretary-General after consultation with the Council,

Approves the following rules for the calling of non-governmental conferences by the Economic and Social Council:

Rule 1

The Economic and Social Council, after consultation with the Secretary-General, may at any time decide to call a non-governmental conference on any matter within its competence.

Rule 2

1. When the Council has decided to call a conference, as provided for in rule 1, it shall:

- (a) Prescribe the terms of reference;
- (b) Fix the date, the place and the appropriate duration of the conference and prepare its provisional agenda;
- (c) Determine who shall be invited;
- (d) Make recommendations for financing, subject to the applicable regulations, rules and resolutions of the General Assembly;
- (e) Make such other arrangements in connexion with the conference as it sees fit.

2. In applying rule 2, sub-paragraph (c) of paragraph 1, the Economic and Social Council shall, when it decides to invite non-governmental organizations, have regard to the terms of Article 71 of the Charter. National organizations without consultative status may be invited only after consultation with the Member of the United Nations concerned.

3. The Council may decide to entrust the Secretary-General with any of the tasks mentioned in sub-paragraphs (b), (d) and (e) of paragraph 1. It may also authorize him to make such modifications as circumstances may require in carrying out any decision of the Council made pursuant to sub-paragraphs (b), (d) and (e).

Rule 3

The Secretary-General shall notify all Members of the United Nations of the conference and shall send them copies of the provisional agenda. He shall also inform each Member State of the invitations issued.

e. REVISION OF THE RULES OF PROCEDURE OF THE FUNCTIONAL COMMISSIONS

During its tenth session, the Council revised the rules of procedure of its functional Commissions. The Council had before it the report of its Committee on Procedure (E/1593) which, re-constituted in accordance with its resolution 219(VIII), had met from 9 to 17 January 1950. It also took into account part V of its resolution 288(X) on the review of consultative arrangements with non-governmental organizations in its consideration of those rules of functional Commissions containing provisions relating to non-governmental organizations.

By its resolution 289(X), the Council adopted the revised rules of procedure contained in Annex B to the resolution (see also E/1663), and decided that they should come into force on 6 March 1950.⁷³

The most important changes which were made by the Council by way either of substantive amendments of the rules or by the addition of new rules deal with the following topics:

(a) Sessions. Rule 1 provides that each functional commission shall hold one session annually, unless the Council decides otherwise. In fixing the date and place of each session, the Council, in consultation with the Secretary-General, will take into account any recommendation of the Commission (rules 2 and 3).

(b) Agenda. Rule 5 provides that the provisional agenda shall be communicated not less than 42 days before the opening of the session (instead of 21 days as previously). The same time-limit applies to the distribution of basic documents relating to agenda items; in exceptional cases, however, the Secretary-General may transmit such documents not less than 28 days before the opening of the session. The provisional agenda is to include items which reach the Secretary-General not less than 49 days before the first meeting of each session (rule 6). It is further provided in new rule 7 that a non-governmental organization in category A may propose items on condition that (i) it so informs the Secretary-General at least 63 days before the commencement of the session and gives due consideration to any comments he may make; and (ii) it submits the relevant basic documentation not later than 49 days before the commencement of the session. Inclusion of the item requires a two-thirds majority vote of those present and voting.

(c) Representatives and Alternates. The term of office of members of functional commissions (with the exception of the Commission on Narcotic Drugs) the memberships of which are defined by Council resolution 199(VIII), begins on 1 January "following the election of their Governments and ends on 31

December following the election of the succeeding Governments" (rule 11).

When a member of a commission is unable to attend the whole or parts of a session, his alternate has the same rights as a member of the commission. (The previous rule provided that an alternate should be designated to serve for the duration of a whole session in order to have the same rights as a member.)

(d) Officers. Rule 16 provides that none of the officers of a commission will hold office after the expiration of the term of office for which his own State was elected.

(e) Records. The summary records of the public meetings of the commission and its subsidiary bodies, instead of being issued immediately after the meeting in their definite form, subject to additional corrigenda sheets being issued separately when members participating in the meeting submit corrections, are produced in two stages: (i) a provisional text is distributed to those participating in the meeting; and (ii) a final text is issued incorporating corrections received within 48 hours of the receipt of the provisional text from those participating in the meeting concerned (rule 37).

(f) Reports. Recommendations by a commission to the Council contained in a commission report are to be framed as draft resolutions of the Council (rule 39).

(g) Conduct of Business and Voting. Whenever the rules of procedure of functional commissions and those of the Council were designed to cover similar matters, the Council decided either to amend the rules of its functional commissions or to add new rules following closely the text of the rules of the Council itself. This applies in particular to the following matters: the power of the Chairman regarding the conduct of the debates (rule 43), points of order (rule 44), time-limit on speeches (rule 46), closing of the list of speakers (rule 47), closure of the debate (rule 48), the suspension or the adjournment of the meeting (rule 49), order of procedural motions (rule 50), decisions on competence (rule 52), withdrawal of motions (rule 53), conduct of voting (rule 58), division of a proposal (rule 59), voting on amendments and proposals (rules 60 and 61) and equally divided votes (rule 65).

(h) Participation of Members of the United Nations Not Represented on a Commission, and of Specialized Agencies. Rule 72 provides for the participation of Members of the United Nations not represented on a commission on any matter which the commission considers is of particular interest to any such Member. Rule 73, like the corresponding rule 77 of the Council, implements provisions of the relationship agreements between the United Nations and the specialized agencies which have a procedural character relating, in particular, to participation in meetings.

f. ELECTION OF MEMBERS OF SUBSIDIARY ORGANS

(1) Functional Commissions

At its eleventh session, on 12 August 1950, the Council renewed one third of the membership,

⁷³ For changes made as a consequence of the Council's review of arrangements for consultation with non-governmental organizations, see p. 663.

respectively of the Economic, Employment and Development Commission, the Transport and Communications Commission, the Fiscal Commission, the Statistical Commission, the Population Commission, the Social Commission, the Commission on Human Rights and the Commission on the Status of Women, in accordance with the arrangements in terms of reference of each for renewal of membership on a system of rotation.

In accordance with decisions taken on 12 July and on 12 August 1950 to increase the membership of the Statistical Commission and the Economic, Employment and Development Commission to fifteen and eighteen, respectively,⁷⁴ the Council also elected three new members to serve on each.

Members, as follows, were elected for three years, their terms of office beginning 1 January 1951 (those starred were re-elected):

Economic, Employment and Development Commission: Argentina, Australia,* Chile, the Philippines, Turkey, the USSR,* the United States* and Yugoslavia

Transport and Communications Commission: Brazil, the Byelorussian SSR, Egypt,* the USSR* and the United States*

Fiscal Commission: China,* France,* India, the Union of South Africa* and the United Kingdom*

Statistical Commission: Canada, Denmark, Egypt, France,* Panama, the Philippines and the United Kingdom*

Population Commission: Brazil,* Belgium, Peru* and Yugoslavia*

Social Commission: Belgium, the Byelorussian SSR, Canada,* China,* Ecuador* and Israel

Commission on Human Rights: Australia,* Chile,* Pakistan, Sweden, the United States* and Yugoslavia*

Commission on the Status of Women: Cuba, the Dominican Republic, France,* the Netherlands and Poland

(2) Committees of the Council

The Economic and Social Council at its eighth session, by resolution 219(VIII) adopted on 17 March 1949, reconstituted the Committee on Procedure, which had originally been set up to deal with the revision of the rules of procedure of the Council. Pursuant to that resolution, the President replaced the members of the Committee who ceased to be members of the Council on 1 January 1950.⁷⁵

At its 369th meeting, on 1 March 1950, the Council elected Canada and Poland as members of the Agenda Committee for 1950 and Czechoslovakia as alternate member for Poland.

At its 374th meeting, on 6 March 1950, the Council elected China, France, Pakistan, Peru, the USSR, the United Kingdom and the United States

as members of the Council Committee on Non-Governmental Organizations for 1950.

(3) Executive Board of the United Nations International Children's Emergency Fund

The Assembly in resolution 417(V) of 1 December 1950⁷⁶ decided that the Executive Board of the United Nations International Children's Emergency Fund should be reconstituted to consist of the Governments represented in the Social Commission and the Governments of eight other States not necessarily United Nations members designated by the Economic and Social Council. Accordingly, the Council at its 436th meeting on 13 December elected by secret ballot the following States to the Executive Board of the United Nations International Children's Emergency Fund:

For one year: Dominican Republic, Thailand

For two years: Ceylon, Indonesia, Iraq

For three years: Italy, Switzerland, Uruguay

g. PROGRAMME OF CONFERENCES

(1) Calendar of Conferences for 1950

At its tenth session, the Council decided to maintain its decision that its eleventh session should be held in Geneva.

The Council, at its eleventh session, decided to adjourn that session temporarily after having disposed of its agenda, and authorized the President, in consultation with the Secretary-General, to reconvene the Council at United Nations Headquarters whenever necessary in connexion with matters requiring action under resolution 323(XI), "Assistance for the civil population of Korea". The session was resumed on 12 October in New York and adjourned on 13 December 1950.

(2) Programme of Conferences for 1951

At its eleventh session, the Council took a number of decisions (resolution 336(XI)) relating to the programme of conferences for 1951.

The Council expressed its high appreciation of the invitation of the Government of Chile to hold its twelfth session in Santiago de Chile and decided to postpone a decision as to the venue of its twelfth session until a date during the fifth regular session of the General Assembly. The Council also decided that its thirteenth session should be held in Geneva commencing 3 July 1951.

The Council expressed its general approval of the Calendar of Conferences submitted by the

⁷⁴ See pp. 79-81.

⁷⁵ For members, see p. 99.

⁷⁶ See p. 621.

Secretary-General in consultation with the Interim Committee on Programme of Meetings and authorized the Secretary-General, after consultation with the Interim Committee on Programme of Meetings, to make the necessary adjustments in the Calendar of Conferences.

As regards its commissions, the Council decided that the seventh session of the Commission on Human Rights and the seventh session of the Social Commission should be held in Geneva. Two meetings were arranged for the Economic, Employment and Development Commission, in view of Council resolution 295 A (XI) authorizing at least two sessions a year for the Commission.

As regards its sub-commissions, the Council decided that no provision should be made in the Calendar of Conferences for the two Sub-Commissions of the Commission on Human Rights.

(3) Session of the Commission on Narcotic Drugs and Related Meetings

At its eleventh session, the Council had before it a report by its Interim Committee on Programme of Meetings (E/1715 & Add.1) on the holding of (a) preparatory meetings of representatives of the principal opium-producing countries and the principal drug-manufacturing countries respectively; and (b) the fifth and sixth sessions of the Commission on Narcotic Drugs. The Interim Committee recommended the convening of a Joint Committee of the principal opium-producing countries and of the principal drug-manufacturing countries on 14 August 1950, and a meeting of the principal drug-manufacturing countries on 7 August 1950. At its 377th plenary meeting, the Council, by resolution 316(XI), adopted these recommendations.

In its report, the Interim Committee had also proposed that the fifth session of the Commission on Narcotic Drugs, which had been postponed from April until August 1950, should be further postponed until January 1951. At its 381st plenary meeting the Council, however, agreed with the view expressed by the representative of Canada that it would be undesirable for the Commission on Narcotic Drugs not to meet at all during 1950, and accordingly it requested the Secretariat to investigate the possibilities of holding this fifth session in December 1950. The Secretariat subsequently reported back to the Council on the results of its examination of the Canadian proposal (E/1750), and concluded that it would be possible for the Commission on Narcotic Drugs to meet between 30 November and 16 December 1950. Accordingly, the Council after making the

necessary amendments in paragraph 3, adopted the draft resolution proposed by its Interim Committee. The Commission met in New York, 1-15 December 1950.

h. FINANCIAL IMPLICATIONS OF THE ACTION TAKEN BY THE COUNCIL AT ITS TENTH AND ELEVENTH SESSIONS

(1) Tenth Session

The final summary (E/1598/Rev.2) of financial implications of proposals approved by the Council at its tenth session indicated that the aggregate direct costs attributable to proposals would total \$242,178 for 1950 and \$155,432 for 1951.

Out of the total of \$242,178 gross for 1950, approximately \$30,000 was covered in the 1950 budget, representing the following items:

- (a) Proposed experts' mission on tropical housing (\$20,000)
- (b) Revisions in the form of the Secretary-General's reports on implementation of recommendations on economic and social matters (\$2,700)
- (c) Second session of the Ad Hoc Committee on Slavery (\$6,860)

In addition, \$123,360 represented a tentative estimate of the cost of holding the eleventh session of the Council in Geneva, for which the Secretary-General was specifically authorized to make withdrawals from the Working Capital Fund under General Assembly resolution 357(IV).

The other items for which no budgetary provision existed concerned:

- (d) Consultation by the Secretary-General with the former members of the Preparatory Committee of the United Nations Scientific Conference on the Conservation and Utilization of Resources on the next steps to be taken in the field of conservation and utilization of resources (\$870)
- (e) Provisions for improving Secretariat working relationships with non-governmental organizations under the new statute (\$9,090)
- (f) Adoption of the fascicule method of reproduction of the records of functional commissions (\$4,718)
- (The three foregoing items the Secretary-General undertook to absorb within the 1950 appropriations)
- (g) Giving priority in 1950 to the additional work projects (arising out of the report of the Economic Commission for Asia and the Far East) in the fields of transport and technical assistance which the Council considered urgent (\$44,820)
- (h) Expenses arising from the proposed meeting of road and motor transport experts (\$11,600)
- (i) Additional works projects arising out of the work of the Social Commission (\$18,160)

(For the three foregoing items the Secretary-General stated that he would request a supplementary appropriation, should it be necessary)

In the preparation of his budget estimates for 1951, the Secretary-General, after reviewing the

estimated costs, made provision for continuing those new projects which, at the request of the Council, were to start in 1950. He also included in the estimates the amounts necessary to hold the 1951 session of the Economic Commission for Asia and the Far East at Lahore and to convene in 1951 one further meeting of experts on road and motor transport.

(2) Eleventh Session

Projects approved at the Council's eleventh session, it was estimated, would require supplementary estimates for 1951 in the amount of some \$997,000 gross. This would be reduced to a net total of \$920,000 through the operation of the staff assessment plan, through which an income of approximately \$77,000 would derive. The estimate of \$997,000 covered the following items:

- (a) Long-range activities of children, for which it was proposed central administrative expenses should be covered by the regular United Nations budget (\$450,000)
- (b) Broadening of the programme of advisory social welfare services (\$158,000)
- (c) Other activities in the social field involving an expansion in the normal work of the Secretariat (\$136,000) comprising:

- (i) Services arising from the report of the Population Commission and dealing with the interrelationships of demographic, economic and social factors in India, and of a study of the recent recovery of the birth rate in certain countries (\$60,000)

(The Council in resolution 308(XI) had suggested that essential additional costs arising out

of the first of these studies might be met by releasing funds as the result of postponing work on projects given lower priority by the Commission and by exploring with the Government of India the possibility of developing a technical assistance project financed from the special account to meet part of the additional costs involved)

- (ii) Increased activities arising from the report of the Social Commission, particularly in the fields of family, youth and child welfare, social rehabilitation of the physically handicapped, social defence, housing and town and country planning, and the Social Reference Centre (\$76,000)

- (d) Activities in the economic field, resulting from the Council's decision on full employment and certain additional expenditures arising from the report of the Economic Commission for Europe and the Statistical Commission (\$226,000)

- (e) Adjustments in the programme of meetings for 1951, change in total membership of certain commissions and a meeting in 1951 of the Ad Hoc Committee on Slavery (\$27,000)

In addition, decisions of the Council at its eleventh session involved an estimated additional expenditure of \$48,000, which the Secretary-General stated he would endeavour to absorb within the limits of the budgetary appropriations. This \$48,000 was made up of the following items:

- (a) Full Employment (\$37,000)
- (b) Report of Ad Hoc Committee on Statelessness (\$12,400)
- (c) Calendar of Conferences for 1950 (\$6,721)
(Less a saving of \$8,000 resulting from the postponement of the meeting of the Ad Hoc Committee on Slavery to 1951)

ANNEX I. DELEGATIONS TO THE ECONOMIC AND SOCIAL COUNCIL

A. Tenth Session

MEMBERS OF THE COUNCIL

AUSTRALIA:

Representative Norman J. O. Makin
Alternates K. C. O. Shann
J. Plimsoll
Gordon A. Jockel

BELGIUM:

Representative Fernand Dehousse
Alternates Omer de Raeymaeker
Robert Fenaux
Maurice Masoin

BRAZIL:

Representative João Carlos Muniz
Alternates Pedro Demostenes Rache
Carlos Sylvestre de Ouro Preto
Enrico Penteado

CANADA:

Representative R. Eudes
Alternates G. F. Davidson
S. D. Pierce

CHILE:

Representative Hernán Santa Cruz
Alternates Oscar Schnake-Vergara
Joaquin Larrain
Mrs. Ana Figueroa

CHINA:

Representative P. C. Chang

CZECHOSLOVAKIA:

Representative Vladimir Houdek
Alternates Jiri Nosek
Jiri Stary

DENMARK:

Representative William Borberg
Alternates Carl L. Iversen
Finn T. B. Friis
Jean J. Ricard
Christian D. Holten-Eggert
Mrs. Nonny Wright
Count C. A. Moltke

FRANCE:

Representative Pierre Mendes-France
Alternates Georges Boris
Mme. Germaine Peyrolles
Louis Bugnard

INDIA:

Representative Sir A. Ramaswami Mudaliar
Alternates Rani Lakshmi Bai Rajwade
B. P. Adarkar

IRAN:

Representative Nasrollah Entezam
Alternates Djalal Abdoh
Khosrow Khosrovani

DISTRIBUTION OF MEMBERSHIP IN THE COUNCIL AND ITS COMMISSIONS DURING 1950

STATES	REPRESENTED ON—			COMPOSITION OF COMMISSIONS BY STATES ENTITLED TO NOMINATE MEMBERS							
	Council (18)	Functional Com- missions (except Narcotics)	Narcotics Com- mission (Members are States: 15)	Economic & Employ- ment (15)*	Transport & Com- munications (15)	Statistical (12)†	Fiscal (15)	Human Rights (18)	Social (18)	Status of Women (15)	Population (12)
Argentina		1	....		....	1952	....	1950	....	1951	....
Australia	1950	4	....	1950	....	....	....	1950	1952	....	....
Belgium	1951	3	....	1951	....	....	1951	1950	....	....	....
Bolivia		1	....		....	....	....	....	1952	....	....
Brazil	1950	3	....	1951	....	....	....	....	1952	....	1950
Byelorussian SSR		1	....	1950	....	....	....	....	....	....	....
Canada	1952	3	Indefinite	1952	....	....	1952	....	1950	....	....
Chile	1951	2	....	....	1952	....	....	1950	....	....	....
China	1951	8	Indefinite	1952	1952	1951	1950	1951	1950	1951	1951
Costa Rica		1	....		....	....	....	....	....	1950	....
Cuba		2	....	1950	....	....	1952	....	....	....	....
Czechoslovakia	1952	4	....	1952	1950	1952	1951	....	....	....	....
Denmark	1950	2	....	....	....	....	....	1951	1950	....	....
Dominican Republic		1	....	....	....	....	....	....	....	1950	....
Ecuador		1	....	....	....	....	....	....	1950	....	....
Egypt		2	1952	....	1950	....	....	1952	....	....	....
France	1951	8	Indefinite	1951	1952	1950	1950	1952	1951	1950	1952
Greece		2	....	....	....	....	....	1952	....	1951	....
Guatemala		1	....	....	....	....	....	1952	....	....	....
Haiti		1	....	....	....	....	....	....	....	1951	....
India	1951	6	Indefinite	1952	1951	1952	....	1952	1951	1951	....
Iran	1952		1952	....	....	....	....	....	....	....	....
Israel		1	....	....	....	....	....	....	1950	....	....
Lebanon		2	....	....	....	....	....	1951	....	1952	....
Mexico	1952	1	1952	....	....	....	....	....	....	1952	....
Netherlands		3	1952	....	1951	1951	....	....	....	1950	....
New Zealand		2	....	....	....	....	1951	....	1952	....	....
Norway		3	....	1952	1952	1950	....	....	....	....	....
Pakistan	1952	2	....	....	1952	....	1951	....	....	....	....
Peru	1951	1	Indefinite	....	....	....	....	....	....	....	1950
Philippines		1	....	....	....	....	....	1950	....	....	....
Poland	1950	4	1952	1951	1951	....	1952	....	1950	....	....
Sweden		1	....	....	....	....	....	....	....	....	1952
Turkey		3	Indefinite	....	....	1950	....	....	1951	1950	....
Ukrainian SSR		4	....	....	....	1952	1950	1952	....	....	1952
Union of South Africa		2	....	....	....	....	1950	....	1951	....	....
USSR	1950	8	Indefinite	1950	1950	1951	1952	1952	1951	1952	1951
United Kingdom	1950	8	Indefinite	1951	1951	1950	1950	1951	1952	1952	1951
United States	1952	8	Indefinite	1950	1950	1951	1951	1950	1951	1952	1951
Uruguay		1	....	....	....	....	....	1951	....	....	....
Venezuela		3	....	....	1951	....	1952	....	....	1950	....
Yugoslavia		4	Indefinite	....	1950	....	....	1950	1952	....	1950

NOTE: Of 60 Member States, 42 were represented during 1950 on the Council and its commissions. In this table, the year given is that in which the term of membership ends. The figure following the name of each body indicates the number of its members. For members elected at the Council's 11th session, to take office in 1951, see p. 84.

*Name changed to Economic, Employment and Development Commission at Council's 11th session; membership increased to 18. New members took office from 1 Jan. 1951.

†Membership increased to 15 at Council's 11th session; new members took office from 1 Jan. 1951.

MEXICO:
Representative Luis Padilla Nervo

PAKISTAN:
Representative S. Amjad Ali Shah
Alternate Ahmed S. Bokhari

PERU:
Representative Teodosio Cabada

POLAND:
Representative Juliusz Katz-Suchy
Alternates Jan Drohojowski
Jan Galewicz

USSR:
Representative Semen K. Tsarapkin

UNITED KINGDOM:
Representative Sir Terence Shone
Alternates Sir Sydney Caine
G. T. Corley Smith

UNITED STATES:
Representative Willard L. Thorp
Deputy Representative Walter M. Kotschnig

OTHER MEMBERS OF THE UNITED NATIONS

ARGENTINA:
Observer Julio C. Rodriguez Arias

NETHERLANDS:
Observers H. Riemens
Maria Z. N. Witteveen

VENEZUELA:
Observers Victor M. Pérez-Perozo
Adolfo Nass

YUGOSLAVIA:
Observer Ratko Pleic

SPECIALIZED AGENCIES

INTERNATIONAL LABOUR ORGANISATION (ILO):
Representative Luís Alvarado
Alternate R. A. Métall

FOOD AND AGRICULTURE ORGANIZATION (FAO):
Representatives Frank L. McDougall
Karl Olsen

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO):
Representatives Solomon V. Arnaldo
Gerald Carnes

INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO):
Representatives E. R. Marlin
A. G. Orbaneja

WORLD HEALTH ORGANIZATION (WHO):
Representatives M. E. Eliot
W. P. Forrest
Mabel Ingalls
G. E. Hill

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (BANK):
Representatives Eugene R. Black
Richard H. Demuth
Enrique Lopez-Herrarte

INTERNATIONAL MONETARY FUND (FUND):
Representatives Camille Gutt
Gordon Williams

UNIVERSAL POSTAL UNION (UPU):
Representatives Paul Aiken
John J. Gillen
Greever Allan

INTERNATIONAL TELECOMMUNICATION UNION (ITU):
Representative Francis C. de Wolf

INTERNATIONAL REFUGEE ORGANIZATION (IRO):
Representative Martha Biehle

NON-GOVERNMENTAL ORGANIZATIONS

Category A

WORLD FEDERATION OF TRADE UNIONS (WFTU):
Representatives V. Lombardo Toledano
A. Diallo
B. Gebert
Georges Fischer

INTERNATIONAL CO-OPERATIVE ALLIANCE (ICA):
Representatives Thorsten Odhe
Wallace J. Campbell
Howard A. Cowden
M. D. Lincoln

AMERICAN FEDERATION OF LABOR (AF of L):
Representatives Matthew Woll
Toni Sender
George Stolz

INTERNATIONAL CHAMBER OF COMMERCE (ICC):
Representatives Philip D. Reed
Robert D. Peters
Michael A. Heilperin
Edith Sansom

INTERNATIONAL FEDERATION OF AGRICULTURAL PRODUCERS (IFAP):
Representative Andrew Cairns

INTERNATIONAL FEDERATION OF CHRISTIAN TRADE UNIONS (IFCTU):
Representatives Auguste J. Vanistendael
G. Thormann

INTER-PARLIAMENTARY UNION (IPU):
Representative Boris Mirkine-Guetzévitch

INTERNATIONAL ORGANIZATION OF EMPLOYERS (IOB):
Representative John Meade

WORLD FEDERATION OF UNITED NATIONS ASSOCIATIONS (WFUNA):
Representative John A. F. Ennals

Category B

AGUDAS ISRAEL WORLD ORGANIZATION:
Representative Isaac Lewin

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (United States):
Representative Howard E. Wilson

COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS (CCIA):
Representatives Mrs. Ellen J. Nolde
Robert L. Steiner

CONSULTATIVE COUNCIL OF JEWISH ORGANIZATIONS (CCJO):
Representative Moses Moskowitz

CO-ORDINATING BOARD OF JEWISH ORGANIZATIONS:
Representative Bernard Bernstein

FRIENDS' WORLD COMMITTEE FOR CONSULTATION
(FWCC):
Representative Elmore Jackson

INTERNATIONAL ASSOCIATION OF DEMOCRATIC
LAWYERS:
Representatives Martin Popper
Robert J. Silberstein

INTERNATIONAL ALLIANCE OF WOMEN—EQUAL RIGHTS,
EQUAL RESPONSIBILITIES:
Representative Mrs. M. Baker van den Berg

INTERNATIONAL ASSOCIATION OF PENAL LAW:
Representative V. V. Pella

INTERNATIONAL BUREAU FOR THE UNIFICATION OF
PENAL LAW:
Representative V. V. Pella

INTERNATIONAL COUNCIL OF WOMEN (ICW):
Representatives Mrs. Laura Dreyfus-Barney
Mrs. W. B. Parsons
Mrs. Eunice Carter
Mrs. H. Gordon Freeman

INTERNATIONAL FEDERATION FOR HOUSING AND
TOWN PLANNING:
Representatives Walter Blucher
Charles S. Ascher

INTERNATIONAL INSTITUTE OF ADMINISTRATIVE
SCIENCES:
Representative Charles S. Ascher

INTERNATIONAL SOCIETY OF CRIMINOLOGY:
Representative George Dession

INTERNATIONAL UNION FOR CHILD WELFARE
(IUCW):
Representative Mary A. Dingman

INTERNATIONAL UNION OF LOCAL AUTHORITIES:
Representative Charles S. Ascher

LIAISON COMMITTEE OF WOMEN'S INTERNATIONAL
ORGANIZATIONS:
Representative Janet Robb

NATIONAL ASSOCIATION OF MANUFACTURERS (NAM)
(United States):
Representative Philip Cortney

WOMEN'S INTERNATIONAL DEMOCRATIC FEDERATION
(WIDF):
Representative Mme. Maria Maddalena Rossi

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND
FREEDOM (WILPF):
Representative Gertrude Baer

WORLD FEDERATION OF DEMOCRATIC YOUTH:
Representative Guy de Boysson

WORLD JEWISH CONGRESS (WJC):
Representative Maurice L. Perlzweig

WORLD UNION FOR PROGRESSIVE JUDAISM:
Representatives Rabbi I. I. Mattuck
Rabbi D. J. Seligson

WORLD'S ALLIANCE OF YOUNG MEN'S CHRISTIAN
ASSOCIATIONS:
Representative Wesley F. Rennie

WORLD'S YOUNG WOMEN'S CHRISTIAN ASSOCIATION:
Representatives Mrs. C. Beresford Fox
Mrs. Alfred E. Mudge
Kathleen McArthur

B. Eleventh Session (July-August)

MEMBERS OF THE COUNCIL

AUSTRALIA:
Representative E. Ronald Walker
Alternate B. C. Ballard

BELGIUM:
Representative Fernand Dehousse
Alternates Louis-Ghislain Delhay
Joseph van Tichelen
Omer de Raeymaeker
Albert Herment

BRAZIL:
Representative Helio Lobo
Alternate Antonio Mendes Viana

CANADA:
Representative Alphonse Fournier
Alternates G. F. Davidson
A. F. W. Plumptre
Arnold Smith

CHILE:
Representative Hernán Santa Cruz
Alternates Oscar Schnake-Vergara
Enrique Bernstein
Carlos Valenzuela

CHINA:
Representative P. C. Chang
Alternate Tsune-chi Yu

CZECHOSLOVAKIA⁷⁷

DENMARK:
Representative William Borberg
Alternates Carl L. Iversen
Jean J. Ricard
Finn T. B. Friis

FRANCE:
Representative Pierre Mendes-France
Alternates Georges Boris
Louis Bugnard
Philippe Perier

INDIA:
Representative Sir A. Ramaswami Mudaliar
Alternates Mrs. Ammu Swaminathan
M. J. Desai
B. P. Adarkar

IRAN:
Representative Nasrollah Entezam
Alternates Khosrow Khosrovani
Taghi Nasr
Mohsen Merat Esfendiary

MEXICO:
Representative Luis Padilla Nervo
Alternates Pedro de Alba
Raúl Noriega

PAKISTAN:
Representative Nurul Amin

PERU:
Representative Teodosio Cabada
Alternate José A. Encinas

POLAND⁷⁷USSR⁷⁷

UNITED KINGDOM:

Representative Viscount Alexander of Hillsborough
 Alternate G. T. Corley Smith

UNITED STATES:

Representative Isador Lubin
 Deputy Representative Walter M. Kotschnig

OTHER MEMBERS OF THE UNITED NATIONS

EGYPT:

Observer Moin Ahmed Lotfy

ETHIOPIA:

Observer Jean Ouannou

ISRAELS

Observer M. Kahany

NETHERLANDS:

Observers W. H. J. van Asch van Wyck
 J. A. de Ranitz
 M. J. Keyzer
 O. H. B. Schoenewald
 J. Tinbergen

SWEDEN:

Observer B. Nordell

VENEZUELA:

Observer Victor M. Pérez-Perozo

YUGOSLAVIA:

Observer Salko Fejic

SPECIALIZED AGENCIES

INTERNATIONAL LABOUR ORGANISATION (ILO):

Representative David A. Morse
 Alternates C. W. Jenks
 Luís Alvarado

FOOD AND AGRICULTURE ORGANIZATION (FAO)

Representatives Frank L. McDougall
 Karl Olsen

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO):

Representatives Jaime Torres Bodet
 André de Blonay
 H. Saba
 C. M. Berkeley
 P. C. Terenzio

INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO):

Representative E. R. Marlin

WORLD HEALTH ORGANIZATION (WHO):

Representatives Brock Chisholm
 M. E. Eliot
 M. P. Siegel
 W. P. Forrest
 Paul Bertrand
 M. H. Hafezi
 Beatrice Howell

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (BANK):

Representative Enrique Lopez-Herrarte

INTERNATIONAL MONETARY FUND (FUND):

Representative Camille Gutt
 Alternate Gordon Williams

UNIVERSAL POSTAL UNION (UPU):

Representative Fulke R. Radice

INTERNATIONAL TELECOMMUNICATION UNION (ITU):

Representative Léon Mulatier

INTERNATIONAL REFUGEE ORGANIZATION (IRO):

Representatives J. Donald Kingsley
 Myer Cohen
 F. C. Blanchard
 G. G. Kullmann

INTERNATIONAL METEOROLOGICAL ORGANIZATION (IMO):

Representative G. Swoboda

INTERIM COMMISSION FOR THE INTERNATIONAL TRADE ORGANIZATION (IC-ITO):

Representatives Eric Wyndham White
 Jean Royer

PREPARATORY COMMITTEE OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION:

Representative Branko Lukac

NON-GOVERNMENTAL ORGANIZATIONS

Category A

WORLD FEDERATION OF TRADE UNIONS (WFTU):

Representatives Giuseppe di Vittorio
 Georges Fischer
 J. Dessau

INTERNATIONAL CO-OPERATIVE ALLIANCE (ICA):

Representatives Thorsten Odhe
 Edgar Milhaud
 Marcel Boson

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU):

Representative Toni Sender

INTERNATIONAL CHAMBER OF COMMERCE (ICC):

Representatives Sir Jeremy Raisman
 P. J. Pointet
 Jacques L'Huillier

INTERNATIONAL FEDERATION OF AGRICULTURAL PRODUCERS (IFAP):

Representative Roger Savary

INTERNATIONAL FEDERATION OF CHRISTIAN TRADE UNIONS (IFCTU):

Representatives Gaston Tessier
 P. J. S. Serrarens
 F. Glaser

INTER-PARLIAMENTARY UNION (IPU):

Representatives Léopold Boissier
 Adrien Robinet de Clery

INTERNATIONAL ORGANIZATION OF EMPLOYERS (IOB)

Representatives Ch. Kuntschen
 J. Lecocq
 Georges Emery

WORLD FEDERATION OF UNITED NATIONS ASSOCIATIONS (WFUNA):

Representative John A. F. Ennals

⁷⁷ Not represented at the first part of the 11th session.

Category B		INTERNATIONAL CO-OPERATIVE WOMEN'S GUILD:	
AGUDAS ISRAEL WORLD ORGANIZATION:		Representative	Lucie Rossier
Representatives	H. A. Goodman Chief Rabbi Shafran	INTERNATIONAL COUNCIL OF WOMEN (ICW):	
ALL-INDIA WOMEN'S CONFERENCE (India):		Representatives	Mrs. Laura Dreyfus-Barney L. C. A. van Eeghen Renée Girod
Representative	Ganguben Hadkar	INTERNATIONAL FEDERATION FOR HOUSING AND TOWN PLANNING:	
ANTI-SLAVERY SOCIETY (United Kingdom):		Representative	Oscar Leimgruber
Representative	Charles W. W. Greenidge	INTERNATIONAL FEDERATION OF FRIENDS OF YOUNG WOMEN:	
ASSOCIATED COUNTRY WOMEN OF THE WORLD:		Representatives	Anna Lagemann Mme. P. Berthoud van Werveke Andrée Kurz Mme. Aloys Gautier Mme. Gaston Bridel
Representatives	Mrs. Charles Russell Mrs. Coomaraswamy	INTERNATIONAL FEDERATION OF NEWSPAPER PUBLISHERS (PROPRIETORS) AND EDITORS:	
CATHOLIC INTERNATIONAL UNION FOR SOCIAL SERVICE (CIUSS):		Representatives	Karl Sartorius Jacques Bourquin
Representative	Mlle. J. de Romer	INTERNATIONAL FEDERATION OF UNIONS OF EMPLOYEES IN PUBLIC AND CIVIL SERVICES:	
COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS (CCIA):		Representatives	T. Williamson M. C. Bolle
Representatives	O. Frederick Nolde Elfan Rees	INTERNATIONAL FISCAL ASSOCIATION (IFA):	
CONSULTATIVE COUNCIL OF JEWISH ORGANIZATIONS (CCJO):		Representative	Pierre Folliet
Representatives	Moses Moskowitz Norman Bentwich André Chouraqui	INTERNATIONAL INSTITUTE OF ADMINISTRATIVE SCIENCES:	
CO-ORDINATING BOARD OF JEWISH ORGANIZATIONS:		Representative	Oscar Leimgruber
Representatives	Saul Jofes Barnett Janner	INTERNATIONAL LAW ASSOCIATION (ILA):	
FRIENDS' WORLD COMMITTEE FOR CONSULTATION (FWCC):		Representatives	Charles W. W. Greenidge Marc Paschoud
Representative	Colin Bell	INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN:	
INDIAN COUNCIL OF WORLD AFFAIRS (India):		Representatives	Max Beer Roger N. Baldwin André de Maday Gertrude Baer Mrs. Marthe Beer
Representative	Sir Shriram	INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO):	
INTERNATIONAL ABOLITIONIST FEDERATION (IAF):		Representatives	Henry St. Léger Roger Maréchal
Representative	Théodore de Felice	INTERNATIONAL STATISTICAL INSTITUTE (ISI):	
INTERNATIONAL ALLIANCE OF WOMEN—EQUAL RIGHTS, EQUAL RESPONSIBILITIES:		Representative	J. W. Nixon
Representatives	Mrs. Hanna Rydh Miss M. Ginsberg Mrs. Bader	INTERNATIONAL STUDENT SERVICE:	
INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS:		Representatives	Robert S. Smith James T. Harris, Jr. Henry Jacqz
Representatives	Baron van den Branden de Reeth M. Lyon-Caen	INTERNATIONAL UNION OF CATHOLIC WOMEN'S LEAGUES (IUCWL):	
INTERNATIONAL ASSOCIATION OF PENAL LAW:		Representatives	Mlle. J. de Romer Mlle. F. de Saint-Maurice Miss Liang Pai Tchin Mrs. Brull
Representative	Max Habicht	INTERNATIONAL UNION FOR CHILD WELFARE (IUCW):	
INTERNATIONAL AUTOMOBILE FEDERATION AND INTER- NATIONAL TOURING ALLIANCE:		Representatives	Mary A. Dingman Georges Thérin Mlle. L. Frankenstein
Representatives	Joseph Britschgi Edmond Gay Paul Ossipow	INTERNATIONAL UNION OF LOCAL AUTHORITIES:	
INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC):		Representative	M. Cottier
Representatives	E. Gloor R. Olgiate Jean E. Duchosal M. Borsinger		
INTERNATIONAL COMMITTEE OF SCIENTIFIC MANAGE- MENT (ICSM):			
Representatives	Hugo de Haan Jacques A. Chapuis		

INTERNATIONAL UNION OF RAILWAYS (UIC):

Representative A. Tuja

INTERNATIONAL UNION FOR THE SCIENTIFIC STUDY OF POPULATION:

Representatives L. Hersch
G. Frumkin

LIAISON COMMITTEE OF WOMEN'S INTERNATIONAL ORGANIZATIONS:

Representatives Mrs. Laura Dreyfus-Barney
Lady Nunburnholme

NATIONAL ASSOCIATION OF MANUFACTURERS (NAM) (United States):

Representative August Maffry

PAX ROMANA—INTERNATIONAL CATHOLIC MOVEMENT FOR INTELLECTUAL AND CULTURAL AFFAIRS (ICMICA):

Representative Ramon Sugranyes de Franch

PAX ROMANA—INTERNATIONAL MOVEMENT OF CATHOLIC STUDENTS (IMES):

Representatives Bernard de Hoog
Jean Paul Buensod

SOCIETY OF COMPARATIVE LEGISLATION (France):

Representative P. Arminjon

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM (WILPF):

Representatives Gertrude Baer
Mrs. Betty McCorkel

WORLD ASSEMBLY OF YOUTH:

Representative F. P. Mercereau

WORLD JEWISH CONGRESS (WJC):

Representatives A. L. Easterman
F. R. Bienenfeld
G. Riegner

WORLD'S YOUNG WOMEN'S CHRISTIAN ASSOCIATION:

Consultants Alice Arnold
Madeleine Barot
Mrs. C. Beresford Fox
Marion U. Royce

C. Eleventh Session, Resumed (October-December)

AUSTRALIA:

Representative Arthur Tange
Alternate J. Plimsoll

BELGIUM:

Representative Fernand Dehousse
Alternate Robert Fenaux

BRAZIL:

Representatives João Carlos Muniz
Luiz Pereira Ferreira de Faro, Jr.

CANADA:

Representative John H. Dickey
Alternate R. G. Riddell

CHILE:

Representative Hernán Santa Cruz
Alternates Oscar Schnake-Vergara
Carlos Valenzuela

CHINA:

Representative P. C. Chang
Alternate Tsune-chi Yu

CZECHOSLOVAKIA:

Representative Arnost Tauber
Alternates Jiri Nosek
Jiri Stary

DENMARK:

Representative William Borberg
Alternates Finn T. B. Friis
Christian D. Holten-Eggert
Mrs. Nonny Wright

FRANCE:

Representative Philippe de Seynes

INDIA:

Representative Ramji Ram Saksena
Alternate Rajeshwar Dayal

IRAN:

Representative Khosrow Khosrovani

MEXICO:

Representative Luis Padilla Nervo
Alternate Raúl Noriega

PAKISTAN:

Representative S. Amjad Ali
Alternate A. A. Farooq

PERU:

Representative Teodosio Cabada
Alternate José A. Encinas

POLAND:

Representative Juliusz Katz-Suchy
Alternate Henryk Altman
Jan Galewicz
Jan Drohojowski

USSR:

Representative Amazasp A. Arutiunian

UNITED KINGDOM:

Representatives Kenneth Younger
G. T. Corley Smith

UNITED STATES:

Representative Isador Lubin
Alternate Walter M. Kotschnig

SPECIALIZED AGENCIES

INTERNATIONAL LABOUR ORGANIZATION (ILO):

Representative Léon-Eli Troclet
Alternate C. W. Jenks

FOOD AND AGRICULTURE ORGANIZATION (FAO):

Representative Frank L. McDougall

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO):

Representatives André de Blonay
E. H. Barger
C. M. Berkeley
Solomon V. Arnaldo

WORLD HEALTH ORGANIZATION (WHO):

Representatives Brock Chisholm
W. P. Forrest
P. M. Kaul
Mabel Ingalls
G. E. Hill

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (BANK):

Representative Enrique Lopez-Herrarte

INTERNATIONAL MONETARY FUND (FUND):

Representative Camille Gutt
Alternate Gordon Williams

NON-GOVERNMENTAL ORGANIZATIONS

Category A

INTERNATIONAL CONFEDERATION OF FREE TRADE
UNIONS (ICFTU):

Representatives Toni Sender
John Brophy

INTERNATIONAL FEDERATION OF AGRICULTURAL
PRODUCERS (IFAP):

Representative Andrew Cairns

WORLD FEDERATION OF TRADE UNIONS (WFTU):

Representative Georges Fischer

WORLD FEDERATION OF UNITED NATIONS ASSOCIA-
TIONS (WFUNA):

Representatives Miss M. Olson
Mrs. H. Thomas

Category B

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE
(United States):

Representative Leslie Paffrath

CATHOLIC INTERNATIONAL UNION FOR SOCIAL SERVICE
(CIUSS):

Representative Mrs. Grace Aieta

CONSULTATIVE COUNCIL OF JEWISH ORGANIZATIONS
(CCJO):

Representative Moses Moskowitz

CO-ORDINATING BOARD OF JEWISH ORGANIZATIONS:

Representative Bernard Bernstein

FRIENDS' WORLD COMMITTEE FOR CONSULTATION
(FWCC):

Representatives Elmore Jackson
Mrs. M. Cedergren

INTERNATIONAL COUNCIL OF WOMEN (ICW):

Representatives Mrs. W. B. Parsons
Mrs. Eunice Carter

INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN:

Representative Max Beer

INTERNATIONAL UNION OF CATHOLIC WOMEN'S

LEAGUES (IUCWL):
Representative Catherine Schaefer

WORLD YOUNG WOMEN'S CHRISTIAN ASSOCIATION:

Representatives Margaret Forsyth
Esther Park
Mrs. C. Beresford Fox

INTERNATIONAL UNION FOR CHILD WELFARE (IUCW):

Representative Mary A. Dingman

COMMISSION OF THE CHURCHES ON INTERNATIONAL
AFFAIRS (CCIA):

Representatives O. Frederick Nolde
Mrs. Ellen J. Nolde
Arnold Vought
F. W. Ramsey
H. D. Appenziller

WORLD'S ALLIANCE OF YOUNG MEN'S CHRISTIAN
ASSOCIATIONS:

Representatives Owen E. Pence
D. A. Davis

INTERNATIONAL FEDERATION OF BUSINESS AND PRO-
FESSIONAL WOMEN:

Representative Mrs. Esther Hymer

INTER-AMERICAN COUNCIL OF COMMERCE AND PRO-
DUCTION (IACCP):

Representative Earl F. Cruikshank

ANNEX II. MEMBERS OF SUBSIDIARY ORGANS OF THE COUNCIL

**A. FUNCTIONAL COMMISSIONS AND
SUB-COMMISSIONS**

1. Economic and Employment Commission⁷⁸

Members elected for four years to serve until 31
December 1950:

AUSTRALIA, BYELORUSSIAN SSR, CUBA, USSR, UNITED
STATES

Members elected for three years to serve until 31
December 1951:

BELGIUM, BRAZIL, FRANCE, POLAND, UNITED KINGDOM

Members elected for three years to serve until 31
December 1952:

CANADA, CHINA, CZECHOSLOVAKIA, INDIA, NORWAY

AUSTRALIA:

Representative Roland Wilson (Chairman)

BELGIUM:

Representative Fernand van Langenhove
(Second Vice-Chairman)

BRAZIL:

Representative José Nunes Guimaraes
(First Vice-Chairman)

BYELORUSSIAN SSR:⁷⁹

Representative S. N. Malinine

CANADA:

Representative John Deutsch (Rapporteur)

CHINA:

Representative Franklin L. Ho

CUBA:

Representative Nicasio Silverio

⁷⁸ At the Council's 11th session the name of the Commission was changed to Economic, Employment and Development Commission, the membership increased to 18 and its two sub-commissions abolished (see pp. 80-81). The new members took office as from 1 Jan. 1951. At the Commission's 5th session, the following members were represented by alternates at all meetings: Byelorussian SSR, Pavel E. Astapenko; Czechoslovakia, Jiri Nosek; France, Jean M. Jeanneney and Philippe de Seynes; Norway, Trygve Haaveimo; USSR, Pavel M. Chernychev. The following were represented at one or more meetings by alternates: Belgium, Jean Godeaux and Jules Woulbroun; Canada, Sidney Pollock; United States, Lewis Lorwin.

⁷⁹ Representative attended only the first part of the 92nd meeting.

CZECHOSLOVAKIA:⁷⁸

Representative Jan Patek

FRANCE:

Representative Jacques Rueff

INDIA:

Representative Ramji Ram Saksena

NORWAY:

Representative Gunnar Boe

POLAND:⁷⁹

Representative Stefan Boratynski

USSR:⁷⁹

Representative Alexander P. Morozov

UNITED KINGDOM:

Representative Marcus Fleming

UNITED STATES:

Representative Isador Lubin

a. SUB-COMMISSION ON EMPLOYMENT AND ECONOMIC STABILITY⁸⁰

Selected by the Economic and Employment Commission for three-year terms of office, to serve until 31 December 1950:

J. Belin (France)
Alexander Danilov (USSR)
Ragnar Frisch (Norway) (Second Vice-Chairman)
R. F. Harrod (United Kingdom)
Oscar Lange (Poland) (First Vice-Chairman)
Leslie G. Melville (Australia) (Chairman)
Winfield W. Riefler (United States)

b. SUB-COMMISSION ON ECONOMIC DEVELOPMENT⁸¹

Selected by the Economic and Employment Commission for three-year terms of office, to serve until 31 December 1950:

José Nunes Guimaraes (Brazil)
Manuel Bravo Jiménez (Mexico) (Vice-Chairman and Rapporteur)
D. K. Lieu (China)
Alexander P. Morozov (USSR)
V. K. R. V. Rao (India) (Chairman)
Beardsley Ruml (United States)
Emanuel Slechta (Czechoslovakia)

2. Transport and Communications Commission⁸²

Members elected for four years to serve until 31 December 1950:

CZECHOSLOVAKIA, EGYPT, USSR, UNITED STATES, YUGOSLAVIA

Members elected for three years to serve until 31 December 1951:

INDIA, NETHERLANDS, POLAND, UNITED KINGDOM, VENEZUELA

Members elected for three years to serve until 31 December 1952:

CHILE, CHINA, FRANCE, NORWAY, PAKISTAN

CHILE:

Representative Hernán Palma Plaza

CHINA:

Representative Ching-yuen Hsiao

CZECHOSLOVAKIA:⁸³

Representative Pavel Baracek-Jacquier

EGYPT:

Representative Shoukry Abaza Bey

FRANCE:

Representative Jean Goursat

INDIA:

Representative Y. N. Sukthankar (Vice-Chairman)

NETHERLANDS:

Representative Jan J. Oyevaar (Chairman)

NORWAY:

Representative Frederik Odfjell

PAKISTAN:

Representative Masarrat Husain Zuberi

POLAND:⁸³

Representative Stefan Boratynski

USSR:⁸³

Representative N. Y. Bezroukov

UNITED KINGDOM:

Representative Brig.-General Sir H. Osborne Mance

UNITED STATES:

Representative George P. Baker

VENEZUELA:

Representative Manuel Reyna

YUGOSLAVIA:

Representative Slavko Pezelj

3. Fiscal Commission⁸⁴

Members elected for four years to serve until 31 December 1950:

CHINA, FRANCE, UKRAINIAN SSR, UNION OF SOUTH AFRICA, UNITED KINGDOM

Members elected for three years to serve until 31 December 1951:

BELGIUM, CZECHOSLOVAKIA, NEW ZEALAND, PAKISTAN, UNITED STATES

Members elected for three years to serve until 31 December 1952:

CANADA, CUBA, POLAND, USSR, VENEZUELA

BELGIUM:

Representative Rodolphe Putman

CANADA:

Representative A. K. Eaton

⁷⁹ Representative attended only the first part of the 92nd meeting.

⁸⁰ Did not meet in 1950.

⁸¹ Alexander P. Morozov, Beardsley Ruml and Emanuel Slechta were served by the following alternates: Pavel M. Chernyshev, A. Maffry and Jiri Nosek, respectively. However, Mr. Chernyshev and Mr. Nosek withdrew during the first meeting and did not attend subsequent meetings.

⁸² At the Commission's 4th session the following members were represented by alternates: Czechoslovakia, Jiri Nosek; Norway, Erling Foien; Pakistan, M. O. A. Baig; USSR, N. I. Klimov; Venezuela, Adolfo Nass; Yugoslavia, Nikodije Jovanovic.

⁸³ Representative present only for opening of first meeting.

⁸⁴ Commission did not meet in 1950.

CHINA:
Representative S. K. Fong

CUBA:
Representative José M. Pérez Cubillas

CZECHOSLOVAKIA:
Representative Karel Czesany

FRANCE:
Representative Jacques Certeux

NEW ZEALAND:
Representative D. W. A. Barker

PAKISTAN:
Representative M. Zafarullah

POLAND:
Representative S. Trampczyński

UKRAINIAN SSR:
Representative I. Tolkunoff

UNION OF SOUTH AFRICA:
Representative M. J. Wells

USSR:
Representative Pavel M. Chernyshev

UNITED KINGDOM:
Representative W. W. Morton

UNITED STATES:
Representative Edward T. Bartelt

VENEZUELA:
Representative J. J. Gonzales Gorrondona

4. Statistical Commission⁸⁵

Members elected for four years to serve until 31 December 1950:
FRANCE, NORWAY, TURKEY, UNITED KINGDOM

Members elected for three years to serve until 31 December 1951:
CHINA, NETHERLANDS, USSR, UNITED STATES

Members elected for three years to serve until 31 December 1952:
ARGENTINA, CZECHOSLOVAKIA, INDIA, UKRAINIAN SSR

ARGENTINA:
Representative Julio C. Rodriguez Arias

CHINA:
Representative D. K. Lieu

CZECHOSLOVAKIA:⁸⁶
Representative Frantisek Fajfr

FRANCE:
Representative George Darmois (Vice-Chairman)

INDIA:
Representative P. C. Mahalanobis

NETHERLANDS:
Representative Ph. J. Idenburg (Chairman)

NORWAY:
Representative Gunnar Jahn

TURKEY:
Representative Sefik Bilkur

UKRAINIAN SSR:⁸⁷

USSR:⁸⁶
Representative T. V. Ryabushkin

UNITED KINGDOM:
Representative H. Campion (Rapporteur)

UNITED STATES:
Representative Stuart A. Rice

a. SUB-COMMISSION ON STATISTICAL SAMPLING

Members composed of five experts elected by the Commission for an indeterminate period.

Georges Darmois (France)
W. E. Deming (United States)⁸⁸
P.C. Mahalanobis (India) (Chairman)⁸⁸
F. Yates (United Kingdom)⁸⁸
(Vacant) (USSR)
R. A. Fisher (Consultant)

5. Population Commission⁸⁹

Members elected for four years to serve until 31 December 1950:

BRAZIL, NETHERLANDS, PERU, YUGOSLAVIA

Members elected for three years to serve until 31 December 1951:

CHINA, USSR, UNITED KINGDOM, UNITED STATES

Members elected for three years to serve until 31 December 1952:

FRANCE, SWEDEN, SYRIA, UKRAINIAN SSR

BRAZIL:
Representative Germano Jardim

CHINA:
Representative Franklin L. Ho

FRANCE:
Representative Alfred Sauvy (Chairman)

NETHERLANDS:
Representative Jonkheer N. L. J. van Buttingha Wichers

PERU:
Representative Alberto Arca Parró

SWEDEN:
Representative Hannes Herenius

SYRIA:
Representative Rafik Asha

UKRAINIAN SSR:⁹⁰

USSR:⁹¹
Representative T. V. Ryabushkin

⁸⁵ At the Council's 11th session the membership of the Commission was increased to 15 (see p. 81). New members took office as from 1 Jan. 1951. At the Commission's 5th session the following members were represented by alternates: Czechoslovakia, Jiri Nosek; USSR, Pavel M. Chernyshev.

⁸⁶ Representative attended only the opening meeting.

⁸⁷ Not represented.

⁸⁸ Present at 4th session in Sept. 1950.

⁸⁹ At the Commission's 5th session the following members were represented by alternates: Sweden, C. Quensel; USSR, Pavel M. Chernyshev. China was represented at several meetings by Hsiu Cha.

⁹⁰ Not represented.

⁹¹ Representative attended only opening part of the first meeting.

UNITED KINGDOM:

Representative David V. Glass

UNITED STATES:

Representative Philip M. Hauser (Rapporteur)

YUGOSLAVIA:

Representative Dolfe Vogelnik (Vice-Chairman)

6. Social Commission⁹²

Members elected for four years to serve until 31 December 1950:

CANADA, CHINA, DENMARK, ECUADOR, IRAQ, POLAND

Members elected for three years to serve until 31 December 1951:

FRANCE, INDIA, TURKEY, UNION OF SOUTH AFRICA, USSR, UNITED STATES

Members elected for three years to serve until 31 December 1952:

AUSTRALIA, BOLIVIA, BRAZIL, NEW ZEALAND, UNITED KINGDOM, YUGOSLAVIA

AUSTRALIA:

Representative K. C. O. Shann

BOLIVIA:

Representative Eduardo Anze Matienzo

BRAZIL:

Representative Clodomiro Vianna Moog

CANADA:

Representative G. F. Davidson

CHINA:

Representative Y. C. Yang

DENMARK:

Representative Alice Bruun

ECUADOR:

Representative José A. Correa

FRANCE:

Representative Henry Hauck

INDIA:

Representative M. K. Bharatan Kumarappa

IRAQ:

Representative Ahmed Izzet Mohammed

NEW ZEALAND:

Representative W. B. Sutch

POLAND:⁹³

Representative Henryk Altman

TURKEY:

Representative Mumtaz Turhan

UNION OF SOUTH AFRICA:

Representative Louis van Schalkwijk

USSR:⁹³

Representative Alexander P. Borisov

UNITED KINGDOM:

Representative Oswald C. Alien

UNITED STATES:

Representative Arthur J. Altmeyer

YUGOSLAVIA:

Representative Gustav Vlahov

7. Commission on Narcotic Drugs⁹⁴

Members elected to serve for an indefinite period:

CANADA, CHINA, FRANCE, INDIA, PERU, TURKEY, USSR, UNITED KINGDOM, UNITED STATES, YUGOSLAVIA

Members elected for three years until 31 December 1952:

EGYPT, IRAN, MEXICO, NETHERLANDS, POLAND

CANADA:

Representative Col. C. H. L. Sharman

CHINA:

Representative C. L. Hsia

EGYPT:

Representative Mahmoud Labib

FRANCE:

Representative Gaston Bourgois

INDIA:

Representative A. N. Sattanathan (Chairman)

IRAN:

Representative A. Amini

MEXICO:

Representative Oscar Rabasa (Vice-Chairman)

NETHERLANDS:

Representative A. Kruysse

PERU:

Representative Carlos Avalos

POLAND:

Representative Alexander W. Rudzinski

TURKEY:

Representative Cemalettin Or

USSR:

Representative V. V. Zakusov

UNITED KINGDOM:

Representative S. Hoare (Rapporteur)

UNITED STATES:

Representative Harry J. Anslinger

YUGOSLAVIA:

Representative S. Krasovec

⁹² At the 6th session of the Commission the following members were represented by alternates: Canada, R. B. Curry; China, Hsiu Cha; France, G. Amanrich; Poland, Juliusz Katz-Suchy; Turkey, I. Savut; USSR, V. I. Formashev. The following were represented by alternates at some of the meetings: Australia, G. N. Upton; Bolivia, R. Pacheco; Iraq, Mrs. Bedia Afnan; United States, Jane M. Hoey; Yugoslavia, M. Levi. In addition the following attended one or more meetings: Mrs. Nonny Wright (Denmark); J. Fearnley (United Kingdom); Louis Hyde, Jr. (United States).

⁹³ Representative attended only first meeting.

⁹⁴ At the Commission's 5th session Poland was represented by Stefan Boratynski, alternate. The following members were represented by alternates at some of the meetings: China, P. Y. Tsao; Egypt, Brig. Abdul Aziz Safwat; France, M. Vaille; Iran, Ali Gholi Ardalan; Mexico, Arnulfo Martínez Lavalle; Peru, Carlos Monge; Turkey, F. H. Diker; Yugoslavia, D. Nikolic.

8. Commission on Human Rights⁹⁵

Members elected for four years to serve until 31 December 1950:

AUSTRALIA, BELGIUM, CHILE, PHILIPPINES, UNITED STATES, YUGOSLAVIA

Members elected for three years to serve until 31 December 1951:

CHINA, DENMARK, GUATEMALA, LEBANON, UNITED KINGDOM, URUGUAY

Members elected for three years to serve until 31 December 1952:

EGYPT, FRANCE, GREECE, INDIA, UKRAINIAN SSR, USSR

AUSTRALIA:

Representatives J. D. L. Hood
H. F. E. Whitlam

BELGIUM:

Representative Fernand Dehousse

CHILE:

Representative Hernán Santa Cruz

CHINA:

Representative P. C. Chang (First Vice-Chairman)

DENMARK:

Representative Max Sorensen

EGYPT:

Representative Abdel Meguid Ramadan

FRANCE:

Representative René Cassin (Second Vice-Chairman)

GREECE:

Representative Alexis Kyrou

GUATEMALA:⁹⁶

Representative Carlos García Bauer

INDIA:

Representative Mrs. Hansa Mehta

LEBANON:

Representative Charles Malik (Rapporteur)

PHILIPPINES:

Representative Brig.-General Carlos P. Rómulo

UKRAINIAN SSR:⁹⁶

Representative Vadim P. Kovalenko

USSR:^{96a}

Representative Semen K. Tsarapkin

UNITED KINGDOM:

Representative J. Marguerite Bowie

UNITED STATES:

Representative Mrs. Franklin D. Roosevelt
(Chairman)

URUGUAY:

Representative Don José A. Mora

YUGOSLAVIA:

Representative Branko Jevremovic

a. SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Members selected by the Commission on Human Rights to serve until 31 December 1952:

Karim Azkoul (Lebanon)
Mahmoud Azmi Bey (Egypt)
Carroll Binder (United States)
P. C. Chang (China)
Steven Dedijer (Yugoslavia)
Roberto Fontaina (Uruguay)
Devadas Gandhi (India)
André Géraud (France)
Salvador P. López⁹⁷ (Philippines)
Alfredo Silva Carvallo (Chile)
Francis Williams⁹⁷ (United Kingdom)
Vasily M. Zonov⁹⁷ (USSR)

b. SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

Members selected by the Commission on Human Rights to serve until 31 December 1952:

Alexander P. Borisov⁹⁸ (USSR)
C. F. Chang (China)
Jonathan Daniels⁹⁸ (United States)
Erik Enar Ekstrand (Sweden)
M. R. Masani (India) (Chairman)
Elizabeth Monroe (United Kingdom)
Joseph Nisot (Belgium)
Arturo Meneses Pallares (Ecuador) (Rapporteur)
Herard Roy (Haiti)
Rezazada Shafaq (Iran)
Samuel Spanien (France)
Josef Winiewicz⁹⁹ (Poland) (Vice-Chairman)

9. Commission on the Status of Women¹⁰⁰

Members elected for four years to serve until 31 December 1950:

COSTA RICA, DENMARK, FRANCE, TURKEY, VENEZUELA

Members elected for three years to serve until 31 December 1951:

AUSTRALIA, CHINA, GREECE, HAITI, INDIA

⁹⁵ At the 6th session of the Commission the following members were represented by alternates: Philippines, Mauro Mendez; Uruguay, Enrique Rodríguez Fabregat and Emilio N. Oribe. The following were represented by alternates at some of the meetings: Belgium, Joseph Nisot; Chile, Mrs. Ana Figueroa and Carlos Valenzuela; China, P. Y. Tsao; Denmark, Mrs. Nonny Wright; France, Pierre Ordonneau; Greece, Byron Theodoropoulos; Lebanon, Karim Azkoul; United Kingdom, S. Hoare; United States, J. Simsarian.

⁹⁶ Representative did not attend session.

^{96a} Representative withdrew during first meeting.

⁹⁷ Mr. López, Mr. Williams and Mr. Zonov were represented at the 4th session of the Sub-Commission by Melchior Aquino, Philip Jordan and Pavel Kotek, respectively.

⁹⁸ At the Sub-Commission's 3rd session Mr. Daniels was represented from 13 Jan. by C. E. Black. Mr. Borisov was represented at this session by V. I. Formashev. However, Mr. Formashev withdrew during the 47th meeting.

⁹⁹ Withdrew during 47th meeting.

¹⁰⁰ At the Commission's 4th session the following members were represented by alternates: Costa Rica, Irma Morales; Denmark, Helga Pedersen.

Members elected for three years to serve until 31 December 1952:

LEBANON, MEXICO, USSR, UNITED KINGDOM, UNITED STATES

AUSTRALIA:

Representative. Isabel McCorkindale

CHINA:

Representative. Cecilia Sieu-ling Zung

COSTA RICA:

Representative Mrs. Graciela Morales F. de Echeverría

DENMARK:

Representative Mrs. Bodil Begtrup

FRANCE:

Representative Mme. Marie-Hélène Lefaucheur (Chairman)

GREECE:

Representative Mrs. Lina P. Tsaldaris

HAITI:¹⁰¹

Representative Mme. Fortuna André Guéry

INDIA:

Representative Mrs. Hannah Sen (Second Vice-Chairman)

LEBANON:

Representative. Mrs. Angela Jurdak Khoury (Rapporteur)

MEXICO:

Representative Mrs. Amalia C. de Castillo Ledón

TURKEY:

Representative Mrs. Mihri Pektas

USSR:¹⁰¹

Representative Mrs. Elizavieta Alekseevna Popova

UNITED KINGDOM:

Representative Mary Sutherland

UNITED STATES:

Representative Mrs. Olive Remington Goldman

VENEZUELA:

Representative Mrs. Isabel de Urdaneta (First Vice-Chairman)

B. REGIONAL ECONOMIC COMMISSIONS

1. Economic Commission for Europe

Members:

BELGIUM	ICELAND	TURKEY
BYELORUSSIAN SSR	LUXEMBOURG	UKRAINIAN SSR
CZECHOSLOVAKIA	NETHERLANDS	USSR
DENMARK	NORWAY	UNITED KINGDOM
FRANCE	POLAND	UNITED STATES
GREECE	SWEDEN	YUGOSLAVIA

European countries participating in a consultative capacity in the work of the Commission:

ALBANIA	HUNGARY	ROMANIA
AUSTRIA	IRELAND	SWITZERLAND
BULGARIA	ITALY	
FINLAND	PORTUGAL	

2. Economic Commission for Asia and the Far East

Members:

AUSTRALIA	NETHERLANDS	USSR
BURMA	NEW ZEALAND	UNITED KINGDOM
CHINA	PAKISTAN	UNITED STATES
FRANCE	PHILIPPINES	
INDIA	THAILAND	
INDONESIA ¹⁰²		

Associate Members:

CAMBODIA	KOREA, REPUBLIC OF	NEPAL
CEYLON	LAOS	VIETNAM,
HONG KONG	MALAYA AND	STATE OF
	BRITISH BORNEO	

3. Economic Commission for Latin America

Members:

ARGENTINA	ECUADOR	NICARAGUA
BOLIVIA	EL SALVADOR	PANAMA
BRAZIL	FRANCE	PARAGUAY
CHILE	GUATEMALA	PERU
COLOMBIA	HAITI	UNITED KINGDOM
COSTA RICA	HONDURAS	UNITED STATES
CUBA	MEXICO	URUGUAY
DOMINICAN REPUBLIC	NETHERLANDS	VENEZUELA

C. STANDING COMMITTEES OF THE COUNCIL

1. Technical Assistance Committee

The Committee, established at the ninth session of the Council, is composed of the members of the Economic and Social Council.

2. Committee on Negotiations with Specialized Agencies

CANADA	FRANCE	UNITED KINGDOM
CHILE	NETHERLANDS	UNITED STATES
CHINA	POLAND	VENEZUELA
DENMARK	USSR	

3. Council Committee on Non-Governmental Organizations

The Committee, under the Chairmanship of the President of the Council, is composed of representatives of China, France, Pakistan, Peru, USSR, United Kingdom and United States.

4. Agenda Committee

The Agenda Committee is composed of the President, the two Vice-Presidents and two other members elected each year at the first regular session of the Council.

On 1 March 1950 Canada and Poland were elected for 1950 and Czechoslovakia was elected as an alternate member for Poland.

5. Interim Committee on Programme of Meetings

Established at the fifth session, the Committee is composed of representatives of China, France, USSR, United Kingdom and United States, with the President of the Council acting as Chairman.

¹⁰¹ Representative did not attend session.

¹⁰² The Commission's terms of reference provide that when a State in the area becomes a Member of the United Nations it shall thereupon be admitted as a full member of the Commission. Therefore, Indonesia, which had been an associate member of the Commission, became a full member following its admission to the United Nations on 28 Sept. 1950.

D. SPECIAL BODIES

1. Permanent Central Opium Board

Appointed by the Council to serve until replaced, on, or shortly after, 2 March 1953:

Pedro Pernambuco (Brazil)
Hans Fischer (Switzerland)
Sir Harry Greenfield (United Kingdom)
Herbert L. May (United States)
Paul Reuter (France)
Milan Ristic (Yugoslavia)
Sedat Tavat (Turkey)
Y. N. Yang (China)

2. Supervisory Body

Appointed by the Commission on Narcotic Drugs (for five years):

Colonel C. H. L. Sharman (Canada)

Appointed by the Permanent Central Opium Board (for one year):

Herbert L. May (United States)

Appointed by the World Health Organization (for five years):

Hans Fischer (Switzerland)
Sedat Tavat (Turkey)

The persons appointed for five years took office officially as of 27 September 1948.

3. United Nations International Children's Emergency Fund

The Executive Board of UNICEF is composed of representatives of Argentina, Australia, Brazil, Byelorussian SSR, Canada, China, Colombia, Czechoslovakia, Denmark, Ecuador, France, Greece, Iraq, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Switzerland, Ukrainian SSR, Union of South Africa, USSR, United Kingdom, United States and Yugoslavia.¹⁰³

4. Administrative Committee on Co-ordination

The Committee is composed of the Secretary-General and the corresponding officers of the specialized agencies brought into relationship with the United Nations as follows:

Director-General of ILO:

David A. Morse (United States)

Director-General of FAO:

Norris E. Dodd (United States)

Director-General of UNESCO:

Jaime Torres Bodet (Mexico)

President of the Council of ICAO:

Edward Warner (United States)

President of the Bank:

Eugene R. Black (United States)

Managing Director of the Fund:

Camille Gutt (Belgium)

Secretary-General of ITU:

Léon Mulatier (France)

Director of UPU:

Fritz Hess (Switzerland)

Director-General of WHO:

Brock Chisholm (Canada)

Director-General of IRO:

J. Donald Kingsley (United States)

5. Interim Co-ordinating Committee for International Commodity Arrangements

Sir James Helmore, nominated by the Interim Commission for the International Trade Organization

Albert J. Loveland, nominated by the Food and Agriculture Organization of the United Nations and concerned in particular with agricultural primary commodities

Georges Peter, concerned in particular with non-agricultural primary commodities

E. AD HOC COMMITTEES

1. Ad Hoc Committee on Procedure

The Committee is composed of the representatives of Belgium, Brazil, Czechoslovakia, France, India, Peru, USSR, United Kingdom and United States.

2. Ad Hoc Committee on Organization and Operation of the Council and Its Commissions

The Committee is composed of representatives of Australia, Brazil, China, France, India, USSR, United Kingdom and United States.

3. Ad Hoc Committee on Slavery

Moises Poblete Troncoso (Chile) (Chairman and Rapporteur)

Charles W. W. Greenidge (United Kingdom)

Bruno Lasker (United States)

Mme. Jane Vialle (France)

4. Ad Hoc Committee on Refugees and Stateless Persons¹⁰⁴

	1st Session	2nd Session
BELGIUM:		
Representative	Jean Cuvelier	Albert Herment
BRAZIL:		
Representative	Ramiro Saraiva Guerreiro (Rapporteur) ¹⁰⁵	Enrico Penteado (Vice-Chairman)
CANADA:		
Representatives	Leslie Chance (Chairman) ¹⁰⁵	Ross M. Winter (Rapporteur) N. F. H. Berlis
CHINA:		
Representative	Hsiu Cha	Hsiu Cha
DENMARK:		
Representative	Knud Larsen (Vice-Chairman)	Knud Larsen (Chairman)

¹⁰³ The General Assembly on 1 Dec. 1950 decided that the Executive Board would be reconstituted as of 1 Jan. 1951 to consist of the Governments of the States represented on the Social Commission (see p. 96) and the Governments of eight other States, not necessarily Members of the United Nations, elected by the Council. For election of new members of the Board, see p. 84.

¹⁰⁴ Established as the Ad Hoc Committee on Statelessness and Related Problems; reconstituted as the Ad Hoc Committee on Refugees and Stateless Persons.

¹⁰⁵ Absent at second session.

	1st Session	2nd Session		1st Session	2nd Session
FRANCE:			USSR: ¹⁰⁶		
Representatives	Emmanuel Rain Pierre Ordonneau Pierre Juvigny Jacques Devinat	Robert Rochefort Pierre Juvigny Anne de Lissac	Representative	N. I. Klimov	
ISRAEL:			UNITED KINGDOM:		
Representative	Jacob Robinson	Jacob Robinson	Representatives	Sir Leslie Brass	Sir Leslie Brass James Howard
POLAND: ¹⁰⁶			UNITED STATES:		
Representative	Alexander W. Rudzinski		Representative	Louis Henkin	Louis Henkin
TURKEY:			VENEZUELA:		
Representatives	Adnan Kural	Hasan Nurelgin Talat Miras	Representative	Victor M. Pérez-Perozo	Victor M. Pérez-Perozo

D. NON-SELF-GOVERNING TERRITORIES

1. Declaration on Non-Self-Governing Territories

Under Chapter XI of the Charter, the "Declaration regarding Non-Self-Governing Territories", Members of the United Nations responsible for the administration of territories whose peoples have not yet attained a full measure of self-government recognize that the interests of the inhabitants of these territories are paramount and accept as a sacred trust the obligation to promote their welfare to the utmost. In accordance with the respective paragraphs of Article 73, those Members undertake:

- (a) To ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment and their protection against abuses;
- (b) To develop self-government, to take account of the political aspirations of the peoples and to assist them in the progressive development of their free political institutions according to the particular circumstances of each territory and the varying stages of development of the peoples;
- (c) To further international peace and security;
- (d) To promote constructive measures of development, to encourage research and to co-operate with one another and, where appropriate, with specialized international bodies so as to achieve the social, economic and scientific purposes set forth in this article;
- (e) To transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social and educational conditions in those Non-Self-Governing Territories which are not placed under the International Trusteeship System.

Members of the United Nations also agree that their policy with respect to these Non-Self-Governing Territories, equally with that concerning their Metropolitan areas, must be based on the

general principle of good-neighbourliness, due account being taken of the interest and well-being of the rest of the world in social, economic and commercial matters (Article 74).

2. Special Committee on Information Transmitted under Article 73 e of the Charter

The information transmitted by Members (see (e) above) is, in accordance with decisions of the General Assembly, summarized, analysed and classified by the Secretary-General. These summaries and analyses are considered by a special committee, established by the General Assembly for the purpose. In 1946, 1947 and 1948, such a committee was established for a one-year period to meet in 1947, 1948 and 1949, respectively. In 1949, the Assembly at its fourth session established a committee for three years.

The General Assembly is to examine in 1952 the question of whether the Special Committee should be renewed for a further period as well as the questions of the composition and terms of reference of any future special committee.

The Committee established in 1949 is composed of Members of the United Nations transmitting information on Non-Self-Governing Territories and an equal number of non-administering Members elected on as wide a geographical basis as possible by the Fourth Committee on behalf of the General Assembly. It was provided that non-administering Members should be elected for three years but, to provide for rotation, at the first election four of the non-administering Members were elected for a term of three years, two for two years and two for one year only. At the Assem-

¹⁰⁶ Did not send representative to the second session.

bly's fifth session in 1950 two Members were elected to replace the retiring Members.

The Special Committee examines the Secretary-General's summaries and analyses of the information transmitted by administering States with regard to economic, social and educational conditions in Non-Self-Governing Territories not placed under the Trusteeship System, including any papers prepared by the specialized agencies and information on measures taken in pursuance of the resolutions adopted by the General Assembly concerning conditions in Non-Self-Governing Territories. It also examines the factors which should be taken into account in deciding whether a ter-

ritory is or is not non-self-governing and accordingly whether information should continue to be transmitted. In this connexion it considers any information transmitted by administering States concerning any changes in a territory's constitutional position and status, in cases where such changes have led to the cessation of the transmission of information.

The Special Committee reports to the General Assembly. It makes recommendations relating to functional fields in general, but not with respect to individual territories. During 1951, the Committee is to pay special attention to economic conditions and development.

ANNEX: DELEGATIONS TO THE (1950) SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER

MEMBERS OF THE COMMITTEE

AUSTRALIA:

Representative D. O. Hay
Alternates W. Groves
R. A. Peachey

BELGIUM:

Representative Pierre Ryckmans
Alternate André Wendelen

BRAZIL:

Representative José Jobim
Alternates Miguel Alvaro
Osorio de Almeida

DENMARK:

Representative Hermod Lannung
Alternates P. P. Sveistrup
Mrs. Pie Barfod

EGYPT:

Representative Ahmed M. Farrag
Alternate Ahmed M. El Messiri

FRANCE:

Representative Roger Garreau
Alternates Henri Laurentie
J. Jurgensen

INDIA:

Representative B. Shiva Rao (Chairman)

MEXICO:

Representative Luis Padilla Nervo
Alternate Raúl Noriega

NETHERLANDS:

Representative A. I. Spits (Rapporteur)
Alternate J. M. A. H. Luns

NEW ZEALAND:

Representative G. R. Laking
Alternate Charles Craw

PHILIPPINES:

Representative Salvador P. López
Alternate Adriano R. Garcia

SWEDEN:

Representative Sven Grafström
Alternate Claes I. Wollin

USSR:¹⁰⁷

Representative Aleksander A. Soldatov

UNITED KINGDOM:

Representative John Fletcher-Cooke
Alternate W. E. F. Ward

UNITED STATES:

Representative Benjamin Gerig
Alternate Ambrose Caliver

VENEZUELA:

Representative César González (Vice-Chairman)
Alternate Roberto Alamo-Blanco

SPECIALIZED AGENCIES

INTERNATIONAL LABOUR ORGANISATION (ILO):

Representatives R. A. Métall
A. A. Evans

FOOD AND AGRICULTURE ORGANIZATION (FAO):

Representatives W. H. Pawley
Dorothea Wehrwein

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO):

Representative Marcel Destombes

WORLD HEALTH ORGANIZATION (WHO):

Representatives P. M. Kaul
G. E. Hili
Sylvia Orenstein

¹⁰⁷ Representative did not attend session.

E. THE INTERNATIONAL TRUSTEESHIP SYSTEM AND THE TRUSTEESHIP COUNCIL¹⁰⁸

1. Objectives of the Trusteeship System

The basic objectives of the International Trusteeship System are:

- (a) To further international peace and security;
- (b) To promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence, as may be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each Trusteeship Agreement;
- (c) To encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- (d) To ensure equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the other objectives of the Trusteeship System.

2. Application of the Trusteeship System

The Trusteeship System applies to such territories in the following categories as may be placed under it by means of individual Trusteeship Agreements:

- (a) Territories held under Mandate;
- (b) Territories detached from enemy States as a result of the Second World War; and
- (c) Territories voluntarily placed under the System by States responsible for their administration.

The functions of the United Nations with regard to Trusteeship Agreements for all areas not designated as strategic, including the approval of the terms of the Trusteeship Agreements and of their alteration or amendment, are exercised by the General Assembly. The Trusteeship Council, operating under the authority of the General Assembly, assists the General Assembly in carrying out these functions.

In any Trusteeship Agreement there may be designated a strategic area or areas which may include part or all of the Trust Territory to which the Agreement applies. All functions of the United Nations relating to strategic areas, including the approval of the terms of Trusteeship Agreements and of their alteration or amend-

ment, are the responsibility of the Security Council. The objectives of the Trusteeship System apply equally to the peoples of strategic areas. In performing its functions relating to political, economic, social and educational matters in the strategic areas, the Security Council, as provided by the Charter, is, subject to the conditions of the Trusteeship Agreements and without prejudice to security considerations, to avail itself of the assistance of the Trusteeship Council.

It is the duty of the Administering Authority to ensure that the Trust Territory plays its part in the maintenance of international peace and security. To this end, the Administering Authority may make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out its obligations towards the Security Council, as well as for local defence and the maintenance of law and order within the Territory.

Eleven non-self-governing territories, all, with the exception of Somaliland under Italian Administration, formerly administered under the Mandate of the League of Nations, have been placed under the International Trusteeship System. The Territories and the Administering Authorities, as designated in the Trusteeship Agreements, are as follows:

Administering Authority	Trust Territory	Agreement Approved by General Assembly
Australia	New Guinea	13 Dec. 1946
Belgium	Ruanda-Urundi	13 Dec. 1946
France	Cameroons under French Administration	13 Dec. 1946
France	Togoland under French Administration	13 Dec. 1946
Italy	Somaliland under Italian Administration	2 Dec. 1950
New Zealand	Western Samoa	13 Dec. 1946
United Kingdom	Cameroons under British Administration	13 Dec. 1946

¹⁰⁸ For Charter provisions, see Ch. XII, which establishes an International Trusteeship System, and Ch. XIII, which defines the composition, functions and powers, voting and procedure of the Trusteeship Council. Other provisions are to be found in Arts. 1, 2, 7, 18, 98, 101.

Administering Authority	Trust Territory	Agreement Approved by General Assembly
United Kingdom	Togoland under British Admin- istration	13 Dec. 1946
United Kingdom	Tanganyika	13 Dec. 1946
United Kingdom, New Zealand and Australia (administered by Australia)	Nauru	1 Nov. 1947
	(Strategic Area)	by Security Council
United States	Trust Territory of the Pacific Islands	2 April 1947

3. Trusteeship Agreements

The Charter provides that the terms of Trusteeship for each Territory to be placed under the Trusteeship System, including any alteration or amendment, are to be agreed upon by the States directly concerned, including the Mandatory Power in the case of Territories held under Mandate by a Member of the United Nations. These terms, including any alteration or amendment, must be approved by the General Assembly or, in the case of strategic areas, by the Security Council. Each Trusteeship Agreement includes the terms under which the Trust Territory is to be administered and designates the authority which will exercise the administration of the Trust Territory. Such authority is called the Administering Authority, and may be one or more States or the United Nations itself.

Although the terms of the existing Trusteeship Agreements vary, all contain most of the following provisions:

- (1) Definition of the Territory to which the Agreement applies.
- (2) Designation of the Administering Authority.
- (3) Obligations of the Administering Authority: to administer the Territory so as to achieve the basic principles of Trusteeship as contained in the Charter; to be responsible for the peace, order and good government of the Territory and for ensuring that it plays its part in the maintenance of international peace and security; to develop free political institutions and to give the inhabitants an increasing share in the government of the Territory; to protect the rights of the indigenous inhabitants over land, and not to allow the land or natural resources of the indigenous population to be transferred except with the previous consent of the competent public authority, who must respect the rights and safeguard the interests of the indigenous population; to ensure equal treatment in social, economic, industrial and commercial matters for all Members

of the United Nations and their nationals, without prejudice to the attainment of the objectives of the Trusteeship System; to develop education; subject only to requirements of public order, to guarantee to the inhabitants freedom of religion, of worship, of speech, of the press, of assembly and of petition.

(4) Rights of the Administering Authority: It is to have full powers of legislation, administration and jurisdiction in the Territory. (Certain Agreements specify that it may administer the Territory as an integral part of its own territory, subject to the provisions of the Charter and the Agreement.) It may constitute the Territory into a customs, fiscal, or administrative union or federation with adjacent territories under its control. It may establish naval, military and air bases, erect fortifications, and take other measures necessary for defence, and may also use volunteer forces, facilities and assistance from the Territory in carrying out the obligations to the Security Council undertaken by the Administering Authority as well as for local defence. It may organize public services and works on conditions it thinks just, may create fiscal monopolies if this serves the interests of the inhabitants and may create other monopolies under conditions of proper public control, provided that in the case of monopolies granted to non-governmental agencies there is no discrimination on the grounds of nationality against Members of the United Nations or their nationals. It may arrange for the co-operation of the Territory in any regional technical organization, specialized international bodies or other forms of international activity not inconsistent with the Charter.

(5) The terms of the Agreement may be altered or amended only in accordance with the provisions of the Charter.

(6) Any dispute between the Administering Authority and another Member of the United Nations concerning the interpretation or application of the Agreement which cannot be settled otherwise must be submitted to the International Court of Justice.

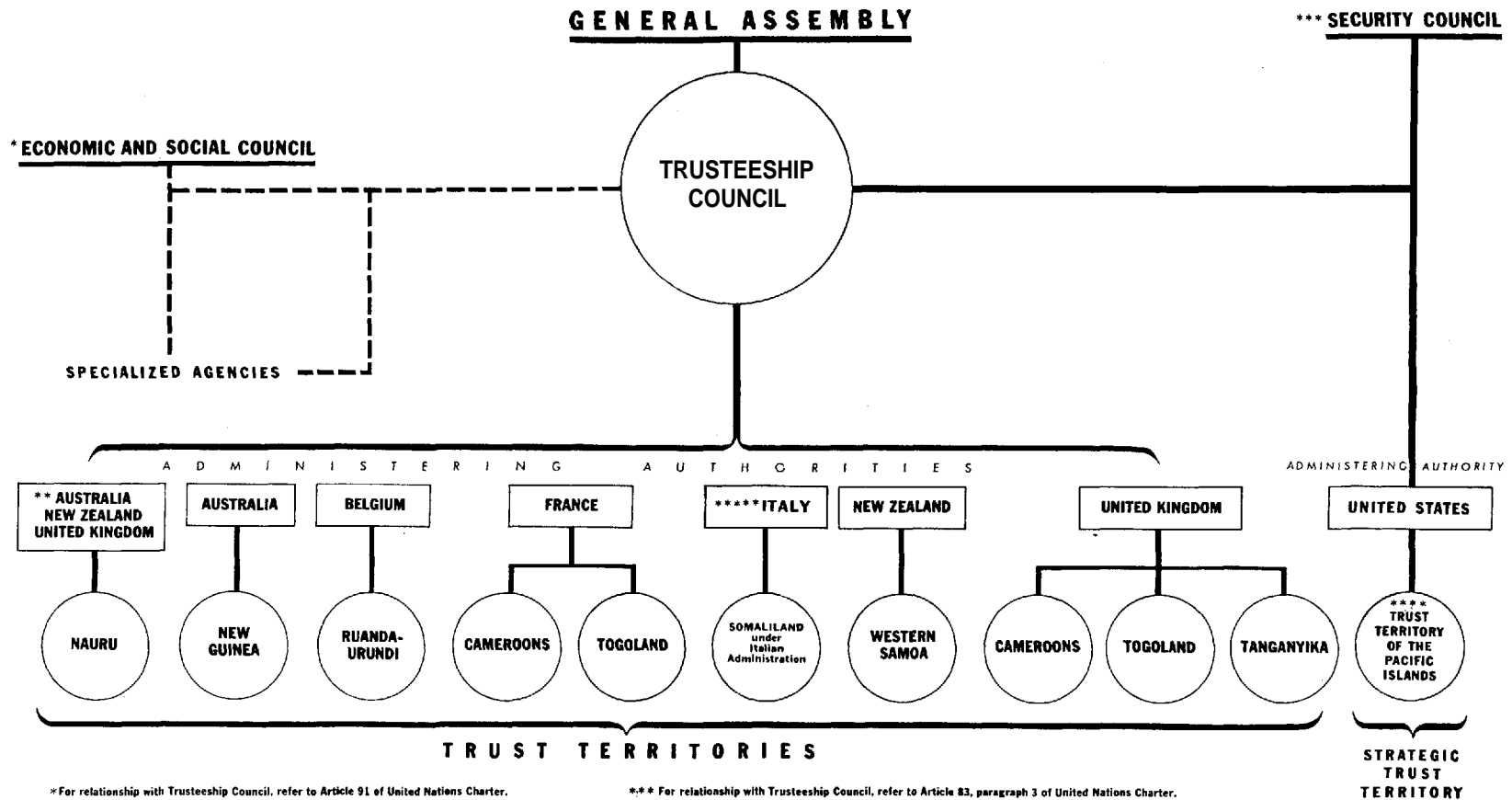
Most of these provisions are included in the Agreement for the Trust Territory of the Pacific Islands. The Trusteeship Agreement for this strategic area differs in certain respects from the Agreements for non-strategic Territories:

In this Agreement the extent of the applicability of the functions and powers of the Trusteeship Council is made dependent upon security requirements. Most-favoured-nation treatment is reserved for the Administering Authority and the question of air traffic rights is specifically reserved for separate agreements. The Administering Authority may from time to time specify certain areas in the Territory as closed for security reasons.

The Trusteeship Agreement for Somaliland under Italian Administration includes in somewhat more specific terms than in other Agreements the general provisions outlined above. In addition, it includes the following new features:

The Agreement provides that the Trust Territory shall receive its independence at the end of a fixed period of time—ten years. It provides that the Administering Authority be assisted by an Advisory Council.

STRUCTURE OF THE INTERNATIONAL TRUSTEESHIP SYSTEM



* For relationship with Trusteeship Council, refer to Article 91 of United Nations Charter.

** Australia exercises full powers of legislation, administration, and jurisdiction on behalf of the three governments which jointly constitute the Administering Authority.

*** For relationship with Trusteeship Council, refer to Article 83, paragraph 3 of United Nations Charter.

**** Marshalls, the Carolines, and the Marianas (with the exception of Guam).

***** Italy, as Administering Authority, is aided and advised by a three-member United Nations Advisory Council. Italy participates, without vote, in the deliberations of the Council. The Territory is to become an independent State in 1960.

It includes, as an annex, a declaration which expressly guarantees the rights and liberties of the population and proclaims that the sovereignty of the Territory is vested in its people, who must be given a status of citizenship of the Territory; this declaration forms an integral part of the Agreement.

4. Composition of the Trusteeship Council

The Trusteeship Council consists of the following Members of the United Nations:

- (a) Those Members administering Trust Territories
- (b) Such of those Members mentioned by name in Article 23 of the Charter (i.e. China, France, USSR, United Kingdom and United States) as do not administer Trust Territories
- (c) As many other Members, elected for three-year terms by the General Assembly, as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer Trust Territories and those which do not.

Each member of the Trusteeship Council designates one specially qualified person to represent it therein.

Italy, as an Administering Authority which is not a Member of the United Nations, takes part without the right to vote in the Council's deliberations concerning the Trust Territory of Somaliland and concerning general questions affecting the operation of the International Trusteeship System.

5. Functions and Powers

The principal functions and powers of the Trusteeship Council, under the authority of the General Assembly, are:

- (a) To consider reports submitted by the Administering Authority;
- (b) To accept petitions and examine them in consultation with the Administering Authority;
- (c) To provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority; and
- (d) To take these and other actions in conformity with the terms of the Trusteeship Agreement.

Pursuant to an agreement with the Security Council (S/1280), the Trusteeship Council also exercises these functions and powers with respect to strategic areas under Trusteeship.

The Trusteeship Council formulates a questionnaire on the political, economic, social and educational advancement of the inhabitants of each Trust Territory, on the basis of which the Administering Authority for each Territory is to report

annually to the General Assembly or, in the case of strategic areas, to the Security Council.

In accordance with the terms of the Charter, the Council has been authorized by the General Assembly to request advisory opinions of the International Court of Justice on legal questions arising in its work.

6. Voting and Procedure

Each member of the Trusteeship Council has one vote. Decisions are made by a majority of the members present and voting.

The Trusteeship Council adopts its own rules of procedure including the method of selecting its President. The Council meets in two regular sessions each year. Special sessions are held as and where occasion may require, by decision of the Council, at the request of a majority of its members, or at the request of the General Assembly or the Security Council. A special session may also be held at the request of the Economic and Social Council or any member of the Trusteeship Council, provided a majority of the members of the Trusteeship Council concur in the request.

The Trusteeship Council, when appropriate, avails itself of the assistance of the Economic and Social Council, of the specialized agencies and of appropriate inter-governmental regional bodies which may be separately established, in regard to matters with which they are concerned.

7. Structure

The Trusteeship Council has established but one permanent subsidiary organ: the Standing Committee on Administrative Unions, consisting of four members elected by the Council; this body regularly examines the operation of administrative unions, and reports to the Council at each session on any union in which a Trust Territory under review participates. The Council sets up ad hoc committees, such as the Ad Hoc Committee on Petitions, to deal with specific questions as required.

Visiting Missions, consisting of persons appointed by the Council, periodically visit Territories under Trusteeship. Visiting Missions may also be organized to conduct special investigations or inquiries when conditions in a Trust Territory require such action.¹⁰⁹

¹⁰⁹ For members and representatives on these bodies, see Annex II, p. 118.

8. Members and Officers¹¹⁰

a. MEMBERS

Members Administering Trust Territories: Australia, Belgium, France, New Zealand, United Kingdom, United States

Members Mentioned by Name in Article 23 of the Charter and Not Administering Trust Territories: China, USSR

Members Elected by the General Assembly: Philippines, Dominican Republic (to serve until 31 December 1950); Argentina, Iraq (to serve until 31 December 1952)

b. OFFICERS

SIXTH SESSION:

President: Roger Garreau (France)

Vice-President: Max Henríquez-Ureña (Dominican Republic)

SEVENTH SESSION AND THIRD SPECIAL SESSION:

President: Max Henríquez-Ureña (Dominican Republic)

Vice-President: Pierre Ryckmans (Belgium)

9. Sessions and Meetings

a. TRUSTEESHIP COUNCIL

Sixth Session: 81 plenary meetings, 19 January—4 April 1950, at Geneva

Seventh Session: 30 plenary meetings, 1 June-21 July 1950, at Lake Success

Third Special Session: one meeting, 22 November 1950, at Lake Success

b. SUBSIDIARY BODIES¹¹¹

Ad Hoc Committee on Petitions: Sixth session—30 meetings, 8 February-1 April 1950, at Geneva. Seventh session—12 meetings, 14 June-18 July 1950, at Lake Success

Committee on Italian Somaliland: 18 meetings, 9—18 and 26 January 1950, at Geneva

Committee on Rules of Procedure: 7 meetings, 23 January-8 February 1950, at Geneva

Committee on Administrative Unions:¹¹² 15 meetings, 3 May-11 July 1950, at Lake Success

Standing Committee on Administration Unions: 2 meetings, 18 and 23 August 1950, at Lake Success

Drafting Committee on the Questionnaire: one meeting, 7 July 1950, at Lake Success.

10. Matters Considered by the Trusteeship Council at Its Sixth and Seventh Regular Sessions and at Its Third Special Session

a. SIXTH SESSION

Agenda Item	Discussion and Action Taken
1. Adoption of the agenda	Plenary meeting 2
2. Report of the Secretary-General on credentials	Plenary meeting 2
3. Election of a Vice-President to replace Mr. Padilla Nervo (Mexico)	Plenary meeting 2
4. Examination of annual reports on the administration of Trust Territories:	Plenary meetings 31, 33, 81. Resolutions 123, 231(VI)
(a) Tanganyika, 1948	Plenary meetings 11-15, 17, 19, 27, 29, 31, 33, 37
(b) Ruanda-Urundi, 1948	Plenary meetings 22, 24, 26, 36, 37
(c) Cameroons under British Administration, 1948	Plenary meetings 42, 44, 46, 48, 50, 51, 53, 66, 68, 79
(d) Cameroons under French Administration, 1948	Plenary meetings 54, 55, 57, 59, 70, 79
(e) Togoland under British Administration, 1948	Plenary meeting 53. Item postponed to seventh session of the Council
(f) Togoland under French Administration, 1948	Plenary meeting 53. Item postponed to seventh session of the Council
5. Examination of petitions	Plenary meetings 19, 27, 36, 37, 46, 48, 50, 53, 63, 67, 80 Resolutions 116, 119-122, 124-126, 130-230(VI).
6. Arrangements for the Visiting Mission to Trust Territories in the Pacific	Plenary meetings 2, 5, 7, 9-11. Resolution 115(VI)

¹¹⁰ For members elected by the General Assembly to take office during 1951, see p. 31.

¹¹¹ In addition, the Council from time to time appoints, when in session, a number of drafting and working committees.

¹¹² An ad hoc body dissolved in 1950 and succeeded by the Standing Committee on Administrative Unions.

Agenda Item	Discussion and Action Taken
7. Reports of the United Nations Visiting Mission to Trust Territories in West Africa	Plenary meeting 63 ¹¹³
8. Question of printing the reports of the United Nations Visiting Mission to East Africa	Plenary meeting 24
9. Revision of the Provisional Questionnaire	Plenary meeting 81. Item postponed to seventh session of the Council
10. Revision of the procedures of the Council	Plenary meetings 2, 14, 25
11. Political advancement in Trust Territories (General Assembly resolution 320(IV) of 15 November 1949)	Plenary meetings 37, 73, 74. Resolutions 127, 128(VI)
12. Petitions and Visiting Missions (General Assembly resolution 321(IV) of 15 November 1949)	Plenary meetings 37, 73. Resolution 127(VI)
13. Economic advancement in Trust Territories (General Assembly resolution 322(IV) of 15 November 1949)	Plenary meetings 37, 73, 74. Resolutions 127, 128(VI)
14. Social advancement in Trust Territories (General Assembly resolution 323(IV) of 15 November 1949)	Plenary meetings 37, 68, 73, 74. Resolutions 127, 128(VI)
15. Educational advancement in Trust Territories (General Assembly resolution 324(IV) of 15 November 1949)	Plenary meetings 37, 73, 74. Resolutions 127, 128(VI)
16. Use of the flag of the United Nations in Trust Territories (General Assembly resolution 325(IV) of 15 November 1949)	Plenary meetings 76, 77
17. Administrative unions affecting Trust Territories (General Assembly resolution 326(IV) of 15 November 1949)	Plenary meeting 79. Resolution 129(VI)
18. Negotiation and adoption of a draft Trusteeship Agreement for Italian Somaliland (General Assembly resolution 289(IV) of 21 November 1949)	Plenary meetings 2-8, 20
19. Question of an international regime for the Jerusalem area and protection of the Holy Places (General Assembly resolution 303(IV) of 9 December 1949)	Plenary meetings 9, 16, 18, 20, 21, 25, 26, 28, 30, 32, 34, 35, 38-41, 43, 45, 47, 49, 52, 56, 58, 60-62, 64-67, 69, 70-72, 75, 77, 78, 81. Resolutions 117, 118, 232(VI)

b. SEVENTH SESSION

1. Adoption of the agenda	Plenary meeting 1
2. Report of the Secretary-General on credentials	Plenary meeting 1
3. Election of a President and of a Vice-President	Plenary meeting 1
4. Examination of annual reports on the administration of Trust Territories:	
(a) Western Samoa, year ending 31 March 1949	Plenary meetings 2-5, 11, 14, 19
(b) New Guinea, year ending 30 June 1949	Plenary meetings 6, 7, 9, 17, 18, 21
(c) Nauru, year ending 30 June 1949	Plenary meetings 22-26, 29-30
(d) Trust Territory of the Pacific Islands, year ending 30 June 1949	Plenary meetings 12-14, 21, 27
(e) Togoland under British Administration, 1948	Plenary meetings 15, 16, 18, 19, 28, 29
(f) Togoland under French Administration, 1948	Plenary meetings 17-19, 29-30
5. Examination of petitions	Plenary meetings 1, 4, 6, 13, 19-29. Resolutions 235-292, 294-297(VII)
6. Reports of the United Nations Visiting Mission to Trust Territories in West Africa	Plenary meetings 19, 29. Resolutions 298, 299(Y/7) ¹¹⁴

¹¹³ The reports of the Visiting Mission on the Cameroons under British administration (T/461) and on the Cameroons under French administration (T/462) were also considered simultaneously with items 4c and d above.

¹¹⁴ The reports of the Visiting Mission on Togoland under British administration (T/465) and Togoland under French administration (T/464) were also considered simultaneously with items 4e and f above.

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|--|--|
| 7. Revision of the Provisional Questionnaire | Plenary meetings 5, 8, 27 |
| 8. Revision of the rules of procedure | Plenary meeting 8. Item dropped from, the agenda |
| 9. Administrative unions affecting Trust Territories (General Assembly resolution 326(IV) of 15 November 1949) | Plenary meetings 28, 30. Resolution 293(VII) |
| 10. Question of an international regime for the Jerusalem area and the protection of the Holy Places (General Assembly resolution 303(IV) of 9 December 1949) | Plenary meetings 2, 8, 10. Resolution 234(VII) |
| 11. Consideration of resolutions 256 A (IX), 256 B (IX) and 275 D (X) of the Economic and Social Council, containing certain recommendations concerning the revision of the Provisional Questionnaire of the Trusteeship Council | Plenary meeting 5 |
| 12. Consideration of resolution 275 E (X) of the Economic and Social Council, concerning violations of the full enjoyment of human rights and fundamental freedoms | Plenary meeting 5. Resolution 233(VII) |
| 13. Adoption of the Report of the Council to the General Assembly | Plenary meeting 30 |
| 14. Adoption of a report to the Security Council | Plenary meetings 12-14, 21, 27 |
| 15. Adoption of a report to the General Assembly concerning the draft Trusteeship Agreement for the former Italian colony of Somaliland | Plenary meeting 27 |
| Other Questions Considered | |
| Verbatim Records of the Trusteeship Council | Plenary meeting 19 |
| Arrangements for a Visiting Mission to Trust Territories in East Africa in 1951 | Plenary meetings 28-29 |
| Place of meeting of the eighth session of the Trusteeship Council | Plenary meetings 28, 30 |
| Improvement of nutrition in Trust Territories | Plenary meetings 29, 30. Resolution 300(VII) |
| Use of the flag of the United Nations in Trust Territories | Plenary meetings 29, 30. Resolution 301(VII) |
| Communications received by the Secretary-General | Plenary meeting 29 |
| c. THIRD SPECIAL SESSION | |
| 1. Adoption of the agenda | Plenary meeting 1 |
| 2. Question of the place of the sessions of the Trusteeship Council in 1951 | Plenary meeting 1 |

11. Constitutional and Organizational Questions

a. WITHDRAWAL OF THE USSR FROM MEETINGS OF THE COUNCIL

The USSR was not represented at the sixth session of the Trusteeship Council. At the first meeting of the seventh session the representative of the USSR submitted a draft resolution to the effect that the delegation of China seated at the Council should be excluded from its membership (T/PV.284). The Council rejected this draft resolution by 9 votes to 1, with 2 abstentions,

whereupon the representative of the USSR withdrew from the meeting, after stating that his Government would not recognize the legality of any decisions or recommendations adopted by the Council in the presence and with the participation of the present representative of China, and would not consider itself bound by these decisions and recommendations. The President subsequently stated that in spite of the absence of any one of its members, the work of the Council remained valid. This statement was not challenged by any member of the Council, which thereby endorsed this ruling.

During the fifth session of the General Assembly, a number of members of the Fourth Committee expressed their regret at the absence of a representative of the USSR, since this had upset the balance at the Council's sixth and seventh sessions between those members of the Council administering and those not administering Trust Territories.

b. REVISION OF THE PROVISIONAL TRUSTEESHIP QUESTIONNAIRE

At its sixth session, on 4 April 1950, the Trusteeship Council postponed its consideration of the revision of the Provisional Questionnaire (T/44) until its seventh session, at the eighth meeting of which, on 12 June 1950, it appointed a committee, composed of the representatives of Belgium and the Dominican Republic, to make a preliminary examination of the Questionnaire and all suggested amendments and additions to it.

In addition to the comments and suggestions previously transmitted to the Council,¹¹⁵ it received during the period under review suggested amendments to questions relating to health and medical services from the World Health Organization (T/418) and recommendations from the Economic and Social Council. The latter, by resolution 275 D (X) of 17 February 1950, recommended that the Universal Declaration of Human Rights be taken into consideration in the revision of the Questionnaire, particularly in the light of additional questions suggested in 1949 by the fifth session of the Commission on Human Rights.¹¹⁶ It also asked the Trusteeship Council to consider urging the Administering Authorities to continue to secure the effective recognition and observance of the rights and freedoms set forth in the Declaration among the peoples of the Trust Territories.

On 14 July 1950, at the 27th meeting of its seventh session, the Trusteeship Council considered the report of its Committee on the Questionnaire. Accepting this Committee's recommendations, the Council decided that the Administering Authorities should be free to present their annual reports in narrative form provided each report contained a detailed index to the answers to the Provisional Questionnaire.

The Council appointed a new Committee and directed it to revise the Provisional Questionnaire, taking into account all the comments and suggestions made, and eliminating all duplications and ambiguities. The Committee, composed of the representatives of Belgium, the Dominican Re-

public, Iraq and the United Kingdom, was asked to report to the Council's eighth session in 1951.

Another decision relating to the preparation of annual reports had been made by the Trusteeship Council during its sixth session. On 4 April 1950, following its examination of annual reports on four Territories, it asked the Administering Authorities concerned to consider supplying the metric equivalents of the units and measures appearing in their annual reports (231(VI)).

c. RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council, at its tenth session, considered a recommendation made by the fifth session of its Commission on Human Rights (E/1371) suggesting that the Trusteeship Council be asked to authorize the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to participate in the Trusteeship Council's Visiting Missions to Trust Territories.

Several objections to this recommendation were made by members of the Economic and Social Council, which decided on 17 February 1950, by resolution 275 E (X), merely to request the Trusteeship Council to consider keeping it informed of any violations of human rights and fundamental freedoms that came to the Trusteeship Council's attention. The Trusteeship Council decided on 7 June 1950 (233(VII)) that the arrangements which the two Councils had agreed upon in 1947 for dealing with questions of common concern (E&T/C.1/2/Rev.1) provided adequate channels for keeping the Economic and Social Council informed on matters in the field of human rights.

d. FORM OF ANNUAL REPORTS

In connexion with its examination of each annual report on a Trust Territory, the Council prepares a separate report which it includes as part of its annual report to the General Assembly. On 23 February 1950, at the 33rd meeting of its sixth session, the Council adopted resolution 123(VI) on the form of its future individual reports. It decided that they should consist of three parts, as before: Part I, Outline of general conditions in the Trust Territories as stated in the report of the Administering Authority; Part II, Conclusions and recommendations approved by the Council; Part III, Observations of individual

¹¹⁵ See Y.U.N., 1947-48, pp. 660-62, 734-35; 1948-49, pp. 141-42.

¹¹⁶ See *ibid.*, p. 142.

members of the Council. It further decided that Part III should not contain proposals adopted in substance by a majority of the Council and therefore included in Part II, and that until the discussion of the Council's report was closed, and without prejudice to the right of any Council member to make additional observations, the Administering Authority was free to reply to any individual observations. Such replies would be included in Part III of the report.

At its 74th meeting on 29 March, as requested in General Assembly resolutions 320, 322, 323 and 324(IV),¹¹⁷ concerning respectively political, economic, social and educational advancement in Trust Territories, the Council resolved (128(VI)) to include in its future annual reports on individual Territories special sections on the implementation of the recommendations made by the Assembly and by the Council itself. It began doing so during its seventh session.

At the fifth session of the General Assembly, during the general discussion of the Council's annual report at the 144th to 152nd meetings of the Fourth Committee, 2-16 October 1950, members of the Committee commented on the procedures of the Council and on the organization of its work.

Several members complained that it was difficult to ascertain from the Council's report the conditions in any given Territory. The same subject might be dealt with in the three parts of the Council's individual report on the Territory, and under different headings, including the conclusions of a Visiting Mission, the relevant observations of the Administering Authority, petitions, etc.—all of which were scattered throughout the Council's annual report to the Assembly. Furthermore, the Council, it was stated, had not fully complied with the relevant Assembly resolutions (see above) in that sections on implementation were not included in all of the individual reports on separate Territories.

During the course of this discussion, the representative of Cuba introduced a draft resolution (A/C.4/L.72) recommending that the Council in its next report group together all matters relevant to a particular question or Territory, and state its opinion on the manner in which the Administering Authorities were carrying out Assembly and Council recommendations. A Danish amendment (A/C.4/L.86) suggested that the Council consider rationalizing and simplifying in general the form of its report, and in particular that it group in a single coherent section all information concerning a particular question in a

Territory together with its observations, conclusions and recommendations.

These proposals, together with other draft resolutions,¹¹⁸ were combined into a single text (A/C.4/L.88) by a Sub-Committee 8, appointed for this purpose by the Fourth Committee at its 153rd meeting on 18 October.

The representative of Cuba suggested three paragraphs (A/C.4/L.89) to be added to the portion of the combined text relating to the Council's annual reports. These proposed that the Assembly take into consideration (1) Article 85 of the Charter, providing that the Council, operating under the authority of the Assembly, shall assist the Assembly in carrying out its functions in regard to the International Trusteeship System; (2) that the Council's annual report is prepared principally for the Assembly's use and assistance; and (3) that the Council, in adopting its rules of procedure, some of which relate to the preparation of its annual report, is at all times bound to consider including all provisions required to assist the Assembly in carrying out its functions under the Trusteeship System.

The first two paragraphs were included in a draft resolution orally proposed by the representative of India. This draft, based to a large extent on the sub-committee's text, was accepted by the Fourth Committee as the basis for discussion, and considered at its 165th and 166th meetings on 2 November.

The representatives of Belgium (A/C.4/L.93) and the Dominican Republic (A/C.4/L.94) suggested outlines of the form to be followed by the Council in preparing its annual reports on individual Territories.

Several oral amendments to the Indian draft resolution were proposed. A Belgian amendment, adopted as the second paragraph of the preamble of the resolution as finally adopted (see below), replaced the paragraph indicating, as referred to above, that the Council's report was prepared principally for the use and assistance of the Assembly. A Philippine proposal to add the Belgian text to the original paragraph was rejected. Another amendment proposed by Belgium was rejected; it aimed at substituting for the Indian text, as shown below in paragraphs 1(a), (b), (c) and (e), a paragraph expressing the hope that the Council

¹¹⁷ See Y.U.N., 1948-49, pp. 856-58.

¹¹⁸ Relating to: the general procedure of the Council (A/C.4/L.70, submitted by Yugoslavia); the organization of Visiting Missions (A/C.4/L.74, Cuba and Norway); the examination of petitions (A/C.4/L.71, Yugoslavia; and A/C.4/L.73, Cuba). The Fourth Committee subsequently decided to consider each question separately.

would prepare its report in the light of the discussions in the Assembly and especially of outlines contained in documents A/C.4/L.93 and 94.

Three Cuban amendments suggesting additions to the draft resolution were adopted by the Committee. Two of these appear below as paragraph 1(d) and the final paragraph of the resolution. The third, which re-introduced its earlier proposal (see above) stating that the Council was bound to consider including all provisions required to assist the Assembly, was adopted by a roll-call vote of 35 to 13, with 10 abstentions, in the Fourth Committee. Later, however, when the draft resolution was considered by the Assembly, at the 316th plenary meeting on 2 December, the representative of the United States objected that this paragraph attempted to define the relationship between the Trusteeship Council and the General Assembly, and asked that a separate vote be taken on it. At the request of the representative of Cuba, this vote was taken by roll-call. The paragraph was rejected (by 25 votes to 16, with 14 abstentions) since it failed to receive the required two-thirds majority.

The amended draft resolution as a whole was adopted by a roll-call vote of 38 to none, with 10 abstentions, at the 166th meeting of the Fourth Committee. As further amended in plenary meeting, it was approved by the Assembly, as resolution 433(V), by a roll-call vote of 53 to none, with 2 abstentions. It read as follows:

The General Assembly,

Considering that, under Article 85, paragraph 2, of the Charter, the Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out its functions with regard to the International Trusteeship System,

Considering that, under Article 15, paragraph 2, of the Charter, the General Assembly shall receive and consider the reports of the Trusteeship Council,

Considering further that the present arrangement of the subject-matter of the report of the Trusteeship Council to the General Assembly, which conforms strictly to the various functions of the Council, might be improved so as to enable the General Assembly to form a clearer understanding of conditions in the Trust Territories,

1. Recommends that the Trusteeship Council, accordingly, in its future reports to the General Assembly:

(a) Present in separate sections all the relevant data examined by the Trusteeship Council concerning the political, economic, social and educational conditions in each Trust Territory, so that each section may provide the General Assembly with a comprehensive account of such conditions in each of the above-mentioned fields;

(b) Include in each such section the observations, conclusions and recommendations of the Council on the topic under review, as well as such relevant observations

of its individual members as the Council may consider useful;

(c) Give in each case in the appropriate section an account of the manner in which the Administering Authority has carried out each recommendation of the General Assembly or of the Trusteeship Council;

(d) State also, in the same section its conclusions on the extent of the action taken by the Administering Authority and on the measures which, in its opinion, should be adopted in view of those conclusions;

(e) Include, wherever practicable, maps of the various Trust Territories;

2. Recommends also that the Trusteeship Council, in preparing its future annual reports, take into consideration documents A/C.4/L.93 and A/C.4/L.94, the texts of which will be of assistance in making clear the structure of the annual report of the Trusteeship Council which the General Assembly hopes will be adopted.

e, IMPLEMENTATION OF RESOLUTIONS CONCERNING TRUST TERRITORIES

A related draft resolution (A/C.4/L.79/Rev.2), submitted jointly by Cuba and Mexico, was considered at the General Assembly's fifth session by the Fourth Committee at its 156th to 158th meetings, 23-26 October 1950. By this resolution, the Assembly would ask the Secretary-General to report to its next session on the measures taken by the Administering Authorities to implement the recommendations of the Assembly and the Council. An amendment proposed by the Philippines (A/C.4/L.85), stressing the obligation of the Administering Authorities to implement these recommendations, was withdrawn by that delegation at the request of the sponsors of the draft resolution.

It was argued against the joint proposal that it was incompatible with the Cuban draft resolution (A/C.4/L.72) (see above) concerning the form of the Council's annual report, at that time being considered by Sub-Committee 8; that for the Secretary-General to reproduce information contained in the Council's report and in the annual reports of the Administering Authorities was a duplication of effort; and that it might place the Secretariat in a difficult position. The sponsors explained that the draft resolution asked for a report only in 1951 covering implementation measures in the past and did not therefore conflict with the Cuban draft resolution, which referred to future annual reports of the Council. Such a report, they felt, would greatly facilitate the work of those delegations who were not as well informed on Trusteeship matters as were members of the Council. Furthermore, the Secretary-General was not asked to comment on or to evaluate the steps taken by the Administering

Authorities, but merely to summarize them; nor was it intended that the report in question should go beyond the scope of the Council's reports.

Following the acceptance by the sponsors of several oral amendments, the draft resolution was adopted at the 158th meeting of the Fourth Committee, by a roll-call vote of 31 to 11, with 5 abstentions.

At the request of the representative of Cuba, a roll-call vote was also taken in the Assembly, at the 316th plenary meeting on 2 December 1950. The Assembly adopted, without change, by 33 votes to 11, with 12 abstentions, resolution 436(V), as follows:

The General Assembly,

Considering that it is necessary that both the General Assembly and the Trusteeship Council should have at their disposal information on the implementation of the recommendations approved by both bodies in matters relating to Chapters XII and XIII of the Charter,

Requests the Secretary-General:

(a) To prepare a list, classified by subjects, of such resolutions, including in each case the text of the operative part of the document;

(b) To report to the sixth session of the General Assembly on the measures taken by the Administering Authorities to implement such resolutions, using as a source the reports of the Trusteeship Council;

(c) If there has been no action on the part of an Administering Authority in respect of any particular resolution, to set forth the reasons given concerning that matter.

f. ORGANIZATION AND METHODS OF FUNCTIONING OF VISITING MISSIONS

The General Assembly had, by resolution 321(IV),¹¹⁹ recommended that the Trusteeship Council direct its Visiting Missions to report fully on the steps taken towards realizing the basic objectives of the Trusteeship System as set forth in Article 76 b of the Charter,¹²⁰ particularly the steps taken towards self-government or independence.

The Council had previously directed its Visiting Missions to East Africa and to West Africa to observe the efforts of the Administering Authorities towards achieving these objectives and the development of the Territories visited, and to report their findings. By resolution 115(VI) of 31 January 1950, the Council included in the terms of reference of its next regular Visiting Mission to the Trust Territories in the Pacific, a directive to investigate and report on the steps taken towards the realization of the objectives set forth in Article 76 b.

At the fifth session of the Assembly, members of the Fourth Committee referred to the short

time spent by Visiting Missions in the Territories; most of this time was of necessity spent in travelling. The Missions had therefore been unable adequately to examine conditions in the Territories, it was adduced, and had been unable to give an opinion on the hundreds of petitions received, since in many instances their itineraries were such that they could not visit the locality in question and investigate the claims made. The representative of Iraq, who had been Chairman of the Visiting Mission to West Africa, defended the work of that Mission. He considered that it had spent all the time necessary in the Territories visited and had investigated every important problem on the spot. Pointing out that that Mission had received over 250 petitions, he contended that it was impossible for any mission to examine each petition it received. All members of the Committee were agreed as to the importance of Visiting Missions as a means of understanding and appraising the work being done in the Trust Territories. During the discussions, many proposals concerning the organization, duration and frequency of Visiting Missions and their terms of reference were made.

One draft resolution on the subject was jointly submitted by Cuba and Norway (A/C.4/L.74). The portion of the sub-committee's combined text (A/C.4/L.88) relating to Visiting Missions, in substance much the same as the original joint proposal, was extracted to form a separate draft resolution (A/C.4/L.98). This draft was considered by the Fourth Committee at its 167th to 169th meetings from 3 to 6 November.

This draft, *inter alia*, asked the Council to review the organization of Visiting Missions and to consider in particular the possibility of: arranging for Visiting Missions to remain in each Territory long enough to study its problems more thoroughly; reducing the number of Territories to be visited by a single Mission; ensuring the greatest possible flexibility in its itinerary; extending the duration of visits without diminishing their frequency, if necessary by reducing the number of members of each Mission; continuing to direct each Mission to examine specific problems and to make a preliminary examination on the

¹¹⁹ See Y.U.N., 1948-49, pp. 856-57.

¹²⁰ Art. 76 b reads: "to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement".

spot of all petitions submitted to it and such other petitions as the Council deemed appropriate.

During the discussion of this resolution, several members, including Iraq, the Dominican Republic and Belgium, indicated their preference for a resolution expressed in general terms rather than a resolution recommending measures which might not in practice be feasible and which might not allow the Council sufficient flexibility in reviewing the organization and work of Visiting Missions.

The Committee adopted amendments, proposed by Cuba (A/C.4/L.91) to add a new paragraph as paragraph 1 of the preamble (see below), by Chile (A/C.4/L.96) to add the second paragraph of the preamble, and by the Philippines to add paragraphs 1 (g) and (h) to the substantive portion of the resolution. Another amendment suggested by the Philippines, to delete the word "valuable" with reference to the reports of previous Visiting Missions, was rejected. Other paragraphs were redrafted by the Committee in accordance with oral and written proposals made by these delegations and by Belgium (A/C.4/L.95), India (A/C.4/L.97) and China.

The amended draft resolution as a whole was adopted by the Fourth Committee by a roll-call vote of 33 to none, with 11 abstentions. Without further change, it was adopted by the Assembly, as resolution 434(V), at the 316th plenary meeting on 2 December, by a roll-call vote of 41 to none, with 14 abstentions. It read as follows:

The General Assembly,

Considering that, under Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to Trusteeship Agreements for all areas not designated as strategic shall be exercised by the General Assembly,

Considering that, under Article 87 c of the Charter, the General Assembly and, under its authority, the Trusteeship Council, may provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority,

Noting that visiting missions of the Trusteeship Council have now visited each of the Trust Territories for the first time and have submitted valuable reports to the Council,

Noting that these missions were the first of their kind and that the time during which they remained in each of the Trust Territories did not permit them to make a thorough study of some of the problems existing in the Trust Territories,

Considering that, since it has been customary for the Trusteeship Council to study the possibility of improving the organization and membership as well as the methods and functioning of visiting missions, the commencement in 1951 of a second series of visits to the Trust Territories presents an opportunity to review these matters again,

1. Recommends accordingly that the Trusteeship Council should undertake another such review in order to ensure that the most effective use will be made in future of this important function of the General Assembly and of the Council, taking into consideration for that purpose the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly and taking into account the advisability of:

(a) Arranging for visiting missions to remain long enough in each Trust Territory to be able adequately to fulfil their task;

(b) Reducing the number of Trust Territories to be visited by a single visiting mission;

(c) Ensuring the greatest possible flexibility in the itinerary of each visiting mission;

(d) Extending the duration of visits without diminishing their frequency;

(e) Continuing to include in the terms of reference of each visiting mission the examination of specific problems;

(f) Continuing to include in the terms of reference of each visiting mission the preliminary examination on the spot, when called for, of the petitions submitted to it, and of such other petitions as the Trusteeship Council may deem appropriate;

(g) Selecting members of each visiting mission as much as possible from among representatives who sit on the Trusteeship Council;

(h) Directing visiting missions to take advantage of every opportunity to inform the indigenous inhabitants of the workings and operations of the International Trusteeship System;

2. Requests the Trusteeship Council to include the results of the review in its next report to the General Assembly.

g. EXAMINATION OF PETITIONS

By resolution 321(IV), the General Assembly had asked the Trusteeship Council to take appropriate measures to facilitate and accelerate the examination and disposal of petitions. The Council decided, at the 14th meeting of its sixth session on 3 February 1950, to extend the powers of its Ad Hoc Committee on Petitions, which, under rule 90 of the Council's rules of procedure, had been prevented from appraising the substance of petitions. The Council amended rule 90, empowering the Committee to make a preliminary examination of petitions, as before, and in addition, of any observations of the Administering Authority. It was also authorized to invite the Administering Authority or the petitioner to furnish any additional information it thought necessary, and was asked to report to the Council, recommending the action to be taken in each case.¹²¹

During the General Assembly's fifth session, members of the Fourth Committee praised the

¹²¹ For text of rule 90, as amended, see Annex III, p. 118.

Council for introducing this new procedure, which had been followed at the Council's sixth and seventh sessions. Members of the Ad Hoc Committee were also commended for the large amount of work they had accomplished.

The representative of Yugoslavia complained that the Council's replies to petitions were too vague. He, as well as the representative of India, objected to the Council's dismissal of anonymous petitions merely on the ground of their anonymity. The representative of Cuba considered that the Council should keep itself informed of the action taken following its decisions on petitions; unless a petitioner sent a further petition on the same question or the Administering Authority itself referred to the problem in its annual report, he said, the Council seemed to lose sight of the matter. These representatives considered that, since petitions continued to be numerous, further improvements might be made in the Council's procedure and they suggested proposals to this effect (A/C.4/L.73, Cuba; A/C.4/L.71, Yugoslavia), which were referred to Sub-Committee 8 of the Fourth Committee.

At its 170th and 171st meetings on 7 and 8 November 1950, the Fourth Committee considered a draft resolution proposed by Sub-Committee 8 (A/C.4/L.99). Amendments to this draft resolution were presented by Belgium (A/C.4/L.100), Cuba (A/C.4/L.92), India (A/C.4/L.101) and the United Kingdom (A/C.4/L.90/Rev.1).

The representative of Belgium suggested, among other proposed amendments, that references to "anonymous petitions" be changed to "anonymous communications", contending that such communications could not be considered as petitions. The Committee rejected this amendment by 23 votes to 20, with 4 abstentions.

The Committee decided to delete two paragraphs of the Committee's draft resolution, as proposed in the United Kingdom amendments. One of these would have authorized the Secretary-General to assure a petitioner, who so desired, that his name would not be disclosed; this, the United Kingdom representative observed, seemed to imply that the Administering Authorities might victimize petitioners, and, as further stated by the representative of the United States, no petitioner had ever made such a request of the Secretary-General. The second paragraph recommended that the Council examine any anonymous petition at the request of any one of its members.

The Committee also adopted an amendment proposed by India to include a paragraph stating

that anonymous petitions should not be regarded as inadmissible only on the grounds of their anonymity and that a procedure should be established for dealing with them.

Among other changes made in the draft resolution, the Committee voted to include in the preamble two paragraphs referring to the provisions of the Charter, as requested by Cuba.

The draft resolution, as amended, was adopted as a whole by a roll-call vote of 30 to 3, with 14 abstentions, at the Committee's 171st meeting.

It was considered by the Assembly at its 316th plenary meeting on 2 December 1950. At the request of the United Kingdom, a separate vote was taken on the paragraph concerning a procedure for dealing with anonymous petitions, which had been adopted in the Fourth Committee by 20 votes to 15, with 12 abstentions, on the proposal of India (see above).

The paragraph received 24 votes in favour to 17 against, with 7 abstentions, and was therefore rejected, having failed to obtain the required two-thirds majority. As thus amended, the resolution (435(V)) was adopted by a roll-call vote of 47 to none, with 8 abstentions. It reads:

The General Assembly,

Considering that, according to Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to Trusteeship Agreements for all areas not designated as strategic shall be exercised by the General Assembly,

Considering that, according to Article 87 b of the Charter, the General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may accept petitions and examine them in consultation with the Administering Authority,

Considering that the right of petition, which is one of the fundamental human rights, is one of the most important factors in the operation of the International Trusteeship System, and that the careful study of petitions is one of the fundamental responsibilities of the Trusteeship Council,

Considering that it is essential, in the interest of the inhabitants of Trust Territories, to continue to improve in every possible way the procedure for the examination of petitions,

Recommends that the Trusteeship Council accordingly consider the possibility of:

(a) Constituting the Ad Hoc Committee on Petitions as a standing committee to meet, if necessary, between sessions of the Council;

(b) Requesting the Administering Authorities to submit such observations as they may wish to make on petitions which concern them, within two months of their receiving such petitions;

(c) Studying all other measures which may serve to improve the present procedure for the examination of petitions;

(d) Requesting the Administering Authorities to submit each year special information concerning action

taken on the recommendations of the Council in respect of petitions examined, except in those cases where the Council does not deem it necessary.

h. GENERAL PROCEDURE OF THE TRUSTEESHIP COUNCIL

At the fifth session of the General Assembly, the representative of Yugoslavia, speaking before the Fourth Committee, noted that the Trusteeship Council had held a record number of meetings during its sixth and seventh sessions and that its agenda was the heaviest ever drawn up. In view of this, he proposed a draft resolution (A/C.4/L.70) suggesting that the Council review its working methods and consider establishing a standing committee of the whole.

This resolution was referred to Sub-Committee 8, which combined it with others of a procedural nature. The relevant part of the Sub-Committee's report (A/C.4/L.88) was considered at the Committee's 164th meeting on 1 November 1950. The representative of the United States suggested that reference to a standing committee of the whole should be deleted, and other Committee members agreed that such a committee was impractical from the point of view of saving the Council either time or work. Taking this suggestion into account, the representative of India orally proposed a new text, and subsequently accepted a Chilean amendment referring to the Assembly discussion. This text was adopted by the Committee, as modified, by 43 votes to none, with 4 abstentions, and by the Assembly, at its 316th plenary meeting on 2 December, by a roll-call vote of 53 to 1, with 3 abstentions, as resolution 432(V). It reads as follows:

The General Assembly,

Noting the increase in the volume of work and in the length of the sessions of the Trusteeship Council,

Considering that, for the more effective discharge by the Council of its duties, a review of its present methods of work appears desirable,

Recommends accordingly that the Trusteeship Council undertake a review of its general procedure bearing in mind the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly, and include the results of such review in its report to the next regular session of the General Assembly.

i. CHANGES IN THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL

On 20 January 1950, at the second meeting of its sixth session, the Council set up a committee, consisting of Argentina, Australia, Belgium, Iraq, the Philippines and the United Kingdom, to examine the possibility of modifying certain of the

Council's rules of procedure.

On 3 February, the Council unanimously adopted the amendments proposed by the Committee to rule 90, as described above, relating to the examination of petitions.

At its 25th meeting on 16 February, the Council also unanimously adopted the committee's recommended amendments to rules 26 and 53. It amended rule 26 to permit the Secretary-General or his representative, subject to rule 53, to make oral as well as written statements to the Council and its subsidiary bodies on any question under consideration, and accordingly amended the first two words of rule 53 to read "no one" rather than "no representative".¹²²

12. Annual Reports of the Trusteeship Council

a. ANNUAL REPORT TO THE GENERAL ASSEMBLY

The annual report of the Trusteeship Council to the General Assembly (A/1306 & Corr.1), covering, its first and second special sessions (held in 1949) and its sixth and seventh sessions, was adopted by the Council at the last meeting of its seventh session on 21 July 1950 "and considered by the General Assembly at its fifth session. The report was the subject of a general debate in the Assembly's Fourth Committee from the 144th to 152nd meetings, 2-16 October, during which various proposals were made both on substantive and organizational questions."¹²³

At its 154th meeting on 19 October 1950, the Fourth Committee considered a draft resolution submitted by Canada (A/C.4/L.69), taking note of the Council's report and expressing confidence that the Council would continue to contribute toward achieving the objectives of the Trusteeship System.

The representative of Yugoslavia suggested that a separate vote be taken on the words "continue to"; the Council had accomplished a great deal, he stated, but certain aspects of its work did not seem entirely satisfactory. The Committee decided by 25 votes to 9, with 11 abstentions, to retain these words.

Following the discussion of the draft resolution, during which several members questioned the usefulness of asking the Secretary-General to prepare a document containing the comments and suggestions made at the fifth session of the Assembly,

¹²² For text, see Annex III, p. 118.

¹²³ See pp. 789 ff. and pp. 109 ff.

the representative of Canada withdrew this paragraph from his proposal. As thus modified, the resolution was adopted by 31 votes to none, with 17 abstentions.

It was adopted without change by the Assembly, at the 316th plenary meeting on 2 December 1950, by 45 votes to none, with 7 abstentions, following a paragraph-by-paragraph vote. Paragraph 1 received 44 votes to 1, with 6 abstentions; paragraph 2, 41 to none, with 8 abstentions; and paragraph 3, 45 to none, with 6 abstentions.

In this resolution (431(V)), the Assembly (1) took note of the Trusteeship Council's report; (2) expressed its confidence that the Council, in a spirit of co-operation, would continue to contribute effectively to achieving the high objectives of the Trusteeship System; and (3) recommended

that it consider at its next session the comments and suggestions made during the Assembly's discussions.

b. ANNUAL REPORT TO THE SECURITY COUNCIL

In accordance with the agreement reached in 1949 by the Trusteeship and Security Councils concerning their respective functions as regards strategic areas under Trusteeship, the Trusteeship Council adopted, on 14 July 1950, a report on its examination of the annual report on the administration of the Trust Territory of the Pacific Islands for the year ending 30 June 1949. The Council's report on the exercise of its functions with respect to this Territory (S/1628) was circulated to members of the Security Council for their information.

ANNEX I. DELEGATIONS TO THE TRUSTEESHIP COUNCIL

A. Sixth Session

MEMBERS OF THE COUNCIL

ARGENTINA:

Representative Jerónimo Remorino
Alternate Rodolfo Muñoz

AUSTRALIA:

Representative J. D. L. Hood
Alternate R. A. Peachey

BELGIUM:

Representative Pierre Ryckmans
Alternates L. Pétillon
André Wendelen

CHINA:

Representative Shih-shun Liu

DOMINICAN REPUBLIC:

Representative Max Henríquez-Ureña
Alternate Tulio Franco y Franco

FRANCE:

Representative Roger Garreau
Alternates Henri Laurentie
Pierre de Leusse

IRAQ:

Representative Mohammed Fadhil Jamali
Alternate Awni Khalidy

NEW ZEALAND:

Representative G. R. Laking
Alternate Charles Craw

PHILIPPINES:

Representative Brig.-General Carlos P. Rómulo
Alternates Teodoro Evangelista
José D. Ingles
Victorio D. Carpio

USSR:¹²⁴

Representative Aleksander A. Soldatov

UNITED KINGDOM:

Representative Sir Alan Burns
Alternate John Fletcher-Cooke

UNITED STATES:

Representative Francis B. Sayre
Deputy Benjamin Gerig

SPECIAL REPRESENTATIVES OF ADMINISTERING AUTHORITIES

BELGIUM:

L. Pétillon (for the examination of the annual report on Ruanda-Urundi)

Pierre Leroy (for the examination of the annual report on Ruanda-Urundi)

UNITED KINGDOM: J. E. S. Lamb (for the examination of the annual report on Tanganyika)

Brig. E. J. Gibbons (for the examination of the annual report on the Cameroons under British administration)

H. F. P. Wetherell (for the examination of the annual report on the Cameroons under British administration)

STATES NON-MEMBERS OF THE COUNCIL

COLOMBIA:

Representative Edmundo de Holte-Castello
Alternate Gabriel Giraldo-Jaramillo

EGYPT:

Representatives Mohamed Amin Rostem Bey
Abdel Monem Mostafa Bey

ETHIOPIA:

Representative Ato Abbebe Retta

¹²⁴ Representative did not attend session.

ISRAEL:

Representative Abba S. Eban
Alternates Moshe A. Tov
Gideon Rafael

ITALY:

Representatives Giuseppe Brusasca
Enrico Cerulli
Alternates Leonardo Vitetti
Giuseppe Vedovato

HASHEMITE KINGDOM OF JORDAN:

Representatives Hafez Bey Abdul-Hadi
Edmond Roch

SYRIA:

Representative Ahmad Shukairy

PHILIPPINES:

Representative Brig.-General Carlos P. Rómulo
Alternates José D. Ingles
Antonio P. Chanco
Melchior Aquino

USSR:¹²⁵

Representative Aleksander A. Soldatov

UNITED KINGDOM:

Representative John Fletcher-Cooke
Alternates J. K. Thompson
E. G. Hanrott

UNITED STATES:

Representative Francis B. Sayre

SPECIAL REPRESENTATIVES OF ADMINISTERING AUTHORITIES

AUSTRALIA: S. A. Lonergan (for the examination of the annual report on New Guinea)

H. H. Reeve (for the examination of the annual report on Nauru)

FRANCE:

Jean H. Cédile, Commissioner of the Republic in Togoland (for the examination of the annual report and of petitions concerning Togoland under French administration)

NEW ZEALAND:

F. J. H. Grattan (for the examination of the annual report on Western Samoa)

UNITED KINGDOM:

D. A. Sutherland (for the examination of the annual report and of petitions concerning Togoland under British administration)

UNITED STATES:

Rear Admiral L. S. Fiske, Deputy High Commissioner of the Trust Territory of the Pacific Islands (for the examination of the annual report on that Territory)

SPECIALIZED AGENCIES

INTERNATIONAL LABOUR ORGANISATION (ILO):

Representatives David A. Morse
Robert Gavin
A. d'Almendra

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO):

Representatives Jean Piaget
Marcel Destombes

WORLD HEALTH ORGANIZATION (WHO):

Representatives M. H. Hafezi
J. A. Farfor

INTERNATIONAL TELECOMMUNICATION UNION (ITU):

Representative Léon Mulatier

B. Seventh Session

MEMBERS OF THE COUNCIL

ARGENTINA:

Representative Jerónimo Remorino
Alternate Rodolfo Muñoz

AUSTRALIA:

Representative Alfred Thorp Stirling
Alternate R. A. Peachey

BELGIUM:

Representative Pierre Ryckmans

CHINA:

Representative Shih-shun Liu
Alternate Tieh-tseng Li

DOMINICAN REPUBLIC:

Representative Max Henríquez-Ureña
Alternates Enrique de Marchena y Dujarric
Minerva Bernardino

FRANCE:

Representative Roger Garreau
Alternates Henri Laurentie
Francis Lacoste

IRAQ:

Representative Awni Khalidy

NEW ZEALAND:

Representative Sir Carl Berendsen
Alternates G. R. Laking
Charles Craw

STATES NON-MEMBERS OF THE COUNCIL

EGYPT:

Representative Mahmoud Fawzi Bey
Alternate Hussein Rouchdy

ISRAEL:

Representative Abba S. Eban

SYRIA:

Representative Rafik Asha

SPECIALIZED AGENCIES

INTERNATIONAL LABOUR ORGANISATION (ILO):

Representative R. A. Métall
Alternate A. A. Evans

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO):

Representative Solomon V. Arnaldo
Alternates Marcel Destombes
Arthur Gagliotti

WORLD HEALTH ORGANIZATION (WHO):

Representatives Mabel Ingalls
G. E. Hill

¹²⁵ Representative attended first meeting only.

C. Third Special Session

MEMBERS OF THE COUNCIL

ARGENTINA:

Representative Carlos Quesada Zapiola

AUSTRALIA:

Representative R. A. Peachey

BELGIUM:

Representative Pierre Ryckmans

CHINA:

Representative Shih-shun Liu

DOMINICAN REPUBLIC:

Representative Enrique de Marchena y Dujarric

FRANCE:

Representative Roger Garreau

IRAQ:

Representative Awni Khalidy

NEW ZEALAND:

Representative Sir Carl Berendsen

PHILIPPINES:

Representative José D. Ingles

USSR:

Representative Aleksander A. Soldatov

UNITED KINGDOM:

Representative John Fletcher-Cooke

UNITED STATES:

Representative Francis B. Sayre

ANNEX II. MEMBERSHIP OF SUBSIDIARY BODIES

A. Visiting Missions

1. United Nations Visiting Mission to Trust Territories in West Africa

Alfred Claeys-Bouuaert (Belgium)

Awni Khalidy (Iraq) (Chairman)

Antonio Ramos Pedrueza (Mexico)

Benjamin Gerig (United States)

2. United Nations Visiting Mission to Trust Territories in the Pacific

T. K. Chang (China)

Jacques Tallec (France)

Victorio D. Carpio (Philippines)

Sir Alan Burns (United Kingdom) (Chairman)

B. Committees

1. Committee on Administrative Unions

ARGENTINA

NEW ZEALAND

CHINA

PHILIPPINES¹²⁶

FRANCE

UNITED STATES

2. Standing Committee on Administrative Unions

ARGENTINA

NEW ZEALAND

PHILIPPINES

UNITED STATES

3. Committee for Italian Somaliland

DOMINICAN REPUBLIC

PHILIPPINES

FRANCE

UNITED KINGDOM

IRAQ

UNITED STATES

4. Drafting Committee on the Questionnaire

BELGIUM

IRAQ

DOMINICAN REPUBLIC

UNITED KINGDOM

ANNEX III. MODIFICATIONS TO THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL¹²⁷

Rule 26

The Secretary-General or his representative may, subject to the provisions of Rule 53, make oral as well as written statements to the Council, its committees or subsidiary bodies concerning any question under consideration.

Rule 53

No one may address the Trusteeship Council without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The Chairman of a subsidiary body, or a rapporteur, or the Secretary-General, however, may be accorded precedence. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 90

1. The Trusteeship Council, at the beginning of each session which includes the consideration of petitions on its agenda, may appoint an ad hoc committee on petitions whose membership shall be evenly divided between representatives of members administering Trust

Territories and representatives of members having no administering responsibilities.

2. The ad hoc committee on petitions shall be empowered:

(a) to undertake preliminary examination of written petitions and of any observations which the Administering Authority concerned may have circulated in accordance with Rule 86 (2);

(b) to invite the representative of the Administering Authority concerned or the petitioner to furnish any additional information which the Committee may deem necessary.

3. The ad hoc committee shall make a report to the Trusteeship Council on each petition considered by it together with its recommendations as to the action to be taken by the Council in each case.

¹²⁶ The representative of the Philippines was to serve on the Committee during the absence of the representative of the USSR.

¹²⁷ For complete text prior to these modifications, see Rules of Procedure for the Trusteeship Council (T/1/Rev.2).

F. THE INTERNATIONAL COURT OF JUSTICE

The International Court of Justice is the principal judicial organ of the United Nations.¹²⁸ It functions in accordance with its Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the Charter.

Each Member of the United Nations undertakes in Article 94 of the Charter to comply with the decision of the Court in any case to which it is a party. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems such action necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

The Charter states that nothing contained in it is to prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in force or which may be concluded in the future.

1. Parties to the Statute of the Court

All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.¹²⁹

A State which is not a Member of the United Nations may become a party to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Switzerland and Liechtenstein have become parties to the Statute of the Court under this provision, Switzerland on 28 July 1948, Liechtenstein on 29 March 1950. The terms laid down by the General Assembly on the Security Council's recommendation were identical in both cases. They provided for the deposit with the Secretary-General of the United Nations of an instrument containing: acceptance of the Statute; acceptance of the obligations under Article 94 of the Charter; and an undertaking to contribute to the expenses of the Court an equitable amount assessed by the Assembly from time to time after consultation with the Government concerned.

2. Composition of the Court

The Court is composed of fifteen members, no two of whom may be nationals of the same State, and who are to be "elected regardless of their nationality from among persons of high moral

character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law".

Candidates for membership of the Court are nominated by the "national groups" in the Permanent Court of Arbitration or by "national groups" similarly appointed.¹³⁰ The Secretary-General of the United Nations draws up a list of candidates thus nominated. From this list the General Assembly and the Security Council, voting independently, elect the members of the Court, an absolute majority in both the Assembly and the Council being required for election. The General Assembly and the Security Council, in electing the judges, are required by the Court's Statute to bear in mind that the Court as a whole should represent the main forms of civilization and the principal legal systems of the world.

The members of the Court are elected for nine years and may be re-elected. However, the terms of office of five of the judges elected at the first election expired at the end of three years, and the terms of five more judges were to expire at the end of six years. The judges whose terms were to expire at the end of three and six years, respectively, were chosen by lot immediately after the first election had been completed.

The conditions under which a State which is a party to the Statute of the Court but not a Member of the United Nations may participate in the election of judges were laid down by the General Assembly in its resolution 264(III) of 8 October 1948, on recommendation of the Security Council,

¹²⁸ For fuller details, see Charter of the United Nations, Ch. XIV, and Statute of the International Court of Justice; see also I.C.J. Yearbook, 1949-50.

¹²⁹ For list of Members of the United Nations, see pp. 1010-11.

¹³⁰ The Permanent Court of Arbitration, established under Conventions of 1899 and 1907, consists of a panel of members from which arbitrators are chosen to hear any one case. Each State party to the Conventions may name not more than four persons to be members of the panel. The persons thus appointed constitute "national groups" which compose the panel of the Permanent Court of Arbitration. These "national groups" had been designated to nominate the judges of the Permanent Court of International Justice, established in 1920 in conjunction with the League of Nations. Under the Statute of the International Court of Justice, they likewise nominate the judges of this Court, which superseded the Permanent Court of International Justice. Members of the United Nations which are not members of the Permanent Court of Arbitration appoint national groups for the purpose of nominating the members of the International Court of Justice in the same manner as the national groups of the Permanent Court of Arbitration are appointed.

as follows. Such a State shall be on an equal footing with Members of the United Nations in respect of the provisions of the Court's Statute regulating nomination of candidates, and it shall participate in the General Assembly in electing the judges in the same way as United Nations Members. It is not, however, to take part in the elections if its contributions to the expenses of the Court are in arrears to the extent of two years' contributions, unless the Assembly permits it to do so on the ground that the State's failure to pay is due to conditions beyond its control.¹³¹

3. Jurisdiction of the Court

a. PARTIES BEFORE THE COURT

Only States may be parties in cases before the Court.

The Court is open to States parties to its Statute. The conditions under which the Court shall be open to other States which are not parties to the Statute were laid down in a resolution of 15 October 1946 by the Security Council in accordance with the terms of the Court's Statute, as follows: that the State deposit with the Registrar of the Court a declaration accepting the Courts jurisdiction in accordance with the Charter of the United Nations and the Statute and Rules of the Court, undertaking to comply in good faith with the Court's decisions and accepting the obligations of a Member of the United Nations under Article 94 of the Charter. Declarations may be either particular, accepting the Court's jurisdiction in one particular case, or general, accepting it generally in respect of all disputes, or a particular class or classes of disputes which have arisen or may arise.¹³²

b. JURISDICTION IN CONTENTIOUS PROCEDURE

(1) General

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters especially provided for in the Charter of the United Nations or in treaties and conventions in force. To preserve continuity with the work of the Permanent Court of International Justice, the Statute stipulates that whenever a treaty or convention in force provides for reference of a matter to the Permanent Court of International Justice, the matter shall be referred to the International Court of Justice.¹³³

(2) Compulsory Jurisdiction

The States parties to the Statute may at any time declare that they recognize as compulsory ipso

jacto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (cl) the nature or extent of the reparation to be made for the breach of an international obligation.¹³⁴

These declarations may be made (1) unconditionally, (2) on condition of reciprocity on the part of several or certain States or (3) for a certain time.

The statute of the Permanent Court of International Justice had provided for similar declarations of acceptance of compulsory jurisdiction. The Statute of the International Court of Justice provides that any declarations made under the Statute of the Permanent Court of International Justice which are still in force shall be deemed, as between the parties to the Statute of the present Court, to be acceptance of the compulsory jurisdiction of the International Court of Justice for the period for which they still have to run and under the same conditions.¹³⁵

(3) Law Applied by the Court

The Court, whose function it is to decide in accordance with international law such disputes as are submitted to it, applies:

- (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
- (b) international custom, as evidence of a general practice accepted as law;
- (c) the general principles of law recognized by civilized nations;
- (d) subject to the provisions of Article 59,¹³⁶ judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.¹³⁷

The Court may decide a case *ex aequo et bono*, if the parties agree to this.

¹³¹ Switzerland participated in the elections of judges in accordance with these terms at the 1st part of the 3rd regular session of the General Assembly. For full text of the conditions, see Y.U.N., 1948-49, p. 147.

¹³² For full text of the conditions, see Y.U.N., 1946-47, p. 411.

¹³³ For examples of provisions relating to the Court's jurisdiction, see p. 123.

¹³⁴ Statute of the Court, Art. 36.

¹³⁵ For States accepting the Court's compulsory jurisdiction, see pp. 123-24.

¹³⁶ Which provides that the "decision of the Court has no binding force except between the parties and in respect of that particular case".

¹³⁷ Statute of the Court, Art. 38.

c. JURISDICTION AS AN ADVISORY BODY

The Charter provides that the General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.¹³⁸

4. Organization of the Court

The Court elects its own President and Vice-President for three years; they may be re-elected. It appoints its Registrar and such other officers as may be necessary. The Court frames rules for carrying out its functions, and in particular lays down rules of procedure.¹³⁹

The seat of the Court is at The Hague, but this does not prevent the Court from exercising its functions elsewhere whenever it considers this desirable. The President and the Registrar reside at the seat of the Court.

The Court remains permanently in session except during judicial vacations. A quorum of nine judges suffices to constitute it.

From time to time, the Court may establish one or more chambers of three or more judges which may deal with particular categories of cases—for example, labour cases and cases relating to transit and communications. The Court forms annually a chamber of five members which may hear and determine cases by summary procedure.

Judges of the same nationality as a party to a case retain their right to sit in the case before the Court. If the Court includes on the bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. If the Court includes upon the bench no judge of the nationality of the parties, each of the parties may choose a judge to sit in the case before the Court.

5. Procedure of the Court

French and English are the official languages of the International Court of Justice, but any party which so requests is to be authorized to use another language.

a. PROCEDURE IN CONTENTIOUS CASES

Cases are brought before the Court by means of a document, instituting proceedings, addressed to the Registrar. This document may be either a

special agreement concluded for the purpose by the parties to a dispute, or a unilateral instrument called an "Application". This document must indicate the subject of the dispute and the parties to it, and if it is an application it must as far as possible, as provided in Article 32 of the Rules of the Court, specify the provision on which the applicant founds the jurisdiction of the Court. As soon as the document is received by the Registrar, he communicates it to all concerned and also notifies the Members of the United Nations, through the Secretary-General, and any other States entitled to appear before the Court.

Parties to a case are represented by agents and may have the assistance of counsel or advocates. The procedure is written and oral; the written proceedings of the Court consist of communications to the Court in the form of memorials, counter-memorials, replies and rejoinders, and papers and documents in support; the oral proceedings consist of the hearing by the Court of witnesses, experts, agents, counsel and advocates.

The Court may indicate any provisional measures which it considers should be taken to preserve the respective rights of either party. Notice of such measures has to be given forthwith to the parties and to the Security Council.

The hearings are public unless the Court decides otherwise or the parties demand that the public be not admitted.

All questions are decided by a majority of the judges present. If the votes are equal the President or the judge who acts in his place has a deciding vote. The judgment must state the reasons on which it is based and contain the names of the judges taking part in the decision. Any judge is entitled to state a separate opinion. The judgment is read in open Court. A decision of the Court has no binding force except between the parties and in respect of a particular case. The judgment is final and without appeal, but a revision may be applied for on the ground of a decisive factor which, when the judgment was given, was unknown to the Court and to the party claiming revision (provided such ignorance was not due to negligence). No such application may be made after ten years from the date of the judgment.

Unless otherwise decided by the Court, each party bears its own costs.

¹³⁸ For list of organs authorized to request advisory opinions, see Annex III, p. 124.

¹³⁹ For text, see Y.U.N., 1946-47, pp. 596-608.

b. PROCEDURE IN THE CASE OF REQUESTS FOR ADVISORY OPINIONS

In the case of a request for an advisory opinion, a written request must be laid before the Court containing an exact statement of the question on which an opinion is required, and must be accompanied by all documents likely to throw light upon the question.

The Registrar then notifies all States entitled to appear before the Court. He also notifies any State or international organization thought by the Court (or by the President when the Court is not sitting) to be likely to be able to furnish information on the subject, that the Court will receive written statements within a certain time-limit fixed by the President, or hear oral statements at a public sitting to be fixed for the purpose. States and organizations which present written or oral statements may, within limits fixed by the Court (or by the President when the Court is not sitting), comment on those made by other States and organizations.

Advisory opinions are delivered in open court, after notice has been given to the Secretary-General and to the representatives of Members of the United Nations, of other States and of international organizations immediately concerned.

6. Amendment of the Statute

The Statute of the International Court of Justice can be amended by the same procedure as that used in amending the Charter of the United Nations, subject, however, to any provisions which the General Assembly, upon recommendation of the Security Council, may adopt concerning the participation of States which are parties to the present Statute but are not Members of the United Nations.¹⁴⁰ The Court may propose such amendments as it deems necessary through written communications to the Secretary-General of the United Nations.

7. Members and Officers of the Court

The following is a list of the judges of the Court serving in 1950, in order of precedence, together with the year on which the term of office of each judge will expire:

Jules Basdevant (France), President.	1955
José Gustavo Guerrero (El Salvador), Vice-President	1955
Alejandro Alvarez (Chile)	1955

Isidro Fabela Alfaro (Mexico)	1952
Green H. Hackworth (United States)	1952
Bohdan Winiarski (Poland)	1958*
Milovan Zoricic (Yugoslavia)	1958*
Charles De Visscher (Belgium)	1952
Sir Arnold Duncan McNair (United Kingdom)	1955
Helge Klaestad (Norway)	1952
Abdel Hamid Badawi Pasha (Egypt)	1958*
Sergei Borisovitch Krylov (USSR)	1952
John E. Read (Canada)	1958*
Hsu Mo (China)	1958*
José Philadelpho de Barros e Azevedo ¹⁴¹ (Brazil)	1955

* Re-elected in Dec. 1948 for a nine-year term.

The members of the Chamber of Summary Procedure, elected for a one-year period beginning 3 May 1949 and re-elected for a further one-year period, were:

Members:

President Basdevant
Vice-President Guerrero
Judge Sir Arnold McNair
Judge Krylov
Judge Hsu Mo

Substitutes:

Judge Hackworth
Judge De Visscher

The Registrar of the Court is Edvard Hambro, who was elected on 6 April 1946; the Deputy-Registrar is Jean Garnier-Coignet, who was elected on 18 April 1946.

8. Matters before the Court in 1950

- (a) Anglo-Norwegian Fisheries Case¹⁴³
- (b) Case Concerning the Protection of French Nationals and Protected Persons in Egypt¹⁴³
- (c) Colombian-Peruvian Asylum Case¹⁴⁴
- (d) Interpretation of Peace Treaties with Bulgaria, Hungary and Romania¹⁴⁵
- (e) Competence of the General Assembly for the Admission of a State to the United Nations¹⁴⁶
- (f) International Status of South West Africa¹⁴⁷
- (g) Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide¹⁴⁸
- (h) Case concerning Rights of Nationals of the United States of America in Morocco¹⁴⁶

¹⁴⁰ See p. 119.

¹⁴¹ Died 7 May 1951. It was decided that an election to fill this vacancy would be held during the 6th session of the General Assembly.

¹⁴² See p. 844.

¹⁴³ On 21 Feb. 1950 France requested that the case be removed from the Court's General List, the measures complained of having been withdrawn by the Egyptian Government; see pp. 844-45.

¹⁴⁴ See pp. 837-44.

¹⁴⁵ See pp. 386-92.

¹⁴⁶ See pp. 409-11.

¹⁴⁷ See pp. 807-14.

¹⁴⁸ See pp. 873-79.

¹⁴⁹ See p. 845.

ANNEX I. EXAMPLES OF PROVISIONS RELATING TO THE COURT'S JURISDICTION

(1) Constitutions of Specialized Agencies

The Constitutions of the following specialized agencies provide for references in some cases of disputes arising between the States participating in the work of these agencies to the International Court of Justice:

Agency	Place and date of adoption of the Constitution	Articles
International Labour Organisation (Amended Constitution)	Montreal 9 Oct. 1946	29,31-34, 37
International Civil Aviation Organization	Chicago 7 Dec. 1944	84-86
United Nations Educational, Scientific and Cultural Organization	London 16 Nov. 1945	XIV
World Health Organization	New York 22 July 1946	75-77
International Refugee Organization	New York 15 Dec. 1946	17

(2) Convention on Privileges and Immunities of the United Nations

Article VIII, Section 30, of this Convention, adopted by the General Assembly on 13 February 1946, provides that differences arising out of the interpretation or application of the Convention are to be referred to the Court.

(3) Convention on Privileges and Immunities of the Specialized Agencies

Article IX, section 32, of this Convention, adopted by the General Assembly on 21 November 1947, pro-

vides that differences arising out of the interpretation or application of the Convention are to be referred to the Court. Article VII, section 24, of the Convention, provides for reference to the Court of questions of whether an abuse of a privilege or immunity has occurred.

(4) Trusteeship Agreements

The following Trusteeship Agreements provide that any dispute relating to the interpretation or application of the Agreement, if it cannot be settled by negotiation or other means, is to be submitted to the Court. All these Agreements with the exception of that for Somaliland under Italian administration were approved by the General Assembly on 13 December 1946; the Somaliland Agreement was approved on 2 December 1950.

Administering Authority	Trust Territory	Article
Belgium	Ruanda-Urundi	19
France	Cameroons under French administration	13
France	Togoland under French administration	13
Italy	Somaliland under Italian administration	22
New Zealand	Western Samoa	16
United Kingdom	Tanganyika	19
United Kingdom	Cameroons under British administration	19
United Kingdom	Togoland under British administration	19

ANNEX II. STATES ACCEPTING THE COMPULSORY JURISDICTION OF THE COURT¹⁵⁰

State	Date of Signature; Date of Deposit	Duration	State	Date of Signature; Date of Deposit	Duration
Australia	21 Aug. 1940*; 23 Aug. 1948	Until notice of termination	El Salvador	16 Dec. 1920*; 29 Aug. 1930	Indefinite (Ratification was made on 29 Aug. 1930)
Belgium	10 June 1948; 2 July 1948	For five years (Ratification was made on 25 June 1948)	France	18 Feb. 1947; 1 Mar. 1949	For five years as from 1 Mar. 1949, and thereafter until notice
Bolivia	5 July 1948; 16 July 1948	For five years	Guatemala	27 Jan. 1947	For five years (Ratification was made on 3 Feb. 1949)
Brazil	12 Feb. 1948; 12 Mar. 1948	For five years, as from 12 Mar. 1948	Haiti	7 Sept. 1921*; 4 Oct. 1921	Indefinite
Canada	20 Sept. 1929*; 20 Sept. 1929	Until notice of termination (Ratification was made on 28 July 1930)	Honduras	2 Feb. 1948; 10 Feb. 1948	For six years, as from 10 Feb. 1948
China	26 Oct. 1946; 26 Oct. 1946	For five years, and thereafter subject to six months' notice	India	28 Feb. 1940*; 7 Mar. 1940	Until notice of termination
Colombia	30 Oct. 1937*; 30 Oct. 1937	Indefinite			
Denmark	10 Dec. 1946; 10 Dec. 1946	For ten years, as from 10 Dec. 1946			
Dominican Republic	30 Sept. 1924*; 30 Sept. 1924	Indefinite (Ratification was made on 4 Feb. 1933)			

* Declaration made under Art. 36 of the Statute of the Permanent Court of International Justice and deemed to be still in force (Art. 36, par. 5, of the Statute of the present Court).

¹⁵⁰ Most of these declarations have reservations attached, and are made for the most part on condition of reciprocity. See I.C.J. Yearbook 1949-50, pp. 167-77.

State	Date of Signature; Date of Deposit	Duration	State	Date of Signature; Date of Deposit	Duration
Iran	2 Oct. 1930*; 2 Oct. 1930	Until notice of termination (Ratification was made on 19 Sept. 1949)	Paraguay ¹⁵¹	16 Dec. 1920; 11 May 1933	Indefinite
Israel	4 Sept. 1950		Philippines	12 July 1947	For ten years, from 4 July 1946, and thereafter until notice of termination
Liechtenstein	10 Mar. 1950; 29 Mar. 1950	Valid as from 29 Mar. 1950 and until the expiration of a year's notice of termination	Sweden	5 Apr. 1947; 5 Apr. 1947	For ten years
Luxembourg	15 Sept. 1930*; 15 Sept. 1930	For five years, renewable by tacit reconduction	Switzerland	6 July 1948; 28 July 1948	Valid as from 28 July 1948, and until the expiration of one year's notice
Mexico	23 Oct. 1947	For five years, from 1 Mar. 1947, and thereafter subject to six months' notice	Thailand	20 Sept. 1929; renewed 3 May 1940 and 3 May 1950	For ten years as from 3 May 1950 (Ratification was made on 7 May 1930)
Netherlands	5 Aug. 1946; 5 Aug. 1946	For ten years, effective from 6 Aug. 1946, and thereafter until notice of termination	Turkey	22 May 1947	For five years, as from 22 May 1947
New Zealand	1 April 1940*; 8 April 1940	Until notice of termination	Union of South Africa	7 Apr. 1940*; 20 Apr. 1940	Until notice of termination
Nicaragua	24 Sept. 1929*; 24 Sept. 1929	Indefinite	United Kingdom	28 Feb. 1940*; 28 Feb. 1940 13 Feb. 1946 ¹⁵²	Until notice of termination For five years; limited to questions concerning British Honduras
Norway	16 Nov. 1946	For ten years from 3 Oct. 1946	United States	14 Aug. 1946; 26 Aug. 1946	For five years, and thereafter until expiration of six months' notice of termination
Pakistan	22 June 1948; 9 July 1948	For five years, and thereafter until the expiration of six months' notice of termination	Uruguay	Before 28 Jan. 1921 ¹⁵³	Indefinite (Ratification was made on 27 Sept. 1921)
Panama	25 Oct. 1921*	Indefinite (Ratification was made on 14 June 1929)			

ANNEX III. ORGANIZATIONS AUTHORIZED TO REQUEST ADVISORY OPINIONS FROM THE COURT¹⁵⁴

Authorized in the Charter to request advisory opinions on any legal question:

General Assembly
Security Council

Authorized by the General Assembly in accordance with the Charter to request advisory opinions on legal matters arising within the scope of their activities:

Economic and Social Council
Trusteeship Council
Interim Committee of the General Assembly
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 Monetary Fund
International Telecommunication Union
International Refugee Organization

* See p. 123.

¹⁵¹ On 26 Apr. 1938 Paraguay withdrew its declaration.

¹⁵² The declaration concerning British Honduras was renewed for five years on 12 Feb. 1951.

¹⁵³ As the declaration was not dated, an approximate date has been given based on that of the declaration published for the first time in a League of Nations document.

¹⁵⁴ In addition, various international instruments, including the Convention on Privileges and Immunities of the Specialized Agencies and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, provide for reference to the Court for an advisory opinion on legal questions.

G. THE SECRETARIAT¹⁵⁵

The Charter establishes the Secretariat as a principal organ of the United Nations. The Secretariat comprises a Secretary-General and such staff as the United Nations may require.

1. Charter Provisions Concerning the Secretariat

The Secretary-General, chief administrative officer of the United Nations, is appointed by the General Assembly upon the recommendation of the Security Council. He acts in the capacity of Secretary-General in all meetings of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council, and performs such other functions as are entrusted to him by these organs. He makes an annual report to the Assembly on the work of the Organization.

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

The staff of the United Nations is appointed by the Secretary-General under regulations established by the General Assembly. The paramount consideration in its employment and in the determination of its conditions of service is the necessity of securing the highest standards of efficiency, competence and integrity. Due regard is paid to the importance of recruiting the staff on as wide a geographical basis as possible.

The Charter states that in the performance of their duties the Secretary-General and the staff may not seek or receive instructions from any Government or from any other authority external to the Organization. They are to refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

2. The Secretary-General

a. TERMS OF APPOINTMENT

The General Assembly, on 24 January 1946, decided (11(I)) that the terms of appointment of the Secretary-General should be such as to

enable a man of eminence and high attainment to accept and maintain the position, and that the first Secretary-General should be appointed for five years, the appointment being open at the end of that period for a further five-year term. The Assembly and the Security Council were free to modify the terms of office of future Secretaries-General; and because the Secretary-General was a confidant of many Governments, it was desirable that no Member should offer him, immediately upon retirement, any governmental position, and that he, on his part, should refrain from accepting any such position.¹⁵⁶

At its fourth meeting (private) on 30 January 1946, the Security Council decided to recommend to the General Assembly that Trygve Lie, Foreign Minister of Norway, be appointed Secretary-General. The Assembly, at its twentieth plenary meeting on 1 February, appointed Mr. Lie Secretary-General of the United Nations.

b. CONTINUATION IN OFFICE OF THE SECRETARY-GENERAL

As Mr. Lie's five-year term of office was to expire on 2 February 1951, the fifth regular session of the General Assembly had on its agenda the question of the appointment of a Secretary-General. The Assembly decided to consider the question in plenary meeting rather than allocate it to a Committee.

The Security Council held closed meetings on 9, 12, 21, 25 and 30 October 1950 to consider its recommendation to the Assembly regarding the appointment of a Secretary-General. The Council was unable to agree on a recommendation; at its meeting on 30 October, it rejected by 7 votes to 1, with 3 abstentions, a USSR proposal to suggest to the Assembly that it postpone consideration of the appointment of the Secretary-General. These facts were conveyed in letters dated 12, 25 and 30 October respectively (A/1439, A/1460, A/1470) from the President of the Security Council to the President of the General Assembly.

The General Assembly considered the matter at its 296th to 298th plenary meetings on 31 October and 1 November. In addition to the three communications from the Security Council, the

¹⁵⁵ For Charter provisions relating to the Secretariat see Ch. XV. Other provisions are to be found in Arts. 7, 12, 20, 73, 102, 105, 110 of the Charter and Arts. 5, 7, 13, 14, 18, 36, 40, 67, 70 of the Statute of the International Court of justice.

¹⁵⁶ See Y.U.N., 1946-47, p. 82.

Assembly had before it (1) a joint draft resolution (A/1464 & Add.1) submitted by the representatives of Brazil, Canada, Cuba, Ecuador, France, Greece, India, New Zealand, Nicaragua, Norway, Pakistan, the Philippines, the United States, the United Kingdom and Yugoslavia, and (2) a letter from the Chairman of the USSR delegation (A/1468) dated 30 October. After drawing the Assembly's attention to the contents of the three communications mentioned above and to the necessity of ensuring the uninterrupted exercise of the duties of the Secretary-General, the joint draft resolution called upon the General Assembly to continue the present Secretary-General in office for a period of three years. The letter from the Chairman of the USSR delegation drew the attention of the President of the General Assembly to the illegality of including the question of the appointment of the Secretary-General in the agenda of a plenary meeting of the Assembly, in the absence of any recommendation by the Security Council.

Emphasizing this point at the 296th plenary meeting, the USSR representative submitted a draft resolution (A/1471) which, after pointing out that the Secretary-General could be appointed only on the recommendation of the Security Council, called upon the Assembly (1) to defer consideration of the question, and (2) to request the Security Council to continue its consideration of the question and submit its recommendation to the Assembly. He moved the adjournment of the question until a later meeting. The Assembly rejected the proposal for adjournment by 45 votes to 5, with 9 abstentions, and proceeded to consider the joint draft resolution.

Representatives of thirteen of the sponsors of the joint draft resolution, namely Brazil, Canada, Cuba, Ecuador, France, Greece, India, New Zealand, Nicaragua, Pakistan, the Philippines, the United Kingdom and the United States, as well as the representatives of Bolivia, Israel, Peru and Uruguay, spoke in favour of the proposal to continue in office the present Secretary-General.

The representative of the United States, who was President of the Security Council in October, stated that when the Council had met to consider the question of the appointment of a Secretary-General, the representative of Yugoslavia had proposed the re-appointment of Mr. Lie. A few days later, the representative of the USSR had nominated Zygmunt Modzelewski, the Foreign Minister of Poland. With these candidates before it the Security Council had voted 9 to 1 (USSR), with 1 abstention, in favour of Mr. Lie. It had been

made clear, he stated, that the veto had been employed to punish the Secretary-General for carrying out the decisions of the Security Council to resist aggression in Korea.¹⁵⁷ At subsequent meetings the names of able and highly esteemed individuals had been placed before the Council—Brig.-General Carlos P. Rómulo, of the Philippines; Charles Malik, of Lebanon; Sir Benegal Narsing Rau of India; and Luis Padilla Nervo of Mexico—but the matter had by then become one of principle, which made it impossible to consider new nominations on their merits. Finally, he maintained that the joint draft resolution before the General Assembly was a continuation of the effort to maintain the integrity and independence of the office of Secretary-General and to ensure that whoever held that office might function without fear of reprisal by one of the permanent members of the Security Council.

Those in support of the joint draft resolution advanced, among others, the following views.

It appeared that no recommendation regarding the appointment of a Secretary-General could be expected from the Security Council owing to the disagreement on the question among the Council's permanent members. In the absence of such a recommendation the General Assembly had both the power and the duty to take a decision on the extension of the term of office of the Secretary-General.

The General Assembly had the authority to fix the term of office of the Secretary-General. It was the Assembly which had, on 24 January 1946, fixed the original period. There was no provision in the Charter or in the Assembly resolution of 24 January 1946 which could prevent the Assembly, in the exercise of its sovereign powers, and without intervention by the Security Council, from amending a previous resolution and extending the term of office of the Secretary-General when it deemed such action useful or advisable.

The joint draft resolution represented an interim measure designed to overcome the existing deadlock.

The Organization needed a Secretary-General after 2 February 1951. Since the Charter did not provide for a Secretary-General to be continued in office automatically after his initial term of office expired and since, furthermore, it offered no formula for resolving a deadlock in the Security Council, emergency measures had to be taken to ensure that the administrative functions of the United Nations were carried out. As the organ in

¹⁵⁷ For the question of Korea, see pp. 126 ff.

which was vested the power of appointment, and as the most representative body of the Organization, the General Assembly was called upon to ensure that there would be a Secretary-General after 2 February 1951.

The General Assembly could not allow that, in fulfilling the mission entrusted to him, the Secretary-General should be victimized and repudiated by one of the Members of the Organization because, in doing his duty, he had the courage to condemn aggression and the threat to peace and security.

There had been nine votes in the Security Council in favour of re-electing Trygve Lie Secretary-General. This meant that he had the moral support of nearly all the members of the Council. It was essential that whoever held the office of Secretary-General after 2 February 1951, during a tense and perhaps decisive period in the history of the United Nations, should be a man who enjoyed the trust and confidence of the overwhelming majority of the Members of the Organization. That man was Mr. Lie.

The present Secretary-General, after almost five years in office, had more experience of the work of the Organization than anyone else, and was, therefore, better prepared to steer the Organization in these troubled times. He had given proof of a high sense of judgment, of courage and readiness in his decisions, and had shown unquestionable attachment to and respect for the principles of the United Nations.

To refuse to continue Mr. Lie in office would not only deprive the United Nations of a faithful Secretary-General but would also weaken the authority of his office, exposing it to the whim and caprice of a great Power. To replace him at this crucial time, when he had displayed efficiency and energy in carrying out his duties under the decisions of the Security Council in connexion with Korea, would have the effect of lowering the prestige of the United Nations in world opinion. The discussion had shown that there was no possibility of reconciling the opposing points of view so that agreement on a recommendation might be reached in the Council. Hence a postponement of the discussion could serve no useful purpose.

The representatives of the Byelorussian SSR, Czechoslovakia, Egypt, Poland, the Ukrainian SSR and the USSR supported the USSR proposal.

The representative of the USSR, in support of his proposal and speaking against the joint draft resolution, declared, *inter alia*, that when the question of the appointment of the Secretary-General had been discussed in the Security Council, the

USSR delegation had proposed the appointment of the Minister for Foreign Affairs of Poland to the post of Secretary-General. When the majority did not vote for that nomination the Soviet delegation had not been indignant and had not declared that, if the members did not reconsider the question and vote for the Polish Foreign Minister, it would vote against any other candidate or use the veto. That, he stated, was what the United States delegation had done in connexion with the other candidatures.

Not only the USSR, he stated, but a number of other members of the Security Council had proposed new candidates for the office of Secretary-General. If, as stated by some representatives, the USSR had wanted to punish Trygve Lie for his support of the policy of the majority in Korea, it would be absurd for the delegation of that country to support, as it had, the nomination of other candidates who had also pursued, perhaps even more energetically, that same Korean policy to which the USSR objected.

For the General Assembly to take action on the question of the appointment of a Secretary-General without a recommendation from the Security Council, he declared, would undermine the very foundations of the Charter, and the foundation on which the entire life and activity of the United Nations rested. The Soviet representative then stated that if Trygve Lie were appointed Secretary-General for any supplementary period whatsoever, his Government would have no dealings with him and would refuse to regard him as the Secretary-General.

Those in support of the USSR draft resolution expressed, among others, the following views.

Under the Charter and the rules of procedure of the General Assembly, the Assembly could not consider or vote upon a candidate for the position of Secretary-General who had not been recommended by the Security Council. A "recommendation" always implied a positive decision of the Council. It had to be positive, otherwise there existed no recommendation.

The Charter contained no provisions with regard to extending the terms of elective offices in general, including that of the Secretary-General. Once a person's term of office expired, he must, if seeking office again, meet the same conditions as those required for the original appointment. In the case of the Secretary-General it was essential, in the first place, that there be a recommendation from the Security Council.

The re-election of the present Secretary-General was not an interim measure. The United States,

from Press reports and other evidence, liked Trygve Lie and therefore wanted to retain him in office for another three-year period. After the three years' time, the term of office might again be extended by another three years.

The appointment of a Secretary-General was intended, under the Charter, to be a joint action, based on a general agreement and especially on the agreement of the five permanent members of the Security Council. The duty of the members of the Security Council, and of the permanent members especially, was to try to reach an agreement, to reach a compromise, and so come to the General Assembly with a candidate who had their general support. If one candidate was not supported, other candidates should be considered until the Council agreed on one.

The action of the Secretary-General should satisfy the United Nations as a whole. The rights of the minority should be respected by the Secretary-General and he should not yield to the pressure of the majority.

The history of the work of the United Nations had shown that the present Secretary-General was not an objective and impartial person capable of maintaining his independence and withstanding pressure from any outside quarter. In this connexion, the representatives supporting the USSR draft resolution cited a public declaration by Mr. Lie in support of the North Atlantic Treaty—a Treaty which, in their opinion, was aggressive and contrary to the aims of the United Nations Charter—and his agreement to the establishment of such organs as the Interim Committee of the General Assembly, the Commission on Korea and the Special Committee on the Balkans, which they considered to be illegal organs.

It was an insult to many nations represented in the General Assembly and to the prominent statesmen and politicians who represented them, to imply that no other candidate could become Secretary-General of the United Nations.

The task of the Secretary-General was to work with every nation, and to maintain good relations with every Member State. In the face of the expressed opposition, the present Secretary-General should withdraw his candidacy.

The current Assembly session was to last another 40 to 45 days. By setting aside any candidate to whom opposition had been expressed and by accepting one to whom no objections were raised not only the five permanent members of the Security Council, but also the other six non-permanent members, could reach agreement in five minutes on the question. The representatives

of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, like the USSR representative, indicated that their Governments would not deal with Mr. Lie if he were continued in office.

The representative of Egypt also spoke in support of the USSR draft resolution. He submitted that, since the Security Council had been unable to carry out the functions vested in it by the Charter, it was inevitable that these functions should devolve on the General Assembly. The Assembly, however, should not be restricted by any condition; its competence should not be limited to considering only the joint draft resolution. The Assembly was entitled to approve or reject this proposal as well as to consider any other proposal for the nomination of any other candidate. Should the permanent members of the Council decide to try again, or should the Assembly ask the Council to make a fresh effort, Egypt would welcome such a move. He would support the USSR draft resolution and, if this were rejected, would have to abstain on the joint draft resolution.

The representative of Syria considered the joint draft resolution illegal, and he had given, he said, his pledge never to support any action which was not legal. He observed that the Security Council was not bound to recommend only one candidate, and suggested that, to break the present deadlock, it should nominate two or three, or even more, and thus leave the Assembly free to choose among them by majority vote.

The representative of China explained that when the Security Council had begun its consideration of the question, he had stated at once that his delegation could not support the candidacy of Mr. Lie, since six months previously, the Secretary-General had circulated a memorandum which amounted to a plea to the members of the Security Council to vote for the admission of the Chinese communists to the Security Council. However, he continued, he had made it clear in the Council that he did not wish to insist on the viewpoint of his delegation—and neither should any other representative—to such an extent as to make the election of a Secretary-General impossible and deprive the Organization of a chief executive officer. The joint draft resolution suggested an extension of three years, and although the Security Council had so far been unable to agree on a recommendation, there was no reason to assume that the disagreement must necessarily last one year or more.

At the end of the general discussion, the representative of Iraq submitted an oral proposal to the effect that the General Assembly appoint a

committee of seven to meet, study the matter, and report to the Assembly within two weeks.

Proceeding then to vote on the three draft resolutions before it, the Assembly, at its 298th plenary meeting on 1 November, rejected first, by a vote of 37-9, with 11 abstentions, the USSR proposal. It then rejected the Iraqi proposal by 35 votes to 15, with 7 abstentions.

When the Assembly turned to the joint draft resolution, the President suggested that it would be wise to have a secret ballot. In fact, he said, Mr. Lie himself had expressed a wish to this effect in order to give the utmost liberty of action to the delegations. The President made it clear, however, that in his opinion, the acceptance of his suggestion would mean suspending one of the rules of procedure, and the proposal would therefore have to be approved unanimously. If a single delegation objected to his suggestion, he would have no choice but to put the draft resolution to the vote in the normal manner. Since the representative of Chile objected, the normal procedure was followed, and the joint draft resolution was adopted by a vote of 46 to 5, with 8 abstentions. The text of the resolution adopted (492(V)) was as follows:

The General Assembly,

Having received communications from the President of the Security Council, dated 12 October and 25 October 1950, stating that the Security Council has been unable to agree on a recommendation to the General Assembly regarding the appointment of a Secretary-General,

Considering the necessity to ensure the uninterrupted exercise of the functions vested by the Charter in the office of the Secretary-General,

Considering that the Security Council recommended to the first regular session of the General Assembly the appointment of Mr. Trygve Lie as Secretary-General and that, on 1 February 1946, the General Assembly appointed Mr. Trygve Lie as Secretary-General for a five-year term,

Decides that the present Secretary-General shall be continued in office for a period of three years.

After the voting, the representative of Iraq explained his abstention. He had hoped that the question of the selection of the Secretary-General would have been one of the questions to be discussed among the five permanent members of the Council. The Iraqi delegation, he stated, had no lack of respect and admiration for Mr. Lie and for his many fine qualities, but, on reviewing the Palestine tragedy since 1947, which had led to the homelessness of nearly one million Arabs, it found that Mr. Lie had not reacted to recent Jewish aggressions in Palestine with anything like the

zeal which he had displayed on the question of Korea.

The representative of Australia explained that his abstention in no way related to Mr. Lie personally. In fact, the Australian delegation was glad to see Mr. Lie continued in office for a further term. The reason for the abstention was the feeling that the action which the General Assembly had taken might create a precedent in the interpretation of certain Articles of the Charter dealing with the appointment of the Secretary-General, with which Australia would find it difficult to agree. He then suggested that during the next two years the Assembly might consider the possibility, as a matter of practice, of a Secretary-General being appointed in the future for a term of perhaps seven years and not being eligible for re-appointment.

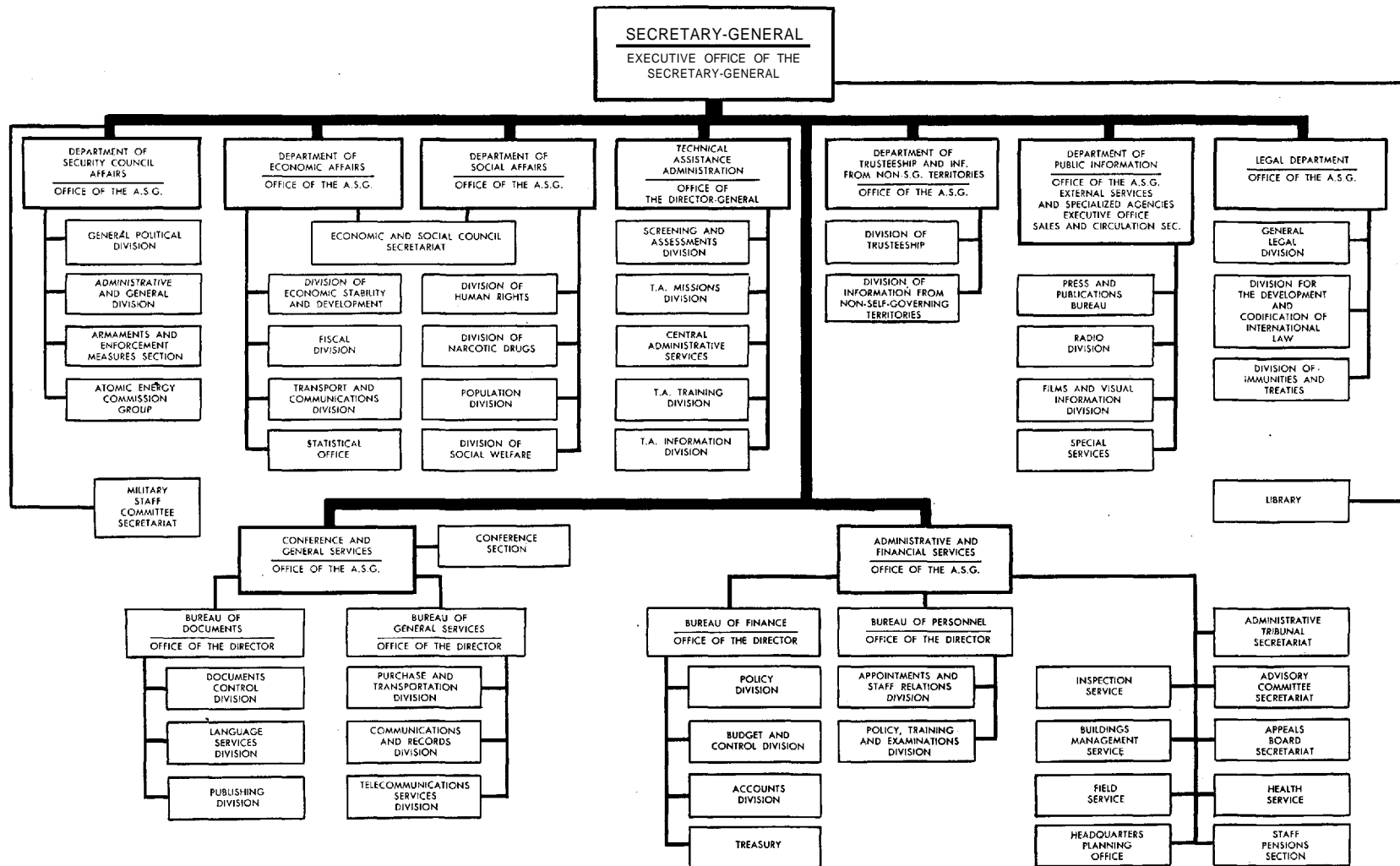
At the opening of the next plenary meeting (299th), on 1 November, Mr. Lie expressed gratitude for the confidence placed in him. He understood the Assembly vote to be a reaffirmation by the Assembly of the independence and integrity of the office of the Secretary-General. He had always, he stated, tried to exercise in all loyalty, discretion and conscience the functions entrusted to him as Secretary-General, to uphold the Charter of the United Nations, and to act in accordance with the decisions of all its organs. During the next three years, his time and energy would be devoted to achieving the goal of a United Nations road to peace—a road which required universal collective security against armed aggression.

3. Administrative Organization of the Secretariat (as of 31 December 1950)

The Secretariat is divided into eight departments and the Executive Office which fulfil functions in specific fields. In part, this structure corresponds to various Councils and commissions of the United Nations. In part, it represents a division of responsibility according to the type of work performed. Each department is headed by an Assistant Secretary-General; any Assistant Secretary-General may be designated to act for the Secretary-General in his absence. The Secretariat departments are:

- Department of Security Council Affairs
- Department of Economic Affairs
- Department of Social Affairs
- Department of Trusteeship and Information from Non-Self-Governing Territories

STRUCTURE OF THE SECRETARIAT



Department of Public Information

Legal Department

Conference and General Services

Administrative and Financial Services

A Technical Assistance Administration with the rank of a department was established during 1950.

a. EXECUTIVE OFFICE OF THE SECRETARY-GENERAL

The Executive Office assists the Secretary-General in the determination of policy, in relations with Member Governments and their delegations and with the specialized agencies and in the overall co-ordination of the Secretariat's work, especially that undertaken by the Secretariat for the General Assembly and for overseas missions. It performs such other duties as may be determined by the Secretary-General. The Executive Office is constituted as follows.

The Executive Assistant directs the work of the Executive Office and co-ordinates the general activity of the Secretariat through liaison with the departments and with delegations of Members. He acts as secretary of plenary meetings of the General Assembly and of the General Committee and is responsible for the work of the Assembly on the Secretariat level. The Executive Assistant acts as Chairman of several instruments of Secretariat co-ordination such as the Missions Co-ordination Committee, the Publications Board and regular meetings of Principal Directors.

The General Assembly Affairs and Administrative Section constitutes the working group, under the direction of the Executive Assistant, charged with the co-ordination of services to the General Assembly. It is responsible for co-ordinating the preparation of documents for the Assembly; it draws up the provisional agenda and supplementary list, supervises the publication of the Journal of the Assembly, co-ordinates and reports on the implementation of Assembly resolutions, and supervises the preparation of the annual report of the Secretary-General. The section advises and assists the departments on official correspondence policy and its implementation, and is responsible for the administrative servicing of the Executive Office.

The Office of the Director of Co-ordination, for Specialized Agencies and Economic and Social Matters is responsible for co-ordination of the relations of the United Nations with the specialized agencies and of the activities of the Secretariat in the economic and social fields. The Director of this office acts as Deputy Executive Assistant to the Secretary-General and assists him in special

tasks in the economic and social fields not assigned to one of the departments. Under the Director, the Specialized Agencies Section serves as secretariat to the Administrative Committee on Co-ordination. It undertakes necessary preparatory work for negotiations with the specialized agencies; supervises relations with other inter-governmental organizations; and selects, briefs and receives the reports of the United Nations representatives to specialized agencies and other international conferences.

The Protocol and Liaison Section is responsible for insuring that proper arrangements for delegations are made from the standpoint of protocol, and for assisting delegations in such matters as hospitality, official functions and diplomatic privileges and immunities. It organizes important official or social functions given by Secretariat officials or by delegations.

Under the general direction of the Executive Assistant, the United Nations Library is responsible, at Headquarters, for all library services, the acquisition of all library materials and the indexing of all United Nations documents. Its primary function is to provide to members of delegations, to the Secretariat and to the organs of the United Nations the library materials and information needed in the execution of their duties. Completeness of the Library collection is aimed at in one field only, namely, the documentation of the United Nations, the specialized agencies and the League of Nations. The Library is organized into the office of its Director, a Processing Section (with Acquisition, Catalogue, and Documents Index units) and a Reference and Documentation Section (with Service to Readers and Departmental Libraries units).

b. DEPARTMENT OF SECURITY COUNCIL AFFAIRS

The Department of Security Council Affairs is responsible for providing general administrative and other services to the Security Council and its subsidiary organs, the Atomic Energy Commission and its committees, the Commission for Conventional Armaments and its sub-committees, the Committee of Twelve established by General Assembly resolution 496(V), the Peace Observation Commission established by General Assembly resolution 377(V), the First Committee and the Ad Hoc Political Committee of the General Assembly and their sub-committees, and for preparing reports, working papers and studies for those organs. The Department is also responsible for the servicing

of, and the substantive work for the sub-committees and working groups of, the Interim Committee of the Assembly. It assists the Secretary-General in the performance of his duties under Article 99 of the Charter.

In addition, the Department is responsible for the substantive work of the commissions of investigation and conciliation on Korea, Indonesia, the Balkans, Palestine and the United Nations Representative for India and Pakistan, and, through the Co-ordination Group of United Nations Commissions in the Field, on which the Department is represented, for establishing and servicing those bodies; it is responsible for providing Political Affairs Officers as Principal Secretaries, Deputy Principal Secretaries and Assistant Secretaries to these organs and to the United Nations Commissioners in Libya and Eritrea.

The Department of Security Council Affairs consists of the Office of the Assistant Secretary-General, the Armaments and Enforcement Measures Section, the Atomic Energy Commission Group and the following divisions.

The General Political Division consists of the office of its Director and five sections dealing with general political problems and procedures of pacific settlements, European affairs, Middle East and African affairs, Asia and Pacific affairs and Western Hemisphere and regional arrangements.

In addition to the office of its Director, the Administrative and General Division comprises sections for services to the Security Council, services to Committees and administration, and the Interim Committee Group, consisting of units for substantive work and services to the Interim Committee.

Military Staff Committee Secretariat

The secretariat of the Military Staff Committee serves the Committee in its various functions as defined by the Security Council. It is organized as an independent unit of the Secretariat because of the particular status of the Committee, and comprises three small sections dealing with administration, languages and documents.

c. DEPARTMENT OF ECONOMIC AFFAIRS

This Department is responsible for providing such services and assistance as are required by the organs of the United Nations in respect of the economic and statistical problems with which they have to deal. These organs include particularly the Second (Economic and Financial) Committee of the General Assembly, the Economic and Social Council and its commissions, both functional and

regional. The Department provides other branches of the Secretariat with economic and statistical information and advice, and prepares and publishes economic studies, reports, yearbooks and other periodicals.

In carrying out its responsibilities in the economic field, the Department maintains close touch with the specialized agencies in the fields of labour, food and agriculture, trade, transport and communications, banking and finance and is responsible for servicing international conferences in these fields convened under the auspices of the United Nations. Operational responsibilities for the Expanded Programme of Technical Assistance and for the International Centre for Training in Public Administration, formerly this Department's concern, have been transferred to the Technical Assistance Administration (see below). However, this Department retains responsibility for study and research and the formulation of general policy related to economic development. To the extent that its resources permit, it assists the Technical Assistance Administration by policy guidance, provision of background material, assistance in selection and briefing of experts and the reviewing of reports in connexion with the programme.

The Department of Economic Affairs comprises the office of its Assistant Secretary-General, the divisions described below, and the secretariats of the Economic Commissions for Europe, Asia and the Far East and Latin America, located respectively at Geneva, Bangkok and Santiago de Chile.

The Division of Economic Stability and Development consists of the office of its Director; sections dealing with economic stability, economic development, international financial and commercial relations and current trade analysis; and a regional commissions unit.

The Fiscal Division has, besides its Director's office, a budgetary research and an international tax section.

In the Transport and Communications Division are the office of the Director and sections dealing with inland transport; aviation, shipping and communications; and research and documentation.

The Statistical Office consists of the office of its Director, and branches dealing with economic statistics, demographic and social statistics, and national accounts.

Economic and Social Council Secretariat

Although dealing with functions common to both the Department of Social Affairs and the Department of Economic Affairs, for purely administrative purposes the Economic and Social

Council secretariat forms part of the latter Department. It includes a unit responsible for consultative arrangements with non-governmental organizations.

d. DEPARTMENT OF SOCIAL AFFAIRS

This Department provides substantive and administrative services to all bodies in the United Nations when they deal with questions that lie generally in the social, humanitarian and cultural fields: e.g., promotion of human rights, status of women, control of narcotics, population and social welfare questions having to do with refugees, slavery, forced labour, migration and so on. It works in close association with the Third (Social, Humanitarian and Cultural) Committee of the General Assembly and the Economic and Social Council and is responsible for providing the secretariats of the Commission on Human Rights, the Social Commission, the Commission on the Status of Women, the Commission on Narcotic Drugs, the Population Commission, the Sub-Commission on Freedom of Information and of the Press, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and their various committees. For these bodies, the Department prepares documentary material and carries out studies, reports and other technical assignments under their instructions. An important task is maintaining consultation and liaison with those specialized agencies whose work enters fields closely related to those in which the Department is concerned. It maintains contacts with non-governmental organizations concerned with social affairs.

The Department provides technical and secretarial services to international conferences convened by the United Nations on social questions and questions of human rights. It assists in the preparation, drafting and implementation of international conventions and prepares reports on these activities for the Economic and Social Council and the General Assembly.

One of the duties of the Department is to prepare reports and studies of lasting value. These, as distinguished from purely documentary material, are, on the recommendation of the principal United Nations organs, published in printed form.

The Department advises the Secretary-General on all questions falling within its field of interest and informs him on major developments throughout the world.

The Office of the Assistant Secretary-General includes the Executive Office.

The Division of Human Rights includes the office of the Director and five sections, specialized (as follows) but able to adapt their functions to meet responsibilities of the Division as a whole: Section I, preparation of the International Bill of Rights; Section II, other aspects of the human rights programme such as freedom of information, trade union rights, forced labour, repatriation of war prisoners, old age rights and the rights of the child; Section III, the status of women; Section IV, the prevention of discrimination, the protection of minorities, the abolition of slavery, the status of refugees and the elimination of slavery; Section V, preparation of the Yearbook on Human Rights and other publications, and co-operation with the Department of Public Information and specialized agencies in developing the human rights educational programme.

The Division of Narcotic Drugs comprises the office of its Director; Section I, implementation of existing international conventions; Section II, research; Section III, services to the Commission on Narcotic Drugs (and as the general technical section of the Division); and a Bulletin and publications unit.

The Population Division may be formed, as and when required, into specialized teams for specific assignments.

The Division of Social Welfare is organized into the office of its Director; sections on community, family and child welfare, social defence, migration, social conditions and development programmes, housing and town and country planning and special assignments; a social reference centre; and a cartographic unit.

e. TECHNICAL ASSISTANCE ADMINISTRATION

The Technical Assistance Administration is responsible for the programme of technical assistance, which includes the operation and administration of the programmes authorized by General Assembly resolutions on advisory social welfare services, on training in public administration and on the United Nations programme of technical assistance for economic development of under-developed countries. In addition it is responsible for administering the United Nations Expanded Programme for Technical Assistance as approved by resolution of the Economic and Social Council (222(IX)). These programmes include the organization of technical assistance missions, the provision of expert advice, the award of fellowships and scholarships and the organiza-

tion of demonstration projects, seminars, and training institutes.

The Administration is organized into the office of its Director-General and five divisions, one for Central Administrative Services and four others, as follows.

The Technical Assistance Training Division has units on economic development and public administration, social welfare, and administration, and a unit responsible for training activities in the field of public administration. The Technical Assistance Information Division is organized into units on seminars and on publications. The Technical Assistance Missions Division comprises units for personnel rosters and servicing of field projects. The Screening and Assessment Division has units concerned with social aspects, economic aspects and public administration.

f. DEPARTMENT OF TRUSTEESHIP AND INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

This Department serves the Trusteeship Council and the Fourth (Trusteeship) Committee of the General Assembly, as well as the Special Committee on Information Transmitted under Article 73 e of the Charter; informs the Secretary-General of problems and developments in the field of Trusteeship and Non-Self-Governing Territories; supplies other organs of the United Nations and departments of the Secretariat with information concerning Trust Territories and Non-Self-Governing Territories and the non-security aspects of strategic areas; and provides documentation to the Assembly for questions arising under Chapters XI, XII and XIII of the Charter.

The Department consists of the Office of the Assistant Secretary-General, which is responsible for the planning, directing and co-ordinating of the substantive and administrative functions of the Department, and two divisions.

The Division of Trusteeship is primarily concerned with the functioning of the International Trusteeship System. It provides required studies and documentation for the Trusteeship Council and assists it in: the drafting and consideration of Trusteeship Agreements; formulation of questionnaires concerning each Trust Territory; examination of annual reports of Administering Authorities; acceptance and examination of petitions; and periodic official visits and surveys. The Division is organized into the office of its Director and sections concerned with questionnaires and

territorial reports, petitions, visits, Trusteeship Agreements and territorial research and analysis.

The Division of Information from Non-Self-Governing Territories classifies, summarizes and analyses information transmitted under Article 73 e of the Charter and other supplemental official information for the consideration of the General Assembly and its Special Committee for this function. The Division undertakes studies on economic, social and educational matters in territories coming under Article 73 e, so that the information available may be included in relevant programmes of the United Nations and the specialized agencies. It publishes every three years full summaries and analyses of the information on these territories transmitted by the Administering Powers, and in the intervening years annual supplements.

The Division is composed of the office of its Director; sections on African, Pacific Asian and Caribbean areas; and a specialists unit.

g. DEPARTMENT OF PUBLIC INFORMATION

This Department:

- (1) Advises the Secretary-General on information policy;
- (2) Supervises and maintains facilities at headquarters for representatives of all information media;
- (3) Maintains Information Centres away from headquarters, to disseminate United Nations information throughout the world;
- (4) Provides services for press coverage of United Nations activities and issues informative publications;
- (5) Organizes sales and distribution throughout the world, of all informative material issued by the United Nations;
- (6) Broadcasts accounts of United Nations activities and provides facilities for commercial and governmental broadcasting services;
- (7) Co-ordinates, together with the information services of the specialized agencies, the dissemination of information on the United Nations and the specialized agencies through the Consultative Committee on Public Information for the United Nations and the Specialized Agencies;
- (8) Works with the United Nations Film Board, produces and encourages the production of films on subjects connected with the United Nations and all the specialized agencies;
- (9) Maintains and encourages film and photographic coverage of United Nations activities and maintains files of prints for publication purposes; and
- (10) Provides United Nations information material and related services to educational agencies, lecturers and non-governmental organizations.

The Office of the Assistant Secretary-General consists of the immediate staff of the Assistant Secretary-General and the Principal Director, the Executive Office, and a section responsible for the sales and distribution of United Nations publications. The Office supervises the operations of the

Information Centres away from Headquarters and co-operation with the specialized agencies in the information field.

The PRESS AND PUBLICATIONS BUREAU consists of: the Central Information and Press Services and the Publications and Periodicals Services, which includes a section responsible for compiling the Yearbook of the United Nations. The Radio Division operates through four main regions: English-speaking, European and Middle-Eastern, Trans-Pacific and Latin-American. The Films and Visual Information Division consists of sections for films and television and for visual information. Special Services is organized into sections concerned with non-governmental organizations, the field of education and Headquarters services.

h. LEGAL DEPARTMENT

This Department furnishes legal assistance and advice to the organs of the United Nations and other departments in the Secretariat; prepares studies and recommendations with a view to encouraging the progressive development of international law and its codification; participates in proceedings in the International Court of Justice and other judicial and arbitral bodies; and has responsibility for registration and publication of treaties and depositary functions entrusted to the Secretary-General. In fulfilling these functions the Department:

- (1) Prepares legal studies and opinions on legal and constitutional questions arising in the United Nations, including questions on the interpretation and application of the Charter;
- (2) Furnishes legal advisers to the various commissions and committees of the United Nations and to international conferences;
- (3) Assists in the drafting of international conventions, resolutions, rules and regulations, and renders opinions on their interpretation;
- (4) Prepares legal statements to be submitted to the International Court of Justice and other judicial bodies on behalf of the Secretary-General;
- (5) Handles prosecution and negotiation of claims for the United Nations and, where required, furnishes legal services when claims are brought against the Organization;
- (6) Handles drafting and negotiation of important contracts;
- (7) Serves as the secretariat of the International Law Commission and prepares necessary documents for the Commission's session;
- (8) Carries on research work, prepares studies and memoranda to facilitate the work of the International Law Commission in the field of development and codification;
- (9) Prepares publications consisting of judicial reports, collections of agreements, collections of national legislation, and other legal material;

- (10) Deals with questions concerning privileges and immunities and legal capacity of the United Nations;
- (11) Registers, records and publishes treaties and issues the United Nations Treaty Series;
- (12) Exercises depositary functions entrusted to the Secretary-General under multilateral international instruments;
- (13) Deals with questions relating to credentials of representatives to organs of the United Nations.

The Department comprises the Office of the Assistant Secretary-General; the General Legal Division; the Division for the Development and Codification of International Law; and the Division of Immunities and Treaties.

i. CONFERENCE AND GENERAL SERVICES

This Department makes arrangements and provides services for meetings of the General Assembly, the councils, commissions, committees and special conferences held under the auspices of the United Nations. In fulfilling these functions, the Department:

- (1) Co-operates with the departments concerned in scheduling conferences and meetings;
- (2) Co-ordinates the service activities and provides translation, interpretation, reproduction and graphic presentation services for conferences and for the Secretariat;
- (3) Edits and publishes the journals and official records of conferences and meetings;
- (4) Provides such general services as technical telecommunications facilities, purchasing, stores and warehousing, commercial arrangements for printing, transportation arrangements, and hotel accommodation; and
- (5) Handles mail, cables, telephone and telegraph services and supervises registries and files.

Conference and General Services consists of the Office of the Assistant Secretary-General, with a Conference Section; the Bureau of General Services; and the Bureau of Documents.

The BUREAU OF GENERAL SERVICES consists of the Office of the Director, the Telecommunications Services Division, and two others. The Purchase and Transportation Division is organized into the office of its Director and sections devoted to administration, purchase, standards and control, freight and supply, and travel. The Communications and Records Division is organized into archives, registry and communications sections and a correspondence unit.

The BUREAU OF DOCUMENTS is organized into its Director's office and three divisions. The Documents Control Division consists of the office of its Director, sections for editorial control and production control, a consolidated typing pool and a terminology unit. The Language Services Division is organized into a Divisional Office, an editing

and verbatim-reporting group, an interpretation service, and English, French, Spanish, Chinese and Russian sections. In the Publishing Division are the office of its Director and sections for printing, reproduction and distribution.

j. ADMINISTRATIVE AND FINANCIAL SERVICES

The Department of Administrative and Financial Services plans and executes the organizational, budgetary, personnel and fiscal programmes of the United Nations. It is responsible for buildings management, health, field and inspection services. It keeps the Secretary-General informed on problems and developments in these categories which require his attention. It provides staff assistance to the Secretary-General and to the Assistant Secretaries-General in administrative and organizational planning. It furnishes data required by the General Assembly, Councils, and other bodies with respect to administrative, financial and budgetary questions. The Department maintains relationships with all Departments of the Secretariat, the Registrar of the International Court of Justice and the specialized agencies on administrative, financial and budgetary questions. The Department advises the Secretary-General on proposed programmes of the Organization prior to their adoption with respect to their personnel and financial implications. It arranges with Members for payment of their contributions; directs the activities of the Headquarters Planning Office; and carries out other functions as the Secretary-General may assign.

Administrative and Financial Services is organized into the Office of the Assistant Secretary-General and two bureaus. Attached to the Office of the Assistant Secretary-General are the Headquarters Planning Office; the secretariats of the Advisory Committee, the Administrative Tribunal, the Joint Appeals Board and Joint Disciplinary Committee; the Secretariat of the Joint Staff Pension Board and the United Nations Staff Pension Committee; and the Inspection Service, Buildings Management Service, United Nations Field Service and Health Service.

The BUREAU OF FINANCE is organized into the office of its Director, the Policy Division, the Budget and Control Division, the Accounts Division and the Treasury.

The BUREAU OF PERSONNEL consists of the office of its Director, the Appointments and Staff Relations Division and the Policy, Training and Examination Division.

4. Organizational Changes in the Secretariat

a. EXECUTIVE OFFICE OF THE SECRETARY-GENERAL

On 1 January 1950 the Library was transferred from the Department of Public Information to the Executive Office of the Secretary-General. It is an independent service, obtaining general policy directives as necessary from the Executive Office. In June 1950, the Library received from the Woodrow Wilson Foundation, as a gift, its collection of some 16,500 books and documents. This collection, supplemented by the Library's own holdings of League of Nations documentation, will eventually be established as the Woodrow Wilson Memorial Library.

b. DEPARTMENT OF ECONOMIC AFFAIRS

The Technical Assistance Section of the Division of Economic Stability and Development and the International Centre for Training in Public Administration were transferred from the Department of Economic Affairs to the Technical Assistance Administration. The secretariat of the Interim Co-ordinating Committee for International Commodity Arrangements was transferred from the Office of the Assistant Secretary-General to the Division of Economic Stability and Development.

The Current Trade Analysis Section of the Division of Economic Stability and Development was established in 1949. The Section is responsible for the continuing collection and analysis of data concerning current changes in the international flow of goods and services; it conducts studies of current changes in the composition of imports and exports of the several types of trading countries and of changes in the geographic distribution of international trade.

c. DEPARTMENT OF SOCIAL AFFAIRS

As the result of a reassignment of tasks, the Cultural Activities Section, which had previously formed part of the Office of the Assistant Secretary-General, was transferred to the Division of Social Welfare.

Those staff members of this Division who were engaged in the operation of programmes concerning advisory social welfare services were transferred to the Technical Assistance Administration.

d. TECHNICAL ASSISTANCE ADMINISTRATION

As a result of the experience gained in the operation of the technical assistance programmes under various General Assembly resolutions (58(I), 200(III) and 246(III)), it was considered desirable, in the interest of co-ordination, to set up a separate administration to deal with the various programmes involved. The necessity for such an office became all the more apparent in view of the inauguration of the Expanded Programme for Technical Assistance, which includes economic as well as social aspects. This new office, under a Director-General, is entrusted with all the operational aspects of the various programmes. Its secretariat was provided by transferring from the Departments of Economic Affairs and of Social Affairs those staff members who were engaged in the operational aspects of the programmes involved, as a nuclear staff.

e. DEPARTMENT OF PUBLIC INFORMATION

By a decision of the General Assembly, the Opinion Survey Section, which had formed part of Library Services, was abolished as of 1 January 1950. On that date (when the Library was transferred to the Executive Office of the Secretary-General) the Research Section, also formerly part of Library Services, was transferred to the Press and Publications Bureau.

Information Centres were opened in Belgrade, Yugoslavia (November 1950); Monrovia, Liberia (October 1950); and Teheran, Iran (May 1950). As of 31 December 1950, eighteen Information Centres were functioning.¹⁵⁸

f. CONFERENCE AND GENERAL SERVICES

During 1950 the Bureau of Documents was reorganized. All functions relating to printing, internal reproduction and distribution were consolidated in a Publishing Division, and a considerable part of the work formerly scheduled for external printing now was produced internally. The former Interpretation, Translation and Official Records Divisions were merged into a Language Services Division.

Such activities as editorial and production control, terminology research and English and French typing pools were grouped together in a Documents Control Division.

The Secretary-General, on 13 January 1950, announced the appointment of Shamaldharee Lall of India as the new Assistant Secretary-General of Conference and General Services. He succeeded

Adrian Pelt of the Netherlands, whom the General Assembly had appointed United Nations Commissioner for Libya on 10 December 1949. Mr. Lall took the oath of office as Assistant Secretary-General at the 305th plenary meeting of the General Assembly on 16 November 1950.

g. ADMINISTRATIVE AND FINANCIAL SERVICES

In April 1950 the Maintenance and Engineering Division was transferred from Conference and General Services to Administrative and Financial Services. This was done so as to ensure increased co-ordination between the permanent Headquarters Planning Office and the Secretariat as areas of the new building neared completion and so that the task of managing the permanent Headquarters should be centralized as far as possible in one Department. The Division became the Buildings Management Service.

The Mission Administrative Staff was transferred from Conference and General Services, assigned responsibility for the operation of the United Nations Field Service and designated the United Nations Field Service.

An informal Mission Co-ordination Committee, which had been in existence for more than a year for the co-ordination of the substantive work with the administrative work of the missions, was formalized and enlarged. This Committee consists of representatives of the Field Service, the Bureau of Finance, the Bureau of Personnel, the Departments concerned with the substantive work of the missions, the Legal Department and the Department of Public Information, under the chairmanship of the Executive Assistant to the Secretary-General. The staff of the International Centre for Training in Public Administration was transferred from the Administrative and Financial Services and affiliated with the technical assistance staff of the Department of Economic Affairs.

The Staff Pension Division of the Bureau of Personnel was transferred to the Office of the Assistant Secretary-General, and re-designated as the Secretariat of the Joint Staff Pension Board and the United Nations Staff Pension Committee.

5. Administration of the Secretariat

a. STAFF REGULATIONS

In a report to the second session of the General Assembly in 1946 (A/435) the Secretary-General recommended that the Staff Regulations should

¹⁵⁸ For list, see end of vol.

remain provisional until further experience had been gained in their administration.

In 1950 he considered that the time had come for the formulation of permanent staff regulations. Accordingly, staff regulations for both the United Nations and the specialized agencies were prepared and discussed with administrative representatives of the agencies in two working parties, the first in Geneva in April, the second in Washington in May 1950. After further consultations at the ninth session of the Consultative Committee on Administrative Questions, a revised draft was submitted to the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General reported on these consultations to the fifth session of the General Assembly (A/1360) and annexed to his report a set of draft permanent regulations which he recommended should be adopted in place of the provisional regulations currently in force.

The Fifth Committee considered the question at its 282nd meeting on 13 December 1950, but decided that, as it had not had time to give the matter careful consideration and in order that the new salary, allowance and leave arrangements¹⁵⁹ might first be implemented, adoption of permanent staff regulations should be deferred until the sixth regular session.

A resolution proposed by the Committee (A/1731) was unanimously adopted by the Assembly at its 326th plenary meeting on 15 December as follows (resolution 469(V)):

The General Assembly,

Taking note of the administrative problems arising out of the changes proposed in the United Nations salary, allowance and leave system for 1951,

1. Resolves that consideration of the question of permanent staff regulations be deferred until the sixth session of the General Assembly;

2. Requests the Advisory Committee on Administrative and Budgetary Questions to examine the proposals presented by the Secretary-General on this matter and to report thereon to the General Assembly at its sixth

b. SALARY, ALLOWANCE AND LEAVE SYSTEM OF THE UNITED NATIONS

The General Assembly, at its third session in 1948, agreed that a comprehensive review of the salaries and allowances of the United Nations should be undertaken by the Secretary-General. On 31 October 1949, at its fourth session, the Secretary-General transmitted to the Assembly, for its information, the report of a Committee of Experts on Salary, Allowance and Leave Systems

(A/C.5/331) which he had appointed to assist in this review, in accordance with a recommendation of the Fifth Committee. He also presented his views (A/C.5/331/Add.1) on the proposals made by the Committee of Experts including those proposals on which he was empowered to act within his authority as chief administrative officer of the Organization, and draft resolutions covering those recommendations which required specific action by the Assembly itself for their implementation.¹⁶⁰

The Assembly decided to refer the reports of the Secretary-General and of the Committee of Experts to the Advisory Committee on Administrative and Budgetary Questions, with the request that it submit to the Assembly's fifth session conclusions and recommendations regarding the questions raised in those reports, including texts of draft resolutions and amendments to the Staff Regulations. In the report of the Fifth Committee on the 1950 budget of the United Nations (A/1232), the view was also reaffirmed that, although action on the report on salary, allowance and leave systems had been postponed, the Secretary-General should continue, under the authority vested in him by the Charter, to effect those improvements in the United Nations system of personnel administration which were consistent with the Staff Regulations and within the limits of existing budgetary appropriations.

(1) Secretary-General's Proposals

In a report to the fifth regular session of the General Assembly (A/1378), the Secretary-General stated that he had, accordingly, modified certain administrative policies and procedures to give effect to those recommendations of the Committee of Experts which fell within his authority and on which the Advisory Committee had commented favourably. These modifications related specifically to: (a) simplification of the system of installation allowances and grants; (b) abolition of the additional ten days leave previously provided for by home leave rules; (c) reduction of the ceiling for accumulated annual leave from 100 to 60 days; (d) modification of provisions regarding standards of travel and per diem rates for travel on official business (other than home leave) to provide for equality of treatment for all staff members of grades 14 to 19; (e) granting of the children's allowance to women staff members on the same basis as to men; and (f) implementation, on a provisional basis, of the Committee of Experts'

¹⁵⁹ See pp. 142-43.

¹⁶⁰ See Y.U.N., 1948-49, p. 900.

proposals relating to social security, including sick leave.

As regards the proposals of the Committee of Experts on which decision by the Assembly was necessary, the Secretary-General had reviewed his earlier recommendations in the light of views expressed by the Advisory Committee in its first report of 1950 to the General Assembly (A/1313).

He requested a decision by the Assembly on six major points of substance and principle, on which, he held, the acceptance of the proposals of the Committee of Experts would achieve significant administrative advantages. These six points were as follows.

(i) Organization and classification of the staff. The Committee of Experts had recommended the establishment of four categories of posts. The Advisory Committee, although expressing general agreement with this proposal, recommended an additional level in the category of substantive or professional posts. The Secretary-General stated that he was prepared to accept this recommendation.

(ii) Salary level for internationally recruited staff. The Advisory Committee had recommended reduction in the salaries proposed by the Committee of Experts for top-ranking directors. In the case of the top-ranking directors, the Secretary-General indicated, the figures proposed would reduce the emoluments currently being received by these officers. Stating that he could not concur with these recommendations, he pointed out that the cost of living had increased 26 per cent since 1946, when the Assembly had fixed the compensation for top-ranking directors, but maximum salaries had not been changed. He expressed the view, which he said was shared by the Committee of Experts, that it would not be possible to recruit and retain staff of the high calibre necessary at the director level unless the emoluments offered were adequate.

(iii) Arrangements to govern the transition from the old to the new salary schemes. Two questions were involved in such arrangements: (a) the extent to which the salary ceilings of the grades in which staff members were currently serving were to be retained; and (b) the date on which the present staff would be transferred to the new salary scale.

As regards the first question, the Committee of Experts recommended that the introduction of the new plan should not mean a reduction in salary for present staff; it considered that the plan could be put into effect in such a way that few staff

members would find a substantial reduction in their previous salary ceilings and that, in the small number of such cases which would arise, the Secretary-General should consider the possibility of making special arrangements on the basis of the facts in each case. On that point, the Secretary-General proposed that any reduction in salary or in incremental expectation which a staff member might suffer as a result of reclassification of his post should be compensated by payment of a personal pensionable allowance.

The Advisory Committee suggested instead an arrangement under which such personal allowances for staff members whose salary was already above the ceiling of their new grade levels, or who were proceeding to a maximum on their present grade higher than the maximum of the appropriate new salary level, would cease upon expiration of present contracts or after one year from the date on which new salary scales might enter into force, whichever was the shorter. In his report, the Secretary-General submitted that "a most serious blow to the morale of the staff would be unavoidable if any course, other than the one he recommended, were to be adopted." He went on to state that he had considered it necessary to notify the staff that he would recommend a transition based on this assumption.

As regards the second point, the Secretary-General explained in his report that after studying the scheme proposed by the Committee of Experts, he had reached the decision that it would be advantageous to move staff members to the appropriate new salary rate on a single date, preferably on 1 January 1951. The Advisory Committee's suggestion was to stagger the transition to the new salary rates throughout the year,

(iv) Frequency of home leave. The Secretary-General urged that home leave should be granted once every two years, rather than once every three years as proposed by the Advisory Committee. He was convinced that a substantial saving under this heading would in any event be achieved, in the long run, by the abolition of the additional ten days of home leave, and by the elimination of home leave for staff members serving in their own country.

(v) Recognition of the factor of expatriation. The Secretary-General took the view that if the temporary expatriation allowance, which he had supported before the General Assembly on previous occasions and which the staff favoured, was to be replaced by a repatriation grant, the rates for the latter must be adequate to avoid an inequity to staff uprooted from their home coun-

tries. He consequently favoured the scale of rates recommended by the Committee of Experts; the Advisory Committee recommended a greatly reduced scale.

(vi) Rental allowance. The Committee of Experts had recommended, and the Secretary-General accepted, the proposal to discontinue rental allowance and subsidies not later than 1 January 1952. Where United Nations leases expired before that date, staff members receiving the rental subsidy were to receive rental allowance for the balance of the period. The Advisory Committee recommended that rental subsidies and allowances should be gradually reduced during 1951 and discontinued not later than 1 January 1952.

(2) Consideration by the Fifth Committee

The Fifth Committee considered the salary allowance and leave system at its 241st to 243rd meetings, on 4, 5 and 10 October, and its 265th to 267th and 269th meetings, on 17, 20 and 24 November 1950. The Committee had before it the report of the Secretary-General (A/1378) and the report of the Advisory Committee on Administrative and Budgetary Questions (A/1313 & Corr.1).

The Fifth Committee decided to take as a basis for discussion the recommendations of the Advisory Committee and to pay special attention to those points on which these recommendations and those of the Secretary-General differed. It decided to consider first two of the less complicated points of difference, the children's allowance and the education grant.

At its 241st meeting on 4 October, the Committee decided, by 31 votes to 13, with 4 abstentions, to accept the Secretary-General's recommendation that the children's allowance should be payable in respect of dependent children under the age of eighteen. However, the Committee rejected, by 32 votes to 11, with 6 abstentions, his further proposal that the allowance should continue to be payable until the age of 22 to children in full-time attendance at a school or university or totally disabled. The recommendation of the Advisory Committee that the age-limit in such cases should be 21 was adopted by 42 votes to none, with 3 abstentions.

The first point at issue on the education grant was the removal of the age-limit of eleven years for payment of such a grant in respect of children attending special national or international schools. The Secretary-General's recommendation that the age-limit should be removed altogether was rejected by 33 votes to 5, with 5 abstentions. The

Advisory Committee had proposed to raise the age-limit for children attending special national schools to thirteen, but to maintain the existing age-limit of eleven for children attending international schools; however, an oral Danish amendment to raise the age-limit to thirteen in both cases was carried by 11 votes to 9, with 26 abstentions. The Advisory Committee's proposal, thus amended, was then adopted by 40 votes to none, with 6 abstentions.

The Secretary-General had urged greater flexibility in the rule providing that children sent to schools and universities only in their home countries could qualify for the education grant. He proposed that staff members should be allowed to select schools in countries in the geographical area of their home countries and having similar educational and cultural systems. This proposal was rejected by 32 votes to 1, with 9 abstentions. To ensure consistency with its decision on the children's allowance, the Fifth Committee also concurred unanimously in the Advisory Committee's recommendation that the over-all age-limit for payment of education grants should be set at 21.

At its 243rd meeting on 10 October, the Fifth Committee established - a sub-committee to consider and make recommendations on the major points of difference between the recommendation of the Committee of Experts, the Secretary-General and the Advisory Committee. The sub-committee consisted of the representatives of Australia, Brazil, China, France, the Netherlands, Pakistan, Syria, the USSR, the United Kingdom, the United States and Venezuela. It reported to the Fifth Committee (A/C.5/400) after thirteen meetings.

The Fifth Committee began its discussion on the sub-committee's report at its 265th meeting on 17 November. The Assistant Secretary-General for Administrative and Financial Services made a statement to the Committee in which he summarized the history of the salary and allowance question in the United Nations.

In the course of the general debate, the question of obtaining the opinion of the staff was considered. While most of the representatives stated that they agreed in principle to inviting a representative of the staff, the Committee was of the opinion that in this particular instance all necessary information had been placed before it.

The Fifth Committee at its 267th meeting on 20 November took decisions on the questions of home leave and of repatriation grants. It also approved without further discussion revisions of

the Provisional Staff Regulations embodying the earlier decisions of the Committee in respect of children's allowances and education grants.

With respect to home leave, two amendments had been submitted to the Sub-Committee's report (A/C.5/400): one by the Secretary-General (A/C.5/408, par. 2) proposing that staff members should be granted home leave once every two years instead of three as suggested by the Sub-Committee; and one by the Brazilian delegation proposing (A/C.5/412) that staff members should qualify for home leave 24 months after the date of their return from their previous home leave.

The Secretary-General's amendment was rejected by 24 votes to 18, with 3 abstentions. The representative of Brazil then stated that in view of the decision taken on the Secretary-General's amendment he would withdraw his own amendment on home leave because in his opinion the two were very similar.

The Committee, by a vote of 28 to 13, with 5 abstentions, then recommended to the General Assembly that staff members in the future be granted home leave every three years instead of every two.

The Secretary-General's amendment (A/C.5/408, par. 3) proposing that the maximum sums payable as repatriation grants (which would replace expatriation allowances as of 1 January 1951) should be double the amount proposed by the Sub-Committee, that is, \$5,000 for single and \$10,000 for married staff members, was rejected by 32 votes to 7, with 3 abstentions. The Committee, by a vote of 43 to none, with 1 abstention, then recommended to the General Assembly that a system of repatriation grants rising with each year of service to a maximum payment of \$2,500 for single and \$5,000 for married staff members be substituted for the existing system of expatriation allowances. A Brazilian amendment (A/C.5/412), which would give staff members the option of adhering to the system of repatriation grants, or of continuing to receive the existing expatriation allowance, was rejected by a vote of 24 to 16, with 7 abstentions.

The Fifth Committee, at its 269th meeting on 24 November, completed its consideration of the question of the salary, allowance and leave system. At that meeting, the Committee took decisions on, among other things, the following:

(1) Rental allowances.—The recommendation of the Sub-Committee that rental allowances should be maintained at the full rate during 1951 was unanimously approved.

(2) Representation allowances for Directors.—A Brazilian-Chilean amendment (A/C.5/411) authorizing the Secretary-General at his discretion to grant to Directors in special cases a representation allowance up to an amount of \$1,500 was adopted by 21 votes to 9, with 12 abstentions. It was understood that this amendment would obviate the necessity for the Directors to draw on the hospitality fund for representation expenses.

(3) Frequency of increments at the top salary levels.—An oral Uruguayan amendment providing for increments at the director and principal director level at two-year intervals was adopted by 13 votes to 11, with 20 abstentions.

(4) Salary differentials.—The recommendation of the Sub-Committee that a minus-5 per cent differential should be applied to 75 per cent of the salaries of international staff at Geneva, subject to review by the Advisory Committee during 1951, was adopted by 32 votes to 4, with 5 abstentions.

(5) Extension of maximum rates for new salary levels.—A proposal of the Secretary-General (A/C.5/408) to allow those staff members who would suffer a reduction in actual earnings or in expectations of earnings at the end of a definite transition period to continue indefinitely to receive their present salaries, and to progress to a point equal to the maximum of their former grade, was rejected by 22 votes to 19, with 4 abstentions. A Syrian amendment (A/C.5/410) allowing for the extension of the maximum rates for the new salary levels by three steps for staff members in this position was then adopted by 35 votes to none, with 10 abstentions.

(6) Date and procedure for making the new salary scale applicable to the staff.—The Sub-Committee's proposals concerning this matter were unanimously approved (for text, see resolution adopted by the General Assembly).

Just before the voting on the full draft resolution on the salary, allowance and leave system of the United Nations, as amended, the representative of the USSR announced that he would abstain from voting since his delegation believed that the granting of home leave every three years would work toward the detriment of the international character of the staff. He said that his delegation would press for a review of this question.

The draft resolution, as amended, was then approved by the Fifth Committee by 37 votes to none, with 7 abstentions.

(3) Resolution Adopted by the Assembly

The Fifth Committee's recommendations (A/1732) were considered by the Assembly at its 326th plenary meeting on 15 December. The Assembly also had before it an amendment proposed by Belgium, Brazil, Chile, France and Peru (A/1733), which, in effect, would grant eligible staff members home leave once in every two years rather than once in every three years as recommended by the Committee. This amendment was adopted by 35 votes to 11, with 3 abstentions.

The resolution, as amended, was then adopted by 48 votes to none, with 3 abstentions. Its text (470(V)) was as follows:

The General Assembly,

Having considered the report and recommendations of the Secretary-General on the salary, allowance and leave system of the United Nations, together with the reports of the Advisory Committee on Administrative and Budgetary Questions dealing with this subject,

1. Agrees upon the desirability of simplifying the organization and classification of the staff in accordance with the principles set forth by the Committee of Experts on Salary, Allowance and Leave Systems as endorsed by the Advisory Committee on Administrative and Budgetary Questions and by the Secretary-General;

2. Resolves that provisional staff regulation 16 be amended, with effect from 1 January 1951, to read as follows:

"Salaries of staff members shall be fixed by the Secretary-General in accordance with the provisions outlined in the attached annex I to the present regulations";

3. Resolves that the Secretary-General shall be guided by the following principles in applying the salary provisions specified in annex I to the Provisional Staff Regulations to staff members who, on 31 December 1950, were serving under indeterminate appointment, temporary indefinite appointment or regular fixed term appointment, and who continue in service after 1 January 1951:

(i) Subject to efficiency, staff members whose salaries on 31 December 1950 are above the ceilings of the new salary levels to which their posts are assigned shall receive the difference as a pensionable personal allowance; provided, however, that such allowance shall not exceed the equivalent of three additional steps beyond the maximum of their new salary levels;

(ii) Subject to efficiency, staff members who were proceeding to a maximum in their former grades higher than the maximum of the appropriate new salary levels shall continue to receive increments on the basis of the new scales until they have reached a point equal to the maximum of their former grades or a point equivalent to three steps beyond the maximum of their new salary levels, whichever is the lower, that part of the salary which exceeds the maximum being considered as a pensionable personal allowance;

(iii) These arrangements shall have reference only to salaries (including cost-of-living adjustment) and shall not take account of remuneration received as of 31 December 1950 in the form of any other allowances;

4. Resolves that, subject to transition arrangements under which all eligible staff members as of 31 December 1950 will be allowed the next home leave to which they were entitled under the provisions in effect on that date, provisional staff regulation 18 be amended with effect from 1 January 1951 by the addition of the following sentences:

"Eligible staff members shall be granted home leave once in every two years. A staff member whose home country is the country of his official duty station or who continues to reside in his home country while performing his official duties shall not be eligible for home leave";

5. Resolves that provisional staff regulation 30 be amended with effect from 1 January 1951 to read as follows:

"Full-time members of the staff, with the exception of those specifically excluded by resolution of the General Assembly, shall be entitled to a children's allowance of \$US200 per annum in respect of each child under the age of eighteen years, or, if the child is in full-time attendance at a school or a university (or similar educational institution) or is totally disabled, under the age of twenty-one years; provided that, if both parents are members of the staff of the United Nations, only one allowance will be paid in respect of each of their children; and provided further that, where the Secretary-General deems it advisable, no allowance or an allowance of an amount other than \$US200 may be paid under special circumstances, as for example, short-term assignments or assignments at duty stations where United Nations salary scales are fixed at levels varying from the Headquarters scale";

and further that provisional staff regulation 33 be amended with effect from 1 January 1951 by substituting the words "thirteen years of age" for the words "eleven years of age" in paragraph (c);

6. Resolves that the Provisional Staff Regulations be amended with effect from 1 January 1951 by the addition of a new regulation 35, as follows:

"The Secretary-General shall establish a scheme for the payment of repatriation grants in accordance with the maximum rates and conditions specified in annex II to the present regulations".

ANNEX I. SALARY SCALES AND RELATED PROVISIONS

1. An Assistant Secretary-General shall receive a salary of \$US23,000 (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239(III) and to such changes as may be directed from time to time by the General Assembly) together with an allowance varying from \$US7,000 to \$US10,000 at the Secretary-General's discretion.

The allowances for Assistant Secretaries-General are deemed to include all representation (including hospitality) and special allowances, such as housing, education and children's allowances, but not such reimbursable allowances as travel, subsistence and removal costs upon appointment, transfer or separation from the Organization, official travel and home leave travel.

2. A Principal Director shall receive a salary of \$US17,000 rising after two years of satisfactory service to \$US18,000 (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239(III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied) and if otherwise eligible shall receive the allowances which are available to staff members generally. In addition, he shall receive a representation allowance varying from \$US1,000 to \$US3,500 at the Secretary-General's discretion.

3. A Director shall receive a salary of \$US15,000 rising in two-yearly increments of \$US800 each to \$US17,400 (subject to the staff assessment plan at the

rates laid down in General Assembly resolution 239(III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied) and if otherwise eligible shall receive the allowances which are available to staff members generally. In addition, the Secretary-General is authorized at his discretion to grant in special cases a representation allowance up to an amount of \$US1,500.

4. Except as provided in paragraph 6 of the present annex, the salary scales for staff members in the Principal Officer and Director category and in the Professional category shall be as follows (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239(III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied):

SALARY SCALES

	Step I \$US	Step II \$US	Step III \$US	Step IV \$US	Step V \$US	Step VI \$US	Step VII \$US	Step VIII \$US	Step IX \$US	Step X \$US
Principal Officer and Director Category										
Principal Director	17,000	18,000								
Director	15,000	15,800	16,600	17,400						
Principal Officer	13,330	14,000	14,670	15,400	16,200	17,000				
Professional Category										
Senior Officer	11,310	11,690	12,080	12,500	13,000	13,500	14,000	14,500	15,000	
First Officer	9,140	9,460	9,790	10,150	10,540	10,920	11,310	11,690	12,080	12,500
Second Officer	7,330	7,600	7,870	8,180	8,500	8,820	9,140	9,460	9,790	10,150
Associate Officer	5,750	6,000	6,270	6,530	6,800	7,070	7,330	7,600	7,870	
Assistant Officer	4,250	4,500	4,750	5,000	5,250	5,500	5,750	6,000		

5. Salary increments within the levels set forth in paragraph 4 of the present annex shall be awarded annually on the basis of satisfactory service, provided that the period of satisfactory service required for increments at the Director and Principal Director levels shall be two years.

6. The Secretary-General shall determine the salary rates to be paid to personnel specifically engaged for conferences and other short term service, to consultants, to field service personnel, and to technical assistance experts and social welfare advisers.

7. The Secretary-General shall fix the salary scales for staff members in the General Service category and the salary or wage rates for manual workers, normally on the basis of the best prevailing conditions of employment in the locality of the United Nations office concerned, provided that the Secretary-General may, where he deems it appropriate, establish rules and salary limits for payment of a non-resident's allowance to General Service staff members recruited from outside the local area.

8. The Secretary-General shall establish rules under which an extra payment may be paid to General Service staff members who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages, such payment to be the equivalent of an additional step increment which would continue beyond the maximum of the salary level of the staff member concerned.

9. The Secretary-General may adjust the basic salary rates provided in paragraphs 1, 2, 3 and 4 for duty stations away from Headquarters, by the application of salary differentials which take into account relative costs of living, standards of living and related factors; pro-

vided that initial differentials shall be not less than 5 per cent with minimum adjustments in multiples of 5 per cent, and provided further that these differentials shall be applied to only 75 per cent of base salaries.

ANNEX II. REPATRIATION GRANT

In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate, except those terminated by summary dismissal. Detailed conditions and definitions relating to eligibility shall be determined by the Secretary-General. The amount of the grant shall vary with the length of service with the United Nations (exclusive of periods when an expatriation allowance was received). The maximum rates payable shall be as follows:

Years of continuous service away from home country	Staff member with neither a wife, dependent husband nor dependent child at time of separation (Weeks of salary)	Staff member with a wife, dependent husband or child at time of separation (Weeks of salary)
After 2 years . . .	4	8
" 3 " . . .	5	10
" 4 " . . .	6	12
" 5 " . . .	7	14
" 6 " . . .	8	16
" 7 " . . .	9	18
" 8 " . . .	10	20
" 9 " . . .	11	22
" 10 " . . .	12	24
" 11 " . . .	13	26
" 12 " . . .	14	28

The maximum grant payable under this plan shall be \$US2,500 net for a staff member without dependants and \$US5,000 net for a staff member with dependants.

c. UNITED NATIONS ADMINISTRATIVE TRIBUNAL

The United Nations Administrative Tribunal, which was established by the General Assembly on 24 November 1949 to hear and pass judgment upon applications alleging non-observance of contracts of employment of staff members of the Secretariat of the United Nations or of the terms of appointment of such members,¹⁶¹ held its first plenary session at Lake Success from 1 to 7 June 1950. The plenary session was attended by six of the seven members of the Tribunal, Omar Loutfi (Egypt) having tendered his resignation on 25 May 1950.¹⁶² At the beginning of the session, the Tribunal elected the following officers:

President: Lt.-General His Highness Maharaja Jam Shree Sir Digvijaysinghji Ranjit Singhji Jadeja (India)

Vice-President: Mme. Paul Bastid (France)

Vice-President: Sir Sydney Caine (United Kingdom)

At the Tribunal's second plenary session, held in accordance with its terms of reference on 14 December 1950, Rowland Andrews Egger (United States) was elected Vice-President to succeed Sir Sydney Caine (United Kingdom); the other two officers were re-elected.

On 7 June, in accordance with article 6 of its statute, the Tribunal adopted rules covering its general functioning, including the procedure to be followed by persons who wish to present applications to it or to intervene in a particular case, or who request a hearing. Under article 17 of its rules, the Tribunal may, in its discretion, grant hearings to representatives of the Staff Association.

At the close of its first plenary session, the Tribunal went into ordinary session, attended by three members—the President and two Vice-Presidents—and one alternate member, and began preliminary consideration of fifteen applications and one intervention (Aubert and fourteen others v. the Secretary-General of the United Nations). The Tribunal held public hearings on 29 and 30 June and delivered two judgments on the latter date.

In judgment No. 1 (A/CN.5/Decisions/Cases 1-15/1), in respect of cases 1 to 15, the Tribunal, while rejecting the United Nations Staff Association's request for intervention as a third party, decided that the representative of a staff association, for the purpose of hearings under article 17 of the rules, need not necessarily be a member of the staff of the organization concerned. In its judgment No. 2 (A/CN.5/Decisions/Cases 1-15/2), the Tribunal upheld the powers of

the Secretary-General that were contested but rescinded the procedure which had been followed by the Administration on the grounds that it was irregular.

Sixteen verbatim reporters had contended that the Secretary-General did not have the power, under Provisional Staff Regulation 21 (permitting termination of appointments where required by necessities of the service), to abolish all verbatim reporter posts and offer a limited number of posts in a newly created editor-verbatim reporter category on the basis of a test for editorial aptitude. On this point the Tribunal held that the Secretary-General must have authority to make any reduction or abolition of posts necessary to observe due economy, while providing adequately for the service of the United Nations. As to the argument that the Secretary-General may not terminate staff who occupy established posts in a budget approved by the General Assembly, the Tribunal found that the power to reduce in force cannot be affected by provisions of the budget, which must be regarded as conferring authority but not as creating an obligation to spend the whole of the credit provided in the budget.

The applicants in the case had also contended that the abolition of posts and the creation of a new category of posts were steps in an artificial manoeuvre motivated by a desire to terminate the services of certain individual officials. While agreeing that such a fictitious substitution would have been an abuse of power, the Tribunal considered that it was not a part of its functions to pronounce upon the wisdom of particular administrative measures, but only to determine whether there was reasonable evidence to support the administrative decision. In this case it was satisfied from the evidence produced that there were adequate grounds on which the Administration could properly have concluded that a change in the methods of reporting proceedings was necessary, and that therefore the change should be considered bona fide and not fictitious.

The Tribunal also overruled an argument that the Administration was without authority to vary the duties of these officials under their contracts.

On the other hand, the Tribunal was deeply impressed by the necessity of effecting reductions of staff in a manner which would minimize the consequent sacrifices and preserve as far as possible the principle of security of tenure. It there-

¹⁶¹ See Y.U.N., 1948-49, pp. 19-20, 37, 919-22.

¹⁶² For members of the Tribunal during 1950, see pp. 42-43; for members elected by the Assembly to take office during 1951, see p. 32.

fore adjudged that fair and equitable principles of procedure and Staff Rule 104,¹⁶³ in particular, required the Administration to offer to the verbatim reporters the examination for the new posts before issuing notice of their termination rather than in the reverse order. It accordingly ruled invalid the notices of termination given to the applicants, but without derogation to the right of the Administration to abolish posts or reduce in force by equitable means, including the full examination of the possibilities of transferring the individuals affected to any new posts which may have been created, or to other posts in the United Nations.

The Tribunal also decided that actual costs should be awarded to the applicants in the amounts to be fixed by the President on submission of claims by the applicants. On 26 July 1950 the President of the Tribunal awarded the sum of \$2,100 to the applicants as partial reimbursement of costs claimed by them (A/CN.5/Decisions/-Cases 1-15/3).

The Acting Secretary-General, in a letter (A/CN.5/3) dated 31 August 1950, to the President of the Tribunal, wrote that funds had been made available to cover the payment ordered by the Tribunal, but requested that the question of the Tribunal's authority to assess costs and the nature and amount of such costs should be brought to the attention of its members at its next regular session.

At its second plenary session, on 14 December 1950, the Tribunal observed (A/CN.5/R.2) that the establishment of the Administrative Tribunal by the General Assembly inferred the existence of powers necessary for the attainment of the General Assembly's objectives and that these powers included the preservation of the equitable rights of interested parties arising out of the proceedings of the Tribunal. The Tribunal decided that it would not as a general rule consider the question of granting costs to applicants but that in exceptional cases it might grant compensation for such costs if they were demonstrated to have been unavoidable, if they were reasonable in amount and if they exceeded the normal expenses of litigation. In particular, it would not be the policy of the Tribunal to award costs covering fees of legal counsel with respect to cases which did not involve special difficulties.

d. JOINT APPEALS BOARD AND JOINT DISCIPLINARY COMMITTEE

The General Assembly, at its fourth session, on 24 November 1949, adopted resolution 352(IV)

revising Provisional Staff Regulation 23.¹⁶⁴ In the new text, the Secretary-General was authorized to establish joint administrative machinery with staff participation to advise him in cases of discipline and appeal. The Secretary-General accordingly established a Joint Disciplinary Committee and a Joint Appeals Board, each of three members, the latter replacing the Appeals Board which functioned until the end of 1949.¹⁶⁵ For each of the new bodies, one representative was selected by the Secretary-General and one elected by the Staff Association; chairmen were appointed by the Secretary-General, after consultation with the Staff Committee.

The Joint Appeals Board, constituted in May 1950, reported to the Secretary-General in five cases of appeals which it had heard by the end of 1950.

The Joint Disciplinary Committee was constituted in May 1950, but had not been called upon to meet by 31 December 1950.

e. RECRUITMENT POLICIES

(1) International Civil Service Advisory Board

The International Civil Service Advisory Board held its second session at Geneva in March 1950. On 29 March, it completed a report on recruitment methods and standards for the United Nations and the specialized agencies which was subsequently accepted by the Administrative Committee on Co-ordination and distributed to the international agencies.

The Board stressed the importance of securing a large measure of uniformity in basic employment provisions and personnel requirements among the international agencies if consistent recruitment methods and standards were to be formulated.

The Board then commented in detail on general recruitment policy, promotion policy, international organization for recruitment qualification standards, the search for candidates, the evaluation of candidates, and inter-agency transfers and promotions.

(2) Recruitment During 1950

Recruitment to fill vacancies in the Secretariat during 1950 showed evidence of advance along

¹⁶³ This deals with the termination of appointments due to reduction in force or abolition of posts.

¹⁶⁴ See Y.U.N., 1948-49, pp. 918-19.

¹⁶⁵ *Ibid.*, pp. 163-64.

many of the main lines recommended by the International Civil Service Advisory Board, and some progress was made towards the development of inter-agency machinery for recruitment. The Secretariat also co-operated with specialized agencies on staff transfers in limited areas of skills.

Greater emphasis was placed on competitive selection of candidates, by public advertisements in selected newspapers and trade journals, and by notice to learned societies, professional organizations and institutes. Senior staff members traveling on official duty or attached to overseas offices were increasingly used to investigate the qualifications of overseas candidates. The use of Boards and of written examination in selection was also extended.

f. UNITED NATIONS JOINT STAFF PENSION FUND

Pursuant to article 35 of the regulations for the Joint Staff Pension Fund adopted by the Assembly on 7 December 1948, the United Nations Staff Pension Committee, acting as the Joint Staff Pension Board, submitted to the fifth regular session of the General Assembly an annual report (A/1335) on the operation of the Pension Fund up to 31 December 1949.

The report indicated that the number of United Nations staff members participating actively in the Fund on 31 December 1949 was 3,541, an increase of 1,562 members during the year. This increase, it was pointed out, was due mainly to a change in the provisions of the Fund allowing staff members to participate upon completion of one year's service. Since the inception of the Fund on 27 January 1947 and up to 31 December 1949, 3,980 staff members had entered the fund and 439 had withdrawn, thus leaving an active membership of 3,541.

The United Nations Staff Pension Committee, in consultation with the Chief Medical Officer of the United Nations, adopted revised medical standards for immediate coverage by the insurance provisions of the scheme. These new standards, the report showed, are closely related to the United Nations standards for employment, and the Committee agreed that, in normal circumstances, the medical report prepared by the Health Service of the United Nations for employment purposes should form the basis of the recommendations made to it for insurance purposes. Since the inception of the Fund, 3,838 medical examinations were performed in 36 countries, the resulting rate of deferments with respect to benefits under the

scheme being approximately 5 per cent of the number examined.

The report stated that from the inception of the Fund, withdrawal benefits were paid to 407 participants, that up to 31 December 1949 thirteen staff members qualified for retirement benefits, that widows of two deceased participants were in receipt of benefits, that benefits were being paid in respect of three children of beneficiaries and that disability benefits were paid to two participants. The report added that on the death while in active employment of a participant who leaves no beneficiary entitled to a benefit, a benefit equal to the participant's own contributions to the Fund, with interest, becomes payable to any person whom the beneficiary had designated to receive this benefit. Five such benefits were paid.

The statement of cash income and disbursements (annex A of the report) showed total cash receipts of \$8,186,890.26 and total disbursements of \$266,677.39, leaving an accumulated fund at 31 December 1949 of \$7,920,212.87. The investments of the Fund (annex B of the report) showed the total value of investments at cost to be \$7,818,853.61. The report drew attention to the fact that the investments of the Fund were made in accordance with the policy laid down by the Investments Committee, and that the rate of yield of the present investments was slightly in excess of 2½ per cent per annum.

The report noted that on 8 May 1950 an agreement was signed in Geneva by the Secretary-General of the United Nations and by the Director-General of the World Health Organization, providing for the entrance of the latter organization into the Joint Staff Pension Fund with effect from 1 May 1949. An agreement with the Food and Agriculture Organization was completed and was awaiting formal execution, by which that organization would enter the Fund with effect from 1 April 1950. It was also stated that negotiations were well advanced with the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization and the International Labour Office.

The Fifth Committee at its 237th meeting on 2 October, and on its recommendation (A/1449) the General Assembly at its 302nd plenary meeting on 3 November, took note of the report (453(V)).

On 31 December 1950 the active membership of the Fund was 5,490, an increase of 1,949 members during the year, largely owing to the admission of FAO and ILO during 1950. The total num-

her of members who had entered the Fund since its inception in 1947 was 6,536, and the number of withdrawals for the same period, 1,046.

g. STAFF WELFARE

(1) Health Service

The Health Service completed its first year of reorganized activities in June 1950. Under the supervision of a medical director, and staffed by a chief medical officer and part-time physicians, the service is primarily diagnostic, and staff members requiring therapy are referred to their private physician. The service has facilities for X-ray and electro-cardiogram examination and basal metabolism and laboratory tests; it provided complete physical entrance examinations, periodic examinations, general health counselling and first aid. It recommended standards for such public health aspects of the working environment of the Secretariat as air conditioning, water and food sanitation, temperature control and waste disposal. Immunizations were provided as required and physical examinations were given to personnel assigned to and returning from missions. The advice and assistance of the Service were available for recommendations affecting standards for admission to full Staff Pension benefits, the reviewing of health insurance plans, and socio-medical schemes of interest to the Secretariat.

(2) Volunteer Services

The Volunteer Services continued to be staffed by part-time volunteers under the direction of a United Nations staff member. The programme of the Volunteer Services is designed to help staff members adjust to their new environment, to develop understanding among the staff as well as between the staff and families in the United States, and to provide Secretariat members with information and assistance with regard to educational facilities and vacation travel. Volunteer Services, among other things, arranged visits by Secretariat members as guests in private homes in various communities for week-ends and vacations, with transportation the only expense; obtained free tickets or tickets at a discount for concerts, the opera and other entertainments; maintained a

counselling service for travel, vacations, camps and schools; and obtained, for some members of Secretariat families, scholarships to certain schools.

(3) United Nations Housing Projects

In view of some improvement in the housing situation in the New York area and the move of Headquarters to Manhattan, the Secretary-General did not extend the master lease on the United Nations housing project at Great Neck. In the case of the Parkway Village project, an option to renew was exercised, and the master lease will continue until 15 January 1953, with the provision that on 1 October 1952 the United Nations will relinquish responsibility for as many apartments as Parkway Village, Inc., can rent directly.

h. UNITED NATIONS INTERNE PROGRAMMES

The United Nations interne programme initiated in July 1947 was continued, three training programmes being held during 1950. The first, from 3 April to 27 May, was attended by 23 internes who were national civil servants or officials of international organizations; its specific purpose was to study the working methods and procedures of the Secretariat.

The second programme, during the summer, was attended by 44 students and had the same purpose. Eight internes were supported by individual scholarships from educational and other organizations. The programme was held in two sections: one at the Geneva Office, 25 June-17 August, to enable eleven students who were particularly interested in the work of the Economic and Social Council to attend the Council's eleventh session; the other at Lake Success, 10 July-1 September.

The third programme, from 18 September to 11 November, was attended by 24 internes comprising national civil servants or officials of international organizations. Its primary purpose was to study the working methods and procedures of the General Assembly.

By the end of 1950, at least one interne from each Member country except seven had taken part in the United Nations interne programmes.

ANNEX: PRINCIPAL MEMBERS OF THE UNITED NATIONS SECRETARIAT

(as of 31 December 1950)

Secretary-General: TRYGVE LIE

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL

Executive Assistant to the Secretary-General:
Andrew W. Cordier

Director for Co-ordination of Specialized Agencies and
Economic and Social Matters: Martin W. Hill
Acting Director of Library: Edouard Reitman

DEPARTMENT OF SECURITY COUNCIL AFFAIRS
Assistant Secretary-General: Constantin E. Zinchenko

Principal Director:¹⁶⁶ Dragoslav Protitch
 Director of General Political Division:
 Alfonso Garcia Robles

DEPARTMENT OF ECONOMIC AFFAIRS

Assistant Secretary-General: A. David K. Owen
 Principal Director: (Vacant)
 Director of Division of Economic Stability and Development: David Weintraub
 Director of Fiscal Division: Henry Bloch
 Director of Division of Transport and Communications: Branko Lukac
 Director of Statistical Office: William R. Leonard
 Secretary of the Economic and Social Council:
 Gilbert E. Yates

ECONOMIC COMMISSION FOR EUROPE

Executive Secretary: Gunnar Myrdal

ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST

Executive Secretary: Palamadai S. Lokanathan

ECONOMIC COMMISSION FOR LATIN AMERICA

Executive Secretary: Paul Prebisch

DEPARTMENT OF SOCIAL AFFAIRS

Assistant Secretary-General: Henri Laugier¹⁶⁷
 Principal Director: Mrs. Alva Myrdal¹⁶⁸
 Director of Division of Human Rights:
 John P. Humphrey
 Director of Division of Narcotic Drugs: Leon Steinig
 Director of Population Division: P. K. Whelpton
 Director of Social Welfare Division: J. C. van Heuven¹⁶⁹

TECHNICAL ASSISTANCE ADMINISTRATION

Director-General: Hugh L. Keenleyside
 Deputy Director-General: Gustavo Martínez Cabañas
 Director, Training Division: C. M. Fonck

DEPARTMENT OF TRUSTEESHIP AND INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

Assistant Secretary-General: Victor Hoo
 Top-Ranking Director and Director of Division of Trusteeship: Ralph J. Bunche
 Director of Division of Information from Non-Self-Governing Territories: Wilfrid Benson

DEPARTMENT OF PUBLIC INFORMATION

Assistant Secretary-General: Benjamin Cohen
 Principal Director: Tor Gjesdal
 Director of Press and Publications Bureau:
 Wilder Foote
 Director of Radio Division: Peter Aylen
 Acting Director of Films and Visual Information Division: Jan G. Lindstrom
 Director of Special Services: W. Bryant Mumford¹⁷⁰
 Director of Overseas Services: V. J. G. Stavridi

INFORMATION CENTRES

Director of the Belgrade Centre: Milan Hofman
 Director of the Buenos Aires Centre: Enrique Loudet
 Director of the Cairo Centre: Rahat Bokhari
 Director of the Copenhagen Centre:
 Viggo A. Christensen
 Director of the Geneva Centre: Jerzy Szapiro
 Director of the London Centre: George Ivan Smith
 Director of the Mexico City Centre: Rafael A. Fusoni
 Director of the Monrovia (Liberia) Centre:
 R. de Roussy de Sales
 Director of the Moscow Centre: L. I. Pavlov

Director of the New Delhi Centre: B. Leitgeber
 Director of the Paris Centre: Rubens Borba de Moraes
 Director of the Prague Centre: Olav Rytter
 Director of the Rio de Janeiro Centre:

Paul Vanorden Shaw

Director of the Shanghai Centre: Henri Fast
 Director of the Sydney Centre: William McNamara
 Director of the Teheran Centre: Abdollah Faryar
 Officer in Charge of the Warsaw Centre:

Mrs. Zofia Rutkowska

Director of the Washington Centre: Arthur Sweetser

LEGAL DEPARTMENT

Assistant Secretary-General: Ivan S. Kerno
 General Counsel and Top-Ranking Director:
 Abraham H. Feller
 Deputy Director of General Legal Division:
 Oscar Schachter
 Director of Division for the Development and Codification of International Law: Yuen-li Liang
 Director of Division of Immunities and Treaties:
 C. Stavropoulos

CONFERENCE AND GENERAL SERVICES

Assistant Secretary-General: Shamaldharee Lall
 Principal Director: David B. Vaughan
 Director of Bureau of General Services: Byron F. Wood
 Director of Telecommunications Services Division:
 H. B. Rantzen
 Director of Purchase and Transportation Division:
 F. A. Mapes
 Director of Bureau of Documents: Georges Peissel
 Director of Documents Control Division:
 Charles H. Le Bosquet
 Director of Language Services Division: Honorio Roigt
 Director of Publishing Division: David Zablodowsky

ADMINISTRATIVE AND FINANCIAL SERVICES

Assistant Secretary-General: Byron Price
 Director of Planning, Headquarters Planning Office:
 Wallace K. Harrison
 Director of Bureau of Finance: Hans C. Andersen
 Director of Bureau of Personnel: Georges Palthey
 Director of Buildings Management Service:
 Frank M. Begley
 Director of Health Service: Frank A. Calderone
 Director of Inspection Service: Frode Hansen

EUROPEAN OFFICE OF THE UNITED NATIONS, GENEVA

Director representing the Secretary-General:
 WLADIMIR MODEROW

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

Principal Secretary: Pablo de Azcarate

CHIEF OF STAFF OF THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION IN PALESTINE

Maj.-General William E. Riley

¹⁶⁶ Also in charge of the Administrative and General Division, the Atomic Energy Commission Group and the Armaments and Enforcement Measures Section.

¹⁶⁷ M. Laugier left his position on 21 April 1951.

¹⁶⁸ Mrs. Myrdal left her position on 31 Dec. 1950.

¹⁶⁹ Julia Henderson was appointed Director of the Division of Social Welfare on 11 Feb. 1951.

¹⁷⁰ Died 28 Jan. 1951.

UNITED NATIONS RELIEF AND WORKS AGENCY FOR
PALESTINE REFUGEES IN THE NEAR EAST
Director: Maj.-General Howard Kennedy¹⁷¹

UNITED NATIONS COMMISSION FOR ERITREA
Principal Secretary: Petrus J. Schmidt

UNITED NATIONS COMMISSIONER IN LIBYA
Principal Secretary of United Nations Mission in Libya:
Thomas F. Powers, Jr.

UNITED NATIONS ADVISORY COUNCIL FOR THE TRUST
TERRITORY OF SOMALILAND UNDER ITALIAN
ADMINISTRATION
Principal Secretary: Egon Ranshofen-Wertheimer

PERSONAL REPRESENTATIVE OF THE SECRETARY-
GENERAL IN KOREA
Col. Alfred G. Katzin

UNITED NATIONS COMMISSION FOR THE UNIFICATION
AND REHABILITATION OF KOREA
Principal Secretary: C. Stavropoulos

UNITED NATIONS KOREAN RECONSTRUCTION AGENCY¹⁷²

UNITED NATIONS SPECIAL COMMITTEE ON THE
BALKANS
Principal Secretary: Raoul Aglion

UNITED NATIONS COMMISSION FOR INDONESIA
Principal Secretary: J. A. Romanos

UNITED NATIONS INTERNATIONAL CHILDREN'S
EMERGENCY FUND
Executive Director: Maurice Pate

H. BUDGETARY ARRANGEMENTS

1. Financial Reports and Accounts; Reports of the Board of Auditors

a. UNITED NATIONS: YEAR 1949

The Board of Auditors submitted a report (A/1256) to the fifth session of the General Assembly covering the United Nations financial year ended 31 December 1949. The report showed that the General Assembly by resolution 252 A (III) had appropriated \$43,487,128 for 1949, and had revised this amount downward to \$43,204,080 by resolution 354(IV) of 9 December 1949. Obligations incurred during the period totalled \$42,575,367.77 (of which \$3,538,346.03 was unliquidated at 31 December 1949), thus showing savings amounting to \$628,712.23, less \$57,497.75, the amount by which miscellaneous income realized during the year fell short of the related estimates. The accounts for the year 1949 thus showed an excess of income over obligations incurred amounting to \$571,214.48. This amount had been carried over to the surplus account.

The balance on surplus account as at 31 December 1949 was \$2,745,174.92. Of this amount \$1,961,010 was applied in reduction of Members' assessments for the year 1950, leaving a balance of \$784,164.92 available for application against assessments for the year 1951.

In accordance with its terms of reference, the Advisory Committee on Administrative and Budgetary Questions examined the report of the Board of Auditors. In its second report of 1950 to the General Assembly (A/1312), the Advisory Committee submitted a number of observations on the report of the Board of Auditors.

The Advisory Committee reported that the Board of Auditors, in a memorandum submitted separately to the Committee, had noted "further commendable improvements in accounting procedures not only at Headquarters, but also at the European Office and The Hague".

With respect to the compensating of overtime work by payment, the Advisory Committee urged that "every effort be made to secure that a far larger proportion of overtime is dealt with on the basis of compensatory time", and suggested that consideration should be given to an extension of the period during which compensatory time could be granted.

To ensure consistency in the accounting methods of the United Nations, the Advisory Committee concurred in the recommendation of the Board of Auditors that the financial rule providing that miscellaneous income be credited to the account of the financial year in which it is received should be revised in order to provide that such revenue be treated as an appropriation in aid of the year in which it is earned.

In view of the serious budgetary consequences, the Advisory Committee recommended that the trend towards a duplication of services as reported by the Board of Auditors be the subject of special study by the Administrative Committee on Coordination.

The Advisory Committee stated that the Auditors had drawn its attention to the need for a for-

¹⁷¹ Resigned effective 30 June 1951; succeeded by John B. Blanford, Jr.

¹⁷² J. Donald Kingsley was designated Agent-General of the United Nations Korean Reconstruction Agency on 7 Feb. 1951.

mal definition of "group hospitality" as one of the categories of hospitality which might be charged to appropriations. The Committee accordingly requested the Secretary-General to submit to it a comprehensive report on the subject, including proposals concerning hospitality expenditures which might properly be charged to the hospitality account.

The Advisory Committee called to the General Assembly's attention a suggestion of the Board of Auditors that, in view of the increase of construction costs, the Assembly might reconsider whether the approved figure of \$65,000,000 for the construction of the United Nations Headquarters was still adequate to complete the work to the satisfaction of United Nations Members.

The Fifth Committee at its 237th meeting on 2 October 1950 considered the reports of the Board of Auditors and the Advisory Committee and a note by the Secretary-General (A/1398) pertaining to the report of the Board of Auditors.

The Committee noted that corrective action had been taken by the Secretary-General with regard to a number of points raised in the report of the Board of Auditors. It noted also the assurance given on behalf of the Secretary-General that efforts would be continued, in consultation with the Advisory Committee and with the Administrative Committee on Co-ordination, to eliminate duplication of services on the basis of the proposals advanced by the Board of Auditors. In its report (A/1446) to the General Assembly the Committee recorded appreciation of the manner in which the Auditors had consistently discharged their important responsibilities. On the proposal of its chairman it unanimously adopted a draft resolution which was adopted by the Assembly at its 302nd plenary meeting on 3 November, by 58 votes to none, with 1 abstention, as resolution 450(V). It read as follows:

The General Assembly

1. Accepts the financial report and accounts of the United Nations for the financial year ended 31 December 1949, and the certificate of the Board of Auditors;

2. Concurs in the observations of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors.

b. UNITED NATIONS INTERNATIONAL
CHILDREN'S EMERGENCY FUND:
YEAR 1949

In accordance with resolution 57(1) establishing the United Nations Children's Emergency Fund (UNICEF), the Secretary-General submitted to the fifth session of the Assembly an annual

audit (A/1336) of the accounts of the Fund for the year ended 31 December 1949, which had been carried out by the Board of Auditors of the United Nations.

The report of the Board of Auditors (A/1336) had been considered by the Advisory Committee on Administrative and Budgetary Questions (A/1413).

The report showed that income received by the Fund during 1949 amounted (in round figures) to \$39,900,000 (exclusive of matching contributions made by the United States after the end of 1949) against a corresponding figure for 1948 of \$59,000,000. Expenditure in 1949 amounted to \$46,858,000 as against \$31,480,000 in 1948. The Board of Auditors had called attention in its report to the heavy expenditure incurred by the Fund for the insurance of commodities in transit and in warehouses overseas and had proposed that the Fund consider establishing a self-insurance scheme. This recommendation was supported by the Advisory Committee, which considered that provision for such a scheme might be made through an appropriation of an amount equivalent to the cost of commercial insurance. The Committee was informed that the Board's other recommendations had already been acted upon by the Administration of the Fund.

The Fifth Committee, at its 237th meeting on 2 October 1950, considered the financial report and accounts of UNICEF (A/1336), the report by the Board of Auditors (A/1336) and the observations of the Advisory Committee (A/1413).

In the course of discussion of the Auditors' report, several representatives supported the recommendation of the Advisory Committee that the Administration of the Fund should give further consideration to the Auditors' proposal concerning the establishment of a self-insurance scheme for commodities in transit and in warehouses overseas. Doubt was expressed by some members of the Fifth Committee that such a scheme would, in fact, be of a real advantage at this stage; accordingly, it was urged that the situation should be carefully reviewed before any change in existing insurance arrangements was decided upon. The Committee was informed, on behalf of the Administration of the Fund, that the recommendation of the Advisory Committee would be brought to the attention of the Executive Board of the Fund.

The draft resolution unanimously adopted by the Committee (A/1447) was adopted by the General Assembly at its 302nd plenary meeting on 3 November, without discussion, by 53 votes to none, as resolution 451(V), as follows:

The General Assembly

1. Accepts the financial report and accounts of the United Nations International Children's Emergency Fund for the financial year ended 31 December 1949, and the certificate of the Board of Auditors;

2. Takes note of the observations of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors.

c. UNITED NATIONS RELIEF FOR PALESTINE REFUGEES: THE PERIOD 1 DECEMBER 1948 TO 30 APRIL 1950

In accordance with the provisional regulations for the administration and supervision of the Palestine Refugee Fund, the Board of Auditors submitted to the fifth session of the General Assembly a report (A/1354) on the audit of the accounts maintained by the United Nations Relief for Palestine Refugees (UNRPR) for the period 1 December 1948 to 30 April 1950. The report was examined by the Advisory Committee on Administrative and Budgetary Questions which submitted its observations on it to the General Assembly (A/1414).

The statement of Income and Expenditure for the period under review showed that total income amounted to \$36,471,894, against a total expenditure of \$39,115,975, or an excess of expenditure over income of \$2,644,081.

As from 30 April 1950, the assets and liabilities of the Palestine Refugee Fund were transferred to the United Nations Relief and Works Agency for Palestine Refugees in the Near East. On that date, advances outstanding from the Working Capital Fund of the United Nations to finance operations of the Agency, under the terms of paragraph 14 of General Assembly resolution 302(IV), amounted to \$4,500,000. The Advisory Committee was informed that of this amount, \$2,000,000 had since been repaid and liquidation of the balance of \$2,500,000 was expected in the near future.

The agreements with the three operational agencies which are responsible for the implementation of UNRPR relief programmes in the field provided that the audit of accounts maintained by the agencies should be performed by accredited auditors of their own appointment.

Certain irregularities in the field accounts were brought to the notice of the Board of Auditors. In a few cases, supporting vouchers were not produced or were found to be incomplete. The Advisory Committee, however, understood that these

cases, relating mainly to petty cash, represented an inconsiderable amount.

The Fifth Committee considered, at its 237th meeting held on 2 October 1950, the financial report and accounts of UNRPR, the report of the Board of Auditors (A/1354) and the observations of the Advisory Committee (A/1414).

There was no discussion on these reports, and, on the Committee's recommendation (A/1448), unanimously adopted, the General Assembly, at its 302nd plenary meeting on 3 November, adopted without discussion, by 56 votes to none, resolution 452(V), as follows:

The General Assembly

1. Accepts the financial report and accounts of the United Nations Relief for Palestine Refugees for the period 1 December 1948 to 30 April 1950, and the certificate of the Board of Auditors;

2. Takes note of the report of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors.

2. Supplementary Estimates for the Financial Year 1950

In a report (A/C.5/409 & Corr.1) to the fifth session of the General Assembly, the Secretary-General recalled that the Assembly, by resolution 356(IV), had approved appropriations of \$49,641,773 to meet the expenses of the Organization for the financial year 1950. This total included an appropriation of \$8,000,000 for the establishment of a permanent international régime for the Jerusalem area and for the protection of the Holy Places. As no commitments had so far been entered into for this purpose and no call for payment had been made on Member States, the Secretary-General proposed that this amount should be cancelled. This would bring the budget appropriation for 1950 to \$41,641,773.

The Secretary-General submitted supplementary estimates grossing \$3,043,100 to cover additional requirements not contemplated in the original budget estimates. A saving of \$164,100 was, however, anticipated on the original 1950 appropriation and, accordingly, a supplementary appropriation was requested only for an amount of \$2,879,000.

Of this total, an amount of \$1,117,000 was required for reimbursement of national income taxes paid by staff members in respect of income received from the United Nations during 1950 or in respect of prior years for which reimbursement had not previously been made.

SUPPLEMENTARY ESTIMATES, 1950

(See General Assembly resolution 468(V), page 154)

Section	AMOUNT APPROPRIATED AS ADJUSTED UNDER PARA- GRAPH 4 OF RESOLUTION 356 (IV)	SUPPLEMENTARY APPROPRIATION, INCREASE OR decrease (italic figures)	REVISED AMOUNTS OF APPROPRIATION
A. UNITED NATIONS			
PART I. SESSIONS OF THE GENERAL ASSEMBLY, THE COUNCILS, COMMISSIONS AND COMMITTEES			
1. The General Assembly and commissions and committees thereof	\$1,171,825	\$ 106,000	\$1,277,825
2. The Security Council and commissions and committees thereof	112,100	.....	112,100
3. The Economic and Social Council and commissions and committees thereof	275,720	.....	275,720
(a) Permanent Central Opium Board and Drug Supervisory Body	36,750	.....	36,750
(b) Regional economic commissions	47,390	10,000	37,390
4. The Trusteeship Council and commissions and committees thereof	176,415	9,400	167,015
TOTAL, PART I	1,820,200	86,600	1,906,800
PART II. SPECIAL CONFERENCES, INVESTIGATIONS AND INQUIRIES			
5. Special conferences	115,600	31,700	83,900
6. Investigations and inquiries	3,410,200	770,000	4,180,200
(a) United Nations Field Service	337,000	.....	337,000
TOTAL, PART II	3,862,800	738,300	4,601,100
PART III. HEADQUARTERS, NEW YORK			
7. Executive Office of the Secretary-General	510,930	.....	510,930
(a) Library	449,370	.....	449,370
8. Department of Security Council Affairs	793,120	23,000	770,120
9. Military Staff Committee secretariat	128,800	5,000	123,800
10. Department of Economic Affairs	2,330,840	20,000	2,310,840
11. Department of Social Affairs	1,618,050	10,000	1,608,050
12. Department for Trusteeship and Information from Non-Self-Governing Territories	916,310	.....	916,310
13. Department of Public Information	3,274,280	.....	3,274,280
14. Department of Legal Affairs	519,140	.....	519,140
15. Conference and General Services	7,496,020	40,000	7,456,020
16. Administrative and Financial Services	2,887,360	.....	2,887,360
17. Common staff costs	3,987,920	1,117,000	5,104,920
18. Common services	2,099,900	78,400	2,178,300
(a) Transfer to the permanent Headquarters .....	.....	484,700	484,700
19. Permanent equipment	223,920	327,000	550,920
TOTAL, PART III	27,235,960	1,909,100	29,145,060
PART IV. UNITED NATIONS OFFICE AT GENEVA			
20. United Nations Office at Geneva (excluding direct costs, chapter III, secretariat of the Permanent Central Opium Board and Drug Supervisory Body)	4,134,830	125,900	4,260,730
Chapter III, the secretariat (direct costs) of the Permanent Central Opium Board and Drug Supervisory Body	53,270	.....	53,270
TOTAL, PART IV	4,188,100	125,900	4,314,000

		AMOUNT APPROPRIATED AS ADJUSTED UNDER PARA- GRAPH 4 OF RESOLUTION 356 (IV)	SUPPLEMENTARY APPROPRIATION, INCREASE OR decrease (italic figures)	REVISED AMOUNTS OF APPROPRIATION
Section				
PART V. INFORMATION CENTRES				
21. Information centres (other than information services, United Nations Office at Geneva)		\$746,520	\$15,000	\$731,520
TOTAL, PART V		746,520	15,000	731,520
PART VI. REGIONAL ECONOMIC COMMISSIONS (other than the Economic Commission for Europe)				
22. Economic Commission for Asia and the Far East		765,840	13,000	778,840
23. Economic Commission for Latin America		506,530	6,600	513,130
TOTAL, PART VI		1,272,370	19,600	1,291,970
PART VII. HOSPITALITY				
24. Hospitality		20,000		20,000
TOTAL, PART VII		20,000		20,000
PART VIII. TECHNICAL PROGRAMMES				
25. Advisory social welfare functions		601,500		601,500
(a) Technical assistance for economic development . .		508,420		508,420
(b) International centre for training in public ad- ministration		133,000		133,000
(c) Technical assistance administration		127,020		127,020
TOTAL, PART VIII		1,369,940		1,369,940
PART IX. SPECIAL EXPENSES				
26. Transfer of the assets of the League of Nations to the United Nations		533,768		533,768
TOTAL, PART IX		533,768		533,768
B. INTERNATIONAL COURT OF JUSTICE				
PART X. THE INTERNATIONAL COURT OF JUSTICE				
27. The International Court of Justice		592,115	14,500	606,615
TOTAL, PART X		592,115	14,500	606,615
GRAND TOTAL		\$41,641,773	\$2,879,000	\$44,520,773

The remainder of the supplementary estimates (\$1,762,000) covered various items for which provision was not made in the 1950 budget, in particular:

Additional outlay in connexion with Korea and Libya	\$770,000
Extra costs of holding the eleventh session of the Economic and Social Council in Geneva	157,800
Unbudgeted expenses incurred by the Interna- tional Court of Justice (for ad hoc judges) in the Colombian—Peruvian Asylum dispute	14,500
Costs of holding conferences on tin and grain at Geneva	74,000

Expenses to be incurred in 1950 as a result of advance procurement of equipment for which equivalent amounts would be deleted from the 1951 budget estimates 315,000

Expenses incurred in 1950 in connexion with the move to the permanent Headquarters 484,700

The Advisory Committee on Administrative and Budgetary Questions, in its report (A/1583) to the Assembly on the supplementary estimates, concurred in the proposal that the \$8,000,000 appropriated for 1950 for the establishment of a permanent international régime for the Jerusalem area should be cancelled.

As regards Korea, the Advisory Committee, while not proposing a reduction in the estimate, considered that there was scope for a substantial economy during 1951 in various accounts, and particularly in those relating to the operation of a chartered aircraft, the purchase of motor vehicles and the travelling and subsistence expenses of staff members. The Committee suggested that a high official of the Secretariat should be assigned during 1951 to make a thorough inspection of the offices of the United Nations Commission for the Unification and Rehabilitation of Korea, the Mission to India and Pakistan and possibly of other United Nations Missions to see that the expenditure was adequately controlled and that administrative arrangements were not in excess of actual requirements.

The Committee also considered that savings might be effected in the figures for the United Nations mission in Libya and for the ad hoc meeting on grain, since that meeting had been shorter than anticipated.

The Advisory Committee, while recommending approval of a supplementary appropriation for the purpose of reimbursing advances made from the Working Capital Fund in respect of allowances paid to ad hoc judges of the International Court of Justice, pointed out that savings might result under the budget section dealing with salaries and expenses of the Registry of the Court through an appropriate adjustment of the salary differential. In this connexion, attention was called to the fact that, pending the completion of a cost-of-living survey at The Hague, a provisional rate of minus-15 per cent had been applied since 1 January 1950 to the salaries of the Registrar and the permanent staff of the Court, but the result of the survey had indicated that the cost of living at The Hague was approximately 32 per cent lower than at Headquarters. The Advisory Committee was of the opinion that early action should be taken in this matter.

The Fifth Committee considered this question at its 275th meeting held on 5 December 1950. It concurred in the suggestion of the Advisory Committee that a high official of the Secretariat inspect various United Nations missions in the field and took note of the other observations made by the Advisory Committee.

The representative of the USSR expressed the objection of his delegation to the provision of funds for reimbursement of national income taxes on the grounds that this expenditure was properly chargeable to only a few and that, since the adoption by the United Nations of a staff assessment

plan,¹⁷³ ample time had elapsed for the Member States concerned to make appropriate arrangements in the matter. He stated further that, for reasons which had been given in the First Committee, it would be necessary for his delegation to vote against the supplementary appropriations requested in connexion with the United Nations Commission on Korea and the Office of the United Nations Commissioner in Libya. The Fifth Committee accordingly agreed to take separate votes on these particular items with the following results:

Advisory Committee's recommendation for a supplementary appropriation of \$770,000 in connexion with Korea and Libya: adopted by 34 votes to 4, with 1 abstention

Advisory Committee's recommendation for a supplementary appropriation of \$1,117,000 in respect of reimbursement of national income taxes: adopted by 31 votes to 4, with 4 abstentions

Remaining supplementary appropriations, as recommended by the Advisory Committee: approved unanimously

The Fifth Committee's report (A/1677) was considered by the General Assembly at its 324th plenary meeting on 14 December 1950. The Assembly adopted, without discussion, by 48 votes to 5, the draft resolution proposed by the Committee as its resolution 468(V), as follows:

The General Assembly

Resolves that for the financial year 1950:

1. The amount of \$US 49,641,773, appropriated by resolution 356(IV) adopted on 10 December 1949, is reduced by \$8,000,000 through the cancellation of the appropriation for the establishment of a permanent international régime for the Jerusalem area and protection of the Holy Places:

2. The residual amount of \$41,641,773 appropriated by the said resolution is increased by \$2,879,000 as follows: [see table on pages 152-53].

3. Miscellaneous income to be appropriated in aid of the above expenditure under paragraph 2 of resolution 356(IV) is estimated at \$5,091,740.

3. Budget of the United Nations for 1951

a. GENERAL BUDGETARY PROVISIONS

The Secretary-General submitted to the fifth session of the General Assembly budget estimates for 1951 (A/1267), totalling \$45,450,800, with an income estimated at \$6,007,500, leaving a net expenditure for the year of \$39,443,300. The amount of \$45,450,800 for 1951 compared with an approved budget of \$41,641,773 for the year 1950 (exclusive of \$8,000,000 specifically pro-

¹⁷³ See Y.U.N., 1948-49, pp. 903-4.

vided for an international régime for Jerusalem), and a total expenditure of \$42,575,368 for the year 1949.

The Secretary-General reported that the major portion of the increase for 1951 over 1950 was accounted for by certain items of expenditure to which the General Assembly was already committed. These items included:

First instalment on the \$65,000,000 Headquarters loan	\$1,000,000
Increase in the payment for League of Nations assets	116,000
Remodelling of the Library building at permanent Headquarters	500,000
Moving expenses, Lake Success to Manhattan	537,000
Increase of Headquarters maintenance in the new location	800,000
The refugee programme approved for 1951 by the fourth session of the General Assembly	300,000

An important new feature in the estimates for 1951, the Secretary-General reported, was the presentation of personnel costs on the basis of the salary and allowance system recommended by the Committee of Experts on Salary, Allowance and Leave Systems which he had appointed in accordance with the request of the General Assembly in 1948. The main recommendations of that Committee were accepted on the assumption that the plan in general would be acceptable to the General Assembly. Application of the new scheme in 1951 would effect some savings in net costs.

There were two major decreases in the estimates as compared with the 1950 appropriations. One concerned the international régime for Jerusalem, for which no provision was requested pending consideration by the General Assembly of the action to be taken. The other was a reduction of around \$880,000 in the interim estimate for investigations and inquiries. Detailed estimates in this respect could be submitted only after necessary decisions were made by the General Assembly and the Security Council on the future work of the commissions, the Secretary-General declared.

The main features of the estimates for 1951 were reflected in the following table, which showed a comparison part-by-part with the 1950 appropriations:

	1951	1950
I. Sessions of the General Assembly, the Councils, Commissions and Committees	\$ 1,142,400	\$ 1,173,500
II. Investigations and inquiries	2,800,000	3,679,700 ¹⁷⁴

III. Headquarters, New York (includes transfer to permanent Headquarters in 1951)	29,056,300	26,477,970
IV. United Nations Office at Geneva (includes Office of the High Commissioner for Refugees in 1951) ..	4,676,600	4,113,910
V. Information Centres (excluding Information Services, Geneva)	871,600	794,520
VI. Regional economic commissions (other than Economic Commission for Europe) ..	1,338,800	1,182,100
VII. Hospitality	40,000	20,000
VIII. Contractual printing ..	2,015,900	1,841,700
IX. Technical programmes	1,234,900	1,232,490
X. Special expenses ...	1,649,500	533,768
XL International Court of Justice	624,800	592,115
TOTAL	\$45,450,800	\$41,641,773 ¹⁷⁴

The increase for the Secretariat at Headquarters (part III) was largely due to the move to the permanent site. Otherwise, a certain amount of stabilization had been achieved. Excluding the Buildings Management Service, the number of established posts would be decreased by eleven.

No change was proposed in the number of Information Centres, and the public information programme generally remained the same. In the case of the Economic Commission for Asia and the Far East, it seemed necessary to continue in 1951 the extra posts required by the decision of the tenth session of the Economic and Social Council concerning expansion of activities in the fields of inland transport and technical assistance. Otherwise, the provisions requested for regional commissions did not differ markedly from 1950.

The increase in hospitality costs was an offset for the discontinuance of certain representation allowances, as recommended by the Committee of Experts.

Contractual printing costs, given in part VIII, were about \$170,000 higher than the 1950 appropriation. Owing to intensified efforts to place contracts in low-cost areas, the contemplated actual increase in volume of printing was greater than the increase in expenditure would indicate.

¹⁷⁴ Excludes \$8,000,000 specifically appropriated for an international régime for Jerusalem.

BUDGET OF THE UNITED NATIONS, 1951

(See General Assembly resolution 471(V), page 158)

Section

A. UNITED NATIONS

PART I. SESSIONS OF THE GENERAL ASSEMBLY, THE
COUNCILS, COMMISSIONS AND COMMITTEES

1. The General Assembly, commissions and committees	\$2,568,750	
2. The Security Council, commissions and committees ..		
3. The Economic and Social Council, commissions and committees	\$ 502,000	
(a) Permanent Central Opium Board and Drug Supervisory Body	22,900	
(b) Regional economic commissions	64,000	588,900
4. The Trusteeship Council, commissions and committees		53,600
TOTAL, PART I		\$ 3,211,250

PART II. INVESTIGATIONS AND INQUIRIES

5. Investigations and inquiries	3,946,800	
(a) United Nations Field Service	450,000	
TOTAL, PART II		4,396,800

PART III. HEADQUARTERS, NEW YORK

6. Executive Office of the Secretary-General	484,200	
(a) Library	450,000	934,200
7. Department of Security Council Affairs		758,700
8. Military Staff Committee secretariat		129,600
9. Technical Assistance Administration		300,000
10. Department of Economic Affairs		2,285,000
11. Department of Social Affairs		1,608,550
12. Department of Trusteeship and Information from Non-Self-Governing Territories		865,000
13. Department of Public Information		2,687,000
14. Department of Legal Affairs		430,000
15. Conference and General Services		7,179,000
16. Administrative and Financial Services		2,920,000
17. Common staff costs		4,366,700
18. Common services	2,810,000	
(a) Transfer to the permanent Headquarters	400,000	3,210,000
19. Permanent equipment		302,200
TOTAL, PART III		27,975,950

PART IV. UNITED NATIONS OFFICE AT GENEVA

20. United Nations Office at Geneva (excluding direct costs, chapter III, secretariat of the Permanent Central Opium Board and Drug Supervisory Body)	4,328,400	
Chapter III, joint secretariat of the Permanent Central Opium Board and Drug Supervisory Body	55,200	
(a) Office of the United Nations High Commissioner for Refugees	254,000	4,637,600
TOTAL, PART IV		4,637,600

PART V. INFORMATION CENTRES

21. Information centres (other than information services, United Nations Office at Geneva)	\$ 840,000	
TOTAL, PART V		\$ 840,000

PART VI. REGIONAL ECONOMIC COMMISSIONS

(other than the Economic Commission for Europe)

22. Economic Commission for Asia and the Far East	825,000	
23. Economic Commission for Latin America	503,800	
TOTAL, PART VI		1,328,800

PART VII. HOSPITALITY

24. Hospitality	20,000	
TOTAL, PART VII		20,000

PART VIII. CONTRACTUAL PRINTING

25. Official Records (excluding chapter VI, Permanent Central Opium Board and Drug Supervisory Body) . .	875,560	
Chapter VI, Permanent Central Opium Board and Drug Supervisory Body	12,440	888,000
26. Publications	962,000	
TOTAL, PART VIII		1,850,000

PART IX. TECHNICAL PROGRAMMES

27. Advisory social welfare functions	768,500	
28. Technical assistance for economic development	479,400	
29. International centre for training in public administration	145,000	
TOTAL, PART IX		1,392,900

PART X. SPECIAL EXPENSES

30. Transfer of the assets of the League of Nations to the United Nations	649,500	
31. Amortization of the Headquarters construction loan. . .	1,000,000	
TOTAL, PART X		1,649,500

B. THE INTERNATIONAL COURT OF
JUSTICE

PART XI. THE INTERNATIONAL COURT OF JUSTICE

32. The International Court of Justice	595,800	
TOTAL, PART XI		595,800
		47,898,600

C. SUPPLEMENTARY PROVISIONS

PART XII. SUPPLEMENTARY PROVISIONS

33. Global reduction on the provision for established posts	100,000	
GRAND TOTAL		\$47,798,600

The Fifth Committee (at its 238th-252nd, 256th, 258th, 259th, 263rd-267th, 269th-271st and 275th-282nd meetings on 3-5, 10, 12, 13, 17-20, 27 and 31 October; 3, 9, 14, 17, 20, 24, 28 and 29 November; and 5-7, and 11-13 December 1950) considered the budget estimates of the United Nations for the financial year 1951, as submitted by the Secretary-General and reviewed by the Advisory Committee on Administrative and Budgetary Questions.

The various sections of the budget were approved by the Committee by varying votes. At its 282nd meeting on 13 December 1950, the Committee decided to recommend approval of estimates in the total amount of \$47,798,600, representing an increase of \$6,156,827 over the sum appropriated for 1950 (exclusive of \$8,000,000 for the establishment of an International Régime for Jerusalem). At the same meeting, the Committee approved an estimate of miscellaneous income of \$6,521,000 to be applied as an offset against estimated 1951 expenditure for the purpose of assessment of contributions from Member States to the sixth annual budget. Estimated net expenditure for 1951 would thus amount to \$41,277,600, or \$4,756,117 more than the corresponding figure for 1950.

This amount would be subject to adjustments estimated as follows:

(a) Supplementary appropriation for the financial year 1950	\$2,879,000	
(b) Adjustment consequent upon overestimating the miscellaneous income for the financial year 1949	57,497	
	<hr/>	\$2,936,497
LESS:		
(c) Contribution resulting from the assessment of a new Member State (Indonesia)	\$ 73,100	
(d) Appropriation surrendered or to be surrendered under Financial Regulations 4.3 and 4.4:		
(i) Savings on prior year's appropriations as indicated in the financial report for 1949	841,662	
(ii) Savings during 1950 in liquidating prior year's obligations	470,000	1,384,762
	<hr/>	
TOTAL		\$1,551,735

As a result of these adjustments assessment of contributions from Member States for the financial year 1951 would amount, if appropriations were approved as recommended, to \$42,829,335, as compared with \$36,521,483 for 1950, or an increase of \$6,307,852.

The draft resolution suggested in the Fifth Committee's report (A/1734) was adopted by the Assembly at its 326th plenary meeting on 15 December, by 50 votes to none, with 5 abstentions.

The USSR representative, explaining the reason for his abstention, stated that the budget appropriations for the financial year 1951 provided appropriations for measures carried out in violation of the Charter of the United Nations. He declared that his delegation pointed out, in the discussion of these matters in the various Committees, that the Committee on the Balkans, the Korean Commission, the Interim Committee and the United Nations Field Service were set up in violation of the terms of the Charter, and it opposed the appropriations for these bodies. Furthermore, the USSR delegation opposed any appropriations for the Palestine Commission and suggested that that body be terminated since it had not carried out the tasks devolving upon it, namely, conciliation between the parties and achievement of a settlement. The USSR delegation also opposed appropriations for the Office of the High Commissioner for Refugees as well as appropriations to meet the expenditures connected with the maintenance of these refugees and stateless persons, because all these measures were designed to preclude the repatriation of these refugees and to hold them in the countries to which they were deported by force.

The Soviet representative went on to state that he had also abstained in the vote on the budget for 1951 because the total figure exceeded by more than \$4,000,000 the budget which was confirmed for 1950 at the last session of the General Assembly. The USSR delegation, he explained, felt that the amount approved for 1950 would be quite enough to ensure the smooth functioning of the United Nations in 1951. The budget for 1951, he emphasized, was an inflated one and was not warranted by the "true and genuine requirements of the United Nations".

The resolution adopted (471(V)) read as follows:

The General Assembly

Resolves that for the financial year 1951:

1. Appropriations totalling \$US47,798,600 are hereby voted for the following purposes: [see table on pages 156-57].

2. The appropriations voted by paragraph 1 above shall be financed by contributions from Members after adjustment as provided by the Financial Regulations. For this purpose, miscellaneous income for the financial year 1951 is estimated at \$US6,521,000;

3. The Secretary-General is authorized:

(i) To administer as a unit the appropriations provided under section 3 (a), section 20, chapter III, and section 25, chapter VI;

(ii) With the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, to transfer credits between sections of the budget;

4. In addition to the appropriations voted by paragraph 1 above, an amount of \$US14,000 is hereby appropriated for the purchase of books, periodicals, maps and library equipment, from the income of the Library Endowment Fund, in accordance with the objects and provisions of the endowment.

b. COMPENSATION TO MEMBERS OF COMMISSIONS, COMMITTEES OR SIMILAR BODIES IN CASE OF INJURY OR DEATH

The Advisory Committee on Administrative and Budgetary Questions in its second report of 1950 (A/1312) submitted recommendations to the fifth session of the General Assembly on this subject. The Committee's recommendations were based on proposals submitted to it by the Secretary-General, which, in turn, had been formulated in the light of a system of reparation for death or injury affecting staff members and auxiliary personnel (military observers, radio operators, etc.) offered by the Committee of Experts on Salary, Allowance and Leave Systems (A/C.5/331).

The question was considered by the Fifth Committee in connexion with its consideration of the budget estimates for 1951.

The compensation plan recommended by the Advisory Committee provided for payments to members of commissions, committees or similar bodies specified in the plan, who are eligible under the definition of "service-incurred disability" of per diem allowances, costs of medical assistance and hospitalization and disability benefits and, in the event of death, of funeral and related expenses and compensation to dependents.

The Fifth Committee approved the proposals unanimously and without discussion and, on the Committee's recommendation (A/1508), they were approved unanimously and without discussion by the General Assembly at its 305th plenary meeting on 16 November in resolution 458(V), as follows:

The General Assembly,

Taking into account the report of the Advisory Committee on Administrative and Budgetary Questions on the problem of compensation to members of commissions, committees or similar bodies in cases of injury or death attributable to service with the United Nations,

1. Approves the following basic points of the compensation plan proposed by the Advisory Committee on Administrative and Budgetary Questions:

(a) That compensation be paid solely to those members of commissions, committees or similar bodies whose service to the Organization is recognized to the extent that they receive subsistence allowance from the Organization;

(b) That compensation be payable only in the event of injury or death attributable to service with the United Nations, eligibility under this paragraph to be determined in accordance with the definition set out by the Advisory Committee on Administrative and Budgetary Questions in paragraph 342 (1) of document A/1312;

(c) That the maximum compensation to be paid to a claimant will be \$25,000, to be awarded in case of death or total disability;

2. Instructs the Secretary-General to follow, in the settlement of claims, the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in document A/1312.

c. SUBSISTENCE ALLOWANCES FOR MEMBERS OF COMMISSIONS, COMMITTEES, AND OTHER SUBSIDIARY BODIES

In December 1949 the Fifth Committee requested the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to review the adequacy of the rate of subsistence allowances paid to members of commissions, committees or other subsidiary bodies of the General Assembly and other organs of the United Nations and to report to the sixth session of the General Assembly taking account of such factors as revaluation of currencies and changes in the cost of living.

On the basis of facts presented by the Secretary-General concerning costs of subsistence, both in the New York area and in areas away from Headquarters where United Nations commissions or committees are in session, the Advisory Committee reviewed present subsistence rates and submitted to the General Assembly, in its second report of 1950 (A/1312), its recommendations on the matter.

The Fifth Committee considered these recommendations at its 258th and 259th meetings on 31 October and 4 November 1950.

In addition to the Advisory Committee's recommendations and an accompanying draft resolution (A/C.5/L.62), the Fifth Committee had before it a communication (A/C.5/394) dated 30 October 1950 from the President of the General Assembly requesting consideration, in accordance with rule 152 of the rules of procedure, of a draft resolution adopted by the Sixth Committee,¹⁷⁵ under which members of the International Law Commission would receive a special allowance—the

¹⁷⁵ See p. 848.

amount to be determined by the General Assembly. As regards the amount of such allowance, the Fifth Committee was informed that the Sixth Committee had adopted a statement expressing "the desire that the special allowance provided for in the draft resolution adopted by it on 28 October 1950 should be \$35 per day".

The Advisory Committee reaffirmed the accepted principle that the allowances represent subsistence and not a fee for service. It suggested that the Assembly reconsider the question of including, within the common system recommended, all expert bodies the members of which are presently eligible for allowances on a differing basis. The Committee recommended that the \$20 per diem rate currently in effect at Headquarters should be increased to \$25 per diem as of 1 January 1951 and that the \$20 rate at the local currency equivalent should be continued in respect of meetings away from Headquarters.

The United States representative proposed an amendment (A/C.5/L.64) to provide for an increase in subsistence allowance for expert bodies to \$35 per diem at Headquarters and \$30 per diem elsewhere. He agreed, however, with the Advisory Committee's recommendation that the allowance for members of commissions of inquiry and conciliation who are representatives of their Governments should be maintained at the local currency equivalent of \$20 per diem.

The amended draft resolution as presented by the United States (A/C.5/L.64) was rejected by 23 votes to 14, with 3 abstentions. The recommendations of the Advisory Committee (A/C.5/L.62) were then approved by 31 votes to none, with 10 abstentions.

After considering whether any exceptions to this general rule should be authorized, the Committee decided, by 19 votes to 15, with 7 abstentions, that it was unable to recommend the establishment of a special rate of \$35 per day as a daily subsistence allowance for members of the International Law Commission. As regards the special allowance of \$10 per diem, in addition to the normal subsistence allowance of \$20, approved by the General Assembly in 1949 for members of the Administrative Tribunal, the Committee understood that any such previous decisions would be superseded by the draft resolution which it recommended to the General Assembly.

The Assembly, at its 314th plenary meeting on 1 December, adopted the resolution recommended by the Committee (A/1538) unanimously and

without discussion as resolution 459(V). Its text was as follows:

The General Assembly

1. Reaffirms the principles and conditions for payment of transportation expenses and subsistence allowances as laid down in resolution 231 (III) of 8 October 1948;
2. Agrees that subsistence allowances for members of commissions and committees eligible under resolution 231 (III) meeting at Headquarters should be raised from \$20 to \$25 per diem as of 1 January 1951, as recommended by the Advisory Committee on Administrative and Budgetary Questions;
3. Agrees that members of commissions and committees meeting away from Headquarters should continue to receive subsistence allowances of \$20 per diem;
4. Concurs with the recommendation of the Advisory Committee that subsistence allowances for members of commissions of inquiry or conciliation meeting away from Headquarters should be paid at the local currency equivalent of \$20 per diem.

d. EMOLUMENTS OF THE JUDGES AND OF THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

At the fifth session of the General Assembly the Fifth Committee considered the question of the emoluments of the members and Registrar of the International Court of Justice at its 269th, 270th and 271st meetings on 24, 28 and 29 November. The Secretary-General had recommended (A/C.5/370) that the salaries of the members be fixed at \$20,000 per year, as from 21 September 1949, while the Advisory Committee recommended that the salaries should be raised from 54,000 to 65,000 Netherlands florins and remain stated in florins.

The draft resolution submitted by the Secretary-General was adopted by the Committee by 27 votes to 9, with 2 abstentions, and on the Committee's recommendation (A/1734) by the General Assembly at its 326th plenary meeting on 15 December by 50 votes to none, with 5 abstentions. Its text (474(V)) was as follows:

The General Assembly

Resolves that the emoluments of the Judges and of the Registrar of the International Court of Justice shall be fixed according to the following scale:

President:	Dollars (US)
Annual salary	20,000
Special allowance	4,800
Vice-President:	
Annual salary	20,000
Allowance equivalent to \$30 for every day on which he acts as President up to a maximum of \$3,000 per annum.	
Members:	
Annual salary	20,000

Judges referred to in Article 31 of the Statute: Allowance of \$35 for each day on which they exercise their functions, plus a daily subsistence allowance as provided for in the Travel and Subsistence Regulations of the International Court of Justice.

Registrar:

Salary and related emoluments equivalent to those of a Principal Director, adjusted in accordance with such differential as may be applied to the staff of the Registry at The Hague.

4. The Working Capital Fund and Unforeseen and Extraordinary Expenses

a. WORKING CAPITAL FUND

The Secretary-General proposed to the fifth session of the General Assembly (A/1267) that the Working Capital Fund be maintained to 31 December 1951 at the amount of \$20,000,000, and that he be authorized to advance certain sums from the Fund on certain conditions. The Advisory Committee on Administrative and Budgetary Questions suggested (A/1312) an alteration in one of these conditions, namely that loans made to specialized agencies would "normally" be repayable within two years. This amendment was suggested in view of General Assembly resolution 358(IV) which had stated that an extension of one year should be granted to the Interim Commission of the International Trade Organization for the repayment of the 1948 loans.

In a note to the Fifth Committee (A/C.5/L.103), the Secretary-General proposed additions to the draft resolution, as recommended by the Advisory Committee, to authorize him, in accordance with decisions already taken by the Fifth Committee, to advance from the Fund such sums as might be necessary: (1) to reimburse staff members for national income taxes paid by them; (2) for assistance to Palestine refugees (not exceeding \$5,000,000 and to be repaid by 31 December 1951); and (3) for the programme of relief and rehabilitation of Korea (up to \$1,000,000 and to be repaid by 31 July 1951).

The Fifth Committee, at its 282nd meeting on 13 December, adopted without objection the Advisory Committee's draft resolution and the added provisions suggested by the Secretary-General.

The draft resolution proposed by the Committee (A/1734) was adopted by the Assembly at its 326th plenary meeting on 15 December, without discussion, by 54 votes to none, with 5 abstentions. The resolution (473(V)) read as follows:

The General Assembly

Resolves that:

1. The Working Capital Fund shall be maintained to 31 December 1951 at the amount of \$US 20,000,000;

2. Members shall make advances to the Working Capital Fund in accordance with the scale adopted by the General Assembly for contributions of Members to the sixth annual budget;

3. There shall be set off against this new allocation of advances the amounts paid by Members to the Working Capital Fund for the financial year 1950; provided that, should the advance paid by any Member to the Working Capital Fund for the financial year 1950 exceed the amount of that Member's advance under the provision of paragraph 2 hereof, the excess shall be set off against the amount of contributions payable by that Member in respect of the sixth annual budget, or any previous budget;

4. The Secretary-General is authorized to advance from the Working Capital Fund:

(a) Such sums as may be necessary to finance budgetary appropriations pending receipt of contributions, sums so advanced shall be reimbursed as soon as receipts from contributions are available for the purpose;

(b) Such sums as may be necessary to finance commitments which may be duly authorized under the provisions of the resolution relating to unforeseen and extraordinary expenses. The Secretary-General shall make provision in the budget estimates for reimbursing the Working Capital Fund;

(c) Such sums as, together with net sums outstanding for the same purposes, do not exceed \$250,000 to continue the revolving fund to finance miscellaneous self-liquidating purchases and activities. Advances in excess of the total of \$250,000 may be made with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General shall submit, with the annual accounts, an explanation of the outstanding balance of the revolving funds at the end of each year;

(d) Loans to specialized agencies and preparatory commissions of agencies to be established by inter-governmental agreement under the auspices of the United Nations to finance their work, pending receipt by the agencies concerned of sufficient contributions under their own budgets. In making such loans, which shall normally be repayable within two years, the Secretary-General shall have regard to the proposed financial resources of the agency concerned, and shall obtain the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for any cash issues which would increase the aggregate balance outstanding (including amounts previously advanced and outstanding) at any one time to an amount in excess of \$3,000,000, and for any issue which would increase the balance outstanding (including amounts previously advanced and outstanding) in respect of any one agency to an amount in excess of \$1,000,000;

(e) Such sums as, together with the sums previously advanced and outstanding for the same purpose, do not exceed \$500,000 to continue the Staff Housing Fund in order to finance advance rental payment, guarantee deposits and working capital requirements for housing the staff of the Secretariat. Such advances shall be reimbursed to the Working Capital Fund following the

recovery of rental advances, guarantee deposits and working capital advances;

(f) Such sums, if any, as may be necessary to reimburse staff members for national income taxes paid by them in respect of payments received from the United Nations during 1951, or in respect of prior years for which reimbursement has not previously been made;

(g) In consultation with the Advisory Committee on Administrative and Budgetary Questions, such sums deemed to be available for this purpose and not exceeding \$5,000,000 for assistance to Palestine refugees, to be repaid not later than 31 December 1951 in accordance with the provisions of the resolution adopted by the General Assembly at its 315th plenary meeting on 2 December 1950;

(h) In consultation with the Advisory Committee on Administrative and Budgetary Questions, sums up to \$1,000,000 for the programme of relief and rehabilitation of Korea, repayable by 31 July 1951, these sums to include such charges for relief and rehabilitation of Korea as may have been incurred by the Working Capital Fund in 1950 for reimbursement from the special account established in accordance with the provisions of the resolution adopted by the General Assembly at its 314th plenary meeting on 1 December 1950.

b. ADVANCES FROM WORKING CAPITAL FUND: APPLICATION OF FAO FOR A LOAN FROM THE FUND

In a report dated 22 August 1950 (A/1322), the Secretary-General informed the General Assembly of an application from the United Nations Food and Agriculture Organization (FAO), for a loan of \$800,000 from the Working Capital Fund, for the purpose of financing in part the costs of the projected transfer of FAO headquarters from Washington to Rome. In transmitting this request, the Secretary-General called the General Assembly's attention to the fact that the conditions relating to loans to specialized agencies had customarily been included in the terms of the resolution concerning advances from the Working Capital Fund and had provided, *inter alia*, that such loans should normally be repayable within a period of two years (see above). FAO, however, sought authorization to repay the \$800,000 requested in equal annual instalments over a four-year period commencing with 1951 and the application was therefore submitted separately to the Assembly. The Council of FAO had recommended that the first charge on the FAO budget for 1951 and each of the three following years should be a sum of \$200,000 for payment of such instalments.

The Fifth Committee considered the request of FAO at its 251st meeting on 19 October 1950. In addition to the report of the Secretary-General (A/1322), it had before it the observations thereon of the Advisory Committee on Administrative and Budgetary Questions as set forth in its seventh

report of 1950 (A/1445) and the Secretary-General's report on advances from the Working Capital Fund and unforeseen and extraordinary expenses for 1950 (A/1432).

The Advisory Committee, after calling attention to its proposal concerning the Working Capital Fund for 1951 (A/1312), in view of the exceptional circumstances underlying the application from FAO, recommended that the General Assembly should approve the granting of a loan of \$800,000 subject to repayment within a maximum period of four years and to the following conditions:

- (i) Specific authorization for the loan should be included in the resolution relating to the Working Capital Fund (1951) to be adopted by the General Assembly;
- (ii) Any balance of the loan outstanding at the end of a period of two years from the date of the granting of the loan should bear interest, at a rate to be agreed between the Secretary-General of the United Nations and the Director-General of FAO;
- (iii) The Council of FAO should make every effort to arrange for the repayment of the loan within a shorter term than four years.

FAO subsequently informed the Secretary-General that it might be necessary for it to enter into expenditure commitments relating to the transfer of its headquarters prior to 1951 and that it therefore wished to be able to utilize loan monies for this purpose during 1950, should the need arise. In these circumstances and in order that final decisions regarding the financing of and arrangements for the move might be taken by the FAO Conference which was to commence in Washington on 6 November 1950, the Secretary-General, with the concurrence of the Chairman of the Advisory Committee, proposed to the Fifth Committee the adoption of a separate draft resolution (A/C.5/L.51), authorizing him to advance from the Working Capital Fund, as a loan to FAO, sums not exceeding \$800,000 on terms and conditions as recommended by the Advisory Committee.

Though certain representatives, including those of the Netherlands and Norway, expressed some doubt as to the procedure followed and maintained that such requests should be considered together with the resolution on the Working Capital Fund, no objection was raised with respect to the substance of the draft resolution submitted by the Secretary-General. This was approved by the Fifth Committee, after a brief discussion, by 34 votes to 1, with 5 abstentions.

The draft resolution proposed by the Fifth Committee (A/1498) was adopted by the General Assembly at its 305th plenary meeting on 16 November by 48 votes to none, with 6 abstentions. Its text (457(V)) read as follows:

The General Assembly,

Having considered the request submitted by the Food and Agriculture Organization of the United Nations to the Secretary-General for a loan of \$800,000 from the Working Capital Fund of the United Nations for the purpose of financing part of the costs of the transfer of the Food and Agriculture Organization from Washington, D. C. to Rome,

Desirous of facilitating the work of the Food and Agriculture Organization,

Authorizes the Secretary-General to advance from the Working Capital Fund, as a loan to the Food and Agriculture Organization of the United Nations, sums not exceeding \$800,000 to finance the removal of its headquarters to Rome. Such a loan shall be repayable within a maximum period of four years, in annual instalments of not less than \$200,000. Interest, at a rate to be determined between the Secretary-General of the United Nations and the Director-General of the Food and Agriculture Organization, shall be payable on any balance of the loan outstanding at the end of a period of two years from the date on which the loan is made.

c. UNFORESEEN AND EXTRAORDINARY EXPENSES

The Secretary-General proposed (A/1267) that the General Assembly authorize him to enter into commitments to meet unforeseen and extraordinary expenses—under certain conditions with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Advisory Committee recommended that no special provision should be made for commitments relating to the expenses to be occasioned by second sessions of the three original economic commissions. It pointed out that the Assembly had concurred in a similar recommendation the previous year.

In a note to the Fifth Committee (A/C.5/L.104), the Secretary-General proposed additions to the draft resolution, as recommended by the Advisory Committee, to authorize him, in accordance with decisions already taken by the Fifth Committee, to enter into commitments without the concurrence of the Advisory Committee to meet unforeseen and extraordinary expenses with respect to: (1) expenses occasioned by an extraordinary session of the Economic, Employment and Development Commission; (2) sums required for the establishment of an International Bureau for Declaration of Death (not exceeding \$40,000); and (3) expenses occasioned by the convening of an inter-governmental commodity conference.

The Fifth Committee considered the question at its 282nd meeting on 13 December. The USSR

representative said that he would abstain from voting on the proposal "in view of the objections his delegation had made to certain appropriations which were the subject of the draft resolution and the Secretary-General's proposal". The Advisory Committee's draft resolution and the Secretary-General's proposal were adopted without further objection by the Fifth Committee.

The draft resolution proposed by the Fifth Committee (A/1734) was adopted unanimously by the General Assembly at its 326th plenary meeting on 15 December as resolution 472(V). It read as follows:

The General Assembly

Resolves that, for the financial year 1951,

The Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations, is authorized to enter into commitments to meet unforeseen and extraordinary expenses; provided that the concurrence of the Advisory Committee shall not be necessary for:

(a) Such commitments not exceeding a total of \$US 2,000,000 if the Secretary-General certifies that they relate to the maintenance of peace and security or to urgent economic rehabilitation;

(b) Such commitments as may be necessary to provide for reasonable expenses for the proposed Economic Commission for the Middle East, should the Economic and Social Council decide that this Commission shall be created in 1951;

(c) Such commitments, duly certified by the President of the International Court of Justice, relating to expenses occasioned:

(i) By the designation of ad hoc judges (Statute, Article 31),

(ii) By the appointment of assessors (Statute, Article 30) or of witnesses and experts (Statute, Article 50),

(iii) By the holding of sessions of the Court away from The Hague (Statute, Article 22),

and which do not exceed \$24,000, \$25,000 and \$75,000 respectively, under each of these three headings;

(d) Such commitments as relate to expenses occasioned by an extraordinary session of the Economic, Employment and Development Commission which may be called by its Chairman if exceptional circumstances require;

(e) Such commitments not exceeding a total of \$40,000 as are required for the establishment of an International Bureau for Declarations of Death, in accordance with the terms of article 8 of the Convention on the Declaration of Death of Missing Persons;

(f) Such commitments as are occasioned by the convening of an inter-governmental commodity conference;

The Secretary-General shall report to the Advisory Committee and to the next regular session of the General Assembly all commitments made under the provisions of the present resolution, together with the circumstances relating thereto, and shall submit supplementary estimates to the General Assembly in respect of such commitments.

5. Scale of Assessments for the Apportionment of the Expenses of the United Nations

The scale of assessments for the apportionment of the expenses of the United Nations for the financial year 1951 was considered at the fifth session of the General Assembly by the Fifth Committee, at its 271st to 274th meetings from 29 to 30 November 1950 and at the 324th plenary meeting of the Assembly on 14 December. The Committee had before it the report of the Committee on Contributions (A/1330 & Corr.1).

The Fifth Committee at its 274th meeting on 30 November voted on the various proposals before it. A USSR proposal that the scale of assessments for 1951 should remain the same as in 1950 was rejected by 24 votes to 5, with 15 abstentions.

A Pakistani proposal that the report of the Committee on Contributions should be referred back to it for revision of the scale of assessments in the light of the statements made by various delegations during the discussions on the subject, and that meanwhile the rate of contribution for 1951 should remain as for 1950, was rejected by 25 votes to 15, with 4 abstentions.

The draft resolution embodying the recommendations of the Committee on Contributions was then voted on paragraph by paragraph and was adopted as a whole by 37 votes to 7, with 1 abstention.

The assessment of Indonesia was referred to the Committee on Contributions, whose report on this subject (A/1602) was considered by the Fifth Committee at its 276th meeting on 6 December 1950. The representative of Indonesia accepted, on behalf of his Government, the recommendations of the Committee on Contributions, which were considered equitable in view of the economic conditions of his country. He also expressed agreement with the draft resolution presented by the Secretary-General in accordance with which Indonesia would be called upon to pay a sum in respect of the Working Capital Fund for 1951 amounting to 0.60 per cent of the total amount of the Fund.

The Fifth Committee approved the recommendations of the Committee on Contributions and the Secretary-General and incorporated them in its draft resolution.

The General Assembly at its 324th plenary meeting on 14 December considered the report of the Fifth Committee (A/1669 & Corr.1) and a USSR amendment (A/1670) to provide, in

effect, that the scale of assessments for 1951 should be maintained at the present level, without any changes.

The USSR amendment was rejected by 21 votes to 5, with 8 abstentions. The draft resolution proposed by the Fifth Committee was then adopted by 41 votes to 6, with 2 abstentions.

The representatives of the Byelorussian SSR, Czechoslovakia, the Ukrainian SSR and the USSR, in explaining their negative votes, stated that in its proposal for changing the rates of contributions of different Member States, the Committee on Contributions had deviated from the principle that the expenses of the United Nations should be apportioned according to capacity to pay and had failed to take into consideration the extent of the damage suffered by States during the Second World War and their sacrifices in men and materials.

The text of the resolution adopted (462(V)) read as follows:

The General Assembly resolves

1. That the scale of assessments for the 1951 budget shall be as follows:

Country	Per cent
Afghanistan	0.06
Argentina	1.85
Australia	1.92
Belgium	1.35
Bolivia	0.08
Brazil	1.85
Burma	0.15
Byelorussian Soviet Socialist Republic	0.24
Canada	3.30
Chile	0.41
China	6.00
Colombia	0.37
Costa Rica	0.04
Cuba	0.31
Czechoslovakia	0.99
Denmark	0.79
Dominican Republic	0.05
Ecuador	0.05
Egypt	0.71
El Salvador	0.05
Ethiopia	0.08
France	6.00
Greece	0.18
Guatemala	0.06
Haiti	0.04
Honduras	0.04
Iceland	0.04
India	3.41
Iran	0.45
Iraq	0.17
Israel	0.12
Lebanon	0.06
Liberia	0.04
Luxembourg	0.05
Mexico	0.63
Netherlands	1.35

Country	Per cent
New Zealand.....	0.50
Nicaragua.....	0.04
Norway.....	0.50
Pakistan.....	0.74
Panama.....	0.05
Paraguay.....	0.04
Peru.....	0.20
Philippines.....	0.29
Poland.....	1.05
Saudi Arabia.....	0.08
Sweden.....	1.85
Syria.....	0.11
Thailand.....	0.24
Turkey.....	0.91
Ukrainian Soviet Socialist Republic.....	0.92
Union of South Africa.....	1.04
Union of Soviet Socialist Republics.....	6.98
United Kingdom of Great Britain and Northern Ireland.....	11.37
United States of America.....	38.92
Uruguay.....	0.18
Venezuela.....	0.30
Yemen.....	0.04
Yugoslavia.....	0.36
TOTAL	100.00

2. That, notwithstanding the provisions of rule 159 of the rules of procedure of the General Assembly, the scale of assessments for the apportionment of the expenses of the United Nations shall be reviewed by the Committee on Contributions in 1951 and a report submitted for the consideration of the General Assembly at its next regular session;

3. That Switzerland shall contribute 1.65 per cent of the expenses of the International Court of Justice for the year 1951, this assessment having been established after consultation with the Swiss Government, in accordance with the terms of General Assembly resolution 91(I) of 11 December 1946;

4. That the Principality of Liechtenstein, having become a party to the Statute of the International Court of Justice on 29 March 1950, shall contribute 0.04 per cent of the expenses of the Court for 1951 and three-quarters of the assessment of 0.04 per cent of the expenses of the Court for 1950, these assessments having been established after consultation with the Liechtenstein Government, in accordance with General Assembly resolution 363(IV) of 1 December 1949;

5. That, notwithstanding the terms of financial regulation 5.5, the Secretary-General shall be empowered to accept, at his discretion, and after consultation with the Chairman of the Committee on Contributions, a portion of the contributions of Member States for the financial year 1951 in currencies other than United States dollars;

6. That, for the year 1951, the assessment for the Republic of Indonesia shall be 0.60 per cent, which shall be in addition to the scale of assessments amounting to 100 per cent set out in paragraph 1 above;

7. That, in view of the fact that the Republic of Indonesia became a Member of the United Nations on

28 September 1950, it shall contribute for the year of admission to membership an amount equal to one-third of the percentage assessment for 1951, calculated on the basis of the budget for 1950;

8. That, notwithstanding the provisions of financial regulation 5.8, Indonesia shall not be required to provide its proportion of the total advances to the Working Capital Fund for the year 1951, but shall deposit with the United Nations an amount corresponding to 0.60 per cent of the total amount of the Fund, which shall, upon determination of the 1952 scale of assessments, be credited to the Fund subject to any necessary adjustment.

6. Expenses of the Permanent Central Opium Board

Pursuant to General Assembly resolution 353-(IV) the Secretary-General submitted a report (A/1418) to the fifth session of the General Assembly concerning the question of assessment of non-members of the United Nations which are signatories of the Convention of 19 February 1925 relating to Narcotic Drugs. The report, as requested by the Assembly, embodied the results of a comprehensive study of this question, regard being had to the total expenses incurred in connexion with the international administration of narcotic drugs and of other functions or powers, the responsibility for which is shared by non-members of the United Nations under existing treaties.

The question was considered by the Fifth Committee at its 258th meeting on 31 October 1950. In addition to the report of the Secretary-General, the Fifth Committee had before it the observations thereon of the Advisory Committee on Administrative and Budgetary Questions (A/1461).

The Fifth Committee was informed that, exclusive of the costs relating to international administration in the field of narcotic drugs and the costs of the International Court of Justice which are already assessed in part against non-members of the United Nations, the Secretary-General was not able to select any expenses resulting from international treaties in respect of which he considered that he could recommend an assessment on non-member States. In the case, however, of international administration in the field of narcotic drugs the view was expressed by the Secretary-General that, in addition to direct meeting and secretariat costs of the Permanent Central Opium Board, certain other costs enumerated in his report might reasonably be deemed to comprise assessable expenditure towards which non-member States might be asked to contribute. The Advisory Committee indicated its concurrence in the recommendation

made by the Secretary-General with respect to such expenditure, as well as in his provisional recommendation that the United Nations should include in its calculations similar expenses incurred by the World Health Organization (WHO), on the understanding that, should these proposals be approved, the United Nations would turn over to WHO its share of such collections.

As regards the scale of assessment to be applied to non-members of the United Nations, the Advisory Committee favoured the first of the alternative methods proposed by the Secretary-General, namely, that the General Assembly, on the recommendation of the Committee on Contributions, should establish the percentage contribution to be paid—this assessment being based on the same principles as those used for the assessment of Member States in apportioning the expenses of the United Nations (i.e. the method presently used in assessing contributions of non-member States to the expenses of the International Court of Justice). As assurance was given by the Secretary-General in his report that, when seeking payment of contributions from non-member States, he would be guided by the resolutions of the General Assembly regulating the relationships with those States.

The Fifth Committee approved without discussion or objection the Advisory Committee's recommendation that the draft resolution submitted by the Secretary-General should be adopted.

On the Committee's recommendation (A/1497) the draft resolution was adopted unanimously by the General Assembly at its 305th plenary meeting on 16 November, as resolution 455(V). It read as follows:

The General Assembly,

Taking note of the report of the Secretary-General to the fifth session of the General Assembly on the question of the assessment of signatories of international instruments relating to the control of narcotic drugs, which are non-members of the United Nations, for their fair share of expenses resulting from obligations placed on the United Nations by those instruments,

1. Approves the principle proposed by the Secretary-General for determining the expenses to be considered as assessable on such non-members;

2. Requests the Committee on Contributions to determine the rates at which such non-members should be assessed by the same method as that followed in determining the assessment of non-members which are parties to the Statute of the International Court of Justice for their share of the expenses of the Court;

3. Directs the Secretary-General to seek payment of such amounts as are determined by the method established above in respect of the 1950 expenses and those of future years.

7. Permanent Financial Regulations of the United Nations

Resolution 80(I) of 11 December 1946 instructed the Secretary-General to submit draft financial regulations to the Advisory Committee for consideration and final adoption by the General Assembly at its regular annual session in 1947. In approving the regulations submitted to it at its second session the General Assembly decided, however, to continue to consider them as provisional pending further study and experience. This further study was conducted in close consultation with the specialized agencies, and the Consultative Committee on Administrative Questions agreed at its eighth session, after extensive discussions, on a common set of financial regulations and reported this agreement to the Administrative Committee on Co-ordination. The latter Committee, on 3 May 1950, took note of the agreement and of the fact that the Secretary-General and the head of each specialized agency would present the regulations as drafted to the appropriate bodies of their respective organizations.

The Secretary-General accordingly presented for consideration by the General Assembly at its fifth session a draft text of the permanent financial regulations of the United Nations (A/1331).

Amendments to the draft text were proposed by the Advisory Committee on Administrative and Budgetary Questions (A/1412). The Advisory Committee stressed the importance of adopting uniform regulations as a means of securing co-ordinated administration between the United Nations and the specialized agencies. It had, therefore, limited its amendments to the most important points, namely to those which it considered would ensure a sounder financial administration.

The question was considered by the Fifth Committee at its 257th meeting on 30 October 1950.

The financial regulations were unanimously approved by the Fifth Committee and, together with the Committee's draft resolution (A/1496) by the General Assembly at its 305th plenary meeting on 16 November. The resolution adopted by the Assembly (456(V)) read as follows:

The General Assembly,

Taking note of the agreement reached in the Administrative Committee on Co-ordination to recommend a common set of financial regulations for the United Nations and the specialized agencies,

Approving the amendments [document A/1412] recommended by the Advisory Committee on Administrative and Budgetary Questions,

1. Declares that the Financial Regulations of the United Nations set out in the annex to the present

resolution are adopted in place of those adopted by the General Assembly at its second session under resolution 163(II);

2. Expresses the hope that Member States will support the adoption by the specialized agencies of the Financial Regulations approved herein for the United Nations, with only such alterations as are required to meet the constitutional provisions and organizational structure of the respective agencies.

ANNEX FINANCIAL REGULATIONS OF THE UNITED NATIONS

Article I

APPLICABILITY

1.1 These regulations shall govern the financial administration of the United Nations, including the International Court of Justice.

Article II

THE FINANCIAL YEAR

2.1 The financial year shall be the period 1 January to 31 December inclusive.

Article III

THE BUDGET

3.1 The annual budget estimates shall be prepared by the Secretary-General.

3.2 The estimates shall cover income and expenditures for the financial year to which they relate, and shall be presented in United States dollars.

3.3 The annual budget estimates shall be divided into parts, sections, chapters and articles, and shall be accompanied by such information annexes and explanatory statements as may be requested by, or on behalf of, the General Assembly, and such further annexes or statements as the Secretary-General may deem necessary and useful.

3.4 The Secretary-General shall submit to the regular session of the General Assembly budget estimates for the following financial year. The estimates shall be transmitted to all Member States at least five weeks prior to the opening of the regular session of the General Assembly.

3.5 The Secretary-General shall, at least twelve weeks prior to the opening of the regular session of the General Assembly, submit the estimates to the Advisory Committee on Administrative and Budgetary Questions (hereinafter referred to as the "Advisory Committee") for examination.

3.6 The Advisory Committee shall prepare a report to the General Assembly on the estimates submitted by the Secretary-General. This report shall be transmitted to all Member States at the same time as the estimates.

3.7 The budget for the following financial year shall be adopted by the General Assembly after consideration and report on the estimates by the Administrative and Budgetary Committee of the Assembly.

3.8 Supplementary estimates may be submitted by the Secretary-General whenever necessary.

3.9 The Secretary-General shall prepare supplementary estimates in a form consistent with the annual estimates and shall submit such estimates to the General Assembly. The Advisory Committee shall review such estimates and report thereon.

Article IV

APPROPRIATIONS

4.1 The appropriations voted by the General Assembly shall constitute an authorization to the Secretary-General to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted.

4.2 Appropriations shall be available for obligation during the financial year to which they relate.

4.3 Appropriations shall remain available for twelve months following the end of the financial year to which they relate to the extent that they are required to discharge obligations in respect of goods supplied and services rendered in the financial year and to liquidate any other outstanding legal obligation of the year. The balance of the appropriations shall be surrendered.

4.4 At the end of the twelve-month period provided in regulation 4.3 above, the then remaining balance of any appropriations retained will be surrendered. Any unliquidated prior year obligations shall at that time be cancelled or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.

4.5 No transfer between appropriation sections may be made without authorization by the General Assembly.

Article V

PROVISION OF FUNDS

5.1 The appropriations, subject to the adjustments effected in accordance with the provisions of regulation 5.2, shall be financed by contributions from Member States, according to the scale of assessments determined by the General Assembly. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

5.2 In the assessment of the contributions of Member States, adjustments shall be made to the amount of the appropriations approved by the General Assembly for the financial year in respect of:

(a) Supplementary appropriations for which contributions have not previously been assessed on the Member States;

(b) Miscellaneous income for which credits have not previously been taken into account, and any adjustments in estimated miscellaneous income previously taken into account;

(c) Contributions resulting from the assessment of new Member States under the provisions of regulation 5.8;

(d) Any balance of the appropriations surrendered under regulations 4.3 and 4.4.

5.3 After the General Assembly has adopted the budget and determined the amount of the Working Capital Fund, the Secretary-General shall:

(a) Transmit the relevant documents to Member States;

(b) Inform Member States of their commitments in respect of annual contributions and advances to the Working Capital Fund;

(c) Request them to remit their contributions and advances.

5.4 Contributions and advances shall be considered as due and payable in full within thirty days of the receipt of the communication of the Secretary-General referred to in regulation 5.3 above, or as of the first day of the financial year to which they relate, whichever is the later. As of 1 January of the following financial year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears.

5.5 Annual contributions and advances to the Working Capital Fund of the United Nations shall be assessed and paid in United States dollars.

5.6 Payments made by a Member State shall be credited first to the Working Capital Fund and then to the contributions due in the order in which the Member was assessed.

5.7 The Secretary-General shall submit to the regular session of the General Assembly a report on the collection of contributions and advances to the Working Capital Fund.

5.8 New Members shall be required to make a contribution for the year in which they become Members and to provide their proportion of the total advances to the Working Capital Fund at rates to be determined by the General Assembly.

5.9 States which are not Members of the United Nations but which become parties to the Statute of the International Court of Justice or treaty bodies financed from United Nations appropriations shall contribute to the estimated expenses of such bodies at rates to be determined by the General Assembly. Such contributions shall be taken into account as miscellaneous in-

Article VI

FUNDS

6.1 There shall be established a General Fund for the purpose of accounting for the expenditures of the Organization. The contributions paid by Member States under regulation 5.1, miscellaneous income, and any advances made from the Working Capital Fund to finance general expenditures shall be credited to the General Fund.

6.2 There shall be established a Working Capital Fund in an amount and for purposes to be determined from time to time by the General Assembly. The source of monies of the Working Capital Fund shall be advances from Member States, and these advances, made in accordance with the scale of assessments as determined by the General Assembly for the apportionment of the expenses of the United Nations, shall be carried to the credit of the Member States which have made such advances.

6.3 Advances made from the Working Capital Fund to finance budgetary appropriations during a financial year shall be reimbursed to the Fund as soon as and to the extent that income is available for that purpose.

6.4 Except when such advances are recoverable from some other source, advances made from the Working Capital Fund for unforeseen and extraordinary expenses or other authorized purposes shall be reimbursed through the submission of supplementary estimates.

6.5 Income derived from investments of the Working Capital Fund shall be credited to miscellaneous income.

6.6 Trust Funds, Reserve and Special Accounts may be established by the Secretary-General and shall be reported to the Advisory Committee.

6.7 The purpose and limits of each Trust Fund, Reserve and Special Account shall be clearly defined by the appropriate authority. Unless otherwise provided by the General Assembly, such Funds and Accounts shall be administered in accordance with the present Regulations.

Article VII

OTHER INCOME

7.1 All other income, except:

(a) Contributions to the budget;

(b) Direct refunds of expenditures made during the financial year; and

(c) Advances or deposits to Funds, shall be classed as miscellaneous income, for credit to the General Fund.

7.2 Voluntary contributions, whether or not in cash, may be accepted by the Secretary-General provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Organization and provided that the acceptance of such contributions which directly or indirectly involve additional financial liability for the Organization shall require the consent of the appropriate authority.

7.3 Monies accepted for purposes specified by the donor shall be treated as Trust Funds or Special Accounts under regulations 6.6 and 6.7.

7.4 Monies accepted in respect of which no purpose is specified shall be treated as miscellaneous income and reported as "gifts" in the annual accounts.

Article VIII

CUSTODY OF FUNDS

8.1 The Secretary-General shall designate the bank or banks in which the funds of the Organization shall be kept.

Article IX

INVESTMENT OF FUNDS

9.1 The Secretary-General may make short-term investments of monies not needed for immediate requirements and shall inform the Advisory Committee periodically of such investments which he has made.

9.2 The Secretary-General may make long-term investments of monies standing to the credit of Trust Funds, Reserve and Special Accounts as may be provided by the appropriate authority in respect of each such Fund or Account.

9.3 Income derived from investments shall be credited as provided in the rules relating to each Fund or Account.

Article X

INTERNAL CONTROL

10.1 The Secretary-General shall:

(a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;

(b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and that payments have not previously been made;

(c) Designate the officers who may receive monies, incur obligations and make payments on behalf of the Organization;

(d) Maintain an internal financial control which shall provide for an effective current examination and/or review of financial transactions in order to ensure:

- (i) The regularity of the receipt, custody and disposal of all funds and other financial resources of the Organization;
- (ii) The conformity of obligations and expenditures with the appropriations or other financial provisions voted by the General Assembly, or with the purposes and rules relating to Trust Funds and Special Accounts;
- (iii) The economic use of the resources of the Organization.

10.2 No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Secretary-General.

10.3 The Secretary-General may make such *ex gratia* payments as he deems to be necessary in the interests of the Organization, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts.

10.4 The Secretary-General may, after full investigation, authorize the writing off of losses of cash, stores and other assets, provided that a statement of all such accounts written off shall be submitted to the Auditors with the annual accounts.

10.5 Tenders for equipment, supplies and other requirements shall be invited by advertisement, except where the Secretary-General deems that, in the interests of the Organization, a departure from the rule is desirable.

Article XI

THE ACCOUNTS

11.1 The Secretary-General shall maintain such accounting records as are necessary and shall submit annual accounts showing for the financial year to which they relate:

- (a) The income and expenditures of all Funds;
- (b) The status of appropriations, including:
 - (i) The original budget appropriations;
 - (ii) The appropriations as modified by any transfers;
- (iii) Credits, if any, other than the appropriations voted by the General Assembly;
- (iv) The amounts charged against these appropriations and/or other credits;
- (c) The assets and liabilities of the Organization.

He shall also give such other information as may be appropriate to indicate the current financial position of the Organization.

11.2 The annual accounts of the Organization shall be presented in United States dollars. Accounting records may, however, be kept in such currency or currencies as the Secretary-General may deem necessary.

11.3 Appropriate separate accounts shall be maintained for all Trust Funds, Reserve and Special Accounts.

11.4 The annual accounts shall be submitted by the Secretary-General to the Board of Auditors not later than 31 March following the end of the financial year.

Article XII

EXTERNAL AUDIT

12.1 Subject to any special direction of the General Assembly, each audit which the Board of Auditors established under resolution 74 (1) is required to make shall be conducted in accordance with the principles set out in the appendix to the present Regulations.

12.2 At the commencement of each financial year the Board of Auditors and the Advisory Committee shall be notified as to the sum provided to defray the cost of audit of each Trust Fund, Reserve and Special Account to be performed by the Board during the year. Thereupon, the Board shall consult the Advisory Committee relative to the scope of the several audits to be made by the Board.

12.3 The Board of Auditors may allocate, subject to the concurrence of the Advisory Committee, the audit work among the members of the Board, provided that two members shall jointly certify the annual accounts submitted by the Secretary-General in accordance with the provisions of regulation 11.4.

12.4 Whenever any financial statement is certified by only one member of the Board of Auditors, there shall be associated therewith a certificate of another member of the Board to the effect that the audit programme had been approved by the Board and that all special instructions given by the Board to the member were carried out.

12.5 Whenever it is necessary to make a local or special examination, the Board of Auditors may, subject to the budgetary provision for the audit concerned, arrange for the services of any national Auditor-General (or equivalent title) who is eligible to be appointed to the membership of the Board or of commercial public auditors of known repute.

Article XIII

RESOLUTIONS INVOLVING EXPENDITURES

13.1 No Council, commission or other competent body shall take a decision involving expenditure unless it has before it a report from the Secretary-General on the administrative and financial implications of the proposal.

13.2 Where, in the opinion of the Secretary-General, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the General Assembly has made the necessary appropriations, unless the Secretary-General certifies that provision can be made under the conditions of the resolution of the General Assembly relating to unforeseen and extraordinary expenses.

Article XIV

GENERAL PROVISIONS

14.1 These regulations shall be effective as of the date of their approval by the General Assembly, and may be amended only by the General Assembly.

Article XV

SPECIAL PROVISIONS

15.1 The estimates of the International Court of Justice shall be prepared by the Court, in consultation with the Secretary-General. These estimates shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

APPENDIX TO THE FINANCIAL REGULATIONS

PRINCIPLES TO GOVERN THE AUDIT PROCEDURES OF THE UNITED NATIONS

1. The Board of Auditors shall perform an audit of the accounts of the United Nations, including all Trust and Special Accounts, as it may deem necessary in order to certify:

(a) That the financial statements are in accord with the books and records of the Organization;

(b) That the financial transactions reflected in the statements have been in accordance with the rules and regulations, the budgetary provisions and other applicable directives;

(c) That the securities and monies on deposit and on hand have been verified by certificate received direct from the Organization's depositaries or by actual count.

2. Subject to the provisions of the Financial Regulations, the Board of Auditors shall be the sole judge as to the acceptance in whole or in part of certifications by the Secretariat and may proceed to such detailed examination and verification as it chooses of all financial records, including those relating to supplies and equipment.

3. The Board of Auditors may affirm by test the reliability of the internal audit and may make such reports with respect thereto as the Board may deem necessary, to the General Assembly or to the Advisory Committee on Administrative and Budgetary Questions, or to the Secretary-General.

4. The several members of the Board and staff working under its direction shall subscribe to such oath as may be approved by the Advisory Committee on Administrative and Budgetary Questions. Thereupon the members of the Board and its staff shall have free access at all convenient times to all books of account and records which are, in the opinion of the Board, necessary for the performance of the audit. Information classified as confidential in the records of the Secretariat, and which is required by the Board for purposes of the audit, shall be made available on application to the Assistant Secretary-General for Administrative and Financial Services. In the event that the Board is of the opinion that a duty rests on it to draw to the attention of the General Assembly any matter respecting which all or part of the documentation is classified as confidential, direct quotations should be avoided.

5. The Board of Auditors, in addition to certifying the accounts, may make such observations as it may deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices.

6. In no case, however, shall the Board of Auditors include criticism in its audit report without first afford-

ing the Secretariat an opportunity of explanation to the Board on the matter under observation. Audit objections to any items arising during the examination of the accounts shall be immediately communicated to the Assistant Secretary-General for Administrative and Financial Services.

7. The Board of Auditors shall prepare a report on the accounts certified in which it should mention:

(a) The extent and character of its examination or any important changes therein;

(b) Matters affecting the completeness or accuracy of the accounts, such as:

(i) Information necessary to the correct interpretation of the account,

(ii) Any amounts which ought to have been received but which have not been brought to account,

(iii) Expenditures not properly substantiated;

(c) Other matters which should be brought to the notice of the General Assembly, such as:

(i) Cases of fraud or presumptive fraud,

(ii) Wasteful or improper expenditure of United Nations money or other assets (notwithstanding that the accounting for the transaction may be correct),

(iii) Expenditure likely to commit the United Nations to further outlay on a large scale,

(iv) Any defect in the general system or detailed regulations governing the control of receipts and expenditure, or of supplies and equipment,

(v) Expenditure not in accordance with the intention of the General Assembly, after making allowance for duly authorized transfers within the budget,

(vi) Expenditure in excess of appropriations as amended by duly authorized transfers within the budget,

(vii) Expenditure not in conformity with the authority which governs it;

(d) The accuracy or otherwise of the supplies and equipment records as determined by stock-taking and examination of the records;

In addition, the report may contain reference to:

(e) Transactions accounted for in a previous year concerning which further information has been obtained, or transactions in a later year concerning which it seems desirable that the General Assembly should have early knowledge.

8. The Board of Auditors, or such of their officers as they may designate, shall certify the financial statements in the following terms:

"The financial statements of the United Nations for the financial year ended 31 December . . . have been examined in accordance with our directions. We have obtained all the information and explanations that we have required, and we certify, as a result of the audit, that, in our opinion, the financial statements are correct",

adding, should it be necessary:

"subject to the observations in our report".

9. The Board of Auditors shall have no power to disallow items in the accounts but shall draw to the attention of the Secretary-General for appropriate action any transaction concerning which it entertains doubt as to legality or propriety.

10. A representative of the Board of Auditors shall be present when the Board's report is being considered by the General Assembly.

I. ADMINISTRATIVE ARRANGEMENTS

1. United Nations Postal Administration

The General Assembly on 8 October 1948, in resolution 282(III), approved in principle the idea of establishing a United Nations postal administration, and asked the Secretary-General to continue the inquiries and negotiations already initiated on the question. In resolution 342(IV),¹⁷⁶ adopted on 20 October 1949, the Assembly requested the Secretary-General to continue the preparation of necessary arrangements for the establishment of the administration, and asked him to report to its fifth regular session.

In his report (A/1394/Rev.1), the Secretary-General informed the Assembly that, pursuant to its instructions, he had prepared, in consultation with the Government of the United States, a draft agreement for the establishment of a United Nations postal administration which provided, *inter alia*:

- (a) That there be established a United Nations Post Office Station to be operated by the United States Post Office Department;
- (b) That the United Nations Post Office Station would provide "all the services offered by any United States Post Office having comparable operations";
- (c) That the United Nations Post Office would use only United Nations postage stamps;
- (d) That the United Nations may operate a separate philatelic agency for the sale of United Nations postage stamps for philatelic purposes, in response to orders received by mail and that all revenue from such sales would be retained by the Organization;
- (e) That the United Nations would furnish free of charge United Nations postage stamps in such quantities as may be necessary to fulfil all reasonable needs of the United Nations Post Office Station;
- (f) That all revenue derived from sales of the United Nations postage stamps at the United Nations Post Office Station and from other services rendered by the United Nations Post Office Station would be retained by the United States Post Office Department as full and complete compensation for the performance of its obligations under the agreement;
- (g) That the United Nations would provide at its own expense the premises, custodial services and utilities necessary for the operation of the United Nations Post Office Station; and
- (h) That the United States Post Office Department would provide at its own expense all staff, equipment and other services and facilities necessary for the operation of the United Nations Post Office.

In his report, the Secretary-General explained that the original plan, under which the United Nations was to assume full responsibility for operating its own postal administration, presented numerous foreseeable administrative difficulties,

and therefore a more practical and workable arrangement had been negotiated, under which the United States Post Office Department would, on behalf of the United Nations Postal Administration, operate the United Nations Post Office in the Headquarters District of the United Nations.

Expenditure for the operation of the postal administration on the proposed basis would, it was estimated, amount in the first full year to \$83,000 and to a somewhat lower figure in subsequent years. Offsetting revenue from the sale of stamps for philatelic purposes was tentatively estimated at \$300,000 for the first year. It would still be necessary to provide under the budget estimates for the expenses of United Nations official mail to the amount of approximately \$180,000.

The Secretary-General submitted for the Assembly's consideration a draft resolution (see below). The question was considered by the Fifth Committee at its 258th meeting on 31 October and by the General Assembly at its 305th plenary meeting on 16 November 1950.

In addition to the report of the Secretary-General (A/1394/Rev.1) the Committee had before it the eighth report (1950) of the Advisory Committee on Administrative and Budgetary Questions (A/1453). The Advisory Committee expressed the view that the proposed plan of the Secretary-General was well conceived in that (a) it offered substantial advantages in terms of publicity for the United Nations; (b) it was administratively simple since actual postal services would be entrusted to those most competent to carry them out, that is, the officials of the United States Post Office Department; and (c) some revenue would accrue to the Organization. Accordingly, the Committee recommended that the Assembly adopt the draft resolution submitted by the Secretary-General.

In the course of discussion in the Fifth Committee, the Chairman of the Advisory Committee and the representative of the Secretary-General explained that the plan applied, for the time being, solely to the United Nations Headquarters, although it was hoped that, in due course, similar arrangements might be extended to other United Nations offices and to the specialized agencies.

The representatives of Norway and the United Kingdom, among others, urged that extreme care be exercised in connexion with the operations of

¹⁷⁶ See Y.U.N., 1948-49, p. 925.

the philatelic agency to avoid placing the United Nations in a situation which would be incompatible with its dignity and prestige. Attention was also called to the danger of flooding the market with United Nations stamps with a consequent depreciation of their face value and loss of revenue to the Organization. The Fifth Committee was assured on behalf of the Secretary-General that the position in this respect would be carefully watched.

The representative of Brazil, while generally approving the terms of the draft agreement, expressed regret that the separate agency to be maintained by the United Nations for the sale of stamps for philatelic purposes was only to fulfil orders received by mail. He considered that the revenue which should accrue to the United Nations would be substantially decreased if the Organization were to be precluded from participating in direct sales of United Nations stamps to the public. Other representatives, however, including those of Argentina, Canada, France and the United States, while sympathizing with this point of view, stressed that it was specifically recognized in the agreement itself that implementation of several of its provisions would require considerable administrative and operational adjustment. Without some experience, for example, it was difficult to arrive at an exact formula for the division of revenue as between postage stamps sold for philatelic purposes and for use on mail matter. Those stamps sold specifically for the one purpose might possibly be diverted for the other use. Because of operational problems of this nature, the draft agreement provided that one or both the parties concerned might request a revision of the agreement after one year's experience of actual operation.

The draft resolution proposed by the Secretary-General was adopted unanimously by the Committee. On the Committee's recommendation, it (A/1507) was adopted unanimously without further discussion by the Assembly at its 305th plenary meeting on 16 November 1950, and the Secretary-General on the same date appointed Bertil A. Renborg to be head of the new postal administration. The text of the resolution (454(V)) read as follows:

The General Assembly,

Referring to resolutions 232(III) of 8 October 1948 and 342(IV) of 20 October 1949, and in particular to paragraphs 2 and 3 of resolution 342(IV),

Having considered the report of the Secretary-General on the organization of a United Nations postal administration and the observations thereon submitted by the

Advisory Committee on Administrative and Budgetary Questions,

1. Takes note of the annexed draft agreement between the United Nations and the United States of America for the establishment of a United Nations postal administration in conformity with the terms of the Headquarters Agreement;

2. Requests the Secretary-General to proceed with the conclusion of the aforesaid agreement and with the necessary arrangements for the establishment of a United Nations postal administration at the earliest possible date consistent with sound administrative arrangements;

3. Authorizes the Secretary-General to appoint a committee which shall be empowered to give final approval to designs for United Nations postage stamps;

4. Requests the Secretary-General to submit to the General Assembly, not later than the beginning of its seventh session, a comprehensive report on the establishment and operations of the United Nations postal administration.

ANNEX

POSTAL AGREEMENT BETWEEN THE UNITED NATIONS and THE UNITED STATES OF AMERICA

Whereas, a certain Agreement between the United Nations and the United States of America, dated the 26th day of June, 1947, regarding the Headquarters of the United Nations (said Agreement being hereinafter referred to as the "Headquarters Agreement") provides that in the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a Supplemental Agreement;¹⁷⁷ and

Whereas, the United Nations desires to establish a postal service in conformity with the Headquarters Agreement,

Now therefore, the parties hereto agree as follows:

Section 1

SCOPE OF AGREEMENT

(i) Subject to the provisions of this Agreement, there shall be established a United Nations Post Office Station in the Headquarters District of the United Nations, as defined in the Headquarters Agreement, which shall be operated by the United States Post Office Department.

(ii) The United Nations Post Office Station shall provide at the prevailing rates all the services offered by any United States Post Office having comparable operations except that the United Nations Post Office Station shall use only United Nations postage stamps.

Section 2

SUPPLY OF UNITED NATIONS POSTAGE STAMPS AND STAMPED PAPER

(i) The United Nations shall at its own expense furnish all United Nations postage stamps required under the terms of this Agreement.

(ii) In the event that the United Nations shall produce or authorize production of stamped envelopes and postcards, such envelopes or postcards shall conform to the specifications of the United States Post Office Department as to size and as to quality of paper used.

¹⁷⁷ See Y.U.N., 1947-48, p. 200: art. II, sec. 6 of Headquarters Agreement.

(iii) No United Nations postage stamps shall be distributed except in accordance with the terms of this Agreement.

Section 3

SALE OF UNITED NATIONS POSTAGE STAMPS

(i) The United Nations Post Office Station shall sell only United Nations postage stamps which shall be provided by the United Nations free of charge in such quantities as may be necessary to fulfil all reasonable needs of the United Nations Post Office Station. All revenue derived from such sales of United Nations postage stamps and from other services rendered by the United Nations Post Office Station shall be retained by the United States Post Office Department as full and complete compensation for performance of its obligations under the terms of this Agreement, except, however, that the United States Post Office Department shall be reimbursed for performance of any postal services resulting from use of United Nations postage stamps sold for philatelic purposes under the provisions of paragraph (ii) of this section which are used as postage on mail matter posted at the United Nations Post Office Station by being paid an amount equal to the face value of any such stamps so used as postage.

(ii) The United Nations may maintain a separate agency for the sale of United Nations postage stamps for philatelic purposes in response to orders received by mail. Subject to the provisions of paragraph (i) of this section all revenue derived from such philatelic sales of United Nations postage stamps shall be retained by the United Nations for its own use.

Section 4

UNITED NATIONS POSTMARKS

The United Nations shall furnish all postmarking stamps to be applied to mail posted for mailing in the Headquarters District and shall furnish all such postmarking stamps to the United Nations Post Office Station free of charge. All postmarks shall be designated as United Nations postmarks.

Section 5

UNITED NATIONS POST OFFICE STATION PREMISES

The United Nations shall provide the United States Post Office Department at the expense of the United Nations with the quarters, custodial services and utilities necessary to enable the United States Post Office Department to operate the United Nations Post Office Station in the Headquarters District.

Section 6

STAFF AND EQUIPMENT

Except as otherwise provided in this Agreement the United States Post Office Department will provide at its own expense all staff, equipment and other services and facilities necessary to enable the United States Post Office Department to operate the United Nations Post Office Station under, the terms of this Agreement.

Section 7

POSTAL ADDRESS OF THE UNITED NATIONS

The postal address of the Headquarters District of the United Nations shall be "United Nations, New York".

Section 8

DURATION OF THE AGREEMENT

(i) This Agreement shall take effect on a date to be agreed upon between the United Nations and the United States Post Office Department.

(ii) This Agreement shall be subject to revision, on the written proposal of either contracting party, after one year from the date of commencement of operations.

(iii) This Agreement may be terminated by either party giving the other written notice of its intention to terminate such Agreement at least twelve (12) months in advance of the termination date fixed in such notice.

IN WITNESS WHEREOF the respective representatives have signed this Agreement and have affixed their seals hereto.

DONE in duplicate this..... day of.....

2. United Nations Telecommunications System

The General Assembly, in resolution 240-(III)¹⁷⁸ adopted on 18 November 1948, approved, in principle, the establishment of a United Nations telecommunications system, and authorized the Secretary-General to present to the Assembly's fifth session recommendations establishing the system.

In his report to the Assembly at its fifth session (A/1454), the Secretary-General pointed out that, in addition to making provision for radio broadcasting facilities, a comprehensive telecommunications plan should take account of the needs of "point-to-point" facilities for written record and telephone traffic between the United Nations Headquarters, overseas offices and missions in the field. The Secretary-General recommended, however, that the development of such facilities should not proceed for the time being, since existing commercial arrangements appeared to be adequate, and the present volume of traffic would not warrant the additional expenditure involved.

Accordingly, his proposals envisaged the construction by the United Nations of minimal broadcasting facilities only, to be used for services of special priority and services to areas which could not be effectively or appropriately served by the use of available transmitters in the New York area. The United Nations transmitters were to be equipped with antennas beamed on Europe, Africa and Latin America, with a relay installation in North Africa consisting of two 50-kilowatt transmitters with antennas directed to South Africa, Europe, the Middle East and Asia. In order to minimize construction and operating costs, the Secretary-General proposed that these facilities should

¹⁷⁸ See Y.U.N., 1948-49, p. 927.

be operated under a maintenance and service contract by an outside contractor, in which event it was estimated that operating costs would be comparable to the costs involved for an equal amount of time on the nationally operated facilities presently in use.

The new facilities to be acquired and operated by the United Nations would, it was estimated, accommodate 50 per cent of the present broadcasting schedule. On this basis, it was anticipated that no net addition to the budget in respect of operating costs would be incurred, since the Organization would dispense with certain transmitting facilities which currently entailed rental charges of over \$95,000. The total estimated cost of the plan recommended by the Secretary-General was estimated at \$1,983,000. The Secretary-General proposed that he should be authorized to accept for this purpose such voluntary contributions or donations as would be appropriate and necessary to carry out his suggestions in whole or in part.

The General Assembly was further informed that in all proposals presented to and considered by the International Telecommunication Union, United Nations frequency requirements necessary for the implementation of its telecommunications system had been fully recognized; and in addition, the International Telecommunication Union had accepted the United Nations as an operating broadcasting agency and a non-voting member of the Union.

The Advisory Committee on Administrative and Budgetary Questions submitted a report to the Assembly on the financial implications of the proposed plan (A/1492). It considered that this plan would offer an appreciable advantage to the United Nations; however, the conditions governing the acceptance of donations or contributions were to be clearly consonant with the dignity of the Organization; and the necessary safeguards for the independent operation and security of the telecommunications system were to be afforded. Consequently, the Advisory Committee considered it desirable that the Secretary-General should be given clear guidance in this connexion, should the General Assembly decide to approve the plan as recommended.

At the fifth session of the General Assembly, the matter was considered by the Fifth Committee at its 263rd and 274th meetings on 9 and 30 November. The Committee had before it the report of the Secretary-General and the report of the Advisory Committee.

During the initial discussion of the Secretary-General's proposals at the 263rd meeting of the Fifth Committee, the representative of the United Kingdom expressed the opinion that the Committee should be supplied with further information before taking any decision. He stated that before his delegation could act on the subject, it would require full particulars as to what negotiations were taking place, what the voluntary contributions in question were, and whether sponsored radio was in any way involved. He also declared that his delegation was interested in knowing what future plans were contemplated rather than what had been done up to the present time.

In response to this request, the Secretary-General submitted a further note (A/C.5/401), in which he advised the Fifth Committee that, while no formal negotiations had taken place, informal talks had indicated that there were possibilities of obtaining sufficient donations on the sole condition that they be used for the furtherance of United Nations interests in the field of broadcasting. The Secretary-General stated that it was not his intention to permit the United Nations telecommunications system at any time or in any way to be used for commercial purposes, or for any other ends not in accordance with the specific interests of the Organization, and would not accept donations if other conditions were attached.

At the 274th meeting of the Fifth Committee on 30 November these assurances were reaffirmed, including the assurance that approval of the Secretary-General's recommendations would not involve the United Nations in any additional or supplementary expenditure either for capital or operational purposes. It was also stated, on behalf of the Secretary-General, that the criteria of furthering exclusively the interests of the United Nations would preclude acceptance of any donation or contribution which carried with it any political, economic or moral obligation. With this understanding, the Fifth Committee unanimously approved a draft resolution to instruct the Secretary-General to put his proposals into effect.

The report of the Fifth Committee (A/1635) was considered by the General Assembly at its 320th plenary meeting on 12 December. The draft resolution contained in the report was adopted by the Assembly by 49 votes to none. Its text (460(V)) was as follows:

The General Assembly

1. Instructs the Secretary-General to proceed with the implementation of the proposals outlined in document A/1454 for a modified United Nations telecommunications system, provided that the capital expenditure in-

volved does not constitute a net addition to the budget of the United Nations;

2. Authorizes the Secretary-General to accept for this purpose such voluntary contributions and/or donations as would be appropriate and necessary to carry out these proposals in whole or in part, it being understood that any and all facilities or funds made available to the United Nations as a result of such voluntary gifts or contributions would become the exclusive property and be under the sole control of the United Nations;

3. Requests the Secretary-General to report on this matter to the sixth session of the General Assembly.

3. Headquarters of the United Nations

a. REPORT OF THE SECRETARY-GENERAL

Pursuant to paragraph 3 of resolution 350-(IV)179 adopted by the General Assembly on 24 November 1949, the Secretary-General submitted to the fifth regular session of the Assembly a progress report (A/1392/Rev.1) on the permanent Headquarters.

(1) Description of Work

The Secretary-General recalled that work on the site had started with demolition of old buildings on 8 July 1947. Excavation had been begun on 14 September 1948 and completed on 15 February 1949. Digging and blasting down to 31 feet below street level, the excavators had removed 215,000 cubic yards of earth and rock. Concrete piers, carried to rock at depths below grade of as much as 40 feet, had been cast to receive the steel frame. Work then began on constructing the units of Headquarters, described in the report as follows. Secretariat Building—Tallest of the group, it has 39 storeys above ground and three underground. It is a rectangular structure of steel and glass, 72 feet wide, 287 feet long, and 544 feet above street level, located at the south end of the site area and oriented north and south.

Steel erection for the Secretariat building was started on 19 April and completed on 5 October 1949. On an average, 580 tons of structural steel were placed per week. Over all, 5,400 windows and glass spandrels and 2,000 tons of marble were set.

The Secretariat building is provided with eighteen high-speed elevators, three service and freight elevators and eight moving stairs, besides stationary stairs. Elevators and stairways are in the centre of the building in order to provide maximum outside lighting. The building also has a vertical conveyor system and a pneumatic tube system which also will serve the Library and the Conference area.

The first offices in the Secretariat building were occupied on 21 August 1950.¹⁸⁰

Conference Area and Meeting Halls—The Conference area, which would house the Security Council, the Economic and Social Council and the Trusteeship Council and provide facilities for other conferences and committees, was expected to be completed by July 1951,¹⁸¹ the Secretary-General reported. It would be connected with both the General Assembly and the Secretariat buildings; would be approximately 400 feet long and 183 feet wide; and would contain seven storeys, including two basement levels. The Chambers for the three Councils, he said, would be on the upper level; these rooms would be 72 feet wide, 135 feet long, and 24 feet high. The Chambers would be equipped with technical facilities, including booths for simultaneous interpretation, press, radio, television and film. There would be office space for Secretariat services adjacent to the Chambers; a delegates lounge, 36 feet wide, 175 feet long, and 24 feet high, with a ten-foot-deep bay window, at the north side of the area; and a smaller lounge primarily for the Security Council to the south.

Each Chamber would have seating accommodation for approximately 120 members of the Press and 400 public spectators. The Security Council Chamber would provide for 21 representatives at the table, 84 advisers, 32 observers, and sixteen members of the Secretariat; the Trusteeship Council Chamber, 21 representatives, 84 advisers, five petitioners, fourteen special advisers, 32 observers, and sixteen members of the Secretariat; and the Economic and Social Council Chamber, 23 representatives, 92 advisers, fourteen representatives from specialized agencies, 32 observers, sixteen representatives from non-governmental organizations, and sixteen members of the Secretariat.

On the level below the Council Chambers would be three large Conference rooms, each about 135 feet long, 72 feet wide and eighteen feet high. These rooms, designed to meet the needs of Main Committees of the General Assembly, would have facilities for 70 representatives with two advisers for each (to be expanded if necessary for as many as 85 representatives and 170 advisers), 88 members of the Press and 170 public spectators. There would be six smaller committee rooms, each of which would accommodate about 27 representatives, with 28 seats for advisers, Press or public.

¹⁷⁹ See Y.U.N., 1948-49, p. 979.

¹⁸⁰ The move from Lake Success to the Secretariat building was substantially completed in February 1951.

¹⁸¹ An expected completion date in early 1952 was later set.

The principal dining area at the Headquarters would be located on the roof level, above the Council Chambers, and would contain a delegates restaurant seating 300, private dining rooms, and a Secretariat cafeteria seating 400.

General Assembly Building—This unit, the Secretary-General reported, was expected to be completed in time for the Assembly's seventh session in 1952. It would be 380 feet long and 160 feet wide. The north end, where the principal public entrance would be, would have a façade 75½ feet high supporting the roof, which would slope concavely downward to 53½ feet at the south façade.

There would be a five-level passageway connecting the General Assembly building and the conference area. The two lower levels of the Assembly building would contain committee rooms, including a fourth large conference room for Assembly committees with seats for 75 representatives, 225 advisers, and 34 specialized agencies representatives and Secretariat staff; and also radio studios, recording and control rooms and maintenance areas.

The principal delegates entrance would be on the west (First Avenue) side of the building.

The General Assembly auditorium would be a circular area, over 100 feet in diameter, capped with a shallow tilted dome. It would be equipped with public-address, motion-picture projection and other technical facilities. The auditorium would provide seating accommodation for 360 representatives, 234 members of the Press, 276 observers and 800 public spectators. The number of seats for representatives could be increased, if necessary, by at least 40. A working area for Press, radio and television services would have office space, lounge, dispatch rooms and other essentials.

Garage—An underground garage, built in three levels, partly under the General Assembly building and partly under the landscaped area, accommodates 1500 cars. There are numerous entrances and exits to the parking area, which totals about 600,000 square feet.

Library—The seven-storey Manhattan Office building, originally a New York City property containing the City Housing Authority and standing on the site at the time of acquisition, has become the United Nations Library, with space for about 300,000 books. Its seventh floor is the headquarters of the Military Staff Committee. A passageway links the Library and the Secretariat building, and a pneumatic tube system for books and documents

is projected. A vertical chain conveyor transports books between the Library floors.

Delegation Building—The Secretary-General declared that since the question of developing the plan for a delegation building (to house offices of delegations, specialized agencies and non-governmental organizations) had been discussed with the Headquarters Advisory Committee in 1949, no further action had been taken, as the Committee did not recommend a continuation of earlier studies made by the Secretary-General.

Landscaping—The Secretary-General reported that it was intended for the landscaping to consist of as much green open space as possible, small planted areas, trees placed informally and possibly a fountain in front of the Secretariat building. The display of the United Nations flags would probably be on First Avenue in front of the delegates entrance to the Assembly building.

(2) New York City's Part in Establishing United Nations Headquarters

The Secretary-General reported that the generous offer of \$8,500,000 of Mr. John D. Rockefeller, Jr., for the purchase of the site of the permanent headquarters for the United Nations had been contingent upon the co-operation of the City of New York. Certain parcels of land which could not be purchased had to be condemned and paid for by the City, and a number of other conditions met. Specifically, these included the closing and transfer of streets and a City playground on the site and a grant of the exclusive riparian rights on the river shore of the site. The City agreed to widen First Avenue, construct a traffic tunnel under it, widen and reconstruct certain streets as dignified approaches, provide additional zoning restrictions in the neighbourhood, grant tax exemption, transfer the City Housing Authority building to the United Nations at the actual cost of construction and grant an easement over Franklin D. Roosevelt Drive. The total value of the New York City contribution was currently estimated at \$26,500,000.

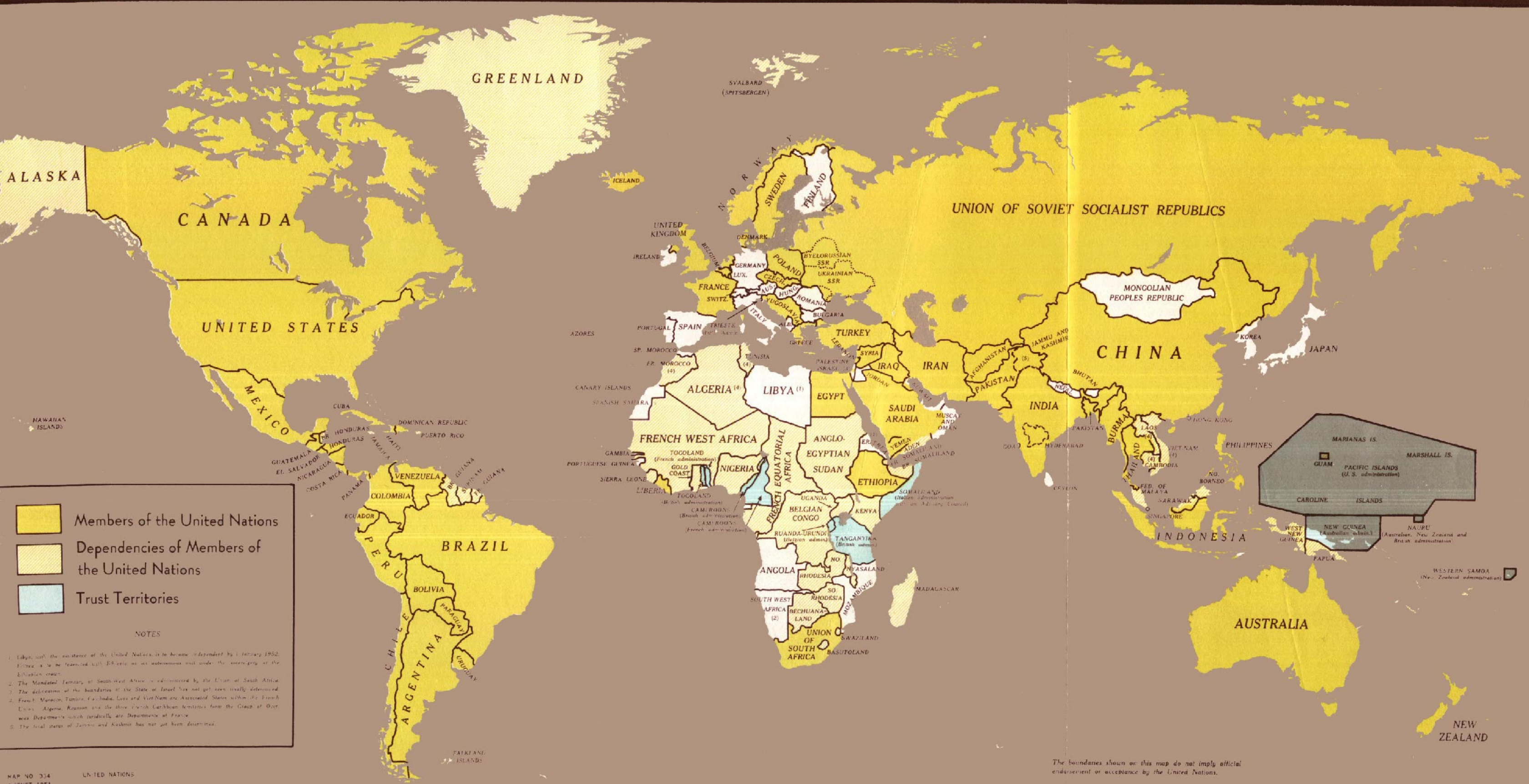
(3) Budget

The budget for the planning, construction and furnishing of the permanent Headquarters, together with other necessary expenditures, was as follows:

Secretariat building and foundations . . .	\$25,105,000
Demolition and excavation	847,500
Tenant relocation	659,000
Manhattan office building	1,544,000
Landscaping	1,000,000

MEMBERS OF THE UNITED NATIONS AND THEIR DEPENDENCIES*, AND TRUST TERRITORIES AS OF 31 DECEMBER 1950

* Because of the scale of this map, all dependencies are not shown. For list of Non-Self-Governing Territories, see Part One, Chapter V of this Yearbook.



Furniture and fixtures	\$ 1,000,000
Relocation of Franklin D. Roosevelt Drive	2,900,000
Communications	860,000
Administrative costs	649,000
Architectural, design and planning	2,246,000
Engineering and supervision	3,139,500
Title search relating to the acquisition of the site	20,000
Meeting halls and covering for the drive.	12,000,000
South parking garage and alterations to the Interborough Rapid Transit vent.	2,030,000
General Assembly and north parking garage	11,000,000
TOTAL.	\$65,000,000

(4) Procurement and Furnishings

At the fourth session of the General Assembly, during the discussion of the Secretary-General's report on the permanent Headquarters, attention had been drawn to the subject of world-wide procurement. In accordance with wishes expressed at that time, efforts had been made, the Secretary-General reported, to develop a more completely international procurement programme both for day-to-day operations and in the establishment of the permanent Headquarters. Letters of inquiry were sent to the Governments of all Member States, accompanied by lists of items which those States might be able to supply. Representatives of the Secretary-General visited many countries to investigate possible sources of supply and to discuss with manufacturers and suppliers both the immediate and long-range needs of the Organization. As a result of careful consideration, the Secretary-General stated, there could be wide procurement, particularly for such items as furniture, electronics equipment, floor coverings, special glass, marble and special interior finishes. Indeed, considerable purchases had already been made in 1950 and it was thought that about 75 per cent of all interior furnishings would come from abroad.

Board of Art Advisers.—Early in 1950, the Secretary-General decided, after consultation with members of the Headquarters Advisory Committee, that a Board of Art Advisers should be appointed. In March, the following Board members were named: Wallace K. Harrison (United States), Chairman; Jacques Carlu (France), Miguel Covarrubias (Mexico) and Howard Robertson (United Kingdom).

It was decided that its terms of reference should be to: (1) assist the Secretary-General in establishing an appropriate policy for guidance on

the type of decor required for the United Nations permanent Headquarters site and buildings; (2) study and evaluate all offers, proposals and donations of works of art from Governments, organizations and individuals, and to advise the Secretary-General regarding acceptance or rejection of specific offers; and (3) propose artists who may be appointed to execute sculpture, murals and other works of art at appropriate locations incorporated in the architectural plans.

Gifts.—Many offers of gifts, the Secretary-General reported, had been received from Governments, organizations of various kinds, commercial concerns and individuals. He had therefore requested the Board of Art Advisers to consider the best way of dealing with these offers, and to make recommendations. At its first meeting, the Board decided, *inter alia*, that no gifts should be accepted which could be interpreted as having commercial significance or advertising value to the donor, and that portraits of national and international figures might be acceptable, subject to the provision that they should form part of a non-permanent exhibition and that they should be considered as works of art, regardless of the personalities involved. Gifts from the Governments of Member States for the Headquarters buildings and grounds, the Board stated, would be welcomed, and the Secretary-General addressed a letter on this subject in April 1950 to all Members, attaching a list of suggestions for the guidance of those Governments interested in making donations representative of the culture of their countries.

The Secretary-General reported that the Governments of Norway, Sweden and Denmark had indicated their intention of supplying some of the interior furnishings, as well as the interior design, for the three Council Chambers. He stated that Norwegian architects and artists were working on the Security Council Chamber plans; Swedish designers were concerned with the Economic and Social Council Chamber decorations; and a Danish architect was preparing a scheme for the Trusteeship Council Chamber.

Another significant offer, he stated, which had been suggested informally by the Mayor and the Co-ordinator of Construction of the City of New York, was for a decorative fence and memorial gateway for the site, to be presented by the people of the City of New York. The acceptance of such a gift was agreed to in principle by members of the Board of Art Advisers, and a preliminary design was approved by the Board at their June 1950 meeting.

b. RESOLUTION ADOPTED BY THE
GENERAL ASSEMBLY

The Secretary-General in his report submitted for the consideration of the General Assembly a draft resolution which would have the Assembly: (1) take note of the report of the Secretary-General, (2) decide that the Headquarters Advisory Committee be continued with the existing membership, and (3) request the Secretary-General to report to the Assembly at its sixth regular session on the progress of construction of the Headquarters.

The progress report of the Secretary-General was considered by the Fifth Committee at its 264th meeting on 14 November.

Prior to discussion of the report, the Fifth Committee was informed by the Assistant Secretary-General in charge of Administrative and Financial Services, on behalf of the Secretary-General, that it would be difficult to complete the construction and equipment of the permanent Headquarters, including alterations to the existing Manhattan Office building to make it suitable as a Library, within the \$65,000,000 loan authorization. In addition to the cost of Library alterations, for which a provision of \$500,000 under a separate section of the budget had been requested, it had been found necessary, in order to accommodate the secretariat of the United Nations International Children's Emergency Fund, the Technical Assistance Administration and the liaison staffs of certain specialized agencies, to complete, at a cost of approximately \$360,000, three of the five floors in the Secretariat building which it had been intended to leave unfinished. These circumstances, and the fact that costs had risen so sharply since 1947 when the \$65,000,000 maximum project cost had been approved, he explained, made it impossible to guarantee that total expenditure would not ultimately somewhat exceed this maximum, although it was anticipated that such additional funds as might be needed would be relatively small. He went on to state that while every effort would be made to complete the project within the original provision, the exact total cost of the work which was due to be completed before 1953 could not be forecast at the time. Since part of the funds received under the \$65,000,000 loan was still available, the Secretary-General had decided not to proceed with any request for immediate supplementary appropriations, but to suggest that action by the General Assembly, at its fifth session, should be limited to adoption of the draft resolution recommended in the Secretary-General's report.

Information supplementing that contained in the report was given by the Director of Headquarters Planning, in response to questions put to him by a number of representatives, concerning working facilities for delegations in the Secretariat building or conference area, seating arrangements in the General Assembly Hall, restaurant and cafeteria capacity, garage facilities and arrangements and procurement policy with respect to non-United States purchases. The Committee was further informed that the total construction programme was approximately two-thirds completed.

The representative of Cuba discussed the plans for a proposed delegation building. Because of the interest shown by a majority of the delegations in maintaining permanent offices in New York, he orally proposed that the Secretary-General, in addition to reporting on the progress of construction of the Headquarters, should also be requested to submit to the sixth regular session of the General Assembly "definite plans and methods of financing the construction of a delegation building".

In order to make it clear that such a request was not intended to prejudge the final decision of the Assembly or to involve any financial commitment, the representative of Canada orally proposed, and the Cuban representative agreed, that the words "definite plans" should be replaced by the words "tentative plans". It was indicated, on behalf of the Secretary-General, that acceptance of the Cuban amendment to the Secretary-General's draft resolution would not involve additional budgetary provision. The amendment was then adopted by 26 votes to none, with 17 abstentions, following which the Secretary-General's draft resolution, as amended, was adopted unanimously.

In its report (A/1634) to the General Assembly, the Fifth Committee stated that it was the understanding of the Committee that "these votes did not in any way bind the General Assembly or prejudge its ultimate decision. They should not, therefore, be considered as a first step towards the construction of a delegation building but simply as a formal request to the Secretary-General for information and suggestions, on the basis of which the matter might be more fully considered by the General Assembly at its next regular session".

The report of the Fifth Committee was considered by the General Assembly at its 320th plenary meeting on 12 December. The draft resolution contained in the report was adopted by the Assembly by 46 votes to none as its resolution 461(V) as follows:

The General Assembly,

1. Takes note of the report of the Secretary-General on the permanent Headquarters of the United Nations;

2. Decides that the Headquarters Advisory Committee, established by General Assembly resolution 182(11) of 20 November 1947, shall be continued with the existing membership;

3. Requests the Secretary-General to report to the General Assembly at its sixth session on the progress of construction of the Headquarters and to submit tentative plans and methods of financing the construction of a delegation building.

c. HEADQUARTERS AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES

An Agreement¹⁸² between the United Nations and the United States on the arrangements required as a result of establishing the permanent United Nations Headquarters in New York was signed on 26 June 1947 by the Secretary-General of the United Nations and the Secretary of State of the United States. It came into force on 21 November 1947.

The Secretary-General placed on the agenda of the Assembly's fifth session the question of regulations to give effect to article III, section 8, of this Agreement, and in a report to the Assembly (A/1409) drew attention to the terms of section 8, which confers upon the United Nations the power to make necessary regulations operative within the Headquarters district which, to the extent of their inconsistency with the federal, state or local laws of the United States, would have the effect of superseding the latter within the district.

The Secretary-General noted in his report that the General Assembly, in resolution 169 A (II), adopted on 31 October 1947, approving the Headquarters Agreement, had authorized him to perform on behalf of the United Nations the functions required by the Agreement. He suggested, however, that it was desirable that there should be a more specific authorization by the General Assembly for the issuance of any regulations which would cause federal, state or local laws, to the extent of their inconsistency, to be inapplicable within the Headquarters district. As any such regulations would be designed to further the good management of the district, their content, he noted, would be largely administrative in character. The Secretary-General therefore considered that they might appropriately be issued by him, and that he should then report to each subsequent session of the Assembly any regulations adopted.

This question was considered by the Sixth Committee at its 248th and 249th meetings on 1 and 2 December.

During the discussions in the Committee, it was emphasized that the authority of the United Nations in this respect was a limited one and that inconsistency between the Headquarters regulations and the domestic law was unlikely to be either of frequent occurrence or of any considerable scope. It was also noted that, because of the essentially administrative nature of the problem, the Secretary-General was in a position to judge what regulations would be necessary for the carrying out of the organizational functions at Headquarters.

At the same time it was felt that, in view of the relationship between the regulations of the Organization and domestic legislation, it was preferable to have a deliberative body with the prestige of the General Assembly take cognizance of all such regulations. It was only necessary that the general principle of approval by the General Assembly should not prevent the Secretary-General from issuing regulations which, in his opinion, were needed for immediate entry into effect.

A joint draft resolution (A/C.6/L.163) to this end was accordingly introduced by the representatives of Canada, Denmark, Syria and the United Kingdom and, after discussion by the Sixth Committee and further clarification of the text by its sponsors, was unanimously adopted.

In the course of discussion, the representative of the United States referred to the fact that attention had been drawn by some delegations to the closure of the delegates bar at the interim headquarters during the fourth session of the General Assembly. He offered a proposal (A/C.6/L.162) by which the Assembly could at once make some appropriate regulation on the matter; but as it was generally recognized that the problem could be adequately handled by regulations which the Secretary-General would in the normal course of events propose concerning all facilities in the Headquarters district, he withdrew his proposal as being unnecessary.

The report of the Sixth Committee (A/1641) was considered by the Assembly at its 320th plenary meeting on 12 December, and the proposed draft resolution was adopted by 47 votes to none. Its text (481(V)) was as follows:

The General Assembly,

Bearing in mind the provisions of article III, section 8, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, approved by General Assembly resolution 169(II) of 31 October 1947,

¹⁸² For text, see Y.U.N., 1947-48, pp. 199-204.

Having considered the report of the Secretary-General on the regulations to give effect to section 8 of the Headquarters Agreement,

1. Requests the Secretary-General to present to the General Assembly for approval any draft regulation within the provisions of the Headquarters Agreement which may in his opinion be necessary for the full execution of the functions of the United Nations;

2. Decides that, if in the opinion of the Secretary-General it is necessary to give immediate effect to any regulation within the provisions of the Headquarters Agreement, he shall have authority to make such regulation. The Secretary-General shall report any action so taken to the General Assembly as soon as possible.

III. Political and Security Questions

A. PROPOSALS FOR STRENGTHENING WORLD PEACE

1. Uniting for Peace

The item "United Action for Peace" was included in the agenda of the fifth session of the General Assembly on the request of the United States delegation. It was considered by the Assembly's First Committee at its 354th to 371st meetings from 9 to 21 October, and by the Assembly at its 299th to 302nd plenary meetings from 1 to 3 November 1950.¹

a. CONSIDERATION IN THE FIRST COMMITTEE

The Committee had before it five draft resolutions: one submitted by Chile (A/C.1/575); one submitted jointly by Canada, France, the Philippines, Turkey, the United Kingdom, the United States and Uruguay (A/C.1/576); two submitted by the USSR (A/C.1/579, A/C.1/580) offered principally as a substitute for particular parts of the joint draft resolution; and one submitted jointly by Iraq and Syria (A/C.1/585). The joint seven-Power draft resolution and the USSR draft resolutions formed the basis of the general discussion in the Committee, the Iraqi-Syrian draft resolution being discussed separately.

(1) Joint Seven-Power Draft Resolution

Amendments to the joint seven-Power draft resolution were proposed by Greece (A/C.1/577), Lebanon (A/C.1/578), Egypt (A/C.1/581), Yugoslavia (A/C.1/582), the USSR (A/C.1/583) and Israel (A/C.1/584).

At the Committee's 363rd meeting on 13 October a seven-Power revised draft resolution (A/C.1/576/Rev.1) was submitted, which incorporated certain parts of the amendments proposed by Egypt, Greece, Lebanon and Yugoslavia and contained a new section (E) which embodied the principles set forth in the Chilean draft resolution (A/C.1/575).

The text of the revised seven-Power resolution follows:²

The General Assembly,

Recognizing that the first two stated Purposes of the United Nations are:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the Peace", and

"To develop friendly relations among nations based on respect for the³ principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace",

Finding that international tension exists on a dangerous scale,

Recalling its Resolution 290(IV) entitled, "Essentials of Peace", which states that disregard of the Principles of the Charter of the⁴ United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution,

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council and desiring to ensure that, pending the conclusion of such agreements, the United Nations have at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it

¹At its 371st meeting on 21 Oct., the Committee agreed to the suggestion of the representative of Chile that the agenda item "Strengthening of democratic principles as a means of contributing to the maintenance of universal peace", proposed by his delegation, should be withdrawn as it was covered in a resolution adopted by the Committee. See p. 190.

²Phrases have been italicized (other than initial words of paragraphs) and footnotes have been added editorially to indicate changes incorporated from the amendments of various delegations.

³⁴Incorporating amendment (A/C.1/578, points 1 & 2) by Lebanon.

of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to United Nations Members for collective action which, to be effective, should be prompt,

A

1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security.⁵ If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations;

2. Adopts for this purpose the revisions in its rules of procedure set forth in the annex to this resolution;

B

3. Establishes a Peace Observation Commission, which for the calendar years 1951 and 1952 shall be composed of representatives of (9-14 Members), and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the state into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made upon the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter;

4. The Commission shall have authority in its discretion to appoint subcommissions and to utilize the services of observers to assist it in the performance of its functions;

5. Recommends to all governments and authorities that they cooperate with the Commission and assist it in the performance of its functions;

6. Requests the Secretary-General to provide the necessary staff and facilities, utilizing where directed by the Commission the United Nations panel of field observers envisaged in resolution 297(IV) B;

C

7. Invites each Member of the United Nations to survey its resources in order to determine the nature and

scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or the General Assembly for the restoration of international peace and security;

8. Recommends to the Members of the United Nations that each Member maintain within its national armed forces elements so trained, organized, and equipped⁶ that they could promptly be made available, in accordance with their respective constitutional processes, for service as a United Nations unit or units, upon recommendation by the Security Council or General Assembly without prejudice to the use of such elements in exercise of the right of individual or collective self-defense recognized in Article 51 of the Charter;

9. Invites the Members of the United Nations to inform the Collective Measures Committee as soon as possible of the measures taken in implementation of the preceding paragraph;⁷

10. Requests the Secretary-General to appoint, with the approval of the Committee provided for in paragraph 11, a panel of military experts who could be made available upon request of Member States which wish to obtain technical advice regarding the organization, training, and equipment for prompt service as United Nations units of the elements referred to in paragraph 8;

D

11. Establishes a Collective Measures Committee consisting of representatives of (10—14) Members and directs the Committee, in consultation with the Secretary-General and with Member States as the Committee finds appropriate,⁸ to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods, including those of part C of this resolution, which might be used to maintain and strengthen international peace and security⁹ in accordance with the Purposes and Principles of the Charter, taking account of collective self-defense and regional arrangements (Articles 51 and 52 of the Charter);

12. Recommends to all Members that they co-operate with the Committee and assist it in the performance of its functions;¹⁰

13. Requests the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in parts C and D of this resolution;

E¹¹

14. The General Assembly, in adopting the proposals set forth above, is fully conscious that enduring peace

⁵ Incorporating part of Yugoslav amendment (A/C.1./582).

⁶ Incorporating Egyptian amendment (A/C.1/581, point 1).

⁷ Incorporating Greek amendment (A/C.1/577).

⁸ Incorporating Egyptian amendment (A/C.1/581, point 2).

⁹ Incorporating Lebanese amendment (A/C.1/578, point 4).

¹⁰ Incorporating Egyptian amendment (A/C.1/581, point 4).

¹¹ Incorporating principles of Chilean draft resolution (A/C.1/575).

will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the principles and purposes established in the Charter of the United Nations, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries; and accordingly

15. Urges Member States to respect fully, and to intensify Joint action, in cooperation with the United Nations, to develop and stimulate universal respect for and observance of, human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of under-developed countries and areas.

The following amendments to the revised joint draft resolution were considered by the Committee:

(i) Amendments submitted by the USSR (A/C.1/586/-Rev.1) which took the place of those previously submitted by the USSR delegation (A/C.1/583, A/C.1/586). The USSR proposed that paragraphs 4, 7, 8 and 9 together with the reference to the "veto" in paragraph 5 of the preamble be deleted; and that Article 106 of the Charter be invoked in place of the second part of paragraph 6 of the preamble. In section A, paragraph 1, the USSR amendments provided that recommendations by the General Assembly to maintain or restore peace should be referred to the Security Council in accordance with Article 11, paragraph 2, of the Charter if they involved action; that emergency sessions should require a notice of ten days instead of twenty-four hours; and that such sessions should be called at the request of the majority of the Members of the United Nations or of the Security Council instead of at the request of any seven members of the Security Council or by vote in the Interim Committee or otherwise.

In section B, paragraph 3, it was proposed (a) that the Peace Observation Commission should be of a representative character and should include the following among fourteen Members of the United Nations: Czechoslovakia, France, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom and the United States; and (b) to delete the reference to the Interim Committee. It was also proposed to delete the provision, in paragraph 6, for the utilization by the Commission of the United Nations panel of field observers envisaged in resolution 297 B (IV).

It was proposed to delete sections C and D. Lastly, the USSR amendment proposed consequential amendments to the rules of procedure contained in the Annex to the revised joint draft resolution.

(ii) An amendment by Egypt (A/C.1/587) to add a new paragraph to section D to provide that the Collective Measures Committee should give particular attention to the degree of preparedness of national armed forces. (An earlier amendment by Egypt (A/C.1/581) to section D calling for the equipping of national forces in sensitive areas was withdrawn.)

(iii) An amendment by Lebanon (A/C.1/589) to include among the statement of the conditions of lasting peace in section E, paragraph 14, the implementation of the resolutions of the Security Council and the General

Assembly relating to the maintenance of international peace and security.

(iv) An amendment by Yugoslavia (A/C.1/582, point 1) to insert in the preamble a reference to Article 2, paragraph 7, of the Charter and to the principle of equal rights and self-determination of peoples,

(v) An Israeli amendment (A/C.1/584, points 1 & 2) to insert in the preamble, as a second paragraph, a reaffirmation of the primary duty of Members to seek settlement of international disputes by peaceful means through the procedures of Chapter VI of the Charter, and to insert in the fifth paragraph a qualification indicating the primacy of Article 106 of the Charter.¹²

(2) USSR Draft Resolution

The first USSR draft resolution (A/C.1/579) provided that the Assembly should recommend to the Security Council that it should take the necessary steps to ensure that the action provided for under the Charter was taken with respect to threats to the peace or acts of aggression, and for the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security. The Assembly would also recommend that the Security Council should devise measures for the earliest application of Articles 43, 45, 46 and 47 of the Charter regarding the placing of armed forces at the disposal of the Council by Members of the United Nations and the effective functioning of the Military Staff Committee.

The second USSR draft resolution (A/C.1/580) would have the Assembly recommend that, before armed forces were placed at the disposal of the Security Council under appropriate agreements concluded in accordance with Article 43 of the Charter, the permanent members of the Security Council should take steps to ensure the necessary implementation of Article 106 of the Charter, which provides that they should "consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security".

(3) General Views Expressed in the Committee

A majority of Committee members, among them the sponsors of the joint draft resolution and the representatives of Australia, Belgium, Bolivia, Brazil, Chile, China, Denmark, Greece, Iraq, Israel, Lebanon, Netherlands, New Zealand, Norway, Pakistan, Sweden, Union of South Africa, Venezuela and Yugoslavia, made statements in support of the resolution. These representatives, broadly

¹² This Article deals with transitional security arrangements.

speaking, took the view that, under the Charter, while primary responsibility for the maintenance of international peace and security rests with the Security Council, that responsibility is not exclusive. Apart from Articles 11 and 14 of the Charter, Article 10 gives the Assembly the right to make recommendations to Members on any matters "within the scope of the present Charter" except in relation to situations in respect of which the Security Council is exercising its functions (Article 12). It was the view of these representatives that the Security Council was not exercising its functions if, by a procedural vote, it decided that it was no longer seized of a question. The way should, then, be open for the Assembly to make recommendations on that question.

The words "primary responsibility" in Article 24, in the opinion of these delegations, implied a secondary responsibility devolving on Member States which had conferred the responsibility primarily on the Security Council. The Member States were thus the mandating authority to which power returned once the Security Council, through the misuse of the rule of unanimity of permanent members, failed in the exercise of that responsibility.

The limitation under Article 12 affected not the competence of the Assembly but the time when that competence would be exercised. The provision was only intended to regulate the work of the Organization in such a way as to avoid the possibility of two of its organs discussing the same question simultaneously. Once, however, the Security Council ceased to consider a question, or was prevented from taking the necessary action, the Assembly was bound to make recommendations on it in order to fulfil the fundamental purpose of the United Nations which was the maintenance of peace.

United Nations action in Korea, it was stated, had only been made possible by accidental circumstances such as the absence of a certain permanent member from the meetings of the Council, the availability of United States troops in Japan and the presence of the Assembly's Commission in Korea. The joint draft resolution was designed to eliminate this element of chance and to remedy certain organizational weaknesses of the United Nations.

The representative of Sweden stated that he was in agreement with the principles in sections A and B of the draft resolution presented by the seven Powers. He noted that during the past few years the General Assembly had tended to extend its

competence beyond the limits indicated by the Charter. This was evident from resolution 39(1) of the Assembly concerning Franco Spain and resolution 193 A (III) recommending an embargo on raw materials to States neighbouring Greece. The letter of the Charter had been exceeded in these decisions but this was a happy development; the Charter like all other constitutions must develop so that it would not become a dead letter. He supported the joint draft resolution, with the reservation that Swedish forces were prohibited by law from fighting outside Sweden except in defence of their own country.

The representative of Syria stated that the interpretation put forward by the sponsors of the joint draft resolution regarding the Assembly's power to use armed force had not occurred to any delegation at San Francisco. Expressing his satisfaction with the large measure of support for this interpretation, he wondered why it had not previously occurred to Members when the Security Council had failed to act. He considered, however, that the Assembly could not be convoked without the affirmative votes of seven members of the Security Council, including the permanent members.

The representative of India felt that the wording of paragraph 1 of section A needed clarification. The phrase "because of lack of unanimity of permanent members" was not precise. For example, would it cover a draft resolution which in addition to lacking the unanimity of the permanent members, failed to obtain a majority of seven votes in the Council? Also, was it intended that section A should become operative upon the rejection of a single draft resolution in the Security Council, or could the Council have the necessary time in which to adopt an alternative resolution?

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR held the view that the seven-Power draft resolution, as it stood, was in conflict with several provisions of the Charter. It had been said that it was necessary to remedy the organizational weaknesses of the Organization, but, these representatives contended, there could be no question of strengthening the United Nations by weakening the Security Council, which would be the inevitable result of the adoption of the proposals contained in the joint draft resolution. The reason for the supposed incapacity of the Security Council to fight or forestall aggression had been ascribed by the proponents of this resolution to the principle of unanimity or the veto. If that were so,

steps should be taken under Article 109 of the Charter to abolish that provision.

But, it was argued, the deadlock on various questions affecting the maintenance of international peace and security had remained not because of the veto but because of the position taken in the Security Council by the "Anglo-American bloc", which had consistently tried to foist decisions designed for its own purposes on the Security Council. These decisions concerned such vital questions as the admission of new Members, the organization of armed forces of the United Nations under Article 43 of the Charter, the prohibition of atomic weapons, the regulation and reduction of armaments and many other questions. Attempts to do away with the "veto" had been made even in 1944, 1945, 1946 and 1947. The events in Korea, to which reference had been made, had not occurred at that time and could not therefore be evoked to justify the campaign against the Security Council. One such attempt was the establishment of the Interim Committee in 1947, when it had been said that the latter would act when the Security Council found itself incapable of taking the appropriate measures.

As regards the legal aspects of the question, these representatives expressed the view that Article 11 of the Charter made it quite clear that if a recommendation were to involve some action, the General Assembly would have no right to take such action and consequently could not recommend what was to be done. To say that the General Assembly could recommend action under the Charter to forestall aggression would be a violation of Article 11, paragraph 2, which clearly vested that prerogative in the Security Council.

Referring to the book *The Law of the United Nations*, by Professor Kelsen,¹³ the USSR representative stated that Professor Kelsen observed that Article 11, paragraph 2, contained restrictions to the powers of the General Assembly which were not included in Article 10, with the result that the Assembly could discuss such questions but could not make recommendations even if the matter had been brought before the Assembly by the Council itself, not only if it was a question of a dispute or situation within the meaning of Article 12, paragraph 1, but also if the question was of such a nature as to make action necessary. The word "action", the representative of the USSR explained, did not mean the same thing in the case of the General Assembly and of the Council. The concept of "action" within the meaning of Article 11 meant coercive action which was, exclusively, the function of the Security Council. That was the

only field in which the Assembly could not make a recommendation but must refer the matter to the Security Council. The question of the necessity of action was, as Professor Kelsen indicated, to be decided by the General Assembly, since it was required to refer the matter to the Security Council only if the Assembly's conclusion was affirmative. The General Assembly could make recommendations on any subject within the framework of the Charter, but those recommendations must not imply coercive action. For example, the Assembly, it was contended, had recognized its lack of competence when by resolution 181(II) it called upon the Security Council to take action on Palestine.

The draft resolution proposed that the General Assembly should immediately consider cases where there appeared to be a threat to the peace, breach of the peace or act of aggression and should make the necessary recommendations. But, the USSR representative asked, who would determine the existence of such conditions? This was, he stated, a substantive question which only the Security Council was competent to decide.

The representatives arguing along these lines held that when a case involving action was referred by the Assembly or by any other competent source to the Security Council, the latter retained complete freedom of action and might decide that no action was required. The decisions of the Assembly were not binding upon the Security Council.

It had been further argued by the proponents of the joint draft resolution that the Security Council would not be fulfilling its functions if it failed to act effectively and with dispatch. But what would be the criterion on which it would be decided whether the Council had acted with effectiveness and dispatch and what body could take that decision? If it was the General Assembly, when could it do so?—Before or after being convoked? Moreover, it was argued, the General Assembly was not an appellate body which could pronounce judgment on the decisions of the Security Council. The revised draft resolution provided that a special session of the Assembly could be convoked on the vote of any seven members of the Council. Such a provision was a violation of Article 20 of the Charter and also prejudged the Council's right to decide its procedure under Article 30. It was further objected that 24 hours' notice for the Assembly's meeting was too short and the time limit should be raised to ten days.

¹³ Hans Kelsen, *The Law of the United Nations* (London: Stevens, 1950), pp. 202, 204.

The USSR had proposed amendments to this effect (see above).

As regards section B of the seven-Power joint draft resolution (A/C.1/576/Rev.1), the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR had no objection to the establishment of a Peace Observation Commission provided the Commission was representative and was not a tool in the hands of a group of Powers. It was not enough merely to say that it should have nine to fourteen members. The character of the Commission should be given more exactly and it should include the five permanent members of the Security Council. It was proposed that the Peace Observation Commission should include Czechoslovakia, France, the People's Republic of China, the USSR, the United Kingdom and the United States among its fourteen members. Further, reference to the Interim Committee should be deleted since, in the opinion of these delegations, it was an illegal body; it would show a spirit of co-operation on the part of the sponsors of the joint draft resolution to delete that reference. The same applied to the reference in paragraph 6 of the resolution to Assembly resolution 297 B (IV)¹⁴ which it was contended, had been illegally adopted. Amendments to carry out these changes had accordingly been submitted by the USSR (see above).

As regards section C of the joint draft resolution, which provided for the availability of armed forces for use by the Security Council or by the General Assembly and for appointment by the Secretary-General of a panel of military experts, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR expressed the view that this section violated Articles 24, 25, 26, 43, 44, 45, 46, 47, 48, 49, 106 and 108 of the Charter. Section C, it was argued, would abolish the exclusive competence in these matters vested by the Charter in the Security Council as well as the need for special agreements which, under Article 43, were to be initiated by the Council. Yet the importance of Article 43 had not been ignored at San Francisco. Thus, it was stated, the rules of procedure of the Military Staff Committee, unanimously adopted by the five permanent members of the Council, said that the Security Council alone could dispose of the armed forces supplied to the United Nations. That principle was an integral element in the system of collective security envisaged in the Charter, a system based on the co-operation of all Members with a central body for action, namely, the Security Council. The powers of the Security Council could

not be transferred or shared without violating Article 25 of the Charter. Chapter VII, moreover, while dealing with enforcement action, did not even mention the Assembly. In this connexion the representative of Poland quoted Law 264, adopted by the Seventy-ninth Congress of the United States on 20 December 1945, which, he said, stated that armed forces supplied by virtue of Article 43 of the Charter would be placed at the disposal of the Security Council. The effect of paragraph 10 of the joint draft resolution, which provided for the setting up of a panel of experts within the Secretariat, would be to turn the United Nations into a military organization and also to duplicate the functions of the Military Staff Committee.

These representatives also opposed section D of the joint draft resolution, which provided for the establishment of a Collective Measures Committee to study and report to the Security Council and the General Assembly on the placing of armed forces at the disposal of the United Nations. They stated that such a Committee would duplicate the functions of the Security Council and the Military Staff Committee, the only bodies, in their view, authorized to discuss the availability of armed forces for the United Nations.

In place of sections C and D, the USSR proposed the adoption of its two draft resolutions (A/C.1/579, A/C.1/580) recommending the taking of the necessary action by the Security Council under the Charter with respect to threats to the peace or acts of aggression and for the peaceful settlement of disputes; the devising by the Council of measures for application of the Charter provisions concerning armed forces and for the effective functioning of the Military Staff Committee; and implementation by the permanent members of Article 106 of the Charter (see above).

Replying to the arguments advanced against the draft resolution (A/C.1/576/Rev.1), the representative of the United Kingdom maintained that not only the intention and aim of the Charter but also its wording provided the General Assembly with the necessary power to act on the basis of the joint seven-Power draft resolution. Under Article 10, the Assembly was entitled to discuss any question or matter within the scope of the Charter with a view to making recommendations, subject only to the restriction that no provision in another Article was applicable and precluded the General Assembly from considering that given matter. Specifically, situations which might lead or

¹⁴ Referring to the creation of a United Nations Panel of Field Observers; for text, see Y.U.N., 1948-49, p. 425.

had led to an international dispute or a breach of the peace fell within the scope of the Charter and *prima facie*, therefore, Article 10 authorized the General Assembly to make recommendations on such situations.

With regard to the exceptions to this general principle, only Article 11, paragraph 2, and Article 12, paragraph 1, could be regarded as implying certain restrictions. It should therefore be considered whether either of those Articles was drafted in such a way as to bar the General Assembly from studying questions which it had, *a priori*, authority to discuss.

If the principle was accepted that Article 10 gave the Assembly general authority to make recommendations in the sphere concerned, then it was necessary to consider in what circumstances the restrictions placed on its authority by Articles 11 or 12 would make any eventual action taken by the Assembly illegal and contrary to the Charter.

The last sentence of paragraph 2 of Article 11 set forth a restriction which should be clarified. The word "action" was not defined and it was natural to think that it meant coercive action, which only the Security Council was authorized to take. According to that restrictive interpretation, the last sentence of paragraph 2 of Article 11 would be applicable only in critical situations. However, even if the word were given a wider meaning, the United Kingdom delegation felt that no real difficulty would arise.

If it were assumed that there existed an international dispute or breach of the peace, what then was the requirement contained in the last sentence of paragraph 2 of Article 11? It stipulated that such a question should be submitted, through the appropriate procedural machinery, before or after discussion by the General Assembly, to the Security Council in order that it might, if necessary, exercise the powers conferred upon it by Chapters V, VI and VII of the Charter. If it was felt that, under Article 24 of the Charter, the Security Council was primarily but not exclusively responsible for the maintenance of peace, it was only natural that Article 11 should provide that a question of that nature should be submitted to the Security Council. The authors of the seven-Power draft resolution were all agreed that if a question necessitating action were raised, it should undoubtedly be referred to the Council through the appropriate procedure. The United Kingdom delegation considered, however, that if that procedure were adopted and if the Security Council did not

make use of its powers, Article 11 would not in any way preclude the General Assembly from exercising, in respect of such a situation, the powers conferred upon it by Article 10. That was obvious from the way in which the text was drafted, and even if the wording of the text did not make it clear, there was no doubt that such was the intention of the Charter. The present draft resolution merely clarified and defined the powers which the letter of the law conferred upon the Assembly.

As far as Article 12 was concerned, it could not be considered an obstacle to a recommendation on the part of the Assembly, since the Security Council no longer fulfilled any function in connexion with that question.

The representative of the United Kingdom recognized that the Charter did not give the General Assembly the power to take coercive action. The Assembly could only make recommendations, but experience had shown that the recommendations of the General Assembly carried great force, in the same way that the Security Council recommendations had done on the Korean question in virtue of Article 39.

If, therefore, a General Assembly recommendation implied positive action by a Member State, it was perfectly lawful for the Member State to exercise the powers which it already possessed under international law, including the right to defend itself and to assist friendly powers in the face of unjustified aggression.

Speaking on the same point, the representative of Canada expressed surprise that the representative of the USSR should have claimed, on the basis of Article 11, paragraph 2, that the Assembly should automatically refer any question requiring action to the Security Council without using even its right of discussion under Article 10. Was it not the representative of the USSR who had proposed on numerous occasions that the Assembly should adopt important measures on questions which were or might be on the agenda of the Security Council? A week earlier (352nd meeting), it was stated, the representative of the USSR had asked that the Assembly should recommend the withdrawal of United Nations troops from Korea. That was, however, a question requiring very serious action. In fact, the action referred to in Article 11, paragraph 2, was that which the Security Council could take under the Chapter of the Charter which defined its functions, i.e. Chapter V. That action was not, therefore, to be confused with recommendations which the General Assembly was em-

powered to make to Member States under the provisions of that same Article.

Referring to paragraph C of the draft resolution, the representative of Canada stated that it did not recommend establishment of an international armed force as implied by the critics of the resolution. It only provided for the formation of national contingents which might be used by the United Nations while being at the same time available for the national defence of each State.

Section D of the draft resolution was complementary to section C. It was quite reasonable to suggest that a temporary ad hoc committee should report to the Security Council and the General Assembly, before its next session, on the methods by which the principles set forth for the formation of national contingents might be worked out. That Committee might, for example, consider the arguments for and against an international force composed, not of national contingents, but of United Nations volunteers. No question arose, in that section, of the United Nations making strategical plans, of placing armed forces at the disposal of the Secretary-General, or of conducting an inquisitorial investigation into the resources of Member States.

It was surprising, the representative of Canada stated, that the USSR should have made an alternative suggestion to the effect that the Military Staff Committee should be asked to resume its work and that the Security Council should be asked to work out military agreements under Article 43 of the Charter. Actually, he said, it was the USSR which had hitherto prevented the Military Staff Committee from functioning and military agreements from being concluded.

(4) Voting on the Seven-Power and USSR Draft Resolutions

At the 368th meeting, the Committee began to vote paragraph by paragraph on the revised joint draft resolution (A/C.1/576/Rev.1) and the outstanding amendments¹⁵ with the following results:

USSR amendments (A/C.1/586/Rev.1); Egyptian amendment (A/C.1/587) to section D, paragraph 11; Yugoslav amendment (A/C.1/582, point 1); Israeli amendment (A/C.1/584, point 2): rejected
Lebanese amendment (A/C.1/589) to paragraph 14 of section E, which sought to include among the statement of the conditions of lasting peace the implementation of the resolutions of the Security Council and the General Assembly: adopted (after a verbal amendment by the representative of Chile) by 26 votes to 1, with 32 abstentions

Israeli amendment (A/C.1/584, point 1), to insert in the preamble as a second paragraph a reaffirmation that international disputes should be settled by peace-

ful means: adopted by 12 votes to 11, with 37 abstentions

At the 369th meeting on 19 October, the representative of the United Kingdom, on behalf of the sponsors of the seven-Power draft resolution, proposed that the Peace Observation Commission should be composed of representatives of China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, USSR, the United Kingdom, the United States and Uruguay, and that the Collective Measures Committee should be composed of the representatives of Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, the Philippines, Turkey, the United Kingdom, the United States, Venezuela and Yugoslavia. This proposal was adopted by 50 votes in favour to none against, with 8 abstentions, after an amendment submitted by the USSR representative to substitute the "Chinese People's Republic" for "China" in the list of members of the Commission had been declared inadmissible by 40 votes to 7, with 10 abstentions. The composition of the Collective Measures Committee as proposed by the sponsors of the draft resolution (A/C.1/576/Rev.1) was approved by 50 votes to none, with 5 abstentions. The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR had not taken part in the vote. They objected in principle to the Collective Measures Committee.

The seven-Power draft resolution (A/C.1/576/Rev.1) was put to the vote by roll call and was adopted, as a whole, by 50 votes to 5, with 3 abstentions.

The Committee next considered the two USSR draft resolutions (A/C.1/579, A/C.1/580). To the first of these draft resolutions, concerning action to be taken by the Security Council, the application of the Charter provisions concerning armed forces and the effective functioning of the Military Staff Committee,¹⁶ the representative of France submitted an amendment (A/C.1/591) to add a paragraph stating that the terms of this draft resolution should not in any way prevent the General Assembly from fulfilling its functions under the resolution submitted by the seven sponsoring Powers.

The representative of the USSR accepted an oral amendment by Uruguay adding the words "breaches of the peace" after the words "threats to the peace", but stated that he was unable to accept the French amendment, which artificially linked

¹⁵ See p. 183.

¹⁶ See pp. 47, 49.

the USSR text to the draft resolution (A/C.1/576/Rev.1) adopted by the Committee which some delegations had opposed while certain delegations had abstained from voting on it.

The representatives of China, France, Australia, the United Kingdom and the United States, among others, considered that unless the French amendment was incorporated the USSR draft resolution would contradict the seven-Power draft resolution adopted by the Committee. The procedure provided for in Articles 43, 45, 46 and 47 to which reference was made already existed, and, the representative stated, if the USSR, which was a member of the Military Staff Committee, really wanted progress to be made, it could have taken the necessary steps without resorting to the indirect procedure of proposing a resolution of the General Assembly which, though legal in itself, seemed designed to contradict the seven-Power draft resolution. Acceptance of the French amendment, these representatives thought, seemed the only way to dispel this suspicion. The problem was to prevent the vote already cast by a great majority of the Committee from being disavowed under the pretence of applying the Charter. The French amendment was adopted by 50 votes to 5, with 3 abstentions.

The draft resolution (A/C.1/579) as amended by France and Uruguay was then adopted by 49 votes to none, with 9 abstentions. The representative of the Soviet Union explained that he had abstained from voting on the draft resolution since an amendment to which his delegation was opposed had been incorporated in it.

The Committee voted next on the second USSR draft resolution (A/C.1/580), concerning the implementation by the permanent members of the Council of Article 106 of the Charter.¹⁷

The draft resolution was rejected by 34 votes to 6, with 18 abstentions.

(5) Iraqi-Syrian Draft Resolution

Finally, the Committee considered a joint Iraqi-Syrian draft resolution (A/C.1/585) which would have the Assembly recommend to the Governments of France, the United Kingdom, the United States and the USSR that they should meet during the fifth session of the General Assembly and discuss afresh the outstanding problems threatening world peace and crippling the United Nations, with a view to resolving fundamental differences and reaching agreements in accordance with the spirit of the Charter, and report the results of their discussions to the General Assembly not later than 15 November 1950.

To this draft resolution, the USSR submitted an amendment (A/C.1/588) which proposed the inclusion among the Governments to which the recommendation was addressed the Government of the People's Republic of China.

After some discussion, the Committee adopted a Bolivian proposal to adjourn discussion on the draft resolution till the next meeting (370th), at which the representative of Iraq introduced a revised Iraqi-Syrian draft resolution (A/C.1/585/-Rev.1), which recommended to the "permanent members of the Security Council that they meet and discuss individually and collectively, and with other nations concerned, the outstanding problems which threaten world peace . . .". It was requested that they should report to the General Assembly during the fifth session on any prospective progress.

During the discussion which followed, one written amendment and various oral amendments were submitted by the representatives of El Salvador (A/C.1/594), Brazil, Netherlands, Israel, Mexico, the United States and Yugoslavia. These amendments were all withdrawn in view of a second revision of the draft resolution (A/C.1/585/-Rev.2) which was submitted at the next meeting (371st), and which incorporated most of the amendments.

After having recognized in the preamble, inter alia, that the Charter charges the Security Council with the primary responsibility for maintaining international peace and security, and having reaffirmed the importance of unanimity among the permanent members of the Security Council, the revised draft resolution provided that the Assembly recommend "to the permanent members of the Security Council that: (a) they meet and discuss, collectively or otherwise, and, if necessary, with other States concerned, all problems which are likely to threaten international peace and hamper the activities of the United Nations, with a view to their resolving fundamental differences and reaching agreement in accordance with the spirit and letter of the Charter; (b) they advise the General Assembly and, when it is not in session, the Members of the United Nations, as soon as appropriate, of the results of their consultations."

A USSR proposal that the phrase "the permanent members of the Security Council" be replaced by "the Governments of France, the United Kingdom, the United States of America, the People's Republic of China and the USSR" was, on the

¹⁷ See p.183.

proposal of the representative of China, declared inadmissible by 26 votes to 13, with 16 abstentions.

Another USSR proposal that the words "having in view among their number the People's Republic of China" be inserted after the phrase "the permanent members of the Security Council" was, on the proposal of the United States, also declared inadmissible, by 35 votes to 12, with 11 abstentions.

The revised draft resolution of Iraq and Syria (A/C.1/585/Rev.2) was then put to the vote and adopted unanimously by the Committee by 59 votes.

The First Committee recommended to the General Assembly the adoption of three resolutions A, B and C under the general heading "Uniting for Peace".¹⁸

After the adoption of the Iraqi-Syrian draft resolution, the representative of Chile stated that the question covered by item 66 of the agenda of the General Assembly which had been introduced by his delegation (A/1317) entitled "Strengthening of democratic principles as a means of contributing to the maintenance of universal peace" had been completely incorporated in the joint seven-Power draft resolution which had just been adopted by the Committee under item 68. His delegation therefore suggested that item 66 should be withdrawn from the Committee's agenda. The Committee adopted this suggestion, without objection.

b. CONSIDERATION BY THE GENERAL ASSEMBLY IN THE PLENARY MEETING

The report of the First Committee (A/1465) containing the three resolutions adopted by it was discussed by the General Assembly at its 299th to 302nd meetings from 1 to 4 November 1950. The USSR delegation reintroduced the amendments (A/1465, A/1466) and the draft resolution (A/1467) which the First Committee had rejected (see above).

A number of representatives, among them those of Canada, Chile, Costa Rica, Cuba, Ethiopia, France, Greece, Iceland, Iraq, the Philippines, Sweden, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay and Yugoslavia, expressed satisfaction with the three draft resolutions recommended by the First Committee. They held that the joint draft resolution which had been originally presented by the seven Powers not only had an unassailable legal basis in

accordance with the Charter, but was also necessary in the present state of world tension in order to avoid a third world war. If adopted by the Assembly, it was stated, this draft resolution would deter future aggressors by enabling quick exposure and suppression of aggression.

Amplifying this thesis, the representative of the United States gave an account of the events which had led to the Second World War. He recalled Japan's attack on Manchuria in 1931 and the failure of the League of Nations in applying restraining measures. Japanese aggression had thereafter spread and the initial breach of peace could not be localized. In 1935, Mussolini attacked and conquered Ethiopia. In 1938, Hitler seized first Austria and then Czechoslovakia. In 1939, Hitlerite Germany and the Soviet Union, the United States representative said, combined to seize and divide Poland. That was the succession of events which touched off the Second World War.

He pointed out that although the taking of "effective collective measures" was included in the first of the stated Purposes of the United Nations, in the last five years the Security Council had been unable to give effect to those words. With the attack on the Republic of Korea, it began to appear that the pattern of 1931 had begun to repeat itself. The seven-Power draft resolution, it was stated, was aimed at arresting that trend. If in response to the resolution Member States actually established a system which would ensure that aggression would be promptly exposed, if they maintained a collective strength and would use it promptly in case of need, then a third world war might be permanently averted.

Turning to the joint Iraqi-Syrian draft resolution, the representative of the United States referred to the statements by Secretary of State Acheson in the general debate (279th meeting) and President Truman in his address to the Assembly (295th meeting) that the United States was always ready to negotiate with a sincere desire to solve problems. The United States, he said, had no territorial dispute and no national ambitions which conflicted with the welfare of the Russian people. In his view the issue dividing the two countries was whether freedom and diversity in the world should be replaced by enforced conformity with the pattern of Soviet totalitarianism. Maintaining that the latter was the aim of Soviet foreign policy, the representative of the United States quoted an editorial from *Izvestia* of 1 January 1950, which

¹⁸ For the text of the resolution as adopted by the General Assembly, see pp. 193-95.

listed the "camp" growing around the USSR. The editorial said, the U.S. representative continued, that the forces of this "camp" were multiplying every day and listed Poland, Czechoslovakia, Bulgaria, Romania, Hungary, Albania, North Korea, Mongolia, the Chinese People's Republic and the Eastern German Democratic Republic as members of that "camp". But, the representative of the United States said, no people had yet come under the "yoke represented by the USSR brand of imperialist communism except by violent coercion". As long as this remained the programme of the Soviet Union the United States representative considered the possibilities of negotiation between the United States and the USSR were limited though not non-existent.

The representative of France stated that the seven-power draft resolution did not infringe upon the Security Council's competence, responsibilities or powers, as had been suggested by several representatives. The Council should fulfil its role; if it did so, it would be adequate as it had been in the past; if for some reason, however, it failed to fulfil its role, the United Nations could not thereby be paralysed. That was the object of the present draft resolution.

Referring to Professor Kelsen's interpretation of the provisions of the Charter regarding the definition of the powers of the Security Council and the General Assembly which the representative of the USSR had expounded in the First Committee, the representative of Cuba said that the restriction in Article 12 applied only in cases where the Council is genuinely exercising its functions and is not being undermined by absenteeism or being paralysed by the veto, and he quoted from Professor Kelsen's book to prove his point.¹⁹ The representative of Cuba observed that in order to interpret a legal text, particularly when it is a political document, the first thing to take into account is the achievement of the purpose of that document. In this case, those purposes are expressed in the Preamble to the Charter and in Articles 1 and 2, which deal with purposes and principles. In other words, the function of the provision must prevail over its form and even over procedure. This view was expressed also by the Permanent Court of International Justice, the representative of Cuba claimed, in the case concerning the Chorzów factory in 1927. In that case the Court stated that in the interpretation of arbitration treaties account must be taken not only of their historical development, as well as of their terminology and of the grammatical and logical meaning of the words used, "but also and more

specially of the function which in the intention of the contracting parties, is to be attributed to this provision".²⁰ The idea of the Court was, as it was that of the supporters of the seven-Power draft resolution, that the purpose of a legal interpretation is to ensure that the aims of a given text were achieved as effectively as possible.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR characterized the draft resolution as illegal, harmful and full of danger to the peace of nations. The representative of the USSR in his reply to the statements made in support of the resolution said that certain representatives had indulged in slanderous attacks against his country. Referring to the speech of the United States representative, he said that the economic and military foundations for German and Italian aggression had been laid by the United States. American monopolies, he concluded, had helped in rearming Germany, and in this connexion he referred to the Standard Oil Company, which, he stated, had in 1938 concluded an agreement with the German firm of I.G. Farbenindustrie under which the latter was given a share in the profits of aviation fuel produced in the United States and in return refrained from exporting its synthetic petrol from Germany, thus accumulating stocks of that fuel for military purposes.

As regards the statement made by the representative of the United States that in 1939 USSR and Hitler had concluded a pact for the partition of Poland, the USSR representative said that it was a mere slander and was easy to refute. What had happened in 1939 was that the Governments of the United Kingdom and France, under the patronage of the United States Government, were encouraging Hitler's ambitions in the hope that he

¹⁹ The passage quoted by the representative of Cuba was as follows: "The restriction of the competence of the General Assembly is valid only during the time the Security Council is dealing with the dispute or situation; that means that the Assembly has the power to make recommendations with respect to disputes or situations with which the Council has not yet dealt or with which it has ceased to deal. The words 'while the Security Council is exercising. . . the functions. . .' may be interpreted to mean: while a dispute or situation is still on the agenda of the Council. But it may also be interpreted to mean: while the Security Council is actually exercising its functions; so that when the Council because of the exercise of the veto right is reduced to inaction, it should not be considered as 'exercising' its functions." Kelsen, *op. cit.*, pp. 216-17.

²⁰ Permanent Court of International Justice, Collection of Judgments: Case concerning the Factory at Chorzow (Claim for Indemnity Jurisdiction, Judgment No. 8), Series A, No. 9 (Leyden: Sijthoff, 1927), p. 24.

would attack the Soviet Union. In the spring of 1939, when negotiations were proceeding in Moscow with an Anglo-French Military Mission, these Governments were also carrying out parleys with Hitler. Since Hitler's aggressive intentions had been obvious throughout the years preceding 1939, the USSR Government proposed the conclusion of non-aggression and mutual aid pacts—an effort which was frustrated by the duplicity of these two Governments. On 17 September 1939, when Hitler had invaded and occupied Poland and his forces were advancing towards the Soviet frontier, the USSR forces stopped them at a line coinciding with the Curzon Line, the history of which was well known. This laid the foundations of an eastern defensive front, of which Winston Churchill said on 1 October 1939: "That the Russian armies should stand on this line was clearly necessary for the safety of Russia against the Nazi menace. At any rate, the line is there, and an eastern front has been created which Nazi Germany does not dare assail . . ."

Referring to Korea, the USSR representative argued that the United States and its supporters had exposed the weakness of their case by refusing the "accused", i.e. North Korea, the opportunity of confronting its accusers. This was because they were afraid of the truth coming out.

In 1933, while the USSR delegation to the League of Nations was submitting proposals for the organization of collective security, the United Kingdom and France had signed a pact of co-operation with Hitlerite Germany at Rome. Further, under the Anglo-German Naval Agreement of 1935, signed in London, Hitler had secured the right to build submarines with a total tonnage equal to that of the whole French submarine fleet.

The present draft resolution was not intended to organize collective security but as a screen for military plans. To circumvent the veto, the USSR representative argued, would not guarantee peace, because even without the veto the choice of peace or war lay with the Great Powers. If there was no agreement between them on fundamental matters affecting the organization of international relations, then whether the General Assembly decided these questions without the veto or the Security Council with the veto, there would still be a threat to peace.

The effort to abolish the veto, the USSR representative stated, was due only to the desire of the United States to impose its own will upon nations. To prove this point, he quoted from the book *War or Peace* by Mr. Dulles: "The veto has prevented the Security Council from doing what we

wanted and what the Soviet Union did not want; therefore, the veto should be abolished."²¹

Referring to the arguments of the representative of Cuba regarding the functioning of the Security Council, the representative of the USSR stated that the Security Council is discharging its functions even when, in a case of reported aggression, by reason of the exercise of the veto, it does not determine that there is aggression or a threat to the peace. It had been suggested by the supporters of the draft resolution that the Council is discharging its functions only when it finds that there is aggression. This amounted to saying that the Council discharges its functions only when it acts in accordance with the will of the majority. But it was stated in the Charter itself, in Article 27, paragraph 2, that any permanent member has the right to disagree with the majority and in such a case there is no decision. This was not a non-discharge of functions, as the Council's function was not necessarily to accept the majority decision. In reply to the representative of Cuba, who had quoted from Professor Kelsen's book, the USSR representative also quoted from this book to show that Kelsen did not recognize the power of the Assembly to take action.²²

The representative of Argentina stated that he shared the belief in the principles underlying the recommendations under sections A, B and E of the draft resolution recommended by the First Committee. But his doubts regarding the legality of sections C and D, which sections in his opinion formed the most dynamic and fundamental parts of the resolution, had not been resolved by the conflicting legal theories propounded. He would, therefore, abstain from voting on the draft resolution as a whole.

The representative of India stated that in the opinion of his Government this was not the time for stressing the military aspect of the United Nations. Therefore his Government was unable to support sections C and also D, which contained a reference to section C. Since these sections have been described as the core of the resolution, he would abstain from voting on the resolution as a whole.

²¹ John Foster Dulles, *War or Peace* (New York: Macmillan, 1950), p. 194.

²² The passage quoted by the representative of the USSR was as follows: "If the General Assembly acts under Article 11, paragraph 2, also the restrictions apply that the question must have been brought before the Assembly in the way determined in Article 11, paragraph 2, and that the question must be referred to the Security Council before any recommendation has been made, if action is necessary." Kelsen, *op. cit.*, p. 204.

As one of the sponsors of the joint seven-Power draft resolution, the representative of Canada stated that though he respected honest doubts expressed by certain representatives regarding the constitutionality of that draft resolution, he was convinced, as were the other sponsors of the resolution, that it was within the terms of the Charter. Replying to the representative of the USSR, he stated that the version of history in the years preceding the last war given by that representative would not bear analysis. The Soviet Union could not explain, for instance, its efforts to force the nations of the British Commonwealth and France to stop fighting Hitler even after the destruction of Poland. If the Soviet Union knew that it was going to be attacked by Hitler, why did it denounce all attempts by the United Kingdom to warn it of that danger as efforts to divide it from its friends of that moment, the Nazis? As regards Korea, the Soviet Union did nothing in the initial phase of the fighting to secure a cease-fire because at that time North Korea was winning. It attempted to secure a cease-fire only when it had become clear that North Korea was going to be defeated. The representative of Canada said that individuals and nations both might have made mistakes in the thirties, but were not going to repeat them. Similarly they should not repeat the mistakes of 25 June when they were not organized to carry out the collective security obligations imposed by the Charter.

The representative of Sweden reiterated the reservation of his Government regarding section C of the draft resolution, explained in the First Committee (see above). This, he said, did not mean however that the Swedish delegation was opposed to that section. The question would be examined by his Government in accordance with the usual constitutional procedure.

The representative of Iraq stated his Government's reservation regarding paragraph 3 in section B of the seven-Power draft resolution dealing with the Peace Observation Commission. Since one of the members of that Commission was not recognized by his Government, he would construe the provisions of that section in such a way that invitations to the Commission would not mean invitations to every member of that Commission. In other words the invitation would be limited to certain members of the proposed commission, because certain States could not invite all members of the Commission to their territories.

At the 302nd meeting of the Assembly on 3 November 1950 the USSR amendments (A/1465, A/1466), the resolutions recommended by the

First Committee (A/1456) and the USSR draft resolution (A/1467) were put to the vote. None of the USSR amendments were adopted by the Assembly. The draft resolutions recommended by the First Committee were adopted separately and then as a whole, by 52 votes to 5, with 2 abstentions.

The Assembly then voted on the USSR draft resolution (A/1467) which read as follows:

The General Assembly,

Taking into account the particular importance of concerted action by the five permanent members of the Security Council in defending and strengthening peace and security among the nations,

Recommends that before armed forces are placed at the disposal of the Security Council under appropriate agreements concluded in accordance with Article 43 of the Charter, the five permanent members of the Security Council—the Union of Soviet Socialist Republics, the United States of America, the United Kingdom, China and France—should take steps to ensure the necessary implementation of Article 106 of the Charter providing for consultation between them, and that they should consult together in accordance with the said Article 106 of the Charter for the purpose of taking such joint action on behalf of the Organization as may prove to be necessary for the maintenance of international peace and security.

The draft resolution was rejected by 39 votes to 5, with 11 abstentions.

The text of the resolution (377(V)) adopted by the General Assembly at its 302nd plenary meeting on 3 November 1950, was as follows:

UNITING FOR PEACE

The General Assembly,

Recognizing that the first two stated Purposes of the United Nations are:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace", and

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace",

Reaffirming that it remains the primary duty of all Members of the United Nations, when involved in an international dispute, to seek settlement of such a dispute by peaceful means through the procedures laid down in Chapter VI of the Charter, and recalling the successful achievements of the United Nations in this regard on a number of previous occasions,

binding that international tension exists on a dangerous scale,

Recalling its resolution 290(IV) entitled "Essentials of Peace", which states that disregard of the Principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution,

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council, and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those responsibilities referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt,

A

1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations;

2. Adopts for this purpose the amendments to its rules of procedure set forth in the annex to the present resolution;

B

3. Establishes a Peace Observation Commission which, for the calendar years 1951 and 1952, shall be composed of fourteen Members, namely: China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America

and Uruguay, and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made on the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter;

4. Decides that the Commission shall have authority in its discretion to appoint sub-commissions and to utilize the services of observers to assist it in the performance of its functions;

5. Recommends to all governments and authorities that they co-operate with the Commission and assist it in the performance of its functions;

6. Requests the Secretary-General to provide the necessary staff and facilities, utilizing, where directed by the Commission, the United Nations Panel of Field Observers envisaged in General Assembly resolution 297 B (IV);

C

7. Invites each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or of the General Assembly for the restoration of international peace and security;

8. Recommends to the States Members of the United Nations that each Member maintain within its national armed forces elements so trained, organized and equipped that they could promptly be made available, in accordance with its constitutional processes, for service as a United Nations unit or units, upon recommendation by the Security Council or the General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter;

9. Invites the Members of the United Nations to inform the Collective Measures Committee provided for in paragraph 11 as soon as possible of the measures taken in implementation of the preceding paragraph;

10. Requests the Secretary-General to appoint, with the approval of the Committee provided for in paragraph 11, a panel of military experts who could be made available, on request, to Member States wishing to obtain technical advice regarding the organization, training, and equipment for prompt service as United Nations units of the elements referred to in paragraph 8;

D

11. Establishes a Collective Measures Committee consisting of fourteen Members, namely: Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Yugoslavia, and directs the Committee, in consultation with the Secretary-General and with such Member States as the Committee finds appropriate, to study and make a report to the Security

Council and the General Assembly, not later than 1 September 1951, on methods, including those in section C of the present resolution, which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter);

12. Recommends to all Member States that they co-operate with the Committee and assist it in the performance of its functions;

13. Requests the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in sections C and D of the present resolution;

E

14. Is fully conscious that, in adopting the proposals set forth above, enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries; and accordingly

15. Urges Member States to respect fully, and to intensify, joint action, in co-operation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of under-developed countries and areas.²³

B

For the purpose of maintaining international peace and security, in accordance with the Charter of the United Nations, and, in particular, with Chapters V, VI and VII of the Charter,

The General Assembly

Recommends to the Security Council:

That it should take the necessary steps to ensure that the action provided for under the Charter is taken with respect to threats to the peace, breaches of the peace or acts of aggression and with respect to the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security;

That it should devise measures for the earliest application of Articles 43, 45, 46 and 47 of the Charter of the United Nations regarding the placing of armed forces at the disposal of the Security Council by the States Members of the United Nations and the effective functioning of the Military Staff Committee;

The above dispositions should in no manner prevent the General Assembly from fulfilling its functions under resolution 377 A (V).

The General Assembly

Recognizing that the primary function of the United Nations Organization is to maintain and promote peace, security and justice among all nations,

Recognizing the responsibility of all Member States to promote the cause of international peace in accordance with their obligations as provided in the Charter,

Recognizing that the Charter charges the Security Council with the primary responsibility for maintaining international peace and security,

Reaffirming the importance of unanimity among the permanent members of the Security Council on all problems which are likely to threaten world peace,

Recalling General Assembly resolution 190(III) entitled "Appeal to the Great Powers to renew their efforts to compose their differences and establish a lasting peace",

Recommends to the permanent members of the Security Council that:

(a) They meet and discuss, collectively or otherwise, and, if necessary, with other States concerned, all problems which are likely to threaten international peace and hamper the activities of the United Nations, with a view to their resolving fundamental differences and reaching agreement in accordance with the spirit and letter of the Charter;

(b) They advise the General Assembly and, when it is not in session, the Members of the United Nations, as soon as appropriate, of the results of their consultations.

2. Peace through Deeds and Condemnation of Propaganda against Peace

The item "Declaration on the Removal of the Threat of a New War and the Strengthening of Peace and Security among the Nations" was placed on the agenda of the fifth session of the General Assembly by the USSR. The Assembly, at its 285th meeting on 26 September 1950, on the recommendation of the General Committee, decided to include this question in its agenda and to refer it to the First Committee.

a. CONSIDERATION IN THE FIRST COMMITTEE

The First Committee considered the question at its 372nd to 383rd meetings from 23 October to 3 November.

Originally, six draft resolutions were submitted to the Committee: one (A/C.1/595) by the USSR; one (A/C.1/596) by Bolivia; one (A/C.1/597) jointly by France, Lebanon, Mexico, Netherlands, the United Kingdom and the United States; one (A/C.1/598) by India; one (A/C.1/603) by Chile; and one (A/C.1/602) by Greece.

²³ Annexed to this resolution were the relevant changes in the Assembly's rules of procedure. For these, see pp. 43-44.

During the course of the discussion Bolivia and India joined the sponsors of the joint six-Power draft resolution (A/C.1/597/ and agreed on a new text (A/C.1/597/Rev.2). Greece withdrew its draft resolution (A/C.1/602). The Committee, thus, considered three draft resolutions, the USSR draft resolution, the joint eight-Power draft resolution and the Chilean draft resolution, in the order in which they are dealt with below.

(1) USSR Draft Resolution

The text of the USSR draft resolution (A/C.1/-595) follows:

The General Assembly,

Considering that the most important task of the United Nations is to maintain international peace and security, and to strengthen and develop friendly relations among nations and co-operation between them in solving international problems,

Expressing its firm determination to avert the threat of a new war and sharing the nations' inflexible will to peace as expressed by the hundreds of millions of signatures appended to the Stockholm appeal,

Regarding the use of the atomic weapon and other means of the mass destruction of human beings as a most heinous international crime against humanity and basing this attitude on the unanimously adopted General Assembly resolution of 1946 on the need for prohibiting the use of atomic energy for military purposes,

Noting that the events at present taking place in Korea and other areas of the Pacific Ocean emphasize with added force the extreme importance and urgency, from the point of view of international peace and security, of unifying for this purpose the efforts of the five Powers which are permanent members of the Security Council and bear special responsibility for the maintenance of international peace,

The General Assembly

Decides to adopt the following Declaration:

First. The General Assembly condemns the propaganda in favour of a new war now being conducted in a number of countries and urges all States to prohibit such propaganda in their countries and call those responsible to account.

Second. The General Assembly, recognizing that the use of the atomic weapon as a weapon of aggression and the mass destruction of human beings is contradictory to international conscience and honour and incompatible with membership of the United Nations, declares that the use of the atomic weapon shall be unconditionally prohibited and that a strict system of international control shall be instituted to ensure the exact and unconditional observance of this prohibition.

The General Assembly also declares that the first Government to use the atomic weapon or any other means for the mass destruction of human beings against any country will thereby commit a crime against humanity and be regarded as a war criminal.

Third. The General Assembly, acting in recognition of the need for strengthening peace, and taking into account the special responsibilities of the permanent

members of the Security Council for ensuring peace, unanimously expresses the desire:

(a) That the United States of America, the United Kingdom, France, China and the Soviet Union should combine their efforts for peace and conclude among themselves a Pact for the strengthening of peace;

(b) That these great Powers should reduce their present armed forces (land forces, military air forces of all kinds, naval forces) by one third during 1950-1951 and that the question of a further reduction of armed forces should be brought up for consideration at one of the forthcoming sessions of the General Assembly.

Introducing his draft resolution, the representative of the USSR emphasized the vital interest of his country in the continuance of peace. The USSR, he said, depended on peaceful world conditions for the realization of its great reconstruction programme. In support of this view, he quoted the statement made by Marshal Stalin to an American trade union delegation, in 1927, in which he had affirmed the possibility and desirability of peaceful co-existence of opposing economic systems. The same principle had been affirmed by Marshal Stalin in other pronouncements in 1946 and 1948. Finally Marshal Stalin had, more recently, stated to Mr. Kingsbury Smith that the USSR could co-operate with the United States in concluding a peace pact which would lead to gradual disarmament.

On the other hand, he stated, the policies of the "Anglo-American bloc" were characterized by force, diktat and constraint. Thus, on 16 February 1950, Mr. Acheson had advanced the idea of "total diplomacy" and rejected that of goodwill and tolerance towards the leaders of the Soviet Union; in Mr. Acheson's opinion, it was stated, the only method of dealing with the Soviet Union was by creating "situations of strength". Similar statements had been made by the leaders of the United Kingdom, such as Mr. Bevin, who had recently stated that the atmosphere would become more and more favourable to direct negotiation as the armed forces of the West increased. This foreign policy, the representative of the USSR continued, was reflected in the huge and unprecedented military expenditure of the United States, in the conclusion of aggressive pacts like the North Atlantic Treaty and in the creation of a German army of 450,000 men camouflaged as a police force and led by Hitlerite generals like Guderian, Haider and Manteuffel. The "Anglo-American bloc" was using not only Germany but also Japan as an instrument of its aggressive policy. In the United States, appropriations for the armed forces for 1949-50 were three times greater than those of the preceding year. In 1951, the budget for the armed

forces was expected to run to \$50,000,000,000, or four times the 1949-50 estimates, and fifty times the 1938-39 budget.

One of the main objects of the USSR draft resolution was, the USSR representative said, the prohibition of the atomic weapon and the control of atomic energy. On 11 June, 1947, the USSR had submitted proposals for the control of atomic energy to the Atomic Energy Commission. Those proposals had stipulated that the international control commission might investigate the activities of enterprises mining atomic raw materials and producing atomic energy. The Commission was to be empowered to control stockpiles of raw materials and semi-finished products and control the utilization of atomic materials and of atomic energy; it was also to ensure the technological control of such undertakings and conduct special investigation in cases where violations of the convention on atomic energy were suspected. The international control commission was to take its decisions by simple majority without the application of the unanimity rule. These proposals had also provided for inspection visits without prior notice. As a counter to the USSR proposals on atomic energy, the Acheson-Baruch-Lilienthal proposals had been introduced which, the USSR representative stated, did not even provide for the prohibition of atomic weapons. That plan would place the ownership of all atomic energy plants under an international supervisory body and would prevent all States from showing initiative in developing the peaceful industrial uses of atomic energy. Further, the plan violated the elementary sovereign rights of States. It had, therefore, not been acceptable to the Soviet Union.

The representative of the USSR stated that his country was ready to renew its efforts to break the present deadlock and to ensure the outlawing of atomic weapons and the establishment of effective international control, once the principle of prohibition had been adopted. A first step in that direction would be the adoption of the USSR declaration (A/C.1/595) which, as far as atomic energy was concerned, expressed the will of the peoples of the world as shown in the Stockholm Appeal. That appeal, it was claimed, had been signed by 500,000,000 persons all over the world.

A majority of the members of the Committee, including the representatives of Australia, Belgium, Bolivia, Canada, China, Chile, Denmark, France, Greece, Netherlands, Sweden, the United Kingdom and the United States maintained that every year the USSR introduced similar proposals which were either accepted by the Assembly only

after they had been radically amended or were rejected. In 1946, 1947, 1948 and 1949 the USSR had introduced proposals which were all, apparently, directed towards the condemnation of war propaganda, the reduction of armaments and the prohibition of atomic weapons. Yet evidence was available, these representatives contended, that at the same time that it brought those proposals, the USSR had been acting in a manner diametrically opposed to its professed aims.

In support of this contention these representatives gave the following account. In 1946, they said, its armaments were steadily accumulating and the Soviet Air Force was being built up to be the greatest in the world. In 1947, it was stated, while the USSR was calling for the condemnation of war propaganda, its campaign of hatred against Western Governments had been intensified. In 1947, too, the Cominform had been created and had published, in its declaration, a violent attack on the Western Powers. The same year, the USSR had broken with Yugoslavia and had attempted to intimidate that country as well as Iran and had also frustrated all efforts for the unification of Korea.

In 1948, they continued, another resolution had been presented by the USSR, calling for a one-third reduction of armaments, the prohibition of atomic weapons and the establishment of international control of atomic energy, but the USSR had given no evidence of its readiness to reach agreement on those questions. The same year it had failed to agree on a peace treaty with Austria, in order to keep its troops there, and had resorted to the Berlin blockade.

In 1949, a similar resolution had again been tabled by the USSR but soon afterwards, events in Korea had shown, it was maintained, that it was not the Western democracies which had been preparing for war. The USSR proposals regarding the prohibition of atomic weapons and the reduction of armaments had been voted upon by the Assembly several times after very full discussion in the appropriate organs of the United Nations, the Atomic Energy Commission and the Commission on Conventional Armaments. On the question of the control of atomic energy the USSR had maintained that a system of periodic inspection and special investigation would be adequate, whereas the majority was convinced that the international control agency to be created must itself operate and manage plants which were producing dangerous quantities of atomic raw materials. It was absurd, these representatives held, to suppose that an inspector who visited a plutonium plant from

time to time would be able to satisfy himself effectively that the amount observed in the pile corresponded with the amount declared by the management. Moreover, how would it be possible, by inspection alone, to be certain that there were no atomic factories in existence in remote areas which would never be declared by their governments? The only guarantee against this danger would be to give the international control agency the management and exploitation of atomic raw materials.

The USSR, while seeking to outlaw the atomic weapon said nothing of aggression, direct or indirect, or of the tanks and planes, heavy artillery and fifth columns used to carry out aggressive plans. The latter form of aggression was equally to be abhorred, but the USSR, it was contended, had supported this form of aggression, notably in Korea. The General Assembly, by resolutions 110(II) of 1947 and 290(IV) of 1949, had already called for the elimination of war propaganda, and by resolution 191(III) of 1948 had approved a plan for the prohibition of the atomic weapon. As regards reduction of armed forces it had adopted a resolution (192(III)) providing for a census of existing armed forces with verification by international inspection. The USSR, by its intensive propaganda against the non-Communist world, had, it was argued, violated the first two resolutions and, by its obstructive tactics, had made the implementation of the other two impossible. While the Soviet Union itself maintained 25,000 tanks and 150 active divisions in addition to the Eastern German forces called "Bereitschaften", it could not accuse Western Powers of aggressive aims if they desired to raise 60 divisions for their defence. Moreover, all the aims of the USSR draft resolution (A/C.1/595) were to be found either in the Charter or in the previous resolutions of the General Assembly which had not been applied so far owing to the intransigence of the USSR.

In a detailed reply to these arguments, the representative of the USSR stated that resolution 110(II) of the Assembly, which had condemned war propaganda, had never been really respected and was, moreover, inadequate. The United States Press and leaders in various fields continued to suggest that war against the Soviet Union and the people's democracies was necessary. Thus, Mr. Walsh, member of the Armed Services Committee of the United States House of Representatives, had said that the time would come when the United States would drown the USSR in a flood of atomic bombs. Mr. Nance, President of the University of Tampa (Florida), had advo-

cated preparations for total war, including war with atomic weapons, poison gas, bacteriological weapons and intercontinental rockets. Mr. Carey, Secretary of the Congress of Industrial Organizations (CIO), had expressed the view that in a future war the United States would be allied with fascists against the communists. The present USSR draft declaration sought to make such propaganda a penal offence. As for alleged USSR propaganda, the USSR press and radio certainly criticized the Press, the cinema and other cultural media of the West but that criticism had nothing to do with war. Such criticism was necessary for the growth of a healthy critical attitude in the Soviet Union with regard to foreign cultures.

With regard to the Berlin question, the representative of the Soviet Union stated that, in Paris in 1948, the USSR had agreed to the solution proposed by the six non-permanent members of the Security Council, under the presidency of Mr. Bramuglia, the Foreign Minister of Argentina, but that United States pressure had been brought to bear on the representatives of the six Powers and it had been made impossible to reach an agreement. The Conference of Foreign Ministers, at Paris, in May-June 1949, had reached conclusions on a considerable number of questions concerning Germany and Austria. The conference had settled a number of measures to be taken. But the United Kingdom and the United States had failed to apply those measures and had not desired a settlement of the Berlin question. They had instead used bribes to bring about a railwaymen's strike in Berlin.

As to the Austrian treaty which had been mentioned, the representative of the USSR stated that an agreement had been reached at the Foreign Ministers' Conference in 1949. A communique which had been adopted unanimously by the four Powers had laid down the measures to be taken. Nevertheless the question was still outstanding because in the Western zone, denazification had not been carried out. The Austrian Government itself included some fascists, and in addition, the country was being steadily remilitarized. Moreover the United States, the United Kingdom and France had not respected the provisions of the Italian Peace Treaty relating to the Free Territory of Trieste. It was for that reason that the representative of the USSR at the conference of Deputy Foreign Ministers on Austria had requested, in September 1950, that before new agreements were concluded, the problem of Trieste should be settled and a decision put into effect.

Referring to the prohibition of the atomic weapon and control of atomic energy, the representative of the USSR observed that, under the Acheson-Baruch-Lilienthal plan, all atomic resources, all atomic energy undertakings, key undertakings in the atomic industry which were the foundation of the chemical and metallurgical industries and scientific research work were to be transferred, in their entirety, to the so-called international control commission. It was true that, according to that plan, States possessing atomic energy would retain the right to use that energy for so-called non-dangerous purposes. But it was laid down that the control commission would decide what was dangerous and what was not; it would also determine the quantity of atomic energy that each State might use for peaceful purposes. Thus, the international control body might be able artificially, the USSR representative stated, to retard the economic development of a country. Whereas the function of such an international control body should be to ensure that atomic energy should not be used for military purposes, the United States plan contemplated that it would take over all atomic energy and everything related to it. There had been a time when the USSR had considered that the prohibition of the atomic weapon should precede a control system. It was, then, objected that prohibition without a control system was dangerous. The USSR, realizing that the objection was partly justified, had then made a step forward and had agreed that the control system and prohibition should enter into force simultaneously. But the majority had retreated and had demanded that the establishment of control should precede the conclusion of an agreement on the prohibition of the atomic weapon.

The aggressive policy of the United States was also clearly proved, in the opinion of the USSR representative, by data relating not only to armaments and military appropriations, but also to strategic bases. There were, for instance, the 99-year leases granted by the Philippines in 1947, bases acquired in Taiwan, bases at Okinawa and Surabaya, Spanish and Portuguese bases, bases in the Middle East, Atlantic bases and Arctic bases, the purpose of which, according to the plans drawn up by General Spaatz in 1947, was to attack USSR centres by using the shortest routes.

One argument against the peace pact proposed by the USSR had been that such a pact was already included in the Charter. The provisions of the Charter, however, needed reaffirmation. The pact proposed by the USSR would strengthen peace and the peoples of the world would, then, be free

of the nightmare of atomic bombs, the representative of the USSR concluded.

Statements in support of the USSR proposals were also made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR. Broadly speaking, these representatives held the view that the aggressive spirit of the "Western Governments", today, was clearly expressed in the rearmament of the signatories to the North Atlantic Treaty and of Germany. The parties to that Treaty, it was said, had decided, in closed session at a conference held in New York, to reinforce their occupation troops in Germany, to amalgamate their armed forces and to allow Germany to participate in the establishment of those unified forces. The United States, which was more interested in the "defence" of Western Europe than Western Europe itself, had, it was stated, insisted that expenditure on armaments for Western Europe should be doubled to \$12,000,000,000. Nazi generals had stipulated conditions for their participation. Eastern European countries which had suffered at the hands of militarist Germany were watching over these developments and were deeply concerned over this violation of the Yalta and Potsdam agreements on the four-Power accord concerning Germany. The plan of the Occupying Powers for the establishment of a Franco-German iron and coal cartel and the Schuman plan, which dealt with the assignment of war industries, were in violation of the obligations undertaken by the Governments of the Western Powers under the quadripartite agreement, and those plans had disturbed the States neighbouring Germany. The Potsdam Agreement, it was maintained, had also been violated with regard to Japan, which the United States was transforming into a "breeding ground of war and a main base for aggression in Asia". The remilitarization of Japan, the construction of United States military bases all over the Pacific, the United States attitude towards the question of the admission of the People's Republic of China to the United Nations, were all evidence of the same aggressive policy. It was that policy which had made possible the United States aggression in Korea. The Soviet Union draft resolution, these representatives concluded, would provide a just and equitable solution to all these international questions. It was an instrument of peace which would help the United Nations in the discharge of its principal tasks and would bring peace and security to the peoples of the world.

The representative of Yugoslavia believed that the USSR proposals, even though acceptable in

parts, would create distrust rather than confidence when viewed against USSR policies which tended to be hegemonic and seemed directed towards undermining the independence of nations. Since 1950, the Government of the USSR and Governments under its influence had carried out an economic blockade of Yugoslavia and had repudiated solemn economic agreements out of purely political motives.

The USSR proposals sought to condemn and penalize war propaganda, yet the concept of war propaganda included the type of propaganda which built up an atmosphere in which people believed in the inevitability of war. The USSR, by accusing other Powers of war preparations, had created that atmosphere. It had, in particular, falsely accused Yugoslavia of having drawn up a plan of aggression with the help of the German general, Kleist. It had, further, through press and radio campaigns, incited the people of Yugoslavia to overthrow the Government. The delegation of Yugoslavia doubted the sincerity of the USSR proposal and would vote against it.

The representative of Canada stated that the USSR representative had misrepresented the plan for atomic disarmament which had been approved by the vast majority of the Members of the United Nations. In this connexion he asked the following questions: Did the USSR admit that any international agreement should include provisions for a strict system of international inspection by which the officials of the international authorities would, at any time and with or without the consent of the State concerned, have the right (a) of continuous inspection of any atomic energy installation or atomic plants of any kind whatsoever, and (b) to search by any means, including observation by air, for undeclared atomic energy facilities wherever the international control agency had any reason to believe that they existed? The representative of the USSR had walked out of the Atomic Energy Commission on a totally irrelevant issue before these vital questions could be examined. His willingness to walk back again would be a test of Soviet good faith in the matter. In conclusion, the representative of Canada stated that to prove its oft-expressed desire to co-operate with all States through the United Nations, the USSR should (a) immediately join in the work of the United Nations specialized agencies devoted to such matters as health and food and agriculture, instead of boycotting them, and should bear its share of burden of assistance to under-developed countries and of relief and rehabilitation in ravaged countries like Korea, and (b) cease the pol-

icy of isolating its people, its culture, its progress, from any contacts with the non-communist world.

The representative of Israel stated that the problem of atomic weapons could not be considered apart from the present political tension, which itself was the result of a disregard of the provisions of the Charter condemning aggression. If the United Nations succeeded in coping with all acts of aggression, the difficulties with regard to atomic energy would disappear. The Israeli delegation could not support the USSR draft resolution, which condemned not aggression itself but only the use of the atomic bomb; that might give the impression that the use of other means of mass destruction was more moral than the use of the atomic bomb. He believed that all possibilities of reaching agreement on atomic energy along the lines indicated in General Assembly resolution 191(III)²⁴ had not so far been exhausted and that further negotiations should be carried on between the "atomic powers" on that subject.

At the 382nd meeting of the Committee on 30 October the USSR draft resolution (A/C.1/595) was put to the vote and rejected in separate paragraphs, as follows:

Preamble—Paragraph 1, by 25 votes to 13, with 15 abstentions; paragraph 2 (voted on in two parts), by 23 votes to 16, with 16 abstentions, and 43 votes to 5, with 7 abstentions; paragraph 3, by 29 votes to 6, with 21 abstentions; paragraph 4, by 35 votes to 12, with 9 abstentions

Operative part—Paragraph 1, by 38 votes to 7, with 12 abstentions; paragraph 2 (voted on in two parts), by votes to 9, with 14 abstentions, and sub-paragraph 2, by 35 votes to 5, with 18 abstentions; introductory paragraph and sub-paragraph (a) of paragraph 3, by 33 votes to 11, with 11 abstentions, and sub-paragraph (b), by 41 votes to 5, with 10 abstentions

(2) Joint Eight-Power Draft Resolution

The Committee next considered the joint eight-Power draft resolution (A/C.1/597/Rev.2) submitted by Bolivia, France, India, Lebanon, Mexico, Netherlands, the United Kingdom and the United States. This draft resolution combined the salient features of a draft resolution (A/C.1/596) submitted, at the 375th meeting, by Bolivia, a joint draft resolution (A/C.1/597) presented at the same meeting by France, Lebanon, Mexico, Netherlands, the United Kingdom and the United States, and a draft resolution (A/C.1/598) submitted at the 377th meeting by India. It also included part of an amendment (A/C.1/605) submitted by Egypt to an earlier revision (A/C.1/597/Rev.1) of the same text. The text of the eight-Power draft resolution (A/C.1/597/Rev.2) follows (the

²⁴ See Y.U.N., 1948-49, p. 351.

italicized and footnoted phrases indicate the changes made to incorporate points from the Bolivian draft resolution, the Egyptian amendment and the Indian draft resolution):

The General Assembly,

Recognizing the profound desire of all mankind to live in enduring peace and security, and in freedom from fear and want,

Confident that, if all Governments faithfully reflect this desire and observe their obligations under the Charter, lasting peace and security can be established,

Condemning the intervention of a State in the internal affairs of another State for the purpose of changing its legally established government by the threat or use of force,²⁵

Solemnly reaffirms that, whatever the weapons used, any aggression, whether committed openly, or by fomenting civil strife in the interest of a foreign power, or otherwise,²⁶ is the gravest of all crimes against peace and security throughout the world;

Determines that for the realization of lasting peace and security it is indispensable:

1 That prompt united action be taken to meet aggression wherever it arises

2 That every nation agree

(a) to accept effective international control of atomic energy under the United Nations on the basis already approved by the General Assembly in order to make effective the prohibition of atomic weapons;

(b) to strive for the control and elimination, under the United Nations, of all other weapons of mass destruction;²⁷

(c) to regulate all armaments and armed forces under a United Nations system of control and inspection, with a view to their gradual reduction; and

(d) to reduce to a minimum the diversion for armaments of its human and economic resources and to strive towards the development of such resources for the general welfare, with due regard to the needs of the under-developed areas of the world;²⁸

Declares that these goals can be attained if all the Members of the United Nations demonstrate by their deeds their will to achieve peace.

The following amendments to the joint eight-Power draft resolution were voted upon and rejected by the Committee:

(i) An Egyptian amendment (A/C.1/605) which would have had the effect of deleting the words "or by fomenting civil strife in the interest of a foreign power" from the fourth paragraph of the preamble, and another Egyptian amendment moved orally after the rejection of the latter, to move the words "or otherwise" so that they may be inserted before the words "or by fomenting".

(ii) A series of amendments (A/C.1/607 & Corr. 1) sponsored jointly by the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR which in addition to retaining most of the provisions of the USSR draft resolution (A/C.1/595), sought to add in paragraph 4 of the preamble after the words "whether committed openly or by fomenting civil strife" and the words "including any form of intervention in a civil war". It was further proposed that the action against aggression, contemplated in paragraph (1) of the opera-

tive part, should be in conformity with the principles of Chapter VII of the Charter.

In view of the revised draft resolution India and Bolivia withdrew their draft resolutions and Egypt withdrew the second part of its amendment.²⁹

The eight-Power draft resolution, presented as an alternative to the Soviet text, had a large measure of support in the Committee. It was stated that it reflected more accurately than the Soviet draft resolution the wishes of the vast majority of the peoples of the world and of Members of the United Nations. The representative of Netherlands stated that the draft resolution (A/C.1/597/Rev.2) was not a mere recital of good intentions which, he said, was a feature of the Soviet declaration. The joint draft resolution was an invitation to action and its aims could be achieved by every Member of the United Nations. The representative of Syria stated that the meaning of aggression as envisaged in the draft resolution was not clear. It was questionable whether the "fomenting of civil strife", which was referred to in the draft resolution, constituted a case of aggression. The International Law Commission, he stated, was in the process of studying this question and a question which was still under study should not be prejudged. Therefore it would be preferable to omit the words "or by fomenting civil strife".

The representative of Israel supported the provisions relating to the condemnation of incitement to civil war when it was a foreign Power which was guilty of such incitement. He therefore suggested that in the fourth paragraph of the preamble the wording "by a foreign Power" would be preferable to "in the interest of a foreign Power". However, he stated, the expression of sympathy for one of the parties to a civil war did not amount to incitement to civil war, a point which the text in its present form did not make sufficiently clear. In the light of the General Assembly's new functions enabling it to intervene in cases of aggression, it was necessary to be most careful to avoid too wide and arbitrary a definition of what con-

²⁵ Incorporating part 2 of the Bolivian draft resolution (A/C.1/596).

²⁶ ²⁷ Incorporating parts of the Egyptian amendment (A/C.1/605).

²⁸ Incorporating part of the Indian draft resolution (A/C.1/598).

²⁹ At the 379th meeting, Greece had submitted a draft resolution (A/C.1/602) which in addition to combining parts of the Indian draft resolution and the original six-Power draft resolution also included the Chilean proposal (A/C.1/603). On the presentation of the eight-Power draft resolution (A/C.1/597/Rev.2) Greece also withdrew its draft resolution while the Chilean text was voted upon and adopted by the Committee separately (see below).

stituted aggression, the representative of Israel concluded.

The representative of Ecuador wished that it should be made clear that the third paragraph of the preamble to the draft resolution was not meant to condemn exclusively those cases where attempts were made to overthrow a legally established government. In his opinion it was important for Latin American countries to have it clearly understood that such a condemnation would include all intervention in the affairs of a foreign government, even if it was illegally established.

The representative of Bolivia, answering the point raised by the representative of Ecuador, stated that the draft resolution was not intended to restrict the general condemnation of all intervention.

Explaining his amendment, the representative of Egypt stated that the object of deleting the words "by fomenting civil strife in the interest of a foreign power" and replacing them by the word "otherwise" was to cover all forms of aggression other than open aggression. The amended version served the purpose aimed at by the eight-Power draft resolution, but was more expressive and less likely to lead to confusion; it should therefore allay the doubts of certain delegations. Moreover the amendment would be the more acceptable inasmuch as the case of intervention by a foreign power in the domestic affairs of another State was already covered in the third paragraph of the preamble.

Referring to the joint amendments (A/C.1/607 & Corr.1) proposed by the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR, the representatives of Bolivia, Canada, France, Netherlands and the United Kingdom stated that they constituted an attempt to reintroduce, as amendments, proposals which had already been rejected by the Committee. As regards the new proposal in the amendment for non-intervention in a civil war, it was stated on behalf of the sponsors of the eight-Power draft resolution that it was designed against the United Nations action in Korea, and was, therefore, not acceptable. The provision regarding condemnation of war propaganda had been, it was stated, included in the Chilean draft resolution (A/C.1/603) and there was no need to repeat it in the joint draft resolution. The proposed reference to Chapter VII of the Charter, it was stated, militated against the Assembly resolution "Uniting for Peace".

The representative of the USSR stated that the joint amendments did not reproduce the text of the rejected USSR draft resolution but only its parts. It was wrong to say that rejection of a pro-

posal as a whole meant that none of its parts could ever be reintroduced in the future. These amendments had been designed to make the joint draft resolution legal and therefore unanimously acceptable. The representative of Czechoslovakia stated that the debate had revealed the existence of deliberate opposition to the Soviet Union and the amendments had not even been discussed by the Committee despite the fact that their object was to strengthen the eight-Power draft resolution and to find a constructive solution to the problems under discussion.

At the 383rd meeting on 3 November the Chairman put the joint eight-Power draft resolution (A/C.1/597/Rev.2) to the vote, paragraph by paragraph and then as a whole by roll-call. The draft resolution was adopted as a whole by 47 votes to 5, with 1 abstention (Yugoslavia).

(3) Chilean Draft Resolution

At the same meeting, the Committee also adopted, by 43 votes to none, with 8 abstentions, a Chilean draft resolution (A/C.1/603) which had been originally submitted as an amendment (A/C.1/601) to the joint draft resolution (A/C.1/597). After having reaffirmed General Assembly resolutions 110(II) and 290(IV), paragraph 8,³⁰ condemning all propaganda against peace and recommending free exchange of information and ideas, this draft resolution declared that such propaganda likewise includes (i) incitement to conflicts or acts of aggression; (ii) measures tending to isolate the peoples of one country from contact with the outside world; and (iii) measures tending to silence or distort the peace activities of the United Nations or preventing the peoples from knowing the views of other Member States.

b. RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

The report (A/1490) of the First Committee and the accompanying draft resolutions A and B were presented to the General Assembly at its 308th plenary meeting on 17 November 1950, when the joint amendments by the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR which had been previously rejected by the First Committee were reintroduced with slight changes (A/1505). The USSR also reintroduced the draft resolution (A/1491) which had been rejected in the First Committee.

³⁰ See Y.U.N., 1947-48, p. 93, and 1948-49, p. 344.

It was decided by 27 votes to 7, with 17 abstentions, not to hold a debate. The President put the joint amendments to the vote first. All the amendments were rejected in votes ranging from 28 to 8, with 13 abstentions, to 37 to 5, with 11 abstentions. Draft resolution A recommended by the First Committee was then put to the vote and adopted by 50 votes to 5 with 1 abstention.

Draft resolution B was adopted by 49 votes to none, with 7 abstentions.

Explaining his vote, the representative of the USSR said that the text submitted by the First Committee under the title "Peace through Deeds" was unsatisfactory as it did not even "hint" at deeds favourable to peace. It omitted to provide for the prohibition of atomic weapons and only recommended the control of atomic energy. It also did not seek to promote the reduction of armaments. It was also inadequate as regards the prevention of war propaganda. War propaganda in the United States had, he stated, actually increased since the passing of the General Assembly resolution 110(II) and now even permeated schools. He referred to a children's magazine *Junior Review*, published in Washington, which was allegedly used as a basis for lessons to children from ten to fourteen years of age and which, in one issue, had praised the "armada of bombers" which, the magazine stated, could bomb the whole of Russia from bases in Alaska. Urgent measures should be taken to stop such propaganda.

The representative of the Union of South Africa stated that he had abstained from voting on paragraph 2(a) of the resolution, which dealt with the control of atomic energy, because his country during its gold-mining operations found it necessary to mine uranium also, since that material occurred as a component of gold-bearing conglomerates of the Witwatersrand gold mines. He, however, expressed his Government's wholehearted support of atomic energy control. The matter was being studied from an economic point of view by his Government. He had, therefore, voted for the resolution with that reservation.

Statements in explanation of their votes were also made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR. They held that none of the resolutions just adopted by the Assembly could help to relieve international tension, or to maintain and strengthen international peace and security. On the contrary they were vague and ambiguous and created an atmosphere favouring the machinations of groups who were seeking to bring about a new war. The joint eight-Power draft resolution, it

was stated, deliberately refrained from providing for any practical measures, in particular, the prohibition of the atomic weapon and the reduction of armaments and armed forces during the year 1950-51. It was, as a matter of fact, the last link in the chain of documents which were intended to legalize armed intervention in the domestic affairs of States. On the other hand, these representatives considered, the USSR draft resolution and the joint amendments had been intended to avert the threat of a new war, to reduce the burden of military budgets and to establish trust among States. They expressed the desire of all peace-loving peoples for peace. These representatives had, therefore, voted against the joint eight-Power draft resolution and for the USSR draft resolution as well as for the joint amendments to the eight-Power draft resolution.

At the request of the representative of the USSR, the preamble and the operative parts of the USSR draft resolution were voted upon separately and paragraph by paragraph. The preamble was rejected by 31 votes to 5, with 11 abstentions. Paragraphs 1 to 3 were each rejected by 35 votes to 5, with 11 abstentions.

The resolutions adopted by the Assembly at its 308th plenary meeting read as follows. Resolution 380(V):

The General Assembly,

Recognizing the profound desire of all mankind to live in enduring peace and security, and in freedom from fear and want,

Confident that, if all governments faithfully reflect this desire and observe their obligations under the Charter, lasting peace and security can be established,

Condemning the intervention of a State in the internal affairs of another State for the purpose of changing its legally established government by the threat or use of force,

1. Solemnly reaffirms that, whatever the weapons used, any aggression, whether committed openly, or by fomenting civil strife in the interest of a foreign Power, or otherwise, is the gravest of all crimes against peace and security throughout the world;

2. Determines that for the realization of lasting peace and security it is indispensable:

(1) That prompt united action be taken to meet aggression wherever it arises;

(2) That every nation agree:

(a) To accept effective international control of atomic energy, under the United Nations, on the basis already approved by the General Assembly in order to make effective the prohibition of atomic weapons;

(b) To strive for the control and elimination, under the United Nations, of all other weapons of mass destruction;

(c) To regulate all armaments and armed forces under a United Nations system of control and inspection, with a view to their gradual reduction;

(d) To reduce to a minimum the diversion for armaments of its human and economic resources and to strive towards the development of such resources for the general welfare, with due regard to the needs of the under-developed areas of the world;

3. Declares that these goals can be attained if all the Members of the United Nations demonstrate by their deeds their will to achieve peace.

Resolution 381(V):

The General Assembly,

1. Reaffirms its resolutions 110(II) and 290(IV), paragraph 8, which condemn all propaganda against peace and recommend the free exchange of information and ideas as one of the foundations of good-neighbourly relations between the peoples;

2. Declares that such propaganda includes:

(1) Incitement to conflicts or acts of aggression;

(2) Measures tending to isolate the peoples from any contact with the outside world, by preventing the Press, radio and other media of communication from reporting international events, and thus hindering mutual comprehension and understanding between peoples;

(3) Measures tending to silence or distort the activities of the United Nations in favour of peace or to prevent their peoples from knowing the views of other States Members.

3. Establishment of a Permanent Commission of Good Offices

On 26 September 1950, Yugoslavia requested (A/1401) that the item "Establishment of a permanent commission of good offices" be included in the agenda of the fifth session of the General Assembly. The Assembly, at its 294th plenary meeting on 23 October, on the recommendation of the General Committee, admitted the item on its agenda and referred it to the First Committee.

a. CONSIDERATION IN THE FIRST COMMITTEE

The First Committee considered the question at its 390th and 391st meetings on 9 and 10 November 1950.

There were four draft resolutions before the Committee:

(i) Draft resolution by Yugoslavia attached to its request (A/1401) for the inclusion of the item on the agenda. It recommended that all States should develop the greatest measures of initiative in the peaceful settlement of disputes by direct negotiations and other means, in accordance with Article 33 of the Charter. The resolution further provided for the establishment of a permanent commission of good offices for the purpose of facilitating direct negotiations and of applying other means of peaceful settlement. The commission, it was proposed, should consist of six non-permanent members of the Security Council and of six Member States other than the permanent members of the Security Council to be elected by the General Assembly.

(ii) Draft resolution by Uruguay (A/C.1/616), which, after calling attention to the provisions of Article 33

of the Charter and to the terms of reference of the Interim Committee, proposed to refer the item to the Interim Committee for consideration, together with the relevant proposals and records of the discussions.

(iii) Draft resolution by Lebanon (A/C.1/617), which called attention to the study by the Interim Committee of the question of the establishment of a permanent organ of conciliation; proposed to refer the Yugoslav draft resolution to that Committee for study in that connexion; and requested the Interim Committee to give priority to its consideration of the question in its programme of work.

(iv) Joint draft resolution by Lebanon and Uruguay (A/C.1/621) presented at the conclusion of the debate, which combined the provisions of the draft resolutions of Lebanon and Uruguay with the omission of the final provision of the Lebanese draft resolution by which the Interim Committee was requested to give priority to its consideration of the question.

Opening the debate, the representative of Yugoslavia stated that the functions of the two main organs of the United Nations, the Security Council and the General Assembly, had been divided in such a way that neither had so far undertaken the task of eliminating the initial causes impeding the establishment of friendly relations among States. The Security Council, for example, had been indifferent to questions which had not yet deteriorated to the point of directly threatening peace. The Assembly's wide membership and "unstable character", the representative of Yugoslavia said, did not allow it to be continuously on the watch and to enter into individual situations.

The General Assembly was competent, under Article 13 of the Charter, to assume the duty of promoting good relations among States. Nevertheless, concrete disputes or litigious questions between States necessitated long study which could not be undertaken by a body whose agenda was regularly overloaded. Moreover, the susceptibility of the States concerned required that such questions should be examined in smaller bodies, with less publicity. Finally, situations and disputes could arise at any time, and it would be impossible to call a special session of the Assembly for each one of them.

The Assembly should, therefore, create a subsidiary organ whose task would be to facilitate contact between the parties for the purpose of negotiation, or use other means for the peaceful solution of international disputes. Such contact would minimize the adoption of intransigent attitudes, promote a spirit of compromise and prevent a dispute from assuming threatening proportions.

Explaining the task of the proposed commission, the representative of Yugoslavia observed that it would watch and examine disputes or

litigious questions on the agenda of the General Assembly and of the Security Council, and explore the possibilities of a settlement satisfactory to the parties and in harmony with the principles of the Charter. It would also examine such possibilities with regard to questions not yet placed on the agenda of these organs. Since the competence of the commission would be limited to offering its good offices and advice, it would not overlap with the competence of the other organs of the United Nations.

The Yugoslav proposal excluded the permanent members of the Security Council from the membership of the proposed commission, since a question with which it dealt might deteriorate and later be brought before the Security Council, in which case, had they been members of the commission, the impartial consideration of the Council members would become more difficult. Moreover, the representative of Yugoslavia continued, the role of the permanent members as mediators might be affected by the interest which they would be likely to have in the dispute under consideration.

The representative of Lebanon recalled that his delegation had submitted a draft resolution similar to the present Yugoslav draft at the first session of the Interim Committee (A/AC.18/15 & A/AC.18/30). The proposal, together with the amendments submitted by the delegation of the Dominican Republic, had been studied by the Interim Committee's Sub-Committee on International Co-operation in the Political Field. The Interim Committee had decided to study the matter in connexion with the consideration of the peaceful settlement of disputes, as part of its long-term study programme. Since the Yugoslav draft was similar to that submitted by Lebanon to the Interim Committee, the delegation of Lebanon proposed that both proposals should be referred to the Interim Committee.

The representatives of Australia, Belgium, Canada, Egypt, France, Peru, Syria, the United Kingdom, the United States and Uruguay expressed the view that the Yugoslav draft resolution entailed certain constitutional and legal difficulties. For example, it was contended, the draft resolution provided that the proposed commission would be dealing with disputes or litigious questions before the General Assembly had had an opportunity to decide whether they would be admitted to its agenda. Under the proposed resolution, furthermore, the commission might discuss questions already on the Security Council agenda. However, since the commission was to be a sub-

sidary organ of the General Assembly, Article 12 of the Charter would preclude such consideration. Besides, it was argued, the establishment of ad hoc commissions for specific tasks would be preferable to the establishment of a permanent body. Membership of the commission as proposed would be excessively rigid and would lack the flexibility of ad hoc commissions. Moreover, experience had proved—as in the case of Kashmir—that a small commission or a single mediator could be more effective than a large commission. It was also maintained that multiplication of organs for the peaceful settlement of disputes might lead to confusion in that field. The right of powers not parties to a dispute to offer their good offices was generally recognized, and recourse to that method was more likely to be well received.

These representatives therefore felt that since the Interim Committee was continuing its study of machinery for the peaceful settlement of disputes and still had before it the Lebanese proposal for the creation of a conciliation commission, the Yugoslav proposal should be referred to the Interim Committee for study and report.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR stated that the Yugoslav draft was based on two misconceptions, (1) that there was no organ of the United Nations which could facilitate direct negotiations between parties to a dispute and (2) that it was not within the competence either of the Security Council or of the General Assembly to promote relations of good neighbourliness between States. But the Yugoslav position was contradicted by the whole of Chapter VI of the Charter, and especially by Article 33, which provides that the Security Council can call upon the parties to settle their disputes by peaceful means. Under Article 34, the Security Council could "investigate any dispute, or any situation which might lead to international friction". Finally, Article 37 laid down that, should the parties to a dispute fail to settle it by peaceful means, they should refer it to the Security Council, which would make recommendations.

The provisions of these Articles, in the opinion of these representatives, clearly indicated that it was a function of the Security Council to facilitate negotiation between the parties with a view to the settlement of their disputes. As the Security Council was the organ appointed by the Charter to recommend action, to improve international relations and to establish good neighbourly relations, it was futile to set up a new organ which would be given the functions vested in the Security

Council under Chapter VI of the Charter. The establishment of such an organ would be a violation of the Charter and would sabotage the work of the Security Council.

The terms of reference of the proposed commission would include not only the consideration of disputes but also the taking of decisions and the making of recommendations to the parties, without requiring the approval of the General Assembly or the Security Council. Thus, it was proposed to establish an independent organ which would replace the Security Council for the peaceful settlement of disputes, although, under the Charter, the Council had the primary responsibility in this respect. True, the Charter provided for the establishment of subsidiary organs, but the Yugoslav draft resolution would establish an independent organ with functions broader than those of a subsidiary organ. Furthermore, the fact that the five permanent members of the Security Council would be excluded from the Commission made it evident that the proposal violated the Charter by setting at naught the principle of the unanimity of the five permanent members.

As regards the joint draft resolutions of Lebanon and Uruguay, these representatives argued that the Interim Committee itself was an illegal body which had been set up to duplicate the functions of the Security Council. It had, moreover, proved completely ineffective. These representatives therefore indicated that they would vote against both the original Yugoslav proposal and the proposal to refer the question to the Interim Committee.

The joint draft resolution of Lebanon and Uruguay (A/C.1/621) was adopted by the Committee at its 391st meeting on 10 November 1950 by 46 votes to 5, with 5 abstentions.

The Chairman ruled that a vote on the Yugoslav draft resolution accordingly was unnecessary.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The report (A/1501) of the First Committee containing its draft resolution was presented to the General Assembly at its 308th plenary meeting on 17 November 1950. The Assembly adopted the draft resolution without a debate, by 45 votes to 5, with 3 abstentions. The text of the resolution 379(V) follows:

The General Assembly,

Mindful of the provision in Article 33 of the Charter that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international

peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice;

Recalling that in General Assembly resolution 295-(IV) the Interim Committee of the General Assembly is charged to consider systematically the further implementation of that part of Article 11 (paragraph 1) of the Charter relating to the general principles of co-operation in the maintenance of international peace and security and of that part of Article 13 (paragraph 1a) which deals with the promotion of international co-operation in the political field,

Considering that the Interim Committee of the General Assembly has already begun to study the question of the establishment of a permanent conciliation organ like that proposed by Yugoslavia,

Considering that the study of this question is important and urgent,

1. Decides to refer to the Interim Committee item 73 of the agenda of the present session (Establishment of a permanent commission of good offices);

2. Recommends to the Interim Committee, in continuing its systematic examination of machinery for the peaceful settlement of disputes, to study this item in connexion with the question of the establishment of a permanent organ of conciliation and taking into account the proposal introduced by Yugoslavia pursuant to item 73 and the discussions of the fifth session of the General Assembly on that item.

4. Duties of States in the Event of the Outbreak of Hostilities

On 26 September 1950, Yugoslavia requested (A/1399) that the item "Duties of States in the event of outbreak of hostilities" be included in the agenda of the fifth session of the General Assembly. The Assembly at its 294th meeting, on the recommendation of the General Committee, included this item in its agenda and referred it to the First Committee for consideration and report.

a. DISCUSSIONS IN THE FIRST COMMITTEE

The First Committee considered the item at its 384th to 390th meetings from 4 to 9 November 1950. In the course of the debate three draft resolutions were submitted, one by Yugoslavia (A/C.1/604), one by the USSR (A/C.1/608) and one by Syria (A/C.1/610).

(1) Yugoslav Draft Resolution

The Committee first considered the Yugoslav proposal which, in its operative part, recommended that every State which became engaged in hostilities with another State should, within 24 hours, publicly proclaim its readiness to order a cease-fire and to withdraw its forces from the territory or territorial waters of the opposing State and to prohibit the violation by its forces of the air space of the opposing State. Furthermore, the

State should, at midnight of the same day, put into effect the cease-fire order and fulfil the other provisions specified above, completing these within 48 hours from the moment of the cease-fire. To facilitate United Nations action each State was to inform the Secretary-General of the outbreak of hostilities. Any State failing to make the required public statement or to effect the cease-fire order and withdrawal, as required, should be considered as an aggressor and held responsible for the breach of the peace. The resolution was, it was stated, in no way to impair United Nations enforcement action or decisions of the relevant organs of the United Nations. United Nations enforcement action or armed assistance to the victim State in compliance with the obligation of collective defence were to be exempt from the application of this resolution. This was originally submitted with the explanatory memorandum (A/1399) attached to the request for inclusion of the item in the agenda, and later revised as document A/C.1/604.

Introducing his proposals, the representative of Yugoslavia stated that the value of the proposal lay in the following facts: (1) It automatically placed upon the States engaged in hostilities the duty of taking speedy measures to end them before the competent United Nations organs took action. (2) It gave such States another opportunity to settle their disputes by peaceful means even after the outbreak of hostilities, and thus facilitated the role of the United Nations. (3) It filled the gap in the system of collective defence of peace and thus made it more difficult to mask aggression as self-defence. (4) It facilitated the work of the United Nations in the case of the outbreak of hostilities by enabling the Organization to appraise the situation correctly and place the blame for aggressive war on the party responsible. (5) The proposal did not upset the general system of collective action for peace because it did not pre-judge the decisions of the Security Council or the General Assembly, nor did it prevent any collective action on the part of the United Nations for the re-establishment of peace, nor impair the right of individual or collective defence.

Several representatives, among them, those of Australia, Costa Rica, France, Greece, the United Kingdom and the United States, although in sympathy with the principles underlying the Yugoslav draft resolution, felt, nevertheless, that in its present form, it might benefit an aggressor. If, for instance, it was argued, State A committed an aggression against State B, then State B, the victim, acting in good faith would make a public declaration as required by the draft resolution.

The aggressor, State A, acting in bad faith might, and probably would, make a similar public statement. The question would then arise: what would the victim State be called upon to do under the Yugoslav draft resolution? That proposal would require the victim, having made the public statement, to issue a cease-fire order at midnight of the same day on which the statement was made. This would place the victim at a disadvantage in the face of an advancing army of the aggressor State. The international community could not rely exclusively on automatic criteria in making its decisions. The Yugoslav delegation was, therefore, urged to present a less rigid text.

The representative of Cuba submitted amendments (A/C.1/609) to the effect that the victim State should retain its right of self-defence and that the Peace Observation Commission³¹ should be used to determine the hour of the cease-fire and withdrawal of forces, such withdrawal to take place only after complete withdrawal by the attacking State. The Cuban amendments further proposed the deletion of the provision for notifying the Secretary-General about the outbreak of hostilities. It was also proposed that instead of the State which failed to observe the provisions laid down in the first two paragraphs of the draft resolution being automatically declared an aggressor, the Peace Observation Commission should determine the aggressor on the basis of non-compliance with these recommendations.

The Cuban amendments were, however, withdrawn in view of modifications later incorporated in another revised text (A/C.1/604/Rev.1) of the Yugoslav draft resolution which provided, among other things, that, if a State became engaged in an armed conflict, it should take all practicable steps compatible with the right of self-defence to bring this conflict to an end at the earliest possible moment.³² The provision regarding the public statement was modified so that in the new text the discontinuance of military operations and withdrawal of forces would be subject to terms or conditions agreed upon by the parties or indicated by the appropriate organs of the United Nations. The text relating to the notification to the Secretary-General was also modified, and a recommendation added that the notification should contain an invitation for the dispatch of the Peace Observation Commission. The provision regarding the determining of the aggressor was modified so that the conduct of the States regarding

³¹ See p. 194.

³² Italics indicate changes in the Yugoslav draft resolution as a result of its revision.

these recommendations should be taken into account in determining responsibility for the breach of peace or act of aggression.

The representative of the United Kingdom proposed an amendment (A/C.1/614) to the revised text (A/C.1/604/Rev.1) which provided that in the proclamation it would be declared that a State would discontinue military operations and withdraw its forces if the opposing State did the same. This amendment was accepted by the representative of Yugoslavia.

An Egyptian draft resolution (A/C.1/613) based on the revised Yugoslav draft resolution (A/C.1/604/Rev.1), which varied from the latter in the phrasing of the first paragraph of the preamble and the last paragraph of the operative part, was withdrawn in view of the final revision (A/C.1/604/Rev.2) of the Yugoslav draft resolution. This revised text incorporated, with one modification, the text of the first paragraph of the preamble of the Egyptian draft resolution and also the United Kingdom amendment. To meet the Egyptian point of view, a reference to rights and obligations deriving from the recommendations of competent organs of the United Nations was deleted. The new text of the Yugoslav draft resolution³³ (A/C.1/604/Rev.2) reaffirmed that armed force shall not be used except in the common interest and not against the territorial integrity of any State.³⁴ In its operative part, (1) it recommended that a State on becoming engaged in armed conflict with another State was to take all practicable steps compatible with the right of self-defence to end the conflict as early as possible; (2) in particular, it should, within 24 hours, proclaim its readiness, if the other State does likewise,³⁵ to discontinue military operations and withdraw its forces; (3 and 4) it was to notify the Secretary-General and invite the dispatch of the Peace Observation Commission. A fifth paragraph provided that the conduct of the States concerned in relation to these matters was to be taken into account in determining responsibility for the breach of the peace or act of aggression.

The representatives of Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR were opposed to the revised draft resolution (A/C.1/604/Rev.2). They held that its wording instead of exposing or deterring an aggressor would, in fact, assist him. The Yugoslav draft resolution, it was stated, continued to disregard the fundamental duties of States prior to the outbreak of hostilities. Those duties were contained in Chapter VI of the Charter. In cases of danger to international peace, the Security Council had very

important functions, but the Yugoslav draft resolution ignored Article 39 of the Charter, which provided that the Council is to determine the existence of any threat to the peace, breach of the peace or act of aggression.

Citing the explanatory memorandum (A/1399) accompanying the Yugoslav draft resolution, the representative of the USSR said that it contained the words "Chapters V, VI and VII of the Charter had entrusted the Security Council with the task of eliminating an imminent menace against international peace and security when it had already appeared." The Yugoslav delegation therefore seemed to assume that the Security Council could not take action until a breach of the peace had occurred. That argument was erroneous since it was clear from Chapter VI, Article 33, of the Charter that the Security Council should, when it deemed necessary, take steps to settle any dispute or situation which was likely to endanger peace and security.

Article 34, it was maintained, had also been misunderstood by the Yugoslav delegation. Under this Article, the "Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute", and the purpose of such investigation was "to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security". There again the Security Council was called upon to take action not in the event of aggression or of an actual threat to peace but in anticipation of it. Articles 35, 36, 37 and 38 were also based on the same principle. But the Yugoslav delegation, the USSR representative stated, seemed to imply that the functions of the Security Council were limited to eliminating direct threats to peace which had already become apparent.

These representatives held that paragraph 1 of the operative part of the revised Yugoslav draft resolution did not provide the correct procedure even for a State which had been attacked since such a State should invite action by the Security Council. Further, in the same paragraph, it was not clear whether the aggressor or the victim was under discussion. It appeared from the text that the reference was to the victim, but that inference was contradicted in the next paragraph, which referred to the State withdrawing its invasion forces. Only "guess work", it was argued, could decide

³³ For text as adopted by the Assembly, see p. 213.

³⁴ The Egyptian draft resolution referred only to States Members of the United Nations.

³⁵ Incorporating the United Kingdom amendment (A/C.1/614).

which State had the right of self-defence and which should withdraw its forces. This again would enable an aggressor to take advantage of an obscure situation in the event of a conflict.

It was said that paragraph 2 evidently dealt with the "duties of an aggressor" and would permit it, after making the required statement, to be exonerated from all blame. Such a provision would be of assistance to the aggressor, for within 24 hours a strong aggressor could invade an unprepared nation with atomic weapons and other modern means of warfare and so paralyse it that its Government could no longer function and would even be unable to appeal to the Security Council. Yet it was proposed to exonerate the aggressor from all blame if it declared its readiness to withdraw. Paragraph 5 stated that the conduct of the States concerned should be taken into account in determining responsibility for a breach of the peace. In the hypothetical case under discussion the victim would be paralysed, and the aggressor would achieve its objective within 24 hours and still be cleared of all blame.

Paragraph 3 of the operative part of the draft was no more than an unnecessary repetition of the provisions of the Charter although elsewhere the Charter was disregarded. Paragraph 4, it was argued, referred to the Peace Observation Commission, but the question of having recourse to the Commission was for the Security Council or the Assembly to decide. The proper procedure for that was laid down in the resolution entitled "Uniting for Peace". The victim of aggression might be paralysed with such speed as to be unable to ask for the dispatch of the Commission.

With reference to the words "take all steps practicable in the circumstances" in the first paragraph of the operative part of the draft resolution, it was stated that it was always easy to find impracticable "in the circumstances" measures which should be practicable. Such vague terminology left it to the discretion of the aggressor to decide whether steps were practicable or impracticable. It was also pointed out that the revised draft resolution did not provide for a time-limit within which hostilities were to cease as had been done in the original text. This would leave the aggressor free to deal with the victim as it deemed fit, and to choose its own moment for issuing the required statement.

In conclusion, the representative of the USSR stated that the main purpose of the United Nations was to set an insurmountable obstacle in the path of aggression and to call the aggressor to account. The Soviet Union considered that immediate

and effective measures should be taken in the event of aggression. The victim of aggression should be taken under the protection of all peace-loving States, and the aggressor should be opposed by the combined forces of Member States.

The question then arose of determining which was the attacker State, the aggressor; which was the guilty party and which the victim.

The Yugoslav draft resolution would not make it possible for either the General Assembly or the Security Council to determine the aggressor inasmuch as it would give the latter enough time to achieve its aim. The Yugoslav proposal did not fulfil its declared purpose, and the USSR delegation therefore considered it necessary to submit its own proposal to elucidate the question of defining aggression.

Replying to the criticism levelled against the draft resolution, the representative of Yugoslavia drew attention to the time taken in the consideration of such cases by United Nations organs. At least half a day, he said, would elapse after an attacked country had applied for United Nations assistance, before a meeting of the Security Council could be convened. That meeting might be attended by the protectors of the aggressor, some of which might, conceivably, enjoy the right of veto. Prolonged discussion might delay a decision indefinitely. Experience had shown, it was contended, that even in the most favourable circumstances, the Security Council would not be able to take a decision concerning a cease-fire more rapidly than through the procedure provided for under the draft resolution. That procedure would also eliminate the delays which might be caused by inviting the parties to appear before the Security Council.

If the Council were prevented from acting by a "veto" the dispute would go before the General Assembly, which under its resolution "Uniting for Peace" could not be convoked in less than 24 hours. (The representative of Yugoslavia recalled that the USSR and its supporters had requested that fourteen days' notice should be given for an emergency Assembly session.)

As a rule, under the present draft resolution, it was stated, the State which was the victim of an attack would appeal to the Security Council immediately after the outbreak of hostilities, stating at the same time that it was ready to cease hostilities if the other party did likewise. The Council could, thus, be acquainted with the attitude of the other party towards the end of the same day. If the other party also made a statement concerning the cease-fire, United Nations mediation to end fighting and to bring about a speedy withdrawal of

troops could begin within 24 hours of the outbreak of hostilities. If such a statement were not made by the other party, the United Nations organs could immediately take collective measures against the aggressor which would, by that very fact, have shown its aggressive intention. The Yugoslav draft resolution, it was argued, did not offer any grounds for the allegation that it would allow an aggressor to go unpunished for its aggressive action. Even after the aggression had ceased, the United Nations had the right to punish the State which initiated the aggression. The representatives of Argentina, Australia, Bolivia, Cuba, Egypt, France, Lebanon, Netherlands, New Zealand, United Kingdom and the United States expressed satisfaction with the Yugoslav draft resolution as finally revised and stated that they would vote for it.

(2) USSR Draft Resolution

As an alternative to the Yugoslav proposals the USSR had presented at the 385th meeting of the Committee, a draft resolution (A/C.1/608). Under its terms the General Assembly, considering it necessary, in the interests of general security and to facilitate agreements on the maximum reductions of armaments, to define the concept of aggression so as to forestall any pretext which might be used to justify it; recognizing that all States have equal rights to independence, security and the defence of their territory against aggression or invasion within the limits of their own frontiers; and considering it necessary to formulate essential directives for such international organs as might be called upon to determine which party was guilty of attack would declare that in an international conflict that State should be declared the attacker which first committed one of the following acts: declaration of war against another State; invasion by its armed forces, even without a declaration of war, of the territory of another State; bombardment of the territory of another State or deliberate attack on the ships or aircraft of the latter; the landing or leading of its land, sea or air forces inside the boundaries of another State without the permission of the Government of the latter, or the violation of the conditions of such permission, particularly as regards the length of their stay or the extent of the area in which they may stay; naval blockade of the coasts or ports of another State. Attacks such as those specified might not be justified by any arguments of a political, strategic or economic nature, or by the desire to exploit natural riches in the territory of the State attacked or to derive any other kind of advantages or privileges, or by reference

to the amount of capital invested in the State attacked or to any other particular interests in its territory, or by the affirmation that the State attacked lacks the distinguishing marks of statehood. The draft resolution listed fifteen considerations which, it stated, might not be used as justifications for attack, in the following terms:

- A. The internal position of any State; as, for example:
 - (a) The backwardness of any nation politically, economically or culturally;
 - (b) Alleged shortcomings of its administration;
 - (c) Any danger which may threaten the life or property of aliens;
 - (d) Any revolutionary or counter-revolutionary movement, civil war, disorders or strikes;
 - (e) The establishment or maintenance in any State of any political, economic or social system;
- B. Any acts, legislation or orders of any State, as for example:
 - (a) The violation of international treaties;
 - (b) The violation of rights and interests in the sphere of trade, concessions or any other kind of economic activity acquired by another State or its citizens;
 - (c) The rupture of diplomatic or economic relations;
 - (d) Measures in connexion with an economic or financial boycott;
 - (e) Repudiation of debts;
 - (f) Prohibition or restriction of immigration or modification of the status of foreigners;
 - (g) The violation of privileges granted to the official representatives of another State;
 - (h) Refusal to allow the passage of armed forces proceeding to the territory of a third State;
 - (i) Measures of a religious or anti-religious nature;
 - (j) Frontier incidents.

Finally it provided that, should a State be threatened by the concentration by another State of considerable armed forces near its frontier, it should have the right of recourse to diplomatic and other means of securing a peaceful settlement of international disputes. It might also adopt requisite measures of a military nature, without, however, crossing the frontier.

In support of the USSR draft resolution, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR observed that in case of an international conflict involving the use of force it was important, before taking collective action against the aggressor, to determine which was the guilty party. The importance of a definition of aggression had been shown during the efforts made under the auspices of the League of Nations to strengthen peace by means of disarmament. During the second session of the Disarmament Conference, in 1933, the USSR had submitted a proposal which, in spite of the objections made by certain Powers, was adopted by the Committee on Security Questions. The Soviet definition of aggression had also been adopted by

seventeen other States in connexion with the signing of an international convention on that subject in London in July 1933.

The question of a definition of aggression had also been dealt with in certain international agreements, such as the Treaty of Mutual Assistance, signed at Rio de Janeiro in September 1947. Nevertheless, no existing texts defined aggression as completely and as satisfactorily as did the USSR proposal of 1933. That definition had helped to expose the aggressive policy of fascist States and to mobilize the democratic forces against the aggressors. Events like the Ethiopian war or the attack on Pearl Harbor showed how aggressors strove to camouflage their actions by excuses based on international events or internal policy. In order to safeguard the objectives of the Charter, the Assembly should adopt the USSR draft resolution which, on the one hand, described various forms of aggression and, on the other, exposed the excuses which were normally given to justify acts of aggression.

A number of representatives, among them those of Canada, Colombia, France, Greece, the United States and Uruguay, spoke against the USSR draft resolution. The representative of Colombia, while agreeing that the definition of aggression which had been given in the London treaties of 1933 between the USSR, the Baltic States, the Balkan States and several States of the Middle East was the best available, held that a universally accepted definition had not been formulated. On the other hand, the principle that an international organization should determine the existence of individual acts of aggression had slowly gained ground. Thus, under the Charter, it was the Security Council which established and determined the existence of any act of aggression. The absence of a rigid rule for determining an aggressor was a step forward and would help in eliminating difficulties encountered by the League of Nations. Since the United Nations had the responsibility for taking measures to put an end to aggression, it should also have the responsibility for determining the aggressor.

The representative of the United States said that it was not clear why the USSR had submitted its draft resolution under the item "Duties of States in the event of outbreak of hostilities". The USSR proposal was almost identical with the one submitted to the League of Nations by Mr. Litvinov in 1933. At that time there had been a difference of opinion concerning the desirability of a comprehensive definition of aggression. At the United Nations Conference on International Or-

ganization at San Francisco, the Committee which had competence on the subject had decided that the question went beyond the purposes of the Charter and it had been decided to let the Security Council determine whether a given set of facts constituted aggression or not. His Government had always held that no definition of aggression could be exhaustive and that any omission might encourage an aggressor. The definition proposed by the USSR, for example, did not include indirect aggression such as subversion or the fomenting of civil strife. Any attempt at a comprehensive definition of aggression was inconsistent with the Charter, particularly Article 39, which provided that the Security Council should determine the existence of any act of aggression and take steps to put an end to it.

The representative of Canada stated that the numerous difficulties raised by the criteria proposed by the Soviet Union could be seen by reference to certain concrete historical situations. In 1939, for example, France and the United Kingdom had formally declared war on Germany. Was it, however, to be denied, on the basis of the principles contained in the USSR draft resolution, that the Nazis were the aggressors?

Similarly, the western sectors of Berlin had been subjected to economic blockade in 1948. Paragraph 1(d) of the operative part of the USSR draft resolution—which, incidentally, was regrettably silent on the subject of land blockade—condemned as an act of aggression the landing or leading of land, sea or air forces inside the boundaries of another State without the permission of the latter's Government. Was it to be claimed, in that case also, that the movement of supplies through the eastern zone of Germany to Berlin by military convoys, an action which might have become necessary to maintain the position of the Western Powers in Berlin, would have constituted an act of aggression?

Further, the USSR draft resolution would have been of no greater utility at the time of the outbreak of the Korean war in June 1950. Whereas the United Nations Commission on Korea had stated that the North Korean forces had attacked first and had crossed the 38th parallel, the Soviet Union continued to claim that it was the territory of North Korea which had first been invaded. The USSR draft would have been of no help in deciding on a question of fact of that kind and, indeed, all that an aggressor would have to do to frustrate the purpose of the Soviet proposal would be to claim that the other party had attacked first, which was what North Korea had actually alleged.

The representative of Uruguay stated that paragraph 2 of the operative part of the USSR draft resolution merely enumerated certain motives which should not be used as pretexts for aggression. Article 2, paragraph 4, of the Charter, however, forbade the threat or use of force for any reasons whatever. It was therefore absurd to forbid beforehand certain motives which might be used to justify aggression since it would mean that the motives which were not enumerated were a justification for aggression.

(3) Syrian Draft Resolution

The representative of Syria observed that a definition of aggression was required in international law just as definitions of crime were required under the common criminal code. He disagreed with the argument that a definition of aggression would enable aggressors to arrange their actions so as to remain outside the scope of the definition and thus avoid being accused of aggression. If that were the case the definition of crimes under the common criminal code would also be harmful. The USSR draft resolution, he stated however, was incomplete and did not correspond to the situation existing in 1950. He therefore submitted a draft resolution (A/C.1/610) which requested the International Law Commission to include the definition of aggression in its studies for formulating a criminal code for international crimes, and to submit a report on the subject to the General Assembly.

Two amendments were submitted to the Syrian draft resolution. One, by Sweden (A/C.1/611), provided that both draft resolutions, that submitted by the USSR (A/C.1/610), and that submitted by Yugoslavia (A/C.1/604), be transmitted to the International Law Commission together with the amendments and the minutes of discussions in the First Committee. This amendment was, however, withdrawn in view of the final revision of the Yugoslav draft resolution (A/C.1/604/Rev.2). The second amendment to the Syrian draft resolution was proposed by Bolivia (A/C.1/612), and provided for the addition in the operative part of the draft resolution of the provision that the USSR proposal be referred to the International Law Commission together with the records of the First Committee on the question. In a subsequent revision of the amendment (A/C.1/612/Rev.1) the representative of Bolivia added the further instruction that these records should be taken into consideration by the International Law Commission in formulating its conclusions.

The representative of Syria, in order to meet the Bolivian point of view, submitted a revised draft resolution (A/C.1/610/Rev.1) which took these amendments into account.

At the 390th meeting of the Committee, the representatives of Bolivia and Syria presented a joint draft resolution (A/C.1/615) which replaced the Syrian draft resolution and the Bolivian amendment.

(4) United Kingdom Draft Resolution

A discussion developed in the First Committee as to which subsidiary organ of the Assembly should be entrusted with the task of studying the definition of "aggression" and the USSR draft resolution which embodied this definition. The representative of the United Kingdom, supported by the representatives of Australia and France, considered that the USSR draft should be transmitted to the Interim Committee of the Assembly. The representative of the United Kingdom, therefore, submitted a draft resolution (A/C.1/618) to that effect. On a suggestion by the representative of Turkey that reference to the Interim Committee did not necessarily exclude a reference to the International Law Commission, the representative of France moved an amendment (A/C.1/619) to the United Kingdom draft resolution which would have the Interim Committee refer any points of law, arising out of the question to the International Law Commission.

The representatives of Bolivia, Brazil, Chile, Ecuador, Egypt, Philippines and Syria opposed the United Kingdom draft resolution and the French amendment to it, on the ground that the technical and legal aspects of the question were beyond the competence of the Interim Committee, which could only consider the desirability of adopting a definition in case one was evolved by the International Law Commission.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR were opposed to the joint Syrian-Bolivian draft resolution as well as to the United Kingdom draft resolution and the French amendment to it. They held that the Soviet Union proposal had been opposed without sufficient explanation, mainly by a minority led by the United States which was interested in keeping the definition of aggression "flexible". The question, it was maintained, was primarily political and not legal. The definition of aggression was linked with the work of the Security Council and the interpretation of the Charter which the International Law Commission was not competent to consider. As to the

Interim Committee, they considered that it had been constituted illegally, and pointed out that the USSR did not participate in its work. A study of the antecedents of the question of aggression would show that whenever it was raised it had been discussed in political committees.

(5) Voting on the Draft Resolutions

At the 389th meeting of the Committee, the Chairman put the Yugoslav draft resolution (A/C.1/604/Rev.2) to the vote. It was adopted by 51 votes to 5, with 2 abstentions.

At the 390th meeting, on 9 November, the representative of Turkey proposed that a vote should first be taken on the United Kingdom draft resolution. The motion was defeated by 41 votes to 11, with 7 abstentions.

The Bolivian-Syrian draft resolution (A/C.1/615) was then adopted by 39 votes to 12, with 7 abstentions. The Chairman ruled that a vote on other proposals had become unnecessary.

b. RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

The report (A/1500) of the First Committee containing two draft resolutions, A, the draft resolution originally proposed by Yugoslavia, and B, that proposed by Syria and Bolivia, was presented to the General Assembly at its 308th plenary meeting on 17 November 1950.

The representative of the USSR submitted an amendment to resolution B to provide that the International Law Commission report on the question not later than the next regular session of the General Assembly.

It was decided by 39 votes to 3 not to hold a debate on the draft resolutions. The USSR amendment was rejected by the Assembly by 22 votes to 12, with 13 abstentions. Draft resolutions A and B were adopted each by 49 votes to 5, with 1 abstention. Explaining their votes the representatives of Czechoslovakia, Poland, the Ukrainian SSR and the USSR reiterated the point of view expressed by them before the First Committee. The representative of the Union of South Africa, explaining his vote, stated that he regarded resolution A adopted by the Assembly as a valuable contribution to the system of collective security.

The text of the draft resolutions (378(V)) follows:

A

The General Assembly,

Reaffirming the Principles embodied in the Charter, which require that the force of arms shall not be re-

sorted to except in the common interest, and shall not be used against the territorial integrity or political independence of any State,

Desiring to create a further obstacle to the outbreak of war, even after hostilities have started, and to facilitate the cessation of the hostilities by the action of the parties themselves, thus contributing to the peaceful settlement of disputes,

1. Recommends:

(a) That if a State becomes engaged in armed conflict with another State or States, it take all steps practicable in the circumstances and compatible with the right of self-defence to bring the armed conflict to an end at the earliest possible moment;

(b) In particular, that such State shall immediately, and in any case not later than twenty-four hours after the outbreak of hostilities, make a public statement wherein it will proclaim its readiness, provided that the States with which it is in conflict will do the same, to discontinue all military operations and withdraw all its military forces which have invaded the territory or territorial water of another State or crossed a demarcation line, either on terms agreed by the parties to the conflict or under conditions to be indicated to the parties by the appropriate organs of the United Nations;

(c) That such State immediately notify the Secretary-General, for communication to the Security Council and to the Members of the United Nations, of the statement made in accordance with the preceding subparagraph and of the circumstances in which the conflict has arisen;

(d) That such State, in its notification to the Secretary-General, invite the appropriate organs of the United Nations to dispatch the Peace Observation Commission to the area in which the conflict has arisen, if the Commission is not already functioning there;

(e) That the conduct of the States concerned in relation to the matters covered by the foregoing recommendations be taken into account in any determination of responsibility for the breach of the peace or act of aggression in the case under consideration and in all other relevant proceedings before the appropriate organs of the United Nations;

2. Determines that the provisions of the present resolution in no way impair the rights and obligations of States under the Charter of the United Nations nor the decisions or recommendations of the Security Council, the General Assembly or any other competent organ of the United Nations.

B

The General Assembly,

Considering that the question raised by the proposal of the Union of Soviet Socialist Republics can better be examined in conjunction with matters under consideration by the International Law Commission, a subsidiary organ of the United Nations,

Decides to refer the proposal of the Union of Soviet Socialist Republics and all the records of the First Committee dealing with this question to the International Law Commission, so that the latter may take them into consideration and formulate its conclusions as soon as possible.

5. Development of a Twenty-Year Programme for Achieving Peace Through the United Nations

a. THE SECRETARY-GENERAL'S MEMORANDUM

This item was placed on the agenda of the General Assembly's fifth session by the Secretary-General, who at the same time communicated to the Assembly a copy of a letter (A/1304) which he had addressed to the Members of the United Nations on 6 June 1950, with a "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations".

In his letter the Secretary-General emphasized that the deterioration of relations between leading Members of the United Nations had created a situation of the most serious concern for the Organization and for the peace of the world. He had accordingly drawn up the Memorandum to suggest means by which the principles of the Charter and the resources of the United Nations could be employed to moderate the existing conflict and to enable a fresh start to be made towards eventual peaceful solutions of outstanding problems.

He stated that he had personally handed this memorandum to the President of the United States on 20 April, to the Prime Minister of the United Kingdom on 28 April, to the Prime Minister of France on 3 May and to the Prime Minister of the USSR on 15 May, and that he had discussed its points with these Heads of Governments and with other leaders of their Governments. From these conversations he had drawn "a firm conviction that the United Nations remains a primary factor in the foreign policy of each of these Governments and that the reopening of genuine negotiations on certain of the outstanding issues may be possible". He pointed out, however, that no significant progress could be made until the question of the representation of China could be settled.

The Secretary-General's ten points were as follows:³⁶

1. Inauguration of periodic meetings of the Security Council, attended by Foreign Ministers, or heads or other members of governments, as provided by the United Nations Charter [Article 28, paragraph 2] and the rules of procedure [rule 4]; together with further development and use of other United Nations machinery for negotiation, mediation and conciliation of international disputes.

2. A new attempt to make progress towards establishing an international control system for atomic energy that will be effective in preventing its use for war and promoting its use for peaceful purposes.

3. A new approach to the problem of bringing the armaments race under control, not only in the field of atomic weapons, but in other weapons of mass destruction and in conventional armaments.

4. A renewal of serious efforts to reach agreement on the armed forces to be made available under the Charter to the Security Council for the enforcement of its decisions.

5. Acceptance and application of the principle that it is wise and right to proceed as rapidly as possible towards universality of membership.

6. A sound and active programme of technical assistance for economic development and encouragement of large-scale capital investment, using all appropriate private, governmental and inter-governmental resources.

7. More vigorous use by all Member States of the specialized agencies of the United Nations to promote, in the words of the Charter [Article 55, sub-paragraph a], "higher standards of living, full employment and conditions of economic and social progress".

8. Vigorous and continued development of the work of the United Nations for wider observance and respect for human rights and fundamental freedoms throughout the world.

9. Use of the United Nations to promote, by peaceful means instead of by force, the advancement of dependent, colonial or semi-colonial peoples towards a position of equality in the world.

10. Active and systematic use of all the powers of the Charter and all the machinery of the United Nations to speed up the development of international law towards an eventual enforceable world law for a universal world society.

At the beginning of the Assembly's debate on the question, at its 308th plenary meeting on 17 November 1950, the Secretary-General commented on the points of the Memorandum and explained its purpose. The Memorandum had originated from the consciousness of a grave danger to the United Nations which had arisen as a result of growing international distrust and a consequent diminishing of faith in the efficacy of the United Nations as an instrument of peace. This "fatal tendency", the Secretary-General believed, must and could be arrested by a new and greater effort to employ to the full the resources present in the Charter for conciliation and constructive peace planning. "The old familiar expedients of armies and alliances" which were coming into prominence again should, he thought, be replaced by faith in the United Nations as a principal means of preventing war. The Memorandum, he explained, was not itself a programme but a working paper on which a twenty-year United Nations peace programme might be developed. Detailed consideration of the points by the various organs would, he hoped, lead to definite progress during

³⁶ The text here quoted of the Secretary-General's ten points is taken from Official Records of the General Assembly, Fifth Session, 308th plenary meeting, pp. 437-41.

the coming year. He then commented on the ten points individually.

1. Periodic meetings of the Security Council, such as he suggested, should be used for a general semi-annual review, at a high level, of outstanding issues, particularly those that involved the Great Powers. They should not be expected to make important decisions every time; they should be held not primarily for public debate but for consultation—much of it informal—to gain ground towards an agreement to clear up misunderstandings and to prepare for new initiatives which might lead later to definitive agreements. The meetings, he suggested, should be held away from the permanent Headquarters and the venue be rotated so that the physical presence of the United Nations might be brought closer to all peoples. The Secretary-General hoped that the practice of using the Council President as rapporteur for mediation and consultation would be encouraged, as also the use of the present machinery for private consultation by the Great Powers.

2. The Secretary-General characterized the problem of the international control of atomic energy as one "that goes to the very heart of the greatest conflict of power and ideology at the present time." He considered that a solution would probably be found only at the end, rather than at the beginning, of a long series of difficult negotiations towards settlement of wider issues. However, he hoped for a resumption of negotiations on the lines of Assembly resolution 299(IV), namely, "to explore all possible avenues and examine all concrete suggestions with a view to determining whether they might lead to an agreement". He suggested that the General Assembly and the Security Council might re-examine the decision to establish two separate commissions, or at least consider the advisability of linking their work more closely together, and recalled a reference to this possibility in President Truman's address to the General Assembly.

3. Disarmament could come only as part of a collective security system and in an atmosphere of mutual confidence such as prevailed among the Allies during the war, but it was also true, he stated, that any progress at all toward regulation of any armaments would help in reducing tensions and assist in the adjustment of political issues. Work on the vast amount of study, discussion and planning required to prepare an effective system of armaments control need not and should not be delayed.

4. The Secretary-General recognized that agreement on the armed forces to be made available

to the Security Council was a political issue. He emphasized that the Assembly's important action recommending that Member States have forces available for United Nations service³⁷ did not in any way diminish the need for and desirability of new efforts to establish the United Nations forces under Article 43. This had been explicitly recognized by the Assembly itself.

5. On the question of universality of membership, the Secretary-General stated that the test provided by the Charter for membership should be applied with wisdom and generosity, bearing in mind first of all, the interests of the peoples concerned rather than the nature of their Governments. The United Nations, he stated, was weakened and not strengthened by the exclusion of countries of Asia that had newly won their independence and of nine European countries which had long ago applied for membership.

6. The Secretary-General considered that a good start had been made on "a sound and active programme of technical assistance for economic development" with the inauguration of the twenty-million-dollar United Nations Expanded Programme, but this was only a beginning. It might be necessary to strengthen the resources of the International Bank and other international organizations operating in this field or to adopt additional methods of financing certain types of capital expenditures in under-developed countries. He confidently looked forward, he said, to the establishment of what had been called during the current Assembly a "United Nations Recovery Force" through which all nations would join in a mutually beneficial effort to raise the low living standards of more than half the human race.

7. Urging wider and more constructive support of the specialized agencies by all Member Governments, the Secretary-General stated that the agencies had become vitally necessary tools for eliminating the economic and social causes of war.

8. Despite evidence that the Universal Declaration of Human Rights would rank as one of the greatest documents of history, the rights it contained, the Secretary-General observed, were not enjoyed by most peoples of the world.

The United Nations had the resources for effecting a peaceful revolution in the field of human rights through international covenants on a right or a group of rights; methods of implementation; assistance to Governments to help create conditions under which economic, social and cultural rights could be enjoyed by greater numbers of peoples; separate action to promote freedom of

³⁷ See p. 194.

information and the rights of women; and measures to combat slavery, the use of forced labour and discrimination against minorities. These and other such programmes deserved the fullest possible support from Governments and peoples.

9. Speaking of the advancement of dependent peoples, the Secretary-General pointed out that, since the founding of the United Nations, nine countries of Asia, with a population of 600,000,000 people, had gained their independence. In Africa, the United Nations was assisting the former Italian colonies of Libya, Eritrea and Somaliland to achieve independence. Through the Trusteeship System and the Charter provisions relating to other Non-Self-Governing Territories, the United Nations offered the Administering Powers and the peoples under their jurisdiction the best opportunity for peaceful progress towards co-operation for mutual welfare. More use needed to be made of United Nations machinery for this purpose.

10. The Secretary-General called for more vigorous support of the work of the United Nations to speed up the development of international law. The Genocide Convention, adopted unanimously in 1948, had only now secured enough ratifications to bring it into force. Codification and embodiment in conventions of the principles adopted by the Nürnberg Tribunal should be pressed forward. So, also, should other conventions widening the scope of international law, like the Protocol extending the control of narcotic drugs. Systematic development in the next twenty years might yield at least the beginnings of a system of enforceable world law directly applicable to individuals as well as to Governments, on all matters essential to peace and security. Meanwhile, he hoped that the trend of the past year towards greater use of the International Court of Justice, both for the juridical settlement of disputes and for advisory opinions and interpretations of the Charter, would be continued.

b. DISCUSSION IN THE GENERAL ASSEMBLY

The Assembly decided not to refer the twenty-year programme to a committee and discussed the question at its 308th to 312th plenary meetings, from 17 to 20 November 1950. Two draft resolutions were submitted.

The first, a joint draft resolution submitted by Canada, Chile, Colombia, Haiti, Lebanon, Pakistan, the Philippines, Sweden, and Yugoslavia (A/1514), would note the progress made by the present session of the General Assembly with regard to certain of the points contained in the

Secretary-General's Memorandum, commend him for his initiative in preparing and presenting it to the General Assembly, and request the appropriate organs of the United Nations to consider those portions of the Memorandum with which they were particularly concerned, reporting on the results of their consideration to the Assembly at its sixth session.

The second draft resolution, submitted by the USSR (A/1525 & Corr.1), would have the Assembly express its approval that the item had been presented and state that it was essential in further developing the programme, to make provisions for (quoted):

(a) the holding of periodical meetings of the Security Council, which shall be fully and legally constituted with the participation of the representative of the People's Republic of China;

(b) unswerving compliance with the principle of unanimity in the work of the Security Council;

(c) the unconditional prohibition of atomic weapons and other weapons for the mass extermination of people, and the institution of control to ensure the observance of that prohibition;

(d) observance, in the preparation of agreements under Article 43 of the Charter of the United Nations for determining the numerical strength and nature of forces made available to the Security Council by the permanent members of the Council, of the principle of equality in respect of the total numerical strength and composition of such forces made available by the permanent members of the Security Council; provided that the Security Council may by specific decision permit a departure from that principle at the request of any permanent member of the Security Council;

(e) the provision of technical assistance to economically-backward countries, in most if not in all cases through the United Nations, on the principle, first, that the purpose of such assistance shall be to promote the development of the domestic resources and the national industry and agriculture of economically backward countries and to strengthen their economic independence, and secondly that such assistance shall not be conditional on compliance with any demand for political, economic or military privileges for countries rendering it;

(f) the development of international trade without discrimination on the basis of equality and respect for the sovereignty of all countries and without interference in the domestic affairs of other States.

Amendments to the nine-Power joint draft resolution were submitted by the United Kingdom (A/1535) and by the USSR (A/1527). The United Kingdom proposed that instead of informing the Assembly of the results of their consideration of the Memorandum, United Nations organs should inform it "of any progress achieved through such consideration".

The USSR proposed that reference to the progress made by the current Assembly session on certain points of the Memorandum be replaced by

a reference to "the importance of the matters dealt with in the Memorandum". It further proposed that the paragraph commending the Secretary-General for his initiative be replaced by the words "approving for consideration the items relating to the development of the twenty-year programme for achieving peace through the United Nations". In the course of the debate the USSR withdrew its amendments.

Two main points of view were expressed in the Assembly. The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR held that the Secretary-General's Memorandum was politically biased in favour of the policies pursued by the "Anglo-American bloc"; it was silent, they said, on such crucial issues as the representation of the Chinese People's Republic in the United Nations and the prohibition of atomic weapons, without which no programme of peace could be initiated. Further, the Secretary-General had not produced concrete proposals but merely a list of issues which needed to be settled.

The programme, they argued, should therefore be amended in the light of the USSR draft resolution (A/1525), which made concrete suggestions on the basis of which real peace could be achieved.

Elaborating these points, the representative of the USSR stated that his country was willing to support any real measures designed to strengthen international peace and security. Accordingly, the Soviet Union had frequently submitted to the United Nations proposals directed towards that end. In their essentials, these proposals were: the prohibition of atomic weapons and strict international control to ensure observance of this provision; the reduction of armaments and armed forces of the permanent Members of the Security Council; the cessation of war propaganda and settlement of Great-Power disputes; and finally the conclusion among them of a peace pact. Unless efforts were made along these lines, there could be no serious question of developing any peace programme whatever through the United Nations.

The USSR representative maintained that the assertion in the Secretary-General's statement that aggression in Korea had come from the North was contrary to facts. The USSR, he said, had frequently submitted proof and documents which confirmed that it was the United States which was the aggressor. The events in Korea had, however, he stated, strengthened the will of the peoples of the world to prevent further aggression and to preserve peace.

In accordance with its policy of peace, the USSR representative stated, the Soviet Union took a favourable view of the proposal that the United Nations should develop a twenty-year programme for achieving peace. The USSR agreed that it was possible to end the so-called "cold war". It also agreed with the statement in the Memorandum that no appreciable progress towards strengthening peace could be achieved until the question of the representation of China in the United Nations had been settled. Similarly, the USSR was prepared to support a number of other proposals in the Memorandum, such as the resumption of talks on atomic energy on the basis of Assembly resolution 299(IV) and the conclusion of agreements on the reduction and regulation of armaments of all types.

The USSR representative considered, however, that the Memorandum was a one-sided, politically biased document. For example, while it contained the acceptable proposal of convening periodic high-level meetings of the Security Council, it passed over in silence the question of China's representation in that organ. Yet the representation of China by its true representatives was essential to co-operation within the United Nations. He proposed to add a provision that the Security Council be made to function with its full membership including the representative of the People's Republic of China.

The political bias of the Memorandum in favour of the views of the Anglo-American bloc was, in the opinion of the USSR representative, shown by the proposal for further efforts to limit the use of the veto. This proposal was contrary to the provisions of the Charter and constituted a denial of one of the basic principles of the United Nations.

A similar bias was shown in the Memorandum's proposal concerning the establishment of an international control system for atomic energy. This proposal reflected the views of delegations which were members of, and participants in, the aggressive North Atlantic Treaty, and which had sponsored an eight-Power resolution under the pretentious title "Peace through Deeds".³⁸ The Secretary-General's proposal omitted all reference to the banning and unconditional prohibition of atomic weapons simultaneously with the establishment of strict international control. In so doing, the USSR representative stated, it supported a war policy of producing and stock-piling atomic and other hideous aggressive weapons. In this connexion, he alleged that the Secretary-General had

³⁸ For text, see pp. 203-4.

come to Moscow with his Memorandum after it had been sanctioned first by the State Department of the United States and then by the Foreign Office in London and by the Prime Minister of France. He considered it essential that the programme should provide for unconditional prohibition of the atomic weapon.

Referring to the Stockholm Appeal, which had demanded this unconditional prohibition, the representative of the Soviet Union asserted that it had enraged certain circles which were looking for an opportunity to use it. Certain representatives on the First Committee had called the signatories to this appeal "traitors and fifth-columnists". He therefore listed some of the names of eminent statesmen, scientists, artists, writers and representatives of various religions who had signed the appeal. He also mentioned a communication from the International Committee of the Red Cross, addressed to States signatories to the Geneva Convention, which contained an appeal for agreement on the prohibition of atomic weapons and indiscriminate weapons in general.

The Memorandum did not deal with the underlying causes of differences of opinion concerning the armed forces to be made available to the Security Council under Article 43 of the Charter. This Article required qualitative and quantitative equality of the number and composition of armed forces to be made available by the permanent members of the Security Council. The United Kingdom and the United States were, the USSR representative stated, attempting to obtain a predominant position with regard to these armed forces so as to be able to use such forces in their own particular interests.

The USSR supported the proposal relating to the need for technical assistance provided that this assistance was so organized that no foreign monopolies could exploit it to the detriment of the economically backward countries. Technical assistance must be carried out exclusively through the United Nations, not through States whose economic policies were controlled by monopolistic organizations and corporations. Further, this assistance should not be made conditional on compliance with any demand for political, economic or military priorities for countries rendering such aid. In substance, the USSR representative said, the Secretary-General's Memorandum followed the programme laid down by the monopolies of the United States which had been exploiting technical assistance as a means of penetrating the economies of undeveloped countries.

The representative of the USSR criticized the Secretary-General's Memorandum for omitting to mention two important issues of international co-operation—the International Trade Organization and the question of discrimination in foreign trade. The USSR, he stated, had consistently pursued the policy of strengthening and broadening commercial and economic relations with all countries that wished to trade with it, whereas some countries, notably the United Kingdom and the United States, were, he maintained, pursuing a policy of discrimination more and more actively. Such discrimination hampered the cause of peace by interfering with the normal and healthy growth of trade relations between countries. He therefore considered that provisions for cessation of discriminatory practices in foreign trade "must without fail" be included in the programme for achieving peace. The USSR, he stated, would adhere to the Charter of the International Trade Organization if the Charter were amended. In its present form, however, the Charter jeopardized the economic interests of many countries and was therefore unsatisfactory.

Stating that the draft resolution submitted by the nine delegations was a "hollow, worthless document" designed to lead public opinion astray, the USSR representative recommended that the draft resolution presented by the Soviet delegation should be adopted as the basis for further work on the twenty-year programme for achieving peace.

The representatives of Canada, Chile, Colombia, Denmark, Egypt, France, Haiti, Netherlands, Pakistan, Philippines, Sweden, the United Kingdom, the United States and Uruguay, on the other hand, supported the Secretary-General's Memorandum and the nine-Power draft resolution.

They held that the Secretary-General, acting under the authority of Article 99 of the Charter, had prepared an impartial and objective document, and it was essential that the General Assembly should take official cognizance of it, so that appropriate organs of the United Nations might take into consideration those portions of it which came within their spheres. It was particularly gratifying, these representatives held, that the Secretary-General's programme, by relating the economic and social aspects of the Charter to the general political situation, had placed the current difficulties in the proper perspective.

A study of the Memorandum showed that it reflected the chief functions of the United Nations. Points 1, 2, 3 and 4 came within the competence of the Security Council; point 5 concerned

the Security Council and the General Assembly; points 6, 7, and 8 related to the activities of the Economic and Social Council; point 9 was within the competence of the Trusteeship Council; and point 10 related to the functions of, among other organs, the International Court of Justice. Thus, the Secretary-General had presented a basic review of the functions of the United Nations and their relevance to the world situation.

These representatives denied that the Secretary-General's Memorandum reflected the current policy of any exclusive group of Powers. It diverged in important details from policies now upheld by the majority and minority groups of United Nations Members. Acceptance of the points in the Memorandum would involve concessions and modifications of the points of view of all sections of the United Nations, and not only of one.

Referring to the Secretary-General's proposal regarding the problem of atomic energy, the representative of France recalled that at its previous session the General Assembly had adopted a proposal by Canada and France (299(IV)) favouring acceptance by Members of a limitation to the exercise of their right of sovereignty in the control of atomic energy. The Secretary-General's proposal was along similar lines. However, the representative of France observed, all forms of the armaments race required the same vigilance. The Secretary-General's programme therefore recalled Assembly resolution 300(IV), which recommended that the Security Council, despite the lack of unanimity of its permanent members, should continue its study of the regulation and reduction of conventional armaments. The failure of the Military Staff Committee to draw up the special agreement referred to in Article 43 was, the representative of France maintained, to be explained by an opposition which, he was sure, was temporary and not insurmountable. The representative of France also commended the Secretary-General's proposals regarding universality of membership and the programme of technical assistance.

The representatives supporting the nine-Power draft resolution, considered that it provided an opportunity for organs of the United Nations to study in detail such of the proposals as lent themselves to concrete action. The proper place to debate the points raised by the USSR concerning these proposals was in the various organs of the United Nations.

The USSR proposal was criticized for making the holding of periodic meetings of the Security Council conditional on the participation of the

representative of the Chinese People's Republic. The fulfilment of one desirable objective, it was stated, should not be made dependent upon the fulfilment of another.

Commenting on this problem, the representative of the United States said that, quite apart from the opposition of his Government to any move to seat the "Chinese Communists" in any United Nations organs, the fact remained that the General Assembly now recognized the Chinese National Government as the Government of China. Should it wish to change its decision, this would not be the way to do it. Further, the General Assembly constitutionally could not determine the representation of Members in the Security Council.

Referring to the USSR proposal regarding compliance with the unanimity rule, the United States representative said that there was no need to write into a General Assembly resolution something that was already written in the Charter. Similarly, the paragraph in the USSR resolution regarding the unconditional prohibition of atomic weapons was, the United States representative said, fully covered in the resolution entitled, "Peace through Deeds" and in previous resolutions of the General Assembly. The USSR proposal on armed forces, it was stated, involved a complex set of problems which had been considered for many months by the Military Staff Committee; if the Soviet Union had a new proposal on that subject, it could be discussed in that Committee. Turning to the USSR proposals regarding technical assistance and international trade, the United States representative said that they should be considered by the Economic and Social Council and the Economic Committee of the General Assembly before they could come up in plenary session. He urged the rejection of the USSR draft resolution.

The representative of the United Kingdom stated that the USSR draft resolution was an attempt to use the Secretary-General's programme as a Soviet propaganda counter. This was evident from the way in which it dealt with the question of China's representation. The United Kingdom had recognized the Central People's Government as the only lawful Government capable of representing China in the United Nations, but could not support a resolution designed to commit the Assembly to the view that meetings of the Security Council in which the Central People's Government was not represented were unlawful. There was no truth, the United Kingdom representative stated, in the USSR representative's allegation that the Secretary-General's Memorandum had

been approved by the United Kingdom Government, among others. The Secretary-General had acted quite independently and without the knowledge of the United Kingdom Government. The best proof that the United Kingdom Government had no hand in the proposals was* the fact that there were among them "quite a number of points" on which it respectfully disagreed with the Secretary-General, although agreeing with the spirit of the proposals. Drawing attention to his delegation's amendment to the nine-Power draft resolution, the representative of the United Kingdom stated that the United Nations organs should report next year on "progress" and not "results". The investigation, he held, might become continuous and as world affairs developed and changed, new considerations might become applicable.

Towards the close of the debate, the representative of the USSR challenged the statement of the representative of the United Kingdom that the United Kingdom Government had been unaware of the contents of the proposed programme. He said that he would "not name the persons who prepared the programme, nor those of them who went to Washington to prepare it". The facts, he added, were known to the representatives who were present at that time.

Replying to this charge, the Secretary-General stated that the allegation repeatedly made by the representative of the USSR that his Memorandum was sanctioned or even drafted by the Governments of the United States, France, and the United Kingdom was false and could not be made true by repetition. It was his own conception, he asserted, and he himself had drafted it in consultation with his Assistant Secretaries-General and other principal assistants. The text which he had discussed in Moscow was precisely the same text

which he had taken to Washington, London and Paris.

The draft resolutions were then put to the vote. The United Kingdom amendment (A/1535) to the nine-Power draft resolution (A/1514) was adopted by 44 votes to 7, with 5 abstentions. The nine-Power joint draft resolution, as amended, was adopted by 51 votes to 5, with 1 abstention.

The vote on the USSR draft resolution (A/1525 & Corr.1) was taken paragraph by paragraph, and rejected by votes varying from 42 to 8, with 5 abstentions (on the paragraph dealing with periodic meetings of the Security Council) to 23 to 15, with 17 abstentions (on the paragraph relating to discrimination in trade).

The text of the resolution (494(V)) adopted by the Assembly at its 312th plenary meeting on 20 November 1950 was as follows:

The General Assembly,

Having considered the "Memorandum of points for consideration in the development of a 20-year programme for achieving peace through the United Nations" submitted by the Secretary-General,

Noting that progress has been made by the present session of the General Assembly with regard to certain of the points contained in the memorandum of the Secretary-General,

Reaffirming its constant desire that all the resources of the United Nations Charter be utilized for the development of friendly relations between nations and the achievement of universal peace,

1. Commends the Secretary-General for his initiative in preparing his memorandum and presenting it to the General Assembly;

2. Requests the appropriate organs of the United Nations to give consideration to those portions of the memorandum of the Secretary-General with which they are particularly concerned;

3. Requests these organs to inform the General Assembly at its sixth session, through the Secretary-General, of any progress achieved through such consideration.

B. THE QUESTION OF KOREA

The question of the independence of Korea had been considered by the General Assembly at its second, third and fourth sessions.³⁹ At its second session the Assembly in resolution 112(II) had established a Temporary Commission to assist and hasten the participation of elected Korean representatives in the consideration of the question of Korean independence, and to observe that these representatives were in fact duly elected by the Korean people. The Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR, the USSR and Yugoslavia did not take part in the vote establishing the Commission, maintaining that the

Assembly's refusal at that session to permit Korean representatives to take part in its discussions of the question at a time when questions affecting the independence of their country were being discussed contravened the provisions of the Charter and the right of self-determination of peoples.

The Temporary Commission was unable to secure access into North Korea and, after consulting the Interim Committee, as authorized by the General Assembly, it observed the elections in the

³⁹ See Y.U.N., 1947-48, pp. 81-88, 282-84, 302-4; 1948-49, pp. 287-94.

areas of Korea south of the 38th parallel of latitude, which resulted in the establishment of the Government of the Republic of Korea. At its third session, in December 1948, the General Assembly in resolution 195(III) declared this Government a lawful government and the only such government in Korea. It recommended that Governments take this declaration into account in establishing their relations with the Government of the Republic of Korea. It also recommended the withdrawal of the occupying forces. It set up a United Nations Commission on Korea to lend its good offices to bring about the unification of Korea and the integration of all Korean security forces; the Commission was to facilitate the removal of barriers to economic, social and other friendly relations caused by the division of the country. In 1949, at its fourth session, the General Assembly in resolution 293(IV) decided to continue the Commission in being, with much the same terms of reference except that it was directed to observe and report any developments that might lead to military conflict in Korea.

Both in 1948 and 1949 the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR had maintained that the General Assembly did not have the right to take any action with regard to Korea as that matter had been covered by the Moscow Agreement and should be dealt with by the Allied Governments concerned. The establishment of the Temporary Commission, they stated, was illegal since it was in violation of international agreements. They held that the unification of Korea and the establishment of a unified democratic State should be left to the Korean people themselves.

1. Complaint of Aggression upon the Republic of Korea before the Security Council

On 25 June 1950, the United States (S/1495) informed the Secretary-General that North Korean forces had invaded the territory of the Republic of Korea at several points in the early morning of that day. Stating that this was a "breach of the peace and an act of aggression" the United States requested an immediate meeting of the Security Council to deal with the situation.

On the same day the United Nations Commission on Korea informed the Secretary-General (S/1496) that according to a statement of the Government of the Republic of Korea, attacks had been launched in strength by the North

Korean forces all along the 38th parallel. The Pyongyang Radio announcement that the South Korean forces had launched an attack across the parallel during the night, the Commission stated, was declared to be entirely false by the President and Foreign Minister of the Republic of Korea in the course of a conference with the Commission's members. Stating that the situation was assuming the character of a full-scale war and might endanger international peace, the Commission suggested that the Secretary-General should consider the possibility of bringing the matter to the Security Council's attention.

a. RESOLUTION OF 25 JUNE 1950

These communications were considered by the Council at its 473rd meeting on 25 June. On the proposal of the United States, the representative of the Government of the Republic of Korea was invited to sit at the Council table during the consideration of the question. The United States representative presented a draft resolution (S/1497) which would have the Council call upon the authorities in North Korea to cease hostilities and to withdraw their armed forces to the border along the 38th parallel. It would, also, request the United Nations Commission on Korea to observe the withdrawal of the North Korean forces to the 38th parallel and to keep the Security Council informed on the execution of the resolution. The Council, it was provided, would call upon all Members of the United Nations to render every assistance to the United Nations in the carrying out of the resolution and to refrain from assisting the North Korean authorities.

The representatives of the Republic of Korea, China, France, Cuba and Ecuador urged speedy action by the Council to deal with the situation, the representatives of the Republic of Korea, China and Cuba stating that the Council was faced with an act of aggression. The representative of France stated that the matter was of particular concern to the United Nations in view of the part which the Organization had played in establishing the Republic of Korea. Support for the United States draft resolution was expressed by the representatives of the United Kingdom, France and Ecuador; and the representative of Egypt, welcoming the Council's endeavour to bring about a cessation of hostilities, stated that he might be able to support the draft resolution if certain changes were made. The United Kingdom proposed an amendment (S/1498) to request the United Nations Commission on Korea to communicate its fully considered recommendation on

the situation with the least possible delay. Following consultations between some of the representatives, various paragraphs of the United States draft resolution (S/1497) were amended (S/1499) and the revised draft resolution was adopted by the Council (S/1501) first in parts and then as a whole. The representative of Norway expressed his support of the amended resolution.

The first, second and third paragraphs and the first paragraph of the operative part were adopted by 9 votes, with 1 abstention (Yugoslavia) and one member absent (USSR);⁴⁰ the first clause of paragraph I (see below) of the operative part was adopted by 10 votes, with 1 member absent (USSR); the second clause of paragraph I of the operative part and paragraph II and III were adopted by 9 votes, with 1 abstention (Yugoslavia) and 1 member absent (USSR). The amended draft resolution as a whole was adopted by 9 votes, with 1 abstention (Yugoslavia), and 1 member absent (USSR). The resolution adopted by the Council read as follows:

The Security Council,

Recalling the finding of the General Assembly in its resolution of 21 October 1949 that the Government of the Republic of Korea is a lawfully established government "having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; and that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such government in Korea";

Mindful of the concern expressed by the General Assembly in its resolutions of 12 December 1948 and 21 October 1949 of the consequences which might follow unless Member States refrained from acts derogatory to the results sought to be achieved by the United Nations in bringing about the complete independence and unity of Korea; and the concern expressed that the situation described by the United Nations Commission on Korea in its report menaces the safety and well being of the Republic of Korea and of the people of Korea and might lead to open military conflict there;

Noting with grave concern the armed attack upon the Republic of Korea by forces from North Korea,

Determines that this action constitutes a breach of the peace,

I. Calls for the immediate cessation of hostilities; and calls upon the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel;

II. Requests the United Nations Commission on Korea

(a) To communicate its fully considered recommendations on the situation with the least possible delay,

(b) To observe the withdrawal of the North Korean forces to the 38th parallel, and

(c) To keep the Security Council informed on the execution of this resolution;

III. Calls upon all Members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities.

The representative of Yugoslavia declared that the situation was obviously of a nature to cause the gravest concern and arouse the greatest feeling of uneasiness. However, his delegation did not feel that the picture so far obtained from the various dispatches that had come in was sufficiently complete and balanced to enable the Council to assess the final and definite responsibility and guilt of either of the parties involved. Since the Council had heard the representative of the Republic of Korea, he was of the opinion that an opportunity should be granted to a representative of the Government of North Korea for a hearing. To that end, he submitted the following draft resolution (S/1500):

The Security Council,

Noting with grave concern the outbreak of hostilities in Korea, and anxious to obtain all the necessary information enabling it to pass judgment on the merits of the case,

Calls for an immediate cessation of hostilities and withdrawal of forces,

Invites the Government of North Korea to state its case before the Security Council.

The Yugoslav draft resolution was rejected by 6 votes to 1 (Yugoslavia) with 3 abstentions (Egypt, India, Norway), and 1 member absent (USSR).

b. RESOLUTION OF 27 JUNE 1950

At its 474th meeting on 27 June, the Security Council had before it three cablegrams from the United Nations Commission on Korea (S/1503, S/1505/Rev.1 & S/1507). The Commission reported that, having considered the latest reports of its military observers resulting from direct observation along the 38th parallel during the period ending 48 hours before hostilities had begun, its present view was that the authorities in North Korea were carrying out a well-planned, concerted and full-scale invasion of South Korea; and that South Korean forces had been deployed on a wholly defensive basis on all sectors of the 38th

⁴⁰ The USSR representative had withdrawn from the Council on 13 Jan. 1950, stating that he would not participate in the Council's work until "the representative of the Kuomintang group had been removed", and that the USSR would not recognize as legal any decision of the Council adopted with the participation of that representative and would not deem itself bound by such decisions. He returned to the Council on 1 Aug. 1950 when the presidency of the Council devolved upon him, according to the rule of monthly rotation.

parallel. The Commission also expressed unanimous gratification at the Security Council's resolution of 25 June. It stated, however, that it was convinced that the North Koreans would neither heed the Council's resolution nor accept the Commission's good offices, and suggested that the Council might consider calling on both parties to agree on a neutral mediator, or request Member Governments to undertake immediate mediation. It warned that in the light of military operations already in progress, the question of a cease-fire and a withdrawal of North Korean forces might prove "academic".

The representative of the United States submitted a draft resolution (S/1508/Rev.1) proposing that the Security Council note that the authorities of North Korea had not complied with the resolution of 25 June, and that urgent military measures were required to restore international peace and security. The draft resolution would also recommend that the Members of the United Nations furnish such assistance to the Republic of Korea as might be necessary to repel the armed attack and restore international peace and security in the area.

After submitting his draft resolution, the representative of the United States read the statement which the President of the United States had made on that day. This statement announced, *inter alia*, that, in conformity with the Council's call upon all Members of the United Nations to render every assistance to the United Nations in the execution of its resolution of 25 June he (the President of the United States) had ordered United States air and sea forces to give cover and support to South Korean troops. The President of the United States also announced in this statement that he had ordered the Seventh Fleet to prevent any attack on Formosa and had called upon the Chinese Government on Formosa to cease all air and sea operations against the mainland. Orders had also been issued, he said, to accelerate military assistance to the Philippines and to the forces of France and the Associated States in Indo-China.

The representative of Yugoslavia, stating that, unfortunately, Korea and the Korean people were victims of "spheres of influence", maintained that the Council should not, after two days fighting, abandon hope that the parties would negotiate in their own interest and in that of international peace. The Council, he said, should help the Korean people by addressing to them an even more pressing appeal to cease hostilities and by suggesting to them a procedure of mediation with the good offices of the Security Council. He there-

fore proposed a draft resolution (S/1509) which would have the Council renew its call for the cessation of hostilities, initiate a procedure of mediation between the parties and, to this end, invite the Government of the People's Republic of Korea to send a representative immediately to the United Nations Headquarters, with full powers to participate in the procedure of mediation.

The representatives of the Republic of Korea, France, the United Kingdom, China, Cuba, Norway and Ecuador expressed support for the United States draft resolution. They held that the situation had become even more serious since the adoption of the Council's resolution of 25 June, since the North Korean authorities had ignored this resolution and had flouted the authority of the United Nations. The representative of China stated that he was obliged to oppose the Yugoslav draft resolution since he believed that any mediatory effort on the part of the Security Council at the present stage would be useless. The representatives of Egypt and India stated that, lacking instructions from their Governments, they would be unable to participate in the voting.

In the course of their statements, the representatives of France, the United Kingdom, China, Cuba, Norway and Ecuador welcomed the declaration of the President of the United States whereby United States air and sea forces had been ordered to give the troops of the Government of the Republic of Korea cover and support.

The Council adopted the United States draft resolution by 7 votes to 1 (Yugoslavia) with 1 member absent (USSR) and 2 members (Egypt, India) not participating in the voting. It rejected the Yugoslav draft resolution (S/1509) by 7 votes to 1 (Yugoslavia) with 1 member absent (USSR) and 2 members (Egypt, India) not participating in the voting.

The resolution adopted by the Council (S/1511) read as follows:

The Security Council,

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,

Having called for an immediate cessation of hostilities, and

Having called upon the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel, and

Having noted from the report of the United Nations Commission for Korea that the authorities in North Korea have neither ceased hostilities nor withdrawn their armed forces to the 38th parallel and that urgent military measures are required to restore international peace and security, and

Having noted the appeal from the Republic of Korea to the United Nations for immediate and effective steps to secure peace and security,

Recommends that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.

At the 475th meeting of the Council on 30 June, the representative of Egypt declared that, had he received instructions when the Council was voting on its resolution of 27 June, he would have abstained from voting for the following two reasons: first that the conflict under consideration was in fact nothing but a new phase in the series of the divergences between the Western and Eastern blocs, divergences which threatened world peace and security; second, several cases of aggression against peoples and violations of the sovereignty and unity of territory of States Members of the United Nations had been submitted to the Security Council, which had not taken any action to end those aggressions and violations as it was then doing in the case of Korea.

The representative of India elaborated on the communication (S/1520) of the Indian Government, transmitted earlier to the Security Council, and containing India's acceptance of the 27 June resolution. That communication had stated that the decision of the Government of India did not involve any modification of its foreign policy, which was based on the promotion of world peace and the development of friendly relations with all countries. Finally the communication expressed the earnest hope of the Government of India that even at that stage it might be possible to put an end to the fighting and settle the dispute by mediation. This decision of the Government of India was welcomed by the representatives of France, the United Kingdom and China.

The representative of Ecuador read to the Council the resolution adopted by the Council of the Organization of American States on 28 June supporting the decision of the Security Council.

The United States representative informed the Council that the President of the United States had, in conformity with the Security Council resolutions, authorized the United States Air Force to conduct missions on specific military targets in North Korea wherever militarily necessary and had ordered a naval blockade of the entire Korean coast. Also, General Douglas MacArthur had been authorized to use certain supporting ground units. The President of the United States also informed the Council that the United States authorities in the Korean area had been requested to make every effort to procure the necessary facilities so that

the United Nations Commission on Korea might function, in Korea, with the least possible delay.

c. COMMUNICATIONS FROM MEMBERS CONCERNING THE RESOLUTIONS OF 25 AND 27 JUNE

On 29 June the Secretary-General transmitted the Council resolution of 27 June to all Member States of the United Nations, and asked what assistance, if any, each would give to the Republic of Korea.⁴¹ A number of communications were received, indicating the following:

GOVERNMENTS SUPPORTING THE RESOLUTION

United Kingdom (S/1515) decided to place its naval forces in Japanese waters at the disposal of the United States authorities to operate on behalf of the Security Council in support of South Korea.

Belgium (S/1519, S/1542/Rev.1) Uruguay (S/1516, S/1569) and the Dominican Republic (S/1528, S/1565), were prepared to give all the support within their power to the resolution of 21 June.

India (S/1520) was opposed to any attempt to settle international disputes by resort to aggression and would therefore accept the resolution of 21 June.

China (S/1521, S/1562) offered to the United Nations, in compliance with the resolution of 27 June, three divisions of troops.

New Zealand (S/1522, S/1563) had ordered two frigates of the Royal New Zealand Navy to join forces of other Governments giving effect to the resolution of 27 June.

Australia (S/1524, S/1530) decided to place Australian naval vessels in Far Eastern waters and a fighter squadron at the disposal of United States authorities on behalf of the Security Council.

Brazil (S/1525), was prepared to meet, within the means at its disposal, the responsibilities contemplated in Article 49 of the Charter.

Netherlands (S/1526, S/1570) had instructed a destroyer to join other naval forces which were operating in Korean waters to implement the recommendations of the resolution of 21 June.

Turkey (S/1529, S/1552) was prepared to fulfil loyally its undertakings arising out of the Charter and was consequently ready to comply with any decisions taken by the Security Council on the subject.

United States (S/1531, S/1580) had ordered its air and sea forces to give the troops of the Republic of Korea cover and support and had authorized the use of certain supporting ground units. The United States Air Force had also been authorized to conduct missions on specific targets in northern Korea wherever militarily necessary; and a naval blockade of the entire Korean coast had been ordered.

Argentina (S/1533, S/1568) reiterated its resolute support of the United Nations.

El Salvador (S/1534, S/1577) resolutely supported the decisions of the Security Council and was studying closely what assistance it could render to the Republic of Korea.

⁴¹ For assistance given to the Republic of Korea by the end of 1950, see pp. 226-28.

Mexico (S/1537, S/1592) and Venezuela (S/1535, S/1595), were prepared to co-operate within the limits of their resources to restore international peace and security.

Canada (S/1538, S/1602). Canadian naval units were to proceed to Western Pacific waters where they might be of assistance to the United Nations and the Republic of Korea.

Pakistan (S/1539) would give full support to the measures proposed in the resolution of 21 June to stop hostilities.

Panama (S/1540, S/1577) would be glad to give effect to paragraph 3 of the resolution of 25 June.

Colombia (S/1541, S/1561) supported the measures decided upon by the Security Council.

Union of South Africa (S/1543) deplored and condemned what appeared to be clearly aggressive acts of the Government of North Korea and would give most careful consideration to any appeal to it for assistance.

Bolivia (S/1544) would comply with the resolution of 27 June.

Costa Rica (S/1544, S/1558) and Honduras (S/1536), were prepared to give assistance within their power.

Guatemala (S/1544, S/1581) agreed with measures adopted by the Security Council and would lend all possible co-operation.

Israel (S/1544, S/1553) supported the Security Council in its efforts to put an end to the breach of the peace in Korea.

Nicaragua (S/1544, S/1573) was prepared to offer assistance, including foodstuffs and raw materials, to the Republic of Korea.

Greece (S/1546, S/1578) supported the Security Council's resolutions and recommendations and had instituted an embargo on all exports to the North Korean area.

Thailand (S/1547) supported the Council's resolutions and was prepared to assist the Republic of Korea with foodstuffs.

Afghanistan (S/1589), Burma (S/1590), Iceland (S/1567), and Luxembourg (S/1549), supported the resolutions of 25 and 27 June.

Haiti (S/1550, S/1559) would co-operate fully with the United Nations.

Chile (S/1556) firmly supported the resolutions of 25 and 27 June and would contribute strategic materials to countries responsible for operations.

Peru (S/1557) was prepared to concert its action with other Members to furnish assistance.

Ecuador (S/1560) was prepared within the limits of its resources to assist in re-establishing order.

Sweden (S/1564) agreed that North Korea had committed a breach of the peace and was considering the question of rendering assistance to South Korea.

Iran (S/1567) and Ethiopia (S/1555), strongly supported the resolution of 21 June.

Denmark (S/1572) offered medicaments to assist the United Nations efforts.

Cuba (S/1574) would adhere to United Nations decisions to promote peace and would offer assistance.

Norway (S/1576) supported the resolution of 27 June and suggested that Norwegian shipping could be used to assist the Government of South Korea.

Paraguay (S/1582) would support the measures to be taken by the United Nations to protect peace.

The Philippines (S/1584) would support the United Nations in safeguarding the integrity of the Republic of Korea and was prepared to contribute commodities and medicines.

France (S/1586) would comply with the Council's recommendations and was considering what action it could take.

Liberia (S/1597) hoped that the timely and appropriate measures taken by the Council would ensure a speedy solution.

The Governments of Lebanon (S/1585) and Syria (S/1591), in taking note of the resolution of 25 June only and affirming their desire to conform to the principles and provisions of the Charter of the United Nations, declared that they would always refrain from giving any assistance to any aggressor. Iraq supported the United Nations within the framework of the Charter (S/1593). Yemen condemned any attack against, and interference in, the affairs of any State (S/1551, S/1599). Saudi Arabia, after taking note of the resolutions of both 25 and 27 June, stated that it disapproved of aggression of any kind, supported the Council's resolution to resist any aggression, and requested the Council and the United Nations to take the necessary measures to execute their resolutions for prohibiting aggression, whether that be in the case of Korea, Palestine or any other case (S/1604).

GOVERNMENTS OPPOSING THE RESOLUTION

The USSR (S/1517, S/1579) stated that the Security Council resolution of 27 June had no legal force since it had been adopted by only six votes, the seventh being that of the "Kuomintang representative," who had no legal right to represent China. Moreover, although the United Nations Charter required the concurring votes of all five permanent members of the Council for any decision on an important matter, the above resolution had been passed in the absence of two permanent members of the Council, the USSR and China. That position was supported by Czechoslovakia (S/1523) and Poland (S/1545). In addition, Poland charged that the Government of the United States had begun military intervention in Korea without waiting for the consideration of the matter by the legal organs of the United Nations, thus taking unilateral action contrary to the provisions of the United Nations Charter. Only after the announcement of its decision to intervene had the United States, abusing the authority of the United Nations, endeavoured to find a legal justification of its aggression, through the approval of the United States position by the United Nations.

As regards the resolution of 7 July (see below), the USSR also found (S/1596/Rev.1) that that resolution had no legal force for the reasons mentioned above, namely its adoption by only six votes and in the absence of two permanent members of the Security Council. In addition, it was stated that the resolution was directed towards the illegal use of the United Nations flag as a cloak for the United States military operations in Korea.

The Ukrainian SSR and the Byelorussian SSR (S/1598, S/1600) stated that both the resolutions of 27 June and of 7 July had no legal force and constituted a flagrant violation of the Charter in view of the fact

ASSISTANCE OFFERED TO THE REPUBLIC OF KOREA DURING 1950

By the end of 1950, personnel, transport, commodities, supplies, funds, facilities and other assistance had been offered, as follows, to the Republic of Korea by 39 Member States of the United Nations, in accordance with the Security Council's resolution of 27 June 1950, by one non-member State and by nine organizations. The column to the right gives the U.S. dollar value of relief assistance only.

MEMBER STATES	DATE OF OFFER (1950)	ASSISTANCE OFFERED	STATUS AT END OF 1950	ESTIMATED VALUE (U. S. DOLLARS)
Argentina	5 Oct.	Canned and frozen meat for troops (offered directly to Unified Command)	Pending	
Australia	30 June 28-29 July 3 Aug. 6 Oct. 28 Nov. 28 Nov. 14 Dec.	1 RAAF squadron 3 naval vessels Ground forces Foodstuffs Penicillin crystalline Laundry soap, about 52 tons Distilled water, 273,350 ampoules	In action " " " " Under negotiation Accepted " "	\$ 209,250
Belgium	28 July 28 Sept. 13 Sept. 7 Nov.	Air transport " " 1 infantry battalion Sugar, 400 tons	In action " " En route Accepted	
Bolivia	15 July	30 officers	Acceptance deferred	
Brazil	22 Sept.	Cruzeiros 50,000,000	Pending	2,700,000
Canada	12 July 21 July 11 Aug. 26 Sept.	3 naval vessels 1 RCAF transport squadron Canadian-Pacific Airlines commercial facilities Ground forces	In action " " " " Arrived Korea	
Chile	30 June	Strategic materials	No specific offer received	
China	3 July 4 Oct.	3 infantry divisions and 20 C-47 aircraft Coal, 10,000 tons Rice, 1,000 tons Salt, 3,000 tons DDT, 20 tons	Acceptance deferred Shipped direct to Korea by Government of China	615,000
Colombia	27 July 16 Oct. 16 Nov.	General economic assistance 1 frigate (offered directly to Unified Command) 1 Battalion of infantry troops (Negotiated directly with Unified Command)	No specific offer received En route Accepted	
Costa Rica	27 July	Sea and air bases Volunteers	Accepted Acceptance deferred	
Cuba	2 Oct.	Sugar, 2,000 tons Alcohol, 10,000 gallons Human plasma	Accepted Pending "	259,000*
Denmark	5 July 26 Sept. 18 Aug. 28 Aug.	Medical supplies Sugar, 500 tons Hospital ship Jutlandia Motor ship Bella Dan	Accepted " " Withdrawn	
Ecuador	1 Aug. 13 Oct.	Medicinal substances Rice, 500 tons	No specific offer received Accepted	63,000*
El Salvador	15 Aug. 15 Aug.	Volunteers, if U.S. would train and equip Economic assistance	Acceptance deferred No specific offer received	

* Tentative offer. † Tentative valuation.

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MEMBER STATES	DATE OF OFFER (1950)	ASSISTANCE OFFERED	STATUS AT END OF 1950	ESTIMATED VALUE (U. S. DOLLARS)
Ethiopia	5 Aug.	\$100,000 (Ethiopian)	Deposited	41,000
	2 Nov.	1 infantry contingent	Accepted	
France	19 July	1 patrol gunboat	Withdrawn	184,000†
	20 Aug.	1 infantry battalion	In action	
	9 Oct.	Medical supplies	Accepted	
	29 Dec.	Additional medical supplies	Transmitted to Unified Command	
Greece	20 July	6 Dakota transport aircraft	In action	385,000†
	1 Sept.	Ground forces	" "	
	20 Oct.	Soap, 100 tons	Accepted	
	30 Nov.	Notebooks and pencils, 25,000	Pending	
	27 Dec.	Medical supplies	Transmitted to Unified Command	
Iceland	14 Sept.	Cod liver oil, 125 tons	Accepted	45,000
India	29 July	Field ambulance unit	In action	169,000
	4 Oct.	Jute bags, 400,000 (for transport of Thailand rice)	Accepted	
	11 Oct.	Medical supplies	"	
Israel	22 Aug.	Medical supplies	"	63,000
Lebanon	26 July	\$50,000	Accepted, but not deposited	50,000
Liberia	17 July	Natural rubber, 10 tons	Accepted	10,000
Mexico	30 Sept.	Pulses (beans, chickpeas, etc.), value 3,000,000 pesos	"	350,000
Netherlands	5 July	1 destroyer	In action	131,000
	8 Sept.	2 or 3 infantry companies	" "	
New Zealand	1 July	2 frigates	In action	
	26 July	1 combat unit	En route	
	6 Oct.	Dried peas, 200-500 tons	Accepted	
	20 Nov.	Milk powder, 150 tons	"	24,000†
		Soap, 200 tons	"	
Nicaragua	16 Nov.	Rice, 50 tons	Pending	
	16 Dec.	Rice, 100 tons	"	
		Alcohol, 5,000 quarts	"	380,000
Norway	18 July	Merchant ship tonnage	In action	
Pakistan	29 Aug.	Wheat, 5,000 tons	Accepted	
Panama	3 Aug.	Contingent volunteers	Acceptance deferred	
		Bases for training	" "	10,000
		Use of Merchant Marine	Accepted	
		Free use of highways	"	
			"	
Paraguay	3 Nov.	Medical supplies	Pending	10,000
Peru	21 Nov.	1,000,000 soles	Offered but not deposited	65,000
Philippines	3 Aug.	17 Sherman tanks	In Korea	3,734,300
		1 tank destroyer	" "	
	10 Aug.	1 regimental combat team	In action	
	7 July	Soap, 50,000 cakes	Accepted	
	7 Sept.	Vaccines	"	
	8 Sept.	Fresh blood, 518 units	"	
		Rice, 20,000 tons	"	
	29 Nov.	Fresh blood, 500 units	Pending	
Sweden	20 July	1 field hospital unit	In action	
Thailand	23 July	1 infantry combat team	" "	4,368,000
	20 Sept.	Rice, 40,000 tons	Accepted	
	3 Oct.	2 corvettes and Navy transport	In action	
		20 Red Cross personnel	Accepted	

† Tentative valuation.

MEMBER STATES	DATE OF OFFER (1950)	ASSISTANCE OFFERED	STATUS AT END OF 1950	ESTIMATED VALUE (U. S. DOLLARS)
Turkey	25 July 29 Aug.	1 infantry combat force Vaccines and serums	In action Declined, owing to difficulties of transportation	
Union of South Africa	4 Aug.	1 fighter squadron	In action	
United Kingdom	26 July 28 July 19 Oct. 20 Oct. 22 Dec.	Ground forces Naval forces Salt, 6,000 tons Sulfa drugs Yeast, 50 tons	" " " " Accepted " " Pending	} 608,000
Uruguay	14 Sept.	\$2,000,000	Accepted, but not deposited	
	26 Oct.	Blankets, 70,000	Accepted	} 2,140,000
Venezuela	14 Sept.	Medical supplies, blankets, soap, food	"	
				100,000
NON-MEMBER STATE				
Italy	27 Sept.	Field hospital unit	Accepted	
ORGANIZATIONS, ETC.				
International Labour Organisation		2 labour officers		
World Health Organization	8 Aug. 4 Sept. 22 Nov.	10 medical team personnel 3 public health and welfare advisers 10 medical team personnel	In Korea In Korea Pending	
International Refugee Organization	3 Aug. 8 Aug. 19 Aug. 27 Nov.	Clothing and miscellaneous supplies Medical supplies 5 medical team personnel 5 medical team personnel	Accepted " In Korea Accepted	180,000 28,000†
United Nations International Children's Emergency Fund	27 Sept. 28 Sept.	Blankets, 300,000 Powdered milk, 150 tons Medical supplies Soap, 100,000 lbs.	" " Accepted "	489,000 3,300 60,000† 6,000†
American Friends Service Committee	16 Nov.	Used clothing, shoes, soap	Accepted	104,000
Co-operative for American Remittances to Europe (CARE)	21 Sept. 20 Nov.	Food and clothing packages Blankets, textiles, etc.	" Pending	100,000 237,750
Church World Service	25 Sept. 6 Nov.	Used clothing, miscellaneous supplies Vitamin tablets Used clothing	Accepted " "	104,958 5,500 100,000
War Relief Services (National Catholic Welfare Conference)	17 Oct. 27 Oct. 17 Nov. 29 Nov. 7 Dec.	Used clothing, soap, etc. 7 medical team personnel Clothing, shoes, soap Used clothing, shoes Used clothing, shoes	" Declined Accepted " "	290,749 99,738 1,000,000 1,070,000
Save the Children Federation	12 Dec.	Used and new clothing	Pending	5,033
League of Red Cross Societies	11 Nov.	27 medical team personnel Tents, blankets, medical supplies and clothing	Accepted Supplied direct to Korean Red Cross under agreement with Unified Command	
Private individuals	Dec.	Cheques and cash		(less than) 100

† Tentative valuation.

that they were adopted by only six votes, the seventh having been that of the "Kuomintang representative" and in the absence of two permanent members of the Security Council, the USSR and China. Moreover, those resolutions represented direct support of United States aggression against the Korean people and were aimed at using the United Nations and its flag to cloak American military intervention in Korea.

Two cablegrams (S/1527, S/1554) bearing the signature of the Minister of Foreign Affairs at the Korean People's Democratic Republic declared that his Government did not recognize the decision of the Security Council on the Korean question as lawful in view of the fact that the said Republic had not been brought into consultation on the matter, that the decision of the Security Council had been taken without the participation of that Republic and that the representative of the USSR had been absent from the Security Council and "the representative of the great Chinese Power" had not been admitted.

The Central People's Government of the People's Republic of China stated (S/1583) that the resolution adopted by the Security Council on 27 June under the instigation and manipulation of the United States Government was in support of United States armed aggression and constituted an intervention in the internal affairs of Korea and a violation of world peace. Moreover, the resolution was obviously illegal inasmuch as it had been adopted in the absence of two permanent members of the Security Council, namely, the People's Republic of China and the USSR.

Meanwhile, the statement by the President of the United States regarding Formosa, together with the action of the United States Navy in invading the Chinese territorial waters around that area formed an act of open aggression which thoroughly violated the principle of the United Nations Charter forbidding any Member to use force against the territorial integrity or political independence of any other State. The statement concluded that despite any military steps of obstruction taken by the United States Government, the Chinese people were irrevocably determined to liberate Formosa without fail (S/1583).

In a communication dated 13 July 1950, the Permanent Representative of the USSR to the United Nations requested the Secretary-General to circulate as an official document of the Security Council the text of a statement made by the Deputy Foreign Minister of the USSR in Moscow on 4 July on the Korean question. In this statement, the Deputy Foreign Minister of the USSR declared, *inter alia*, that the events in Korea were the result of a provocative attack by the troops of the South Korean authorities on the frontier areas of the Korean People's Democratic Republic, and that the attack had been the outcome of a premeditated plan. He stated that the United States had resorted to open armed intervention in Korea and that the successive moves of the United States had disclosed its aggressive plans in Korea.

The United States, the statement continued, had confronted the United Nations with a fait accom-

pli, in view of the fact that it had started its armed intervention in Korea before the convening of the Security Council on 27 June. Moreover, it was argued, the 27 June resolution of the Council was a gross violation of the Charter inasmuch as it had received six votes only, the seventh being that of "the Kuomintang representative" who unlawfully occupied China's seat in the Security Council and had been adopted in the absence of two permanent members of the Council, the USSR and China. Furthermore, the resolution had violated one of the most important principles of the United Nations, namely that of non-intervention in the domestic matters of States. This action showed, the statement of the Deputy Foreign Minister of the USSR continued, that the Council was not acting as a body which was charged with the main responsibility of the maintenance of peace, but as a tool utilized by the ruling circles of the United States for the unleashing of war. He maintained that the resolution of the Security Council constituted a hostile act against peace. If the Council valued the cause of peace, he observed, it should have attempted to reconcile the fighting sides in Korea before it adopted such a "scandalous resolution".

The real aims of American armed intervention in Korea were to deprive Korea of its national independence, to prevent the formation of a united democratic Korean State and forcibly to establish in Korea an anti-popular regime which would allow the ruling circles of the United States to convert the country into their colony and use Korean territory as a military and strategic springboard in the Far East.

Referring also to the question of Formosa and to the situation in French Indochina, he submitted that President Truman's statement of 27 June showed that the United States had gone over from a policy of preparing aggression to direct acts of aggression simultaneously in a number of countries in Asia, and had thus disregarded its obligations to the United Nations. The Koreans, he went on, had the same right to arrange, at their own discretion, their internal national affairs as the North Americans had held and exercised when they united the Northern and Southern States in a single national State.

In conclusion, the statement said, the United Nations would fulfil its obligations to maintain peace only if the Security Council demanded "the unconditional cessation of American military intervention and the immediate withdrawal of American armed forces from Korea".

d. CREATION AND OPERATION OF THE UNIFIED COMMAND

(1) Resolution of 7 July 1950

At the Council's 476th meeting on 7 July, the United Kingdom representative, calling attention to the necessity for co-ordinating the assistance which the Council's resolution of 27 June had recommended should be furnished by Members to the Republic of Korea, presented a joint French-United Kingdom draft resolution (S/1587) providing for the creation of a unified command under the United States. In addition to its sponsors, the representatives of China, Cuba and Norway spoke in favour of the joint draft resolution, which was adopted by the Council (S/1588) by 7 votes, with 3 abstentions (Egypt, India and Yugoslavia) and 1 member absent (USSR). The resolution read as follows:

The Security Council,

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,

Having recommended that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

1. Welcomes the prompt and vigorous support which governments and peoples of the United Nations have given to its resolutions of 25 and 27 June 1950 to assist the Republic of Korea in defending itself against armed attack and thus to restore international peace and security in the area;

2. Notes that Members of the United Nations have transmitted to the United Nations offers of assistance for the Republic of Korea;

3. Recommends that all Members providing military forces and other assistance pursuant to the aforesaid Security Council resolutions make such forces and other assistance available to a unified command under the United States;

4. Requests the United States to designate the commander of such forces;

5. Authorizes the unified command at its discretion to use the United Nations flag in the course of operations against North Korean forces concurrently with the flags of the various nations participating;

6. Requests the United States to provide the Security Council with reports as appropriate on the course of action taken under the unified command.

Following the Council meeting, the Secretary-General handed to the United States representative on the Security Council the United Nations flag which had been used in Palestine. In accordance with the resolution, the United States designated General MacArthur as Commander-in-Chief of the United Nations Forces in Korea. The flag was presented to General MacArthur in Tokyo on

14 July by General J. Lawton Collins, Chief of Staff of the United States Army.

(2) First Report of the Unified Command

At the Council's 477th meeting on 25 July 1950 the United States representative communicated the text of an exchange of letters (S/1267) between the President of the Republic of Korea and the Supreme Commander of the United Nations Forces, regarding the assignment to the latter of the command authority over all military forces of the Republic of Korea during the period of the continuation of the state of hostilities. He also communicated the text of the United States Far East Command communiqué announcing the establishment of the United Nations Command (S/1629) and the text of the first report (S/1626) to the Council by the United States Government on the course of action taken under the Unified Command.

The President expressed appreciation of the report as giving a clear account of the initial stages of the aggression launched by the North Korean army and an impression of the speed and determination with which the available forces of the United States and other Member States were thrown into the breach to uphold the principles of the United Nations. The representatives of France, the United Kingdom, Cuba, China, India and Ecuador associated themselves with his statement.⁴²

e. CONSIDERATION BY THE SECURITY COUNCIL OF THE KOREAN QUESTION DURING AUGUST AND SEPTEMBER⁴³

On 27 July 1950, the Permanent Representative of the USSR to the United Nations, who had been absent from the meetings of the Security Council since 13 January 1950, announced that, in accordance with the established procedure of the alphabetical rotation of the Security Council presidency each month, he was assuming the Council presidency in August. He set a meeting of the Council for 1 August.

The Security Council held fourteen meetings in August. With the exception of one meeting, that of 28 August, which was held in private, and at which the Council's report to the General Assembly was considered, the remaining thirteen meetings were devoted to the questions of Korea and

⁴² For resolution adopted by the Council on 31 July concerning Korean relief, see p. 267.

⁴³ The United States draft resolution (S/1653) introduced at the Council's 479th meeting on 31 July is dealt with under this heading.

of Chinese representation. The Council's discussions covered the adoption of the agenda, the question of inviting representatives of Korea to participate in the debate, the inclusion of certain items on the agenda, such as "Complaint of armed invasion of Taiwan (Formosa)"⁴⁴ and the discussion of certain draft resolutions under the item "Complaint of aggression upon the Republic of Korea".

Voting on these draft resolutions did not, however, take place until September, when the Council had on its agenda two main items concerning the Korean question: "Complaint of aggression upon the Republic of Korea" and "Complaint of air-bombing of the territory of China". The last item was placed on the agenda on 31 August on the suggestion of the USSR.

These questions are being treated here under separate headings.

(1) Consideration of the Provisional Agenda

On 31 July 1950, the President of the Security Council for August, the representative of the USSR, informed the Secretary-General (S/1655) that the next meeting of the Council would have the following provisional agenda:

1. Adoption of the agenda.
2. Recognition of the representative of the Central People's Government of the People's Republic of China as the Representative of China.
3. Peaceful settlement of the Korean question.

This provisional agenda was discussed by the Council at its 480th, 481st and 482nd meetings, 1-3 August 1950.

At the 480th meeting of the Council on 1 August, the President, the representative of the USSR, ruled that "the representative of the Kuomintang group present at the Council table" was not the representative of China and, therefore, could not participate in the Council's meetings.

This ruling was challenged by the representative of the United States, supported by the representatives of the United Kingdom, France, Egypt, Cuba and Ecuador, who held that the President's ruling exceeded his authority, which only extended to questions of procedure. The representatives of India and Yugoslavia, however, said that they would vote in favour of the ruling since their Governments were in favour of the admission to the United Nations of the representatives of the Government of the People's Republic of China. The representative of India stated that since the Council framed its own rules of procedure it could depart from them if there was a compelling reason.

The President, speaking as the representative of the USSR, stated that the question of the representation of China in the United Nations was a question of observance of the Charter, and charged that the United States had blocked the normal settlement of this question. As a result, the lawful representative of the People's Republic of China, he said, had been prevented from taking part in the work of the Security Council, and China's seat had been usurped with the support of the United States by the representative of the "Kuomintang group" which had no right to represent China. With regard to his ruling, he stated that it had been made not in respect of an accredited representative of a State Member of the United Nations but in respect of the representative of a group which represented neither a State nor a nation.

The representative of Norway pointed out that the challenge had been concerned with the preliminary question whether the President had the right to rule on a question of that kind.

The representative of China stated that he represented the only Chinese Government which was based upon a Constitution, drafted and passed by the representatives of the Chinese people; he represented the only Chinese Government headed by a President elected by the representatives of the Chinese people; there was no other Government set up in China with the consent and approval of the Chinese people.

The proposal to overrule the President's ruling was adopted by 8 votes to 3 (India, USSR, Yugoslavia).

As regards the provisional agenda the United States representative proposed that the item following "Adoption of the agenda" should be "Complaint of aggression upon the Republic of Korea". It had been understood, he said, at the previous meeting that the 480th meeting would continue the discussion of the United States draft resolution (S/1653) which had then been submitted on this item.⁴⁵

As long as aggression continued, he maintained, all other issues were secondary, and it was of the greatest importance that the efforts of the United Nations to halt aggression and restore peace in Korea should go forward without delay or diversion.

With regard to the second item on the provisional agenda, the representation of China, he

⁴⁴ See pp. 287-94.

⁴⁵ See p. 234.

felt it should be firmly established that this question was not linked with that of Korean aggression. It should not be considered under duress, but should be considered separately on its merits at another time. It should also be remembered, he said, that the Peking régime had denounced the United Nations action as armed aggression and intervention in the internal affairs of Korea; to consider the seating of a declared opponent of United Nations efforts to repel aggression would subvert the men fighting for the United Nations and would weaken its peace-making endeavours.

With regard to item 3 of the provisional agenda, the United States representative objected to its implication that the USSR was the only nation interested in a peaceful settlement of the question; the wording of the item already on the Council's agenda permitted all Council members to express their views fully and to make proposals for terminating the breach of the peace.

The President, speaking as the representative of the USSR in support of item 3 of the provisional agenda, stated that the position of his Government and delegation was that it was the duty of the Security Council to adopt immediately measures for the peaceful solution of any international conflict which constituted a threat to peace and security. He maintained that the United States on the contrary aimed at seizing Korea and extending the scope of aggressive war and did not wish, therefore, even to discuss the cessation of aggression, putting an end to armed intervention and the termination of hostilities. He charged that the United States, under the title of the agenda item "Complaint of aggression upon the Republic of Korea", was attempting to cast the blame for events in Korea on the Government of the People's Republic of Korea; but, as shown in the statement of 4 July (S/1603) of the Deputy Foreign Minister of the USSR, there had been a provocative attack of South Korean forces on the frontier areas, with the participation of United States military advisers. This attack had taken place according to a plan previously prepared by and with the knowledge and agreement of highly placed United States officials.

The USSR representative referred to the definition of aggression approved in May 1933 by a League of Nations Committee, composed of representatives of seventeen States, and said that according to this definition, the military operations of the United States against the Korean people were acts of direct armed aggression, which, he said, could not be justified by any strategic or

other considerations. The war between the North and South Koreans was, he maintained, not a war between two States, but an internal conflict between two groups of the Korean people temporarily split into two camps under two separate authorities. The United Nations was debarred by the Charter from intervening in such an internal matter.

As regards the question of Chinese representation, the representative of the USSR expressed the view that the Council could function normally only if it had its full lawful membership—any decision taken without representation of the Central People's Government of the People's Republic of China would be illegal. He charged that the United States had deliberately blocked the normal settlement of the question of Chinese representation in the Security Council so as to make it impossible for the USSR to participate in its meetings. Taking advantage of the absence of these two permanent members of the Council, it had forced through the Council a series of illegal and scandalous resolutions. In this connexion, the USSR representative referred to the message sent by Mr. Nehru to Marshal Stalin and to Mr. Acheson, calling for the localization of the Korean conflict and for collaboration in its prompt and peaceful settlement by ending the impasse in the Security Council so that the representative of the People's Republic of China might take his place at the Council table. This approach had been welcomed by Marshal Stalin, who had expressed agreement with Mr. Nehru's views, but Mr. Acheson had refused to consider the proposal.

The representatives of the United Kingdom, Ecuador, France, Cuba, Norway and China in general expressed agreement with the views expressed by the representative of the United States.

The following were among the points made:

(1) The aggression on the Republic of Korea was continuing and the Council must therefore continue to deal with it. This was the most urgent matter and must, therefore, be considered first. Moreover, it was because of the question of aggression, the United Kingdom representative pointed out, that the matter had been considered by the Council, and it should, therefore, continue to be considered under this heading.

(2) The question of the representation of China should not be linked with that of the aggression on Korea. It was important to consider it, but it was not so urgent. The representatives of the United Kingdom, Norway, India and Yugoslavia spoke in favour of considering the question of the recognition of the Central People's Government of the People's Republic of China. The representative of China stated that the United Nations should not consider recognizing the fruits of aggression in China while attempting to stop aggression in Korea, and that if the Council considered this item the peoples

of the world would have doubts of its sincerity. The representative of Ecuador suggested that the question of the representation of China should be considered by the General Assembly where all Members were represented. This would eliminate the possibility of different decisions on this question by the Assembly and the Council.

(3) Generally speaking, representatives spoke against including the third item in the provisional agenda because they considered that to do so would make it appear that the United Nations had not tried to solve the Korean question by peaceful means. This was not true, as it had first called for the withdrawal of forces to the 38th parallel. It was pointed out, for example, by the representatives of Ecuador, the United Kingdom and France, that there was nothing to prevent proposals for the peaceful solution of the question from being considered under the heading of the existing agenda item. The representative of India thought that the Council should avoid any step which could be taken to indicate that any member of the Council was not in earnest in his desire for a peaceful settlement of the Korean question, and that therefore the third item should be included in the agenda.

The representative of India and those of the United Kingdom, Ecuador, France and China, were in favour of continuing discussion on the United States draft resolution. The United Kingdom representative, in reply to the USSR representative, stated that the United States draft resolution under the existing agenda item was aimed at localizing the conflict. The representative of France pointed out that it had not been the Government of the United States but the Security Council which had decided by nine affirmative votes in its resolution of 25 June that there had been an act of aggression; he opposed the provisional agenda which, he said, was opposed to that resolution and was a flagrant manoeuvre to disrupt the solidarity of the members which had supported it.

At the 482nd meeting on 3 August, the Council decided by 8 votes to 1 (USSR), with 2 abstentions (India, Yugoslavia), that the item following adoption of the agenda should be "Complaint of aggression upon the Republic of Korea". It rejected by 5 votes to 5 (China, Cuba, Ecuador, France, United States), with 1 abstention (Egypt), the proposal to include the item "Recognition of the representative of the Central People's Government of the People's Republic of China". It also rejected, by 7 votes to 3 (Egypt, India, the USSR), with 1 abstention (Yugoslavia), the proposal to include the item entitled "Peaceful settlement of the Korean question".

(2) Representation of Korea

At the 483rd meeting of the Council on 4 August, the President, speaking as the representative of the USSR, introduced a draft resolution

(S/1668),⁴⁶ the first operative paragraph of which would have the Council decide:

(a) To consider if necessary, in the course of the discussion of the Korean question, to invite the representative of the People's Republic of China and also to hear representatives of the Korean people.

In introducing his draft resolution, the USSR representative stated that it was a tradition and practice established in the Security Council to invite both parties involved in the hostilities to participate in the consideration and discussion of such questions regardless of whether or not they were Members of the United Nations or whether or not they had been granted diplomatic recognition by all members of the Security Council. That practice had been followed by the Security Council in the consideration of a number of questions. Besides that, the United States draft resolution (S/1653)⁴⁷ contained a paragraph directed against the North Korean authorities. In such circumstances, it would be unfair and inadmissible for the Security Council not to give a due hearing to the accused party.

The representatives of China, the United States, the United Kingdom, Norway and India considered that the Council had already taken a decision on 25 June to invite the representative of the Republic of Korea, under which that representative had participated in the discussions during June and July, and that this decision was binding. After the representative of the Republic of Korea had been seated the question of inviting a representative of the North Korean authorities could be considered; these authorities had, however, by defying the Security Council's decision, put themselves in a state of hostility with the United Nations and, while this continued, they should not be invited to be represented at the Council table.

The President, speaking as the representative of the USSR, considered that to reject the proposal to invite both parties would imply that the Council was unwilling to assist in halting hostilities. To invite both sides in what, he stated, was a civil war would be taking the most objective and the fairest decision possible. He rejected the assertion that the North Korean authorities had refused to comply with the decisions of the United Nations, since these decisions were not legal, having been adopted with the participation of only three permanent members of the Council. He also charged that resolutions had been adopted on the basis of the one-sided version given to the

⁴⁶ For voting on this resolution, see p. 236.

⁴⁷ See p. 234.

Council by the representative of the Syngman Rhee régime and of the United Nations Commission on Korea, which he termed "an obedient tool of the United States Department of State". United States pressure, he alleged, had been responsible for excluding representatives of the People's Democratic Republic of Korea from the United Nations discussions on this question since 1947, when it had prevented the hearing of these representatives by the Assembly when it was establishing the Commission.

At the 484th meeting of the Council the representative of China, on a point of order, requested that the President immediately rule on the following question: "Does the President consider it obligatory upon him to carry out the decision of the Security Council on 25 June by inviting the representative of the Republic of Korea to take his place at the Council table?"

The President stated that he was not in a position to give a ruling on the subject.

The representatives of China, the United States, Ecuador, Cuba and France held that the President was not acting in accordance with the rules of procedure.

The discussion on the seating of the representative of the Republic of Korea continued at the 484th and 485th meetings of the Council on 8 and 10 August, but no decision was taken. At the meeting on 10 August, the President stated that, as President, he was not in a position to rule on the question of the seating of the representative of the Republic of Korea. The question was also the subject of informal talks among Council members on 10 and 21 August, but no decision was reached during August.

At the 494th meeting of the Council on 1 September, the President, the representative of the United Kingdom, invited the representative of the Republic of Korea to take his seat at the Council table "in accordance with the previous decision of the Council". Mr. John M. Chang took his seat as that representative. The President's ruling was challenged by the representative of the USSR, but, on being put to the vote, was upheld by 9 votes to 1 (USSR), with 1 abstention (United Kingdom).

The USSR representative then introduced a draft resolution (S/1751) by which the Council would decide "that during the discussion of the Korean question it shall be necessary to invite and hear at its meetings the representatives of the Korean people, i.e. the representatives of North and South Korea". Before taking the vote on this

draft resolution, the President ruled that if the USSR motion was put to the vote and rejected, nothing in that rejection should prejudice the right of the representative of the Republic of Korea to be present at meetings of the Council when the Korean question was discussed. This ruling was challenged by the representative of the USSR, but was upheld by 8 votes to 1 (USSR), Yugoslavia abstaining. The representative of Egypt did not participate in the vote, stating that such a matter could not be subject to a ruling by the President.

The representatives of India, Cuba, France and the United Kingdom spoke against the USSR draft resolution. The representative of India stated that the Council was considering at the present stage not a dispute but a breach of the peace and that a representative of the North Korean authorities should not be heard until hostilities had ceased and the North Korean forces had been withdrawn. The other three representatives associated themselves with these arguments and the representative of Cuba also cited the failure of the North Korean authorities to consult the United Nations Commission and to carry out the Security Council's resolutions.

Subject to the presidential ruling, the USSR proposal was next voted upon and rejected by 8 votes to 2 (USSR, Yugoslavia), with 1 member (Egypt) not participating in the vote.

(3) Resolutions Considered by the Council During August and September

Under the agenda item "Complaint of aggression upon the Republic of Korea" three draft resolutions were considered by the Security Council during August and September.

The first (S/1653) was submitted by the United States at the 479th meeting of the Council on 31 July. It read as follows:

The Security Council,

Condemns the North Korean authorities for their continued defiance of the United Nations;

Calls upon all States to use their influence to prevail upon the authorities of North Korea to cease this defiance;

Calls upon all States to refrain from assisting or encouraging the North Korean authorities and to refrain from action which might lead to the spread of the Korean conflict to other areas and thereby further endanger international peace and security.

The United States representative, in introducing this draft resolution, stated that not all members of the United Nations were supporting the peace-making efforts of the Organization; moral, if not material, aid was being given to the North Korean

authorities. It seemed wise to reinforce the Council's efforts to keep the conflict localized.

The second draft resolution was that submitted by the representative of the USSR on 4 August (S/1668). In addition to dealing with the question of Chinese and Korean representation (see above), it would have the Security Council decide to put an end to the hostilities in Korea and at the same time to withdraw foreign troops from Korea.

The third draft resolution (S/1679) was also submitted by the representative of the USSR, on 8 August. It read as follows:

The Security Council,

Having considered the protest of the Government of the People's Democratic Republic of Korea against the inhuman, barbarous bombing of the peaceful population and of peaceful towns and populated areas which is being carried out by the United States Air Force in Korea;

Recognizing that the bombing by the American armed forces of Korean towns and villages, involving the destruction and mass annihilation of the peaceful civilian population, is a gross violation of the universally accepted rules of international law;

Decides:

To call upon the Government of the United States of America to cease and not permit in future the bombing by the air force or by other means of towns and populated areas and also the shooting up from the air of the peaceful population of Korea;

To instruct the Secretary-General of the United Nations to bring this decision of the Security Council to the very urgent notice of the Government of the United States of America.

In this connexion the President read to the Council at the 484th meeting on 8 August a cablegram dated 7 August (S/1674) from the Ministry of Foreign Affairs of the People's Democratic Republic of Korea charging the United States with savage bombing of the civilian population of Korea and requesting the Council to take urgent steps to put an end to these actions.

In introducing this draft resolution, the representative of the USSR said that his proposal dealt with an extremely urgent matter and that the urgency of it had been proved by the telegram from the Foreign Minister of the People's Democratic Republic of Korea which he had read to the Council.

In addition to these draft resolutions, the representative of India suggested, at the 487th meeting of the Council on 14 August, the appointment by the Security Council of a committee of its non-permanent members (Cuba, Ecuador, Egypt, India, Norway and Yugoslavia) "to study all resolutions or proposals that have been or may be pro-

posed for a peaceful and just settlement in Korea (which will, of course, include proposals for the future of Korea)", and to submit recommendations to the Council by a specified date. The Committee, according to the suggestion of the representative of India, would be free, at the appropriate time, "to hear any person it pleased". The representative of India said that if his suggestions found sufficient support, he would be prepared to move a resolution to that effect. The Security Council, he said, would, at some point, have to frame and publish its own proposals for Korea, once hostilities ceased and the North Korean authorities withdrew their forces in accordance with the Security Council's resolutions. No formal proposal was, however, made, though favourable comments on the Indian suggestion were made by the representatives of France, the United States and Yugoslavia.

The three draft resolutions were considered by the Council at its 495th to 497th meetings from 5 to 7 September 1950. Speaking on his draft resolution, the representative of the United States said that the North Korean authorities had continued their defiance of the United Nations and it was high time that the Security Council condemned that defiance. Recalling that the second paragraph called upon all States "to use their influence to prevail upon the authorities of North Korea to cease their defiance . . .", he considered that the attitude of the Soviet Union on this paragraph would be "a test of its willingness to support the peaceful endeavours of the United Nations".

The third paragraph of the draft resolution, he said, was aimed at localizing the conflict. The position of the Council and of the Member States supporting its action was clear: they wanted to isolate the conflict, repel aggression and restore peace in the area. The "ruling circle" of the Soviet Union on the other hand, he stated, seemed to have been doing its best to increase tension between the communist authorities in China and Members who were acting together to repel aggression. The representative of the United States further stated that the "United States Government had been disturbed recently by reports of substantial rail and road traffic in the area of North Korea which was adjacent to the Manchurian frontier".

He then quoted from a recent broadcast by President Truman in which the President had stated that the United States did not want the fighting in Korea to expand into a general war and that it would not spread unless communist

imperialism drew other armies and governments into the fight of the aggressors against the United Nations.

The representative of France stated that the measures recommended in the United States draft resolution were designed to put an end to North Korea's clear-cut and continued aggression and to prevent the spread of the conflict. Nothing, he stated, could be more just and more in keeping with the Council's functions.

As to the USSR draft resolution (S/1668), the representative of France considered that there was no particular reason to invite the representatives of Peking authorities. As regards the proposal to invite "representatives of the Korean people", he considered that the Council had already taken a decision. The second point of the USSR draft resolution relating to cessation of hostilities in Korea and to the withdrawal of foreign troops from that country, he held, failed to take into account the Council's resolution of 25 June and should, therefore, be disregarded.

The representative of Norway stated that by condemning the North Korean authorities the Council would only be giving official and authoritative expression to the indignation felt by all peace-loving people. He further stated that a reported attack on the United Nations naval formation in Korea necessitated a clear injunction to all States not to assist or encourage the North Korean authorities. The intemperate manner in which the USSR had denounced the Council's basic resolutions on Korea also made it desirable, he considered, that the Council's position should be reaffirmed.

Statements in support of the United States draft resolution were also made by the representatives of China, Cuba, Ecuador and Egypt. The representatives of China, Cuba and Ecuador expressed opposition to the USSR draft resolution (S/1668) which, in their opinion, would have the effect of sanctioning aggression and surrendering to the aggressor.

In reply the representative of the USSR stated that he was not at all surprised at the statement made by the representative of France, who could not be expected to support a proposal for the peaceful settlement of the Korean question at a time when French forces were being despatched to Korea.

As to the substance of the question, he considered that the main purpose of the United States proposal was not "to localize the conflict" but to conceal and justify the aggression of the United

States in Korea. The United States Government, it was stated, supported by the Governments of the colonial Powers of Europe, was waging a colonial and imperialist war against the Korean people and the peoples of other countries of Asia and the Far East.

The most eloquent confirmation of the fact that the United States was waging a war, not only against North Korea, but against the entire Korean people could, it was stated, be seen in the barbarous bombardment, by the United States naval and air forces, of peaceful towns and villages both in North and South Korea.

Referring to communications received from a number of Governments and non-governmental organizations, he declared that the people of the whole world—above all those of the Soviet Union, of the People's Republic of China, of all Korea and of the people's democracies, together with other millions in France, the United Kingdom, the United States and a number of other countries in Europe, Asia and America—demanded the immediate cessation of the United States aggression in Korea and Asia, and a prompt and peaceful settlement of the Korean question. He therefore proposed the immediate cessation of military operations and the withdrawal of foreign troops from Korea. These measures alone, he considered, could guarantee an immediate peaceful settlement.

At the 496th meeting of the Council, on 6 September 1950, the United States proposal (S/1653) was put to the vote. There were 9 votes in favour, one against (USSR), and one abstention (Yugoslavia). Since the negative vote was cast by a permanent member of the Council, the draft resolution was not adopted.

At the same meeting the USSR draft resolution (S/1668) was rejected by 8 votes to 1 (USSR), with 2 abstentions (Egypt, Yugoslavia).

At the 497th meeting of the Council on 7 September, the representative of the USSR submitted new charges to the effect that armed forces of the United States had perpetrated numerous atrocities in Korea and particularly that the United States air forces, under the label of the United Nations, had been illegally and criminally bombing the peaceful civilian population of Korea and its peaceful towns and industrial centres where there were not, and had never been, any military objectives. He charged that under the pretext of fighting guerrillas, they had burned to the ground dozens of Korean villages and towns. There had been mass executions of Koreans unwilling to leave their birthplaces, their homes and properties, and to retreat with the American troops. The

purpose of bombings and shellings carried out by American naval and air forces was, it was stated, to destroy the non-military industry of Korea. Such destruction characterized the "notorious, cannibalistic and barbarian doctrine of total war", and it was aimed at the suppression of all resistance against aggression.

These bombardments constituted, in his view, a gross violation of universally recognized standards of international law, particularly of Article 25 of the Fourth Hague Convention concerning the laws and customs of war on land, and Article 1 of the Ninth Hague Convention concerning bombardment by naval forces. Those Conventions, signed in 1907, were in force today. He therefore urged the adoption of his draft resolution (S/1679), which would put an end to these bombardments.

In reply, the representative of the United States quoted a statement by the United States Secretary of State on 6 September, in which it was stressed that the activity of the United States forces in Korea had been and was directed solely at military targets of the invader, but that the communist command had compelled civilians to work at these sites, had used peaceful villages to cover its tanks and used civilian dress to disguise its soldiers. The United Nations Command, however, had exerted every effort, by use of warning leaflets and radio broadcasts, to minimize, to the fullest extent possible, damage and injury to peaceful civilians and property. Alleged violations of the Hague Conventions, he said, should be investigated by the International Red Cross. However, as appeared from a letter received by the President of the Council on 29 August from the President of the International Committee of the Red Cross, representatives of that organization had not been allowed into areas controlled by the North Korean forces, despite repeated requests.

The representatives of India and Norway considered that the USSR delegation had not presented any proof in support of the contention that air forces of the United Nations had carried out bombing raids in Korea in violation of the rules of international law. They would therefore vote against the USSR draft resolution.

The USSR draft resolution was put to the vote and rejected by 9 votes to 1 (USSR), with 1 abstention (Yugoslavia).

At the 502nd meeting of the Council on 18 September, the representative of the United States read out to the Council the fourth report (S/1796) of the United Nations Command oper-

ations in Korea, in which it was stated, among other things, that positive proof had been obtained that the Soviet Union had supplied the North Korean forces with munitions and that Chinese communists had supplied manpower. The Soviet equipment captured, it was stated, bore manufacturing dates of 1949 and 1950. It was also charged that North Koreans had, in some instances, conducted barbarous killings of captured United States soldiers.

The representative of the USSR stated that the only Soviet equipment possessed by North Korea was that sold to it by the USSR in 1948 when the USSR troops withdrew from that territory. However, he asserted, the artillery of the North Korean troops now consisted largely of the artillery and equipment lavishly supplied by the United States to its "South Korean puppet, Syngman Rhee". It had been admitted even by the United States press that the United States had lost more equipment in Korea than in the entire European campaign during the Second World War. It was not surprising, he observed, that the North Korean army was well equipped, since it had equipped itself with the booty it had captured.

The USSR representative also read out communications to the Council, dated 7 and 18 September, from the Minister of Foreign Affairs of the People's Democratic Republic of Korea (S/1778/Rev.1 & S/1800) charging the United States air forces with barbarous bombings of non-military targets and requesting the Council to take steps to put a stop to such activities. The representative of the Soviet Union also charged that the United States forces were deliberately and forcibly driving the Korean population to the south and were taking no steps to provide them with food, drink or shelter.

At the 503rd meeting on 26 September he submitted the following resolution (S/1812):

The Security Council,

Having considered the protest of the Korean People's Democratic Republic against the continued inhuman, barbarous bombings of the peaceful population and peaceful towns and inhabited centres carried out by the American Air Force in Korea, contained in the communication which the Minister for Foreign Affairs of the Korean People's Democratic Republic, Mr. Pak Hen En addressed to the Security Council on 7 September 1950 (S/1778), and also in his cablegram addressed to the Secretary-General and to the President of the Security Council, received on 18 September 1950 (S/1800),

Recognizing that the bombardment of Korean towns and villages by the American armed forces, resulting in their destruction and the mass extermination of the peaceful civilian population, is a flagrant violation of the generally accepted rules of international law,

Decides

To call upon the Government of the United States of America to cease, and henceforth forbid, the bombardment by air forces or by other means of peaceful towns and inhabited centres and also the machine-gunning from the air of the peaceful population of Korea,

To instruct the Secretary-General of the United Nations to bring this resolution of the Security Council without delay to the knowledge of the Government of the United States of America.

The USSR draft resolution was discussed at the 508th meeting on 30 September, when the USSR representative stated that it was clearly shown, not only by the communications referred to in his draft resolution but also by reports from General MacArthur's Headquarters, that the ceaseless strafing of the civilian population and the bombing by the United States air force of peaceful towns and localities in Korea were continuing. It was, he stated, the duty of the Council to take steps to put an immediate stop to those acts, which constituted a glaring violation of the Fourth and Ninth Hague Conventions of 1907.

The representative of the United States said in reply that the purpose of these charges, which the USSR had been pressing for some weeks, was to appeal to the natural abhorrence which all men felt for war and bombing, as well as to single out the United States as a special offender in order to divert attention from the fact that it was the United Nations which was engaged in action in Korea. Neither the USSR nor the North Korean authorities, it was stated, had denied the statement by the United States Secretary of State that peaceful villages were being used to cover the tanks of the invading army or that civilian dress was being used to disguise soldiers. He also referred to the letter of the President of the International Committee of the Red Cross who stated on 29 August that North Korea had denied access.

The representatives of India, France and China stated that they would vote against the USSR draft resolution for the reasons indicated in connexion with the vote on the previous USSR draft resolution (S/1679).

In a final reply, the representative of the USSR stated that the United States Air Force was acting in Korea under the cover of the United Nations flag. The real aim of the repeated reference by the United States representative to the letter of the President of the International Committee of the Red Cross was to divert attention from the activities of the United States Air Force in Korea.

At the same meeting the Council rejected the USSR draft resolution by 9 votes to 1 (USSR), with 1 abstention (Yugoslavia).

2. Special Report of the United Nations Command in Korea: Consideration by the Security Council

At the 518th meeting of the Security Council on 6 November 1950 the representative of the United States brought to the attention of the Council the text of a special report, dated 5 November (S/1884), from the United Nations Command in Korea. The report stated that in certain areas of Korea United Nations forces had been in contact with Chinese communist military units deployed for action against the forces of the United Nations Command. At the next meeting of the Council on 8 November, the representative of the Soviet Union objected to the Council considering this special report on the ground that the Council's decision establishing that command had been in violation of the Charter. Furthermore, he contended, General MacArthur's reports could not be relied upon. The history of war, it was claimed, showed that army commanders always gave a biased interpretation of events, which they considered exclusively from the points of view of their own military interests. The representative of the Soviet Union recalled, further, that as far back as 27 September, the Government of the People's Republic of China had submitted a complaint of violation of China's frontier by American troops in Korea. The Council had been prevented by the United States from taking a just and legal decision in connexion with that complaint. Since the United States delegation had then argued against discussing that communication, he said, there were no grounds for discussing now the tendentious and highly unreliable reports from an American general in Korea.

After the Council had decided to place the matter on its agenda, the representative of the USSR presented a draft resolution (S/1889) which would have the Council decide that during the discussion of the Korean question it would be necessary to invite the representative of the People's Republic of China.

While agreeing that as a matter of equity the representative of the People's Republic of China should be present during the discussion of this item, the representative of the United Kingdom nevertheless felt that the USSR draft was not appropriate.

He therefore submitted the following amendment (S/1890) to the USSR draft:

The Security Council,

Decides to invite, in accordance with rule 39 of the Rules of Procedure, a representative of the Central People's Government of the People's Republic of China

to be present during discussion by the Council of the Special Report of the United Nations Command in Korea (S/1884).

The representative of the United Kingdom felt that if this counter-draft was adopted, the Council would not be debarred in the interval, pending the arrival of a representative from Peking, from considering the item on the agenda and from taking any decision in that respect which it deemed essential.

The representative of the United States said that since the Chinese communist military units deployed against the United Nations were not merely volunteers interspersed in the North Korean army but were regular military units, the question arose as to whether the Council should invite representatives of aggressors. By their intervention the Chinese communists had, it was claimed, imposed upon the world the danger of an extension of the Korean conflict. This had been done despite assurances to them by both the United Nations and, individually, the United States. He was in favour of the Council making the objectives of United Nations action in Korea clear to the Chinese communists, but such an assurance should not imply that the Council was prepared to condone the intervention of Peking authorities in Korea. The invitation to the Central People's Government of China should not be in the form used by the Council in its efforts to adjust controversies by peaceful means. It should rather be a summons to the Peking régime to appear before the Council and to offer to the world community an explanation of the state of affairs which the Council was "forced to consider".

The representative of China stated that he opposed the proposal to extend an invitation to representatives of the Chinese communists on the grounds that the Peking régime was not Chinese in origin or character but the fruit of Soviet intervention and aggression in China, and that the matter under discussion was not a dispute.

The representative of the USSR, while emphasizing the necessity of inviting a representative of the People's Republic of China before considering the charges brought against that Government by the United States, considered that the United Kingdom amendment (S/1890) was not an amendment but a separate draft resolution. He therefore asked that the two proposals be voted on separately. He further took exception to the use, by the representative of the United States, of the word "summons" in connexion with the invitation to the representative of a sovereign State.

The representative of Yugoslavia stated that, having always considered the People's Republic of China as an interested party in the Korean question as a whole, he would vote in favour of the USSR draft resolution. If it was not adopted, he would vote in favour of the proposal submitted by the United Kingdom.

At the 520th meeting of the Council, on 8 November, the USSR draft resolution was rejected by the Council by a vote of 2 in favour (USSR, Yugoslavia) and 3 against (China, Cuba, United States), with 6 abstentions.

Before a vote was taken on the United Kingdom proposal, the representative of the USSR proposed an amendment to it which would replace the words "special report of the United Nations Command in Korea (S/1884)" by the words "the question submitted by the delegation of the United States of America (S/1886)." This amendment was rejected by 1 vote in favour (USSR) and 2 against (China, Cuba), with 8 abstentions.

The representatives of the United States, France and Ecuador explained that while they would vote in favour of the United Kingdom draft resolution (S/1890), their vote should not be construed as implying recognition by their Governments of the Central People's Government of the People's Republic of China, named in that draft resolution.

The representative of the USSR stated that he would also vote in favour of the United Kingdom draft resolution, even though his delegation did not recognize the United Nations Command and its so-called special report.

The representative of Egypt, after having stated that he would not vote against the United Kingdom proposal, also stressed that his Government's position with regard to the question of the recognition of the Government of China remained unchanged.

At the same meeting (520th), the United Kingdom draft resolution was adopted by 8 votes to 2 (China, Cuba), with one abstention (Egypt).

At the 521st meeting of the Council on 10 November, the representatives of Cuba, Ecuador, France, Norway, the United Kingdom and the United States submitted the following joint draft resolution (S/1894):

The Security Council,

Recalling its resolution of 25 June 1950, determining that the North Korean forces had committed a breach of the peace and calling upon all Members of the United Nations to refrain from giving assistance to the North Korean authorities,

Recalling the resolution adopted by the General Assembly on 7 October 1950, which sets forth the policies of the United Nations in respect to Korea,

Having noted from the special report of the United Nations Command in Korea dated 5 November 1950 that Chinese Communist military units are deployed for action against the forces of the United Nations in Korea,

Affirming that United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives of stability throughout Korea and the establishment of a unified independent and democratic government in the sovereign State of Korea, as set forth in the resolution of the General Assembly dated 7 October 1950,

Insistent that no action be taken which might lead to the spread of the Korean conflict to other areas and thereby further endanger international peace and security,

Calls upon all States and authorities, and in particular those responsible for the action noted above, to refrain from assisting or encouraging the North Korean authorities, to prevent their nationals or individuals or units of their armed forces from giving assistance to North Korean forces and to cause the immediate withdrawal of any such nationals, individuals, or units which may presently be in Korea;

Affirms that it is the policy of the United Nations to hold the Chinese frontier with Korea inviolate and fully to protect legitimate Chinese and Korean interests in the frontier zone;

Calls attention to the grave danger which continued intervention by Chinese forces in Korea would entail for the maintenance of such a policy;

Requests the Interim Committee on Korea and the United Nations Commission for the Unification and Rehabilitation of Korea to consider urgently and to assist in the settlement of any problems relating to conditions on the Korean frontier in which States or authorities on the other side of the frontier have an interest, and suggests that the United Nations Commission for the Unification and Rehabilitation of Korea proceed to the area as soon as possible, and, pending its arrival, that it utilize the assistance of such States members of the Commission as now have representatives in the area for this purpose.

The representative of the USSR proposed that the Korean question should not be included in the agenda of the meeting because, in his opinion, the participation of the representative of the People's Republic of China was essential to the discussion of the questions referred to in the joint draft resolution. Sufficient time, he noted, should be afforded to that representative to reach Lake Success before the Council began consideration of the item.

The representative of India, while agreeing that sufficient time should be given to the Peking Government to send a representative, stated that since the draft resolution contained a declaration of policy which was aimed at lessening tension and fear, he would vote for its inclusion on the agenda. He would, however, assume that the draft resolution would not be discussed or voted upon at present.

The representative of the United Kingdom expressed a similar view.

The Council rejected, by 10 votes to 1, the proposal of the USSR not to include the item on the agenda.

At the same meeting and also at the 523rd meeting on 16 November, the representatives of France, the United Kingdom and the United States emphasized that the immediate submission of the six-Power draft resolution had become necessary because the intervention of Chinese military units in Korea had been intensified since the Council's meeting of 8 November. The immediate objective of the draft resolution, it was stated, was to prevent the development of a threatening situation which might endanger not only the restoration of peace in Korea, but the very principle of that peace in an important area of the world. The provisions of the joint draft resolution, it was maintained, should remove any fears that the territory of China was endangered in any way by the presence of the United Nations forces in Korea. Whatever its motives, the intervention must cease. The draft resolution made it clear that the United Nations sought peace, but that it was determined to prevent any assault on international peace and security.

The representative of Ecuador referred to a communication of the Peking Government (S/1898) on 11 November, declining the invitation decided upon by the Council on 8 November (S/1890). This, he said, justified the six-Power draft resolution and made its adoption indispensable.

The representative of the USSR considered that events in Korea had now clearly confirmed that aggressive circles of the United States had broken the peace in an attempt to seize not only South Korea but North Korea as well, with the purpose of transforming the country into a colony and to use its territory as a military and air base in the Far East. For those reasons, it was stated, the United States had rejected the USSR proposals for the peaceful settlement of the Korean question. He stated that the "American interventionists" had, under the cover of the United Nations flag, advanced in the direction of the Yalu and Tumin rivers and now immediately threatened the north-eastern frontiers of China. Also, by seizing the Chinese island of Taiwan, the United States had invaded Chinese territory and was threatening its security. The Chinese people, he observed, had every reason to indict the United States Government for its hostile provocations and aggression against China. The mere fact that the six-Power

draft resolution was based on the tendentious and unilateral report of an American general hostile to the Chinese people was sufficient to prove that it could not be either objective or just. Moreover, the draft resolution referred to illegal resolutions of the Council and of the General Assembly and thus represented a gross violation of the Charter. Its intention was to justify and further conceal United States aggression both in Korea and against the People's Republic of China, and to secure the extension of American aggression in the Far East.

The representative of the Republic of Korea, after referring to the devastation and loss of life caused by the war in Korea, emphasized that these were the prices that the people of Korea were prepared to pay for their liberty and for the preservation of democracy in their country. He was convinced that the future security of Korea lay in full adherence to the principles of the United Nations. The Korean people, he stressed, did not seek extension beyond their borders, but would stand against invasion from whatever quarter it came. They would, moreover, lend their strength to the co-operative action of the United Nations just as the United Nations had lent its strength to Korea.

At the request of the representative of the USSR, the Council then heard part of a statement by a representative of the Ministry of Foreign Affairs of the People's Republic of China, dated 11 November (S/1902), which had been transmitted to the Secretary-General, with a covering letter dated 14 November, from the representative of the USSR. It stated that as a result of the invasion of Korea and of Chinese Taiwan by American imperialists, and of bombing raids on north-eastern China, the security of China had been imperilled. Filled with righteous indignation, the Chinese people were voluntarily helping the Korean people to repulse United States aggression. The Central People's Government of China, the statement continued, demanded, as before, a peaceful settlement of the Korean question but, if the aggression of the United States and its collaborators did not stop, the struggle against that aggression would never cease. In order to achieve a peaceful settlement of the Korean question, it was stated, it was essential above all to withdraw foreign troops from Korea. The Korean question, the statement concluded, could be solved only by the people of North and South Korea themselves.

The representative of the United States, in reply, quoted a statement made by the President of the United States on the same day, in which the

President gave the assurance that the United States was supporting and acting within the limits of the United Nations policy in Korea, that it had never entertained any intention to carry hostilities into China and that it would take every honourable step to prevent any extension of the hostilities in the Far East.

At the 525th meeting of the Council on 27 November, the President proposed that the Council should consider together the items entitled "Complaint of armed invasion of Taiwan (Formosa)", and "Complaint of aggression upon the Republic of Korea."⁴⁸ He explained that the two problems were closely inter-related and further that the Security Council had invited the representatives of the People's Republic of China, then present in New York, to take part in the Council's discussion of both the questions.

The representative of the USSR objected to combining the two questions under one agenda item, because the item relating to Korea had been placed on the Council's agenda on 25 June at the request of the United States without the USSR's associating itself with its formulation. Moreover, it was stated, the invitation to the Central People's Government of the People's Republic of China confined the participation of the representatives of that Government to the discussion of the special report (S/1884) of the so-called Unified Command, which the Central People's Government did not recognize.

At the same meeting, the Council rejected the objection of the representative of the USSR by 8 votes to 1 (USSR), with 3 abstentions (Ecuador, Egypt, India).

At the 526th meeting on 28 November, the representative of the People's Republic of China took his seat at the Council table. A proposal by the USSR that the representative of the People's Republic of China should speak first was rejected by the Council by 7 votes to 1 (USSR), and 2 abstentions (India, Yugoslavia).

The representative of the United States, speaking first in the debate, stressed the fact that, while the complaint of aggression on the Republic of Korea and the complaint of armed invasion of Taiwan were two distinct matters, they were closely related aspects of the gravest question then confronting the world. That question, he stated, was whether there would be peace or war in the Far East. The facts of the situation in Korea, he

⁴⁸ Although the two questions were considered by the Council simultaneously they are treated separately for convenience of reference. See pp. 287-94, 221-38.

said, were that Chinese communist forces totaling more than 200,000 were engaged in North Korea, in what the United States Government believed to be aggression.

The United States representative then reviewed past Chinese-American relations, stressing the aid and assistance given by the United States to China in the economic, political and cultural fields. Referring to the Korean problem, the representative of the United States put the following questions to the representative of the People's Republic of China:

What was the number of Chinese communist troops who had entered Korea, their organization and composition? How had supplies been organized, dispatched across the frontier and distributed? What motives had led the Peking Government to ignore the reiterated statements of the United Nations and of the United States Government that there were no designs on Chinese territory or legitimate interests? What were the interests of the Peking Government in Korea? Was the Peking Government ready to respond to the central paragraph of the six-Power draft resolution (S/1894), calling upon all States and authorities to refrain from assisting or encouraging the North Korean authorities? That proposal, the representative of the United States commented, represented the conscience of the world. Would the Peking authorities heed the judgment of the United Nations, or would they defy the Organization, thus further endangering peace and security?

With regard to the complaint of violation of the Chinese territorial air,⁴⁹ he recalled the United States proposal for a commission of investigation, which had been vetoed by the USSR. He stated that despite the subsequent intervention of Chinese communists, the Unified Command had maintained its instructions strictly prohibiting United Nations aircraft crossing the Korean frontier.

Referring to the question of Formosa, he emphasized that the Government of China, which was recognized by the United States Government and by a majority of the Members of United Nations, was in effective control of the island. The representative of that Government had clearly repudiated the charge of United States aggression against Formosa. Recalling the statements of the President of the United States on 27 August and the letter dated 21 September from the United States Secretary of State to the Secretary-General, he reaffirmed that the sole mission of the United States Fleet was to prevent any attack from the mainland on Formosa or vice versa.

The representative of the Central People's Government of the People's Republic of China stated, *inter alia*, that because of the fact that the item "Complaint of aggression upon the Republic of Korea" was not in conformity with the wording proposed by his Government, he would not par-

ticipate in the discussion of that item. His statement was therefore largely concerned with the question of Taiwan.⁵⁰

The representative of the People's Republic of China, however, charged that from 27 August to 10 November 1950, military aircraft of the United States in Korea had violated the air space of China ninety times, bombing its peaceful cities, towns and villages. Now, he said, the United States forces of aggression were approaching China's north-eastern frontier. Only a river separated the two countries geographically, and the security of the People's Republic of China was gravely endangered. The Chinese people, he said, could not afford to stand idly by in the face of this serious situation. They were volunteering in great numbers to go to the aid of the Korean people. Resistance to the United States aggression, it was maintained, was based on self-evident principles of justice and reason. In making Japan its main war base in the Far East, launching armed aggression against Korea and Taiwan, carrying out active intervention against Vietnam and tightening its control over other countries in Asia, the United States Government, he stated, was systematically building up a military encirclement of the People's Republic of China for a further attack upon that country and to stir up a third world war. The American imperialists, he said, claimed that the United States "defence line" must be pushed to the Yalu River, to the Strait of Taiwan, and to the border regions between China and Vietnam, or the United States would have no security. But, he said, in no sense could it be maintained that the Korean people's struggle for liberation, or the exercise of sovereignty by the People's Republic of China over its own territory of Taiwan, or the volunteering of the Chinese people to resist the United States and aid Korea, or the struggle for national independence of the Vietnam Democratic Republic, affected the security of the United States in North America, 5,000 miles away.

The fact was that the civil war in Korea was created by the United States, and was designed solely to furnish a pretext for launching armed aggression against Korea and against China's territory, Taiwan, and for tightening its control in Vietnam and in the Philippines. Clearly, in carrying out aggression simultaneously against Korea

⁴⁹ See pp. 283-87.

⁵⁰ For summary of the statement of the representative of the People's Republic of China on Taiwan, see under "Complaint of armed invasion of Taiwan (Formosa)".

and Taiwan under the pretext of the Korean civil war, which was of its own making, the United States Government had vastly extended the scale of the Korean war. It was the United States armed aggression, launched under the pretext of "maintaining security in the Pacific", that had shattered the security of that area.

The representative of the People's Republic of China therefore submitted a draft resolution (S/1921) which, *inter alia*, would have the Council demand the withdrawal from Korea of the armed forces of the United States and all the other countries and leave the people of North and South Korea to settle the domestic affairs of Korea themselves, so that a peaceful solution of the Korean question might be achieved.⁵¹

At the 528th meeting of the Council on 29 November, the representative of the Republic of Korea referred to the neighbourly and peaceful relations that had existed between the Korean and Chinese peoples through the centuries. He pointed out that while the friendship between the two peoples was still deep, the Chinese communists had attacked the Republic of Korea, and therefore were guilty of wilful and unprovoked aggression and of endangering the peace of the world. He demanded the withdrawal from Korea of Chinese communist troops immediately, and the release of the military and civilian prisoners of war.

The representative of France urged the Council to adopt the six-Power draft resolution without delay. He considered that the intentions of the People's Republic of China, which had been obscure at the time when the draft resolution was submitted, had now been expressed in unambiguous terms. This, however, had not changed the legal facts of the matter or the intentions of the United Nations. That the situation had become worse, the representative of France stated, made it only more desirable for the United Nations to tell the Peking authorities that their action in Korea was contrary to the Charter, to which they themselves had intended to appeal, and their fears, if they had any, were baseless.

The representative of the United States said that the representative of the People's Republic of China had misrepresented the whole history of the Korean question in his attempts to depict the United States as an aggressor; he had remained silent on the labours of the United Nations Commission on Korea and its report on the aggression of North Korea. While declining to answer directly the questions put to him, the representative of the People's Republic of China had answered

them either by his silence, when he was bound by circumstances to speak, or by his statements, revealing the attitude of an aggressor.

The representative of the USSR considered that the representative of the United States had falsified the whole history of the Korean question in order to conceal and justify its aggression against North Korea. In violation of the agreements made during the war and of Article 107 of the Charter, the United States Government, counting on the support of the Anglo-American bloc in the United Nations had, in 1947, dragged the Korean question into the United Nations, and had "forced" the Organization to adopt a number of illegal resolutions favourable to the United States and its South Korean puppets.

In ordering the United States armed forces to invade Korea on 27 June, several hours before the Security Council was convened, the United States, it was asserted, had brought the whole world face to face with the *fait accompli* of its aggression in Korea. It had afterwards forced the Council to adopt an illegal resolution for the purpose of concealing the aggression already committed. Moreover, the representative of the USSR argued, the decisions taken by the Council on 25 and 27 June had been adopted by an illegally constituted Council, i.e. without the participation of two permanent members, the USSR and China. The United States Government's attempt to convince public opinion that the war against the Korean people was being waged by "United Nations Troops under United Nations Command" was a falsification of facts.⁵²

The President, speaking as the representative of Yugoslavia, stated that in view of the fact that his Government's guiding principle in international affairs had always been to wage a continuing struggle against aggression, he would vote in favour of the six-Power draft resolution as a whole, because he considered that it was aimed at localizing the conflict. He would, however, abstain in the vote on the preamble. The representative of India indicated that he would be unable to participate in the vote as he had not yet received final instructions from his Government.

The six-Power draft resolution was put to the vote and received 9 votes in favour and 1 against

⁵¹ For fuller details of the draft resolution, see under the heading "Complaint of armed invasion of Taiwan (Formosa)", p. 293.

⁵² For the statement of the representative of the USSR dealing with Taiwan, see pp. 293—94.

(USSR), with 1 member (India) not participating. Since the negative vote was cast by a permanent member, the draft resolution was not adopted.

3. Intervention of the Central People's Government of the People's Republic of China in Korea

In a telegram (A/1618) dated 4 December 1950, the representatives of Cuba, Ecuador, France, Norway, the United Kingdom and the United States requested the inclusion of the item "Intervention of the Central People's Government of the People's Republic of China in Korea" in the agenda of the fifth session of the General Assembly. In an explanatory memorandum (A/1621) submitted on 5 December, they stated that armed forces of the Central People's Government of the People's Republic of China were conducting military operations against the United Nations forces in Korea, and recalled that the draft resolution submitted jointly by their delegations in the Security Council⁵³ with a view to dealing with this question had failed of adoption because of the negative vote of one of the permanent members, the USSR. Under those circumstances, they believed that the Assembly should consider the problem urgently, with a view to making appropriate recommendations.

The General Assembly, at its 319th plenary meeting on 6 December 1950, decided, on the recommendation of the General Committee made at its 74th meeting on 5 December, to include this item in its agenda and to refer it to the First Committee for consideration and report.

Representatives of Czechoslovakia and the USSR in the General Committee, and representatives of Czechoslovakia, Poland and the USSR in the General Assembly, had expressed opposition to the inclusion of the item, on the grounds that there was no Chinese armed intervention in Korea (there were only Chinese volunteer forces in Korea who were hastening "to succour their brethren"), and that the real intervention in Korea was being carried out by the armed forces of the United States and its allies.

a. DISCUSSION IN THE FIRST COMMITTEE

The First Committee, during 1950, considered the question at its 409th to 417th meetings, 7-9 and 11-13 December.

At its 409th meeting on 7 December, the First Committee, by 42 votes to 5, with 4 abstentions,

adopted a French motion that priority should be given to the consideration of the item.⁵⁴ Representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed the French motion. At the same meeting, the Committee, by 48 votes to 5, with 4 abstentions, adopted a motion, presented by the United States, that the representative of the Republic of Korea should be invited to participate in the discussions. Representatives of Poland and the USSR spoke in opposition to the United States motion. They maintained that there was no such thing as intervention on the part of the Central People's Government of the People's Republic of China, and, accordingly, it would be wrong to invite South Korean representatives to participate in the discussion, particularly because they would be unable to give an objective picture.

The following draft resolutions were submitted during 1950:

(a) Joint draft resolution (A/C.1/638), submitted at the 409th meeting on 7 December, by Cuba, Ecuador, France, Norway, the United Kingdom and the United States, which, after recalling the Security Council resolution of 25 June 1950 and the General Assembly resolution of 7 October 1950, and noting that armed forces of the Central People's Government of the People's Republic of China were conducting military operations against the United Nations forces in Korea, called upon all States and authorities, *inter alia*, to prevent their nationals or individuals or units of their armed forces from giving assistance to the North Korean forces and to cause immediate withdrawal of such nationals or units; affirmed that it was the policy of the United Nations to hold the Chinese frontier with Korea inviolate and fully to protect legitimate Chinese and Korean interests in the frontier zone; and requested the United Nations Commission for the Unification and Rehabilitation of Korea to assist in the settlement of any problems relating to conditions on the Korean frontier.

(b) Draft resolution (A/C.1/640), submitted by the USSR at the 412th meeting on 9 December, which recommended that all foreign troops should be withdrawn immediately from Korea and that the decision on the Korean question should be entrusted to the Korean people themselves.

(c) Joint draft resolution (A/C.1/641), submitted at the 415th meeting on 12 December, by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen, requesting the President of the General Assembly to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea could be arranged and to make recommendations to the General Assembly as soon as possible.

(d) Joint draft resolution (A/C.1/642), submitted at the 415th meeting on 12 December by the same countries with the exception of the Philippines, which, con-

⁵³ See pp. 239-40.

⁵⁴ See pp. 296-97.

sidering that the situation in the Far East was likely to endanger the maintenance of world peace and security, recommended the establishment of a committee to meet as soon as possible and make recommendations for the peaceful settlement of existing issues.

On 5 December 1950, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen appealed to the North Korean authorities and the Central People's Government of the People's Republic of China immediately to declare that it was not their intention that any forces under their control should cross to the south of the 38th parallel of latitude. Such a declaration, the appeal stated, would give time for considering what further steps were necessary to resolve the conflict in the Far East and thus help to avert the danger of another world war. No action was taken on this appeal.

At the 410th meeting of the First Committee on 8 December, the first report (A/C.1/639) of the United Nations Commission for the Unification and Rehabilitation of Korea, dated 7 December 1950, was read. In connexion with Chinese communist intervention in Korea, it stated that, on the basis of existing evidence, the Commission had concluded that Chinese forces in great strength were attacking the United Nations forces in North Korea and that they formed part of the armed forces of the People's Republic of China. Definitely identified forces totalled 231,000 men, drawn from eight armies and comprising 26 divisions. One responsible estimate placed the total number as high as 400,000. Interrogation of prisoners showed that they were not volunteers in any possible meaning of the term. The Commission also called attention to a large-scale exodus of refugees fleeing southwards from North Korea, with one estimate placing the number in the west coast areas alone as high as 500,000. This number would increase, the Commission believed, as additional territory became threatened by invading forces from the north.

Representatives of Belgium, Cuba, the Dominican Republic, Ecuador, France, Greece, the Netherlands, Peru, the Philippines, the United Kingdom, the United States, Uruguay and Venezuela, among others, spoke in support of the joint six-Power draft resolution (A/C.1/638). They considered that since the veto of the USSR had prevented the Security Council from undertaking effective action to restore peace, it was now the General Assembly's duty to exercise its powers under Article 11 of the Charter and under the resolutions adopted under the title "Uniting for

Peace".⁵⁵ Only after this question had been settled could other matters relating to the peace and security of Asia be dealt with.

It was argued that just when the armed forces of the United Nations had almost completed the task entrusted to them as a result of the aggression committed by the North Koreans, whose vanquished armies had disappeared into the frozen wastes of North Korea, in their stead there had appeared a vast contingent of the communist armies of China, which nobody had attacked and with which everyone wished to have peaceful relations. By crossing the border into North Korea, those armies had not only invaded Korea but they had attacked the forces of the United Nations and had brought about a state of undeclared war against the Organization, against each Member State and particularly those which had supported General Assembly resolution 376(V)⁵⁶ of 7 October 1950. Such action, they said, constituted a breach of international security; it also imperilled world peace. It was not only the prestige of the democratic nations of the world which was involved, but also the prestige and the moral authority of the United Nations itself that represented all peace-loving nations. Not only were the solemn declarations of principle and the plans for moral and material progress—so carefully worked out to bring peace to all human beings—in danger, but the world was at present on the edge of a catastrophe of immeasurable consequences.

It was maintained that facts had demolished the fiction that Chinese communist forces in Korea consisted of volunteers. Clearly, they constituted a centrally directed army, organized and equipped for war by a great national effort. The Chinese communist formations that had entered Korea were listed. With respect to this point, the representative of the United States indicated that the arguments advanced by spokesmen of Communist China and the USSR seeking to justify the actions of so-called volunteers, should cause grave concern. The representative of the USSR, he asserted, had stated that the Chinese communists had gone to succour their brethren and that there was therefore no reason for protesting. That had been an attempt to justify organizing a communist uprising, sending in troops called volunteers and then claiming that the international community had no right to aid the victim. That new doctrine, the United States representative said, was a dangerous

⁵⁵ See pp. 193-95.

⁵⁶ See pp. 265-66.

weapon in the arsenal of Soviet imperialism and should be rejected.

The supporters of the six-Power draft remarked that it was evident that the Chinese communist Government had intervened illegally in Korea, thereby violating its international obligations as a neutral State, and that it had openly violated the Charter of the United Nations, challenging the repeated requests of the United Nations to refrain from giving assistance to the North Korean aggressors. It had also attacked, and was continuing to attack, the United Nations forces in Korea, which were there in fulfilment of the almost unanimous agreement of the States Members of the Organization. At the very moment when the United Nations was about to begin the rehabilitation of an independent and free Korea and bring relief to it, the Organization was faced with an entirely new war.

It was argued that the six-Power draft resolution showed moderation and restraint, and that it provided the parties directly concerned, and the United Nations as a whole, with a firm and sound basis for further negotiation.

Representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR spoke against the six-Power draft resolution (A/C.1/638) and in support of the USSR draft (A/C.1/640). They rejected the views put forth by the supporters of the six-Power draft, considering them to be based on a complete distortion of the facts. Those views, the five representatives stated, had already been refuted by them during the debates in the Security Council and in the General Assembly on the Korean question.

The representatives of the above five Powers argued that it required great audacity so to distort incontrovertible facts as to represent the hostilities in Korea as a struggle between the armed forces of the People's Republic of China and United Nations forces which were championing the right of a small country to independence and defending the principles of the United Nations. Nevertheless, the authors of the six-Power draft resolution had contended that the armed forces of the United Nations had entered Korea for the purpose of repelling an attack by the North Koreans directed against a Government established by virtue of a United Nations decision. And now, a new fabrication was being added: that of an attack by Chinese troops on the United Nations.

The six-Power draft, offered as a justification of the intervention of American troops in Korea, was completely contrary to the purposes and prin-

ciples of the United Nations, they declared. In point of fact, it was at the instigation of General MacArthur and the United States Government that the Government of South Korea had launched its aggression. That Government had remained in office only because of the support of the American armed forces controlling the country. Fascism, illegality, terrorism and violence had marked a régime which had endeavoured to stifle the aspirations of the Korean people. It was ridiculous to represent the aid given to that régime as a defence of democracy and freedom.

An act of aggression committed? in defiance of the requirements of the Charter had been supported and assisted under the flag of the United Nations, they continued. It was hypocrisy, therefore, to speak of relieving the sufferings of the Korean people, when those who had organized the attack had shattered and devastated the country with American bombs.

The American representative, they said, had spoken as if the Chinese were at the frontier of the United States, instead of American troops having advanced toward the Chinese frontier with hostile designs. Long before the outbreak of hostilities, American bombs supplied to Chiang Kai-shek had helped to massacre Chinese citizens; now American aircraft were bombing Manchuria. When the American forces, after crossing the 38th parallel, had continued to advance northward in large numbers, the Chinese people had become indignant and alarmed in the face of the dangerous situation created by the American intervention.

China, they maintained, had learned through bitter experience the necessity of taking legitimate measures of defence. The participation of Chinese volunteers in the national struggle of Korea under Korean leadership was in full conformity with the provisions of international law. There was no occasion for surprise, they said, that volunteers should be organized, equipped and trained for modern war. Volunteers had the same arms as the armies whose ranks they came to swell; they did not necessarily constitute undisciplined hordes, but were, on the contrary, organized in units under a Commander-in-Chief.

The sponsors of the six-Power draft were resorting to slander of the People's Republic of China and were asserting that such large-scale action implied a nation-wide effort, because they underestimated the strength of a people which in twenty years had rid itself of warlords, monopolies and American colonists. The new Government,

which had the support of the whole of China, had proved itself capable of defending the political independence and territorial integrity of China and the dignity of its people. The list of alleged Chinese units, quoted in the so-called United Nations Commission's report, they continued, had no foundation in fact.

The real intervention, the representatives of the five Powers reiterated, had been from the side of the United States, and the purpose of the six-Power draft resolution was to divert the attention of the world from United States aggression against Korea and China. The aim of the USSR draft resolution, on the other hand, they added, was to make an effective contribution to the strengthening of peace, and to end the intervention of the United States and of certain other countries which were taking advantage of the United Nations.

The representative of China declared that the communist forces fighting in Korea were regular units of the Fourth Field Army of the Peking régime. The volunteers comprised only those engaged in clerical work, propaganda, first-aid and, to a minor degree, transportation in the rear areas. Such volunteers numbered less than 2,000. The Chinese people, he affirmed, firmly believed that the surest guarantee of the inviolability of their frontier between Korea and Manchuria lay in the existence of a free and united Korea, since an independent Korea could not possibly conduct an imperialistic invasion of China. There was also no suspicion or fear of United States imperialism among the Chinese people, he added. After more than a century of Sino-American relations, the United States had not acquired a single inch of Chinese territory. On the contrary, it had always provided relief for the Chinese people whenever they had been struck by any natural disaster. Therefore, all those contentions and fears were un-Chinese and concocted, and the intervention in Korea was being carried out by a totally un-Chinese régime. It was only when China once again became Chinese that peace and security would reign in the Far East.

The representative of the Republic of Korea asserted that the opponent to the unification of Korea had been the USSR, although it had signed the Potsdam Declaration providing for the establishment of a united and independent Korea. The USSR, he said, had refused to permit general elections in North at the same time as in South Korea, and in this way had succeeded in establishing and maintaining in North Korea a puppet régime which it contended was a government elected by the people, although the elections in

North Korea had been carried out under police pressure, and United Nations observers had not been able to see that they were properly held.

Also, by contesting the legality of the Government of the Republic of Korea and by recognizing the authorities of North Korea, the USSR had confused international public opinion and enabled concealment of the responsibility for the aggression unleashed by the troops of North Korea against the Republic. Communist propaganda had alleged that the struggle was a civil war, but that lie had been disproved by the capture of enormous quantities of Soviet arms.

More recently it had been stated that the intervening Chinese troops were composed solely of volunteers. The United Nations had pretended to ignore that lie in order to enable the Chinese communists to withdraw their troops and consequently to avoid an extension of the conflict. Moreover, the free peoples of the world had given the Peking authorities assurances with respect to the territorial integrity of China. All those efforts at appeasement, however, seemed to have been in vain. The Korean conflict was not a limited war, he asserted; on the contrary, the United Nations was confronted by an aggressor set on a policy of extermination. The United Nations had already condemned the aggression committed by the North Koreans against the Republic of Korea. Now the Chinese communists had committed a similar act of aggression. He declared that the free world was well aware that the new aggression was a product of the USSR in origin, direction and execution.

Now that the Republic of Korea was once again in grave danger, it again appealed to the Members of the United Nations to adopt a policy of resistance to aggression, in order to prevent further aggression in other parts of the world.

After introducing the joint thirteen-Power draft resolution (A/C.1/641) at the 415th meeting, the representative of India informed the First Committee of the substance of the conversations he had held with the representatives of the Peking Government. His main object throughout those conversations, he explained, had been to understand the point of view of the Peking Government in respect to the Korean conflict and other connected issues and then to make certain proposals for the consideration of the Peking Government. Towards the end of those talks, he had asked General Wu Hsiu-chuan, representative of the Central People's Government of the People's Republic of China, whether it was correct to suppose that the Peking Government did not want a war

with the United Nations or with the United States. General Wu Hsiu-chuan replied that most certainly his Government did not want a war but that the forces of the United States and the United Nations were carrying on military operations near the Chinese border and thus a war had been forced upon the Chinese people.

The representative of India felt that, since China had been ravaged by wars of one kind or another for almost a generation, it was understandable that the people of China should not want another war and would welcome a spell of peace. At the same time, the ordeals through which they had passed had made them unduly suspicious and apprehensive. In fact, China seemed to be moving towards a Monroe Doctrine of its own. Nevertheless the United Nations had, for the moment, an assurance that the Peking Government desired a peaceful settlement. Since that was also the wish of the members of the First Committee, India, together with other countries, had introduced the joint thirteen-Power draft resolution.

He then pointed out that the joint draft did not impose an immediate cease-fire order. He had felt that in order to obtain an effective cease-fire order, it would be better to have first an exploratory proposal as embodied in the joint draft. According to that proposal, the President of the General Assembly, together with two other persons of his choice, would consult both High Commands or their representatives and report back to the General Assembly on the most suitable basis for a cease-fire. On the basis of that report, the General Assembly could recommend the actual cease-fire.

At the same meeting, the representative of India introduced the joint twelve-Power draft resolution (A/C.1/642), but moved, however, that priority of discussion should be given to the joint thirteen-Power draft because of its urgency and importance.

In the discussion that followed, representatives of Australia, Syria and Yugoslavia supported the Indian motion with respect to priority. Representatives of Poland and the USSR opposed the Indian motion. They argued that the First Committee was engaged in a general debate and several draft resolutions had been presented. It was unusual, they stated, to select one for special attention, and there had already been too many changes in the order of their discussions.

The Indian motion was adopted by 48 votes to 5, with 4 abstentions.

The representatives of Brazil, Canada, Egypt, France, India, Iran, Israel, Mexico, the Netherlands, Norway, Pakistan, the Philippines, Syria, Turkey, the United Kingdom, the United States and Yemen, among others, spoke in support of the thirteen-Power draft resolution. They stressed the fact that an end to the fighting was a necessary prerequisite for an eventual peaceful settlement in Korea. If the negotiations which the draft resolution sought to promote proved that a victory for aggression was the price that had to be paid for a cessation of hostilities, the proposal would come to nothing, but that possibility should not prevent the United Nations from making the attempt. They contended, however, that it was essential that the first step—namely, the cease-fire and the protection of the United Nations forces and of the Korean population—should be concluded before other matters, such as political issues, were taken up.

The representative of Chile declared that the world knew that the aggression committed by the armies of the Peking Government was merely further evidence of the expansionist strategy of the USSR, and that the final fulfilment of a cease-fire order would depend on the extent to which it suited the purposes of the USSR. The possibility of achieving an honourable and acceptable solution, he stated, depended on the action of the Soviet Union. The United Nations, he asserted, was not dealing with a mere local conflict. The present international situation, of which Korea was merely one aspect, led to one conclusion, the conclusion that, as far as peace was concerned, there were no isolated problems; peace was one and indivisible. With those reservations and with some scepticism, the delegation of Chile, he added, would support the thirteen-Power draft. It would do so also because of the respect which the sponsoring delegations deserved, and especially out of respect for the pacifying efforts of India and for the humanitarian aims which motivated it, and also because of the guarantee implicit in a group over which the President of the General Assembly would preside.

The representative of Greece was of the opinion that the word "conflict" in the thirteen-Power draft was inappropriate, for it implied the idea of antagonism of ideas or interests rather than that of an armed struggle. The United Nations forces in Korea, he said, had no such conflict with the Governments of North Korea or of the People's Republic of China. They were there solely to fight against aggression. It would have been preferable to substitute the word "fight" or "struggle" for the

word "conflict". He went on to state that Greece would nevertheless vote for the draft, it being understood that his observations would be taken into account. Although he had some doubts concerning the possibility of a sincere implementation of the proposal, he wholeheartedly wished that the efforts to bring the hostilities to an end would succeed.

Viewing the thirteen-Power draft with misgivings, the representative of China declared that in ordinary circumstances, it would be natural for the United Nations to begin with a cease-fire order. That had already been done by the Security Council on 25 June 1950,⁵⁷ but the aggressor had paid no attention and the Security Council had then taken police action. Now it was proposed that the General Assembly should seek a cease-fire, but that was equivalent to asking the police to stop at the same time as the gangster. It was doubtful, he observed, whether such a procedure was right, or would enhance the prestige or usefulness of the United Nations.

The representative of the USSR noted three factors that had surrounded the drafting and elaboration of the thirteen-Power draft resolution. The first factor was the defeat of the American interventionist troops in Korea as a result of the struggle of the Korean people and of their Chinese friends. The second was the presence among the sponsors of the thirteen-Power draft resolution of the Philippines, which was not included among the sponsors of the twelve-Power draft resolution. The reason for his absence was obviously that the first draft resolution had been to the liking of the United States, and the Philippine representative had been forced to exert much effort in order to impose such a draft resolution on the other sponsors. Turning to the third factor, he considered that the objective sought by the United Kingdom and United States representatives boiled down to the narrow aim of obtaining a cease-fire but not peace and security in the Far East. Thus, the proposal for a cease-fire constituted merely a hypocritical and camouflaged attempt to obtain a breathing spell before embarking upon further military action and would redound solely to the benefit of the United States and the United Kingdom.

The representative of the USSR added that a correct solution of the Korean question could be found only through the evacuation of all foreign troops from Korea, which would enable the Korean people to settle all issues and problems relating to the future of their country. The USSR

draft resolution (A/C.1/640), he said, laid down the basic conditions for a peaceful settlement of the Korean question and for the restoration of peace and security in the Far East.

These views were shared by the representatives of Czechoslovakia and Poland, who also spoke in favour of the USSR draft and in opposition to the thirteen-Power draft.

The thirteen-Power draft resolution (A/C.1/641) was put to the vote at the 417th meeting of the First Committee on 13 December and was adopted by 51 votes to 5, with 1 abstention.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The interim report (A/1717) of the First Committee, containing the text of the draft resolution adopted, was considered by the General Assembly at its 324th plenary meeting on 14 December. The Committee, in its report, stated that it would submit its final report when it concluded its consideration of the other draft resolutions.

The Assembly decided not to discuss the item, but before the Committee's draft resolution was voted on, several representatives gave explanations of how they would vote.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR announced their intention of voting against the Committee draft. They protested against the consideration by the General Assembly of the draft submitted to it by the First Committee before that Committee examined and took a decision on the USSR draft resolution and the other resolutions which had been submitted to it on the same question. They considered that procedure to be irregular. The real purpose of the measures proposed in the Committee draft, they contended, was to enable the United States armed forces in Korea to continue their armed aggression. A proper solution of the Korean question, they argued, was possible only if foreign troops were withdrawn from Korea and the Koreans themselves were allowed to settle the questions which concerned their country. Such a solution, they added, was advocated in the USSR draft resolution.

The representative of Egypt stated that the Committee draft resolution, in fact, asked that ways and means should be sought to determine the basis on which a satisfactory cessation of hostilities in Korea could be arranged and that

⁵⁷ See p. 222.

recommendations should be made to the General Assembly as soon as possible. He wondered how anybody, in logic or in fairness, could challenge such a stand. He went on to state that the United Nations had so far failed to agree upon many matters which weighed heavily upon the economy, the social life and the prosperity of the human race. The United Nations, he observed, would continue so to fail to agree as long as there were people who were hesitating to work for peace in the world. He hoped that those who were hesitating to subscribe to the attempt by the United Nations to work for peace would soon realize that there was growing and building up, spiralling and snowballing, a world opinion which determinedly refused to be driven to war. The United Nations must pay heed to that public opinion. It must not continue to think of people as cattle which can be driven to war and to massacre at the whim of those who cannot think of anything else. The United Nations, he added, should insist on acting, and should act for peace, and then the time would come when everyone would know who was building up and who was tearing down the structure of human civilization.

The Committee draft resolution was adopted by a roll-call vote of 52 to 5, with 1 abstention. At the 325th meeting, also held on 14 December, the representatives of Nicaragua and Peru explained that, owing to unavoidable circumstances, they had been absent during the vote, but that they supported the resolution. The text of the resolution adopted (384(V)) read as follows:

The General Assembly,

Viewing with grave concern the situation in the Far East,

Anxious that immediate steps should be taken to prevent the conflict in Korea spreading to other areas and to put an end to the fighting in Korea itself, and that further steps should then be taken for a peaceful settlement of existing issues in accordance with the Purposes and Principles of the United Nations,

Requests the President of the General Assembly to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea can be arranged and to make recommendations to, the General Assembly as soon as possible.

The President of the General Assembly, at the 325th plenary meeting on 14 December, announced the constitution of a Group on Cease Fire in Korea consisting of the following persons: L. B. Pearson (Canada), Sir Benegal Rau (India) and N. Entezam (Iran).

c. REPORT OF GROUP ON CEASE FIRE IN KOREA

The Group on Cease Fire in Korea met almost immediately after it was constituted by the Presi-

dent of the Assembly. It decided to associate the Secretary-General of the United Nations with its work. A report (A/C.1/643) on its work, dated 2 January 1951, was submitted to the General Assembly. The report stated that, as a first step, it had consulted the representatives of the Unified Command as to what they considered to be a satisfactory basis for a cease-fire. The suggestions which had emerged from this consultation could be summarized as follows:

(1) All Governments and authorities concerned, including the Central People's Government of the People's Republic of China and the North Korean authorities, should order and enforce a cessation of all acts of armed force in Korea. The cease-fire should apply to all of Korea.

(2) There should be established across Korea a demilitarized area of approximately twenty miles in depth, with the southern limit following generally the line of the 38th parallel.

(3) The cease-fire should be supervised by a United Nations commission, whose members and designated observers should have free and unlimited access to the whole of Korea.

(4) All Governments and authorities should cease promptly the introduction into Korea of any reinforcement or replacement units or personnel, including volunteers, and additional war equipment and material.

(5) Appropriate provision should be made in the cease-fire arrangements in regard to steps to ensure the security of the forces, the movement of refugees, and the handling of other specific problems arising out of the cease-fire.

(6) The General Assembly should be asked to confirm the cease-fire arrangements, which should continue in effect until superseded by further steps approved by the United Nations.

The Group then had attempted to consult the Central People's Government of the People's Republic of China and, for that purpose, had sent a message to that Government's representative in New York and repeated it by cable to the Minister for Foreign Affairs in Peking. The message stressed that, in the interests of stopping the fighting in Korea and of facilitating a just settlement of the issues there in accordance with the principles of the Charter, the Group was prepared to discuss cease-fire arrangements with the Government of the People's Republic of China or its representatives either in New York or elsewhere, as would be mutually convenient.

On 16 December, the Group requested the Central People's Government to instruct its representative in New York to stay there and to discuss with the Group the possibility of arranging a cease-fire. In its reply, on 21 December, the Government of the People's Republic of China had recalled that its representative had neither participated in or agreed to the adoption of the

General Assembly resolution establishing the Group. The Central People's Government had repeatedly declared that it would regard as illegal and null and void all resolutions on major problems, especially regarding Asia, which might be adopted by the United Nations without the participation and approval of duly appointed representatives of the People's Republic of China. After the Security Council had unreasonably voted against the question "Complaint of armed invasion of Taiwan (Formosa)" raised by the Government of the People's Republic of China, that Government had instructed its representatives to remain in New York for participation in the discussion of the question "Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America". However, he had still not been given the opportunity to speak. Under those circumstances, the Central People's Government deemed that there was no further necessity for its representatives to remain in New York.

On 19 December, acting on a recommendation from the sponsors of the twelve-Power draft resolution, the Group had sent another message to the Minister for Foreign Affairs of the People's Republic of China, which was intended to remove any possible misunderstandings which might have arisen out of the separation of the twelve-Power draft resolution from the thirteen-Power resolution adopted by the Assembly on 14 December. The message stressed that the Group's clear understanding and also that of the twelve Asian sponsors was that, once a cease-fire arrangement had been achieved, the negotiations envisaged in the twelve-Power draft resolution should be proceeded with at once, and that the Government of the People's Republic of China should be included in the Negotiating Committee referred to in that draft resolution.

On 23 December, the President of the General Assembly, in his capacity as such, had received from the Minister for Foreign Affairs of the People's Republic of China the text of a statement issued by the Government in Peking on 22 December, in which it was noted that that Government, from the very beginning of hostilities in Korea, had stood for the peaceful settlement and localization of the Korean problem. However, the United States Government had not only rejected the proposals made by his Government and by the USSR for the peaceful settlement of the problem, but had rejected negotiations on the question. The statement then reiterated the basic views on the problems involved, as set forth in the Security

Council by the representative of the People's Republic of China and in that organ, as well as in the General Assembly, by the representative of the USSR. In conclusion, the statement held that if the Asian and Arab nations wished to achieve genuine peace, they must free themselves from United States pressure, no longer make use of the Group on Cease Fire and give up the idea of achieving a cease-fire first and negotiations afterwards. The Central People's Government of the People's Republic of China insisted that, as a basis for negotiating a peaceful settlement of the Korean problem, all foreign troops must be withdrawn from the peninsula, Korea's domestic affairs must be settled by the Korean people themselves, the American aggression forces must be withdrawn from Taiwan and the representative of the People's Republic of China must obtain a legitimate status in the United Nations.

The Group concluded its report by stating that, in those circumstances, it regretted that it had been unable to pursue the discussion of a satisfactory cease-fire arrangement and, therefore, felt that it could not usefully make any recommendation in regard to a cease-fire for the time being.⁵⁸

4. Report of the United Nations Commission on Korea

Pursuant to General Assembly resolution 293-(IV)⁵⁹ of 21 October 1949, the United Nations Commission on Korea transmitted to the fifth regular session of the Assembly a report (A/1350) of its activities covering the period from 15 December 1949 to 4 September 1950.

a. FACTS OF AGGRESSION

The Commission, in Part One of its report, declared that on Sunday, 25 June 1950, at 1:30 P.M. (Korean time), it was officially informed by the Foreign Minister of the Republic of Korea that the territory of the Republic had been invaded early that morning by the armed forces of the North Korean authorities, and was still under attack all along the 38th parallel of latitude. At 5 P.M. the same day, the Commission's field observers reported that Northern armed forces had that morning taken the Southern defences completely by surprise in a well-mounted attack all along the 38th parallel. The strategic plan of the

⁵⁸ The report was considered by the First Committee at meetings held on 3, 5 and 8 Jan. 1951.

⁵⁹ See Y.U.N., 1948-49, pp. 293-4.

Northern forces appeared to be to draw off Southern defensive reserves by launching heavy attacks on the east and west, and then to make the main attack through the centre along the shortest route to Seoul.

The Commission immediately drew the attention of the Secretary-General to the situation, suggesting that he might consider the possibility of bringing the matter to the notice of the Security Council.

It then approved the text of a broadcast to be made by the Chairman to North Korea, in which the Commission deplored the tragic outbreak of military conflict on a large scale in Korea. The Commission appealed for an immediate cessation of hostilities.

The Commission mentioned that in a radio broadcast delivered at 9:20 A.M. on 26 June 1950, General Kim Il Sung (of North Korea) reiterated the North Korean claim first heard the previous afternoon at 1:20 P.M. that South Korea, having rejected every Northern proposal for peaceful unification, had crowned its iniquity by launching an invasion force across the parallel in the section of Haeju, thus precipitating North Korean counter-attacks for which South Korea would have to assume the consequences.

The Commission asserted that the events taking place in Korea did not break out on 25 June as the result of a provocative attack by the troops of the Republic of Korea, much less as the result of the launching of an invasion force across the parallel by the Republic of Korea, as had been alleged. The Commission, having had free access to all areas in South Korea, had been at all times aware of the military situation in the South. Particularly regarding the period immediately preceding the invasion, the Commission stated that it had before it the report of a team of its field observers who had left Seoul on 9 June, and after completing trips along the 38th parallel, returned to Seoul on the evening of 23 June, a few hours before the invasion. The observers reported that they had been impressed during their tour by the fact that the South Korean Army was organized entirely for defence. They had noted that in all sectors it was disposed in depth; that armour, air support and heavy artillery were absent; that there were visible no military or other supplies necessary for a large-scale attack, and that they had encountered no concentrations of transport.

On the basis of the observers' report and of its knowledge of the general military situation, the Commission was unanimously of the opinion that no offensive could possibly have been launched

across the parallel by the Republic of Korea on 25 June 1950. The Commission went on to report that the invasion launched by the North Korean forces on 25 June could not have been the result of a decision taken suddenly in order to repel a mere border attack or in retaliation for such an attack. Such an invasion, involving amphibious landings and the use of considerable numbers of troops carefully trained for aggressive action and, in relation to the area, of great quantities of weapons and other war material, presupposed a "long premeditated, well prepared and well timed plan of aggression". The subsequent steady advance of the North Korean forces, the Commission observed, supplied further evidence, if further evidence was needed, of the extensive nature of the planning and preparation for the aggression.

It was the considered opinion of the Commission that this planning and preparation were deliberate, and an essential part of the policy of the North Korean authorities. The objective of this policy was to secure by force what could not be gained by any other means. In furtherance of this policy, the North Korean authorities, on 25 June 1950, "initiated a war of aggression, without provocation and without warning".

The act of aggression by the North Korean authorities, the Commission reported, was preceded by sustained efforts to undermine and weaken the Republic of Korea. It was part of the plan of the North Korean authorities to encompass by these efforts the downfall of the Republic or, failing that, so to enfeeble the Government that it could not long resist their ultimate onslaught. While an invading force adequate for their purpose was being trained and equipped, everything was done by the North Korean authorities to spread confusion and discontent in South Korea. They endeavoured to foster and promote conditions favourable to a general upheaval. In furtherance of their policy of aggression, it was necessary to exclude from North Korea any kind of international observation. It was part of their plan of aggression to spread inflammatory propaganda calculated to create dissension in South Korea, to give aid to armed bands sent to invade South Korea after having been formed and trained on North Korean territory, and to incite the population of South Korea to side with and support these guerrilla bands. It was also part of their policy to maintain a state of tension along the 38th parallel and to create confusion in the minds of the South Korean population on the eve of the aggression by false offers of unification by peaceful means.

b. KOREA PRIOR TO ACT OF AGGRESSION

In its survey of the situation in Korea prior to the act of aggression, the Commission, in Part Two of its report, explained its own task and the attitudes toward it. The Republic of Korea, it said, continued to regard the Commission as an important symbol of the United Nations interest in Korea and looked upon it for assistance in solving many of Korea's problems. The North Korean authorities, on the other hand, were hostile toward the Commission.

With respect to the question of unification, the Commission called attention to the fact that this question remained the fundamental objective towards which it should work. Consequently, on 7 February 1950 it established a Sub-Committee which decided to approach its task: (1) by hearing the views of leading personalities in Korea in regard to the removal of existing barriers to economic, social and other friendly intercourse and in regard to the question of unification of Korea, and (2) by informing the people of both South and North Korea by means of broadcasts of the objects and aims of the Commission, with particular emphasis on the question of unification.

Between 10 February and 10 April 1950, the Sub-Committee heard the Prime Minister, Minister of Foreign Affairs, Minister of Finance, Minister of Commerce and Industry, the Chairman of the National Assembly, the Chief of the Mission in Korea of the United States Economic Co-operation Administration (ECA) and other leading figures.

The Commission noted that no constructive views were advanced, during the Sub-Committee's hearings, on ways and means to remove barriers to economic, social and other friendly intercourse. The division along the 38th parallel had hardened with the passage of time, making more difficult the finding of a solution to this basic Korean problem.

The Commission authorized a series of radio broadcasts and, in the course of these, extended the hand of friendship and co-operation to the North Korean authorities and offered to visit North Korea whenever facilities were made available. Nothing tangible resulted, and the Sub-Committee suspended its activities. A watch, however, was kept on developments, and information was collected on two specific lines of approach that had been raised from the Commission side during the series of hearings. The first concerned the possibility of utilizing the humanitarian offices of the International Red Cross to promote con-

tacts between members of the same family divided between the two zones and faced with personal tragedy. The second involved the establishment of an international trading organization on the 38th parallel to promote the resumption of trade across the parallel.

In early June, while the Commission was collating the reports of its election observation teams, Radio Pyongyang gave wide publicity to an article in the North Korean Press calling for an intensification of measures aimed at unifying the country. On 5 June 1950, the Central Committee of the Democratic Front for the Attainment of Unification of the Fatherland announced that agreement had been reached on a fundamental policy for expediting the peaceful unification of Korea on the basis of proposals arising out of the above article. This was followed on 7 June by the broadcasting of an appeal outlining a detailed programme for unification. Broadcasts on the following days invited the representatives of almost all political parties and social organizations in the South to appear on 10 June at Yohyon station, just north of the parallel, to receive copies of the appeal. Included in the list of those invited was the United Nations Commission on Korea.

The Commission appointed its Acting Deputy Principal Secretary as its representative to meet the three representatives from the Democratic Front for the Attainment of Unification of the Fatherland, who would be waiting above the parallel to deliver the appeal. The Commission's representative was authorized to receive a copy of the appeal and to attempt, at the same time, to transmit to the Northern representatives copies of its previous broadcasts to North Korea. These, however, were not accepted by the Northern representatives on the grounds that they were mere agents and were without authority to enter into any discussions or accept any documents.

On 11 June, Radio Pyongyang announced that the three emissaries had been directed to cross the 38th parallel and proceed to Seoul in order to deliver copies to the designated organizations. As soon as the three emissaries crossed the parallel they were placed under detention, and efforts were made to induce them to accept the point of view of the Republic of Korea. This step of detaining "envoys of peace" touched off a violent chain of denunciation by Radio Pyongyang.

The Commission reported that arrangements for the unification drive from Radio Pyongyang were still continuing on the eve of the invasion.

The Commission went on to report that the Republic of Korea's programme for developing

its shaky economy was directly dependent upon the assistance of the United States Economic Cooperation Administration. The Republic, it said, was faced with excessive defence expenditures, deficiencies in plants, shortages of raw materials and consumer goods, serious inflation and general nervousness about the future. It had begun, though belatedly, to grapple with these difficulties through the medium of a careful economic stabilization programme, and the future appeared rather brighter on the eve of the invasion.

The building of security forces, the Commission pointed out, absorbed energies and resources which were urgently needed to develop politically the new form of democratic representative government and carry out the economic and social programme necessary to nourish and keep healthy the infant State.

Up to the end of May 1950, the Executive and the Legislature were continually engaged in a bitter struggle for the recognition by the other of what each deemed its proper power and authority. The Executive, the Commission said, possessed an advantage in that it already controlled the administration, and the Legislature felt that the Executive tended to ignore it in the transaction of day-to-day business. The Legislature, not willing to be thus ignored, and resentful of the treatment meted out to it by the Executive, tried again and again to assert its right of control. It had become clear, long before the act of aggression occurred, that the Legislature would not rest content until its relationship with the Executive was satisfactorily adjusted.

New general elections, the first to be conducted by the Government of the Republic of Korea, were due to take place before 31 May 1950, the date when the mandate of the first National Assembly would expire. Early in 1950, the Commission disclosed, considerable prominence was given to the question of the date on which these elections would be held, and it soon became evident that the Executive and the National Assembly were at odds on this issue. The Executive felt that an election campaign would prevent the National Assembly from approving a difficult budget for the fiscal year beginning 1 April 1950. The President at one time suggested postponement of elections to November. The National Assembly denied the President's right to postpone elections and insisted that elections should be held in accordance with the Constitution and the fundamental principles of democracy.

The Commission, viewing with some apprehension the situation that was developing, took the

opportunity on 2 April 1950 of informing the Executive that it viewed with concern a postponement of the elections until November, which would leave the Republic of Korea from June until November without a fully representative government. The Commission stated also that such postponement might lead to internal dissension. On 3 April 1950 the United States Government also pointed out that United States aid, both military and economic, to the Republic of Korea had been predicated upon the existence and growth of democratic institutions within the Republic; that free popular elections in accordance with the Constitution and other basic laws of the Republic were the foundation of these democratic institutions, and that it was desirable for elections to be held as scheduled and provided for by the basic laws of the Republic. The President finally fixed 30 May as the date for the election.

The Commission was invited by the Republic of Korea to observe the general elections. Teams were organized by the Commission to cover the whole of South Korea. They were charged with studying the election law and regulations and their application, the organization and arrangements for the elections, the balloting and the subsequent counting of ballots and the declaration of the results. The teams were also to examine the attitude of the authorities, the platforms and activities of political parties and organizations and the reaction of the people to the elections. They were further to study the nature and extent of freedom of expression and of assembly, freedom from intimidation, violence and threats of violence, and undue interference with or by voters, candidates and political parties and groups.

The Commission arrived at the following general conclusions regarding the elections of 30 May 1950:

- (a) Very considerable enthusiasm was everywhere shown by the electorate. A high percentage, almost 90 per cent, cast their votes.
- (b) The electoral law and regulations were adequate and generally enforced. The organization of the elections and the work of the various election committees were commendable, and the electoral machinery functioned well.
- (c) The secrecy of the ballot was respected.
- (d) The lack of a developed party system and discipline led to an excessive number of candidates and made the choice of the voters needlessly difficult.
- (e) As no clearly defined party programmes were placed before the electorate, votes were cast for individual candidates on their personal rather than on their party merits. In fact, a party label was regarded as a disadvantage.
- (f) No undue pressure was exerted to influence the vote in favour of a particular candidate.

(g) There was certain concrete evidence of interference by the authorities with candidates and their election campaigns. This interference, in the main, was carried out by local police. Some candidates who were under arrest were actually elected, and the voters seemed to react against police interference by supporting those candidates with whom the police had interfered.

The safeguarding of its national security, the Commission reported, was a constant anxiety for the Republic of Korea. A first concern of the new Government in 1948 was the establishment of a national defence force. By 1950 the training and equipping of an army of 100,000 men had progressed far enough to give the Government a reasonable measure of confidence in its ability, with the assistance of a large police force of 50,000 men, to maintain law and order, and to withstand any attack from the North not supported by an outside Power.

In late 1949 and the first part of 1950, the Government committed its forces to a prolonged campaign to stamp out internal disorder caused by guerrillas trained in North Korea. The employment of more and better trained troops made possible tighter control of guerrilla infiltration across the parallel, and quicker action against raids in the interior. The successes of the army gained for it increased co-operation from the farmers. Thus, two months before the act of aggression, the Commission explained, the Republic of Korea was relatively free of guerrillas and seemed capable of remaining so. A reassignment of South Korean forces had become possible, and the police were transferred to the work of mopping up while most of the army was freed for its primary task of preparing to function as a national defence force.

An important and contentious phase of the Government's security campaign, the Commission said, was based on the National Security Act, promulgated in November 1948 and amended on 1 December 1949. This Act, in effect, outlawed the South Korea Labour (communist) Party. From the outset, the National Security Act was strictly enforced. During 1949, a total of 46,373 cases were handled in the Republic and 118,621 persons arrested. In the first four months of 1950, a total of 32,018 persons were arrested. It was reported to the Commission that some of these arrests involved violation of constitutional liberties and even brutal treatment and torture. During the election campaign of April-May 1950, the Act was frequently invoked, and some candidates, their managers and supporters were arrested for what seemed mere exercise of the constitutional right of criticism of the Administration.

The Commission reported that at various times members of the National Assembly strongly criticized these police methods. On occasions when instances were quoted, the Government undertook to investigate and give redress should the charges be proved. Moreover, frequent directives forbidding torture and directing compliance with constitutional guarantees under threat of severe penalty were issued by the Director of National Police, the Chief of the Seoul Police, the Minister of Home Affairs, the Minister of Justice and the Prime Minister, as well as by the President. While these directives implicitly admitted the existence of the alleged practices, they also showed that the Government was sensitive to the pressure of public opinion and was taking steps to improve an administration of justice still suffering from the legacy of Japanese police methods.

In its report, the Commission noted that information from the best available sources in the Republic of Korea indicated an increasing awareness, during the first half of 1950, of a growing disparity between the strength of the forces of the Republic and those of the North Korean authorities. In January 1950 the Chief of Staff of the Republic informed the Commission that, according to intelligence sources, the total strength of the North Korean Army was approximately 175,000 men, about 20,000 of these being Korean Communists from China. In the following month, he stated, the North Korean forces possessed more powerful and more numerous artillery and other weapons than did the army of the Republic of Korea. These included 130 tanks, 60 armoured cars and 102 planes. These increases in weapons, especially with regard to the number of planes which had recently gone up from 60 to 102, he attributed to a growing volume of aid from the USSR.

The army of the Republic of Korea, on the other hand, at this time consisted of about 100,000 men, organized into eight infantry divisions. These divisions were not equipped for offensive combat. The army had a few armoured cars but no tanks, and only one battalion of obsolete 105-mm. howitzers per division and anti-tank guns not exceeding 57 mm. in calibre. No air force existed.

The Chief of the United States Korean Military Advisory Group disagreed with the Republican estimates and considered that the approximate 100,000 strength of the army of the Republic of Korea was at least equal to, if not superior to, that of the North Korean Army. He agreed, however, as to the quality and quantity of armaments.

On 10 May 1950, the Defence Minister of the Republic of Korea stated at a conference in Seoul with representatives of the foreign Press that North Korean troops were moving in force towards the 38th parallel and that there was imminent danger of invasion from the North. He said that the North Korean Army had grown to 183,000 trained men supported by a large number of planes, 173 tanks and 32 naval vessels. About 25,000 Koreans who had previously fought in the Chinese Communist Army had been incorporated in the Northern forces.

The attention of the Commission was drawn to this statement, and a hearing was arranged at which information on the seriousness of the danger and the degree of imminence of the invasion, as envisaged by the Defence Minister, was obtained from the Acting Deputy Chief of Staff and the Chief of Intelligence of the Korean Army.

Following the hearing, members of the Commission informally heard two officers from the staff of the Chief of the United States Korean Military Advisory Group, who substantially confirmed the information given by the Korean military authorities, modifying only to a small extent some of the figures quoted for the strength of the North Korean forces, and recognizing the growing disparity between the forces of the North and those of the South. They did not, however, agree on the imminence of any danger, and again expressed confidence in the ability of the Army of the Republic to handle the forces of the Northern régime in case of attack.

c. ANALYSIS AND CONCLUSIONS

After dealing with its functions since the aggression, in the third part of its report, the Commission went on to analyse the issues involved and to give its conclusions. The analysis and conclusions, reproduced as given in Part Four of the Commission's report, were as follows:

The invasion of the territory of the Republic of Korea by the armed forces of the North Korean authorities, which began on 25 June 1950, was an act of aggression initiated without warning and without provocation, in execution of a carefully prepared plan.

This plan of aggression, it is now clear, was an essential part of the policy of the North Korean authorities, the object of which was to secure control over the whole of Korea. If control could not be gained by peaceful means, it would be achieved by overthrowing the Republic of Korea, either by undermining it from within or, should that prove ineffective, by resorting to direct aggression. As the methods used for undermining the Republic from within proved unsuccessful, the North Korean authorities launched an invasion of the territory of the Republic of Korea.

The origin of the conflict is to be found in the artificial division of Korea and in the failure, in 1945, of the occupying Powers to reach agreement on the method to be used for giving independence to Korea. This failure was not due to anything inherent in the attitude of the people of Korea themselves, but was a reflection of those wider and more fundamental differences of outlook and policy which have become so marked a feature of the international scene.

This artificial division was consolidated by the exclusion from North Korea of the United Nations Temporary Commission, which had been charged by the General Assembly to observe the holding of elections on a democratic basis in the whole of Korea. In the circumstances, it was decided to hold such elections in South Korea alone.

Had internationally-supervised elections been allowed to take place in the whole of Korea, and had a unified and independent Korea thereby come into existence, the present conflict could never have arisen.

The Korean people, one in race, language and culture, fervently desire to live in a unified and independent Korea. Unification can be the only aim regarding Korea. It did, however, appear to the Commission, before the aggression took place, that unification through negotiation was unlikely to be achieved if such negotiation involved the holding of internationally-supervised elections on a democratic basis in the whole of Korea. Experience suggested that the North Korean authorities would never agree to such elections.

It was hoped that, at some stage, it might be possible to break down the economic and social barriers between the two political entities as a step toward unification. That too proved illusory, as the North Korean authorities persisted in their policy of aiming at the overthrow of the Republic of Korea.

After the consolidation of the division of Korea, propaganda and hostile activities on the part of the North Korean authorities accentuated tension which, in turn, stiffened the attitude of the Government and people of the Republic of Korea, and even further prejudiced such possibility of unification by negotiation as might have remained. Notwithstanding the continued efforts of the Commission, it appeared on the eve of the aggression that the Korean peninsula would remain divided indefinitely, or at least until international tension had slackened.

The necessity to safeguard the stability and security of the Republic of Korea from the threat from the North gradually became a controlling factor in all the major activities of the administration of the Republic, and absorbed energies and resources which were needed to develop the new form of representative government and to carry out the economic and social reconstruction programme.

The first two years of the new National Assembly reflected clearly the difficulties which it would be normal to expect in a body dealing with a new and unfamiliar political structure. It had become clear, long before the act of aggression occurred, that the Legislature was making good progress in its efforts to exert parliamentary control over all departments of government, and would not rest content until its relations with the Executive had been satisfactorily adjusted. The growing civic responsibility shown by the Legislature augured well for the future of representative government in Korea.

At the elections of 30 May 1950, the people showed very considerable enthusiasm, and the electoral machin-

ery functioned well. Among the cases of interference with candidates which occurred, some were explainable in the light of the stringent precautions which the Government found it necessary to take in order to safeguard the stability and security of the State against the threat from the North. Although there appeared to be little justification for interference in some other cases, the results of the elections, in which many candidates critical of the Administration were returned, showed that the voters were in fact able to exercise their democratic freedom of choice among candidates, and had cast their votes accordingly. The results also showed popular support of the Republic, and a determination to improve the Administration by constitutional means.

The division of Korea added to the economic difficulties that had arisen at the end of the Japanese domination, and made it most difficult for the Republic of Korea to become self-supporting. Funds which might have been expended for the execution of the social and economic programme of the Republic were consumed by heavy defence expenditures. Nevertheless, when the aggression occurred, substantial progress was being made with that programme.

Serious problems of reconstruction and rehabilitation, particularly the grave refugee problem, already confront the country. To these problems will be added problems of greater magnitude when the military conflict comes to an end. It will be quite beyond the capacity of the country to provide from its own resources means for rehabilitation. A healthy and viable democracy in Korea cannot come into being unless very considerable aid and assistance are provided from outside Korea.

Finally, as the division of the country and the resulting antagonisms were artificial, the Commission believes that, when the conditions under which they arose disappear, it will be possible for the Korean people of both North and South to come again together, to live in peace and to build the strong foundations of a free, democratic Korea.

5. The Problem of the Independence of Korea

a. CONSIDERATION BY THE FIRST COMMITTEE

The report (A/1350) of the United Nations Commission on Korea was placed on the agenda of the fifth regular session of the General Assembly. The report was referred by the Assembly to its First Committee which considered it at its 345th to 353rd meetings, held on 30 September, 2, 3 and 4 October.

At the Committee's 345th meeting on 30 September, two draft resolutions concerning the hearing of Korean representatives were submitted; the first (A/C.1/562) by the USSR, the second (A/C.1/563) by China. The USSR draft proposed to invite representatives of both North and South Korea to participate in the Committee's discussion of the question. The Chinese draft proposed to invite a representative of the Republic of Korea

to participate, without the right to vote, in the Committee's debates on the problem.

Representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR supported the USSR draft. They considered that the very elementary principle of justice and equity required a hearing to be accorded to both sides. With respect to North Korea, they pointed out that there were some eleven million people living there, who were under the authority of their own elected authorities and not under the South Korean Government. They argued that the two parties concerned were involved in a civil war taking place in Korea and to use the concept of aggression with reference to a civil war was an unprecedented violation of the basic principles of international law. They appealed to the Committee to adopt the USSR proposal; for it was fair and would contribute to a peaceful and just settlement of the Korean problem.

The representative of Syria declared that even a criminal and an aggressor had a right to be judged fairly, which implied that he should be given the opportunity to appear and defend himself. The General Assembly, he said, was not a court of law; but, since it was trying to solve the problem, it should show proof of its impartiality and hear both parties to the dispute.

Representatives of El Salvador, Turkey, the United Kingdom, the United States and Uruguay supported the Chinese proposal. While regretting that a distinction had been drawn between North Koreans and South Koreans, they argued that only the Republic of Korea had shown itself ready to recognize the authority of the United Nations, whereas the other party had never given any sign of willingness to co-operate in a peaceful settlement of the question. It had, on the contrary, tried to settle the problem by violence and by fighting against the United Nations forces. The Security Council, they said, had decided that the authorities of North Korea had been guilty of a breach of the peace. The United Nations could not issue an invitation to a party which had committed an act of aggression and which worked against the aims of the United Nations. The Republic of Korea, on the other hand, was a child of the United Nations and was deeply concerned in the discussions which were to take place.

The First Committee, at its 347th meeting on 30 September, voted on both proposals. The USSR draft (A/C.1/562) was rejected by 46 votes to 6, with 7 abstentions; the Chinese draft (A/C.1/563) was adopted by 50 votes to 5, with 5 abstentions.

The representatives of India, Indonesia, Iraq, Syria and Yugoslavia explained their votes. The representative of India stated that since hostilities had not ceased in Korea and since the conflict between the North Korean authorities and the United Nations was continuing, his delegation could not vote for the USSR draft resolution. However, after the cessation of hostilities, should the North Korean authorities wish to be heard by this Committee or any other committee set up by the United Nations, the position, he said, could be reconsidered in the light of circumstances then existing.

The representative of Indonesia explained that as he had not received instructions from his Government on the subject, he could not vote on the draft resolutions.

Giving reasons for voting against the USSR proposal, the representative of Iraq stated that his delegation was of the view that it would be desirable to hear the representatives of all the people of Korea, but the fact that one party was an aggressor made his delegation postpone a decision on whether or not that party should be heard until it had unconditionally surrendered to the United Nations.

Because there had been no application from the North Korean authorities to be heard by the Committee, the representative of Syria said that his delegation had abstained in the vote. However, he reserved the right of his delegation to vote in favour of such an application when it was presented.

The representative of Yugoslavia recalled that, from the beginning of the present conflict in Korea, his delegation had demanded that a representative of North Korea should be invited by the Security Council and heard. However, neither the North Korean Government nor those representatives who were demanding the extension of an invitation to representatives of North Korea had manifested at that time a desire that the representatives of North Korea be heard. Despite that fact, the Yugoslav delegation maintained that, since the United Nations was assuming more responsibility for the solution of the problem of Korea, it would be improper not to invite and not to hear a representative of North Korea.

At the invitation of the Chairman, the representative of the Republic of Korea, Mr. Ben C. Limb, took a seat at the Committee table.

The Chairman, with the concurrence of the Committee, invited the Rapporteur of the United Nations Commission on Korea to give an account

of the Commission's report (A/1350). After summarizing the various parts of the report, the Rapporteur ended by drawing the attention of the Committee to the analysis and conclusions contained in part four of the report. In that respect, he emphasized Korea's need for assistance from outside in dealing with the very serious problems of reconstruction and rehabilitation.

In the course of the general debate on the question, the following draft resolutions were submitted:

(a) Joint draft resolution (A/C.1/558) proposed at the 347th meeting by Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines and the United Kingdom which, after recalling the previous Assembly resolutions on the Korean question and noting the Security Council's resolutions of 25 and 27 June 1950, recommended, *inter alia*, that appropriate steps be taken to ensure conditions of stability throughout Korea and that all constituent acts, including the holding of elections under United Nations auspices, be taken to establish a unified, independent and democratic Government in Korea. The draft resolution also recommended that United Nations forces should not remain in any part of Korea otherwise than so far as was necessary for achieving the objectives mentioned above. It also called for measures to be taken for the economic rehabilitation of Korea. The draft resolution provided for the setting up of a United Nations Commission for the Unification and Rehabilitation of Korea to carry out the resolution.

(b) Joint draft resolution (A/C.1/567) submitted at the 349th meeting by the USSR, the Ukrainian SSR, the Byelorussian SSR, Poland and Czechoslovakia which, *inter alia*, recommended the immediate cessation of hostilities and the withdrawal of all foreign troops and called for the establishment of a Government of a unified Korea by means of all-Korean elections held under the auspices of a joint (parity) Commission composed of deputies of the Assemblies of North and South Korea and under observation by a United Nations Committee, with the indispensable participation in the latter of the representatives of States bordering on Korea. It also provided for plans to be drawn up for rendering economic and technical aid to the Korean people through the United Nations. It asked that, after the establishment of the all-Korean Government envisaged in the resolution, the Security Council consider the question of admitting Korea to membership in the United Nations.

(c) Draft Resolution (A/C.1/568) presented at the same meeting by the USSR which called upon the United States to terminate and prohibit the barbarous bombing of peaceful inhabitants and towns by United States armed forces in Korea.

(d) Draft resolution (A/C.1/569) presented at the same time by the USSR which proposed that the United Nations Commission on Korea be disbanded.

(e) Draft resolution (A/C.1/572) submitted at the 353rd meeting by India which proposed the appointment of a sub-committee to take into consideration all resolutions, proposals and suggestions concerning the Korean question in order that it might recommend to the Committee a resolution on the subject commanding the largest measure of agreement.

On 2 October 1950, at the request of the Secretary-General of the USSR delegation, the text of a cable dated 28 September 1950 from the Minister for Foreign Affairs of the Korean People's Democratic Republic to the President of the General Assembly and the Security Council was circulated as document A/C.1/565.

The document, *inter alia*, stated that the United States inspired and directed the Republic of Korea to bring about internecine war in Korea, giving it political, military and economic support. It asserted that secret documents captured in Seoul provided irrefutable evidence that the plans for the attack upon North Korea were conceived by the Republic of Korea and agreed to by the United States. It protested against the armed intervention in Korea and appealed to the United Nations to condemn the "atrocities of American armed forces in Korea and to take steps towards the immediate cessation of foreign intervention and the withdrawal of the aggressors' troops from Korea".

Six amendments were submitted to the joint eight-Power draft resolution (A/C.1/558):

- (a) Amendment (A/C.1/564) by Chile, submitted at the 347th meeting, recommending, *inter alia*, that the Economic and Social Council study long-term measures to promote the economic development and social progress of Korea.
- (b) United Kingdom amendment (A/C.1/566), submitted at the 349th meeting, requesting the Secretary-General, *inter alia*, to provide the proposed Commission with adequate staff and facilities.
- (c) Amendment (A/C.1/570) by El Salvador, submitted at the 349th meeting, which proposed, *inter alia*, that the United Nations Commission on Korea be continued with the addition of new members.
- (d) Amendment (A/C.1/571) by Brazil, submitted at the 352nd meeting, expressing appreciation of the services of the United Nations Commission on Korea.
- (e) Israeli amendment (A/C.1/573), submitted at the 353rd meeting, which proposed the inclusion of a new paragraph in the joint eight-Power draft proposing that all sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified Government.
- (f) Oral amendment, submitted by the Mexican representative at the same meeting, proposing that the Commission should render a report to the next regular session of the General Assembly and to any prior special session which might be called on the subject, and such interim reports as it might deem appropriate, to the Secretary-General for transmission to Members.

At the 352nd meeting, the United Kingdom orally proposed that the text of the joint eight-Power draft be completed, firstly, by inserting the provision that the Commission consist of Australia, Chile, Netherlands, Pakistan, Philippines and Turkey, with a seventh member to be

specified at the meeting of the General Assembly at which the resolution would be considered and, secondly, by replacing the final incomplete phrase of the joint draft resolution "on or before October ..." with the following phrase: "within three weeks of the approval of this resolution by the General Assembly".

In a statement introducing the eight-Power draft (A/C.1/558), the representative of the United Kingdom stressed that the solution desired by the vast majority of the Members of the United Nations and of the Korean people was the creation, by democratic processes, of a truly independent and unified Korean government and an end to the present tragic and unnatural division of the country. In the past, the will of the General Assembly, he said, had been frustrated by the refusal of the North Korean authorities to co-operate with the United Nations. He believed that it was the function of the Committee to face the facts as they existed in Korea and to put into effect a constructive programme which would serve the interests of the Korean people as a whole, as well as world peace. Stressing the urgent need for relief and rehabilitation as soon as hostilities ceased in Korea, he stated that the United Nations must assume responsibility for meeting that need. In conclusion, he submitted that the eight-Power draft resolution offered the best basis for a rapid and peaceful settlement in Korea. Those who had started the aggression, he declared, had it in their power to bring the destruction to an end and to allow the rehabilitation to begin without further delay. It was their solemn duty, as it was the duty of the First Committee, to do everything to end the bloodshed and suffering.

In addition to the sponsors of the eight-Power draft (A/C.1/558), the representatives of China, Ecuador, El Salvador, France, Greece, Iraq, Mexico, Peru, the United States, Uruguay and Venezuela, among others, spoke in support of it. They stated that the eight-Power draft, a logical development of the previous decisions of the General Assembly and the Security Council, offered to Korea peace, unity and restoration, without recrimination concerning the past or discrimination due to political convictions.

The joint draft resolution, they asserted, contained the elements necessary and helpful to attain the aims set out in previous resolutions of the General Assembly. The essential objective of the Assembly had been, and continued to be, the establishment of a unified and democratic Korea. The draft resolution emphasized that the United Nations forces in Korea were there exclusively

in service of those aims, and should be withdrawn as soon as there was a reasonable guarantee that the objectives of the United Nations were achieved. Therefore, there could be no reason whatsoever to misconstrue the assistance rendered by the United Nations to the victims of aggression in Korea; there could be no reason to claim that the real aim would be the furtherance in that part of Asia of particular interests of particular Powers. Voluntary support of the collective action by the overwhelming majority of the Members of the United Nations must prove to the whole world, and to the peoples of Asia in particular, that the one and only motive of the United Nations was resistance to any form of aggression and the establishment of freedom and security in the sphere of law and order. The draft resolution recognized the duty of the United Nations to assist a free Korea as it emerged from the devastation of a war that had been forced upon it by the aggressor. The joint draft also contained the measures necessary for the implementation of those tasks by creating a new United Nations Commission for the Unification of Korea, to assure the continuation of the constructive work so far undertaken by the existing United Nations Commission on Korea.

The eight-Power draft, they contended, provided the basis for a fair settlement of the Korean question under all safeguards which could reasonably be expected. The action taken by the United Nations in Korea, with major participation by the United States, was the first effective exercise of the collective determination of a large majority to act, in order to meet aggression. The eight-Power draft resolution offered a method of shouldering the heavy responsibilities which flowed from that action, responsibilities towards the Korean people and towards the United Nations troops who had died in support of the United Nations.

The above representatives went on to state that the joint eight-Power proposal was aimed at reuniting the two parts of Korea which had been artificially separated. It also took into account the fact that, as soon as the conflict was over, it would be essential to provide immediate relief for the population and to give it as much help as possible in making good the material losses it had suffered. It would also give the country moral and spiritual support, for only thus could Korea be freed from any fear of a recurrence of the recent aggression. The objectives of political unification of Korea and the rehabilitation of its economy were stated clearly in the draft, and there was no threat on the part of the United Nations or any of its Members

to establish anything in the nature of a protectorate over Korea.

It was asserted that the only purpose of the joint eight-Power draft was to restore the political sovereignty of Korea and to remove the most important threat to world peace. The unification of Korea under a legally constituted and freely elected Government had been the unfaltering approach of the United Nations. Adoption of the eight-Power draft would, they argued, be a most important step toward peace and collective security.

The supporters of the eight-Power draft stated their belief that it represented the views of a wide cross-section of the General Assembly, and was calculated to meet a need of extreme urgency and gravity without entering into moot political issues. They went on to state that the General Assembly could not afford to be remiss in its responsibilities at that critical juncture of history, and the people of Korea must be given a clear indication of its intentions. They hoped that an overwhelming majority of the First Committee would support the joint draft resolution and submit it to the General Assembly with the least possible delay.

The representative of the United States declared that his delegation welcomed the declaration in the joint eight-Power draft resolution that United Nations forces would remain in Korea only as long as might be necessary to carry out the General Assembly's recommendations. His Government hoped that the major portion of that effort would be carried out by units of the United Nations forces from countries other than the United States, and would be pleased if Asian States would contribute the greater share. The United States, he said, did not wish to evade its duty as a Member State. He stated that he had been authorized to declare that his Government sought no special privilege or position in Korea. Endorsing the idea of establishing in Korea a strong United Nations Commission empowered to devise practical and effective methods for achieving United Nations objectives, the United States representative said that the Commission should consult with the Unified Command and with the democratically elected representatives of the Korean people. The future of Korea, he submitted, was, in a special and unique sense, the responsibility of the United Nations. One of the fundamental purposes of the United Nations was self-help and mutual assistance to remove the causes of conflict among men. Stressing the need for a programme to rebuild the economy of Korea

and re-establish its educational, health and social institutions, he stated that his delegation considered that the Economic and Social Council should be requested to proceed immediately to draw up such a programme.

The representative of the Union of South Africa stated that the eight-Power draft sought to secure conditions which would ensure the establishment of a free, independent, united and democratically strong Korea. His delegation could see no objection to the general principles of the resolution. He was, however, not authorized to accept on behalf of his Government any commitments which South Africa had not already accepted with regard to Korea. Subject to this reservation his delegation, he said, would vote in favour of the resolution.

Emphasizing that he was in full accord with the principles of the joint eight-Power draft, the representative of Syria nevertheless stated that some clarification was required on various points in the joint draft. The points deserved to be established on a solid basis and should not be left to the Korean Commission or to any other body. They included, first, the question of who should exercise sovereign authority, including legislative and executive power, covering civil and military eventualities, throughout Korea. He suggested that to each of the four bodies in that area—the United Nations Commission on Korea, the Government of the Republic of Korea, the Unified Command and the Government of North Korea—should be allocated the functions it should have in order to avoid any conflict or hesitations about implementation of the task. Secondly, the period within which the Korean Commission was expected to accomplish its task should be specified. The third question was to what superior organ the Korean Commission should report the progress of its activities when the General Assembly was not in session. Fourthly, what action was to be taken if the North Koreans declined to take part in the proposed elections? He suggested that a sub-committee might be asked to clarify these points.

The representative of the Republic of Korea stated that the United Nations was greatly responsible for Korea's vigorous and healthy growth. The United Nations forces together with those of Korea were fighting for the independence and freedom of the Republic. The Korean Government, he declared, not only appreciated all the aid rendered by the United Nations, but fully concurred that the United Nations had a continuing responsibility in Korea until the nation had

been reunited and its normal processes re-established. The only sound basis for the impending decisions on Korea, he explained, was a recognition that, within the framework of that co-operation, his Government must have full opportunity to exercise its own just and proper jurisdiction.

Turning to the subject of the reunification of Korea, he remarked that this reunification had been prevented by the flat refusal of the USSR and of the Northern régime to permit any peaceful reunion. He asserted that the people of Korea, whether from the North or from the South, were homogeneous and indivisible, in race, language, culture and in traditions of the past as well as in goals for the future. Korea, he contended, must and would be reunited, with the same right to free elections which had been exercised in the South extended throughout the entire nation. The entire nation had to be brought under the direct jurisdiction of the Government of the Republic of Korea. He could not doubt that this was also the policy of the United Nations.

On the problems of relief, rehabilitation and the future security of Korea, he pointed out that its future depended on international action to restore the frightful and severe damage inflicted upon the country. The devastation, both material and moral, was immense. The immediate need for relief and the long-term requirements of rehabilitation and reconstruction, he added, were too desperate to require emphasis, too evident to require elaboration.

Speaking in support of the five-Power draft resolution (A/C.1/567), the representative of the USSR considered that the endeavour of the United States to shift the responsibility for Korean events on to the USSR had not justification whatsoever. The very basic principles of the Moscow Agreement of 1945, providing for the re-establishment of a united, independent and democratic Korean State, had never been carried out, owing to the policy adopted by the United States. Instead of a policy of democratization, the United States occupation forces in Korea, he said, had done their best to wreck democratic parties and social organizations, while encouraging and supporting reactionary groups, organizations and parties.

He went on to say that steadily increasing deterioration of the national economy and of the financial situation—owing to tremendous expenditures for the maintenance of police forces and the army, unjust taxes and so-called voluntary contributions imposed upon the people, the unsatisfactory land reforms of 1949 and the misery of the peasants, the fascist method of government

and the police terror, including mass arrests, executions and torture—characterized the state of affairs in South Korea before the beginning of the civil war. The refusal of the Syngman Rhee régime to set up an elementary democratic order had led to a national uprising and a mass partisan movement.

The South Korean leaders, he argued, had rejected all attempts to unify Korea peacefully. The documents captured from the archives of South Korea, including strategic maps, showed that the South Koreans, with the help of the United States, had prepared for and actually started the war at daybreak on 25 June and thus completely refuted allegations that the hostilities had been unleashed by North Korea.

The representative of the USSR then maintained that, from the viewpoint of international law, the concept of aggression was inapplicable to such a civil war as was taking place in Korea. The Charter of the United Nations spoke of acts of aggression by one State against another but did not entitle the United Nations to regard a civil war as a subject for intervention or for any action whatsoever. The Security Council decisions with regard to Korea were illegal, he argued, because the provisions of the Charter relating to aggression had been wrongly applied to this case.

In the course of the debate, he also charged the United States armed forces in Korea with cruel bombardments of the Korean population and open towns in Korea, in violation of two of The Hague Conventions of 1907, which had been signed by the United States.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR spoke against the joint eight-Power draft (A/C.1/558) and in favour of their joint proposal (A/C.1/567). They argued that approving the joint eight-Power draft would amount to approving all of the illegal decisions of the General Assembly and of the Security Council with respect to Korea, and in justifying aggression instead of seeking a peaceful settlement of the conflict. It was not a proposal to promote the establishment of a common democratic régime but to extend the authority of the anti-democratic Government of South Korea to the whole of Korea.

The joint resolution of the eight Powers, they said, recommended the military occupation of the whole country, thereby depriving the Korean people of their inalienable right to self-determination. That was all the more serious since the First Committee would have to take decisions without

the representatives of North Korea being permitted to attend and express their views. The draft resolution submitted jointly by eight delegations, they maintained, constituted a flagrant disregard of all the principles, purposes and objectives of the United Nations, because it involved illegal intervention in a civil war and in the internal affairs of another State. In fact, it proposed direct aggression against the Korean people, who were fighting for their independence, democracy and freedom. The eight-Power draft, in reality, provided for the occupation of all of Korea by foreign troops. The five delegations questioned whether the conditions for the withdrawal of the troops would ever be considered fulfilled.

The joint eight-Power draft, the five delegations went on to state, provided for the establishment of a strong United Nations Commission to carry out the necessary measures and for consultation with the Unified Command. Since the big stick was in the hands of the military, such consultation would amount to the United Nations Commission taking orders from the Unified Command.

In support of their proposal, the representatives of the five Powers concerned argued that only the immediate withdrawal of foreign troops from Korea would create conditions propitious to the rehabilitation of the Korean people and to the fulfilment of the latter's inalienable right to self-determination. Korea, they pointed out, had been divided temporarily into two governmental camps. Both discharged their governmental functions through representative organs. Despite the scant confidence inspired by the members of the National Assembly of South Korea, they should be admitted to a joint commission with the representatives of North Korea since, in times of a civil war, there was no other solution. It would be quite natural that the Supreme People's Assembly of North Korea and the National Assembly of South Korea should combine their efforts to establish a unified free and democratic State. The two Parliaments, therefore, should elect a temporary commission and a provisional executive committee to prepare free elections for the National Assembly of Korea which would govern the country until a permanent government was set up.

In order to comply with the Charter and international commitments, the representatives of the five Powers stated, a United Nations Commission should be created, to see that free elections were held in the whole of Korea. Membership of that Commission should include representatives of Korea's immediate neighbours. The five Powers

concerned declared that they were aware that the question of suggested participation on that Commission worried several representatives. The First Committee was reminded that the development of events in Korea was of great concern to both the USSR and the Chinese People's Republic. It was inconceivable to believe that the interests of the United States—so far away from Korea—were greater than the interests of those States bordering Korea.

The five Powers drew attention to the grave economic situation in Korea. The United States armed forces, by their unnecessary bombing, they said, had rained destruction throughout Korea. Now concern was expressed for the reconstruction of the Korean economy. That was why the five-Power draft resolution proposed that plans for economic and technical aid should be drawn up by the Economic and Social Council with the participation of representatives of Korea. Korean participation, the five Powers pointed out, had been omitted from consideration in the eight-Power draft resolution.

In conclusion, the five Powers concerned declared that their draft resolution constituted a lasting and safe road to the solution of the Korean question and would serve not only the interests of the Korean people, but also the interests of general international peace and security.

The representatives of Australia, Canada, China, Ecuador, El Salvador, France, Israel, Mexico, the Philippines, the United Kingdom and Uruguay, among others, criticized the joint five-Power draft resolution. These representatives stated that the five-Power draft was designed and indeed bound to create chaos, confusion and trouble. Instead of supporting the United Nations action against aggression the five-Power draft, they argued, actually defended the interests of the aggressor, namely, North Korea, and its adoption would provide an inducement to aggression by placing the aggressor and victim on the same footing. They could not subscribe to the recommendations of the five-Power draft concerning the establishment of a joint commission to conduct an all-Korean election. The population figures (the population of South Korea was approximately twice that of North Korea) hardly justified adoption of the parity principle on grounds of equity, and in practice that proposal would invite perpetual conflict and deadlock. Nor could they accept the provision for a call to be issued to the belligerents in Korea for immediate cessation of hostilities. The United Nations was one of those

described as belligerents. The issuance of a call for the immediate cessation of fighting would be favoured, provided the call was addressed to North Korea alone.

With regard to the eight-Power draft resolution, the representative of India said his delegation agreed entirely with the declared objective of a united Korea and the plan for the economic rehabilitation of Korea. However, his delegation doubted the wisdom of those recommendations which would authorize United Nations forces to enter any part of Korea and to remain there until stable unification had been achieved. The result of such action might be to intensify North Korean opposition and to increase the tension in that part of the world. Faith in the United Nations might be impaired if the United Nations were even to appear to authorize unification of Korea by the use of force against North Korea after the Organization had resisted the attempt of North Korea to unify the country by force against South Korea. Therefore, he believed, the eight-Power draft should be limited to those recommendations dealing with the creation of an independent and united Korea by means of free elections, and to economic rehabilitation. The North Koreans should then be called upon to cease hostilities immediately so as to enable the United Nations to initiate steps that would lead to an early consummation of those purposes. Should the North Koreans fail to respond, the situation could be reviewed.

With regard to the five-Power draft resolution, the representative of India stated that he did not believe that there could be any objection to the first paragraph of the operative part, which recommended that "the belligerents in Korea . . . immediately cease hostilities". The second recommendation, which would provide for the immediate withdrawal of United States troops and others from Korea, was open to the obvious objection of leaving the South Koreans again at the mercy of the North Koreans. The third recommendation, which would provide for elections to a national assembly as soon as possible after the withdrawal of foreign troops, could not be objected to, apart from the precise stage at which those troops were to be withdrawn.

He believed that the fourth recommendation, on a joint (parity) commission, was a detail which might well be considered by the Commission proposed to be set up under the eight-Power draft. There might be difficulties arising out of the fact that the First Committee did not know the character of the Supreme People's Assembly of

North Korea, or the scale on which the population of North Korea was represented therein.

The fifth recommendation—on the indispensable participation, in a United Nations Commission, of States bordering on Korea—was also a matter which could be considered by the commission proposed under the eight-Power draft.

The sixth recommendation in the five-Power draft, the rehabilitation of the Korean national economy appeared to be, in substance, similar to that contained in the other draft resolution. The seventh recommendation, the admission of Korea, following the establishment of an all-Korean government, to membership in the United Nations, appeared to be unexceptionable.

In conclusion, he said that it did not appear impossible that some of the sponsors of the two main draft resolutions should meet to try to hammer out the text of an agreed proposal. For the above reasons, he stated that his delegation would abstain from voting on either draft resolution in its present form, reserving its position in the General Assembly.

The representative of Yugoslavia declared that the five-Power draft did not take account of the present situation in Korea, which was the direct consequence of earlier mistakes and of lost opportunities for peaceful settlement of the dispute. It was necessary to show goodwill and a realistic attitude.

Nor could the eight-Power draft provide the basis for an agreement, he said. The aim of the Security Council's action had been to prevent the alteration by force of a given situation and not to use armed force to change the *de facto* situation existing at the beginning of hostilities, which would establish such a precedent as to justify any intervention in a country's internal affairs. He thought that such a procedure would only embitter international relations, undermine the prestige of the United Nations and be contrary to the interests of the Koreans. It would mean the extension to the whole country of a régime the weaknesses of which had been shown up by the United Nations Commission. Whatever the position of the two governments, it was for the Koreans alone to decide between them. He supported the Indian proposal (A/C.1/572).

The representative of Burma felt that the eight-Power draft had some points in common with the proposals submitted by the five Powers and that it should be possible to combine them into a single resolution. Consequently, he supported the proposal made by India that a sub-committee should be set up to prepare an agreed text. If,

however, such a suggestion proved unacceptable, he stated that his delegation would vote in favour of the eight-Power draft.

The Indian proposal was also supported by the representatives of Egypt, Israel, Mexico, Syria and the USSR, among others. The representatives of Canada, the United Kingdom and the United States, among others, considered that the Indian proposal offered no reasonable hope of settlement by general agreement. They pointed out that no note of conciliation in the speeches of those opposed to the eight-Power draft was evident, and it would be useless, therefore, to expect a compromise to be reached in another body.

All the draft resolutions were put to the vote at the 353rd meeting of the First Committee on 4 October.

The Indian draft resolution (A/C.1/572) was voted on first, and was rejected by 32 votes to 24, with 3 abstentions.

Israeli amendment (A/C.1/573) to the joint eight-Power draft (A/C.1/558): adopted by 29 votes to 2, with 22 abstentions

(El Salvador withdrew its amendment (A/C.1/570) in favour of the Brazilian amendment (A/C.1/571). The United Kingdom, as one of the sponsors of the eight-Power draft, agreed to the inclusion of all the other amendments that had been proposed in the course of the debates.)

Eight-Power draft resolution (A/C.1/558): approved as a whole, as amended, by 47 votes to 5, with 7 abstentions, following separate votes on each paragraph and amendment

Five-Power draft resolution (A/C.1/567): rejected as a whole by a roll-call vote of 46 to 5, with 8 abstentions, following separate roll-call votes on each paragraph

USSR draft resolution (A/C.1/568) concerning air bombings by the United States air forces in Korea: rejected, each of the three paragraphs having been rejected by roll-call votes of 51 to 5, with 3 abstentions

USSR draft resolution (A/C.1/569) calling for the disbandment of the United Nations Commission on Korea: rejected by 54 votes to 5, with no abstentions

b. CONSIDERATION BY THE GENERAL ASSEMBLY

The report (A/1422) of the First Committee was considered by the General Assembly at its 292nd-294th meetings held on 6 and 7 October. The Assembly also had before it the report (A/1424) of the Fifth Committee on the financial implications of the draft resolution proposed by the First Committee.

In its report, the Fifth Committee stated that the establishment of a Commission as proposed in the draft resolution of the First Committee would involve expenditure over a period of

twelve months of approximately \$469,100. This estimate, it pointed out, was exclusive of the additional costs which would fall on the budget of the United Nations in connexion with the holding of elections under United Nations auspices. It was exclusive, also, of expenses which might be incurred in connexion with the development of relief and rehabilitation plans, which expenses, it was assumed, would be met outside the regular budget of the United Nations. The report went on to state that the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed the appropriation of funds for the purpose set forth in the First Committee's draft resolution.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR submitted a joint draft resolution (A/1426) identical with that submitted by their delegations in the First Committee. The representative of the USSR also submitted two proposals identical with those submitted in the First Committee regarding: (1) United States air bombings in Korea (A/1427) and (2) the disbandment of the United Nations Commission on Korea (A/1428).

At the Assembly's 292nd plenary meeting on 6 October, the representative of the USSR orally proposed that representatives of both North and South Korea should be heard by the Assembly. This practice, in accordance with the provisions of the Charter, he said, was followed in the discussion by the United Nations of the Palestine, Greek, Kashmir, Indonesian and other questions. The proposal was immediately put to a vote and rejected by 41 votes to 6, with 6 abstentions.

Representatives of Bolivia, France, Greece, Haiti, the Netherlands, New Zealand, Peru, the Philippines, the United Kingdom and the United States spoke in support of the First Committee's draft resolution. Representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR spoke in support of their joint draft resolution and in support of the two USSR drafts. Viewpoints similar to those expressed in the First Committee were reiterated in the General Assembly.

The representative of India viewed with grave misgivings the recommendation contained in the First Committee's draft resolution authorizing—if not positively, at least by implication—the United Nations forces to enter North Korea and to remain there until the unification of Korea were to be completed and stability achieved. He declared that his Government feared that the result might be to prolong North Korean resistance and

even to extend the area of conflict. The General Assembly, he declared, should at this stage first of all declare, or reaffirm, its objectives, namely, first, the creation of an independent and united Korea by means of free elections and, secondly, economic rehabilitation of the country. Having done this, and before the United Nations forces advanced farther, the Organization should call upon the North Korean forces to cease hostilities by a certain specified date. In the face of a declaration of objectives made by the United Nations, the North Korean forces would have every inducement to comply with the call. If they did comply, the United Nations could then go on with the implementation of the declared objectives; if they did not comply, the United Nations could review the situation and decide upon some other course. In that way the United Nations, he submitted, would minimize the chances of any further prolongation or extension of the conflict, and the Organization would be in a position to achieve its objectives with the least possible friction or discord.

The draft resolution recommended by the First Committee, after having been completed by adding Thailand as the seventh member of the proposed commission, was put to the vote at the Assembly's 294th meeting on 7 October. With the acceptance of a minor drafting amendment submitted by Australia (A/1429), the draft resolution as a whole, as amended, was adopted by 47 votes to 5, with 7 abstentions, following separate votes on each paragraph. Its text (376(V)) read as follows:

The General Assembly,

Having regard to its resolutions of 14 November 1947 (112(II)), of 12 December 1948 (195(III)) and of 21 October 1949 (293(IV)),

Having received and considered the report of the United Nations Commission on Korea,

Mindful of the fact that the objectives set forth in the resolutions referred to above have not been fully accomplished and, in particular, that the unification of Korea has not yet been achieved, and that an attempt has been made by an armed attack from North Korea to extinguish by force the Government of the Republic of Korea,

Recalling the General Assembly declaration of 12 December 1948 that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; that this government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such government in Korea,

Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27 June 1950, subsequent to its resolution of 25 June 1950, that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

Recalling that the essential objective of the resolutions of the General Assembly referred to above was the establishment of a unified, independent and democratic Government of Korea,

1. Recommends that

(a) All appropriate steps be taken to ensure conditions of stability throughout Korea;

(b) All constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent and democratic government in the sovereign State of Korea;

(c) All sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified government;

(d) United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives specified in sub-paragraphs (a) and (b) above;

(e) All necessary measures be taken to accomplish the economic rehabilitation of Korea;

2. Resolves that

(a) A Commission consisting of Australia, Chile, Netherlands, Pakistan, Philippines, Thailand and Turkey, to be known as the United Nations Commission for the Unification and Rehabilitation of Korea, be established to (i) assume the functions hitherto exercised by the present United Nations Commission on Korea; (ii) represent the United Nations in bringing about the establishment of a unified, independent and democratic government of all Korea; (iii) exercise such responsibilities in connexion with relief and rehabilitation in Korea as may be determined by the General Assembly after receiving the recommendations of the Economic and Social Council. The United Nations Commission for the Unification and Rehabilitation of Korea should proceed to Korea and begin to carry out its functions as soon as possible;

(b) Pending the arrival in Korea of the United Nations Commission for the Unification and Rehabilitation of Korea, the governments of the States represented on the Commission should form an Interim Committee composed of representatives meeting at the seat of the United Nations to consult with and advise the United Nations Unified Command in the light of the above recommendations; the Interim Committee should begin to function immediately upon the approval of the present resolution by the General Assembly;

(c) The Commission shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject-matter of the present resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for transmission to Members;

The General Assembly furthermore,

Mindful of the fact that at the end of the present hostilities the task of rehabilitating the Korean economy will be of great magnitude,

3. Requests the Economic and Social Council, in consultation with the specialized agencies, to develop plans for relief and rehabilitation on the termination of hostilities and to report to the General Assembly within three weeks of the adoption of the present resolution by the General Assembly;

4. Also recommends the Economic and Social Council to expedite the study of long-term measures to promote the economic development and social progress of Korea, and meanwhile to draw the attention of the authorities which decide requests for technical assistance to the urgent and special necessity of affording such assistance to Korea;

5. Expresses its appreciation of the services rendered by the members of the United Nations Commission on Korea in the performance of their important and difficult task;

6. Requests the Secretary-General to provide the United Nations Commission for the Unification and Rehabilitation of Korea with adequate staff and facilities, including technical advisers as required; and authorizes the Secretary-General to pay the expenses and per diem of a representative and alternate from each of the States members of the Commission.

All paragraphs of the five-Power draft resolution (A/1426) having been rejected in separate roll-call votes, the draft resolution as a whole was not put to the vote.

The two USSR draft resolutions were rejected: the first (A/1427), to have the Assembly call upon the United States to cease its "barbarous bombing" in Korea, by a roll-call vote of 52 to 5, with 3 abstentions; the second (A/1428), to disband the United Nations Commission on Korea, by a roll-call vote of 55 to 5.

6. Relief and Rehabilitation of Korea

a. ACTION BY THE SECURITY COUNCIL

Subsequent to the Security Council's resolutions of 27 June⁶⁰ recommending assistance to the Republic of Korea and of 7 July⁶¹ recommending that a unified command be set up, offers of food-stuffs and medical and financial assistance, as well as raw materials, were received from a number of Governments in support of the Council's action in Korea.

The specific question of aid for the civilian population of Korea was taken up by the Security Council at its 479th meeting on 31 July. The Council had before it a joint draft resolution

⁶⁰ See pp. 223-24.

⁶¹ See p. 230.

(S/1652) concerning Korean relief submitted by France, Norway and the United Kingdom.

In taking up this resolution the Council first heard Dr. John M. Chang, of the Republic of Korea. He estimated that more than one million people had been driven from their homes and were then concentrated in an area without sufficient facilities to provide for their needs. They needed food, clothes, shelter and medical care, and were exposed to epidemics. Tents, which would provide practical housing, could be used at once. Clothing of all sorts was sorely needed for adults as well as for children. Since rice was the staple food of his country, supplies of that grain would be most helpful. He again expressed the gratitude of his Government and people for the moral support and the military assistance given as a result of the decisive action of the Council. The representative of the Republic of Korea was confident that the free nations of the world would do everything possible to succour his people in their tragic need.

The representative of Norway, on behalf of the sponsors, as well as the representatives of China, Egypt and the United States, spoke in support of the joint draft. They declared that, although the first and most immediate concern of the United Nations was to see that lawless aggression was opposed by all available means, it was an equally important task to relieve the hardships and privations which were inflicted upon the victims of crime. The joint draft was intended to set forth in a preliminary way the responsibilities of the Organization towards the civilian population then suffering in Korea. It underlined and emphasized United Nations interest and concern for that population by doing two things, they explained. First, it requested the Unified Command to develop the ways and means for providing relief. Secondly, it would draw on the generosity, the interest and the expert knowledge of many organizations and people of good will to help the people of Korea by responding to the requests of the Unified Command. They considered the joint draft as a necessary supplement to the Council's previous resolutions on Korea. The United Nations, they maintained, would neglect an important part of its duty if it should fail to combine humanitarian aid with its military aid.

The joint draft was adopted by 9 votes in favour, none against, and 1 abstention (the representative of the USSR was absent from the meeting). The representative of Yugoslavia said that his abstention was in accordance with the general

attitude of his Government towards the Korean conflict.

The resolution adopted (S/1657) read as follows:

The Security Council,

Recognizing the hardships and privations to which the people of Korea are being subjected as a result of the continued prosecution by the North Korean forces of their unlawful attack; and

Appreciating the spontaneous offers of assistance to the Korean people which have been made by governments, specialized agencies, and non-governmental organizations;

Requests the Unified Command to exercise responsibility for determining the requirements for the relief and support of the civilian population of Korea, and for establishing in the field the procedures for providing such relief and support;

Requests the Secretary-General to transmit all offers of assistance for relief and support to the Unified Command;

Requests the Unified Command to provide the Security Council with reports, as appropriate, on its relief activities;

Requests the Secretary-General, the Economic and Social Council in accordance with Article 65 of the Charter, other appropriate United Nations principal and subsidiary organs, the specialized agencies in accordance with the terms of their respective agreements with the United Nations, and appropriate non-governmental organizations to provide such assistance as the Unified Command may request for the relief and support of the civilian population of Korea, and as appropriate in connexion with the responsibilities being carried out by the Unified Command on behalf of the Security Council.

b. ACTION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

The Security Council resolution was placed before the Economic and Social Council at its eleventh session. At the 411th plenary meeting of the Economic and Social Council on 14 August, the President, on behalf of all of the members present (Czechoslovakia, Poland and the USSR did not attend the Council's eleventh session), submitted a draft resolution (E/1820) on the matter. The draft, among other things, requested the Secretary-General, the specialized agencies and the subsidiary bodies of the United Nations to lend their support in providing the Unified Command with all possible assistance on behalf of the civilian population of Korea.

The President stated that the draft resolution unconditionally affirmed the will of the Economic and Social Council to co-operate with the Security Council. In order to facilitate timely action, it provided that the current session of the Economic and Social Council should not, on the disposal of its agenda, be closed, but, rather, ad-

journed temporarily. He indicated that all of the organs and auxiliary bodies of the United Nations had a duty, within their respective fields of competence or in concert, to lend their utmost support to the Organization in its undertaking in Korea and to co-operate in "thwarting the totalitarian campaign to destroy the United Nations and to justify aggression". He went on to state that it would be the duty of the United Nations, once aggression had been repelled, to assist Korea in reconstructing its devastated territory and in bringing its political, economic and social life back to normal. The United Nations would likewise have to provide effective assistance in developing the Korean economy on more progressive lines and in improving the foundations of its social system.

The draft was unanimously adopted on a roll-call vote. Its text (323(XI)) read as follows:

The Economic and Social Council,

Profoundly concerned over the hardship and suffering brought upon the people of Korea by the unlawful attack of the North Korean forces,

Determined to do everything in its power for the relief and support of the civil population of Korea,

Having given due consideration to the resolution adopted by the Security Council on 31 July 1950 and the request addressed to it in that resolution, under the terms of Article 65 of the Charter,

Bearing in mind the agreements between the United Nations and specialized agencies which provide for the co-operation of these agencies with the Economic and Social Council in rendering such assistance to the Security Council as that Council may request, and

Deeply conscious of its functions and responsibilities under Chapters IX and X of the Charter,

A

(1) Declares its readiness to provide for such assistance as the Unified Command may request in accordance with the above-mentioned resolution;

B

(2) Requests the specialized agencies and appropriate subsidiary bodies of the United Nations to lend their utmost support in providing such assistance as may be requested by the Unified Command through the Secretary-General for the relief and support of the civilian population of Korea, and authorizes the Secretary-General to transmit to them directly such requests for assistance as fall within their respective fields of competence;

(3) Invites Governments Members of the United Nations, the Secretary-General, and appropriate non-governmental organizations, particularly those in consultative status with the Economic and Social Council, to assist in developing among the peoples of the world the fullest possible understanding of and support for the action of the United Nations in Korea and requests the Secretary-General to seek on behalf of the Council the co-operation of specialized agencies as appropriate for this purpose;

(4) Authorizes the Secretary-General to invite appropriate non-governmental organizations to give such help

as is within their power for the relief of the civilian population in Korea, and requests him to make suitable administrative arrangements in this connexion;

C

(5) Requests the Secretary-General to render progress reports to the Economic and Social Council on action taken under this resolution and to include, when appropriate, such other information and observations as may be helpful for the consideration of longer-term measures for economic and social assistance to the people of Korea;

D

(6) Decides not to close the present session when the Council has disposed of the present agenda but to adjourn it temporarily, and authorizes the President, in consultation with the Secretary-General, to reconvene the Council at United Nations Headquarters whenever necessary in connexion with matters requiring action under this resolution.

c. PROCEDURE FOR CO-ORDINATION OF RELIEF ACTIVITIES

Immediately after the outbreak of hostilities in Korea, the Secretary-General appointed, as his personal representative in Korea, Colonel A. G. Katzin, who left for Tokyo and Korea on 1 July. Subsequently, the Secretary-General assigned C. Hart Schaaf, of the Staff of the Economic Commission for Asia and the Far East, as Special Adviser on Civilian Relief, to co-ordinate the civilian relief requirements with the Unified Command and the Government of the Republic of Korea. A special staff was also recruited for the Secretary-General's office at Headquarters, and on 17 August, Brigadier R. Parminster took up his duties as Special Assistant for Korean Relief, under the over-all direction of the Executive Assistant to the Secretary-General. Procedures for the co-ordination of the handling of assistance were developed in the light of the relevant resolutions of the Security Council and of the Economic and Social Council, in the course of full discussions between representatives of the Secretary-General and the Unified Command.

A statement of co-ordination procedures, agreed upon by the Secretary-General and the Unified Command and followed since early July, was circulated to Member Governments, specialized agencies and other organizations concerned. Under these procedures it was specified that requests for assistance made to the Secretary-General by the Unified Command, after being agreed to by the Unified Command and the Korean Government, would be transmitted by the Secretary-General to Member Governments, competent specialized agencies and, when appropriate, non-governmental organizations. Similarly, the responses to these

requests and independent offers of assistance made by Governments, specialized agencies or other organizations, would likewise be made to the Secretary-General, who would transmit them to the Unified Command. Upon the acceptance by the Unified Command of an offer of assistance, the Secretary-General would inform the Government or organization concerned of the acceptance, and the Unified Command would then establish direct communication with the Government or organization concerned, so as to arrange the details of the offer and its shipment to Korea.

d. REQUESTS BY THE UNIFIED COMMAND

Fourteen requests were received from the Unified Command by the end of 1950, and were transmitted to those Governments, other than the United States, or specialized agencies and other organizations which it was considered might be in the best position to contribute towards filling the requests. The United States Government had already indicated that it was furnishing a large portion of the most urgently required relief supplies and personnel from its own funds and resources.

Of these fourteen requests, ten were for supplies (food, clothing, tents, blankets, soap, building material, medical and educational supplies) and four were for services (public health teams and health and welfare personnel).

e. OFFERS OF ASSISTANCE

A large number of offers of relief assistance for Korea were received by the Secretary-General both in response to specific requests and independently of the requests by the Unified Command. These offers were submitted to the Unified Command in accordance with the agreed procedures. Where they corresponded to specific requests by the Unified Command, they were matched with the requests and were dealt with accordingly. A substantial portion of the most urgently required relief needs was met by the United States Government from its own funds and resources.

Summaries of all offers of assistance, as of 31 December 1950, are given in the table on pages 226-28.

f. SUPPORT BY THE SPECIALIZED AGENCIES AND SUBSIDIARY BODIES OF THE UNITED NATIONS

Under resolution 323(XI) of the Economic and Social Council (see above), the specialized agen-

cies and appropriate subsidiary bodies of the United Nations were requested to lend their utmost support in providing such assistance as might be requested by the Unified Command through the Secretary-General for the relief and support of the civil population of Korea.

In addition to the specific offers of assistance referred to in the aforementioned table,⁶² the following steps were taken by the specialized agencies and the United Nations International Children's Emergency Fund:

At its 113th session, in November 1950, the Governing Body of the International Labour Organisation (ILO) authorized the Director-General of ILO to render all appropriate assistance to the United Nations to help in the reconstruction of Korea, while at the same time ensuring that the objectives of ILO would be kept constantly in view.

The Director-General of the Food and Agriculture Organization (FAO), on 2 August 1950, notified the Secretary-General of his readiness to offer all possible assistance, and on various occasions greatly assisted the Secretary-General with technical advice on food supplies, their cost and the best sources of procurement.

The Director-General of FAO, on 18 August 1950, sent a memorandum to the Secretary-General containing proposals by FAO regarding the handling by international organizations of relief and rehabilitation operations in Korea.

At its inaugural session in November 1950, the Conference of FAO adopted a resolution approving action taken by the Director-General of FAO in offering to the Secretary-General the full co-operation of that organization, and authorizing the Director-General to co-operate fully with any administration for Korean relief and rehabilitation to be established by the General Assembly.

At its inaugural session in November 1950, the FAO Forestry and Forest Products Commission for Asia and the Pacific adopted a resolution in which, having recognized the urgent need for sawn timber, firewood and charcoal in Korea for temporary housing and rehabilitation in the war-devastated areas, and having noted that some member countries of the region had stocks of sawn timber available for immediate delivery if shipping could be arranged, the Commission affirmed its desire to assist the United Nations authorities in Korea and requested these authorities to supply to the Commission details of specific requirements. The Secretary-General requested the Direc-

⁶² See pp. 226-28.

tor-General of FAO to obtain the assistance of the Commission to meet Unified Command requests for timber for relief purposes.

On 28 August 1950, the Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted a resolution deciding, *inter alia*, that within its framework of competence UNESCO would "give all possible aid and assistance to the action undertaken by the United Nations in Korea"; instructing the Director-General "to relieve the needs of the civilian population in Korea within the fields of education, science and culture, by means of emergency relief, and, at the appropriate time, by a reconstruction project"; and appealing "to the Governments and National Commissions of Member States to participate to the extent of the means at their disposal in this action". The Director-General was authorized "to send a mission to Korea, upon the request of the Secretary-General of the United Nations, to investigate the needs of the civilian population of Korea, in liaison with the Unified Command and the appropriate organs of the United Nations responsible for civilian relief; to provide, upon request, educational supplies on an emergency basis;" and "to prepare in close liaison with the United Nations and other specialized agencies and launch a campaign in co-operation with Member States, their National Commissions and with non-governmental organizations, for assistance to the Republic of Korea in the field of educational, scientific and cultural relief and reconstruction".

The Executive Board further decided to establish a special fund for educational, scientific and cultural aid to the civilian population of Korea in the amount of \$100,000, to remain available for obligation until 31 December 1951.

On 9 November 1950, the Executive Board of UNESCO adopted a resolution in which, *inter alia*, the Director-General was authorized to furnish, at the request of the United Nations, such facilities, advice and other services as might be requested by the Unified Command or any United Nations missions in Korea; to participate in the work of the competent organs of the United Nations and the specialized agencies which might be called upon to frame a long-term reconstruction plan for Korea; and to incur the expenditure involved in giving effect to these decisions.

The Director-General of the World Health Organization (WHO), on 24 August 1950, placed the procurement branch of WHO's regional office in Washington (the Pan-American Sanitary Bureau) at the disposal of the Secretary-General, in

order to carry out definite purchases which might be made with offers of financial contributions. On various occasions, WHO also furnished technical advice on medical supplies, their cost and the best sources of procurement.

The Director-General of the International Refugee Organization (IRO), on 3 August 1950, notified the Secretary-General of his readiness to offer assistance in terms of medical and other supplies and the loan or recruitment of welfare officers and other trained personnel.

On 10 October 1950, the General Council of IRO adopted a resolution approving the above action of the Director-General and instructing the Director-General to meet as fully as possible, within the limits of available resources, any future request for assistance for the civil population of Korea which might be received from the United Nations.

On 6 October 1950, the Administrative Council of the International Telecommunication Union (ITU), adopted a resolution instructing the Secretary-General of ITU to inform the Secretary-General of the United Nations of the readiness of ITU, within its own field of competence, to provide such assistance as might be requested by the Unified Command.

On 28 November 1950, the Executive Board of the United Nations International Children's Emergency Fund (UNICEF) approved an allocation of \$500,000 for Korea, in order to permit further UNICEF assistance and to replace the original allocation, which had been diverted for emergency assistance to Korean mothers and children.

g. ACTION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS RESUMED ELEVENTH SESSION

The General Assembly, at its 294th meeting on 7 October, decided to refer paragraph 3 of its resolution 376(V)⁶³ relating to the problem of the independence of Korea to the Economic and Social Council with a request that it report within three weeks on plans for the relief and rehabilitation of Korea upon the termination of hostilities. By a decision taken at its 296th meeting on 31 October, the General Assembly decided to extend to 10 November 1950 the time for the submission of the Council's report and, at the same time, decided that it should be referred to the Joint Second and Third Committee.

The Council, during its resumed eleventh session, considered the question at its 417th-433rd

⁶³ See pp. 265-66.

plenary meetings held from 12 October to 7 November.

The Council first heard Colonel Alfred G. Katzin, Personal Representative of the Secretary-General in Korea. The number of refugees in Korea by September 1950, he reported, totalled approximately one and one-half million persons. The greatest need in Korea was for medical supplies, shelter and transport to move urgently needed supplies. Foodstuffs, he remarked, had a lower priority, because United Nations forces had started their offensive in time to save the harvest.

With respect to the plans for the relief and rehabilitation of Korea, he recalled that the Security Council had delegated its powers in the matter to the military authorities. The existing organization, he explained, was as follows: The military authorities had established a committee, under their health and welfare services, to work in strict liaison with the corresponding services of the Korean Government. That committee was composed of officers of the armed forces and also of members of the staff of the United Nations, the World Health Organization and the International Refugee Organization. It was that committee which had drawn up the first co-ordinated relief plan and had submitted a first list of requirements to the Unified Command. That co-ordinated plan was based essentially on the work already done by the Economic Co-operation Administration (ECA) in Korea. He declared that the ECA, which had had a mission in Korea for three years, had drawn up a vast economic, social and political development plan which had obtained the complete approval of the Korean Government. It was a long-term and varied programme, certain parts of which were already being put into effect.

Colonel Katzin summarized his recommendations to the Council as follows:

- (a) The Council should adopt as the basis of its work the list of requirements already drawn up by the military authorities in Korea in collaboration with the Korean Government and ECA experts, and transmitted to Washington by the Unified Command.
- (b) The General Assembly should grant the most extensive powers to the representative of the United Nations in Korea.
- (c) That high official should be left free to decide the size of his staff.
- (d) The Council should ask the Unified Command to transmit without delay to the United Nations any application which had or might be submitted to it, so that the sending of necessary winter supplies might be started immediately.

(1) Establishment of a Temporary Committee

The representative of Australia, at the Council's 418th plenary meeting on 16 October, submitted

three draft resolutions (E/1852 & Corr.1) concerning plans for relief and rehabilitation of Korea and relating to the long-term measures to promote the economic development and social progress in Korea.

The first of the three drafts which the Council considered referred more particularly to the formulation of a provisional programme of assistance to the civil population of Korea. It proposed the establishment of a temporary committee of seven members of the Council to examine all available material on the probable needs of Korea for relief and rehabilitation and to submit to the Council a provisional programme for the first twelve months or such longer period as might be appropriate, together with an estimate of the cost. For the purpose of maintaining liaison between the Council and the United Nations Commission for the Unification and Rehabilitation of Korea,⁶⁴ the representative of Australia suggested that three of the seven members of the temporary committee be composed of the Member States who were members both of the Council and the new Korean Commission, that is, Australia, Pakistan and Chile. The President of the Council was to appoint the other four members.

A vote on the first Australian draft and amendments to it was taken by the Council at its 418th meeting. An oral USSR proposal to include representatives of North and South Korea in the membership of the temporary committee was not accepted, the vote being 14 to 3, with 1 abstention. An oral Chilean proposal to invite the representative of the Republic of Korea to express his views to the temporary committee was also rejected, by 4 votes to 1, with 13 abstentions. The first Australian draft was then adopted by 15 votes to none, with 3 abstentions.

At the 419th meeting of the Council, the President named Belgium, India, the United States and the USSR as the additional members of the temporary committee.

When the Soviet representative stated that he could not accept the nomination, Denmark was named. The President's nominations were approved by the Council by 15 votes to none, with 3 abstentions.

(2) Statement of General Policy on Korean Relief and Rehabilitation

The Council next considered the general principles on which United Nations policy with regard to relief and rehabilitation of Korea could be based. Discussion centred in an annex to the sec-

⁶⁴ See p. 266.

and Australian draft resolution (E/1852), entitled "Statement of general policy on Korean relief and rehabilitation", and amendments to it by the United States (E/1859) and the USSR (E/L.108).

Explaining his proposal, the representative of Australia said that three principles should guide the work of relief and rehabilitation. First, the United Nations Commission should have a direct interest in the work, for the task of rehabilitation was bound to be intertwined with the political task. Second, the Commission should not assume direct responsibility for administering relief and rehabilitation. Thirdly, the countries making the main contributions should be able to exert some influence on the work.

The Australian proposal contained thirteen points. The first four points, the representative of Australia explained, were of a general nature, the third stressing that the United Nations programme was to be a supplement to the efforts to be undertaken by the people of Korea themselves. Point five dealt with the question of priorities. The object of points six to thirteen, he said, was to ensure control of distribution, combat inflation, reduce to reasonable levels remuneration earned by traders for their services, ensure the equitable distribution of essential commodities, exempt relief and rehabilitation supplies from import duties, and so forth. Points eleven and twelve, in particular, laid down that United Nations personnel should be free to supervise the distribution of relief supplies, and should enjoy on Korean territory the privileges, immunities and facilities necessary for the fulfilment of their mission.

The United States amendments (E/1859) contained the following proposals:

- (1) A substitution for paragraph 3 of the Australian draft, which would stress the fact that the aim of the relief programme was to supplement the efforts to be made by the Korean people on their own initiative.
- (2) A substitution for paragraph 5 of the Australian draft, which would, in the early period of the programme, lay emphasis on the provision of basic necessities of food, clothing and shelter for the population of Korea, and, as the programme developed, shift emphasis to the provision of other materials, supplies and equipment for the reconstruction or replacement of war-damaged productive facilities.
- (3) A substitution for paragraph 9 of the Australian draft, which would specify, *inter alia*, that the local currency proceeds derived from the sale of relief and rehabilitation supplies should be paid into a special account under the control of an Agent-General.
- (4) The addition of a new paragraph providing that the Korean authorities should take the necessary economic and financial measures to ensure the judicious use of contributions furnished under the United Nations programme as well as of Korean resources.

(5) and (6) The last two proposals dealt with the information to be supplied and accounting matters.

The USSR amendments (E/L.108) emphasized that assistance should not serve as a means for foreign economic and political interference in the internal affairs of Korea and should not be subject to any political conditions; that representatives of the Korean people should participate in the determination of the needs and in drawing up plans and statements; and that the authorities in Korea should take the necessary measures to distribute supplies through Red Cross agencies, through State, co-operative, and other social organizations and through private trade. At the same time, measures should be taken to ensure that profit from the sale of supplies was kept to the minimum.

The majority of the representatives of the Council endorsed the principles embodied in the Australian proposal.

The Australian proposal and the United States and USSR amendments to it, were voted on, paragraph by paragraph, at the Council's 421st-423rd and 430th meetings on 20, 21, 25 and 30 October. After further drafting amendments, the proposal and amendments were adopted by varying votes (for text, see below).

(3) Organization of the Relief Programme for Korea

The Council then took up the question of the organization of the relief programme for Korea. Its discussion on the matter centred in a joint draft resolution submitted by Australia and the United States (E/1858/Rev.1, Corr.1 & Add.1). The joint draft envisaged the establishment of a United Nations Korean Reconstruction Agency under the direction of an Agent-General and a five-member advisory committee.

The representative of Australia stated that in its original text (E/1852, resolution II, annex I), he had proposed that the Agent-General should be appointed by the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK). However, in view of the heavy political responsibilities to be borne by the Commission, he had agreed to the United States solution that the Agent-General should be responsible to the General Assembly and should not be controlled by the Commission. He declared that although the joint proposal differed somewhat from Australia's original draft, it made it possible to entrust political problems to the Commission, while giving the Agent-General the necessary freedom of action in the economic field.

During the Council's discussion, members expressed general agreement on three main points. In the first place, UNCURK would have a very important role in the recovery of Korea, since the political and economic problems there were so closely linked. Secondly, it was essential to set up in Korea an efficient agency to implement the relief programme. Finally, the countries contributing to the economic rehabilitation of Korea should be in a position to exercise an appropriate measure of control over the operation.

The majority of representatives welcomed the joint proposal as affording the speediest possible relief to the sorely tried people of Korea. The representatives of Czechoslovakia, Poland and the USSR thought the plan ran the risk of infringing the national sovereignty of Korea. They also charged that political elements were introduced into the question by the inclusion of two paragraphs in the preamble to the joint draft which referred to "aggression by North Korean forces". They called for the deletion of these two paragraphs.

The representative of the United States stated that the Council was too responsible a body not to join with other United Nations organs in recording the reasons for the present need of relief in Korea. He said that he could not accept proposals for the deletion of the two paragraphs.

The representatives of several specialized agencies—ILO, FAO, WHO and UNESCO—assured the Council of their support for the Korean relief plans. The representative of the International Confederation of Free Trade Unions (ICFTU), a non-governmental organization, said that ICFTU had organized an information campaign to support United Nations action in Korea. The American Federation of Labor and the Congress of Industrial Organizations, affiliated with ICFTU, were sending food parcels to Korea. The representative of the World Federation of Trade Unions, another non-governmental organization, thought it was first necessary to restore peace in Korea before it would be possible to carry out a programme of relief and rehabilitation there satisfactorily. The co-operation of the United Nations Technical Assistance Administration was pledged by its Director-General.

After further debate, the Council at its 430th meeting on 30 October adopted the joint Australian-United States proposal, having incorporated various drafting amendments to the resolution. The preamble to the resolution was adopted by 14 votes to 3, while the operative part was adopted

by 15 votes to none, with 3 abstentions (for text, see below).

(4) Report of the Temporary Committee

Under the resolution adopted by the Economic and Social Council on 16 October, the task of the Temporary Committee on Provisional Programme for Relief and Rehabilitation Needs of Korea was to examine all available material on the probable needs of Korea for relief and rehabilitation and to submit to the Council, as soon as possible, a provisional report on the scale of the programme required, together with an estimate of the cost.

In its report to the Council, submitted on 1 November, the Temporary Committee, consisting of representatives of Australia, Belgium, Chile, Denmark, India, Pakistan and the United States, stated that it held six meetings. It received statements on estimated requirements from the Personal Representative of the Secretary-General in Korea; the Unified Command, through the representative of the United States on the Committee; and the Minister of Foreign Affairs of the Republic of Korea.

The statement by the Personal Representative of the Secretary-General in Korea stressed the impossibility of making any firm assessment of the total cost of necessary relief and rehabilitation, but expressed the view of the United Nations Adviser on Civilian Relief in Korea that the total requirements would almost certainly exceed \$500,000,000 over a period of several years, excluding supplies and services which the Koreans themselves would be able to furnish. He recommended that a sum of not less than \$250,000,000 should be envisaged as a minimum "budget" for the first year.

On behalf of the Unified Command in Korea, the representative of the United States submitted an estimate of \$364,000,000 for major categories of expenditures covering the period 25 June 1950 to 31 December 1951, including goods ordered but not delivered during this period. Stress was laid on the provisional nature of these estimates. The United States representative explained that, in the preparation of these estimates, emphasis had been placed not upon the total amount of damage or current requirements, but upon the amount which it was estimated could be actually absorbed by the Korean economy in the period under consideration.

The Minister of Foreign Affairs of the Republic of Korea submitted an estimate for total requirements from 25 June to 31 December 1950 of \$286,000,000; an estimate for total requirements from 1 January to 31 December 1951 of

\$394,000,000; and an estimate for the total requirements for five and a half years of \$2,064,000,000.

After considering these statements, the Committee concluded that the estimates of requirements were approximately the same as regards supplies needed before the end of 1950. It did not consider itself in a position to examine the assumptions and detailed data on which the estimates had been made. Consideration of the scale of the programme, as well as the period to which it should relate, was, the Committee pointed out, complicated by the fact that certain elements in the situation were largely unknown. These factors included the period in which military operations would be necessary; the extent of war damage in North Korea; the magnitude of the recovery effort to be made by the Koreans themselves; and, finally, the contributions to be provided by Member States.

The Committee therefore considered, on the basis of the figures submitted to it, that a programme costing approximately \$250,000,000 would be required for a period beginning 1 January 1951 and extending at least into the earlier part of 1952.

(5) Financing the Korean Programme of Relief.

The report (E/1864) of the Temporary Committee was considered by the Council at its 431st to 433rd meetings held on 6 and 7 November. In addition to the Committee's report, the Council discussed three proposals on methods for financing Korean relief and reconstruction. The first of these was resolution III (E/1852 & Corr.1), submitted by Australia, which proposed the calling of a special conference on Korean Relief and Rehabilitation to determine the amount of contributions necessary for Korean relief. Contributions were to be voluntary, with Governments making contributions in such forms and subject to such conditions as might be agreed upon by the relief administrator and the contributing country.

The two other proposals were submitted by the United States. The first (E/L.114) provided that financial needs, determined by periods, would be decided annually by the General Assembly which would establish a scale of contributions from Member States in percentages, along the same lines as the United Nations budget is apportioned. The second (E/L.125) recommended that the methods of financing the proposed programme of relief and rehabilitation be determined by the General Assembly.

During the ensuing debate, most of the representatives in the Council including those of Brazil, France, Pakistan and the United Kingdom, spoke in support of the Australian proposal. They considered that a system of voluntary contributions was the most realistic and acceptable approach to the problem. The United States proposal (E/L.114) for a system of assessments by percentages, they felt, would involve compulsory allocation of contributions.

The representative of the United States denied that his proposal implied compulsion and stated that it would permit all Member States, whether or not they were prepared to participate in the Korean rehabilitation programme, to make their intentions known without any external pressure.

The representative of Canada thought that the United States plan had obvious advantages. In drawing up a scale of contributions, account could be taken of the special problems of all the Member States and the scale, once it had been prepared by a competent body, such as the Committee on Contributions or the Fifth Committee, would give each country helpful guidance on the amount of its contribution. The Member States might change their contribution as fixed by the scale in accordance with the various considerations they felt should be taken into account. He considered such an arrangement to be satisfactory, as it would suggest to each country the size of its contribution without compelling it to accept a figure which it might have valid reasons for rejecting.

The representative of the USSR held that the Temporary Committee had failed in its task, as it had not considered the detailed data involved, one of the reasons being the absence of a representative of the Korean people. The Committee had merely referred to the Council the estimates made by the United States and the United Nations Secretariat. He thought that contributions should be on a voluntary basis and in national currencies.

The representatives of Belgium, the United Kingdom and Canada submitted amendments to the second United States proposal (E/L.125). In submitting his amendment (E/L.126/Rev.1), the representative of Belgium explained that the Council, in his opinion, should not make any recommendation to the General Assembly which would endorse such estimates as the \$250,000,000 given in the Temporary Committee's report. The Council should simply forward its Committee's report to the Assembly for consideration. The United Kingdom amendment (E/L.127) recommended that the Assembly invite Member Governments to be ready to indicate, before its present session ad-

journeyed, the extent of the contributions they were prepared to make. In tabling his amendment (E/L.128), the representative of Canada observed that the United Kingdom amendment stated an extremely important principle: Member States should be warned that the Council considered the question of the relief and rehabilitation of Korea very important. It was essential that Governments should be notified at once of the probable size of the aid required in Korea, so that delegations might be prepared to discuss the question of contributions before the end of the fifth session of the General Assembly. There was no reason why the Council should not issue that warning. He therefore suggested a slightly different wording from that proposed by the United Kingdom representative. The United Kingdom representative withdrew his amendment and accepted the Canadian amendment.

The representative of Pakistan noted that the purpose of the United States proposal was to refer the question of methods of financing to the General Assembly, so that if the proposal were adopted, the Governments of all Member States would have an opportunity to express their views on the question. He therefore orally suggested that the reference to the method of financing in the Canadian amendment should be deleted. In addition, it should be specifically stated that it was to the General Assembly that the Governments of Member States should indicate the extent of the contributions they were prepared to make. Canada and the United States accepted the Pakistan amendment.

The representative of Australia withdrew his delegation's draft resolution III. He stated that Australia would support the United States draft as amended. It was his understanding, he continued, that the Council would state its decision concerning the total cost of the programme, leaving it to the General Assembly to determine the methods of financing the programme. In any event, he asserted, Australia would not support the establishment of a compulsory scale of contributions.

The Council at its 433rd meeting on 7 November voted on the United States draft resolution (E/L.125) embodying the Canadian amendment (E/L.128), as amended verbally by the representative of Pakistan. The draft resolution was adopted, as amended, by 14 votes to none, with 3 abstentions.

The representative of France said that he had voted in favour of the United States draft resolution, because in his opinion the proposed solution was not unreasonable. He did not think, however,

that it was the best decision the Council could have taken, since the question of financing the programme had been submitted to the Council on an equal footing with the other aspect of that programme. The withdrawal of the Australian draft resolution, he declared, had placed Council members in a somewhat difficult position as there had apparently been a majority in its favour. In any event, the decision just taken by the Council should not be construed to mean that it was not competent to deal with the question of financing. The French Government considered the Council fully competent in those matters and thought that it had already proved its competence, particularly in the case of the Expanded Programme of Technical Assistance.⁶⁵

The representative of Australia agreed with the representative of France. He added that if the General Assembly had not been in session he would have insisted on the adoption of his draft resolution.

As adopted, the resolution (338(XI)) noted the report of the Council's Temporary Committee, indicating that a relief programme costing approximately \$250,000,000 must be contemplated over a period from 1 January 1951 at least until early 1952. It recommended that the General Assembly examine this estimate in conjunction with the development of the military situation in Korea. It also requested the Secretary-General to bring the resolution immediately to the attention of all Member Governments, in order that they might be ready to indicate, before the present Assembly session adjourned, the extent of the contributions they were prepared to make to the relief programme, subject to the action of their respective constitutional bodies. Annexed to this resolution was the text of the proposal the Council previously adopted on 30 October establishing a United Nations Korean Reconstruction Agency, and laying down various principles of general policy on Korean relief and rehabilitation (for text, as adopted by the General Assembly, see below).

- (6) Long-Term Measures to Promote the Economic Development and Social Progress of Korea

At the Council's 436th meeting on 13 December, the President recalled that the resolution adopted by the General Assembly at its 294th plenary meeting on 7 October 1950⁶⁶ recommended that the Economic and Social Council expedite the study of long-term measures to promote the economic development and social progress of

⁶⁵ See pp. 448 ff.

⁶⁶ See pp. 265-66.

Korea. Chile, France and the United States had submitted a draft resolution (E/L.132) on the subject, requesting the Secretary-General to make available to the Council at its twelfth session all the information relevant to the study of the question.

The representative of the United States expressed the opinion that the Council should not adjourn without taking steps in the direction recommended by the General Assembly. In view of the existing situation, however, it was obvious, he noted, that the Council could make no definite plans before receiving additional information and reports on the situation prevailing in Korea; hence the request contained in the three-Power draft.

The USSR representative observed that the first paragraph of the three-Power draft referred to the whole of the resolution adopted by the General Assembly on 7 October; the Council, however, was concerned only with the recommendation contained in paragraph 4 of that resolution. Consequently he suggested that, in the first paragraph, the words "paragraph 4 of" should be inserted after the words "Noting the recommendation of the General Assembly in".

The second paragraph of the draft resolution requested the Secretary-General to make information available to the Council "after consultation with the Agent-General of the United Nations Korean Reconstruction Agency". He suggested that those words should be deleted because the Council was concerned with long-term measures while the Agent-General was concerned only with immediate relief problems; hence there was no need to consult him on the long-term programme.

The representatives of Mexico and of Pakistan expressed the opinion that the Secretary-General should consult not only the Agent-General but also the United Nations Commission for the Unification and Rehabilitation of Korea and the Advisory Committee.

Agreeing with the representatives of Mexico and Pakistan, the representative of the United States said that the Secretary-General should also consult the competent Korean authorities. Instead of listing all the persons and bodies to be consulted by the Secretary-General, he suggested that the Council might adopt the USSR proposal to delete the words "after consultation with the Agent-General of the United Nations Korean Reconstruction Agency", because it would be obvious from the records of the discussion that the Secretary-General would be expected to consult all persons and bodies concerned in the matter. Although he could see no special need for the

first amendment proposed by the USSR representative, his delegation, he said, would raise no objection to it.

The two oral amendments proposed by the USSR were adopted. The draft resolution, as amended, was adopted unanimously. Its text (339(XI)) read as follows:

The Economic and Social Council,

Noting the recommendation of the General Assembly in paragraph 4 of its resolution adopted on 7 October 1950 on the problem of the independence of Korea that the Economic and Social Council expedite the study of long-term measures to promote the economic development and social progress of Korea,

Requests the Secretary-General to make available to the twelfth session of the Council such information as in his opinion is relevant to the study of long-term measures of economic development and social progress of Korea recommended by the General Assembly.

h. ACTION TAKEN BY THE GENERAL ASSEMBLY

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

In accordance with this decision, the Fifth Committee considered the question of financial arrangements for the proposed relief programme at its 268th meeting on 21 November. The Committee had before it the draft resolution (A/1493) submitted by the Economic and Social Council which recommended that: (1) the General Assembly examine the estimates referred to in the report (E/1864) of the Temporary Committee on Provisional Programme for Relief and Rehabilitation Needs of Korea in the light of the development of the military situation in Korea, and (2) the methods of financing the proposed programme should be determined by the General Assembly itself.

The Committee recommended for inclusion in the Council draft resolution paragraphs relating to the financing of the programme, and providing for the establishment of a negotiating committee.

It was understood that this committee would be composed of seven or more members appointed by the President of the General Assembly for the purpose of consulting, as soon as possible during the current session of the General Assembly, with Member and non-member States as to the amounts which Governments might be willing to contribute on a voluntary basis towards both the proposed relief and rehabilitation programme in Korea and the current and future relief and reintegration programme for Palestine refugees.⁶⁷ As soon as the negotiating committee completed its work, the Secretary-General, at its request, was to arrange an appropriate meeting during the current Assembly session of both Members and non-members, at which the former might commit themselves to their national contributions and the latter make known what they would contribute. The recommendations (A/C.2&3/95) of the Fifth Committee were transmitted to the Joint Second and Third Committee by the President of the General Assembly on 22 November.

The Joint Second and Third Committee, at its 56th meeting on 25 November, dealt with the recommendations of the Fifth Committee. The representatives of Argentina and Chile considered that the negotiating committee would conduct preliminary consultations with Governments and that tentative proposals made in the course of such consultations would not represent final financial commitments. The final commitments in the field of contributions would be made only after the negotiating committee had completed its preliminary work.

France and Mexico asked the Secretary-General to prepare estimates for both relief and rehabilitation for the first year of the programme, so as to supply Governments with information on which they could determine their contributions.

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

The recommendations of the Fifth Committee were then put to the vote by the Chairman on the understanding that they would constitute a separate resolution; they were adopted by 35 votes to none, with 7 abstentions.

In the course of the general debate on the plans for the relief and rehabilitation of Korea, several representatives of the Joint Second and Third Committee, including those of Belgium, Bolivia

and China, expressed their appreciation of the work accomplished by the Council, and expressed their satisfaction on the whole with the administrative structure suggested by it. They thought the Council had prepared a well-integrated and practical programme.

Some representatives, among them, the representatives of the Philippines and Uruguay, expressed their concern with regard to the legal and constitutional relationship between all of the various authorities in Korea, and feared the possibility of confusion as to the respective spheres of competence of the United Nations Korean Reconstruction Agency (UNKRA) and the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK). They also specifically asked for a clear definition of the functions and powers of the Agent-General and for clarification of his relationship with the proposed Advisory Committee.

The representative of Uruguay stated that it was necessary to guard against the danger that the Agent-General might become a kind of pro-consul with almost unlimited powers. Unless his powers were clearly defined and limited, there was danger of this happening. It should be made clear, he pointed out, that the Agency (UNKRA) be concerned with non-political matters only and that all political questions remain within the exclusive competence of UNCURK. The representative of the Ukrainian SSR also drew attention to the danger that the Agent-General might become a dictator with power to regulate the economy of Korea in whatever way he might choose.

The representative of Chile, on the other hand, argued that the draft resolution provided for an adequate distribution of authority between the political organs of the United Nations represented by the Korean Commission, the financial and advisory bodies meeting at Headquarters, and the administrative, technical and executive organization directed by the Agent-General.

The Joint Second and Third Committee, at its 56th meeting on 25 November, voted on the draft resolution submitted by the Council (A/1493) and the various amendments to it. The first of these was an oral USSR proposal to delete paragraphs 3 and 4 of the preamble of the draft resolution. The USSR representative, supported by the representatives of the Byelorussian SSR, Czechoslovakia and the Ukrainian SSR, contended that those paragraphs infused political considerations into an economic and social question. They argued

⁶⁷ See pp. 323-35.

that the draft resolution itself had been based on false premises, since it designated North Korea as the aggressor, and the fact remained that North Korea had been the victim and not the aggressor. The real cause of the economic destruction in Korea, they asserted, was the invasion of the United States Army, the bombing and scorched-earth tactics adopted by American units in Korea.

In reply, the representative of the United States said that he would not answer the accusations made against his country, as the facts were sufficient to refute them. The United States, he declared, had confidence in the judgment of history. He then went on to reassert the firm resolve of the United States to take part in the rehabilitation of Korea and to do everything in its power to re-establish in that country and throughout the world conditions of peace and welfare for all. Other representatives, including those of Bolivia, Chile and the United Kingdom, drew attention to the fact that fifty-three Member States had ratified the resolutions of the Security Council designating North Korea as the aggressor and asking the United Nations to take steps against the aggression in Korea. They felt that the only way in which the fifty-three countries which did not share the views of the USSR could dissociate themselves therefrom without giving rise to vain political debates was by voting in favour of the paragraphs of the draft resolution which refuted those allegations.

The USSR proposal was rejected by 5 votes in favour to 31 against, with 5 abstentions.

The representative of Chile proposed an amendment (A/C.2&3/L.32 & subsequent revisions 1 & 2) to the Council's draft resolution which was designed to clarify the relations between the United Nations Commission for the Unification and Rehabilitation of Korea and the Agent-General. In the debate that followed, a general feeling was expressed that the Agent-General should have wider executive powers than those envisaged in the Chilean amendment. In view of this, the representative of Chile withdrew his proposal and subsequently a joint text (A/C.2&3/L.32/Rev.4) was submitted by Chile, the United States and Uruguay. The joint text, among other things, empowered the Korean Commission, after consulting the Agent-General, from time to time, to make recommendations to the Economic and Social Council on the adequacy of the Agency's programme to meet the needs of Korea as defined in the statement of general policy. This text, with an additional clause (A/C.2&3/L.36) proposed by Australia, which made provisions for the Agent-

General to carry out his responsibilities in close co-operation with the Korean Commission, was adopted by the Joint Second and Third Committee by 35 votes to none, with 7 abstentions.

The representative of Uruguay submitted five amendments (A/C.2&3/L.34) to the Council's draft designed to give effect to the points he had made in the Committee's discussions. He had warned that unless the Agent-General's powers were clearly defined and limited, there would be the danger that he would become a kind of pro-consul with almost unlimited powers. Inasmuch as the Agent-General was to be responsible to the General Assembly, the Uruguayan representative felt that he should be elected by that body, instead of being appointed by the Secretary-General, as the Council's draft proposed. In addition, he thought that the Korean Commission's authority should be clearly paramount not only in political but in all economic, social, and even administrative matters, as well. It should also be made quite clear, he suggested, that the proposed Advisory Committee should advise the Agent-General on major questions of finance, procurement, distribution and other matters.

The representative of Uruguay withdrew three of his amendments (1, 2 & 5 of A/C.2&3/L.34), following the approval of the joint amendment of Chile, the United States and Uruguay (A/C.2&3/L.32/Rev.4). The two other amendments (3 & 4 of A/C.2&3/L.34), which dealt with financial procedures and budgetary techniques, were adopted by the Committee—one, as amended orally by Chile, by 34 votes to none, with 7 abstentions; the other, as amended orally by Canada, by 33 votes to none, with 5 abstentions.

The Secretary-General proposed a reworded text (A/C.2&3/L.38) of the Council draft resolution dealing with the proceeds from the sale of relief and rehabilitation supplies. It was explained that the purpose of that amendment was to provide the Agent-General with alternative methods of determining the amounts which the authorities in Korea would place in an account under his control. It was important, it was emphasized, that he should have those alternatives since the conditions to be found in Korea were as yet unknown. The Secretary-General's text also included the principal provision of the amendment (A/C.2&3/L.35), submitted by the United States, relevant to the use of those funds by the Agent-General after consultation with the Korean Commission (UNCURK) and the Advisory Committee of the Korean Agency (UNKRRA). During the ensuing discussion the representative of the United States

withdrew the amendments which he had proposed. The text, as proposed by the Secretary-General and amended orally in two respects by Australia and Chile, was adopted by 37 votes to none, with 5 abstentions. This text, in effect, provided that the proceeds from the sale of relief and rehabilitation supplies were to be paid into an account under the Agent-General's control. After consulting with the Korean Commission, the Agent-General was to use these funds only for appropriate additional relief and rehabilitation activities in Korea, for local currency expenses of the United Nations relief and rehabilitation operations or for anti-inflation measures.

The representative of Mexico said that, from the very outset, he had expressed concern at the proposal that goods contributed for relief could be sold by the Agent-General. If the sale of relief supplies were permitted, he argued, there would be inevitable discrimination between the various income groups of the population. Nor could he see how the proceeds from the sale of supplies could possibly be used to combat inflation, as was suggested by the Secretary-General's amendment, since one of the most effective ways of combating inflation, in the opinion of the Mexican representative, was to decrease the amount of money in circulation and thus curtail the purchasing power of the population. He orally proposed an amendment designed to safeguard free distribution of relief supplies.

The representative of Australia said that the point raised by Mexico was an extremely important one. It might seem strange to the contributors if the supplies they donated were afterwards sold and became subject to the normal process of profit. It was nevertheless inevitable and even desirable that some of the supplies sent to Korea should be sold. The sale would provide a channel for distribution, which might otherwise be difficult to find. It would also withdraw some of the purchasing power from the community into the hands of the administration, and thus help to combat inflation. He was sure, however, that the Agent-General would act with extreme discretion and do his utmost to avoid any public misunderstandings regarding the sale of relief supplies.

After further discussion, the Mexican text as proposed orally, and amended orally by Chile, was adopted by 37 votes to none, with 5 abstentions. It provided for the sale of relief supplies only in justified cases and under conditions agreed upon with the Korean Commission.

Another oral amendment by the representative of the United States, providing for the addition of a new paragraph to invite non-member countries to participate in financing the programme of relief and rehabilitation in Korea, was accepted by the Committee.

The draft resolution as a whole proposed by the Economic and Social Council (A/1493), as amended, was then adopted by 35 votes to none, with 5 abstentions (for text, see below).

The representative of the USSR said that his delegation, although in favour of the principle of relief and rehabilitation of Korea, had abstained from voting on even minor amendments to the Council draft resolution because it was opposed to the general tenor of the resolution as a whole. It contained several provisions which were completely unacceptable to his delegation.

The report (A/1567) of the Joint Second and Third Committee on the problem of the independence of Korea and plans for relief and rehabilitation of Korea, together with the accompanying draft resolution, was considered by the General Assembly at its 314th plenary meeting on 1 December.

The representatives of Czechoslovakia, the Ukrainian SSR and the USSR spoke in opposition to the draft resolution. They declared that the reference to the alleged aggression of the armed forces of North Korea was incorrect. What was really taking place in Korea was United States aggression against the Korean people. The draft resolution excluded the possibility of large-scale participation by representatives of the Korean people in preparing plans and re-establishing the national economy of Korea. It gave the Agent-General extremely wide powers in deciding questions relating to economic rehabilitation. If adopted, the draft resolution would, they maintained, promote further interference in the internal affairs of Korea.

The representative of the United States declared that the draft resolution before them merely recorded what had already, in fact, been decided upon. He stated, among other things, that the United Nations Commission on Korea, which had military observers on the scene at the time of the outbreak of hostilities in Korea, reported to the Security Council that aggression had, in fact, taken place, and that it came from the North. He then outlined the various steps taken by different organs of the United Nations. He stressed the fact that the arguments brought forward by the representatives of Czechoslovakia, the Ukrainian SSR

and the USSR were previously advanced and exhaustively considered; they were rejected by an overwhelming majority of the Members of the United Nations. He went on to say that it appeared clear that the United Nations was then faced not only with North Korean aggression but also with intervention by Chinese communist forces.

Speaking in support of the Committee's draft resolution, the representative of Chile said that adoption of the draft by the Assembly would constitute: (1) a confirmation of the will of the United Nations to reconstruct and rehabilitate Korea and (2) a proof that the United Nations has had no other objective in intervening in Korea than to fulfil the principles of the Charter and ensure the well-being of the people of Korea, within the framework of those principles.

The USSR, supported by Czechoslovakia and the Ukrainian SSR, submitted amendments (A/1579) proposing: (1) the deletion of the references in the draft resolution to the need for relief and rehabilitation in the light of aggression by North Korean forces (the USSR maintained that the devastation visited upon Korea was the direct result of United States aggression); and (2) the deletion of the reference in the draft resolution to authorize the Agent-General to enter into agreements regarding measures affecting the distribution and utilization in Korea of supplies and services furnished. (The USSR contended that the latter provision would allow foreign interference in the internal affairs of Korea.)

The first USSR amendment (A/1579) was rejected by a roll-call vote of 50 to 5, with 1 abstention. The second USSR amendment (A/1579) was rejected by 47 votes to 5.

Resolution A on "Relief and Rehabilitation of Korea" (A/1567) was adopted by 51 votes to none, with 5 abstentions. Resolution B on "Relief and Rehabilitation of Korea: Financial Arrangements" was adopted by 51 votes to none, with 5 abstentions. Their texts (410A & B (V)) read as follows:

The General Assembly,

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

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

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

Recognizing that as a result of such aggression the people of Korea are desperately in need of relief sup-

plies and materials and help in reconstructing their economy,

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

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

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

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

A. ESTABLISHMENT OF THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY FOR THE RELIEF AND REHABILITATION OF KOREA

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

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

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

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

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

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

(e) To consider the reports of the Agent-General to the General Assembly and to transmit any comments

thereon to the Economic and Social Council and the General Assembly;

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

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

4. Directs the Agent-General:

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Establishes an Advisory Committee consisting of representatives of five Member States⁶⁸ to advise the Agent-General with regard to major financial, procurement, distribution and other economic problems pertaining to his planning and operations. The Committee shall meet on the call of the Agent-General but not less than four times a year. The meetings of the Committee shall be held at the Headquarters of the United Nations except in special circumstances, when the Committee, after consultation with the Agent-General, may meet elsewhere if it deems that this would be essential to the proper performance of its work. The Committee shall determine its own methods of work and rules of procedure;

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

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

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

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

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

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

(d) Maintain close contact with the Secretary-General for the purpose of ensuring fullest co-ordination of

⁶⁸ At the 326th plenary meeting on 15 Dec. 1950, the General Assembly, on the nomination of the President, elected the following States Members to serve on the Advisory Committee established under the terms of paragraph 6 of section A of the above resolution: Canada, India, the United Kingdom, the United States and Uruguay.

efforts of the organs of the United Nations and the specialized agencies in support of the programme;

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

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

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

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

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

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

B. STATEMENT OF GENERAL POLICY ON RELIEF AND REHABILITATION IN KOREA

16. Approves the following statement of general policy:

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

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

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

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

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

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

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

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

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

10. The necessary economic and financial measures shall be taken by the authorities in Korea to ensure that the resources provided under the United Nations programme, as well as Korean resources, are effectively employed to aid in laying the economic foundations of the country. Among these, special attention

should be given to measures to combat inflation, to sound fiscal and monetary policies, to the requisite pricing, rationing and allocation controls (including the pricing of goods imported under the programme), to the prudent use of Korean foreign exchange resources together with promotion of exports, and to the efficient management of government enterprise.

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

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

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

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

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

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

B

The General Assembly

1. Requests the President to appoint a Negotiating Committee⁶⁹ composed of seven or more members for the purpose of consulting, as soon as possible during the current session of the General Assembly, with Member and non-member States as to the amounts which governments may be willing to contribute towards the financing of the programme for the relief and rehabilitation of Korea;

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

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

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

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

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

4. Decides that, as soon as the Negotiating Committee has completed its work, the Secretary-General shall, at the Committee's request, arrange, during the current session of the General Assembly, an appropriate meeting of Member and non-member States at which

Members may commit themselves to their national contributions and the contributions of non-members may be made known.

7. Complaint of Air Bombing of China

By cablegram dated 28 August 1950 (S/1772), addressed to the Secretary-General, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China charged that, on 27 August, military aircraft of the United States in Korea had flown over Chinese territory on the right bank of the Yalu River, had strafed buildings, railways stations and railway carriages and killed or wounded a number of persons.

Those provocative acts, it was stated, were a serious encroachment on Chinese sovereignty and constituted an attempt to extend the war. It was proposed that the Security Council should condemn the United States aggression forces in Korea for those acts and take steps to bring about the complete withdrawal of all United States forces from Korea, to prevent the aggravation of the situation and to facilitate the peaceful regulation of the Korean question by the United Nations.

In a letter dated 29 August (S/1727), the representative of the United States informed the Secretary-General that the instructions under which aircraft were operating under the Unified Command in Korea strictly prohibited them from crossing the Korean frontier into adjacent territory. No evidence had been received to indicate, the letter stated, that these instructions had been violated, and the United States Government would welcome an investigation on the spot by a commission appointed by the Security Council. Finally, it was pointed out that the action being taken by the United States and other Members of the United Nations in Korea was being conducted in accordance with and under the mandate of the United Nations.

In another cablegram, dated 30 August (S/1743), the Minister for Foreign Affairs of the People's Republic of China charged that United States military aircraft had again flown over Chinese territory on 29 August, and had killed or wounded a number of people.

⁶⁹ In accordance with the terms of the above resolution, the President of the General Assembly, at the 318th plenary meeting on 4 Dec. 1950, announced that he had appointed a Negotiating Committee, composed of the following States Members: Canada, Egypt, France, India, the United Kingdom, the United States and Uruguay.

The item was included by the President in the provisional agenda of the Security Council's 493rd meeting on 31 August.

a. CONSIDERATION BY THE SECURITY COUNCIL

During the discussion on the adoption of the agenda, the representative of the USSR stated that the two cablegrams from the Central People's Government of the People's Republic of China had shown that the United States Air Force had invaded Chinese air space, dropped bombs and machine-gunned the peaceful population, thus committing a gross violation of the sovereignty and territorial integrity of China. From the standpoint of international law, that was an act of aggression. The representative of the USSR then referred to a definition of aggression which, he said, had been approved in May 1933, by the Committee on Security Questions of the League of Nations. According to that definition, it was stated, the aggressor in an international conflict would be considered that State which was the first to commit one of the acts of aggression detailed in the definition. Those acts, it was said, included "bombarding of the territory of another State by a State's land, naval or air forces", and the "landing in, or introduction within the frontiers of another State of land, naval or air forces without the permission of the government of such a State". The same definition of aggression further stated: "no consideration whatsoever of a political, strategic or economic nature . . . shall be accepted as justification of aggression". The action of the air forces of the United States against the territory of China, it was asserted, fell entirely within that definition of aggression. Thus, the Government which had permitted that aggression was the aggressor. As the main organ of the United Nations for the maintenance of peace and security, the representative of the USSR maintained, the Security Council must consider the matter without delay and adopt appropriate decisions. He, therefore, submitted the following draft resolution (S/1745/Rev.1):

The Security Council,

Having considered the communications dated 27 August 1950 and 29 August 1950 addressed to the Security Council by the Central People's Government of the People's Republic of China and relating to the violation by the air forces of the United States of America of the Chinese frontiers in the area of the Korean-Manchurian border and the bombing and strafing by United States aircraft of buildings, railway stations and an aerodrome on Chinese territory resulting in loss of life and damage to railway and aerodrome installations, railway rolling stock and motor vehicles, and

Having heard the explanation of the representative of the United States of America to the United Nations,

Condemning the above-mentioned illegal acts of the Government of the United States of America, and placing on the Government of the United States of America full responsibility for the above-mentioned acts and the whole of the damage caused to the People's Republic of China, and also for all the consequences that may arise as the result of such acts,

Decides to call upon the Government of the United States of America to prohibit such illegal acts which violate Chinese sovereignty and cause damage to the People's Republic of China and to the peaceful Chinese population.

The representative of the United Kingdom stated that the statement of the USSR representative had assumed that the charges were true even though no investigation had been made. This was in order to create the maximum of tension between the People's Republic of China and the United States. He said, in conclusion, that the Council should investigate the matter and try to establish facts.

The representative of the United States said that the Unified Command had issued strict instructions to confine the operations of aircraft to the territory of Korea. As soon as the complaints had been received, the United States military authorities had been instructed to make an investigation and late reports had indicated that, by mistake, one aircraft might have strafed a Chinese air strip on 27 August. The Security Council, the United States Government believed, should send a Commission to the area in order to make an objective investigation of the charges. United States military authorities would give the commission full co-operation, including access to pertinent records. If it were found that an attack did in fact occur, the United States Government was prepared to make payment to the Secretary-General for transmission to the injured parties, of such damages as the commission might find fair and equitable. The United States would also see to it that appropriate disciplinary action was taken.

At the request of the representative of the United States, a copy of this statement was transmitted to the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China.

The representative of China opposed the inclusion of the complaint in the agenda, since, according to him, it was not based on any *prima facie* case and was submitted by a body not properly qualified to make a complaint to the Council.

The Security Council decided, by 8 votes to 3 (China, Cuba, Egypt), to include the item in its

agenda under the title "Complaint of bombing by air forces of the territory of China".

At the 497th meeting on 7 September, the representative of the United States submitted the following draft resolution (S/1752):

The Security Council

1. Decides to establish a Commission to investigate on the spot and report as soon as possible with regard to the allegations contained in documents S/1722 and S/1743. The Commission shall be composed of two representatives appointed, one by the Government of India, and one by the Government of Sweden.

2. Requests all Governments and authorities to provide safe conduct and all facilities requested by the Commission.

3. Requests the Unified Command to provide to the Commission upon its request all facilities and information including access to all pertinent records.

4. Requests the Secretary-General to provide the Commission with all assistance and facilities required by it.

In a cablegram dated 10 September (S/1776) the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China stated that, as the sole legal government representing the Chinese people and as the accuser in the case, his Government had the right and necessity to send its delegation to attend and participate in the proceedings of the Security Council. He said that if the Security Council should proceed with the agenda item without the attendance and participation in the discussion of the representative of the People's Republic of China, its resolutions would be illegal, null and void.

On 11 September, the Council considered a USSR proposal (S/1759), submitted on 5 September for an invitation to a representative of the People's Republic of China. The representative of the USSR considered that any State which approached the Security Council with a communication about aggression should be heard during the consideration of that communication. In support of that proposal, it was argued, *inter alia*, that the sense of Article 32 of the Charter was that both parties to a dispute must be represented in the Security Council and heard, whether or not either of them were members of the Security Council or of the United Nations. The proposal to invite a representative of the People's Republic of China was supported by representatives of France, India, Norway, United Kingdom and Yugoslavia.

The USSR proposal was opposed by the representatives of China, Cuba, Ecuador and the United States who argued, broadly speaking, that Article 32 was inapplicable, since China was a member of the Security Council. The Article, it was stated,

referred to any Member of the United Nations which is not a member of the Security Council or any State which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council. Furthermore, it was argued, there was no dispute, since the party which had made the mistake had declared that it was ready to make compensation. It was stated that a mistake had been made when several Members of the United Nations were engaged in suppressing a breach of the peace at the call of the Organization. If the Council, it was argued, should place unnecessary obstacles in the path of States performing duties entrusted to them by the Organization, the Charter would be made unworkable. These representatives felt that debate on the merits of the case without fact-finding would lead to abuse of the Council for propaganda purposes which, it was suggested, was the principal motive of the USSR in bringing this complaint before the Council. The representatives of the People's Republic of China could, these representatives said, present what evidence they cared to advance to an impartial investigating commission and, after the commission had submitted its findings the Council could decide whether it wished to invite a representative from Peking under rule 39.

At the 499th meeting of the Council on 11 September, the USSR proposal to invite a representative of the People's Republic of China was put to the vote. There were 6 votes in favour, 3 against (China, Cuba, the United States), and 2 abstentions (Ecuador, Egypt). The proposal was not adopted, having failed to receive seven affirmative votes.

On 12 September, at its 501st meeting, the Council concluded its consideration of the United States draft resolution proposing the establishment of a commission of investigation (S/1752) and of the USSR proposal seeking condemnation of the United States (S/1745/Rev.1) (see above).

In support of the United States proposal the representative of Ecuador argued that, in seeking to avoid a dispute or conflict, the United States Government had taken a fair and reasonable position. It had proposed a commission of investigation to be despatched without delay to make an enquiry on the spot. It had further declared its readiness to pay such compensation as the commission might consider fair and equitable. These facts, it was stated, should not be the subject of political controversy, but of genuine enquiry. The proposed membership of the commission was a guarantee that it would inspire confidence in each of the parties owing to the high moral standing,

the impartiality and the peaceful international policy characteristic of India and Sweden and of the fact that both Governments maintained friendly relations with the Peking Government. It was to be assumed, he said, that the commission would ask the requisite permission of the Peking Government to carry out the necessary investigation. He expressed the hope that the Peking Government would not refuse this permission since the proposed investigation was in consequence of its own complaint. The establishment of such a commission would be a proof of good will and of the fact that the United Nations did not wish any people to suffer without cause from the consequences of the police action made necessary by the invasion of the Republic of Korea.

Opposing the United States proposal, the representative of the USSR argued that it was not possible to send a commission to China, without first discussing the matter with a representative of the People's Republic of China or asking for the consent of the legal Government of that country. It could not be maintained, he said, that the Security Council did not have any facts about the bombing of Chinese territory by United States aircraft, since the facts were clearly stated in the cablegrams of 28 and 30 August from the Foreign Minister of the People's Republic of China. If the United States representative had not stood in the way of inviting the representative of the People's Republic of China, the Council would have had the facts and would have proceeded long ago with the consideration of the substance of the question. Moreover, it was maintained, there was no need to set up the proposed commission of investigation in view of the admission that United States aircraft violated the Chinese air space. In refusing to hear the representative of the People's Republic of China and in insisting that a Commission should be sent to China, the United States Government was, the USSR representative stated, pursuing hidden and hostile objectives with regard to the People's Republic of China. It was seeking to sidetrack the Council from the detailed consideration of the question, to prolong the question and to bury it by referring it to a commission. The United States, it was said, was also attempting through the secretariat of the proposed commission if not through its members, to send its own trusted representatives to make a spying reconnaissance of the situation in China. If the Security Council refused the request of the Government of the People's Republic of China to send a representative, that Government would be justified in refusing to abide by the decision of the

Council. The United States Government had not denied that the United States Air Force had violated Chinese air space. The Security Council therefore must condemn those illegal acts and place on the United States Government the entire responsibility for all the damage sustained and for any consequences which might result from such acts.

The representative of India stated that, if the Council should adopt the United States draft resolution the Government of India would nominate a suitable representative. However, he felt that the commission could not function usefully without the co-operation of the Government of the People's Republic of China. With regard to the USSR draft resolution, he stated that he would oppose the first part of that draft resolution since it sought to condemn without investigation. The second part, he stated, was unnecessary, since the United States representative had said that aircraft operating under the Unified Command had strict instructions not to cross the Korean frontiers. He would not vote for the United States draft resolution, since India might be deemed to have an interest in it.

The representative of China considered that it was a mistake for the Council to have admitted the item on its agenda. He would therefore not participate in the voting on either of the two draft resolutions.

The United States draft resolution received 7 votes in favour, 1 against (USSR) with 2 abstentions (India, Yugoslavia) and 1 member (China) not participating. It was not adopted as the dissenting vote was cast by a permanent member.

The USSR draft resolution was rejected by 8 votes to 1 (USSR), with 1 abstention (Yugoslavia) and 1 member not participating (China).

b. COMPLAINT BY THE USSR REGARDING THE VIOLATION OF CHINESE AIR SPACE BY THE AIR FORCE OF THE UNITED STATES AND THE MACHINE-GUNNING AND BOMBING OF CHINESE TERRITORY BY THAT AIR FORCE, AND AGAINST THE BOMBARDMENT AND ILLEGAL INSPECTION OF A MERCHANT SHIP OF THE PEOPLE'S REPUBLIC OF CHINA BY A MILITARY VESSEL OF THE UNITED STATES

In a cablegram (A/1415)⁷⁰ dated 24 September 1950, addressed to the Secretary-General for transmission to the President of the General As-

⁷⁰ Also issued as S/1808.

sembly and to the President of the Security Council, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China charged that, on 22 September, military aircraft of the United States forces had flown over Chinese territory and dropped bombs on the city of Antung, causing damage to property and wounding a number of people. He noted that, although the majority in the Security Council had agreed to include the accusation of the People's Republic of China in the agenda, they had refused to have his Government's representative present in the Council to state his case and participate in the discussion of the complaints concerning violations of Chinese air space by United States aircraft which had been submitted to the Council in communications dated 28 and 30 August.⁷¹ The Central People's Government of the People's Republic of China demanded that the General Assembly should:

- (1) include in its agenda the complaint of the People's Republic of China against the flights of United States military aircraft over Chinese territory and the strafing and bombing which had caused casualties and property damage;
- (2) invite the representatives of the People's Republic of China to state their case and participate in the discussion;
- (3) recommend that the Security Council should take effective measures to condemn the aggressive crimes of the United States and bring about promptly the withdrawal of the United States forces in Korea, so that peace in the Far East and the world might be restored.

In a letter (S/1813) dated 26 September, the United States informed the Security Council that a report from the United States Air Force indicated that one of its planes in the service of the United Nations might inadvertently have violated Chinese territory and dropped bombs in the vicinity of Antung on 22 September. The United States deeply regretted any violations of Chinese territory and any damage which might have occurred. It remained willing to assume responsibility and pay compensation through the United Nations for any damages which an impartial investigation on the spot might show to have been caused by United States planes.

By a letter (A/1416) dated 29 September, addressed to the President of the General Assembly, the USSR expressed its support for the request of the Central People's Government of the People's Republic of China, contained in the telegram of 24 September. The USSR requested that a meeting of the General Committee of the General Assembly be convened to consider the question of the inclusion in the agenda of the fifth regular session of the Assembly of the above-

mentioned proposal of the Central People's Government of the People's Republic of China. An explanatory note (A/1419), submitted by the USSR, followed this request.

In a cablegram (A/1410) dated 27 September, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China charged that, on 21 September, a Chinese merchant ship on the high seas had been fired at by a United States destroyer, obliged to stop and forcibly inspected. He requested that this complaint should be included in the agenda of the General Assembly, together with the charges contained in the cablegram (A/1415), dated 24 September.

At the 71st meeting of the General Committee on 5 October, the USSR agreed itself to propose the inclusion of an item based on the requests contained in the telegrams referred to (A/1415 & A/1410). It was decided at that meeting to recommend the inclusion of an item in the agenda under the heading: "Complaint by the USSR regarding the violation of Chinese air space by the air force of the United States and the machine-gunning and bombing of Chinese territory by that air force and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States".

The General Assembly, by 43 votes to 1, with 2 abstentions, approved this recommendation at its 294th plenary meeting on 7 October, and referred the item to the Ad Hoc Political Committee. At its 313th plenary meeting on 1 December, the General Assembly decided to transfer the item from the Ad Hoc Political Committee to the First Committee.

No further action was taken on this item during 1950.⁷²

8. Complaint of Armed Invasion of Taiwan (Formosa)

a. CONSIDERATION BY THE SECURITY COUNCIL

In a cablegram dated 24 August 1950 (S/1715), addressed to the President of the Security Council, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China stated that, on 27 June, President Truman had announced the deci-

⁷¹ See p. 283.

⁷² The First Committee of the General Assembly discussed this item in Feb. 1951.

sion of the United States Government to prevent by armed force the liberation of Taiwan by the Chinese People's Liberation Army. The United States Seventh Fleet had moved toward the Strait of Taiwan and contingents of the United States Air Force had arrived in Taiwan. This action was a direct armed aggression on the territory of China and a total violation of the Charter. The fact that Taiwan was an integral part of China was based on history and confirmed by the situation existing since the surrender of Japan. It was also stipulated in the Cairo Declaration of 1943 and the Potsdam communiqué of 1945 which the United States had pledged itself to observe. The Central People's Government of the People's Republic of China considered that, to maintain international peace and security and to uphold the dignity of the Charter, it was the duty of the Security Council to condemn the United States Government for its armed invasion of the territory of China and to take immediate measures to bring about the complete withdrawal of all the United States invading forces from Taiwan and from other territories belonging to China.

In a letter dated 25 August (S/1716), the representative of the United States replied that President Truman's statements of 27 June and 19 July, and the facts to which they related, made it clear that the United States had not encroached on the territory of China nor taken aggressive action against that country. The United States action in regard to Formosa had been taken at a time when the island was the scene of conflict with the mainland and more serious conflict was threatened by the public declaration of the Chinese communist authorities. Such conflict would have threatened the security of the United Nations forces operating in Korea under the mandate of the Security Council to repel the aggression on the Republic of Korea. The United States action was an impartial, neutralizing action, addressed both to the forces on Formosa and to those on the mainland. It was designed to keep the peace and was not inspired by any desire to acquire a special position. It had been expressly stated to be without prejudice to the future political settlement of the status of Formosa. Like other territory taken from Japan by the victory of the Allied Forces, its legal status could not be fixed until there was international action to determine its future. The Chinese Government had been asked by the Allies to take the surrender of the Japanese forces on the island, and that was the reason the Chinese were there. The United States would welcome United Nations consideration of the case of Formosa,

and would approve full United Nations investigation at Headquarters or on the spot.

The item was included in the provisional agenda of the 492nd meeting of the Security Council on 29 August, under the title "Statement of the Central People's Government of the People's Republic of China, concerning armed invasion of the territory of China by the Government of the United States of America and concerning violation of the Charter of the United Nations".

The representative of the United States said that he would vote for the inclusion of the item in the agenda if it were amended to read "Complaint regarding Formosa". The representative of China considered that when a question was placed on the agenda of the Security Council, there must be at least some *prima facie* case. His Government, he asserted, was in effective control of Taiwan, but it knew of no aggression by the United States and had no complaint to make. The United States, it was stated, had made no territorial demand or demands for economic concessions or for political privileges on Taiwan.

He felt that the question had been raised to divert attention of the world from the real aggressors. He quoted from official statements of the Central People's Government of the People's Republic of China and analysed post-war developments to indicate its character. He maintained that it had resulted from a rebellion against the legal central Government of China and had reached its present status through the interference of the USSR. The representative of China objected to the inclusion of the item in the agenda and submitted that the Council should study the preliminary question of the real origin and character of the Peking régime, and whether its complaint was worthy of consideration.

The representative of the United Kingdom stated that the complaint had been made by a Government which was in physical control of by far the greater part of China. Further, the United States Government had stated that it would welcome United Nations consideration of the case of Formosa. Accordingly, he would agree to the inclusion of the item in the agenda, as rephrased by the United States representative.

Analysing the reply (S/1716) of the United States, the representative of the USSR stated that the Council was not faced with the question of Formosa. The fate of that island, he said, had been decided in accordance with the Cairo Declaration, the Potsdam decisions and the act of surrender of Japan, which had returned the island to China as an integral and inalienable part of its territory.

The question before the Council was of a different nature. As could be seen from the cablegram (S/1715) from the Foreign Minister of the Central People's Republic of China, the United States Government had violated one of the basic provisions of the Charter and had committed a direct act of armed aggression against China, by virtually occupying the island of Taiwan with its naval and air forces. Disregarding the fact that, in accordance with international instruments, that territory belonged to China, the United States Government had decided to invade the island and to declare that the armed forces and authorities of the lawful Government of China, namely that of the People's Republic of China, should be denied access to the island. Thus, he maintained, the Council was concerned not with the question of Formosa, but with an act of aggression committed by the United States Government against an integral part of China. If that item were worded differently on the Council's agenda, it would lose its meaning.

The representative of India supported the inclusion of the item in the agenda and suggested that it be redrafted to read "Complaint of armed invasion of Taiwan (Formosa)".

The Council decided to include in its agenda the item as rephrased by the representative of India by 7 votes to 2 (China, Cuba), with 1 abstention (Egypt) and one member (Yugoslavia) not participating.

One vote (USSR) was cast in favour of including the item in the form in which it had appeared in the provisional agenda.

Subsequently, at the 493rd meeting on 31 August, the representative of Cuba stated that he had voted against the inclusion of the item in the agenda since there was no dispute or controversy involved which might lead to international friction, or still less to an act of aggression. The Cuban delegation, he stated, was aware that the complaint was simply a propaganda manoeuvre to bring the representative of communist China into the Security Council.

At the 492nd meeting of the Council on 29 August, the representative of the USSR proposed the following draft resolution (S/1732):

The Security Council,

In connexion with the statement of the Central People's Government of the People's Republic of China regarding armed invasion of the Island of Taiwan (Formosa),

Decides:

To invite a representative of the Central People's Government of the People's Republic of China to attend meetings of the Security Council.

The representative of the United Kingdom proposed that the USSR draft resolution be amended by adding the following words at the end: "when the abovementioned matter is under discussion". The USSR draft resolution, as amended by the representative of the United Kingdom, was rejected by 4 votes in favour, 4 against (China, Cuba, Ecuador, United States) and 3 abstentions (Egypt, France, United Kingdom).

On 2 September, the representative of the USSR submitted a draft resolution (S/1757), proposing that the Security Council, considering the statement of the Central People's Republic of China on the item, should (i) condemn the action of the United States as an act of aggression and as intervention in the internal affairs of China; (ii) propose to the Government of the United States that it immediately withdraw all its air, sea and land forces from the island of Taiwan and from other territories belonging to China.

In a cablegram dated 17 September (S/1795), the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China stated that, as the sole legal government representing the Chinese people, and being the accuser in the case, his Government had the right and necessity to send its delegation to attend and participate in the proceedings of the Security Council. He stated that, if the Council should proceed with this agenda item without the attendance and participation of the representative of his Government, its resolutions would be illegal, null and void.

At its 503rd to 506th meetings, from 26 to 29 September, the Council further discussed the question of inviting a representative of the People's Republic of China during the discussion of the item relating to Taiwan. The following views were expressed:

The representative of China noted that, at the request of the USSR, the General Assembly had included in its agenda an item entitled "Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States" (see below). A study of the explanatory memorandum (A/1382), submitted in support of the item, showed that it included the so-called invasion of Taiwan by the United States. In view of the provisions of Articles 10 and 12 of the Charter, relating to simultaneous proceedings in the Assembly and the Council, he moved that the Council should cease consideration of this item during its consideration by the Assembly.

The representative of Ecuador submitted an amendment (S/1817/Rev.1) to the Chinese motion. The amendment noted, *inter alia*:

- (i) that without prejudice to the question of the representation of China the Council might invite representatives of the Central People's Government of the People's Republic of China, under rule 39 of the Council's rules of procedure;
- (ii) that a USSR complaint regarding United States aggression against the territory of China had been placed on the agenda of the General Assembly.

The operative part of the amendment provided that the Council should

- (a) defer consideration of the question until its first meeting held after 1 December 1950;
- (b) invite a representative of the Central People's Government of the People's Republic of China to attend the meetings of the Council held after 1 December during the discussion of that Government's declaration (S/1715) regarding an armed invasion of the Island of Taiwan.

After discussion the representative of Ecuador accepted a suggestion of the representative of the United Kingdom that the date in the operative part of the proposal should be changed to 15 November.

The representative of the USSR maintained that in accordance with Article 32 of the Charter, the Council should invite both of the parties to an international conflict which might develop into a threat to international peace and security. He also referred to the Council's established practice to invite representatives of both sides as in the consideration of the Indonesian, Palestine and Kashmir questions.

The representative of Ecuador stated that the Council should give a broad and favourable interpretation to the Charter and the rules of procedure, so that it might consider complaints on the subject relating to international peace and security, even if the complainants are only *de jacto* Governments. He believed, however, that there was no need for the Council to discuss the question while it was before the General Assembly. He assumed that by 1 December, the Committee which was considering the item would be able to submit its views. At the same time, he said, he could not agree that the matter should be withdrawn from the Council's agenda, or that it would be fair for the Council when it came to consider the question of Formosa, to refuse to hear representatives of the Central People's Government of China.

The representative of the United Kingdom considered that Article 32 of the Charter was inapplicable, but felt that the invitation should be issued under rule 39 of the Council's rules of procedure. The representative of China considered

that rule 39 was not applicable either, since his own Government was in effective control of Taiwan, and he claimed that it was the only authority in a position to supply the Council with information it might desire about Taiwan. His Government, he stated, knew of no aggression by the United States and had no complaint to make. The United States Seventh Fleet was present with his Government's consent and, apart from the Seventh Fleet, there were no United States military forces in Taiwan.

The representative of the United States referred to the possibility of the establishment of a representative Commission, which would have broad powers of investigation and would hear all interested parties. He considered that this would be an effective method of evaluating the charges. After the facts had been established, the question of an invitation under rule 39 could be considered by the Council before action is taken. The United States delegation, he said, opposed an invitation at an earlier stage because a debate on the merits of the question, with a representative of the Peking régime seated, would lead to the use of the Council as a propaganda forum.

He suggested that the Ecuadorean proposal deferring the Council's consideration of the item should have priority in voting over the USSR draft resolution.

On 28 September, at its 505th meeting, the Council rejected a motion that the Ecuadorean proposal should have priority over the USSR draft resolution inviting the representative of the People's Republic of China.

At the same meeting, the Council rejected by 6 votes to 2 (China, Cuba), with 3 abstentions (Ecuador, France, United States), the Chinese motion that it should cease consideration of the item relating to Taiwan during its consideration by the Assembly.

The USSR draft resolution (S/1732), as amended by the representative of the United Kingdom, was rejected by 6 votes to 3 (Cuba, China, United States), with 2 abstentions (Ecuador, Egypt).

The Council then voted on the Ecuadorean amendment (S/1817/Rev.1). The operative part of the amendment deferring consideration of the question and inviting a representative of the Central People's Government of China after 1 December received 6 votes in favour, 4 against (China, Cuba, Egypt, United States), with 1 abstention (Yugoslavia). The representative of Yugoslavia stated that he had abstained from voting on the operative part because he was not convinced that

the invitation should be delayed for one month and a half. However, in view of the result of the voting and since he did not see a better way of expressing his desire that the Government of the People's Republic of China should be invited, he wished to change his vote and to vote in favour of the operative part.

The Council took no decision on the question as to whether a change of vote by the representative of Yugoslavia was in order.

On 29 September, at the 506th meeting, the representative of Ecuador reintroduced his proposal as a new draft resolution (S/1823/Corr.1).

The first four paragraphs of the preamble were adopted and the fifth paragraph⁷³ was rejected: 7 votes were cast in favour of the operative part, and 4 against (China, Cuba, Egypt, United States). Finally the Council voted on the new Ecuadorean draft resolution as a whole (with the omission of the fifth paragraph of the preamble). There were 7 votes in favour and 3 against (China, Cuba, United States), with 1 abstention (Egypt).

The President stated that, in his opinion, the resolution had been adopted. The text of the resolution follows:

The Security Council,

Considering that it is its duty to investigate any situation likely to lead to international friction or to give rise to a dispute in order to determine whether the continuance of such dispute or situation may endanger international peace and security, and likewise to determine the existence of any threat to peace;

That, in the event of a complaint regarding situations or facts similar to those mentioned above, the Council may hear the complainants;

That, in view of the divergency of opinion in the Council regarding the representation of China and without prejudice to this question, it may in accordance with rule 39 of the rules of procedure, invite representatives of the Central People's Government of the People's Republic of China to provide it with information or assist it in the consideration of these matters;

Having noted the declaration of the People's Republic of China regarding the armed invasion of the Island of Taiwan (Formosa); and

Decides

(a) To defer consideration of this question until the first meeting of the Council held after 15 November 1950;

(b) To invite a representative of the said Government to attend the meetings of the Security Council held after 15 November 1950 during the discussion of that Government's declaration regarding an armed invasion of the Island of Taiwan (Formosa).

(1) Discussion of the Legal Effect of the Vote on the Ecuadorean Draft Resolution

The representative of China considered that paragraph (b) of the operative part of the Ecuadorean draft resolution was a question of sub-

stance and that his vote against the draft resolution should be considered as a veto. He said that it was for the very contingency of a difference of opinion on this question that the statement made by the delegations of the four sponsoring Powers of the San Francisco Conference on 7 June 1945 had provided for a preliminary vote on the issue whether a question was one of substance or of procedure. This preliminary vote must have the concurring votes of the five permanent members.

After the issues raised by this statement had been discussed at two meetings both held on 29 September, the President asked the Council to vote on the question that the Ecuadorean draft resolution which had been voted upon should be regarded as procedural. Nine votes were cast in the affirmative, one in the negative (China), and there was one abstention (Cuba). The President stated that the proposal that the Ecuadorean draft resolution should be regarded as procedural had been adopted.

The representative of China argued that the vote was regulated by the following provision in the San Francisco Four-Power Declaration: "The decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members". Since the vote just taken had not had the concurring vote of his delegation, the proposal that the matter was procedural had not been adopted. The President replied that a vote which was regarded as procedural by nine members of the Security Council had been pronounced as substantive by one of the permanent members. He considered that, if this situation were allowed to stand, a very grave precedent would have been created, which might impede the whole functioning of the United Nations in the future. Consequently, he ruled that, notwithstanding the objection of the representative of China, the Council's vote on the Ecuadorean draft resolution was procedural.

The representative of China considered that the President's ruling was arbitrary and ultra vires. He suggested that the International Court of Justice should be asked for an advisory opinion on the following question: "In view of the statement of

⁷³ The fifth paragraph of the draft resolution stated: "Considering further that a complaint submitted by the Union of Soviet Socialist Republics regarding aggression against the territory of China by the United States of America has been placed on the agenda of the fifth session of the General Assembly and has been referred for consideration to the First Committee of the Assembly."

1 June 1945 by the delegations of four sponsoring Governments on voting procedure in the Security Council, and in view of the precedents of the Council, is the claim of the representative of China to veto paragraph (b) of the operative part of the proposal of Ecuador of 29 September 1950 justified?"

The President said that, since his ruling had been challenged, he would put it to the vote. The representative of China replied that it was well known that a matter of this kind was not subject to a presidential ruling. The President then put the challenge to his ruling to the vote. No votes were cast in favour of the challenge and none against, and there were no abstentions. The President said that, since there was no vote in favour of overruling his decision, it stood. The representative of China stated that he had not chosen to participate in a vote which was in itself illegal. He wished to have it recorded that the President's action was arbitrary and that the decisions he had arrived at were illegal and therefore invalid.

By a cablegram dated 2 October, the Secretary-General informed the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China that, on 29 September, the Security Council had decided to invite a representative of that Government to attend meetings of the Security Council held after 15 November during discussion of the complaint of armed invasion of Taiwan (Formosa).

The Central People's Government of the People's Republic of China, in a cablegram dated 23 October, accepted the invitation decided upon by the Council on 29 September. On 27 November the Council decided to consider together the two items "Complaint of armed invasion of Taiwan (Formosa)" and "Complaint of aggression on the Republic of Korea".⁷⁴ On the same day, a representative of the People's Republic of China took his seat at the Council table.

(2) Statements by Representatives

At the 526th meeting on 28 November, a USSR proposal that the floor be given first to the representative of the People's Republic of China was rejected by 7 votes to 1 (USSR), with 2 abstentions (India, Yugoslavia). After the representative of the United States had made a statement,⁷⁵ the representative of the Central People's Government of the People's Republic of China stressed that he was present at the Council table in the name of the 475,000,000 people of China to charge the Government of the United States with the unlawful and criminal act of armed aggression

against the territory of China, Taiwan, including the Penghu Islands. The charge of aggression against Taiwan should have been lodged by a representative on the Security Council of the Central People's Government of the People's Republic of China, as a permanent member of the Council. In this connexion, he protested against the United Nations not having seated such a representative. So long as the Organization persisted in denying admittance to a permanent member representing 475,000,000 people, it could not make lawful decisions on any major issues or solve any major problems, particularly those which concerned Asia. Accordingly, he demanded the expulsion of the delegates of the Kuomintang reactionary clique from the United Nations and the admission of the lawful delegates of the People's Republic of China.

The Central People's Government of the People's Republic of China, in a statement issued on 28 June 1950, had pointed out that the statement by President Truman on 27 June, together with the actions of the United States armed forces, constituted armed aggression against Chinese territory and a gross violation of the Charter.

Taiwan was an integral part of China, as was clearly reflected in the Cairo Declaration and in the Potsdam Declaration signed jointly by China, the United States of America and the United Kingdom, and subsequently adhered to by the USSR. On 2 September 1945, Japan had signed the Instrument of Surrender, the first article of which explicitly provided that Japan accepted the provisions set forth in the Potsdam Declaration. When the Chinese Government had accepted the surrender of the Japanese armed forces in Taiwan and exercised sovereignty over the island, Taiwan had become, not only *de jure* but also *de facto*, an inalienable part of Chinese territory. For this reason, during the five post-war years until 27 June 1950, no one had ever questioned the fact that Taiwan was an inseparable part of Chinese territory, *de jure* and *de facto*. President Truman himself had, on 5 January 1950, admitted that Taiwan was Chinese territory. Yet, the United States Government had had the audacity to declare its decision to use armed force to prevent the liberation of Taiwan by the People's Republic of China, and to dispatch its armed forces in a large-scale open invasion of Taiwan.

Later, President Truman had sent General MacArthur, Commander-in-Chief of the United States Armed Forces in the Far East, to Taiwan to confer

⁷⁴ See p. 241.

⁷⁵ For the statement, see pp. 241-42.

with Chiang Kai-shek on concrete measures for using Taiwan as a base from which to wage war against the Chinese people.

The attempt of the United States Government to justify its invasion and occupation of Taiwan by pretending that the status of the island was not yet determined was groundless. History itself and the situation during the last five years following Japan's surrender, had long determined the status of Taiwan as an integral part of China. Moreover, under Article 107 of the Charter, the United Nations had no right whatsoever to alter that status, the less so since the question did not exist.

The armed invasion of Taiwan was the inevitable consequence of the United States Government's policy of intervention in China's internal affairs. During the period following Japan's surrender, the United States Government and the Chiang Kai-shek Kuomintang régime had signed all kinds of unequal treaties and agreements which reduced China to the status of a colony and military base of the United States. After Japan's surrender and following the victory of the Chinese People's Liberation Army on the mainland, the United States Government had intensified its activities with regard to Taiwan with the aim of putting it under American control and converting it into a military base. That Government had also intensified its support for the Chiang Kai-shek régime and had continued through that régime to try to prevent the island's liberation so that it might remain under American domination. This was not an isolated affair, but part of the over-all plan of the United States Government to intensify its aggression, and its control and enslavement of Asian countries, which had been going on for the last five years.

In conclusion the representative of the People's Republic of China submitted a draft resolution (S/1921) calling upon the Council:

(1) to recognize that the invasion and occupation of Taiwan by the armed forces of the United States constituted open and direct aggression against Chinese territory, and that the armed aggression against Chinese territory and the armed intervention in Korea by the armed forces of the United States had shattered peace and security in Asia and violated the United Nations Charter and international agreement;

(2) to condemn the Government of the United States for those acts;

(3) to demand the complete withdrawal by the Government of the United States of its forces of armed aggression from Taiwan, in order that peace and security in the Pacific and in Asia might be ensured;

(4) to demand the withdrawal from Korea of the armed forces of the United States and all other countries and leave the people of North and South Korea to settle

the domestic affairs of Korea themselves, so that a peaceful solution of the Korean question might be achieved.

The representative of China rejected all assertions of American imperialist activities in China and emphasized that the United States Government had not requested any base or privilege in Taiwan. The United States Seventh Fleet had been sent to the Strait of Taiwan with the consent of his Government which, he stated, was the only legitimate Government of China. The statement of the representative of the People's Republic of China, he said, gave a completely distorted account of American activities with regard to China and of the actions of the United Nations with regard to Korea. The resolutions of the Security Council, he said, showed that any idea of using Korea as a base of aggression against China was totally foreign to the thought of the United Nations.

The representative of the USSR stated that the cablegram of the Minister of Foreign Affairs of the People's Republic of China, dated 24 August, and the statement of the representative of that Republic showed quite clearly that the United States Government had committed an act of aggression against China by invading Taiwan, which was its territory.

With regard to the status of Taiwan, the representative of the USSR associated himself with the arguments submitted by the representative of the People's Republic of China to the effect that this question could not again be made a subject of discussion since it had been decided upon by international agreements during the war, and in particular by the Declarations of Cairo and Potsdam and the Japanese Instrument of Surrender. The attempts of the United States, he said, to bring the question before the United Nations were clearly aimed at changing the legal status of the island through the agency of the United Nations and thereby to conceal United States aggression against China. The question, he emphasized, was not that of the status of Taiwan, but of armed aggression against China and the invasion of the Chinese island of Taiwan by the United States. He said that the Security Council and the United Nations were in honour bound to protect the victim of aggression and to take appropriate action against the aggressor.

The representative of the United Kingdom stated that the representative of the People's Republic of China had completely failed to substantiate any accusation that the island was being converted into a United States base, or that the United States was in control of it. The disposal of the island like that of other territories formerly be-

longing to Japan, still remained, he said, a matter of international concern. Any attempt to settle the question by armed force and in the absence of any generally recognized legal decision, must have international repercussions and was, therefore, not acceptable.

The draft resolution submitted by the USSR on 2 September (S/1757) was rejected by 9 votes to 1 (USSR), with 1 member (India) not participating.

The draft resolution submitted by the representative of the People's Republic of China, and sponsored by the USSR (S/1921) was rejected by 9 votes to 1 (USSR), with 1 member (India) not participating.

b. CONSIDERATION BY THE GENERAL ASSEMBLY

By a letter (A/1375) dated 20 September 1950, the USSR proposed that the question of American aggression against China should be included in the agenda of the fifth session of the General Assembly. In an explanatory note (A/1382), dated 21 September, the USSR recalled that, on 27 June 1950, the President of the United States had officially stated that he had issued orders to the United States armed forces concerning operations in connexion with Taiwan (Formosa).⁷⁶ This order had been followed immediately by the blockade of Taiwan by the United States Navy and the invasion of Taiwan by United States armed forces. These actions, the note stated, represented gross interference in the internal affairs of China, a direct encroachment on its territorial integrity and political independence, and a direct act of aggression against the People's Republic of China. They had been followed by the bombing and machine-gunning of Chinese territory in the area of the Manchurian-Korean frontier by the United States Air Force, causing loss of life and damage to buildings and installations. These acts constituted a serious threat to international peace and security and called for immediate action by the United Nations.

Upon the recommendation of its General Committee, the General Assembly, at its 285th plenary meeting on 26 September, included the item in its agenda under the title "Complaint by the USSR regarding aggression against China by the United States" and referred it to the First Committee, which considered it during 1950 at its 405th to 409th meetings, on 24 and 27 November and 7 December.

In a cablegram (A/C.1/590) dated 17 October 1950, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China claimed that, as the sole legal government representing the Chinese people, his Government had the right and necessity to send a delegation to attend and participate in the proceedings of the fifth session of the General Assembly. If the General Assembly should proceed with this particular agenda item without the attendance and participation of the representative of the People's Republic of China, its resolutions would be illegal, null and void.

At the 399th meeting of the First Committee on 15 November, during a discussion on the priority to be assigned to the consideration of items that yet remained on its agenda, the USSR introduced a draft resolution (A/C.1/630), proposing that the First Committee invite the representative of the Central People's Government of the People's Republic of China to participate in the discussion of this item.

The representative of Chile, at the Committee's 405th meeting on 24 November, pointed out that the Minister for Foreign Affairs of the People's Republic of China had based his application on his claim to speak for the only legitimate Government of China, and the USSR draft resolution had, in turn, been based on the request of the People's Republic of China. In order to clarify the point, he submitted an amendment (A/C.1/635) to replace the operative part of the USSR draft resolution. The Chilean amendment proposed that the representative of the People's Republic of China should be invited to present his views and provide such information as the Committee might request during its discussion of the item, and stated that the invitation in no way prejudged the merits of the question under discussion or affected the present status of Chinese representation in the United Nations. Upon further clarification by the representative of the USSR, the representative of Chile agreed to withdraw the amendment if the USSR were agreeable to the addition to its proposal of a provision in the sense of the Chilean amendment. The proposed addition was not accepted by the USSR and the Chilean amendment was therefore put to the vote at the 406th meeting on 24 November. It was rejected by 17 votes to 9, with 33 abstentions. The USSR draft resolution (A/C.1/630) was then put to the vote by roll call and was adopted by 30 votes to 8, with 22 abstentions.

⁷⁶ See p. 223.

Further discussion of the item was postponed for two days to enable the Secretary-General to communicate the text of the Committee's resolution to the Government of the People's Republic of China. The Minister for Foreign Affairs of that Government replied by cablegram (A/C.1/636) on 26 November, appointing a representative to participate in the discussion of the item in the First Committee. At the Committee's 407th meeting on 27 November, the Chairman invited the representative of the Central People's Government of the People's Republic of China to the Committee table.

The representative of the USSR, at that meeting, listed the illegal acts which he stated the United States had committed against the Chinese people and their Government. In execution of President Truman's orders announced on 27 June, the United States naval forces, he said, had blockaded Taiwan and patrolled the Strait so that Taiwan's ports could be used as United States naval bases. It had subsequently been reported in the Press that some detachments of the United States Air Force had been moved to Taiwan and a group of General MacArthur's staff officers had been established as military observers. By these actions, the United States had violated the Cairo and Potsdam Declarations, under which Taiwan would be restored to China. It had also violated the principles of international law and the United Nations Charter, in particular Article 2, paragraph 4, choosing to replace the principle of the territorial integrity of States by the use of armed force in international relations. In August 1950, General MacArthur had gone to Taiwan and had announced that he had reached an agreement with Generalissimo Chiang Kai-shek on the defence of the island. The speeches of various political leaders and other evidence showed that United States aggression had the far-reaching objectives of preventing the ejection of the Kuomintang from its last refuge and of keeping Taiwan as a United States base in the Far East. Furthermore, these American plans relating to Taiwan had been made long before the events in Korea.

The representative of the USSR then gave examples of the complete economic control of the island by United States monopolies. He stated that it was clear from the documents and evidence available that the United States had decided upon aggression against China in accordance with its policy of supporting the Kuomintang, in order to secure Taiwan as a strategic base and take possession of its resources. He referred also to the re-

peated United States violations of Chinese air space near the Manchurian border and, after a review of the history of relations between the United States and China, concluded that United States policy in the nineteenth and twentieth centuries had, in fact, been designed to ensure the domination of China by American monopolies, with the help of reactionary Chinese elements.

He maintained, first, that the United States had invaded Taiwan with armed forces, although that island was an integral part of Chinese territory; secondly, that the United States had blockaded the shores of Taiwan with its navy so as to deny access to that island to the armed forces and authorities of the legitimate Government of the People's Republic of China, thereby jeopardizing the territorial integrity of China; and thirdly, that United States armed intervention in the internal affairs of China had been accompanied by the threat of the use of armed force against the only legitimate Chinese Government, in gross violation of the sovereignty and political independence of China.

The representative of the USSR then submitted a draft resolution (A/C.1/637):

(1) noting, *inter alia*, the facts of the infringement of Chinese territorial integrity and the inviolability of its frontiers by naval and air units of the United States, as witnessed by (a) the invasion by United States armed forces of the Island of Taiwan and the consequent intervention by the United States in the domestic affairs of China, and (b) the blockade of the coast of Taiwan by the United States Seventh Fleet for the hostile purpose of barring the island to the armed forces and authorities of the People's Republic of China;

(2) asking the General Assembly to request the Security Council to take the necessary steps to ensure the immediate cessation of aggression against China by the United States.

The representative of the United States said that he would answer the USSR statement more fully at a later date, after he had occasion to study more carefully that statement and the allegations it contained. Making a preliminary answer, he declared that the USSR was trying to kill the historic friendship between the peoples of China and of the United States, and was using every means to try to bring the Chinese people to hate and even to fight the United States. Throughout history, the United States, he remarked, had acted as a friend of China and had sought to preserve its political and territorial integrity.

In anticipation of the first allegation that the United States had invaded Formosa with its armed forces, the representative of the United States declared that he had requested by cable the precise figures of the United States military personnel on that island. The United States authorities on For-

mosa had replied that there was a total of 44 persons, nineteen of whom were military attaches at the United States diplomatic missions, one was a warrant officer and 24 were enlisted men. Thus, the total invasion force on Formosa of 44 persons was a figure which corresponded closely to the total number of the Soviet Union's military attaches and aides in Washington.

The second allegation that the United States had blockaded Formosa, he said, was totally incorrect. The precise instructions given on 29 June by the United States Joint Chiefs of Staff to the Commander-in-Chief of the Far East Command had only instructed the latter to defend Formosa against invasion by Chinese communists and to prevent Formosa from being used as a base against the Chinese mainland. That was not a blockade, since commercial traffic was moving without any interference from the United States naval units.

On 27 June 1950, President Truman had stated that the occupation of Formosa by communist forces would constitute a direct threat to the security of the Pacific area, thus explaining the reason for the instructions given to the Commander-in-Chief in the Far East to prevent the outflanking of the United Nations forces in Korea. Moreover, it should be borne in mind, he explained, that Formosa was still of international interest as a former Japanese colony the status of which was still undecided. Considering the tremendous military efforts and the great sacrifices made by the United States in that area, it was only natural that the United States should have some voice in the determination of the future of Formosa.

The third point in the USSR indictment of the United States was that its aircraft had violated the Manchurian air in the prosecution of United Nations activities in Korea.⁷⁷ Possibly, the United States representative noted, those complaints should be directed against the United Nations rather than the United States, whose forces made up only a part of the allied air force in Korea. The United States, he indicated, was not in a position to verify alleged violations of the Manchurian air zone, since its pilots were unaware that they had committed them. The alleged bombings on Chinese territory were supposed to have occurred at points of bridge-crossings of the Yalu River bridges, through which the communist troops had poured across into North Korea in recent days.

The representative of the United States then cited historic acts of friendship on the part of the

United States for the people of China such as the "open door" policy, the remission of the Boxer indemnity to China, the nine-Power Treaty of Washington concerning China and the Kellogg doctrine of non-interference. He also recalled that the United States, in 1941, had risked a terrible war rather than recognize the Japanese puppet régime of Wang Ching-wei, which had been exercising *de facto* authority over most of the Chinese people. He cited names and figures of educational, religious and health institutions in China and called attention to the spontaneous friendly expression of individual Americans in contributing millions of dollars to China, to help the victims of such disasters as the North China famine of 1920, the great drought of 1928 and the Yangtse floods of 1927 and 1931.

History, the representative of the United States submitted, would never accuse the United States of having been motivated by anything other than a desire to serve what it honestly believed to be the welfare of the Chinese people. All decent and peace-loving people would condemn those who sought to replace that friendship, confidence and peace with hatred, fear and fighting.

At the Committee's 408th meeting on 7 December, the representative of France orally proposed that the Committee include in its agenda the item "Intervention of the Central People's Government of the People's Republic of China in Korea",⁷⁸ and begin immediately with its consideration. He recalled that the General Assembly, at its 319th plenary meeting on 6 December, had decided to place the item on its agenda and had instructed the First Committee to consider it.

The representative of France considered that the item related to an immense and immediate threat to the peace of the world. All the Members of the United Nations, he said, were directly affected by that item of the agenda, because they were jointly the guarantors of the Charter and because the intervention of Peking's forces in Korea was contrary to the Charter. The responsibility of the United Nations was involved because United Nations forces, which morally belonged to all the Member States, were in danger. He called upon the First Committee to consider that item as a matter of priority, in order to fulfil United Nations responsibilities with respect to the Charter, to Korea and to the men who had responded to the appeal of the Organization and who each day were dying in Korea.

⁷⁷ See pp. 286-87.

⁷⁸ See pp. 244-51.

The French proposal was opposed by the USSR representative, who insisted that the Committee continue the consideration of the Soviet complaint of United States aggression against China, the discussion of which had begun on 27 November. The problem on which it was proposed to postpone discussion, he said, was of no less urgency than any other. Any delay in the discussion of that problem, he argued, would constitute a flagrant and intolerable violation of the practice of the United Nations.

The French proposal was supported by the representatives of Australia, Bolivia, Brazil, Chile, Egypt, Greece, Lebanon, Nicaragua, Syria, Turkey, the United Kingdom and Uruguay, among others.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR associated themselves with the opposition to the French proposal expressed by the USSR representative.

The French proposal was adopted by the First Committee, at its 409th meeting on 7 December, by 42 votes to 5, with 4 abstentions. No further action during 1950 was taken on the USSR complaint regarding aggression against China by the United States.⁷⁹

c. ITEM PROPOSED BY THE UNITED STATES IN THE GENERAL ASSEMBLY

By a letter (A/1373) dated 20 September 1950, the United States requested that the question of Formosa should be included in the agenda of the fifth session of the General Assembly. In an explanatory note (A/1381), dated 21 September, the United States recalled the provisions of the Cairo Declaration of December 1943 and the Potsdam Declaration of July 1945. In the Cairo Declaration, the President of the United States, the British Prime Minister and the President of China stated that it was their purpose that Manchuria, Formosa and the Pescadores should be restored to the Republic of China, and that, in due course, Korea should become free and independent. In the Potsdam Declaration, defining the terms for Japanese surrender, the three Allied leaders declared that the terms of the Cairo Declaration should be carried out. The provisions of the Potsdam Declaration, the letter stated, were accepted by Japan at the time of its surrender, and the General Order of the Japanese Imperial Headquarters, issued pursuant to the terms of surrender, provided for the surrender of the Japanese forces in Formosa to Generalissimo Chiang Kai-shek.

The United States also recalled that, on 27 June 1950, President Truman had stated that the North Korean forces had defied the orders of the Security Council and that, in those circumstances, the occupation of Formosa by communist forces would be a direct threat to the security of the Pacific area and to United States forces. Accordingly, President Truman had ordered the United States Seventh Fleet to prevent any attack on Formosa and had called upon the Chinese Government on Formosa to cease all air and sea operations against the mainland. The President also stated that the determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan or consideration by the United Nations. The letter added that the United States Government had made it abundantly clear that the measures it had taken with respect to Formosa were without prejudice to its long-term political status and that the United States had no territorial ambitions and sought no special position or privilege with Formosa. The United States further believed that the future of Formosa should be settled by peaceful means, in accordance with the Charter. Finally, it was suggested that the General Assembly should study the general situation with respect to Formosa, with a view to formulating appropriate recommendations.

The question of whether or not this item should be included in the agenda of the fifth session of the General Assembly was considered by the General Committee at its 69th-71st meetings, held on 21 and 22 September and 5 October, and by the General Assembly, at its 249th plenary meeting on 7 October.

Representatives of China and the USSR in the General Committee and of China, Czechoslovakia and the USSR in the General Assembly opposed the inclusion of the item.

The representative of China stated that it was unprecedented in the United Nations for the Government of one Member State to question the right of another State to its territorial possessions. In so doing, the United States delegation had taken a very grave step. In accordance with the principles laid down by the Charter, the Cairo Declaration and the Potsdam Declaration, the Chinese delegation, he asserted, felt that it was beyond the competence of the General Assembly to consider the proposed item. He went on to state that so long as Formosa stood, the communist conquest of the mainland of China could not be

⁷⁹ The First Committee resumed consideration of this item at its 439th meeting, on 2 Feb. 1951.

completed or consolidated. The island was therefore the bastion of freedom in the whole Far East. It would be dangerous if the General Assembly or any delegation should do anything to undermine this bastion of freedom. Discussion of the question of Formosa in the General Assembly would create uncertainty and spread confusion. Such discussion, he added, would call into question the status of the island, and that was not in harmony with the principles of the Charter; for the basic and primary aim of the United Nations was to have regard for the political independence and territorial integrity of its Member States.

The representative of the USSR, supported by Czechoslovakia, opposed the inclusion of the item in the agenda on the ground that the Cairo Declaration had unreservedly recognized that Taiwan (Formosa) and the Pescadores belonged to China. The Potsdam Declaration had confirmed those provisions, and the order for the surrender of the Japanese forces had provided that the Chinese Command should accept the surrender of Japanese troops on Taiwan on the legal ground that Taiwan was an inalienable part of Chinese territory. A peace treaty with Japan would merely endorse an international act, which had already been completed and could not be reviewed, by which Taiwan had been handed over to China. Discussion by the United Nations of the question of Formosa, they said, would be contrary to Article 107 of the Charter and would also constitute an intervention in the internal affairs of China, in violation of Article 2, paragraph 7. The principal reason why the United States delegation had raised the question of Formosa, they argued, was that there had been a change of political régime in China and the United States intended to transform Formosa into a strategic base.

Representatives of Australia and the United States, in the General Committee, and of El Salvador and the United States, in the General Assembly, spoke in favour of including the item in the Assembly's agenda. It was argued that the very fact that the item was clearly a cause of dispute warranted its inclusion in the agenda as a matter of international concern. It was considered that the settlement of the question of Formosa had become necessary in the interests of the maintenance of international peace and security in general, and the settlement of the Korean question in particular. It was also argued that the wishes of the inhabitants of Formosa should be taken into consideration when any future decision was made. The representative of Australia pointed out that

it had not been a party to the Cairo Declaration and did not recognize the competence of the great Powers to decide the future of any part of the world without consulting their wartime allies. The argument that it was unprecedented for one Member State to question the territorial possessions of another, he said, would be valid only if all countries recognized the Cairo Declaration as legally binding. Those supporting the inclusion of the item in the Assembly's agenda also pointed out that an appeal to Article 2, paragraph 7, of the Charter was invalid, because Article 14 placed within the competence of the General Assembly measures for the peaceful adjustment of any situation, regardless of origin. Article 107 was irrelevant, since it came merely under the heading of "Transitional Security Arrangements".

The General Committee, at its 71st meeting on 5 October, decided by 10 votes to 3 to recommend that this item be included in the agenda. It unanimously decided to recommend that the item be allocated to the First Committee. The recommendations of the General Committee were adopted by 42 votes to 7, with 8 abstentions, by the General Assembly at its 294th meeting on 7 October. The First Committee considered the item during 1950 at its 399th meeting on 15 November.

In a cablegram (A/C.1/590) dated 17 October, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China maintained that Taiwan was an inseparable part of the territory of China. This fact, he said, was based on history, confirmed by the situation since the surrender of Japan, and corroborated by the Cairo and Potsdam Declarations. He protested against the decision to include the item in the agenda and demanded that the General Assembly should cancel this illegal decision.

At its 399th meeting, the First Committee,⁸⁰ after discussing an oral proposal by the representative of the United States that consideration of the item should be deferred, decided, by 53 votes to none, with 5 abstentions, to postpone the discussion until after consideration of the items "Threats to the political independence and territorial integrity of China and the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of violations of the Charter of the United Nations"⁸¹ and "Complaint by the USSR regarding aggression against China by the United States".⁸²

⁸⁰ The First Committee continued discussion of this question in Feb. 1951.

⁸¹ See pp. 381-85.

⁸² See pp. 294-97.

9. Provision of a United Nations Ribbon for Personnel Participating in Korea in Defence of the Charter

On 2 October 1950, the Philippines requested that the following item be included in the agenda of the fifth session of the General Assembly: "Provision of a United Nations distinguishing ribbon or other insignia for personnel participating in Korea in the defence of the principles of the Charter of the United Nations."

The Philippines also proposed a draft resolution to authorize the Secretary-General to make the necessary arrangements for the award of such a ribbon or other insignia.

This item was considered by the General Committee of the General Assembly at its 71st meeting on 5 October. The representative of the USSR, in opposing the inclusion of the item in the agenda, declared that the resolutions on Korea which had been taken by the Security Council had no legal force, because they were taken by the Council in the absence of two of its permanent members—the USSR and China—and with the participation of a "representative of the Kuomintang group". He also stated that the troops which were fighting in Korea were the troops of single States and not an army of the United Nations.

The representative of the United Kingdom supported the inclusion of the item. He pointed out that his own country had troops in Korea, which, like those contributed by other States, were fighting and dying there only because they were obeying the recommendations of the United Nations. He said that he could not agree with the USSR representative's interpretation of the situation.

The General Committee decided, by 12 votes to 2, to recommend that the General Assembly include the above item in its agenda and unanimously decided to refer it to the Sixth Committee.

The General Assembly, at its 294th plenary meeting on 7 October, considered this recommendation. The representative of the Philippines spoke in support of his proposal. He maintained that it was proper for the soldiers of peace to be given a distinctive mark to distinguish them as such, that the need for such a distinctive mark was evident, and it would no doubt be welcomed by those serving under the United Nations flag.

The representatives of Czechoslovakia, Poland and the USSR protested against the inclusion of the item in the agenda on the following grounds:

(1) Decisions of the Security Council with respect to Korea were taken by six members of the Council and were therefore illegal. Consequently any action, resolution or recommendation based on the Security Council action must be considered illegal and invalid.

(2) The United Nations had no right to decorate anyone for any political conviction, that is to say, for convictions which were shared only by certain representatives and certain Governments and which were foreign and hostile to hundreds of millions of people. It had no right to give orders, medals or ribbons, a right belonging exclusively to States and Governments. Such a right by the United Nations was authorized neither "by the Charter, by the rules of procedure, by precedent nor by common sense".

(3) "The armies of aggression in Korea include persons, especially among the airmen, who have taken part in barbarous air raids against the civilian population, have bombed towns and villages and have machine-gunned the peaceful population, women and children. The decoration of such persons with any kind of ribbon would represent a cynicism bordering upon crime".

The Assembly adopted the General Committee's recommendation by 45 votes to 5, with 6 abstentions.

The Sixth Committee considered the question at its 274th meeting on 30 November.

The representative of the Philippines presented his Government's proposal. He stated that the institution of a decoration by the United Nations was within its competence in the same way as the decision it had already taken to have an official seal and a flag. The details, he considered, could be left to the Secretary-General.

The representatives of the Dominican Republic, Peru, Turkey, the United Kingdom, the United States and Uruguay supported the proposal. While supporting the Philippine proposal, the representatives of Belgium, France and the Union of South Africa expressed the view that, in addition to the military action in Korea, any person who, in any circumstance, manifested exceptional heroism in the cause of the United Nations or rendered outstanding service to it, deserved such a decoration.

Those in support of the proposal expressed, *inter alia*, the following view. The provision of a decoration would symbolize the courage and sacrifices of those who had served the United Nations in repelling aggression in Korea. The United Nations had the right to reward personnel in its service; the power to award decorations was a logical attribute of the international personality of the Organization, which was incontestably recognized by the Charter of the United Nations and by the International Court of Justice (in its advisory opinion on losses suffered by United Nations officials in the exercise of their duties). The awarding of decorations by Governments did

not in any way prevent the awarding of a decoration by the United Nations to all those who, regardless of their nationality, had answered the call of the United Nations and were defending the principles of the Charter in Korea. The proposed decoration would not be a reward in the strict sense of the word, but rather a symbol of the gratitude of the international community for services rendered and sacrifices made in the cause of the United Nations.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed the Philippine proposal, on the grounds that it was illegal and beyond the competence of the General Assembly. In support of their stand, they advanced, *inter alia*, the following arguments: The conflict in Korea was nothing more than a civil war. The United Nations intervention was therefore quite unwarranted, and the American and other troops merely constituted foreign interventionist units; they could never be considered as United Nations forces. Moreover, the right to award decorations belonged only to States and Governments; nowhere did the Charter of the United Nations provide for the possibility of awarding decorations. To award decorations to those who had participated in the intervention in Korea would be to reward those waging war on a foreign territory against those fighting on their own soil for their native land. The troops in Korea were not soldiers of the United Nations, for they had not been sent in accordance with Article 43 of the Charter (which states, among other things, that all Members of the United Nations undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces necessary for maintaining international peace). The Philippine draft resolution proposed to confer upon the Secretary-General powers far exceeding those conferred on him by the Charter. The United Nations was not a State, and the Secretary-General was not a head of State. It was therefore absurd to confer the powers of a head of State on him.

After a discussion had taken place on the question of whether the Philippine proposal was illegal and on the competence of the General Assembly to deal with it, the majority of the Sixth Committee agreed that the proposal could not be considered illegal and that the Assembly was competent to adopt the Philippine draft resolution. Invoking one of the rules of procedure of the General Assembly, the representative of Poland asked for a vote on the question of the

Assembly's or the Sixth Committee's competence to adopt the Philippine draft resolution. The Committee decided, by 32 votes to 5, with 3 abstentions, that the Assembly was competent.

At the request of the representative of the Philippines, the Committee took a vote by roll-call on the draft resolution before it. It was adopted by 32 votes to 5, with 4 abstentions.

The report of the Sixth Committee (A/1631) containing the text of the draft resolution recommended for adoption by the General Assembly was considered by the Assembly at its 320th plenary meeting on 12 December. The Assembly also had before it the report of the Fifth Committee (A/1664) on the financial implications of the draft resolution proposed by the Sixth Committee. This report expressed doubt regarding the position taken by the Secretary-General to the effect that no financial implications would result from the proposed resolution. It pointed out that a French proposal was approved, which stated that the situation would be adequately met "if appropriate reference to the Secretary-General's authority to use the Working Capital Fund for the purposes in question were included in the report submitted by the Fifth Committee on the budget estimates for 1951".

The draft resolution contained in the report of the Sixth Committee was adopted by 38 votes to 5, with 2 abstentions.

The representative of Czechoslovakia, Poland and the USSR declared that they had voted against the resolution because it was based on illegal resolutions of the Security Council, and because the intervention in Korea "was and is illegal". They stated that it was the armed forces of the United States and several other countries, and not the armed forces of the United Nations, which were taking part in the military operations in Korea. They argued that such participation "in the United States aggression against the Korean people is a flagrant violation of the principles of the Charter".

The representative of the United States explained that he had voted for the resolution because forces not only of the United States but of many other nations were fighting together in Korea under the United Nations flag to support the rule of law in the world. He declared that if peace were wanted in this world, it would be necessary to support and show appreciation of those who are willing to die in order to support the rule of law in the world. Without law, he argued, there could be no peace. He went on to

state that if "we want peace...let us show our willingness to support the law and the Charter of the United Nations".

The text of the resolution (483(V)) adopted is as follows:

The General Assembly,

Desiring to symbolize the valour and sacrifices of the men and women who have served on behalf of the United Nations in repelling aggression in Korea,

Recalling its resolution 92(I) on the official seal and

emblem of the United Nations, its resolution 167(II) on the United Nations flag, and the resolution of the Security Council of 7 July 1950 authorizing the Unified Command to use the United Nations flag,

Resolves that the Secretary-General be requested to make arrangements with the Unified Command, established pursuant to the Security Council resolution of 7 July 1950, for the design and award, under such regulations as the Secretary-General shall prescribe, of a distinguishing ribbon or other insignia for personnel which has participated in Korea in the defence of the Principles of the Charter of the United Nations.

C. THE INDONESIAN QUESTION

The year under review was of importance to the Indonesian question, which first came before the United Nations in 1947,^{82a} for it witnessed:

1. the first year of existence of the independent, sovereign Republic of Indonesia, first as a federated and subsequently as a unitary state;
2. the repatriation of the major portion of the Royal Netherlands forces from Indonesia;
3. the admission of Indonesia as the sixtieth Member of the United Nations.

On 27 December 1949, sovereignty was transferred to the Republic of the United States of Indonesia as a result of the agreements reached at the Round Table Conference at The Hague. In its Special Report of 10 November 1949 (S/1417), the United Nations Commission for Indonesia (UNCI) informed the Security Council of these agreements which, in a Covering Resolution, provided that the Commission or another United Nations agency should observe in Indonesia the implementation of the agreements concluded at The Hague.

As a result, the Commission's activities subsequent to the transfer of sovereignty were based on its general terms of reference under the Security Council's resolution of 28 January 1949 and on the pertinent section of the above-mentioned Covering Resolution. Following the Round Table Conference, the Commission returned to Indonesia shortly before the actual transfer of sovereignty, and it remained in the Republic throughout the period under review.

In general, the implementation of the Round Table Conference agreements did not necessitate the Commission's intervention since, in most cases, the parties settled their problems through direct discussions. Those problems with which the Commission was associated in one way or another arose

from the military and political provisions of the agreements, whereas with regard to those provisions dealing with financial, economic, social and cultural matters, the Commission was able to limit itself to taking note of the results achieved by the parties at the first and second sessions of the Conference of Ministers of the new Netherlands-Indonesian Union.

1. Military Affairs

The Round Table Conference agreements had specified among other matters that the Commission or its successor would be given the opportunity to co-operate in the repatriation of the Royal Netherlands Army from Indonesia. At the time of the transfer of sovereignty, there were in Indonesia some 80,000 troops of the Royal Netherlands Army (KL) and 65,000 troops of the Royal Netherlands Indonesian Army (KNIL), the latter composed mostly of soldiers of Indonesian origin. The Governments concerned were confronted with two main questions: the withdrawal of Netherlands troops from Indonesia; and the dissolution of the KNIL.

On 23 January 1950, a Contact Committee was established upon the Commission's initiative to facilitate the implementation of the United Nations' responsibilities as set forth in the Covering Resolution. This Contact Committee, comprising the Commission and representatives of the Indonesian and Netherlands Governments, established at its first meeting a Sub-Committee for Military Affairs, which on 6 February 1950 formalized a number of directives which the parties had

^{82a} See Y.U.N., 1947-48, pp. 362-87; 1948-49, pp. 212-37.

adopted. These directives referred in particular to (a) the transfer of territorial responsibility for law and order from Netherlands to Indonesian forces, (b) military and technical assistance by Netherlands land forces to the Indonesian forces, (c) the reorganization of land forces formed by, or under the authority of, the Netherlands Indonesian Government, (d) the transfer of KNIL installations, equipment and services and (e) the transfer of KNIL material and workshops in use by the Royal Netherlands Army.

Agreement was reached concerning the establishment of assembly areas (rayons) where Netherlands troops were to be gathered pending their withdrawal from Indonesia. In all, seventeen rayons were set up in various parts of Sumatra, Java, Madura, Riouw, Bangka and Billiton. It was also agreed that the location and area of the rayons would be reviewed each month in the light of the reduction in the number of troops under Netherlands command.

The Commission's military observers were requested to observe the implementation of these agreements and regulations. The military observer teams were mobile in character; and, as the rayons were closed down, these teams were in turn withdrawn and the number of observers reduced.

The repatriation of KL forces from Indonesia proceeded satisfactorily and with the full co-operation of the authorities concerned. However, the implementation of the provisions regarding the re-organization of the KNIL met with some difficulty.

The parties concerned agreed that the re-organization of the KNIL should be completed by 26 July 1950, and in its Special Report of 28 July (Doc. S/1663), the Commission informed the Security Council of the agreement reached between the two Governments on 15 July, whereby KNIL troops remaining under Netherlands Command at that date were to be given the temporary status of KL personnel and, pending demobilization and transportation to their ultimate destination, were to be assembled in camps under Netherlands authority. As of 15 July: of 80,000 KL troops, 67,000 had left Indonesia; of 65,000 KNIL troops, 26,000 had joined the Indonesian Army, 18,750 had been demobilized in Indonesia and 3,250 had departed for the Netherlands. Thus, at the end of July, 13,000 KL troops and 17,000 ex-KNIL troops enjoying KL status remained in Indonesia under Netherlands control.

However, events outside the control of the parties delayed further withdrawal and repatriation operations. The movement in the early months of

1950 towards the establishment of a unitary state in Indonesia had met with some opposition in East Indonesia, and resulted in various incidents and uprisings. The most serious trouble occurred in the island of Amboina in the Moluccas, to which most of the Indonesian members of the ex-KNIL were to be repatriated. On 25 April a group seized authority in the city of Ambón and announced the formation of a "South Moluccas Republic", comprising Amboina, Buru, Ceram and other nearby islands. The "Republic" proclaimed its separation from the East Indonesian state and from the Republic of the United States of Indonesia.

The Indonesian Government made various unsuccessful attempts to negotiate a settlement, and landed armed forces on 13 July on Buru and later on Ceram. The Commission was concerned for the safety of the civilian population and on 4 August it expressed to the Indonesian Government its readiness to render assistance in any way which might be considered appropriate. This offer was repeated on 25 September when the Commission also stated its readiness to proceed to Ambón in order to attempt to persuade the persons in control there to conduct negotiations with the Indonesian Government on the basis of terms and conditions which that Government might be prepared to put forward.

In his reply, on 30 September, the Indonesian Foreign Minister pointed out that in his Government's opinion, the intervention of the Commission in the South Moluccas affair would not serve any useful purpose but would, on the contrary, constitute an encouragement to the rebels in Ambón by creating the impression that their case was being raised to an international level.

Meanwhile, on 28 September, Indonesian forces landed in Amboina and military operations also took place on the island of Ceram. On 5 October, the Netherlands High Commissioner formally requested the Commission to use all the means at its disposal to obtain a cessation of fighting in the South Moluccas in view of possible repercussions that such military action might have on the morale and discipline of the Ambonese ex-KNIL soldiers assembled in camps under Netherlands control in Java.

Subsequently, the Commission appealed to the Indonesian Government to halt the military operations in the South Moluccas and to explore the possibility of a peaceful settlement by accepting the Commission's offer of good offices. In its letter of 6 October, the Commission pointed out that in making this appeal it was prompted by humani-

tarian considerations and was also acting in accordance with its responsibilities under its terms of reference with regard to the demobilization and repatriation of the Ambonese ex-KNIL personnel in camps in Java, upon which the military operations in Amboina might have had an important bearing.

The Indonesian Government, however, did not accept the Commission's offer; it reiterated views previously stated and expressed the hope that the military operations in Amboina would be successfully concluded within a short time. It stated that extreme care was being taken to ensure the safety of the civilian population and that, upon conclusion of the operations, it intended to grant to the province of South Moluccas an appropriate measure of autonomy. At the same time, the Indonesian Government expressed its willingness, once the military operations were concluded, to commence discussions with the Commission as to the best means of expediting the demobilization and repatriation of the Ambonese ex-KNIL troops stationed in Java.

In these circumstances, the Commission felt obliged to report to the Security Council (telegraphic report dated 11 October 1950; S/1842) its attempts to bring about a peaceful settlement of the South Moluccas problem and their failure.

As the Commission was concerned with the necessity of speeding up the demobilization of ex-KNIL personnel in camps in Java, it took advantage of the offer made by the Indonesian Government and suggested to the parties that a meeting of the Contact Committee be held without delay to work out in advance plans to be put into effect when the situation allowed repatriation to the islands of Moluccas. The Contact Committee met on 25 October, and an ad hoc sub-committee, under the auspices of the Commission, was established to consider all technical aspects of the problem. Discussions in the sub-committee led to further informal talks between the representatives of the parties and subsequently to an agreement concerning the repatriation to Amboina and the neighbouring islands and demobilization of ex-KNIL personnel. As of the end of 1950, such repatriation had not taken place, and the ex-KNIL personnel were still quartered in the camps in Java.

2. Western New Guinea

Throughout the Round Table Conference the parties had held directly conflicting viewpoints as to whether the transfer of sovereignty over Indo-

nesia should include the territory of Western New Guinea. A compromise was eventually adopted, according to which the status quo of the Residency of New Guinea was maintained with the stipulation that within a year from the date of the transfer of sovereignty (i.e. by 27 December 1950), the political status of New Guinea should be determined through negotiations between the two parties.

During 1950, the two Governments concerned held various discussions on the future status of New Guinea. In the first stage of these discussions, the parties kept the Commission informed of developments. However, at a later stage, they made it clear that in their view the question should be settled between themselves, and the Commission felt that its intervention, unless requested by the parties, would lack a sound basis and would be of no assistance. A Special Netherlands-Indonesian Union Conference on the question was held at The Hague in December 1950, but no agreement was reached between the parties.

3. Right of Self-Determination

One of the major questions discussed at the Round Table Conference had been that of the "external right of self-determination", namely, the right of Indonesian territories to dissociate themselves from the Republic of the United States of Indonesia and to enter into special relationship with both Indonesia and the Netherlands.

During the developments in 1950 to alter the status of the new Republic from a federated to a unitary form of government, the Netherlands High Commissioner, in a letter addressed to the Commission on 25 May, expressed his Government's concern over safeguarding the right of self-determination (as laid down in article 2 of the Agreement on Transitional Measures), and asked how the right of self-determination could be carried into effect in a unitary state.

In his letter of 8 June to the Commission, the Indonesian Prime Minister expressed the view that the right of self-determination of the peoples in Indonesia was to be guaranteed by establishing autonomous provinces or communities; he further stated that preparations were being made to hold general elections to a constituent assembly as stipulated in the Provisional Constitution, and that the constituent assembly, together with the Government, would enact the final constitution "displaying the real democratic features of the unitary state".

Subsequently, the Commission considered it necessary to state its position on the question. In letters addressed to the parties on 24 June, it stated that the obligation to implement the Round Table Conference Agreements, including the Agreement on Transitional Measures, rested with the two Governments concerned. Although the Commission, as an organ of the United Nations, had participated in the Round Table Conference and signed its Covering Resolution, it could not be considered a party to this Agreement; its responsibility as an international organ entrusted with the task of observing the agreements was necessarily secondary to that of the parties. Consequently, the Commission had so far regarded it as inappropriate to take action on the basis of the provisions of the Round Table Conference Agreement without first being approached in the matter by at least one of the parties.

On 15 August 1950, in the Indonesian House of Representatives, in the presence of the members

of the diplomatic corps accredited in Djakarta (formerly Batavia) and the members of the Commission, President Sukarno proclaimed the establishment of the Republic of Indonesia as a unitary State.

4. Admission of Indonesia

On 25 September the Government of the Republic of Indonesia applied for admission to Membership in the United Nations, and on 26 September the Security Council recommended that it be admitted. On 28 September, the General Assembly considered this recommendation. A joint resolution (A/1403) was submitted by Australia and India stating that Indonesia be admitted to Membership. That same day, the Republic of Indonesia was unanimously admitted, becoming the sixtieth Member of the Organization.^{82b}

D. THE INDIA-PAKISTAN QUESTION⁸³

In its third interim report submitted to the Security Council on 5 December 1949 (S/1430), the United Nations Commission for India and Pakistan stated that, although it had secured the agreement of India and Pakistan on a part of the permanent truce line in the State of Jammu and Kashmir, and full agreement on a cease-fire line, its proposals for the implementation of the truce agreement had not been accepted. The main difficulties had arisen concerning the withdrawal of troops preparatory to the holding of the plebiscite to determine whether Jammu and Kashmir should accede to India or to Pakistan.⁸⁴ The Commission expressed doubt whether a five-member body was the most flexible and desirable instrument to continue the task and recommended that a single person should be appointed with undivided responsibility and broad authority to endeavour to bring the two Governments together on all issues.

The Czechoslovak member on the Commission presented a minority report (S/1430/Add.3) criticizing certain aspects of the Commission's work, in particular for not being free from outside influences, and calling for the establishment of a new commission to be composed of representatives of all States members of the Security Council. The

report also recommended a meeting at Lake Success of the representatives of the Governments of India and Pakistan with a view to reaching an understanding on outstanding differences; it concurred with the majority report in suggesting that broader terms of reference than those possessed by the present Commission were necessary.

1. Mediation Efforts by the President of the Security Council

At the request of the Council, its President for December 1949, General McNaughton (Canada), met informally with representatives of the two parties to examine the possibility of finding a mutually satisfactory basis for dealing with the problems at issue. He reported to the Council on 29 December on the proposals which he had made to both parties on 22 December. Although his term of office expired on 31 December, the Council, by

^{82b} For a detailed account, see pp. 414—15.

⁸³ For previous consideration of the India-Pakistan Question, see Y.U.N., 1947-48, pp. 387-403; 1948-49, pp. 279-83.

⁸⁴ In accordance with the Commission's resolutions on 13 Aug. 1948 and 5 Jan. 1949. See Y.U.N., 1947-48, p. 402; 1948-49, pp. 280-81.

9 votes to none, with 2 abstentions, decided to request General McNaughton to continue his negotiations. He submitted a final report (A/1453) to the Council on 3 February 1950.

His proposals were designed to provide a basis for an agreed programme of demilitarization to take place prior to a plebiscite in the State of Jammu and Kashmir. This was to include the withdrawal of the regular forces of Pakistan; the withdrawal of the regular forces of India not required for the maintenance of security and of law and order on the Indian side of the cease-fire line; and the reduction of local forces, including on the one side the armed forces and militia of the State, and on the other the Azad Kashmir forces. The northern area, it was proposed, should also be included in the programme of demilitarization, and its administration should, subject to United Nations supervision, be carried on by existing local authorities.

The Government of Pakistan was to give unconditional assurance to the Government of India that it would deal effectively within its own borders with any possibility of tribal incursions into the State and was to satisfy the Senior United Nations Military Observer on the adequacy of its arrangements. Both Governments were to confirm the inviolability of the cease-fire line.

Agreement was to be reached between the two Governments on the basic principles of demilitarization; on the minimum forces required for maintaining security and law and order; and on the date by which the reduction of forces was to be accomplished and the progressive steps to be taken in reducing them.

Both Governments were also to agree on the appointment of a United Nations representative, to be appointed by the Secretary-General, to supervise the demilitarization programme and to interpret agreements between the parties concerning the reduction and disposition of forces.

When the programme had been accomplished to the satisfaction of the United Nations representative the Plebiscite Administrator was to exercise the functions assigned to him under the resolution adopted by the United Nations Commission for India and Pakistan on 5 January 1949. Both parties, General McNaughton reported, had suggested different amendments, which had, however, later been declared mutually unacceptable. He considered that no useful purpose could be served by continued activity on his part.

The amendments suggested by Pakistan, apart from certain drafting changes, were in the main:

(i) that the functions of the Plebiscite Administrator would include the final disposal of all forces remaining in the State after the programme of demilitarization had been carried out;

(ii) that the assurance to be given by Pakistan that it would deal effectively within its own borders with any possibility of tribal incursions against Jammu and Kashmir should be expressed in general terms or to the United Nations, and not given to the Government of India;

(iii) that the United Nations representative would have, inter alia, the duty of obtaining an assurance from the appropriate authorities on both sides of the cease-fire line and of making it publicly known that peace, law and order would be safeguarded and that all human and political rights would be guaranteed;

(iv) that the word "enduring" should be omitted in the provision authorizing the United Nations representative to make suggestions to the two Governments likely in his opinion "to contribute to the expeditious and enduring solution of the Kashmir question".

The amendments proposed by India mainly were:

(i) the proposals should provide for the withdrawal of the irregular, in addition to the regular, forces of Pakistan and the disbanding of the Azad Kashmir Forces, and the provision in the proposals regarding the disbandment and disarming of the Armed Forces and Militia of the Kashmir State should be deleted;

(ii) the responsibility for the defence of the "Northern Area" should be vested in the Government of India and the responsibility for their administration should be vested in the Government of Jammu and Kashmir, which should guarantee that there would be no victimization of the inhabitants of the area;

(iii) that the undertaking to be given by Pakistan concerning tribal incursions should be extended to cover "incursions by tribesmen and Pakistani nationals".

2. Statements by India and Pakistan

At its 463rd-466th meetings, from 7 to 10 February 1950, the Council heard the views of the representatives of India and Pakistan on General McNaughton's proposals.

The representative of India recalled that, following India's first complaint to the Security Council that invaders of Kashmir, consisting of Pakistani nationals and tribesmen from adjacent territories, were being aided by Pakistan, Pakistan had denied these allegations. It was, however, now admitted that early in May 1948, within a fortnight of the discussions in the Security Council, regular Pakistani troops had moved into Kashmir. Pakistan, he charged, had created obstacles to the holding of a plebiscite:

(i) by sending troops into Kashmir in disregard of the Security Council's resolution (S/726) of 21 April 1948;

- (ii) by creating or assisting Azad Kashmir forces between October 1948 and the spring of 1949;
- (iii) by penetrating into the northern area and obtaining control of it with the assistance of "local authorities".

Instead of securing the withdrawal of Pakistani forces from the State, the Security Council, in November 1948, had merely desired the Commission to continue its efforts for a peaceful solution. Pakistan, however, was not only an invader, but in actual occupation of nearly half the area of the State. By sanctioning the administration of the area by the existing local authorities, the present proposals recognized and assisted in perpetuating the unlawful occupation of these areas by Pakistan. The proposals sprang from the assumption of a false analogy between the Pakistan army and the Indian army, as also between the Azad Kashmir forces and the Kashmir State forces.

India, it was claimed, had accepted the proposals contained in the Commission's resolutions of 13 August 1948 (S/995) and 5 January 1949 (S/1196), on the assurance that the sovereignty of the Jammu and Kashmir Government would not be brought into question; that no recognition would be afforded to the so-called Azad Kashmir Government;⁸⁵ that the territory occupied by Pakistani troops would not be consolidated to the disadvantage of the State; that there would be a large-scale disarming and disbanding of the Azad Kashmir forces; and that the question of the northern area would receive consideration in the implementation of the Commission's proposals.

The present proposals, however, eliminated the sovereignty of the Jammu and Kashmir State from the areas on the other side of the cease-fire line; the administration of these areas by the "existing local authorities" was recognized; the consolidation effected by the Pakistani troops was allowed to remain, and the disarming and disbanding of the Azad Kashmir forces was neutralized by the similar disarming and disbanding of the State forces and the State militia; and the claim made by the Government of India in respect of the northern area was dismissed. The net effect of the proposals was thus to eliminate or neutralize every one of the assurances relied upon by India.

Another important point, the representative of India stated, was that the State in its entirety should accede to either India or Pakistan, and therefore could not be disrupted before the holding of a plebiscite. The administration of the northern areas by local authorities would bring about such disruption. Moreover, he pointed out, the McNaughton proposals relied on Pakistan's assurances that it would deal effectively with any

tribal incursions, without stating what would happen if United Nations observers considered the arrangements made by Pakistan inadequate. "He also took exception to the provision, which, he said, was new, that the Kashmir State forces and militia should be disbanded.

He maintained that the accession of the State to India had taken place in conformity with India's Constitution; that the question was not a Hindu-Muslim one since large sections of the Muslims in Kashmir favoured accession to India; that this accession had not caused the conflict but had been forced by the invasion of tribesmen of 22 October 1947; and that Indian troops had been sent to cope with the invaders, not to help the Ruler against his people.

The representative of India considered that the positions adopted by India and Pakistan on the question of a plebiscite were fundamentally irreconcilable. While India stood by its offer of plebiscite upon certain conditions amounting to restoration of the State to its normal condition prior to the holding of the plebiscite, Pakistan appeared to desire plebiscite under the present abnormal situation prevailing in the State.

The representative of Pakistan, replying to the representative of India, stated that in the cases of States with a Muslim ruler and a Hindu majority, India had favoured consulting the wishes of the people, but had justified its claims in Kashmir, where Muslims constituted 77 per cent of the population, on the accession of the Ruler. The geographical position and communications system, he stated, also indicated integration of Kashmir into Pakistan as the natural solution. If Kashmir acceded to India, India would be in a position to control the whole irrigation system of western Pakistan; and the defence of western Pakistan, which was based on two main road and railway systems running parallel to and within a few miles of the Kashmir border, would be impossible.

The tribal incursion of 22 October 1947, referred to by the representative of India, had taken place, he said, as a direct consequence of the suppression by the troops of the Maharaja of the freedom movement in the State.

Although both parties had agreed that there should be a free and unfettered plebiscite, they had differed consistently on the conditions for holding it. Pakistan's minimum condition had been: that all foreign and other fighting elements should be withdrawn; that a non-partisan admin-

⁸⁵ Provisional Government organized by resurgent Muslims and functioning in areas west of the cease-fire line in Jammu and Kashmir.

istration should be established in the State; and that the plebiscite should be conducted and organized by and under the authority of the United Nations.

The representative of Pakistan stated that India had consistently rejected proposals which would enable an impartial plebiscite to be held in Kashmir. Its avowed objective had been to occupy the whole State militarily and thus vitally endanger Pakistan. Pakistani troops had moved into the Azad Kashmir territory in May 1948, in order to circumvent the imminent danger to Pakistan's security and economy resulting from the continued build-up of the Indian army in Kashmir, and the consequent influx of 600,000 to 700,000 Muslim refugees into Pakistan. The United Nations Commission for India and Pakistan had been informed of this step by Pakistan as early as had been feasible.

After the entry into force of the cease-fire agreement, Pakistan had secured the evacuation of the tribesmen and of such Pakistani nationals as had entered the State for the purpose of fighting. Pakistan had done this, he stated, although under the Commission's resolution of 13 August 1948 and 5 January 1949, this obligation was to become applicable only as the first step during the truce stage. As the second step, according to the provisions of these resolutions, the Pakistan army was to begin its withdrawal; when that had begun, the Indian army was to begin withdrawing the bulk of its forces. It was not until the plebiscite stage that the final disposal was to take place of the remaining Indian forces and Kashmir forces on the one hand and of the Azad Kashmir forces on the other. There was no ambiguity in these provisions, and they had been accepted by both parties.

With regard to the administration of the State the representative of Pakistan continued, it was essential that there should be an impartial authority for the whole of the State, or a coalition Government. An administration under Sheikh Abdullah on the one hand and one under the Azad Kashmir and the local people on the other would not be balanced in view of the fact that Sheikh Abdullah's Government controlled two thirds of the population of the State.

On the question of demilitarization prior to the plebiscite, it appeared that, although the Indian forces in the State were double the strength of the Pakistani forces, the Government of India was prepared to withdraw only twelve Indian battalions against twenty-eight Pakistani battalions.

Regarding India's contention that Pakistan had augmented the Azad Kashmir forces in disregard

of the Commission's resolution of 13 August 1948, the representative of Pakistan argued that those forces had been built up before the acceptance of that resolution either by India or by Pakistan. The resolution had been accepted by India on 23 December and by Pakistan on 25 December. Obligations deriving from it, therefore, could not have arisen before that date. Moreover, the clause precluding the augmentation of forces occurred in paragraph B of part 1 of the resolution which related to the cease-fire order. It was thus obvious that the provision was to apply once fighting had stopped. But the fighting had continued till 1 January 1949. Further the obligation would have been mutual. But India had mounted an offensive in November 1948, in contravention of the Commission's resolution of 19 September to which both sides had agreed. As a result of that offensive, certain areas had been taken by India and were now on the Indian side of the cease-fire line. Under such circumstances it could not be expected that the Azad Kashmir forces should not be built up.

The representative of Pakistan stated also that, according to the Commission's resolutions of 13 August 1948 and 5 January 1949, the disarming and disbanding of the Azad Kashmir forces was not contemplated during the truce stage. It was evident, from the explanations given by the Commission to the Government of India and from the communications of that Government to the Commission, that India fully understood this position. Yet from 10 March 1949 the Government of India had begun to shift from that position, and had eventually demanded the disbanding of the Azad Kashmir forces during the truce stage.

The representative of Pakistan considered that the guarantees given for the security of the northern area against tribal incursions should be satisfactory to India, since, according to the McNaghton proposals, the military adviser would have to be satisfied that the arrangements were adequate. Nothing had happened in that area between 13 August 1948 and 5 January 1949 to justify claims for posting Indian forces there. Pakistan could not accept India's contention that, in order to maintain the integrity of the State as a whole, the areas held by Azad Kashmir forces should be under Sheikh Abdullah's administration or under India's military control. That condition was not envisaged by the Commission, which had specifically repudiated such an interpretation. The argument raised by the representative of India, as to how the Plebiscite Administrator could derive his powers from the State of Jammu and Kashmir if the State had no authority over the northern area,

could not stand. The Commission had explained that all it had contemplated in that respect was that, as a matter of legal technicality, the Plebiscite Administrator should be deemed to have derived his powers from the State of Jammu and Kashmir considered as a legal entity. There was no mention of the Government of Jammu and Kashmir and of the Azad Kashmir Government in that connexion.

The representative of India, in reply, maintained, among other things, that Pakistan could not justify the sending of its troops into Kashmir as an act of self-defence. There had been no armed attack on Pakistan and it had not reported its action to the Security Council, as it was bound under the Charter to do. Although Pakistan stated that it had given no help to the raiders, it had found it necessary to enter Kashmir to hold the line when the raiders were on the point of being expelled by India.

With regard to the Azad Kashmir forces, India had held consistently that they should be disarmed and disbanded before the Indian army was withdrawn: whether this was during the truce or the plebiscite stage was, in the opinion of the representative of India, immaterial. He maintained that it was not these forces but people led by the present head of the People's Government, Sheikh Abdullah, who had battled for freedom in the State for the last twenty years.

Concerning the "northern areas", India had received assurances from the Commission that the provision for their administration by local authorities would not be applied so as to bring into question the sovereignty of the Jammu and Kashmir Government over those areas.

The accession of the State, the representative of India maintained, must be based on the will of the people, not on strategic or economic considerations. Kashmir differed from other Indian States with predominantly Hindu populations and Muslim rulers in that a large section of its Muslim population wished to remain in India. The representative of India also referred to hundreds of thousands of Hindu and even Muslim refugees which, he said, had streamed across the Indian side of the cease-fire line.

The representative of Pakistan, in a concluding statement, stressed that the two parties had agreed to the Commission's resolutions of 13 August 1948 and 5 January 1949. Situations anterior to these resolutions could not, therefore, be put forward today as obstructing their implementation. He further stated that his Government was prepared

to submit to arbitration the differences which had arisen with regard to the implementation of part 2 of the Commission's resolution of 13 August 1948, and to accept the McNaughton proposals.

3. Resolution of 14 March

At the 467th meeting, on 24 February 1950, the representatives of Cuba, Norway, the United Kingdom and the United States submitted the following draft resolution (S/1461):

Having received and noted the reports of the United Nations Commission for India and Pakistan, established by the resolutions of 20 January and 21 April 1948;

Having also received and noted the report of General A. G. L. McNaughton on the outcome of his discussions with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949;

Commending the Governments of India and Pakistan for their statesmanlike action in reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 for a cease fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite and commending the parties in particular for their action in partially implementing these resolutions by

(1) The cessation of hostilities effected 1 January 1949

(2) The establishment of a cease fire line on 27 July 1949 and

(3) The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator;⁸⁶

Considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants;

The Security Council,

1. Calls upon the Governments of India and Pakistan to make immediate arrangements, without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton's proposal or of such modifications of those principles as may be mutually agreed;

⁸⁶ Admiral Nimitz was nominated by the Secretary-General on 21 Mar. 1949, in accordance with the resolution of the United Nations Commission for India and Pakistan of 5 Jan. 1949, but, in accordance with the Commission's resolution of 13 Aug. 1948, he was to take up his functions only after agreement had been reached on the principles to form the basis of a truce agreement.

2. Decides to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate:

(a) to assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization,

(b) to place himself at the disposal of the Governments of India and Pakistan and to place before these Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir,

(c) to exercise all of the powers and responsibilities devolving upon the United Nations Commission by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949,

(d) to arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties,

(e) to report to the Security Council as he may consider necessary submitting his conclusions and any recommendations which he may desire to make;

3. Requests the two Governments to take all necessary precautions to ensure that their agreements regarding the cease fire shall continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations;

4. Extends its best thanks to the members of the United Nations Commission for India and Pakistan and to General A. G. L. McNaughton for their arduous and fruitful labours;

5. Agrees that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

The representatives of China, Cuba, Ecuador, France, Norway, the United Kingdom and the United States made statements in support of the draft resolution. They were agreed that the essential provisions of General McNaughton's proposals were just and fair. The representative of the United States recalled the Commission's statement that the entry of the Indian forces into the northern area would lead to renewed hostilities. He therefore considered it reasonable that the Commission had not recommended a change in the administration of the area.

Clarifying the provisions of the draft resolution, the representative of the United Kingdom stated at the 469th meeting of the Council that in working out a programme of demilitarization, it would be expected that due account would be taken of the opinion of the Council, and that the

programme would follow broadly the lines indicated by General McNaughton; that the United Nations representative would be guided by the statements made by the Security Council members. However, the United Nations Representative would have a certain amount of discretion to make adjustments in the programme in the light of any fresh considerations which might arise. The demilitarization programme should be dealt with as a whole and accomplished within a single period, leaving only the minimum of forces for final disposal under the 5 January 1949 resolution of the United Nations Commission for India and Pakistan. The programme should embrace all forces within the State, should include all areas of the State (including the northern areas), and should be so designed as to reduce to the minimum the possibility of any recrudescence of fighting or disturbances. The sponsors assumed that there could be no question of introducing changes in the administration of the northern areas. If the United Nations Representative, however, did find that assumption unwarranted, the draft resolution did not preclude his suggesting other arrangements.

The Council expected every suggestion which the United Nations Representative might make to be compatible with the agreed objective of a free and impartial plebiscite. Only if he should find, after investigation on the spot, that the agreed objective was impracticable, would he be expected to make suggestions at variance with it. The mandate of the United Nations Representative had been made as extensive as it was in order to ensure that he would be duly empowered to make appropriate suggestions in all contingencies.

The representative of India reaffirmed the views of his Government as expressed at the 463rd meeting (7 February 1950) (see above), with regard to paragraph 1 of the draft resolution. With regard to paragraph 2, proposing the appointment of a United Nations representative, he stated his Government's preference for the assignment of the function of such a representative to three individuals, one to be nominated by it, one by the Government of Pakistan and one by the Security Council in consultation with the two Governments. However, if that alternative was not accepted, the Indian Government desired that a person acceptable to it should be selected as the United Nations representative.

The representative of Pakistan considered that, if the Council entertained any possibility of a solution whereby the "northern areas" would be administered by an authority other than the present administration, it would be fair to inform his

Government of it so that it might consider whether it could accept such a possibility.

He further raised certain questions in the light of the United Kingdom statement of clarification, concerning the powers of the proposed United Nations Representative. Would this Representative be expected to make suggestions at variance with the agreed objective of a fair and impartial plebiscite, if he should find, after an investigation, that this was impracticable? The United Kingdom statement, he said, opened a way for the parties to demand such an investigation before the United Nations Representative undertook his duties. If one of the parties created conditions which made the organizing and holding of a free and impartial plebiscite impracticable, would the United Nations Representative be within his rights in making suggestions at variance with that objective? The main features of the draft resolution, he stated, were acceptable to his Government but its ultimate acceptance would rest largely on the clarification of those points.

At the 470th meeting (14 March 1950), the representative of India declared that his Government, while adhering to his statement made at the 463rd meeting and assuming that the United Nations Representative would be appointed with the agreement of the parties, accepted the joint draft resolution.

The representative of Pakistan submitted that the provision of the McNaughton proposal that the administration of the "northern areas" should be continued by the existing local authorities needed no clarification, and that the agreed objective that the question of the accession of the State of Jammu and Kashmir to Pakistan or to India was to be determined through the democratic process of a free and impartial plebiscite had to be unswervingly pursued by the United Nations Representative. Having made these submissions, he stated that his Government accepted the joint draft resolution.

At the 470th meeting on 14 March 1950, the draft resolution (S/1461) submitted by the representatives of Cuba, Norway, the United Kingdom and the United States was adopted by 8 votes in favour, with 2 abstentions (India, Yugoslavia), and one member (USSR) absent.

At the 471st meeting on 12 April 1950, the Council appointed Sir Owen Dixon of Australia, as United Nations Representative for India and Pakistan, by 8 votes in favour, with 2 abstentions (India, Yugoslavia), and one member (USSR) absent.

In conformity with the resolution adopted by the Security Council at its 470th meeting, the Government of Pakistan, on 15 May, and the Government of India, on 1 June, notified their acceptance of the transfer to the United Nations Representative of the powers and responsibilities of the United Nations Commission for India and Pakistan (S/1490).

4. Report of the United Nations Representative

The United Nations Representative for India and Pakistan submitted his report (S/1791) on 15 September 1950. He reported that no agreement had been reached between India and Pakistan on the demilitarization of the State of Jammu and Kashmir and on other preparations for the holding of a free and impartial plebiscite. In numerous conferences attended by him and the Prime Ministers of India and Pakistan he had put forward the following proposals:

a. DEMILITARIZATION

- (i) Withdrawal of regular forces of the Pakistan army, to begin on a specified day, as the first step towards demilitarization
- (ii) Commencement of the withdrawal of the Indian regular army after "a significant number of days" had elapsed, and withdrawal or disarming and disbandment of the Jammu and Kashmir State forces, and the disarming and disbandment of the State militia
- (iii) Disarming and disbandment of the Azad Kashmir forces and the northern scouts
- (iv) The forces that either party might need after demilitarization, and pending plebiscite, to be determined according to parties, by the Chiefs of Staff in consultation with the United Nations Military Adviser

This plan was rejected by the Prime Minister of India, who cited, among other points, the possibility of Pakistan making an attack and the need for protecting the area against marauders.

b. ADMINISTRATION

The United Nations Representative proposed the following:

- (i) The area west of the cease-fire line, when evacuated by Pakistani troops, should be administered by local authorities—that is, existing District Magistrates or subordinate officers—according to the law and custom of the State as they existed before the dispute arose. Each District Magistrate was to be under the supervision of a United Nations Officer.
- (ii) In regard to northern areas, it was proposed that political agents appointed by the United Nations should administer the territory instead of the present assistant political agents.

The first proposal was also rejected by the Prime Minister of India, chiefly on the ground that it recognized the existing officers, some of whom had replaced former officers, and who might be repugnant to India. The second plan was also rejected by the Prime Minister of India, who did not put forward an alternative proposal.

c. PLEBISCITE

The proposal of the United Nations Representative provided that a United Nations officer would be attached to each District Magistrate to ensure freedom of the plebiscite, and that no arrests under emergency powers would be made without his previous written consent. It was also provided that all prisoners detained under emergency or similar powers would be released within seven days of the coming into force of these provisions.

This proposal was also rejected by the Prime Minister of India, and no alternative proposals or modifications were suggested.

The United Nations Representative then put forward plans for bringing into existence for the plebiscite period, a single government for the whole State. The plans were of three descriptions:

- (i) A coalition government, representing both parties in Kashmir
- (ii) An administration consisting of trusted persons outside politics holding high judicial or administrative office, the chairman being appointed by the United Nations
- (iii) An administration set up wholly by the United Nations

None of these suggestions were acceptable to the Indian Prime Minister.

d. PARTITION

The United Nations Representative further reported that he had made an effort to negotiate a settlement by means of a partition of the State either outright or combined with a partial plebiscite limited to an area which would include the Valley of Kashmir. The Prime Minister of Pakistan was opposed to this plan on the ground that it would mean a breach on India's part of the agreement that the destination of the State as a whole should be decided by a single plebiscite taken over the entire State. The United Nations representative, however, considered that no agreed settlement could be brought about except by some such means. He therefore ascertained that India would be prepared to discuss a settlement on the basis of certain first principles. These were:

- (a) that the areas of the State where there was no apparent doubt as to the wishes of the people should go

to India or Pakistan without a plebiscite;

- (b) that the plebiscite should be limited to those areas where there was doubt;

(c) that the demarcation line should have due regard to geographical features and to the requirements of an international boundary.

In applying these principles, the United Nations Representative reported, the Government of India had been led to the following tentative conclusions:

- (i) There should be a plebiscite in the Valley of Kashmir.

(ii) The following areas should go to India:

- (a) The Province of Jammu so far as it lies east of the cease-fire line, subject to minor corrections;

(b) The tehsil of Ladakh and the tehsil of Kargil in Ladakh district with the exception of the area above the Suru River, which, it was suggested, should go to India or to Pakistan according to the result of the plebiscite in the Valley;

(iii) India was willing that the following areas should go to Pakistan:

- (a) Gilgit, Gilgit Agency, Gilgit Wazarat, political districts, tribal territory and Baltistan and so much of the Jammu Province as lies west of the cease-fire line as corrected.

India contemplated a boundary commission to apply on the ground the division which might be decided on.

The United Nations Representative further reported that India was prepared to include in any such settlement a provision that India would not divert by an artificial works in the State the waters of the Chenab River or reduce substantially the flow of the waters of the river, except that it might construct canals for irrigation confined within the State. India also reserved the right to establish hydro-electric works for the production of electrical energy without reducing the waters of the stream.

The territorial demands by India appeared to the United Nations Representative to go much beyond what was reasonable according to his "conception of the situation," and he so stated to Indian authorities.

The Government of Pakistan declined to attend a conference to discuss, in the light of the position taken by India, the possibility of settling the dispute. However, the United Nations Representative reported, if a basis of the suggested settlement had been simple partition, "a solution having the advantages of being immediate in its operation and self-executing," Pakistan would have considered the matter provided that the Valley of Kashmir went to Pakistan. The Prime Minister of India, in turn, the United Nations Representative reported, declined to consider at all an over-all partition in which the Valley of Kashmir would go to Pakistan.

e. PARTITION AND PARTIAL PLEBISCITE

The United Nations Representative had intended, finally, to put forward a plan for holding a partial plebiscite in a limited area, including or consisting of the Valley of Kashmir, and for partitioning the rest of the State. This plan envisaged the setting up of an administrative body of United Nations Officers under a Plebiscite Administrator, with powers to exclude troops of every description. If it was decided that, if for any purpose troops were necessary, the United Nations Plebiscite Administrators could ask both parties to provide them. In so far as the Administrators allowed the views of the two sides to be laid before the people of the limited area, they would have the power to secure to India and Pakistan equality in this and other respects. This plan was intended to have been put forward if both parties agreed to attend a conference on its basis.

During the course of preliminary discussions, however, the United Nations Representative ascertained that India would not agree to a meeting at which Pakistan might insist that it would not consider any plan based on partition and partial plebiscite. Pakistan, on the other hand, would agree to attending a conference only if India would accept specific measures for ensuring the freedom and fairness of the plebiscite—measures which the United Nations Representative had intended to include in the plan. The Prime Minister of India gave an "emphatic refusal" to agree to the provisions relating to the plebiscite proposed by the United Nations Representative. The objections of the Prime Minister of India to these provisions were:

- (i) Pakistan was an aggressor and it would be a surrender to aggression to allow it to take part in the plebiscite. For the same reason and because of the danger involved, Pakistan's troops could never be allowed to enter the plebiscite area.
- (ii) The provision relating to administration would mean that the Government of the State would be superseded; it went far beyond what was necessary for the purpose in view.
- (iii) Only those people belonging to the State of Jammu and Kashmir should be allowed participation in the "campaign" over the plebiscite. There could be no equality of any right between India and Pakistan in this or other relevant respects,
- (iv) The security of the State would be endangered.

After considering these objections, the United Nations Representative reported, he could see no reason for departing from the provisions he had intended to include.

He considered that he "could not expose a plebiscite conducted under the authority of the

United Nations to the dangers" which, he believed, "certainly" existed. He came to the conclusion, it was stated, that it would be "impossible to give effect to the doctrines formulated by India" in objection to his plan, and at the same time "frame a plan for partition which" he "could ask Pakistan to accept".

Summing up, the United Nations Representative recalled that both Governments had accepted the principle that the question of the accession of the State would be decided through a free and impartial plebiscite. "Unfortunately", however, removal of the many obstacles to the holding of such a plebiscite "has been made dependent upon the agreement of the parties". The Representative commented that both the United Nations Commission for India and Pakistan and himself had failed in their efforts to secure an agreement on practical measures for a plebiscite, and both parties concurred in the view that the possibilities of agreement had been exhausted. He concluded that the only chance of settling the dispute by agreement lay in partition and in some means of allocating the Valley, rather than in an over-all plebiscite. It was, in his view, "perhaps" best that the initiative should now pass back to the parties themselves. He was not prepared to recommend any further course of action on the part of the Security Council. He recommended, however, that the Security Council should press for a reduction in the military strength of the parties holding the cease-fire line to the normal protection of a peace-time frontier, as he considered the continued maintenance of such armies to be fraught with dangerous possibilities. In a covering letter, Sir Owen Dixon asked the President of the Security Council to relieve him of his position as United Nations Representative for India and Pakistan.

The President, at the 503rd meeting of the Council, on 26 September, expressed the Council's gratitude to the United Nations Representative for India and Pakistan and stated the Council's wish to release him as he had requested from the mission with which he had been charged.

By letter dated 14 December 1950 (S/1942) addressed to the President of the Security Council, the representative of Pakistan drew the attention of the Council to the report of the United Nations Representative for India and Pakistan regarding the failure of the mission entrusted to him by the Security Council resolution of 14 March 1950. In the meantime, the letter stated, the Government of India and the Maharaja's

Government in Kashmir were taking steps to prejudice the holding of the plebiscite. A resolution had been adopted by the All-Jammu and Kashmir National Conference on 27 October 1950, proposing the convening of a Constituent Assembly to determine "the future shape and affiliations of the State". According to Indian press reports, the Prime Minister of India had welcomed this move and had declared that the proposed Constituent Assembly would "ratify the formal accession of the State to India". Later press reports indicated that a formal proclamation to hold elections to the proposed Constituent Assembly was about to be promulgated by the Maharaja's Government.

This move, the representative of Pakistan stated, sought to nullify the international agreement be-

tween India and Pakistan embodied in the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and endorsed by the Security Council.

The letter called for urgent consideration of the question and implementation of the international agreement referred to. The Council was also requested to call upon India to refrain from proceeding with the proposal for a Constituent Assembly and from taking such other action as might prejudice the holding of a free and impartial plebiscite.

Further discussion of the India-Pakistan question by the Security Council did not take place during 1950. The Council remains seized of this question.

E. THE PALESTINE QUESTION⁸⁷

1. Complaints to the Security Council of Armistice Violations

At its 514th, 517th, 518th, 522nd and 524th meetings on 20 and 30 October and on 6, 13 and 17 November, respectively, the Security Council considered the following items relating to Palestine:

1. Complaint by Egypt (S/1790) dated 15 September 1950, that Israel had expelled "thousands of Palestinian Arabs into Egyptian territory in violation of the Egyptian-Israeli Armistice Agreement"
2. Complaint by Israel (S/1794) dated 16 September 1950, that Egypt had violated the Egyptian-Israeli armistice agreement through the maintenance of blockade practices inconsistent with the letter and the spirit of that agreement; that Egypt and Jordan had failed to observe the procedures laid down in their respective agreements providing that claims or complaints presented by either party shall be referred immediately to the Mixed Armistice Commission through its Chairman; that Egypt and Jordan had violated their respective armistice agreements with Israel by officially and publicly threatening aggressive action contrary to those agreements, and that Jordan had violated the Israel-Jordan armistice agreement through non-implementation of provisions relating to Jerusalem
3. Complaint by Jordan (S/1824) dated 29 September 1950, that Israel had committed an act of aggression against Jordan by occupying Jordan territory situated near the confluence of the rivers Yarmuk and Jordan

At the invitation of the Council the representatives of Israel and Jordan participated without vote in the Council's discussions. Maj.-General William E. Riley, Chief of Staff of the United

Nations Truce Supervision Organization in Palestine and Chairman of the Mixed Armistice Commissions and Dr. Ralph J. Bunche, former Acting Mediator in Palestine, answered questions put to them by the representatives of Egypt, Israel and Jordan and by members of the Council.

a. THE EGYPTIAN COMPLAINT

Speaking at the Council's 514th meeting, the representative of Egypt quoted a letter (S/1789) from the Foreign Minister of Egypt to the Secretary-General which charged that beginning on 20 August 1950 Israeli authorities had by armed force expelled into Egyptian territory all the Bedouin living in the demilitarized zone of El Auja in Palestine. United Nations observers, the letter stated, had "found" that thirteen Arabs including women and children had died during the exodus and bodies of several more had been found crushed by armoured vehicles. By 3 September, the number of expelled Arabs had reached 4,071. These Arabs were genuine Palestinians, the representative of Egypt stated, and most of them had lived in the Beersheba area of Palestine during the period of the British Mandate. Driven from their homes for the first time when the Israelis occupied that important area, they had

⁸⁷ For previous consideration of the Palestine question, see Y.U.N., 1947-48, pp. 227-81, 403-51; 1948-49, pp. 166-212.

gone to settle in El Auja area—since demilitarized—where they had been living for more than two years. Now they asked to return to that area under United Nations protection, failing which, the representative of Egypt said, they would try to reoccupy it by force, which would lead to disturbances.

The representative of Egypt maintained that this mass expulsion of Arabs from the Negeb by Israeli forces constituted a violation both of Egypt's international frontier and of the demilitarized zone of El Auja. Similar expulsions, he said, had taken place from Haifa, Acre, Galilee, Jerusalem, Ramleh, El Majdel and other districts under Israeli control after the signing of the still valid armistice agreement. The expelled Arabs had been made to sign certificates that they had elected to leave Israel of their own will and that they had voluntarily renounced their property and interests in Israel. The Egyptian Government, he said, asked that the United Nations put a stop to further expulsions which were taking place and arrange for aid and assistance to these new refugees in returning to their homes and in recovering their properties and receiving compensation for damages. Meanwhile, it was requested, the United Nations Relief and Works Agency for Palestine Refugees in the Near East should accept responsibility for these refugees.

Apart from these violations of rights allegedly committed by Israel the representative of Egypt cited the following as violations of the Egyptian-Israeli Armistice Agreement: (i) the advance on and occupation of Bir Qattar by Israel on 10 March 1949; (ii) occupation of Um Rash Rash on the Gulf of Akaba on the same day, in violation of the cease-fire ordered by the Security Council; (iii) the shelling of the village of Abasan el Saghir with about 50 mortar shells on 7 October 1949; (iv) the shelling of Beit Hanoun area seven days later; (v) the crossing, on 30 June 1950, of the armistice line east of Rafah and attack on its civilian population, which was, it was claimed, repelled by Egyptian forces.

In reply, the representative of Israel stated that the correct procedure for settling complaints such as those now brought before the Council was to bring them before the Mixed Armistice Commissions. Israel had brought 40 or 50 instances of Egyptian violations of armistice terms before the Commission and many of them had been settled through that machinery. Egypt, however, had violated that procedure by bringing these complaints directly to the Council despite the fact that out of

the five armistice items to which he had referred, four had already been settled. Only one—that relating to Bir Qattar—remained outstanding and was subject to appeal. This "unilateral diversion" of procedure, he maintained, was designed for propaganda purposes and threatened to dislocate and paralyse the functioning of the armistice system. Israel had therefore made this violation of the accepted procedures the subject of a specific complaint (S/1794) to the Security Council.

Dealing with the charges brought by Egypt regarding (i) violation of Egyptian territory; (ii) violation of the demilitarized zone of El Auja; (iii) the expulsion of Bedouin from El Auja and (iv) expulsion of civilian Arabs from Majdal, the representative of Israel asserted that they were "utterly and completely false". He said that according to the armistice agreement signed in February 1949 after the cessation of fighting in the Negeb area, it was stipulated that whoever found himself in Egyptian territory when the armistice was signed could cross into Israeli territory only with the permission of Israeli authorities, and vice versa. For either party to oppose unauthorized infiltrations from the other side was thus in full accord with the agreement.

When fighting had ceased, the representative of Israel explained, there were some 5,000 Bedouin in the Northern Negeb whose status as residents had been fully and immediately recognized. In addition, the Government of Israel had issued permits, identification certificates and ration cards to 12,500 other Bedouin who had permanently settled in Israeli territory when the armistice was signed. The first of these groups was admitted in November 1948, and the second in April 1949. In the strict sense of the agreement, entry could have been refused to all persons who had come across the armistice frontier. But Israel had applied the provision only against two sections of the Azazmeh tribe which had fought fiercely against Israel during 1948, had fled to the Sinai peninsula in Egypt and were living there when the armistice agreement was signed. They numbered, it was stated, 200 families and not 4,000 persons as alleged by Egypt, and they had been expelled from Israeli territory as unauthorized infiltrators. Israel, it was contended, was fully entitled to oppose the infiltration of a hostile tribe which was in Egyptian territory when the armistice was signed. The officer presiding over the Mixed Armistice Commission, having heard both sides, had concluded on 26 September that these tribesmen had to be considered infiltrators, having no Israeli identification cards.

In regard to the Egyptian complaint alleging the forcible expulsion of Arab civilians from Majdal, the representative of Israel recalled that the population of Majdal, at the time of the cease-fire, was largely a refugee population. Many of these Arabs had their families in the Gaza area under Egyptian control. Between 14 June and 19 September, 1,159 Arabs had applied to Israeli authorities in Majdal for permission to cross with their dependants into Gaza. It was arranged for these applicants to sell their movable properties in the Mandate currency which was still valid in the Arab areas. The departing Arabs had taken the equivalent of \$400,000 in foreign exchange and the signatures they had left behind, to which reference had been made by the representative of Egypt, referred mainly to these transactions. When the matter was discussed before the Egyptian-Israeli Mixed Armistice Commission on 11 August 1950, Egypt had raised no objection to the movement except that it should not have been allowed without prior notice to the Egyptian authorities. All later movements were, therefore, duly notified to Egypt and were conducted with its co-operation and in the full light of publicity. Egypt had received United Nations relief allocations for the Arabs and had provided them with employment. It could not, therefore, it was argued, be held that these civilians had been forcibly expelled.

Replying to the representative of Israel, the representative of Egypt stressed the following points:

(a) The representative of Israel, had not submitted any proofs that the tribes expelled from El Auja were infiltrators. Israel had not brought the "infiltration" to the attention of the Mixed Armistice Commission and had therefore no right to send unidentified men into the territory of a foreign country.

(b) The acting chairman of the Egyptian-Israeli Mixed Armistice Commission had reported, after questioning the representatives of several (and not only the Azaz-meh) tribes, that they had testified to having been expelled by means of a "vast army operation" conducted by Israel with the help of a reconnaissance plane, armoured and command cars and machine guns. The army had, they testified, followed them up to the Egyptian frontier.

(c) As regards the expulsion of civilian Arabs from Majdal and other areas, Egypt had accepted them on humanitarian grounds as they would otherwise have been exposed to "torture and death". That however did not mean their voluntary movement. Furthermore, testimony of the expelled Arabs and reports of the Mixed Armistice Commission clearly showed that they had been forcibly expelled.

(d) As regards frontier violations, they had all been brought to the notice of the Mixed Armistice Commission, which had investigated them. For instance, the Commission's decision, later confirmed by its Special Committee, in the case of Bir Qattar was that "the

advance of Israeli forces on 10 March 1949, to the Gulf of Akaba area and the occupation of Bir Qattar is a violation of Article IV, paragraphs 1 and 2 of the Egyptian-Israeli General Armistice Agreement". This decision, in accordance with the terms of the armistice agreement, was final, and the case was therefore not outstanding and subject to appeal as had been claimed by the representative of Israel.

(e) The Israeli contention that Egypt had no right to come to the Council with its present complaints was erroneous because the Council was the final authority in all matters relating to the armistice agreements and was competent to deal with all matters affecting world peace. Moreover, the complaints of Egypt ranged over a wider field than that strictly covered by the General Armistice Agreement.

The representative of Israel stated that nothing the representative of Egypt had said would induce him to modify his earlier conclusion. The effort made by the representative of Egypt to prove that any expulsion of legitimate residents took place was, he said, contradicted by the Chairman of the Mixed Armistice Commission, who stated, on 26 September, that only those Bedouin were entitled to be regarded as legitimate residents of Israel who possessed certificates to that effect.

Turning to the references made by the representative of Egypt to "reports of the United Nations observers", the representative of Israel stated that the substantive statements contained in these reports were not authoritative judgments that the alleged events had taken place. They were nothing but summaries of individual statements by one of the parties. The only descriptions of events which could be taken seriously were those made in the presence of all the parties in the Mixed Armistice Commissions themselves.

Despite a Security Council appeal, the representative of Israel observed, the Arab States—notably Egypt—had refused any contact with Israel, either directly or through the Palestine Conciliation Commission, with a view to achieving a final settlement. This very refusal, he emphasized, was tantamount to a firm decision not to allow peace to be restored in the Near East.

b. THE COMPLAINT OF JORDAN

The representative of Jordan stated that on 28 August Israel had occupied Jordanian territory at the confluence of the Jordan and Yarmuk rivers — "a definite act of aggression" which endangered the stability of the whole area. Israel, he said, had justified its action by stating that the territory in question was shown in the map attached to the armistice agreement between Jordan and Israel signed at Rhodes as being within Israeli jurisdiction. But, the representative of Jordan contended, an armistice agreement could not modify

international frontiers. The inclusion of that piece of territory on the Israeli side of the armistice line could not be justified even by military considerations since at the time of the armistice no opposing forces had confronted each other in that area, and the demarcation lines should have followed the course of the Jordan River, or, taking the alternative more favourable to Israel, should have coincided with the international frontier between Palestine and Jordan. Moreover, it was argued, the agreement itself provided that no military or political advantage should be gained under the truce. Further, negotiators could commit their Governments only within the limits of their credentials, and the Jordanian negotiators never received authority to cede any part of Jordanian territory to Israel.

Another circumstance proving that the territory in question belonged, it was stated, to Jordan was the fact that Israeli occupation of that territory had taken place not within the fifteen weeks period provided for by the agreement but more than a year and a half after the armistice lines had been established. During all that time the area had remained under Jordanian sovereignty as in the past.

The Israeli justification for Israel's "aggression" related not to the text of the agreement or to its principle but only to the map attached. But, it was maintained, the map in question was a copy and not the original map of the armistice agreement. Describing the original map which had defined the armistice lines and which had been signed by the representatives of the parties at Shuneh, the representative of Jordan stated that it had been drawn on a scale of 1/100,000 and was composed of two portions, one of which was section A, covering northern Palestine and part of the adjacent States. That section, A, included the Jordanian area which was the scene of "aggression" on 28 August, an area which was not affected by armistice lines. The other section, B, covered southern Palestine. In accordance with the credentials of the Jordanian negotiators, each of the two sections bore their signatures. No other map, not bearing the signatures of two of the Jordanian negotiators, could, it was stated, bind the Government of Jordan. Towards the end of the negotiations at Rhodes, it was proposed to draw up a new, smaller map for convenience. This was drawn on a scale of 1/250,000. But during the transcription to a smaller scale, the armistice demarcation lines were changed so as to include the recently invaded Jordanian area within the territory under Israeli authority. And this

section did not bear the signatures of the Jordan delegates. The new map attached to the Rhodes agreement bore the signatures of two Israeli negotiators but of only one negotiator from Jordan, who had signed it as a mere copy on the assumption that the basis of reference would still be the original Shuneh map. The small map, it was contended, was inaccurate. If the original map was in the possession of the Chairman of the Armistice Commission, it should be produced. If it could not be produced, then Jordan was entitled to question why it had disappeared.

In reply, the representative of Israel stated that Jordan appeared to be accusing its own representative of having signed a map not reflecting the true intentions of his Government. Even if this were true the responsibility could not be Israel's. In any case, he argued, the most recently authenticated map bearing the signatures of both contracting parties was signed on 22 June 1949 and was deposited with the United Nations. This map bore the signature of General Glubb Pasha four times on each relevant section. That this small area was on the Israel side of the armistice line was proved by the original map, which bore one signature for Israel and one for Jordan, and also by the revised map, now the master map, certified on 22 June 1949, with the signatures of Colonel Moshe Dayan for Israel and General Glubb Pasha for Jordan. The representative of Jordan had sought to prove that one of these maps bore two signatures for Israel and only one for Jordan, and that the Jordan ratification was thus not complete. But the map in question bore only one signature of the Israeli delegate, that of Colonel Dayan, first in Hebrew and then in Latin characters.

As regards the modification of international frontiers referred to by the representative of Jordan, the representative of Israel contended that armistice lines did not have any essential relation to previous international frontiers. He recalled that Palestine's international frontiers had been ignored at the time of Arab "interventionist" war against Israel. Those frontiers, he said, could not now be invoked by the very countries which had violated them. As a matter of fact, he stated, during the armistice negotiations Jordan had successfully urged that the old international frontier should not be used as a basis for the armistice agreement. Thus, Jordan had benefited by changes in respect of other territories a thousand times as great as the present disputed area which, he said, was insignificant. Israel, he concluded, took its stand on the text and the demarcation of the armistice documents.

However, the representative of Israel maintained, the qualified tribunal in this case was the Mixed Armistice Commission; and, faced by the constant refusal of Jordan to submit its case to this Commission, Israel itself had requested an emergency meeting of the Commission to discuss and vote on the question as to whether the disputed area lay on the Israel side of the demarcation line or on the Jordan side. If the Jordan Government refused to discuss its complaint it would be reasonable for Israel to assume that the complaint was not seriously entertained by the Jordan Government itself.

The representative of Israel further stated that before a fruitful discussion could take place, certain questions of form must be settled. These were:

- (i) Israel still awaited a reply to its letter of 18 September to the Chairman of the Mixed Armistice Commission with reference to a published threat by Jordan Ministers to use armed force for the purpose of changing the armistice lines. This threat was the subject of specific complaint by Israel to the Security Council (S/1794). It was a violation of the agreement, which stated not only that force must not be used but also that the parties must not threaten to use it.
- (ii) The complaint by Jordan (S/1824) also persistently referred to an alleged forgery of armistice maps. If there was any implication that any map or document had been forged by the representatives of the Israeli Government or armed forces, it was a false and insulting suggestion and must be unconditionally withdrawn.

c. THE ISRAELI COMPLAINT

The representative of Israel then voiced the complaints of Israel regarding the blockade by Egypt of shipping destined for Israeli ports. This, he said, involved not only an illegal attempt to undermine Israel's economy by force, but also periodic molestation of the ships and vessels of Member States lawfully traversing the Suez Canal. In this connexion, the representative of Israel recalled an earlier statement before the Council made by himself and a supporting statement by Dr. Ralph Bunche, who had said, *inter alia*, that "there should be free movement of legitimate shipping, and no vestiges of the wartime blockade should be allowed to remain, as they are inconsistent with both the letter and the spirit of the armistice agreement."⁸⁸ This interpretation of Dr. Bunche was subsequently supported by most members of the Security Council and by the Chairman of the Mixed Armistice Commission, the representative of Israel stated. The United Kingdom, Norway, Australia and the United States had officially protested to Egypt against interference with their shipping on the ground that cer-

tain goods were destined for Israel. The Egyptian action, the representative of Israel charged, was a violation of the Charter, a violation of the armistice agreement, a general breach of international law and a particular violation of the specific conventions relating to the Suez Canal.

A similar violation, he said, had been committed by Jordan, which had failed to implement Article VIII of the Israel-Jordan armistice agreement relating to Jerusalem, thereby preventing access to Holy Places, impairing the water supply of the city of Jerusalem, preventing the normal functioning of the Hebrew University and the Hadassah Medical Centre and preventing normal traffic on vital roads. Jordan, the representative of Israel stated, remained unwilling to discuss in the Special Committee formed under the armistice agreement the requisite plans for the implementation of these provisions. Israel, he stated, did not despair of a solution, but the Security Council, if it was studying the working of the armistice system, should keep in mind these "fundamental, protracted and persistent violations".

Maj.-General Riley and Dr. Bunche then answered questions put to them by the President and the representatives of Egypt, Israel, Jordan and the United Kingdom. The main points emerging from the testimony of General Riley were as follows:

1. That all questions which had been put before the Council could be handled by the Mixed Armistice Commission, "provided the parties themselves act in good faith and are willing to place the questions before the Commission and abide by its rulings".
2. That in the case of Bir Qattar, the Commission's decision that Israel withdraw from that region had not been carried out but "he had not given up hope" that the Government of Israel might withdraw from the area.
3. That with the exception of the decision pronounced by the Mixed Armistice Commission in August 1949 in connexion with the Suez Canal blockade, all other decisions of the Commission had been carried out by Egypt.
4. That he did not consider that the Armistice Agreement between Israel and Jordan applied to any other map than the one attached in Annex I to the agreement. His knowledge of the "Shuneh" map was confined to having seen it; he knew nothing about the negotiations that actually took place at Shuneh. The map that was signed at Rhodes was regarded as an inaccurate map by the Mixed Armistice Commission at its meeting of 7 May 1949, and in its place a map was drawn and signed by both parties. This was the map signed by General Glubb Pasha and Colonel Dayan. He assumed that the Shuneh map was the source for the delineation of the armistice lines reproduced on this new map.

⁸⁸ Security Council's 433rd meeting on 4 Aug. 1949.

5. The disputed ground between Jordan and Israel was originally to the east of the international boundary in Jordan territory. It had not been proved that force was used in occupying the territory.

6. The armistice agreements did not take away the prerogative of States under the Charter to bring a case before the Security Council.

7. The opinion, of 26 September, of the Chairman of the Egyptian-Israeli Mixed Armistice Commission — that certain Bedouin expelled by Israel were infiltrators from Egypt, with no right of residence in Israel — referred to the Bedouin expelled from the neighbourhood of El Auja.

The principal points from the testimony of Dr. Bunche were:

1. He had examined the map attached to the Israeli-Jordan Armistice Agreement carefully; it was entirely in order; there were no erasures on it. So far as he knew there was no basis for questioning its authenticity in any way.

2. There could be no question that the area complained of by Jordan was territory which was on the Jordan side of the Palestine-Jordan international boundary.

3. Signatures to the Armistice Agreement could only be interpreted as unqualified acceptance of the annexes including the map.

4. The validity of the armistice line was not affected if it did not coincide with the previous international boundary. The Agreement itself covered that contingency by stating that demarcation lines "are agreed upon by the parties without prejudice to future territorial settlements or boundary lines or to claims of either party relating thereto".

5. With reference to the blockade he had hoped that the Security Council resolution (S/1376) of 11 August 1949 would entail the lifting of all restrictions on the purchase of arms by the Governments of the Near East and the abolition of all vestiges of the wartime blockade. That hope, unfortunately had not been realized.

In a further statement, the representative of Israel expressed the willingness of his Government to abide by the decision of the Mixed Armistice Commission of 26 September asking that Israeli forces should be withdrawn from Bir Qattar. He however, reiterated his earlier conclusions regarding the complaint of Jordan, the expulsion of Bedouin from El Auja and transfer of Arab civilians from Majdal to Gaza. As for Israel's complaint of non-implementation by Jordan of provisions relating to Jerusalem, the representative of Israel said that the Security Council could not reconcile itself to a situation in which the highest institutions of learning and health in that area, for which the United Nations was responsible, were not yet functioning. Israel had failed to secure settlement in the Mixed Armistice Commission and the Special Committee, and it was only after prolonged deadlock that it had brought the matter before the Council. This and the blockade of the

Suez Canal were two major and continuing violations of the armistice system which claimed the Council's attention.

d. PROPOSAL BY FRANCE, THE UNITED KINGDOM AND THE UNITED STATES

The Council next considered a joint draft resolution (S/1899) submitted by France, the United Kingdom and the United States which would have the Council recall its resolution of 11 August 1949, and, taking into consideration the views expressed by the representatives of Egypt, Israel and Jordan and the Chief of Staff of the Truce Supervision Organization on the complaints submitted to the Council, remind Egypt, Israel and Jordan that the provisions of the armistice agreements were binding and call on them to consent to the handling of their present complaints according to the procedures established in the agreements. In connexion with questions relating to Jerusalem, the proposal would have the Council express the hope that the Special Committee formed under the Armistice Agreement would carry out its functions expeditiously. The proposal would also authorize the Chief of Staff of the Truce Supervision Organization to recommend steps to Israel, Egypt and other Arab States to control by mutual agreement the movement of nomadic Arabs across international frontiers or armistice lines. The draft resolution also would note the statement of the representative of Israel regarding Bir Qattar; urge the States to take all steps to ensure settlement of the issues; and request the Chief of Staff to report in 90 days or before, if necessary, on the compliance with the resolution and on the status of the operations of the various Mixed Commissions, and to submit periodic reports of all decisions made by the Commissions and Special Committee.

Speaking in support of the draft resolution, the representative of the United States expressed his Government's satisfaction that Israel had agreed to abide by the decision of the Egyptian-Israeli Special Committee to withdraw its forces from Bir Qattar. However, all other complaints, should, in his opinion, be handled by the Mixed Armistice Commissions or by Special Committees. The United States believed that the Council should show continued interest in the solution of the complaints and should concern itself with the continued effective operation of those Commissions and Committees and with the general effective execution of the armistice agreements.

The representative of the United Kingdom also supported the draft resolution and referred to the

complaint of Israel regarding blockade practices at the Suez Canal. Since 15 May 1948, he stated, the Egyptian Government had instituted searches of vessels of all nationalities passing through the Canal by virtue of the rights secured under the Suez Canal Convention. These searches were carried out to find out whether the vessels carried material destined for Israel. On 24 February 1949, an armistice was signed between Egypt and Israel. Since 29 June 1949, in view of the armistice, the definition of contraband by the Egyptian Government was limited, but many categories of goods, including petroleum, still remained subject to condemnation as contraband. Such goods had been seized, and vessels had been detained for varying lengths of time. Such restrictions were still in operation and had affected the shipping of oil to the Haifa refinery, which had become partially inactive as a result. The imposition of these restrictions also raised the legal question of the freedom of passage through the Suez Canal. Further, these restrictions contributed to the continuance of tension in the Middle East. He therefore considered that the question should be settled as soon as possible. He hoped that the Special Committee would take speedy steps to consider the appeal referred to it by the Mixed Armistice Commission. If a majority in the Special Committee recommended some course of action which was not accepted by the minority, then the Security Council should decide what should be done in order to uphold the majority decision.

The representative of Norway associated himself with the remarks of the representative of the United Kingdom.

The representative of France stated that his Government, as a signatory of the Constantinople Convention, was specially concerned over the question relating to the Suez Canal. It had, accordingly, made a strong protest in Cairo. In view of the Special Committee's current examination of specific aspects of the Israeli complaint, however, the Security Council might suspend consideration of this question. As for the substance of the question, his Government agreed with the legal, political and economic reasons given by the United Kingdom representative and recommended that the restrictions complained of be withdrawn forthwith.

A draft resolution by Israel (S/1900) was circulated in accordance with rule 38 of the provisional rules of the Security Council for the consideration of members which, *inter alia*, would have the Council call upon Egypt to abandon blockade practices and to restore the free move-

ment of shipping through the Suez Canal. It was not, however, pressed for discussion or voting in view of the joint draft resolution (S/1897) and the remarks of the representative of the United Kingdom.

e. EGYPTIAN AMENDMENTS

The representative of Egypt suggested some amendments to the joint draft resolution (S/1899) which, *inter alia*, would delete the name of Egypt from the third paragraph and introduce a new provision calling on Israel to allow the expelled Arabs to return to Israel-controlled territory, to assure their safety, to safeguard their rights and to give them compensation. The amendments would also call on Israel to stop the expulsion of Arabs.

On behalf of the sponsors, the representative of the United Kingdom presented a revised draft resolution (S/1899) which contained, in place of the new provision suggested by Egypt, a request to the Egyptian-Israeli Mixed Armistice Commission to give urgent attention to the Egyptian complaint on the expulsion of Arabs. It further would call on both parties to give effect to any finding of that Commission regarding the repatriation of any such Arabs who, in the Commission's opinion, were entitled to return. Another revision provided for calling on "the parties involved in the present complaints" to consent to the handling of the complaints according to established procedure, rather than mentioning by name Egypt, Israel and Jordan. It was also provided that the Council call on the Governments concerned to take, in the future, no action involving the transfer of persons across the international frontiers or the armistice lines without prior consultation through the Mixed Armistice Commission.

The representative of Israel commented that the new text implied that the logical conclusion for the Mixed Armistice Commission would be that certain Arabs had been improperly excluded and therefore should be allowed to return. Moreover, the parties were not to be called upon to obey any finding of the Commission but only that finding which involved the repatriation of any such Arabs. The new provision to call on the Governments to take no future action involving the transfer of persons without prior consultation through the Commission was criticized on the ground that it would encourage infiltrators to enter Israel territory in the sure knowledge that the Government did not possess an unreserved power to exclude them. The Israeli Government,

he said, must be allowed the right to exclude those who sought to enter wrongfully or those who had succeeded in entering wrongfully.

The representative of the United States explained on behalf of the sponsors that the draft resolution in no sense prejudged the matter of expulsions. As for the last point raised by the representative of Israel, he stated that some orderly and managed regulation of the transfers seemed to the sponsors to be clearly appropriate. In the context of the international relationships concerned, it was desirable that the Mixed Armistice Commission should decide questions relating to the form, the timing and the procedures of consultation.

The revised draft resolution (S/1899) was then put to the vote and adopted at the 524th meeting on 17 November by 9 votes to none, with 2 abstentions (Egypt, USSR). The text of the resolution (S/1907) follows:

The Security Council,

Recalling its resolution of 11 August 1949 wherein it noted with satisfaction the several armistice agreements concluded by means of negotiations between the parties involved in the conflict in Palestine; expressed the hope that the governments and authorities concerned would at an early date achieve agreement on final settlement of all questions outstanding between them; noted that the various armistice agreements provided that the execution of the agreements would be supervised by Mixed Armistice Commissions whose chairman in each case would be the United Nations Chief of Staff of the Truce Supervision Organization or his designated representative; and, bearing in mind that the several armistice agreements include firm pledges against any further act of hostility between the parties and also provide for their supervision by the parties themselves, relied upon the parties to ensure the continued application and observance of these agreements,

Taking into consideration the views expressed and the data given by the representatives of Egypt, Israel and the Hashemite Kingdom of Jordan and the Chief of Staff of the Truce Supervision Organization on the complaints submitted to the Council: (S/1790, S/1794, S/1824),

Notes that with regard to the implementation of Article 8 of the Israeli-Jordan Armistice Agreement the Special Committee has been formed and has convened and hopes that it will proceed expeditiously to carry out the functions contemplated in paragraphs 2 and 3 of that Article,

Calls upon the parties to the present complaints to consent to the handling of complaints according to the procedures established in the Armistice Agreements for the handling of complaints and the settlement of points at issue,

Requests the Israeli-Egyptian Mixed Armistice Commission to give urgent attention to the Egyptian complaint of expulsion of thousands of Palestine Arabs, and

Calls upon both parties to give effect to any finding of the Israeli-Egyptian Mixed Armistice Commission

regarding the repatriation of any such Arabs who in the Commission's opinion are entitled to return,

Authorizes the Chief of Staff of the Truce Supervision Organization with regard to the movement of nomadic Arabs to recommend to Israel, Egypt and to such other Arab States as may be appropriate such steps as he may consider necessary to control the movement of such nomadic Arabs across international frontiers or armistice lines by mutual agreement, and

Calls upon the Governments concerned to take in the future no action involving the transfer of persons across international frontiers or armistice lines without prior consultation through the Mixed Armistice Commissions,

Takes note of the statement of the Government of Israel that Israeli armed forces will evacuate Bir Qattar pursuant to the 20 March 1950 decision of the Special Committee, provided for in Article 10, paragraph 4, of the Egyptian-Israeli General Armistice Agreement, and that the Israeli armed forces will withdraw to positions authorized by the Armistice Agreement,

Reminds Egypt and Israel as Member Nations of the United Nations of their obligations under the Charter to settle their outstanding differences, and further reminds Egypt, Israel and the Hashemite Kingdom of Jordan that the armistice agreements to which they are parties contemplate "the return of permanent peace in Palestine", and, therefore, urges them and the other States in the area to take all such steps as will lead to the settlement of the issues between them,

Requests the Chief of Staff of the Truce Supervision Organization to report to the Security Council at the end of 90 days, or before, if he deems necessary, on the compliance given to this resolution and upon the status of the operations of the various Mixed Armistice Commissions and further requests that he submit periodically to the Security Council reports of all decisions made by the various Mixed Armistice Commissions and the Special Committee provided for in Article 10, paragraph 4, of the Egyptian-Israeli General Armistice Agreement.

2. Report on the Mixed Armistice Commissions

The Chief of Staff of the Truce Supervision Organization in Palestine, in conformity with the Council resolution of 11 August 1949, submitted on 12 February 1950 a summary report on the Mixed Armistice Commissions (S/1459). The report dealt with the work of the Mixed Armistice Commissions in connexion with the implementation of the General Armistice Agreements concluded between Israel and its four Arab neighbour States, Egypt, Jordan, Syria and Lebanon. It stated that the Commissions, "the only forum on which Arabs and Israelis are presently co-operating in direct contact under United Nations auspices", had been able to settle and to alleviate innumerable human problems arising between the parties on a local level and had contributed to the growing human understanding between the

two peoples. On 17 March 1950 the Chief of Staff communicated the text of a *modus vivendi* to the Egyptian-Israeli General Armistice Agreement signed at El Auja on 22 February 1950 (S/1471).

3. United Nations Conciliation Commission

a. REPORT OF THE COMMISSION

On 2 September the United Nations Conciliation Commission for Palestine presented to the Secretary-General for transmission to the Security Council and the Members of the United Nations a General Progress Report (A/1367 & Corr.1)⁸⁹ describing its activities since it assumed its functions in January 1949 after its establishment by the General Assembly in December 1948. On 23 October it submitted to the Secretary-General a supplementary report (A/1367/Add.1). These two reports were communicated by the Secretary-General to the General Assembly and to the Security Council (S/1814 & Add.1).

Following is a summary of the Commission's activities during 1950.⁹⁰

In February the Commission proposed the formation under its auspices of a Mixed Committee of Israeli and Egyptian Members to consider an Egyptian request to permit refugees in the Gaza area to cultivate their lands north and east of the Gaza strip and to permit refugees from Beer-sheba to return provisionally to that area. Replies from Israel regarding this proposal indicated that while the Israeli Government was prepared to discuss a final peace settlement, it felt that questions of a local and specific nature could best be discussed under the auspices of the Mixed Armistice Commission.

On 29 March the Commission proposed the establishment of Mixed Committees under the Chairmanship of a representative of the Commission and composed of Arab and Israeli members, which would enable the representatives of the parties to discuss directly proposals that the Commission might make. The Commission also stated that it would reserve the right to determine what questions would form the subject of its proposals.

The Arab reply to this proposal indicated that the Arab States were prepared to sit jointly with Israeli representatives if the latter were prepared to discuss the execution of the provisions of the Assembly's resolution 194(III) of 11 December 1948 in so far as it related to the refugees. As

regards other questions, the Arab States were in favour of maintaining the present procedure with one difference, that the Commission should undertake mediation as well as conciliation.

The Israeli reply indicated that Israel was prepared to negotiate a peace settlement directly with Arab States with the Commission acting only as a "harmonizing agent" between the parties.

On 11 May the Commission sent another letter to the parties detailing the principles which would guide it in the conduct of negotiations in the proposed mixed committees, as follows:

- (i) The objective aimed at was to achieve a final settlement of the Palestine problem as called for in Assembly resolution 194(III);
- (ii) The problems raised by such settlement were interlinked
- (iii) Some of them were of an urgent character and might, by agreement among the parties, be examined before the others
- (iv) The principles of the Assembly resolution of 11 December should be respected.

The replies to this letter from the parties concerned and to another note sent by the Commission to Arab States, further clarifying the proposals of 11 May, indicated that the difference in approach stated earlier had remained unresolved. The Commission therefore regretted that for the present there were no grounds on which it could pursue the efforts to set up mixed committees.

In its supplementary report (A/1367/Add.1) the Commission stated, *inter alia*, that various factors had thus far contributed towards preventing the conclusion of a positive peace in Palestine. The establishment of a new State in territory which the Arabs considered their own had provoked deep reactions which profoundly affected the life of Arab peoples. These anxieties, coupled with the anxiety felt about their security by both Israel and the Arab States, had been an important factor preventing the achievement of any degree of normal or stable relations between the new State and its neighbours. The Commission concluded that harmony in the Middle East could result only from a compromise by which the new State of Israel on the one hand would do its best to counteract the dislocations caused by its establishment and the Arab countries would endeavour to adapt their policies to the new situation. The Commission believed that the General Assembly should urge the parties to engage in direct nego-

⁸⁹ See also p. 328.

⁹⁰ For previous activities of the Commission see Y.U.N., 1948-49, pp. 203-7; see also reports of the Commission A/819, A/838, A/927, A/992, A/1252, A/1255, A/1288.

tiations, under the auspices of the Commission, to arrive at a peaceful settlement.

In Chapter III of its report dealing with the refugee question, the Commission stated that, in accordance with Assembly resolution 194(III)⁹¹ of 11 December 1948, the Commission had undertaken negotiations with the interested Governments with a view to solving the refugee problem. The negotiations had concerned both the general aspects of the refugee question, including repatriation, resettlement, economic and social rehabilitation and compensation, and such specific matters as the reuniting of separate families, the protection of orange groves and the unfreezing of bank accounts belonging to refugees and blocked in Israel. The Arab delegations had consistently held the view that (a) the refugee problem should be accorded absolute priority over all other questions relating to the Palestine problem and (b) the solution of that problem depended on Israel's acceptance of the principle of the Assembly's resolution, which required the repatriation of Arab refugees and payment of compensation to those of them that did not wish to return. In their view Israel had not accepted that principle and was making its application difficult.

The Commission, while admitting the validity of the Arab contention that the refugee problem should be accorded priority and of the principle of repatriation, felt, nevertheless, that the refugees should first be informed of the conditions under which they would return. In its view, the refugee question could not be permanently solved without a solution being found for the political questions involved, notably those relating to boundaries.

During the negotiations the Commission received the impression that the Arab Governments were inclining more and more to the view that the problem could not be solved by the return of the refugees to their homes, and that consequently the resettlement of a considerable number of refugees in the Arab countries must also be contemplated.

The Israeli position, as revealed in an interview by members of the Commission with the Prime Minister of Israel, was that Assembly resolution 194(III) made the return of refugees contingent on their willingness to "live at peace with their neighbours". This readiness to live at peace, according to the view of the Israeli Government, could not be relied upon without peace being established between the Arab States and Israeli.

Though not excluding the possibility of repatriation on a limited scale, the Israeli Prime

Minister envisaged the final solution of the problem as the resettlement of the majority of the Arab refugees in Arab areas. The ultimate acceptance of the principle of repatriation by Israel was not achieved, the Commission reported.

The Commission concluded that the Government of Israel, although confirming its decision in principle to pay compensation for land abandoned by Arabs who had left Israeli territory, persisted in its point of view that this question could be usefully considered only within the framework of a general peace settlement. The Commission, however, expressed confidence that further conversations would enable a formula to be found by which the Israeli Government would be able to collaborate in preliminary work leading to the implementation of paragraph 11 of Assembly resolution 194(III) relating to the payment of compensation.

In its supplementary report (A/1367/Add.1), the Commission set forth the following "broad lines" of assistance to refugees on the basis of which, it proposed, immediate negotiations should be undertaken between the appropriate United Nations bodies and the Governments concerned: return to Israel of as many refugees as would be consistent with their own best interests; immediate payment of compensation for property of non-returning refugees; adoption of measures by the Arab States for assuring the full reintegration of non-returning refugees; provision, by the Governments directly concerned, of facilities for resettlement with the technical and financial assistance of the United Nations.

b. CONSIDERATION BY THE ASSEMBLY AT ITS FIFTH SESSION

During the fifth session of the General Assembly, the report of the Commission was discussed by the Ad Hoc Political Committee, the discussion being linked with that on the question of Palestine refugees (see below).

At the 34th meeting of the Committee on 6 November 1950, the Chairman of the United Nations Conciliation Commission for Palestine made a statement in connexion with the sections of the Commission's report (A/1367 & Corr.1 & Add.1) relating to the question of refugees. The Committee decided to discuss parts of the report dealing with refugees together with the two items on its agenda concerning refugees: (i) "Assistance to Palestine refugees" and (ii) "Repatriation of Palestine refugees and payment of compensation

⁹¹ For text, see Y.U.N., 1948-49, pp. 174-76.

due to them". Its specific discussions on the report of the Commission, which took place at the 70th to 72nd meetings, 5-6 December 1950, following the discussions of the two items referred to above, were concerned to some extent with the question of refugees. Similarly certain other points connected with the Commission were raised in the discussions concerning the repatriation of the refugees and the payment of compensation to them.⁹²

4. Palestine Refugees

Apart from discussions on the question of an international régime for the Jerusalem area and protection of the Holy Places⁹³ the Assembly's discussions concerning Palestine at its fifth session were concerned primarily with questions relating to the Palestine refugees. It had on its agenda the following items:

- (a) Assistance to Palestine refugees
- (b) Repatriation of Palestine refugees and payment of compensation to them
- (c) Report of the United Nations Conciliation Commission for Palestine

The discussions on the last two items are here treated together. These questions were considered by the Ad Hoc Political Committee, which at its 31st meeting on 1 November 1950 invited the representative of Jordan to participate without vote in the discussion of questions relating to Palestine.

a. ASSISTANCE TO PALESTINE REFUGEES

The Ad Hoc Political Committee considered this question at its 31st to 36th meetings, 1-7 November, and at the 57th meeting on 27 November 1950. The discussions at these meetings, however, included reference to the question of repatriation and payment of compensation to refugees.

(1) Report of the Director of UNRWAPRNE

At the 31st meeting of the Committee the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWAPRNE) presented the interim report of the Agency (A/1451) and made a statement which was circulated (A/AC.38/4).

The report, covering the period 1 May to 15 September 1950, stated that 800,000 Arab refugees under its care were in a "desperate situation". They were living in overcrowded tents, billets and improvised quarters, the condition of which was rapidly deteriorating. Their clothing was in

tatters and they had exhausted their personal resources to supplement their minimum relief diet. The refugees, it was stated, were tired of their present condition and were anxious to return to their homes. They attributed their present condition to the interference of the "Western World" in their affairs and resented the fact that they had not received compensation for their losses. They also resented the withholding by Israeli banks of their money. They blamed the United Nations for their plight and had little gratitude for the efforts of the Agency to maintain them.

After two years of enforced idleness and trying conditions, the 800,000 refugees constituted a serious threat to the peace and stability of the Near East, the report stated. The report acknowledged the assistance to the refugees of UNICEF, which had contributed \$3,000,000; WHO, which had provided \$42,857 for the 1950 medical programme; and UNESCO, which had donated \$50,000 towards the educational programme (74 schools run jointly by the Agency and UNESCO were teaching 45,740 pupils).

The report recalled that the assignment given to the Agency by the Assembly in December 1949 in resolution 302(IV) had been to change the pattern of United Nations activities for Arab refugees from a direct relief programme to one of works employment, in order to eliminate free rations, offer the refugees a constructive outlet and strengthen the economies of the host countries. But, despite persistent application of this formula, progress had been slow. Only 17,500 refugees were working on works projects. The Agency had been unable to reach the high targets of employment previously contemplated due to the following reasons:

- (a) The agency did not get started as early as had been hoped
- (b) The time taken to interest refugees and Governments in a works programme had been longer than anticipated
- (c) There was no opportunity for any considerable works programme which could solve the unemployment problem for refugees in Gaza and Lebanon, where their number was more than 200,000, as there were no works projects available and none likely to develop in this area. The resources of Jordan, which had received more than half the refugees, were unequal to the task of starting works projects on any considerable scale
- (d) Lack of contributions made it impossible to provide for more than a very modest programme.

⁹² For convenience, the Committee's discussion is dealt with under this heading; see pp. 328—34.

⁹³ See pp. 335-41.

The report recommended that direct relief be continued and that works programmes be stepped up and also be designed specifically for the improvement and future living conditions of the refugees.

In Israel, the Agency had provided relief to two types of refugees: Jews who had fled inside the borders of Israel, and Arabs displaced from one area to another. When the Agency first started its operations the Jewish refugees numbered 17,000, but 14,000 had been absorbed in the economic life of the new State. Arab refugees were first numbered at 31,000. A number of these had become self-supporting, and at the end of August only 24,000 were receiving relief.

The report stressed the need for giving international assistance to the Governments of the receiving countries and for the repatriation or re-establishment of the refugees, to be accomplished by negotiations with the Government concerned. In this connexion the report drew attention to the increasing importance of technical assistance by UNWRAPRNE and by the specialized agencies of the United Nations in "moving the programme from relief to works and then on to reintegration" of the refugees into the economy of the area concerned, either through repatriation or through resettlement. It therefore proposed that the United Nations authorize contributions to a fund that would be available for projects of refugee reintegration and surveys and technical assistance connected with such projects proposed by Near Eastern Governments.

The Agency considered that the reintegration of the large number of refugees would in the course of years involve a major economic enterprise. It therefore urged the United Nations to encourage and facilitate consultation among those engaged in international economic activities in the Near East, especially with reference to the task of refugee reintegration, and to facilitate the Agency's participation in feasible arrangements for economic co-operation among Near East Governments.

Estimates of \$50,000,000 were submitted for the period 1 July 1951 to 30 June 1952, out of which, it was proposed, \$20,000,000 should be earmarked for direct relief and \$30,000,000 for the proposed re-integration fund. In conclusion, the report emphasized the magnitude of and the danger inherent in the Near East refugee problem and stated that the problem needed the fullest understanding and support of the nations of the world.

(2) Consideration by the Ad Hoc Political Committee

At the 35th meeting of the Ad Hoc Political Committee on 7 November 1950, a joint draft resolution (A/AC.38/L.28) was presented by France, Turkey, the United Kingdom and the United States. This draft resolution would have the Assembly note, *inter alia*, that contributions sufficient to carry out the programme authorized in Assembly resolution 302(IV) had not been made, and urge Governments which had not yet done so to make every effort to give voluntary contributions. It would recognize that direct relief could not be terminated by 31 December 1950, as envisaged in resolution 302(IV), and authorize the Agency to continue to furnish direct relief to refugees, estimating that approximately \$20,000,000 would be needed for this programme for the period 1 July 1951 to 30 June 1952. It would state that the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, was essential, and instruct the Agency to establish a reintegration fund to which not less than \$30,000,000 should be contributed during the period 1 July 1951 to 30 June 1952. The Secretary-General, it was proposed, should be authorized to advance funds not exceeding \$5,000,000 from the Working Capital Fund to finance operations pursuant to the resolution.

The Secretary-General and the specialized agencies would be called upon to utilize to the fullest extent the Agency's facilities in co-ordinating the technical assistance programmes in the countries in which the Agency was operating. The draft resolution expressed appreciation of all the assistance rendered by the specialized agencies, non-governmental organizations and private organizations as well as of the work of the Director and the staff of the Agency and the Advisory Commission.

Paragraph 8 of the joint draft resolution dealing with the method of financing was left blank; the sponsors proposed that the Committee should seek advice from the Fifth Committee concerning it. The proposal to refer this question to the Fifth Committee was accepted.

In the Committee's general debate the representatives of Egypt, Iraq, Jordan, Lebanon, Pakistan, Syria and Yemen, while supporting the recommendation of the Director of the United Nations Relief Agency for continued direct aid to the refugees, held that such aid was merely a palliative measure and emphasized that the only permanent solution of the problem lay in the repatriation of

the refugees to their homes and in the payment of the compensation due to them according to Assembly resolution 194(III) of 11 December 1948.⁹⁴

They alleged that Israeli authorities were confiscating Arab possessions and were practising discrimination in a determined effort to annihilate the Arab population. There was an added danger, they said, that subversive doctrines would gain ground among the refugees and increase the threats to the peace of the Near East. Moreover, it was stated, Israel was continuing to expel Arabs from its territory. The number of those who had remained in their homes but had lost their livelihood because their lands were on the other side of the frontier was also very large—nearly 150,000—which, if added to the number of refugees receiving relief, would swell the figure of those in extreme need, to nearly a million.

It was emphasized that one million refugees constituted above one seventh of the population of that area. As long as Israel refused to implement Assembly resolution 194(III) the problem would remain. If, however, the refugees were repatriated, the number wishing to remain in the Arab countries would pose no problem for the United Nations, as it would be small.

These representatives agreed with the recommendation of the Relief and Works Agency that a reintegration fund of \$30,000,000 should be constituted, but emphasized that the Agency's projects should not entail loss of the refugees' right of repatriation which had been conceded to them by the General Assembly. Furthermore, the reintegration fund should also be available for the rehabilitation of the refugees in their original homes and their trades and professions.

As for suggestions that the refugees should be settled in the Arab countries and be employed in economic development projects, it was argued that there were no work projects which could possibly absorb the large number of refugees in Gaza, Lebanon or Jordan. Moreover, repatriation to their homes was a fundamental human right which could not be "bartered away".

Commenting on the joint draft resolution the representative of the United States stated that reintegration would give an ever-increasing number of refugees the courage and material means of beginning a new life. He hoped that the states of the Near East, in particular, would weigh the advantages of such a proposal. Clearly, several years would be needed to carry out the reintegration of 150,000 families, but the sooner such a scheme was initiated the sooner it would be com-

pleted. Before the necessary funds were granted to the Agency, however, the representative of the United States observed, evidence would be needed of any projects which had been or were to be initiated by the Governments concerned. The United States Government, he said, was prepared to request Congress for a contribution, but at present his delegation was not in a position to make commitments. Any action that might be taken on the question would be influenced greatly by the actions of other Governments in support of the Agency's programme, as well as by the steps taken by the Near Eastern Governments in preparing plans for the reintegration of refugees.

The representative of Canada stated that the humanitarian aspects of the question could not be considered in isolation from its political aspects. While expressing his Government's deepest sympathies for the Arab refugees, he nevertheless felt that the first measures for a solution of the problem should be to determine the exact number of refugees who were not in favour of repatriation. These refugees should then receive compensation under the reintegration programme. He stressed that the resettlement of the refugees in the Arab countries would require technical and financial assistance on a large scale. Such expenditure by the United Nations would, in his opinion, be justified not only on humanitarian grounds but because of its contribution toward the economic development of the Near East.

The representative of the United Kingdom regretted that the Agency's report had not given more prominence to possibilities of transferring the responsibility for the operation of the relief and works programme to the Governments of the Near East since that had been an important recommendation made by the Economic Survey Mission. Nevertheless he considered the reintegration programme to be essential.

The representative of Iraq stated that he had noted a tendency of certain representatives to disregard the legitimate right of the Arabs to return to their homes. Most speakers, he stated, allowed the inference that it was apparently the object of the United Nations to "chase the Arabs from their homes in Palestine". The continuation of

⁹⁴ This resolution, which established the Conciliation Commission, stated in par. 11 that refugees wishing to return to their homes should be permitted to do so as soon as possible and that compensation by the Governments or authorities responsible should be paid for the property of those choosing not to return and for damage and loss of property. The Conciliation Commission was instructed to facilitate the repatriation, resettlement, and economic and social rehabilitation of refugees and the payment of compensation to them.

relief, he stated, was not a solution. The remedy was to restore to the refugees their homes and their property. Those who had despoiled the Arabs should be compelled to comply with the Assembly decisions and restore the property they had looted. The United Nations could not acquiesce in or remain indifferent to such a violation of property rights. It was, he said, the Organization's duty to apply the principles which it was applying in Korea. He stated that the present relief measures were quite inadequate and amounted to \$2 per month per head, which could not support any individual. He could not agree with the joint draft resolution, which, he stated, completely ignored resolution 194(III) under which the Assembly had solemnly recognized the refugees' right to return to their homes or, if they did not choose to do so, to receive compensation for their property.

At the 36th meeting of the Committee, the representative of Pakistan proposed an amendment (A/AC.38/L.29) to the joint draft resolution to insert in the fourth paragraph the words "without prejudice to the provisions of paragraph 11 of the General Assembly resolution 194(III) of 11 December 1948". This amendment was accepted by the sponsors of the joint draft resolution.

The representative of Israel maintained that the decision to launch a Palestine war in 1948 together with the persistent refusal of the Arab States to negotiate a peace settlement were jointly responsible for all the present tensions in the Near East. Israel, he said, was willing to enter into negotiations for a general peace settlement at any time, and in these negotiations the refugee problem would receive prior consideration. Israel was also willing to consult with the United Nations on the question of compensation. But, he said, the question of repatriation should be considered from the viewpoint of the best interests of the refugees. Israel could accept some refugees, depending on among other things their willingness to live at peace with the inhabitants of the country. His country, however, had always felt that reintegration would serve the best interests of the refugees, who would be protected by Governments and people akin to them in tradition, culture, interests and religion. He therefore supported the proposal for the reintegration fund, to which his Government would contribute, as well as for the continuance of relief assistance for the present.

As regards the Pakistani amendment to the draft resolution, the representative of Israel stated

that it was contrary to the conclusions stated in the reports of the Conciliation Commission and the Relief and Works Agency. These reports without repudiating earlier Assembly decisions on repatriation, urged the Committee to consider resettlement in large numbers in Arab countries. These recommendations, he considered, represented a change in emphasis based on changes which had occurred since 1948. With the Pakistani amendment the resolution would bind the United Nations to a formula not generally accepted as satisfactory.

(3) Recommendation by the Fifth Committee

At its 57th meeting on 27 November, the Committee considered a letter (A/AC.38/L.49) from the President of the General Assembly transmitting the advice of the Fifth Committee regarding the method of financing the proposed relief and reintegration programme. The Fifth Committee recommended that a paragraph 8 be included in the joint draft resolution which would provide for the appointment by the President of the Assembly of a Negotiating Committee of seven or more members to consult with Member and non-member States as to the amounts which Governments might be willing to contribute on a voluntary basis. It was also suggested that the Assembly should request that, as soon as the Negotiating Committee had ascertained the extent to which Member States were willing to make contributions, all delegations should be notified by the Secretary-General in order that they might consult their Governments. As soon as the Negotiating Committee had completed its work, it was suggested, the Secretary-General should at the Committee's request arrange, during the current session of the General Assembly, a meeting of Member and non-member States at which Members might commit themselves to their national contributions and the contributions of non-member States might be made known. As regards paragraph 9 of the draft resolution, the Fifth Committee noted that the maximum sum likely to be available from the Working Capital Fund during July and August 1951 was estimated at \$2,500,000, and the Committee therefore hoped that the demands upon the Working Capital Fund might be limited to that amount.

The sponsors of the joint draft resolution accepted for inclusion in the joint draft resolution paragraph 8 as recommended by the Fifth Committee. The Committee then adopted the joint draft resolution by 43 votes to none, with 6 abstentions (A/AC.38/L.52).

(4) Resolution Adopted by the General Assembly

The General Assembly at its 315th plenary meeting on 2 December 1950 adopted the draft resolution recommended by the Ad Hoc Political Committee (A/1566) without debate, by 46 votes to none, with 6 abstentions.

The resolution (393(V)) read as follows:

The General Assembly,

Recalling its resolution 302 (IV) of 8 December 1949,

Having examined the report of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the report of the Secretary-General concerning United Nations Relief for Palestine Refugees,

1. Notes that contributions sufficient to carry out the programme authorized in paragraph 6 of resolution 302 (IV) have not been made, and urges governments which have not yet done so to make every effort to make voluntary contributions in response to paragraph 13 of that resolution;

2. Recognizes that direct relief cannot be terminated as provided in paragraph 6 of resolution 302 (IV);

3. Authorizes the Agency to continue to furnish direct relief to refugees in need, and considers that, for the period 1 July 1951 to 30 June 1952, the equivalent of approximately \$20,000,000 will be required for direct relief to refugees who are not yet reintegrated into the economy of the Near East;

4. Considers that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available, and for the realization of conditions of peace and stability in the area;

5. Instructs the Agency to establish a reintegration fund which shall be utilized for projects requested by any government in the Near East and approved by the Agency for the permanent re-establishment of refugees and their removal from relief;

6. Considers that, for the period 1 July 1951 to 30 June 1952, not less than the equivalent of \$30,000,000 should be contributed to the Agency for the purposes set forth in paragraph 5 above;

7. Authorizes the Agency, as circumstances permit, to transfer funds available for the current relief and works programmes, and for the relief programme provided in paragraph 3 above, to reintegration projects provided for in paragraph 5;

8. (a) Requests the President of the General Assembly to appoint a Negotiating Committee composed of seven or more members for the purpose of consulting, as soon as possible during the current session of the General Assembly, with Member and non-member States as to the amounts which governments may be willing to contribute on a voluntary basis towards:

(i) The current programme for relief and works for the period ending 30 June 1951, bearing in mind the need for securing contributions from Member States which have not yet contributed;

(ii) The programme of relief and reintegration projects as provided for in paragraphs 3 and 4 above for the year ending 30 June 1952;

(b) Authorizes the Negotiating Committee to adopt procedures best suited to the accomplishment of its task, bearing in mind:

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

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

(iii) The importance of enabling the United Nations Relief and Works Agency for Palestine Refugees in the Near East to plan its programmes in advance and to carry them out with funds regularly contributed;

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

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

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

9. Authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to advance funds, deemed to be available for this purpose and not exceeding \$5,000,000, from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1951;

10. Calls upon the Secretary-General and the specialized agencies to utilize to the fullest extent the Agency's facilities as a point of reference and co-ordination for technical assistance programmes in the countries in which the Agency is operating;

11. Expresses its appreciation to the United Nations International Children's Emergency Fund, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the International Refugee Organization, the International Labour Organisation and the Food and Agriculture Organization for the assistance which they have rendered, and urges them to continue to furnish all possible assistance to the Agency;

12. Commends the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee for their invaluable services and whole-hearted co-operation in the distribution of relief supplies until those functions were taken over by the Agency;

13. Expresses its thanks to the numerous religious, charitable and humanitarian organizations whose programmes have brought much needed supplementary assistance to the Palestine refugees, and urges them to continue and expand, to the extent possible, the work which they have undertaken on behalf of the refugees;

14. Extends its appreciation and thanks to the Director and staff of the Agency and the members of the Advisory Committee for their effective and devoted work.

(5) Establishment of the Negotiating Committee

At the 318th plenary meeting of the Assembly on 4 December, the President announced that he had appointed, in compliance with resolution 393(V), a Negotiating Committee consisting of Canada, Egypt, France, India, United Kingdom, the United States and Uruguay. On 14 December, the Chairman of the Negotiating Committee submitted a statement (A/1744) to the Assembly on the work and the plans of the Negotiating Committee.

The report stated that the response on the raising of funds for Palestine Relief and Public Works had been a "keen disappointment" to the Committee. It noted that many delegations were still without instructions from their Government. As to future plans of the Committee, it stated that it was intended to complete exploratory work by 15 January 1951 and to request the Secretary-General thereafter to arrange a meeting of Member and non-Member States at which Members might commit themselves to their national contributions and the contribution of non-Members might be made known.

b. REPATRIATION OF REFUGEES AND PAYMENT OF COMPENSATION TO THEM

This question, as well as the report of the Conciliation Commission (A/1367 & Corr.1 & Add.1),⁹⁵ was discussed by the Ad Hoc Political Committee at its 61st to 72nd meetings, 29 November to 6 December 1950; the Committee also discussed those aspects of the report of the Palestine Conciliation Commission (A/1367 & Corr.1 & Add.1) bearing on the question, and other aspects of the report.

(1) Consideration by the Ad Hoc Political Committee

(a) DRAFT RESOLUTIONS BEFORE THE COMMITTEE

The Committee had before it the following draft resolutions:

(a) Draft resolution by Egypt (A/AC.38/L.30/Rev.1), which would have the General Assembly request the Conciliation Commission to establish an agency for the repatriation of and payment of compensation to Palestine refugees. The agency was to make arrangements for the repatriation of refugees and remit to those entitled, sums due as compensation. It would, also, in collaboration with the competent authorities, take measures to safeguard the property of the refugees. The competent Governments and authorities would be invited to furnish binding guarantees that refugees returning to their homes would be treated without any discrimination in law or in fact. The Director of the agency was to be appointed by the General Assembly before the end of the fifth session, and the Secretary-General was to be authorized to make available to him funds and staff essential for the discharge of his re-

sponsibilities. A refusal by any Government or authority to comply with the terms of the resolution was to be taken as proof of the existence of a breach of the peace within the meaning of Article 39 of the Charter and was to be subject to investigation by the competent organs of the United Nations with a view to adoption of appropriate measures in conformity with the Charter.

(b) Draft resolution by France, Turkey, the United Kingdom and the United States (A/AC.38/L.57), which, *inter alia*, urged the Governments concerned to engage without delay in direct discussions in order to arrive at a peaceful settlement of all questions outstanding between them. It was proposed that the Conciliation Commission be directed to establish an office under its direction to make arrangements for the assessment and payment of compensation pursuant to paragraph 11 of resolution 194(III), to work out arrangements for the implementation of other objectives of that paragraph, and to continue to consult the parties regarding measures to protect the rights, property and interests of the refugees. The Governments concerned would also be called upon to ensure that refugees, whether repatriated or resettled, would be treated without any discrimination in law or in fact.

(c) Draft resolution by Israel (A/AC.38/L.60), which would urge the Governments concerned to engage without delay in direct discussions under the auspices of the Conciliation Commission, in order to arrive at a peaceful settlement of all questions outstanding between them. It would direct the Commission to render all possible assistance to the parties concerned in order to ensure the implementation of the resolution and to avail itself of the services of other United Nations organs and agencies, particularly the Relief and Works Agency for Palestine Refugees in the Near East. It would also recommend that the Governments concerned should give special and urgent attention to the refugee question, and call upon them to co-operate with the Conciliation Commission in the exercise of its functions and to assist in the attainment of a speedy and peaceful settlement of all questions outstanding between the parties;

(d) Joint draft resolution by Ethiopia and Pakistan, which, among other things, would direct the Conciliation Commission to establish an office to (i) take effective measures pursuant to paragraph 11 of resolution 194(III) to facilitate at the earliest practicable date the repatriation of all refugees wishing to return to their homes and live at peace with their neighbours; (ii) take effective measures for the assessment and payment of compensation in respect of properties of those refugees not wishing to return, as well as for the implementation of other objectives of paragraph 11; and (iii) take measures for the preservation of the properties, rights and interests of refugees pending the attainment of the foregoing objectives. The draft resolution would further call upon the Governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, would be treated without any discrimination in law or in fact. The resolution would further urge the Governments concerned to collaborate with the proposed office in the implementation of paragraph 11 of resolution 194(III) and of the new resolution, and instruct the Conciliation Commission to report periodically to the Secretary-General on the progress of the work of the office and of the implementation of the resolution.

⁹⁵ See also pp. 321-23.

(e) Draft resolution by the USSR (A/AC.38/L.66), which would state that the Conciliation Commission had proved incapable of discharging its duty of settling the disputes between the parties in Palestine and would resolve to terminate the Commission.

The following amendments were submitted to the draft resolution:

- (a) By the USSR (A/AC.38/L.61), to delete the reference in the joint four-Power draft resolution to the Conciliation Commission and to delete paragraph 2 of this draft providing for the establishment of an office under its direction;
- (b) By China (A/AC.38/L.64), to replace paragraph 1 of the four-Power draft resolution by a provision urging the Governments and authorities to seek agreement "by negotiations conducted either with the Conciliation Commission or directly";
- (c) By the Philippines (A/AC.38/L.67), to amend the preamble and paragraph 1 of the four-Power draft resolution by including more specific references to the refugee question. This amendment was later withdrawn.

(b) TESTIMONY OF THE CHAIRMAN OF THE CONCILIATION COMMISSION

At the 72nd meeting of the Committee, the Acting Chairman of the Conciliation Committee answered questions put to him by the representatives of Iraq, Egypt and Israel, during the course of which he stated:

- (i) That the Lausanne Protocol of 12 May 1949^{*} (A/927) had not been implemented and that he doubted whether it could serve as a basis for negotiations at the present time. During the past year the Commission had declined to discuss the refugee problem out of its context because it had felt that it was not competent to do so. If the General Assembly gave the Commission authority, it might be able to give primary attention to the refugee problem while bearing in mind the possibilities of a general statement;
- (ii) that Israel, while agreeing to discuss all outstanding questions in mixed committees set up for the discussion of specific questions, had maintained that the refugee question could be discussed only as a part of a general settlement;
- (iii) that, with reference to blocked accounts of refugees in Israeli banks, the Israel Government had agreed to release a token payment of £100;
- (iv) that there had been no satisfactory progress in reuniting families; it had been found that family groups were being further separated instead of being reunited;
- (v) that the Government of Israel had not been prepared to accept the return of the refugees to cultivate their orange groves.

(c) DISCUSSIONS IN THE COMMITTEE

The discussions in the Ad Hoc Political Committee centred mainly on the joint four-Power draft resolution. On behalf of the joint four-Power draft resolution, its sponsors stated as follows:

- (i) The joint draft resolution considered the refugee problem in the general context of the Palestine question; the General Assembly's resolution of 11 December, it was stated, must to some extent, at least, be read as a whole and exclusive reference must not be made to its

provisions concerning refugees, as was done in the Egyptian draft resolution, and provision was therefore made for direct negotiations between the parties.

(ii) The draft resolution, however, recognized the importance of the refugee problem and referred to it specifically.

(iii) It was not necessary, as proposed by Egypt, to set up a special body to deal with the repatriation of Palestine refugees and the payment of compensation to them. The Relief and Works Agency, if properly financed, could deal with the question of reintegration, which covered both repatriation and resettlement, and the committee of experts being established by the Palestine Conciliation Commission should be able to set up the machinery for the payment of compensation.

(iv) Although containing no magic formula, the draft resolution, if implemented, would contribute to better relations between Israel and the Arab States; it would improve the general situation in Palestine and thus lay the foundations for a final settlement in the interest of the refugees.

(v) The draft resolution did not seek to alter the principles contained in the General Assembly resolution 194(III) or to contradict the right of the refugees to return to their homes in Palestine, or failing this, to receive compensation. It did however, recognize that the principles contained in the Assembly's resolution must be applied on a practicable basis.

In this connexion, the representative of the United Kingdom stated that he doubted whether it would be in the best interest of the refugees to return to Palestine since there was a grave danger that the legacy of distrust between the two parties would make the task of mutual adjustment of populations impossible. The Arabs of Palestine might also have great difficulty in adjusting themselves to the very highly organized economy of Israel, which ran counter to the Arab economic outlook. In these circumstances, he considered that the Arab refugees would have a happier and more stable future if the bulk of them were resettled in the Arab countries.

The representatives of Afghanistan, Egypt, Iran, Iraq, Jordan, Lebanon, Pakistan, Saudi Arabia and Yemen maintained that the General Assembly had already decided, by adopting resolution 194 (III)

^{*} This Protocol declared: "The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly resolution of 11 December 1948, regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegations of the Arab States and to the delegation of Israel that the working document attached hereto be taken as a basis for discussions with the Commission."

"The interested delegations have accepted this proposal with the understanding that the exchanges of views which will be carried on by the Commission with the two parties will bear upon the territorial adjustments necessary to the above-indicated objectives."

To this document was annexed a map on which were indicated the boundaries defined in the General Assembly resolution of 29 Nov. 1947. This map was taken as the basis of discussions with the Commission.

of 11 December 1948, how the refugee problem was to be solved. The main conditions of that settlement were laid down in paragraph 11 of that resolution as the right of repatriation and compensation. The late Count Bernadotte, when Mediator in Palestine, had also confirmed the absolute right of the refugees to repatriation. Moreover, the right of repatriation and compensation was based on acknowledged principles of international law.

The Assembly resolution 181(II), which brought the State of Israel into being, also declared that the Arab population residing in the State would be entitled to choose Israeli nationality. Furthermore, the Arab's right to repatriation was also clear from Articles 13 and 17 of the Universal Declaration of Human Rights.

The claims by the Israeli Government that Arabs had fled from Israel on account of the Arab invasion of Palestine was false because over 250,000 Arabs had fled from their homes long before Arab forces had entered Palestine. Their flight, it was stated, had been due to the terroristic activities of Jewish organizations like the Irgun and the Stern Gang and not to the entry of the Arab forces, who had gone into Palestine to rescue their Arab kinsmen from Jewish atrocities.

The second claim of Israel was that the repatriation of refugees should be carried out as part of an over-all peace settlement. From this it appeared that Israel was using the refugees merely as a bargaining counter. Paragraph 5 and 6 of Assembly resolution 194(III) of 11 December, which dealt with the settlement of the Palestine question as a whole and the establishment of peace, had no direct connexion with paragraph 11, which was concerned with the right of refugees to return home. If this interpretation was challenged, then the question of Jerusalem and Holy Places, which was dealt with in paragraphs 7, 8, 9 and 10 of that resolution, should also be considered as part of a general settlement. Yet Israel had made no objection to that question being considered separately and had not claimed that the application of those paragraphs depended upon the establishment of peace. Moreover, when a question was covered by both general and specific provisions, the specific provisions always prevailed. Therefore, these representatives maintained, there was no justification for claiming that the return of the Arab refugees to their homes was contingent upon the establishment of peace between Israel and the Arab States.

The third objection put forward by Israel was, it was stated, that repatriation of a large number of Arab refugees would create a dangerous minor-

ity problem. But the Arabs, it was contended, had lived in Palestine for thirteen centuries and could not be regarded as a minority. Moreover, there were examples of people of different backgrounds, languages and religions living together in harmony as in the United States. As a matter of fact there was much more in common between the Palestinian Arabs and Jews than between Palestinian Jews and foreign Jews, who had nothing in common but their religion.

The representative of Egypt expressed satisfaction that the joint four-Power draft resolution covered in principle some of the points embodied in the Egyptian draft resolution. It provided, though in somewhat vague and ambiguous terms, for the repatriation of refugees and the payment of compensation to them. Nevertheless it contained two defects: the weakness of its wording and the implication that the repatriation of refugees would result in the complete settlement of the Palestine problem. As had been pointed out, there was, he said, no connexion between the two questions.

The representative of Israel in reply to the statements of these delegations stated that the version about the flight of the refugees from Palestine as having been solely due to the terroristic activities of Jewish organizations was absolutely distorted and "completely reversed to the logical order of cause and effect". Arab violence had broken out the day after the Assembly had adopted its resolution 181(II) of 29 November 1947. It had been carefully planned in advance, as evidenced by the resolution adopted by the Political Committee of the Arab League in September 1947.

The mass flight of the Arabs had been ordered by Arab interests, who had told their kinsmen that they would be free to return when the country was cleared of Jews. The refugee problem was the result of armed rebellion against a United Nations decision and those responsible for it must bear the consequences.

Moreover, he stated, Palestine was not the only country in which such vast changes had occurred. After the First World War there had been a mass migration of people between various countries, such as Greece and Bulgaria, and Greece and Turkey. After the Second World War similar transfer of populations had occurred from countries such as Poland and Czechoslovakia into Germany. When India and Pakistan had become independent, millions of men had moved from one country to the other. Migration had also taken place in China, where it had assumed still greater dimensions.

In none of those cases, in comparison with which the number of Palestine refugees became

insignificant, had there ever been any attempt to restore the status quo ante.

When the Arabs had rejected the international decision taken in November 1947 in resolution 181(II) and had chosen arms as the means of settling the problem of Palestine, they implicitly and in advance undertook to abide by the outcome of the combat, thereby relinquishing their right to invoke the principle of international settlement.

The Committee had heard the Arab delegations say that they were prepared to apply the United Nations resolution. That statement, he said, had come three years too late. During those three years events of fundamental importance had happened to render certain provisions of the 1947 plan completely obsolete in respect both of territorial limits and of population.

As regards the proper solution for the refugee problem, the representative of Israel stated, any impartial observer would have already become convinced that the repatriation of a large number of refugees was impossible, for the population of Israel was constantly increasing because of the vast influx of the Jewish immigrants. It was futile, he said, to argue at the present stage the rights and wrongs of such immigration. The establishment of the State of Israel had only one purpose: to give a home to those Jews throughout the world who were in need of it. Jewish immigration was the movement of the people urged by misery and fear towards a country where they hoped to find freedom and the possibility of a normal life. Moreover, at the present time Jews were immigrating to Israel from the Arab countries. Thus the Arab countries were on the one hand protesting against the immigration of the Jews into Israel, while on the other they seemed very anxious to get rid of their own Jewish nationals as rapidly as possible.

The other factor which must be allowed for in considering the possibility of repatriation was security. The return of the Arabs to Israel would undoubtedly create an atmosphere of mutual suspicion which would conduce neither to the stability of the area nor to the contentment of its inhabitants. The assurances given in the past on the assumption of peaceful co-operation between the two States in Palestine no longer had any meaning in the present setting. It must not be forgotten that Israel had had to wage war to defend its very existence. In a number of articles in the Arab press the repatriation of the refugees was being urged as a means of creating within Israel a fifth column which would facilitate a future war of reconquest. The Governments which refused to make peace with Israel and even refused to recog-

nize it as a sovereign State were urging repatriation in a spirit which would, of itself, justify Israel in rejecting that solution. For all those reasons, he said, repatriation was impracticable, and politically it would be an act of criminal folly.

The Israeli delegation was of the opinion that the only solution of the refugee problem was that which the Committee had adopted (A/AC.38/L.52)⁹⁷ approving the establishment of a reintegration fund to assist the Governments of the Middle East in carrying out programmes for the permanent resettlement of the refugees. In a spirit of conciliation the Israel Government had in that respect agreed to waive its previous requirement that the refugee problem could only be considered as part of a general peace settlement. The Israeli delegation had indicated that its Government was prepared to make contributions to the reintegration fund in the form of instalments on account of the compensation which it had always admitted that it owed for the land and property abandoned by the Arab refugees.

The representative of Israel opposed some of the provisions of the joint four-Power draft resolution (A/AC.38/L.57). He considered the refugee problem had already been dealt with by the resolution establishing the reintegration fund, and the only outstanding problem was that of peace, with which the Conciliation Commission was dealing. He supported the Commission's recommendation (A/1367/Add.1) that the General Assembly should address an urgent appeal to the parties concerned to negotiate immediately a settlement of all the questions outstanding between them. He objected, however, to the implication in the preamble that both parties were equally to blame for the lack of a peaceful settlement. The General Assembly and the Security Council had unequivocally indicated who was responsible for that situation. He raised the question as to whether the omission in the second operative paragraph of a reference to the reintegration fund meant that two methods of compensation were envisaged. The Government of Israel could not consider paying the same compensation twice or undertaking uncoordinated financial commitments. It should therefore be made clear that, apart from the payment of compensation into the resettlement fund, all other questions without exception would be considered within negotiations for a final settlement, during which Israel would present its claims for war damages. Moreover, the office it was proposed to set up could do no more than approach Gov-

⁹⁷ See p. 326.

ernments with a view to arrangements for the assessment and payment of compensation. The Israeli delegation, the representative of Israel stated, reserved the right to submit amendments on all the points he had indicated.

The representatives of India, Burma and Ethiopia considered that the rehabilitation of the Arab refugees should be treated separately from questions of a general political settlement. The representative of India stated that the question of rehabilitation was only a long-term aspect of the question of assistance. The representative of Burma stated that the enjoyment of fundamental rights should not be made contingent on the solution of political problems and that repatriation should be treated as a separate and urgent item. The representatives of Ethiopia and Pakistan offered a compromise draft resolution.

The representative of Denmark, agreeing that the United Nations bore the main responsibility for the situation in which the refugees found themselves, considered that the question should be considered in accordance with the principles of international law and of human rights. It was for the individual refugees to decide whether they wished to remain in Arab countries or not. A first step in solving the problem, he suggested, might be to unfreeze the bank accounts of refugees immediately to enable them, if they so desired, to settle in the Arab countries. He supported the joint four-Power draft resolution.

The representative of Belgium considered that irrespective of legal considerations, the question could not be solved without co-operation between Israel and the Arab States, and therefore he favoured direct negotiations between the parties. He suggested that the authors of the various proposals might find an agreed formula.

The Committee discussed at some length as to whether paragraph 1 of the draft resolution providing for direct negotiations was extraneous to the subject under discussion.

The representatives of Egypt, Ethiopia, Iraq, Lebanon, Pakistan, Saudi Arabia and Syria, among others, held that the paragraph related not to the refugee question but to the agenda item dealing with the report of the Conciliation Commission and the general political question which the Committee had agreed to discuss separately.

The sponsors of the joint draft resolution, supported by representatives of Israel and Uruguay, felt that the settlement of the refugee question was closely connected with the general political settlement and therefore could not be considered in isolation.

One of the principal questions raised in the Committee's discussion of the Conciliation Commission's report was that of Jewish immigration into Palestine. In the opinion of the Arab States, as expressed by the representatives of Egypt, Jordan and Syria, this, together with the refugee question, was the main obstacle to the settlement of outstanding issues between Israel and the Arab States, and one of the reasons why, in their opinion, the Conciliation Commission had in its two years of existence made little progress despite the greatest possible co-operation from the Arab States.

They felt that pressure from mass migration would, in the future, serve to "unleash an offensive of penetration or infiltration of Arab countries" and was a grave threat to the peace of the Middle East. In this connexion the representative of Egypt quoted a letter by the United Nations Mediator addressed to Jewish authorities on 6 July 1948, in which he had stated that unlimited immigration might cause a serious political and economic problem which the Israeli Government would be unable to control and that the question of immigration was of concern to the neighbouring Arab States as well as to the State of Israel. The Arab delegations, it was stated, considered it necessary to draw the attention of the United Nations to this continued mass migration which in their opinion was bound to have two results: to make the repatriation of Arab refugees more difficult and to compel Jews to seek expansion outside their present territory.

These delegations regretted that the Conciliation Commission seemed to some extent to concur in the Zionist views by advising the Arab States in its supplementary report (A/1367/Add.1), to consider the existence of Israel as a *fait accompli*. Such conclusions, they held, tended to establish a dangerous policy of recognizing *faits accomplis* to the detriment of moral principles and of the United Nations prestige. They considered that it would be absurd to adopt guarantees concerning frontiers or armistice boundaries and to leave immigration and the return of refugees to the discretion of the Zionists. Peace would continue to be threatened, they stated, unless the policy of immigration which entailed expulsion of Arabs and their replacement by Jews was abandoned.

The representative of Jordan, who had been invited by the Committee to participate without vote in its discussions, stated that the Prime Minister of his country had informed the Commission that a final settlement was closely related to the

co-ordination of the joint policy of the Arab States and was dependent on Israel's respect for the Lausanne Protocol⁹⁸ and its willingness to negotiate a territorial settlement on the basis of that document. His Government also felt that a final settlement could not be reached without a settlement of the refugee problem on the basis of the Assembly resolution of 11 December 1948.

The representative of Israel stated that the United Nations had no competence to consider the question of Jewish immigration as it involved the internal policies of the State of Israel. However, he stated, if the States neighbours of Israel viewed that immigration with anxiety because of its potential threat to their territorial integrity, there was all the more reason why they should negotiate a final settlement under the auspices of the United Nations.

The crux of the problem, the representative of Israel stated, was whether the Arabs wanted peace with Israel or not; if they did, they must accept the State of Israel as it was. If the Arabs were not ready to accept that fact it would be useless for the Committee to prolong the debate.

Introducing the USSR resolution, the representative of the Soviet Union stated that all the resolutions before the Committee had one feature in common; they all attributed a preponderant role to the Conciliation Commission. He did not think that the Commission had performed its duty. It had actually contributed to a worsening of the relations between the parties in Palestine. In 1949 the Commission, under the pretext of assisting the refugees and without awaiting replies from the Arab States and Israel, had established the Economic Survey Mission, although nothing in the Commission's terms of reference had authorized it to do so. This Mission had been used to gather political and strategic information for the United States. Very significantly, he added, the Mission's Chairman had been appointed by the United States and not by the United Nations. In 1949, the Commission had also appointed a Technical Committee without any authority. Thus the methods that the Commission had used were not those of a conciliation commission but of an independent agency intent on imposing its will upon the parties concerned. Similar lack of authority characterized the Commission's proposal in 1950 to establish mixed committees. The recent resumption of military activities in Palestine confirmed the failure of the Commission. He therefore, in his draft resolution (A/AC.38/L.66), proposed its dissolution.

For the same reasons he proposed the deletion of all references to the Commission in the draft resolutions before the Committee.

The representative of Czechoslovakia stated that the General Report of the Commission and its supplementary report together with the discussions in the Committee had revealed that the approach to the problem had been wrong. The Commission had failed to do its duty. The Lausanne Protocol had not been implemented and the refugee and other allied problems had not been solved. During the two years of its existence the Commission had cost \$1,800,000, which could have been put to better use. He therefore supported the USSR draft resolution urging the dissolution of the Commission. The representative of Poland expressed a similar point of view.

The representatives of Bolivia, Chile, France, Turkey, the United Kingdom and the United States expressed opposition to the USSR draft resolution because (a) they felt that it was unfair to the Commission; (b) that the United Nations could not discharge its functions in Palestine except through an organ such as the Commission and (c) the Commission's recommendations were really concrete proposals which would help in the settlement of the question.

There was considerable discussion in the Committee concerning the Chinese amendment, which proposed that negotiations between the parties could be conducted either through the Commission or directly. Some representatives held that it weakened the joint draft resolution, in that its recommendations were less definite and immediate, others that it presented a more realistic view of the situation. The sponsors of the joint four-Power draft resolution, stating that the amendment proposed the continuation of a policy which had yielded no results in the past two years, said that they could not accept it; and they also considered that the Egyptian and Israeli draft resolutions, as well as the draft resolution of Ethiopia and Pakistan, represented extreme points of view which ran counter to the spirit of the four-Power draft resolution.

The representative of Israel held that, in order to be effective, any resolution to be adopted by the General Assembly must be plain and impose clearly defined obligations and that there should be direct negotiations between the parties. In this connexion, he spoke in favour of the relevant provision of the joint four-Power draft resolution as against the Chinese amendment, which, he stated,

⁹⁸ See p. 329.

failed to call on the two parties to enter into negotiations without delay and, if adopted, would only prolong the existing situation.

The representatives of Egypt and Syria, however, considered that the Chinese amendment marked a distinct improvement in the four-Power draft resolution. The representative of Egypt requested that the four-Power draft resolution and the Chinese amendment to it be voted on first. The Chinese amendment was supported also by the representatives of Bolivia, Chile and India, while the representative of Iraq declared that the four-Power draft resolution would be useless and unrealistic unless the Chinese amendment were adopted.

In reply to a question by the representative of Israel as to how far the Commission's experience would lend support to the Chinese amendment, the Acting Chairman of the Commission stated that negotiations between the parties could not take place until the atmosphere had improved. He thought that the Commission might be able to assist the parties in initiating direct negotiations by drawing up an agenda in consultation with them to serve as a basis for such direct negotiations.

At the 72nd meeting of the Committee the draft resolutions proposed by Egypt, Israel, and Ethiopia and Pakistan were withdrawn. The Chinese amendment to the four-Power draft resolution was adopted by 33 votes to 13, with 9 abstentions. The USSR amendment to the four-Power joint draft resolution was rejected by 45 votes to 5, with one abstention. The four-Power draft resolution as amended was adopted by 45 votes to 5, with 5 abstentions.

The Committee at the same meeting rejected the USSR draft resolution by 46 votes to 5, with one abstention.

(2) Resolution Adopted by the General Assembly

The report of the Ad Hoc Political Committee (A/1646), containing the joint draft resolution adopted by the Committee on repatriation of refugees and on the report of the Conciliation Commission, was considered by the General Assembly at its 325th plenary meeting on 14 December, when the USSR reintroduced its draft resolution (A/1659), which the Ad Hoc Political Committee had rejected. The USSR also introduced two amendments (A/1680), the first of which called for the substitution in paragraph 1 of the operative part of the draft resolution recommended by the Ad Hoc Political Committee, of the words "by direct negotiations" for the words

"by negotiations conducted either with the Conciliation Commission or directly", and the second proposed the deletion of paragraph 2 of the resolution.

At the request of the representative of the Soviet Union the USSR draft resolution was put to the vote first. It was rejected by 48 votes to 5, with 1 abstention.

The first USSR amendment was rejected by 46 votes to 6, with 2 abstentions.

The first part of the draft resolution recommended by the Ad Hoc Political Committee was adopted by 48 votes to 5, with three abstentions; and paragraph 2 was adopted by 48 votes to none, with 3 abstentions. The President declared that it was no longer necessary to put the second Soviet amendment to the vote. The draft resolution was then adopted, as a whole, by 48 votes to 5, with 4 abstentions.

The text of the resolution, 394(V), adopted by the General Assembly follows:

The General Assembly,

Recalling its resolution 194(III) of 11 December 1948,

Having examined with appreciation the general progress report dated 2 September 1950, and the supplementary report dated 23 October 1950, of the United Nations Conciliation Commission for Palestine,

Noting with concern:

(a) That agreement has not been reached between the parties on the final settlement of the questions outstanding between them,

(b) That the repatriation, resettlement, economic and social rehabilitation of the refugees and the payment of compensation have not been effected,

Recognizing that, in the interests of the peace and stability of the Near East, the refugee question should be dealt with as a matter of urgency,

1. Urges the governments and authorities concerned to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

2. Directs the United Nations Conciliation Commission for Palestine to establish an office which, under the direction of the Commission, shall:

(a) Make such arrangements as it may consider necessary for the assessment and payment of compensation in pursuance of paragraph 11 of General Assembly resolution 194 (III);

(b) Work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11 of the said resolution;

(c) Continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees;

3. Calls upon the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination either in law or in fact.

5. Question of an International Régime for Jerusalem and Protection of the Holy Places

a. ACTION BY THE TRUSTEESHIP COUNCIL

By resolution 303(IV) of 9 December 1949 the General Assembly restated its previous intention (resolution 181(II)) that Jerusalem should be placed under a permanent international régime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem. It requested the Trusteeship Council to complete the preparation of the Statute of Jerusalem (T/118/Rev.2) omitting the now inapplicable provisions and to introduce into the Statute amendments for its greater democratization. It further requested the Council to approve the Statute and to proceed immediately with its implementation.

At its second special session held from 8 to 20 December 1949 the Council entrusted to its President the task of preparing a working paper on the Statute in accordance with the Assembly resolution.

(1) Report by the President of the Trusteeship Council

On 19 January 1950, at its sixth session, the Council heard the report (T/475) of its President, which contained his suggestions concerning the interpretation to be given to the General Assembly resolution in making the necessary changes in the draft Statute. The report included communications from the permanent representative of Egypt to the United Nations and from representatives of churches and other qualified organizations.

The proposals contained in the President's report were as follows:

(1) The territory of Jerusalem would be constituted as a *corpus separatum* within the boundaries indicated in the Assembly's resolution of 9 November 1949, and would be placed under a permanent international régime ensuring the demilitarization and neutralization of this zone, free access to the Holy Places, full freedom of movement throughout the territory, and integrity of, and respect for, Holy Places and religious buildings and sites.

(2) The territory would be constituted as an economic free zone, i.e. goods consigned to or coming directly from Jerusalem would be exempt from duty.

(3) The territory of Jerusalem would be divided into three parts: (a) An Israeli zone, (b) a Jordan zone and (c) an "international city" under the collective sovereignty of the United Nations and administered under the supervision of the Trusteeship Council, by a Governor of the Holy Places appointed by the Council.

The Israeli zone was to consist of the new city, together with the station and railway from Jerusalem to Tel Aviv. The Jordan zone was to consist of the Arab quarters of the old city, together with the Haram-el-Sharif, Wadi-el-Joz and Babel-Zahira sections, the American colony and certain roads. The international city was to consist of land taken in almost equal parts from the occupation zones defined by the armistice agreement between Israel and Jordan including all the Holy Places covered by the Status Quo of 1757.⁹⁹

The report also defined the functions and powers of the Governor as regards the interests of the citizens of the international city, the protection of Holy Places, the administration of justice, and the direction of the external affairs of the city. It recommended that the statute should remain in force for an initial period of ten years unless the Council decided to review its provision at an earlier date.

(2) Discussions in the Council

In February the Council decided to issue a general invitation to all Governments, institutions and organizations concerned to express their views during the Council's consideration of the question. Accordingly it heard, among others, the representatives of the Greek Orthodox Patriarchate of Jerusalem and all Palestine, the American Christian Palestine Committee, the Armenian Patriarchate of Jerusalem and the Commission of the Churches on International Affairs. The Council also invited the representatives of the State of Israel and of the Hashemite Kingdom of Jordan to make statements before it. The following points of view were expressed:

The representatives of Egypt, Iraq and Syria stated that the whole objective of the General Assembly had been that there should be one place in the world where all men might lead a spiritual life, free from all forms of politics. The plan of the Council's President, by dividing Jerusalem into three zones under three different authorities, defeated this objective. It was essential that Jerusalem should be preserved intact as "one whole". This division, it was stated, was, unacceptable not only to the Arabs, it was also opposed by the vast majority of religious organizations all over the world. The proposals before the Council would serve no one but the Zionists who would, through them, obtain control of a large section of Jerusalem. It was wrong to claim, these representatives

⁹⁹ The Status Quo of 1757 was a Firman (edict) issued by the Sultan of Turkey conferring on certain religious bodies the right to manage the different Holy Places in Jerusalem.

asserted, that the three great monotheistic religions of the world were interested only in the Holy Places of Jerusalem. The whole of Jerusalem was a Holy City, and to vest sovereignty over it in any authority other than the United Nations would endanger and jeopardize the rights of believers in their "spiritual capital".

It was stated further, that the partition plan submitted to the General Assembly in 1948 by the late Mediator for Palestine, Count Folke Bernadotte, had provided that Jerusalem should be included in the Arab State of Palestine, thus recognizing that under that State freedom of worship and access to Holy Places and their protection would be guaranteed. It was further recalled that Israel and Jordan had formally accepted the internationalization of Jerusalem by the Lausanne Protocol of 12 May 1949 and they could not, therefore, be opposed to such internationalization.

The Assembly resolutions, including that of 9 December 1949, provided, it was argued, that Jerusalem should be established as a corpus separatum. The President's plan, however, contemplated not one separate and distinct corpus but three corpora, and in addition integrated Jerusalem with Tel Aviv. Therefore, the President of the Council had gone beyond the task assigned to him by the Council and, in an attempt to reconcile conflicting points of view, had presented a solution which was completely new. The Arab States would accept either a full internationalization or no internationalization at all. They therefore urged the Council to proceed immediately with the task of completing the 1948 Statute for Jerusalem.

The representative of the Patriarch of Jerusalem stated, *inter alia*, that the following conditions should be guaranteed: (i) the Status Quo of 1757 would be kept inviolate; (ii) the character of the monastic foundations belonging to each Church would be preserved; (iii) the Holy Places and Shrines, as well as the property attached to them, would be exempt from all taxation.

In reply to a question from the representative of Egypt, the representative of the Patriarch of Jerusalem stated that the best decision on the question taken by the General Assembly was that of 1947, which laid down that the whole of Palestine should be divided into three parts, with Jerusalem as an international city.

The representative of the American Christian Palestine Committee stated that the Assembly's decision regarding the internationalization of Jerusalem was impossible to implement, in view of

the opposition of the inhabitants of that area to any such plan. A fact-finding mission appointed by his Committee had recommended that a United Nations Commission should be established which would have no territorial sovereignty but only the duty of protecting the Holy Places vis-à-vis the Governments concerned. He felt that was the only practicable solution of the problem.

The representative of the Armenian Church, while welcoming the internationalization of Jerusalem, outlined certain measures regarding the constitution of a legislature for the governance of the city and for the creation of a judicial organ charged with the special task of regulating differences between the religious groups and the civil authorities.

The representative of the Commission of Churches on International Affairs outlined the following basic conditions for an international regime for Jerusalem: (i) The preservation of human rights and fundamental freedoms particularly of religious liberty; (ii) recognition that the protection of and free access to Holy Places was an international responsibility; (iii) the return to owners of all church-owned and mission-owned property in Palestine which was occupied by either Arabs or Jews.

The representative of China stated that the Council had no right to alter or deviate from the recommendations made by the General Assembly. The proposals of the President, he maintained, were not in accord with the provisions of the Assembly's resolution of December 1949. Those proposals provided too liberal an interpretation of the Assembly's resolution. He therefore submitted a draft resolution (T/467) which called for the immediate completion of a Statute for the City of Jerusalem. The Council on 10 February adopted this resolution.

The representative of Jordan stated that his Government desired to reiterate the point of view it had previously expressed, and that it was not prepared to discuss any plan for the internationalization of Jerusalem.

The representative of Israel stated that, while opposed to the internationalization of the Jerusalem area proposed in the draft Statute, his Government remained willing to accept the principle of direct United Nations responsibility for the Holy Places, to participate in discussions on the form and content of a Statute for the Holy Places, and to accept binding declarations or agreements ensuring religious freedom and full liberty for the pursuit of religious education and the protection of religious institutions.

(3) Draft Statute for Jerusalem

On 4 April 1950, the Council, after three readings, approved a draft Statute for Jerusalem and adopted a resolution (T/564) requesting the President to transmit its text to the Governments of the two States at present occupying the area and city of Jerusalem, to request from the two Governments their full co-operation, and to report on these matters to the Trusteeship Council in the course of its seventh regular session.

The Statute for Jerusalem, as adopted by the Council, consisted of 43 articles and constituted the city of Jerusalem as a *corpus separatum* under the administration of the United Nations. The territory defined under the Statute included the municipality of Jerusalem as delimited on 29 November 1947, together with the surrounding villages and towns, bounded on the east by Abu Dis; on the south by Bethlehem; on the west by Bin Karim and Motsa; and on the north by Shufat. Precise boundaries were to be delimited by a Commission nominated by the Trusteeship Council.

The territorial integrity of the City was to be assured by the United Nations, which was also to guarantee the observance, in the city, of fundamental human rights and freedoms according to the Universal Declaration of Human Rights. The Statute further defined citizenship of the City and the powers of the Governor. It provided for a unicameral legislative council of 25 elected members and not more than fifteen non-elected members and defined the judicial system of the City. It also provided for free entry, exit and temporary residence for pilgrims and visitors and for free elementary education. It laid down that economic provisions, which were to be adopted later, would be on an equal and non-discriminatory basis for all States. It also set forth certain transitory provisions relating, among other things, to first elections, appointment of a provisional president of the Legislature, the formulation of economic and financial principles for the City Government and the flying of the United Nations flag on official buildings unless the City Legislature decided otherwise.

At the Council's seventh session, in June 1950, the President reported that he had sent invitations to the two Governments to nominate representatives to meet him in order to discuss the question. He had, up to that time, received no reply from Jordan and had therefore been able to undertake negotiations only with Israel. The Government of the latter had communicated certain new proposals which the Council did not discuss. The President

concluded that the implementation of the Statute would seem to be seriously compromised under present conditions. On 14 June 1950, the Council decided to submit to the General Assembly its special report (A/1286) containing copies of the Statute as adopted by the Council, the reports of the Council President and the Israeli reply.

b. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

The special report of the Trusteeship Council (A/1286) containing the Statute for the City of Jerusalem adopted by the Council was considered by the Ad Hoc Political Committee at its 73rd to 81st meetings, 7-14 December 1950.

(1) Resolutions Presented to the Ad Hoc Political Committee

The following draft resolutions were submitted:

(i) By Sweden (A/AC.38/L.63): In its section A, would invite the Governments of Israel and Jordan to give pledges to: observe the principles of article 18 of the Universal Declaration of Human Rights; to give free access to Holy Places, maintaining existing privileges in that respect; to abstain from measures of taxation detrimental to the Holy Places; to respect the property rights of religious bodies; to reduce armed forces in Jerusalem; and to co-operate with a Commissioner appointed by the United Nations. Section B, 17 articles, would provide for the supervision by the United Nations of the protection of, and free access to, the Holy Places, to be exercised through a Commissioner to be appointed for three years by a Committee of the General Assembly, to which he would be responsible. The jurisdiction over and control of each part of the Jerusalem area was to be exercised by the States concerned, subject to specified powers granted to the Commissioner as regards the supervision of the protection of and free access to the Holy Places.

(ii) By Belgium (A/AC.38/L.71): Operative paragraph 1 would instruct four persons, to be appointed by the Trusteeship Council, to study, in consultation with the Governments exercising *de facto* control over the Holy Places and with other States, authorities and religious bodies concerned, the conditions of a settlement capable of ensuring the effective protection, under United Nations supervision, of the Holy Places and of spiritual and religious interests in the Holy Land. Paragraph 2 would invite the four persons to report to the General Assembly at its sixth session. Paragraph 3 would request the States concerned to co-operate fully in giving effect to the resolution and the fourth would invite the Secretary-General to place staff and facilities at the disposal of the persons concerned.

(2) Amendments to the Draft Resolutions

An amendment (A/AC.38/L.73/Rev.2) to the Swedish draft resolution was submitted jointly by the United Kingdom, the United States and Uruguay. The amendment proposed that the following changes be introduced in the operative part of the draft resolution: Section A after minor drafting modifications would become paragraph 1 of a new text. Section B would be replaced by three new paragraphs numbered 2, 3 and 4. Paragraph

2 would provide for a United Nations representative to represent the interests of the United Nations in the Holy City in accordance with paragraph 1, and to report to the General Assembly with such recommendations as he might consider appropriate with regard to the Jerusalem question. He was to be appointed on the nomination of the Secretary-General by a General Assembly Committee composed of the eleven States members of the Security Council. Paragraph 3 would call upon the Governments of the States in the Holy Land to co-operate fully with the United Nations representative. Paragraph 4 would request the Secretary-General to furnish the necessary staff and facilities to the United Nations representative. The amendment proposed to include in the preamble a provision that the action outlined in the operative part of the resolution was "pending further decisions by the United Nations with respect to the interests of the international community in the Jerusalem area." The representative of Sweden accepted these amendments as well as an oral suggestion by the representative of the Netherlands to the effect that the United Nations representative should report to the sixth session of the General Assembly.

Amendments to the Belgian draft resolution were submitted by China (A/AC.38/L.74). These would have substituted in paragraph 1 of the operative part for the words "instructs four persons to be appointed by the Trusteeship Council" the following: "Decides to establish a Commission of four persons to be appointed by the General Assembly," and would have made consequent changes in paragraphs 2 and 4. It was also proposed to insert after the word "report" in the second paragraph the words "with recommendations if possible." These amendments were not accepted by the representative of Belgium and were later withdrawn.

Lebanon submitted the following amendments (A/AC.38/L.76) to the Belgian draft resolution which, among other things, sought (i) to insert in the preamble references to Assembly resolutions 181(II) of 29 November 1947, 194(III) of 11 December 1948 and 303(IV) of 9 December 1949; (ii) to insert before paragraph 1 of the operative part of the resolution a new paragraph as follows: "1. Decides that new efforts should be made with a view to a satisfactory settlement of the question within the framework of principles previously adopted by the General Assembly"; (iii) to replace the words "of the Holy Places" in operative paragraph 1 by the words "over the Jerusalem area." The first of these amendments was accepted by the representative of Belgium and the remainder were withdrawn.

(3) Discussion in the Ad Hoc Political Committee

At the beginning of the debate the representative of the Dominican Republic made a statement (A/AC.38/L.69) in his capacity as President of the Trusteeship Council. He outlined the various stages in the Council's work on the question, the consideration and rejection of his predecessor's (Roger Garreau, of France) suggestions, the consultations with the various States interested in the question and the completion of the necessary revision of the draft statute drawn up in April 1948. He stressed the differences of opinion regarding the interpretation of resolution 303(IV) of the Assembly calling for the inter-

nationalization of Jerusalem as a *corpus separatum*, and stated that the Council had been unable to comply with the Assembly's instruction that it should proceed immediately with the implementation of the Statute.

Introducing his draft resolution, the representative of Sweden recalled that the Assembly at its fourth session had adopted resolution 303(IV) establishing the Jerusalem area as a *corpus separatum* and had instructed the Trusteeship Council to implement that decision. His country had voted against that resolution and had sponsored another proposal for functional rather than territorial internationalization of the Holy Places. He maintained that the Swedish point of view had been justified by subsequent events proving the insurmountable difficulties of implementing the Assembly's decision. Nothing short of force, he considered, would be sufficient to internationalize Jerusalem and even if that force was provided by the concerted action of Members it would arouse such resistance that peace in the Middle East would be seriously jeopardized.

He indicated that together with the representative of the Netherlands he had privately approached the two parties, Israel and Jordan. Both had submitted amendments and suggestions but had also given proof of a co-operative spirit. He had received the impression that there was no real obstacle to the implementation of the Swedish proposal although one of the parties appeared to make its acceptance dependent on the fulfilment of certain conditions which, in the view of the Swedish delegation, could be dealt with in the final peace settlement. He asked the Committee to give serious consideration to his proposal as it seemed to have a fair chance of implementation if it gained the support of a large majority.

The representative of Jordan stressed the historical and religious importance of Jerusalem for the entire Arab world, both Moslem and Christian. His Government, he stated, considered that any attempt to internationalize Jerusalem would be an adverse reflection on its administration of that area and on Jordan's past conduct, which had been that of fairness and tolerance for all religions. His country pledged itself to continue the same tolerant policy but it was not prepared to compromise its sovereignty in any part of the Hashemite Kingdom of Jordan. Drawing attention to a special aspect of the present plan for the internationalization of Jerusalem, he stated that under it the southern part of Palestine, now united with Jordan, would be completely separated from the northern part. Acceptance of the proposal by

Jordan would amount to a surrender of that area, since its armed forces would have no access to it except by air. Moreover, it was stated, the Arab inhabitants of Jerusalem and Bethlehem, and of the whole area, would lose their Arab nationality while their connexions with the whole Arab world—and in particular with Jordan, of which they formed an integral part—would be severed. Jerusalem had been an Arab city for fourteen centuries; it was an integral part of the Arab world.

As regards the Swedish draft resolution he stated that the obligations it sought to impose were already being scrupulously observed by his Government and so were most of the other acceptable provisions. However, the draft resolution tended in certain respects to infringe the sovereignty of Jordan and he was therefore unable to accept it as it stood.

With reference to the Belgian draft resolution, he wished to make it absolutely clear that any attempt to induce his Government to change its attitude towards the internationalization of Jerusalem was doomed to failure. His Government would continue to oppose internationalization for the reasons he had stated. He later stated that the joint amendment to the Swedish proposal represented, in his view, a new method of guaranteeing the interests of the world community in Jerusalem and was acceptable to his Government.

The representatives of Egypt, Iraq, Lebanon, Pakistan and Syria maintained that the Swedish draft resolution despite its sincerity would not solve the problems of Jerusalem. It failed, they said, to resolve the basic issue, which was how international control could harmonize the two opposing nationalisms which dominated the city. No permanent stability could be achieved until the international community assumed responsibility for control of the Jerusalem area forthwith to prevent the clash of the two authorities currently occupying it.

The Swedish draft resolution was, moreover, they held, inconsistent with the resolution adopted by the General Assembly. It also disregarded the fact that it was not merely the buildings and shrines of Jerusalem which were the concern of the international community but the land as well. Free and safe access to Jerusalem was not guaranteed by the Swedish proposal and could not be guaranteed unless an equitable solution was found for the Palestine problem as a whole. Further, it was contended the Swedish proposal would undermine the authority of the United Nations, since it would be based on expediency and not on prin-

ciple. These delegations felt that if certain Powers used their friendly influence with the Governments of Israel and Jordan, the decisions already adopted by the General Assembly in previous resolutions and reaffirmed in 1949 could be applied successfully. Broadly speaking these representatives preferred the Belgian draft resolution which, they said, could serve as a basis for work since it was founded on the provisions of the resolution 303(IV) and did not disregard previous General Assembly decisions.

They held that protection of the buildings in the Holy City offered by Israel and Jordan was not enough. Spiritual freedom for religious bodies must also be maintained, and pilgrims must be allowed freedom of movement. These objectives could not be achieved if the city were divided and placed under two administrations. Administrative unity was indispensable to the peace and security of the city and to the fulfilment of its religious functions. As a symbol of religious inspiration throughout the world, the City should become a centre where cultural traditions of Christianity, Islam and Judaism could flourish in peace under the international authority of the United Nations.

It was stated that the Committee should adhere to the principles of resolution 303(IV) and invite the Trusteeship Council to proceed with the implementation of the Statute.

It was not true to say, these delegations argued, that the United Nations lacked the means of implementing its decisions. The United States, for example, had circulated a document at the second special session of the General Assembly in 1948, suggesting that Palestine be placed under United Nations Trusteeship and stating that the United States was prepared to provide forces for the implementation of that decision. Such action could be taken by the United Nations in Jerusalem.

The representative of Israel stated that the two populations of Jerusalem, however divided in other respects, were united in wishing to preserve their own ways of life and were firmly opposed to territorial internationalization such as envisaged in Assembly resolution 303(IV). The Swedish draft resolution, by emphasizing religious interests, represented a fair and practical expression of United Nations responsibility in Jerusalem. His Government was, accordingly, prepared to cooperate with a United Nations Commissioner.

Referring to the suggestion that certain Governments should use their influence with Israel and Jordan in order to make them accept internationalization, the representative of Israel said that such pressure would amount to an attempt

to disfranchise, denationalize and isolate the inhabitants of Jerusalem. The unanimous opinion of the people of Jerusalem together with the economic and administrative unworkability of the scheme made internationalization impossible. History, he stated, had shown the difficulties implicit in attempts at internationalization, as in Danzig and Memel, Jerusalem and Trieste. It might have been possible to set up a separate régime in Jerusalem in 1948 before the people of Jerusalem, the majority of whom, he claimed, were Jews, had established contact with another State. The Arabs had revolted against internationalization at that time and the opportunity had been lost.

As for the Belgian draft resolution, the representative of Israel felt that the Committee proposed in it would probably meet the same fate as the attempts at negotiation reported by the President of the Trusteeship Council. That draft resolution was merely a way of postponing a decision.

The representatives of Australia, Denmark, Guatemala, the Netherlands, New Zealand, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay and Yugoslavia, among others, supported the Swedish draft resolution and the joint amendments thereto. These representatives expressed the view that an international régime for Jerusalem would be unacceptable to the inhabitants and would thus be undemocratic. The real objective of the United Nations in Jerusalem was to secure the safety of and freedom of access to all Holy Places, their adequate administration, and freedom of residence in the city for study or religious contemplation. The Swedish draft resolution, it was stated, would achieve all these objectives.

Israel and Jordan, although they had been adversaries in war, were now united in their resistance to the internationalization plan. Although, it was conceded, those Governments should not be allowed what amounted to a power of veto over United Nations decisions, it was clear that there was no practicable way to implement a Statute which was opposed by them. The United Nations should, therefore, refrain from taking decisions to which these Governments would be opposed. Any other action would, in the opinion of these representatives, involve the international community in responsibilities not corresponding to its interest in Jerusalem.

Expressing opposition to the Belgian draft resolution, these representatives held that it actually called for a new committee to do what had already been done by the Mediator, the Conciliation

Commission and the Trusteeship Council. There was no reason to believe that the new group would succeed where others had failed. Those who supported the Belgian proposal were, it was maintained, apparently convinced that it was a continuation of resolution 303 (IV). But the Belgian proposal implied negotiations with a view to reaching agreements and hence there was a possibility of departure from the provisions of resolution 303 (IV).

The Swedish draft resolution, they held, did not completely disregard the General Assembly's earlier resolutions, but provided for the application of the principles previously established as far as they were feasible. Moreover, it was a flexible proposal offering a provisional solution pending a final settlement. If the formula proved satisfactory it could be retained; if not, it would be possible to amend it in the light of experience. Furthermore, the amended Swedish draft resolution had the approval of Israel and Jordan.

The representative of Belgium stated that the Swedish proposal represented a functional solution which depended very largely on the good will of the States occupying Jerusalem and gave very limited powers to the United Nations Commissioner, who could exercise his functions only if peace prevailed in that area. In the absence of provisions for territorial status, which were contained in other proposals, and of an atmosphere of peace and understanding, it would be difficult for an official who had only moral authority and very limited resources to function efficiently in the city of Jerusalem or the Holy Places. A functional solution even more than a territorial one required a legal state of peace rather than a precarious armistice.

The Swedish proposal, he maintained, was weak in providing for a temporary solution which could be acceptable only if there were general guarantees that a limited objective could be attained. A different solution should therefore be sought. The Trusteeship Council had failed, but the failure did not apply to the principle involved but rather to the method employed. The Trusteeship Council's work had been fruitless because the efforts necessary for implementation had not been made. The Belgian delegation was therefore of the opinion that the principle of a *corpus separatum* should not be altered but that a new approach should be used.

Referring to the statement made by supporters of the Swedish draft resolution regarding concern for the wishes of the inhabitants of Jerusalem, the representative of Belgium pointed out that the

problem had been anticipated at the time of the decision in favour of internationalization and that the distinction in international public law between domicile and residence could be invoked in that case. Moreover the international character of the population itself was a factor in favour of internationalization.

The Belgian draft resolution was supported by the representatives of Brazil, Chile, China, El Salvador, France, Greece and the Philippines, among others. These representatives held that to give up the idea of internationalization in view of changed circumstances would be to accept a policy of *fait accompli*. The draft resolution submitted by Sweden was tantamount to a retreat from the principle of internationalization and constituted a series of concessions to the points of view of Israel and Jordan. Just as it had maintained its position in regard to the independence and territorial integrity of Greece and to the question of Korea, the General Assembly should now firmly adhere to its position on Jerusalem.

The representative of the Soviet Union stated that a just solution must take into account the interests of the Jewish and Arab inhabitants of the city of Jerusalem. The resolutions adopted in 1947 and in 1949 had provided for the creation of a permanent international regime. It now appeared that the solution was satisfactory neither to the Arab nor to the Jewish inhabitants of Jerusalem. His Government therefore could not continue to support those resolutions of the General Assembly. Considering that both the draft resolutions before the Committee were unsatisfactory, the USSR delegation would abstain from voting on either of them.

At its 81st meeting on 13 December 1950, the Committee, on the motion of the representative of Chile, decided by 30 votes to 18, with 10 abstentions, to vote first on the Belgian draft resolution, which was adopted by a roll-call vote of 30 to 18, with 11 abstentions.

On the motion of the representative of Lebanon, the Committee decided, by 25 votes to 18, with 12 abstentions, not to vote on the Swedish draft resolution. The text of the resolution recommended by the Ad Hoc Political Committee follows:

The General Assembly,

Considering that the world community has unique spiritual and religious interests in the Holy Land,

Recalling its resolutions 181(II) of 29 November 1947, 194(III) of 11 December 1948 and 303(IV) of 9 December 1949,

Noting the special report of the Trusteeship Council on the question of an international regime for the Jerusalem area and the protection of the Holy Places,

Considering that, for lack of the necessary co-operation by the States concerned, the Trusteeship Council has been unable to give effect to the Statute which it had prepared; that a reconsideration of the question of the international protection of the Holy Places and of spiritual and religious interests in the Holy Land is therefore essential; and that new efforts must be made to settle the question in accordance with the principles already adopted by the General Assembly,

1. Instructs four persons, to be appointed by the Trusteeship Council, to study, in consultation with the Governments at present in *de facto* control of the Holy Places and with the other States, authorities and religious bodies concerned, the conditions of a settlement capable of ensuring the effective protection, under the supervision of the United Nations, of the Holy Places and of spiritual and religious interests in the Holy Land;

2. Invites them to report to the General Assembly at its sixth session;

3. Requests the States concerned to co-operate fully in giving effect to the present resolution;

4. Invites the Secretary-General to place at the disposal of these persons the staff and facilities necessary for the fulfilment of their task.

The report of the Ad Hoc Political Committee (A/1724) containing the resolution recommended by it was voted upon by the General Assembly at its 326th plenary meeting on 15 December 1950, without a debate. The result of the vote was 30 in favour of the draft resolution, 18 against, and 9 abstentions. The draft resolution was not adopted, having failed to obtain the required two-thirds majority.

F. RELATIONS OF MEMBERS OF THE UNITED NATIONS AND OF SPECIALIZED AGENCIES WITH SPAIN¹⁰⁰

The item "Relations of States Members and specialized agencies with Spain" was placed on the agenda of the fifth session of the General Assembly, as the result of requests, separately made, by the Dominican Republic (A/1310 and A/1314) and Peru (A/1328).

It was discussed by the Ad Hoc Political Committee, at its 25th to 30th meetings from 27 to

¹⁰⁰ For earlier decisions of the Security Council and the General Assembly on the question of Spain see Y.U.N., 1946-47, pp. 66-67, 126-30, 345-51; 1947-48, pp. 47-52, 496-97; 1948-49, pp. 311-15.

31 October, 1950, and by the General Assembly, at its 304th plenary meeting on 4 November 1950.

1. Consideration in the Ad Hoc Political Committee

Four draft resolutions submitted (i) by Peru and Bolivia (A/1334; (ii) El Salvador (A/1351); (iii) the Dominican Republic (A/1363) and (iv) Bolivia, Costa Rica, Dominican Republic, El Salvador, Honduras, Nicaragua and Peru (A/AC.38/L.4) were withdrawn at the 25th meeting of the Committee. At the same meeting, a joint draft resolution was introduced by Bolivia, Costa Rica, Dominican Republic, El Salvador, Honduras, Nicaragua, Philippines and Peru (A/AC.38/L.7) which referred to recommendations concerning Spain adopted by the General Assembly (39(1))¹⁰¹ during the second part of its first session in 1946, stated that the establishment of diplomatic relations with a Government did not imply any judgment upon the domestic policy of that Government, and considered that the specialized agencies of the United Nations were technical and non-political in character and that they should be free to decide for themselves whether the participation of Spain in their activities was desirable. The draft resolution, therefore, proposed that the Assembly revoke its recommendation for withdrawal of Ambassadors and Ministers from Madrid contained in its resolution 39(I). It also proposed to revoke the recommendation contained in resolution 39(I), barring Spain from membership in the specialized agencies.

The sponsors of the joint draft resolution accepted a Netherlands amendment (A/AC.38/L.26) to have the agencies decide if the participation of Spain was desirable "in the interest of their work".

Three main points of view were expressed in the Committee. The sponsors of the draft resolution supported by Belgium, Brazil, Canada, Colombia, Ecuador, Egypt, Greece, Haiti, Lebanon, Liberia, Netherlands, Pakistan, Thailand, Turkey, the Union of South Africa and the United States, held the view that Assembly resolution 39(I), which recommended the withdrawal of ambassadors and ministers from Spain, constituted intervention in the domestic affairs of a State, in violation of Article 2, paragraph 7, of the Charter. It was pointed out that it deprived Member States of their sovereign rights to maintain relations with another State.

This resolution, it was stated, had been adopted at a time when the majority of Members regarded Spain as a threat to international peace and security, but it was now generally recognized that Spain did not represent such a threat. The measures concerned should, therefore, be revoked.

Further, it was argued, the resolution had proved ineffectual and had been contravened by many States. The Assembly should therefore concede that its resolution had been adopted on false premises and had had no beneficial results.

Referring to the services rendered by Spain's neutrality to the Allied cause in the Second World War, the representatives of Liberia and Nicaragua stated that Spain, by not consenting to the occupation of Gibraltar by Axis forces in the war, had enabled the Allies to keep the Mediterranean open, to win the victory at El Alamein, to keep possession of the Suez Canal and to win the Near East campaigns. Therefore Spain's neutrality in the war had served the Allied cause better than its entry on their side would have done.

Moreover, it was maintained by several representatives that Spain was not a country with aggressive aims, that it did not constitute a danger to other States and it did not try to make other countries adopt its ideology. It had also shown effectively, in the last four years, that it had a stable Government, supported by the Spanish people. As each Member of the United Nations maintained relations with certain Governments with the domestic policy of which it disagreed, there was no reason to make an exception in the case of Spain. The present joint draft resolution, moreover, it was stated, did not imply approval of the existing régime in Spain and involved no political decision by the Assembly.

As regards Spain's participation in the work of the specialized agencies, it was held by these representatives that the agencies were not political entities, and exclusion of Spain from their membership adversely affected their technical efficiency and universal character. It also deprived the Spanish people of the benefits of the activities of the agencies.

The representatives of Guatemala, Israel, Mexico, Uruguay and Yugoslavia maintained that

¹⁰¹ Resolution 39 (I) recommended that Franco Spain be barred from membership in the specialized agencies of the United Nations and that Members recall Ambassadors and Ministers from Madrid. The Security Council was further asked to consider adequate measures to be taken to remedy the situation in case a Spanish Government based on the consent of the people were not established within a reasonable period of time.

the General Assembly resolution 39(I) had been adopted because (i) the Franco Government in Spain had been established with the aid and intervention of the Axis Powers and had fought against the United Nations and had given moral and material assistance to the Axis Powers; and (ii) in origin, structure and conduct the Franco régime was a fascist dictatorship, which violated human rights and oppressed its people.

The General Assembly resolution, 39(I), it was stated, represented a moral condemnation which was still valid, as no changes had occurred in Spain to justify its revocation. The withholding of diplomatic recognition was a passive act which involved no intervention in the internal affairs of a State and therefore did not constitute a violation of Article 2, paragraph 7, of the Charter.

In reply to the argument that the specialized agencies were not of a political character, it was stated that the work of such agencies as IRO, ILO and UNESCO had certain political aspects. According to certain provisions of existing Spanish legislation, education and trade unions were controlled by the Falange. A State having such totalitarian legislation in respect of labour and education could not participate in the work of democratic organizations such as the specialized agencies. Moreover, the policy guiding the specialized agencies was laid down in the Charter and precluded any assistance to fascist régimes.

Arguing along these lines, the representative of Yugoslavia declared that he had received appeals from various anti-fascist groups and from Spanish Republican organizations, to prevent a reversal of the Assembly's 1946 decision. Spain had been the first victim of fascism in Europe, and in voting against the joint draft resolution Members would be acting in full accord with the spirit of the Charter and out of respect for the millions who had died in the fight to eradicate fascism.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR, while sharing the views regarding the origin, nature and conduct of the Franco régime expressed by other opponents of the draft resolution, stated that the earlier resolutions of the General Assembly on Spain had been based on the understanding that stronger measures would be taken by the Security Council if the situation in Spain did not improve after a reasonable period. The Committee, the representative of Poland argued, should therefore examine why the anticipated results had not been achieved, why stronger measures had not been taken and why

a resolution had been presented to the Committee which would be the first step towards a total surrender by the United Nations to Franco.

It was maintained that the present draft resolution reflected a change in the policy of the United States which, they said, had instigated its introduction as the first step in getting Spain admitted to the United Nations.

Regarding Spain as an important military and strategic base, the United States, it was contended, had established close ties with it to facilitate its war plans. United States military and naval officers had held extensive military talks with Spanish officials in Madrid, and the United States had offered to negotiate a treaty of friendship, commerce and navigation with Franco. Outstanding United States Congressional leaders, such as Senator Cain, Senator McCarran and Senator Brewster, had openly declared that Spain was strategically essential to the effectiveness of the North Atlantic defence system, and that, in the event of hostilities against another Power, Spain would be the key to the control of the Mediterranean area.

Further proof of the strategic role assigned to Spain in United States war plans could, it was stated, be found in the conducted tour of military installations in the United States zone of Germany, made by the members of the Spanish General Staff and authorized by the United States High Commissioner in Germany. That strategic role had been the determining factor in the overwhelming Congressional vote for a \$62,500,000 loan to Spain. Despite President Truman's avowed opposition to it, he had conceded that the Export-Import Bank was perfectly free to grant the loan if Spain fulfilled the usual requirements. With the approval of the State Department, the Chase National Bank and the National City Bank, respectively, had loaned \$30,000,000 and \$20,000,000 to the Spanish Government.

In reply to the argument that Spain had not directly participated in the last war and had even promoted Allied victory in Italy, it was stated that President Roosevelt, in his statement of 10 March 1945, had stressed the importance of the assistance given by Spain to the Axis Powers at a time when the success of the Allied cause seemed to be in the balance. Spanish forces had fought the forces of the Soviet Union in the last war and in the summer of 1950 Spain had seized Tangier in breach of the international status of the city. By maintaining a large army in Spanish Morocco, it had immobilized large numbers of Allied troops in North Africa. These facts had never been refuted.

It was stated that resistance to the Franco régime was being carried on by large numbers of Spanish patriots and it would be the grossest betrayal of the Spanish people if the joint draft resolution was adopted.

The representative of the United States said that he was convinced of the sincerity of some Members which had opposed the draft resolution. Most of the opposition, however, had been of a cynical nature and had consisted of false accusations against the United States. The accusation that the United States was giving military assistance to Spain had been demonstrated to be false in the Assembly debate of 1949. It continued to be false. The United States had doubted the wisdom and the efficacy of the resolution 39(I) and had therefore abstained from voting on it in the First Committee but had supported it in the General Assembly, in the interests of unanimity. In the view of the United States, diplomatic exchanges with Spain should be restored. It was a traditional practice and no political significance should be attached to it. The participation of Spain in the specialized agencies was a technical matter which should not be influenced by political considerations.

The representative of the United Kingdom stated that nothing had taken place to require or justify any change in the United Kingdom's attitude towards the Spanish régime and towards the earlier resolution of the Assembly. He would accordingly abstain from voting on the joint draft resolution.

At the 30th meeting of the Committee on 31 October, the joint draft resolution, as amended, (A/AC.38/L.7) was adopted by 37 votes to 10, with 12 abstentions.

2. Resolution Adopted by the General Assembly

The report of the Ad Hoc Political Committee (A/1473) was considered by the General Assembly at its 304th plenary meeting on 4 November 1950. The rapporteur of the Ad Hoc Political Committee drew attention to two points stressed by supporters of the draft resolution: first, that their affirmative votes did not imply approval of the domestic policies of the present Government of Spain, but meant only that the Member States and the specialized agencies should be free to decide for themselves the extent of their relations with the Spanish Government; and, secondly, that the resolution would revoke only the recommendations contained in the 1946 resolution, leaving

intact the remainder of that resolution. It was decided by 33 votes to 5, with 15 abstentions, not to open a debate. While explaining their votes, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR reiterated the points raised by them in the Committee debate. The representative of France recognized that the results of resolution 39(I) had not come up to expectations but stated that his delegation could see no valid reason for changing its basic position. He considered that the draft resolution might prove expedient even if not justified and noted that it did not involve the revocation of the preamble of the resolution adopted in 1946.

After further discussion the Assembly adopted the draft resolution in paragraph-by-paragraph votes as follows:

Preamble: adopted by 38 votes to 9, with 11 abstentions

Paragraph 1: adopted by 38 votes to 10, with 12 abstentions

Paragraph 2: adopted by 39 votes to 10, with 11 abstentions

Draft resolution as a whole: adopted by 38 votes to 10, with 12 abstentions (Australia, Burma, Cuba, Denmark, Ethiopia, France, India, Indonesia, New Zealand, Norway, Sweden, United Kingdom)

The resolution adopted by the Assembly (386(V)) read as follows:

The General Assembly,

Considering that:

The General Assembly, during the second part of its first session in 1946, adopted several recommendations concerning Spain, one of which provided that Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and another that Member States withdraw their Ambassadors and Ministers from Madrid,

The establishment of diplomatic relations and the exchange of Ambassadors and Ministers with a government does not imply any judgment upon the domestic policy of that government,

The specialized agencies of the United Nations are technical and largely non-political in character and have been established in order to benefit the peoples of all nations, and that, therefore, they should be free to decide for themselves whether the participation of Spain in their activities is desirable in the interest of their work,

Resolves:

1. To revoke the recommendation for the withdrawal of Ambassadors and Ministers from Madrid, contained in General Assembly resolution 39(I) of 12 December 1946;

2. To revoke the recommendation intended to debar Spain from membership in international agencies established by or brought into relationship with the United Nations, which recommendation is a part of the same resolution adopted by the General Assembly in 1946 concerning relations of Members of the United Nations with Spain.

G. THE QUESTION OF THE FORMER ITALIAN COLONIES¹⁰²

1. Libya

By resolution 289 A (IV), adopted at its fourth session, the General Assembly recommended, *inter alia*, that Libya should be constituted as an independent and sovereign State, not later than 1 January 1952, with a constitution to be determined by a national assembly. A United Nations Commissioner, aided and advised by a Council, was to assist the people of Libya in the formulation of the constitution and the establishment of an independent government. The Council was to consist of ten members representatives of Egypt, France, Italy, Pakistan, the United Kingdom and the United States, one representative of each of the three regions of Libya (Tripolitania, Cyrenaica and The Fezzan) and one representative of the minorities of Libya. The Administering Powers (the United Kingdom and France) in co-operation with the Commissioner, were asked to initiate immediately all necessary steps for the transfer of power to a duly constituted government, to administer the territories for the purpose of assisting in the establishment of Libyan unity and independence and to report annually to the General Assembly. The Commissioner was to submit annual and other necessary reports to the Secretary-General. The resolution finally recommended that Libya, upon its establishment as an independent State, should be admitted to the United Nations.

On 10 December 1949, the Assembly elected Adrian Pelt as the United Nations Commissioner in Libya.

a. QUESTIONS RELATING TO THE INDEPENDENCE OF LIBYA

(1) Reports Before the General Assembly

The Assembly at its fifth session had before it the following reports on Libya:

- (i) First annual report of the Commissioner to the Secretary-General (A/1340) and two supplementary reports (A/1405 & A/1459/Rev.1), covering the period from January to October 1950
- (ii) Report from the French Administration of The Fezzan (A/1387)
- (iii) Report from the British Administration of Cyrenaica and Tripolitania (A/1390)

(a) REPORTS OF THE UNITED NATIONS COMMISSIONER

The first annual report of the Commissioner (A/1340)¹⁰³ stated that in January 1950, the

Commissioner made an exploratory visit to Libya and held consultations with the heads of the political parties in Libya and with the British and French authorities. He also met with the leaders of the Jewish, Italian, Greek and Maltese minorities.

On 6 April, in unanimous agreement with the representatives of the Council, he appointed to the Council a representative of each of the three regions of Libya and one for the minorities.

The Council held its first formal meeting in Tripoli on 25 April 1950, and in May discussed a plan presented by the Commissioner for the constitutional development of Libya, which, among other things, envisaged the establishment of a preparatory committee of the National Assembly to recommend methods of representation in the National Assembly and methods of drafting a constitution.

In the discussions on the establishment of the preparatory committee (later known as the Committee of Twenty-One), the question arose as to whether each of the territories should be equally represented on it or should be represented in proportion to their populations. Some members, including the representatives of Egypt, Pakistan and Tripolitania, maintained that it would be unfair to have equal numbers of representatives from each territory in view of the difference in their populations, which were: Tripolitania, 800,000; Cyrenaica, 300,000; The Fezzan, 50,000.

Such a committee, however, the report stated, was acceptable in Cyrenaica and The Fezzan only if the three territories were represented on the basis of equality, and in the interests of Libyan unity, the most influential groups in Tripolitania had finally renounced their claim for larger representation.

The Committee of Twenty-One held its first meeting on 27 July 1950 and elected as its Chairman one of the representatives of Tripolitania and, as its Secretaries one representative from Cyrenaica and one from The Fezzan. It also adopted an agenda for the study of a plan whereby

¹⁰² For previous consideration of this question by the Assembly see Y.U.N., 1948-49, pp. 256-79. For Italian Somaliland see pp. 797-806.

¹⁰³ For sections of the report dealing with technical and financial assistance, see below under that heading.

the representatives of the inhabitants of Cyrenaica, Tripolitania and The Fezzan should meet in a National Assembly. On 7 August, the Committee decided that the National Assembly should be composed of 60 representatives on the basis of equal representation for the three territories of Libya. On 30 August it rejected a proposal to the effect that representatives to the National Assembly be chosen by means of election.

Commenting upon the general political situation, the report stated that the people of Libya were now largely conscious of their responsibility for their own constitution and government. The concept of Libyan unity, it was stated, had grown steadily during the eight months that the Commissioner had been in Libya. While at first unity was advocated as a political programme by the more intellectual section of the population and the younger generation, support for it had now spread throughout the country. The question as to whether Libya would be a unitary or federal State, however, was still the subject of controversy and would be dealt with by the National Assembly; it was, the report said, outside the competence of the Administering Powers.

The report stressed Libya's need for a properly-organized and competent administration with a carefully planned budget supported by a viable economy. To establish this, it was stated, would take more time than the period set for the achievement of independence.

To settle the future status of the minorities in Libya it was, the report stated, a particularly delicate matter, especially in the case of the Italians (numbering 45,000 out of a total Tripolitanian population of 800,000) who had large economic and financial interests. It would be easier to solve the minorities problem, the Commissioner suggested, if it was considered apart from political issues such as minority participation in Libyan political bodies during the transitional period. The Commissioner therefore suggested that an understanding should be sought between the Libyans and the minorities only in the economic, administrative, social, financial, cultural and religious fields and that direct negotiations might be held between a delegation of the minorities and a committee appointed by the National Assembly to achieve agreement on clauses to be inserted in the constitution for safeguarding minority rights and interests.

In a chapter dealing with technical assistance, the report stated that Libya was an under-developed area with a marginal economy, basically handicapped by inadequate rainfall and poor soil.

Subsoil mineral resources had not yet been found in commercially exploitable quantities. Great areas of the country were completely desert, but in the coastal regions and in the oases, irrigation, dry-farming and animal husbandry offered the possibilities of a viable agricultural economy. The indigenous population, it was stated, lacked training in the proper utilization of land and in the conservation of water. The country, it was believed, could produce the crops and flocks needed for its subsistence and for a small export trade by careful dry-farming and by greater and more efficient drawing of water for irrigation.

The report described the extent of war damage in Libya, its almost complete lack of credit and banking facilities, and the inadequate standard of teaching. In May 1950, the report noted, the Secretary-General, at the request of the Commissioner, had made funds available for the immediate recruitment of a few qualified advisers in such fields as agriculture, currency and banking, budgetary and administrative organization, and land tenure problems. He had also sent an exploratory team to make a preliminary survey and recommendations for planning studies for a comprehensive technical assistance programme. The United Kingdom and France had also requested the Secretary-General to initiate economic surveys.

The United Kingdom, the report said, had also applied for United Nations fellowships in public administration for a number of Libyans working for the two administrations. Three had been granted and others were likely to follow. UNESCO had drafted a programme of assistance for training in education and public administration. A training centre in public administration for candidates from the three territories in Libya was scheduled to open in October 1950. In connexion with the development of a civil service the United Kingdom had also requested UNESCO and FAO to provide fellowships and scholarships to train 29 Libyans. France had asked UNESCO for ten fellowships for training teachers.

The Commissioner reported that WHO had prepared a preliminary survey, at his request, of Libya's public health requirements. WHO had also been asked to explore the possibilities of granting more fellowships for medical assistants, of providing expert advice on public health administration and of supplying instructional material for medical assistants and books and periodicals for medical libraries.

The Commissioner reported that he had made a detailed statement to the Economic and Social Council, at its eleventh session, on the need for

early technical and financial assistance for Libya. In accordance with his request, the Council had called the attention of the Secretary-General and the heads of the specialized agencies participating in the Expanded Programme of Technical Assistance to the special need for early consideration of Libya's requirements. It had also asked the Secretary-General to present specific proposals to the Assembly to enable Libya to continue to receive technical assistance after achieving independence and before it became a Member of the United Nations.

Stressing the need for technical assistance, the Commissioner said that he shared the feeling of the Libyans that the United Nations had a special responsibility towards their country. He therefore reiterated his appeal to the United Nations, its specialized agencies and Member Governments to provide technical and financial assistance to Libya through the United Nations, governmental or private sources.

Two supplements (A/1405 & A/1459/Rev.1) to the Commissioner's report dealt further with the discussions on the manner of the appointment of members of the National Assembly. The first discussed the rejection by the Committee of Twenty-One of the proposal that members of the National Assembly should be elected. The second reported that the Committee of Twenty-One had approved unanimously on 22 October the following method of appointment of members of the National Assembly.

(a) Representatives of Cyrenaica would be selected by Amir Sayed Mohamed Idris El Senussi, and representatives of The Fezzan by Ahmad Bey Seif el Nasr. As proposed unanimously by the Tripolitanian representatives in the Committee of Twenty-One, the representatives of Tripolitania would be selected by the Chairman of the Committee, Mohamed Abul Asad el Alem, who, after the necessary consultations and conversations, could draw up a list of candidates and submit it to the Committee not later than 26 October 1950.

(b) Non-national minorities would not be allowed to participate or to be represented in the National Assembly. Their rights, however, would be fully safeguarded in the future constitution.

(c) The National Assembly would hold its first meeting in Tripoli on 25 November 1950.

(b) REPORTS OF THE ADMINISTERING POWERS

The report of the French Administration gave detailed information on the political, economic, cultural and social problems of The Fezzan. It stated that the French administration in full agreement with the United Nations Commissioner had set up the necessary government departments in The Fezzan. The election of Ahmed Bey Seif el Nasr as the Chief of the Territory had been

followed by the appointment of political, financial and administrative officers who now exercised most of the governmental powers under the authority of the Bey under the control of the French Administration. Certain powers, like those concerning defence and foreign affairs, were reserved for the Administering Power.

The report of the British Administration stated, among other things, that, on 1 June 1949, the United Kingdom Government had agreed to the formation of a Cyrenaican Government with responsibility for internal affairs, and also to recognize the Amir of Cyrenaica as the head of that Government. On 16 September 1949, the Amir had enacted with the consent of the United Kingdom Government, a constitution for Cyrenaica which had come into force on 18 September 1949. The report then gave details of the constitutional machinery set up for governing Cyrenaica and of the elections held in the territory on 5 June 1950 for the election of members of the Cyrenaican Assembly.

In regard to Tripolitania, the British Administration reported that, after consultations with the United Nations Commissioner, a programme had been inaugurated for the transfer of power to the people of that territory. The programme was in three stages: (1) creation of an Administration Council; (2) inauguration of a Representative Assembly; (3) transfer of power to the Administrative Council and the Assembly. The Administrative Council was inaugurated on 15 May 1950, following consultations with the political leaders of Tripolitania and with the concurrence of the Commissioner. It was hoped to hold elections for the Assembly as soon as practicable; these had been delayed owing to the opposition of the inhabitants of Tripolitania to the participation of non-Libyan minorities in the election.

The report reviewed the administrative and judicial systems of Tripolitania and gave an account, supported by figures, of the "Libyanization" of the civil service. It also described the economic and financial policy followed in Cyrenaica and Tripolitania with a view to the establishment of Libyan independence.

(2) Consideration in the Ad Hoc Political Committee

The reports of the United Nations Commissioner in Libya (A/1340) and of the Administering Powers (A/1387 & A/1390) were considered first by the Assembly's Ad Hoc Political Committee, at its 7th to 17th meetings, 9-19 October

1950. The Committee's discussions were principally concerned with two aspects of the question, one relating to the independence of Libya and the other to the economic and financial provisions to be applied in that country.¹⁰⁴

The Italian Observer with the United Nations, the Chairman of the United Nations Council for Libya and another member of that Council selected by him (the representative of Pakistan) were invited to participate in the Committee's discussions. The United Nations Commissioner in Libya was invited to present his report and to make explanatory statements.

(a) **DRAFT RESOLUTION BEFORE THE COMMITTEE**

The following draft resolutions were presented to the Committee:

(i) Draft resolution by the USSR (A/AC.38/L.10), which would provide that the three parts of Libya be united in a single State, that legislative and executive organs for Libya be established, that all foreign troops and military personnel be withdrawn from Libya within three months and that military bases be dismantled.

(ii) Joint draft resolution submitted by Canada, Chile, Ecuador and Greece, which, taking note of the reports that had been received, would recommend that the Administering Powers press forward with the formation of governmental institutions for Libya in accordance with the wishes of the people in order to facilitate the establishment of an independent and sovereign Libya not later than 1 January 1952. The draft resolution would also urge the Economic and Social Council, the specialized agencies and Members of the United Nations to continue to assist Libya, through technical and financial assistance, to develop a sound and viable economy, and would reaffirm the recommendation that Libya be admitted to the United Nations upon its establishment as an independent State.

(iii) Joint draft resolution (A/AC.38/L.13/Rev.1) submitted by Egypt, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen, which would call upon the authorities concerned to ensure the full and effective implementation of resolution 289 A (IV) of 21 November 1949 and particularly to safeguard the unity of Libya and the early transfer of power to an independent Libyan Government. It would also recommend that a National Assembly representative of the inhabitants of Libya be convened not later than 1 January 1951, and that this Assembly should set up not later than 1 March 1951 a Provisional Government to which all the powers exercised by the Administering Powers should be transferred.

(b) **DISCUSSIONS IN THE COMMITTEE**

The following points of view were expressed in the Committee:

The representative of the USSR stated that there were forces at work in Libya which were preventing the establishment of a free and independent Libyan State, in accordance with the Assembly's decision of 1949. Britain and France, he said, were doing their utmost to divide Libya

by exploiting regional differences through the creation of puppet régimes in the three different territories comprising the country. In Cyrenaica the British had recognized the Amir Sayed el Senussi as head of a government with very limited powers and wholly dependent upon the British authorities, and Cyrenaican troops were being raised under British officers along the lines of the Arab Legion in Jordan. Protests against this action made by Libyan associations, even when addressed to the Secretary-General, had produced no effect. The United Nations Commissioner in Libya appeared to be satisfied with the explanation given to him by the Amir and had done nothing to prevent the formation of this army. A similar policy was being followed in The Fezzan where the French had proclaimed Ahmad Bey Seif el Nasr as head of the territory.

Analysing the events of the past year, the representative of the USSR stated that the United Nations Commissioner had allowed the administering Powers to act as they wished, even to the extent of adopting a policy of partitioning the territory, although some members of the Libyan Council had expressed concern at such a policy. The Soviet representative therefore concluded that the Commissioner was covering up the illegal acts of the United Kingdom and France which aimed at partitioning Libya with the ultimate purpose of creating an armed camp in Africa for the benefit of the Western Powers.

At present, he stated, there were in Libya, occupation forces, military personnel and bases of three foreign Powers. In addition, in violation of the Italian Peace Treaty, the United Kingdom, in January 1948, had ceded the air force base of Mellaha to the United States by a unilateral and illegal treaty. The Western Powers, he maintained, planned to exert pressure on the people and government of Libya in order to consolidate their position in the Mediterranean basin. Libya was to serve as a base for the aggressive policies of those Powers and as a link with the oil regions of the Near East. The maintenance in Libya of foreign troops and bases was contrary to the interests of Libya and to the principles of the United Nations. The territory could only be developed as an independent State if all foreign military personnel and bases were withdrawn. It was to achieve this purpose, he said, that the USSR had presented its draft resolution.

Statements in support of the USSR draft resolution were made by the representatives of Po-

¹⁰⁴ See pp. 355-59.

land and the Ukrainian SSR, who stated that the British and French colonizers were using their ancient motto "divide and rule" in order to strengthen their hold upon Libya. Quoting Press reports, the representative of Poland stated that the Mellaha air base ceded to the United States by the British administration was now known as the Wheelus Field and had become a key base for the United States from where, according to strategic experts, heavy bombers could penetrate deep into Soviet territory. The representative of Poland further stated that in Cyrenaica elections had been held to give a shadow of legality to the puppet régime of the Amir el Senussi, while in Tripolitania Libyan leaders had opposed the holding of elections under present conditions as these could not be free. A *fait accompli* had been presented in The Fezzan, parts of which, he stated, had been attached to France's North African colonies. Trade was being oriented towards Tunis rather than towards Tripoli. The Council of Libya was doing nothing to prevent these partition measures which were also acquiesced in by the United Nations Commissioner in Libya.

The representative of the Ukrainian SSR criticized the formation of the Committee of Twenty-One, which, he said, was undemocratically constituted, since it consisted of equal numbers of representatives from each of the three zones of Libya despite the difference in their populations. Through their "political deal", it was stated, the colonial Powers were seeking to set up a token federal structure in Libya which would, in reality, be simply a clandestine maintenance of the colonial régimes.

The representatives of Egypt, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen, speaking in support of the draft resolution jointly sponsored by them, held that it was deplorable to give equal representation to the three regions of Libya in the National Assembly in view of the disparity in their populations. This would, they held, enable the minority to exercise a veto over the wishes of the majority. The only means of unifying Libya lay in preparing for a National Assembly composed on the basis of proportional representation. The Assembly resolution of 1949, it was stated, was based on two fundamental ideas: first, that it was necessary to protect the unity of Libya against any efforts to disrupt it; and, secondly, the principle that the authority exercised by the Administering Powers should be transferred to the Libyans themselves. So far, they contended, the resolution was not being satisfactorily implemented. Certain restrictions were being placed on

the movements of goods and people, three different currencies and administrative systems existed in Libya and certain parts of The Fezzan had been attached to Tunisia and Algeria. Further, a citizenship law had been enacted in Cyrenaica a few weeks after the adoption of the Assembly's resolution on Libya. This, it was stated, was not likely to facilitate the unification of the country, and yet the United Nations Commissioner had accepted it as a *fait accompli*. The Council for Libya had not been invited to give its views regarding the establishment of the administrative council in Tripolitania and the election of an Assembly in The Fezzan. The sole result of these measures had been, it was stated, to encourage certain separatist tendencies in Libya.

These representatives held that it was for the Libyans to draw up their own constitution and determine the form of their future government. The main objective of the eight-Power draft resolution was to give them the means to do so.

Replying to the criticism that the Assembly's resolution on Libya had not been properly implemented and that the Administering Powers had failed to transfer their powers to the Libyan people, the representative of Canada stated that the relevant paragraph of the Assembly resolution had enjoined those Powers to initiate immediately all necessary steps for the transfer of power to a duly constituted independent Government, not to effect any immediate transfer of power.

Self-government, he stated, was a complex and delicate problem for a people which had not previously enjoyed independence and which would find great difficulty in recruiting civil servants, especially in the technical field. Citing the reports before the Committee, the representative of Canada stated that the majority of the government posts in Libya, including judicial and administrative posts, were now held by Libyans. After such a beginning, he stated, there should be no misgivings that the Assembly resolution on Libya would not be fully implemented within the stipulated period.

The representative of Canada was supported by the representatives of Brazil, Chile, Ecuador and Greece, who expressed their approval of the work of the United Nations Commissioner in Libya.

The United Kingdom representative, in reply to the criticism of the actions of the Administering Power, stated that since the war the United Kingdom had maintained a decent standard of living for the people of Libya only by considerable financial sacrifice. The United Kingdom, it was stated, was spending something like \$4,750,000 a year

in that area and would gladly free itself from that responsibility. The real question was not the form of the future Libyan state but that it should be economically viable.

Answering the allegation made by the representative of the USSR, the representative of the United Kingdom stated, that no attempt had been made to create a Cyrenaican army on the model of the Arab Legion, but that a personal bodyguard of about a hundred men had been raised for the protection of the Amir and to make up for the reduced strength of the local police force. There was, he stated, no puppet régime in Tripolitania; in fact, the people of Tripolitania had not been able to agree on an electoral law, and had been opposed to the holding of free and early elections. The Cyrenaican elections had been held in a regular way and there had been no criticism of them among the people concerned. Any steps taken towards federation had been due to the fear of the Fezzanese and the Cyrenaicans of being overwhelmed by the numerical superiority of their neighbours.

At the 13th meeting of the Committee, on the motion of the representative of Ecuador, the Committee agreed to adjourn for a few days in order to permit the sponsors of the three draft resolutions to meet informally in an effort to harmonize their views and produce a single text.

(c) CONSIDERATION OF JOINT THIRTEEN-POWER DRAFT RESOLUTION

As a result of their informal consultations, Canada, Chile, Ecuador, Egypt, Greece, India, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen submitted at the fifteenth meeting a joint draft resolution (A/AC.38/L.15) which combined the four-Power draft resolution (A/AC.38/L.12) and the eight-Power draft resolution (A/AC.38/L.13/Rev.1).

The new text referred in the preamble to the Assembly's resolve (resolution 289 A (IV)) that Libya should be constituted a united, independent and sovereign State and, after noting the increasing co-operation of the Administering Powers with the United Nations Commissioner and the mutual co-ordination of their activities, would express the confidence that the Commissioner, aided by the Council, would take necessary steps toward the achievement of the independence and unity of Libya pursuant to the Assembly resolution 289(IV); would call on the authorities concerned to ensure early, full and effective implementation of that resolution and particularly the realization of the unity of Libya and the transfer

of power to an independent Libyan Government. It would recommend that a National Assembly be convened before 1 January 1951 which would establish a provisional Government as early as possible, with 1 April 1951 as the target date; would recommend further that the Administering Powers progressively transfer powers to the Provisional Government in a manner to ensure that all powers would be transferred to the duly constituted Libyan Government by 1 January 1952, and that the Commissioner aided by the Council, draw up a programme for this transfer of power in co-operation with the Administering Powers; would urge the Economic and Social Council, the specialized agencies and the Secretary-General to extend to Libya such technical and financial assistance as it might request; and would reaffirm the recommendation that the independent Libya be admitted to the United Nations.

The following amendments were proposed to this joint draft resolution:

(a) Australian amendment (A/AC.38/L.16), to change the words in the first paragraph of the preamble from "a united independent and sovereign State" to "one independent and sovereign State"

(b) Argentine amendment (A/AC.38/L.17), to insert in the preamble a new paragraph recalling the recommendation that the Administering Powers, in co-operation with the United Nations Commissioner, administer the territories for the purpose of assisting in the establishment of Libyan unity and independence

(c) Pakistani amendment (A/AC.38/L.18), to add a provision whereby the Provisional Government would be responsible to the National Assembly, and to add at the end of the clause a proviso that, if the National Assembly were unable to set up a Provisional Government by 31 March 1951, the Commissioner, advised and guided by the Council for Libya, should at once proceed to set up a Provisional Government in consultation with the National Assembly

(d) United States amendment (A/AC.38/L.19), to replace the text of the paragraph dealing with technical and financial assistance by a new text drawing the attention of the Economic and Social Council, the specialized agencies and the Secretary-General to the need to extend to Libya, at the request of that country, such technical and financial assistance as they might be in a position to render in order to establish a sound basis for economic and social progress

(e) Israeli amendment (A/AC.38/L.20), which in the preamble would make the National Assembly representative of all the inhabitants of Libya

The original USSR draft remained unchanged before the Committee which then debated the new proposals.

A majority of representatives, including those of Bolivia, Brazil, Burma, Chile, China, Cuba, the Dominican Republic, the Union of South Africa, the United States, Uruguay and Yugoslavia, spoke in favour of the thirteen-Power draft resolution,

which, in their opinion, represented a compromise between the different points of view expressed. They all opposed the USSR draft resolution, which, they stated, offered no constructive solution and was intended to impose on Libya a highly centralized unitary form of government. The form of government, they argued, could best be decided by the National Assembly of Libya rather than by the General Assembly.

The representatives of Egypt, India, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen, among others, supported in principle the provision in the USSR draft for the withdrawal of foreign troops from Libya and regretted that such a provision had not been included in the thirteen-Power draft. They also supported the provision that the three parts of Libya be united. They stated, however, that they would abstain from voting on the part of the USSR draft resolution recommending the dismantling of military installations as that was a matter for the independent Libyan Government to decide.

The representative of the USSR, supported by the representatives of the Byelorussian SSR and Czechoslovakia, stated that though the joint draft resolution represented an improvement over the previous texts it would still permit the Administering Powers to encourage separatist tendencies in Libya. He therefore submitted an amendment which would delete from the preamble of the joint draft resolution a reference to the "increasing co-operation of the administering Powers with the Commissioner and the mutual co-ordination of their activities". The USSR representative, however, maintained that his earlier proposal was the only real solution for the future of Libya.

Replying to certain points that had been raised in the debate, particularly by the representative of the USSR, the representative of France stated that no "puppet Government" had been established in The Fezzan, where governmental authorities had been set up with the assistance and agreement of the population. The representative of Tripolitania and Cyrenaica had never questioned the legitimacy of those governmental authorities. It had been alleged that the establishment of separate governments for the three territories of Libya was a manoeuvre to sabotage the unification of the country but, the representative of France said, a similar position existed in a certain number of federal States such as the USSR, the United States and Germany, where constituent parts of very different sizes were represented in the assemblies.

The only objective criticism that could be made, the representative of France observed, was the

absence of a government in Tripolitania, where party rivalry was creating a situation which was against the interests of the country. It was essential, he said, to establish in Tripolitania representative institutions based on popular election.

Giving particulars of the situation involving the parts of The Fezzan which were administratively linked to Algeria and Tunisia, the representative of France stated that one of them, Ghadames, had taken full part in the political life of The Fezzan and of Libya. It had sent three delegations to the Assembly of The Fezzan which elected the Chief of the Territory of The Fezzan. Its leader was a member of the Committee of Twenty-One. The position was different in regard to another part, Ghat-Serdeles, which, he stated, was inhabited not by Arabs or Berbers but by Tuaregs of the Sharan region, who had refused to take part in the election of the Chief of the Territory.

Referring to the question of military forces and bases, he said that the French forces in The Fezzan did not number more than 500, which was not excessive in view of the size of the territory. If strategic questions arose again and again, it was not the Western States which were to blame but the general insecurity of the world.

The representative of Italy recalled that according to the report of the United Nations Commissioner in Libya, the Preparatory Committee of Twenty-One had decided that non-national minorities should not be represented in the Libyan National Assembly. He said that he would be grateful if the Commissioner would clarify what was meant by "non-national minorities" and also indicate the political consequences which the decision might entail.

The General Assembly resolution of 1949, he asserted, had established that the "inhabitants" of Libya would participate in setting up the new State. It had given the minorities the right to be represented on the Council for Libya, and a representative of the minorities had participated in the Committee of Twenty-One. If the recent decision of the Committee of Twenty-One were carried out, it would be a violation of the letter and the spirit of the Assembly resolution. Furthermore, to deprive a part of the inhabitants of Libya, namely those of Italian, Jewish, Maltese or Greek origin, would be a discriminatory measure which would be against both the Assembly resolution and the spirit of the Charter.

The Chairman of the Council for Libya stated that the Arabs had not forgotten their sufferings under Fascist Italy, which accounted for their dis-

trust of the Italy of today. The Italian minority of 45,000, he stated, would not readily give up its interests in Libya, which they regarded as their home. Thanks to the wisdom of the Italian minority's representative on the Libyan Council and the goodwill of some of the Arab leaders, the situation had improved, particularly in Tripolitania where the Italians had convinced the Arabs of their goodwill. More time and goodwill would be needed, however, to solve the problem completely.

In a concluding statement, the Commissioner for Libya said that the question of Libyan minorities was a highly delicate one and that the word "inhabitants", used in the Assembly resolution, had been subject to different interpretations. Replying to the Italian observer on the Committee, he stated that the term "non-national minorities" which the Committee of Twenty-One had used did not include Jews, but only those members of minorities which had foreign passports. His own view was that it would be contrary to the interests of the minorities if they were allowed to participate in the National Assembly.

At the 17th meeting of the Committee, the Vice-Chairman made an explanatory statement on behalf of the thirteen sponsors of the joint draft resolution stressing the following points on which amendments had been submitted:

- (a) that the inclusion of the word "united" in the first paragraph of the preamble was not intended to impose on the Libyan people a unitary State against their wishes, nor in any way to prejudice the form of Government;
- (b) that the use of the words "increasing co-operation of the Administering Powers" should not be interpreted to imply any criticism;
- (c) that, while it was not possible to specify the financial implications of the paragraph dealing with technical and financial assistance, that paragraph was intended to emphasize the need of the new State for technical and financial assistance to enable it to found its nationhood on a firm economic basis;
- (d) that parts of the General Assembly resolution of 1949, in particular the recommendation regarding the admission of the independent Libya to the United Nations, had been reiterated in order to enhance the morale of the people of Libya.

At the same meeting, the amendments proposed by Argentina, Australia and the United States were withdrawn on the understanding that the clarification made on behalf of the sponsors would be included in the Rapporteur's report. The representative of Pakistan withdrew his amendment in the interest of unanimity.

The representative of Israel withdrew his amendment on the understanding that the word "inhabitants" in the joint draft resolution was not

intended to have a prohibitive meaning, excluding certain sections of the population from equal participation in the life of the new State, and that it was the desire of the Committee that adequate safeguards for the protection of the rights of minorities should be included in the future constitution of Libya.

The draft resolution proposed by the USSR, the USSR amendment to the joint draft resolution and the thirteen-Power draft resolution were then put to the vote. The vote on the USSR draft resolution (A/AC.38/L.10) was as follows:

Paragraph 1: adopted by 20 votes to 18, with 17 abstentions; first part of paragraph 2: rejected by 38 votes to 13, with 8 abstentions; second part of paragraph 2: rejected by 38 votes to 5, with 15 abstentions. Draft resolution as a whole: rejected by 38 votes to 13, with 7 abstentions.

The vote on the USSR amendment and the joint thirteen-Power draft resolution was as follows:

Oral amendment of the USSR proposing the deletion of the reference in the preamble to the "increasing co-operation of the Administering Powers with the United Nations Commissioner and the mutual co-ordination of their activities": rejected by 42 votes to 5, with 6 abstentions. Joint draft resolution: adopted paragraph by paragraph, by votes ranging from 58 to none with 1 abstention, to 53 to none with 7 abstentions. Draft resolution as a whole: adopted by 53 votes to 1, with 5 abstentions.

(3) Consideration by the Fifth Committee

In accordance with rule 152 of the Assembly's rules of procedure, the Fifth Committee, at its 259th and 261st meetings on 3 and 7 November 1950, considered the effect on the budget estimates for 1951 of the draft resolution adopted by the Ad Hoc Political Committee concerning Libya (A/1457).

The Fifth Committee had before it a report by the Secretary-General (A/C.5/392), informing it that the funds which he estimated would be required for the implementation of this draft resolution and of the General Assembly resolution 289 (IV), would amount in 1951 to a total of \$619,300, against which there would be offsetting income of \$50,000 from the assessments to be levied on the salaries of internationally recruited and temporary replacement staff.

In response to the Fifth Committee's request, the Advisory Committee on Administrative and Budgetary Questions examined the Secretary-General's estimates and reported its conclusions to the Fifth Committee in its twelfth report of 1950 (A/1479). It concluded that the estimate as submitted by the Secretary-General should be reduced by a global amount of \$37,100 to a total of \$575,000, for which provision would be re-

quired to be made. The Fifth Committee was informed that the Secretary-General was prepared to concur in the Advisory Committee's recommendation on the understanding that the reduction proposed was to be of a global nature, the detailed application of which would be left to his discretion.

The Fifth Committee rejected by a vote of 25 to 6, with 13 abstentions, a proposal by Pakistan, amended by Egypt, that the Secretary-General's estimates be reduced by a total of \$90,030, distributed over salaries of internationally recruited staff, local transportation and on travel and subsistence of staff. The recommendation of the Advisory Committee that, for purpose of implementing the draft resolution, budgetary provision would be required in the amount of \$575,000, after allowing the transfer of \$7,200 to section 25 of the budget estimates was then approved unanimously.

(4) Consideration by the General Assembly in Plenary Session

The reports of the Ad Hoc Political Committee (A/1457) and of the Fifth Committee (A/1509 & Corr.1) were considered by the General Assembly at its 305th, 306th and 307th plenary meetings on 16 and 17 November 1950.

The USSR reintroduced the draft resolution previously rejected by the Ad Hoc Political Committee (A/1511) which among other things, would provide that the various parts of Libya—Cyrenaica, Tripolitania and The Fezzan—should be united in a single State and that all foreign troops be withdrawn and military bases dismantled.

The following amendments were orally proposed to the draft resolution recommended by the Ad Hoc Political Committee (A/1457):

- (a) Egyptian amendment, to provide specifically for the election of the National Assembly for Libya.
- (b) El Salvador amendment, which proposed that target date for the convening of the National Assembly (1 January 1951) and that for the establishment of the Provisional Government of Libya (1 April 1951) should be extended by two months in order to permit the holding of elections.
- (c) South African amendment, to provide that the Economic and Social Council and the Secretary-General would be required to extend only such technical and financial assistance as they were in a position to offer.

The representative of Lebanon stated that the decision of the Committee of Twenty-One that equal representation in the future National Assembly of Libya would be accorded to each of its three regions was not fair in view of the disparity of their populations. If, he maintained, the

future constitution of Libya was to be defined and elaborated by a body elected on this principle then the will of the General Assembly would be "traduced". If this was not the case, then the present National Assembly should be recognized as a constituent assembly to prepare a constitution which would ultimately be submitted to the Libyan people or their elected representatives. He suggested that the United Nations Commissioner, on whose authority the National Assembly had been appointed, appear before the General Assembly to explain his concept of the National Assembly's functions.

This point of view was shared by the representatives of Egypt, El Salvador, Iraq, Pakistan and Syria. The representative of Iraq requested specific assurances from the Commissioner that the final Libyan constitution would be based upon democratic principles creating a national assembly actually representing the Libyan people, and that the present National Assembly would function only as a drafting body.

Elaborating these points, the representative of Syria stated that it was disappointing that the National Assembly had been appointed and not elected and that the people of Tripolitania, who represented more than 75 per cent of the whole population of Libya, were to have only one third of the votes in this non-elected and arbitrarily appointed Assembly. He emphasized that the words "representative of the inhabitants" in the Assembly resolution (289 A (IV)) could only mean deputies elected by the inhabitants on a parliamentary basis and that an appointed body could not fulfil that condition. Furthermore, the words "representatives of the inhabitants" were not synonymous with "representatives of territories". Had it been intended, the representative of Syria argued, that Libya should be divided into three territories for purposes of representation, the resolution would have referred to "representatives of Cyrenaica, Tripolitania and The Fezzan".

The representative of the USSR, supported by the representatives of Czechoslovakia, Poland and the Ukrainian SSR, stated that the elective principle was a universally recognized principle in all democracies and that the manner in which the present National Assembly had been created was further proof of the attempts of the Administering Powers to promote sectionalism in Libya and to forestall the establishment of a unified and independent State. He supported the amendment proposed by El Salvador that the dates for the convening of the National Assembly and the formation of the Provisional Government be

changed in order to allow time for the preparation for elections. He also urged the Assembly to adopt the draft resolution proposed by his delegation.

The United Nations Commissioner in Libya stated that the appointment rather than the election of the representatives to the National Assembly had been decided upon by the Committee of Twenty-One against his advice. The principle of equal representation, he stated, had been agreed upon as a political expedient which The Fezzan and Cyrenaica had made a condition of their participation in the National Assembly. Neither of these principles, he stated, should be incorporated in the final constitution of Libya. He would propose to the Council of Libya, he said, that the constitution formulated by the present National Assembly be considered as a provisional instrument subject to approval and, if necessary, to amendment by a parliament elected by the Libyan people as a whole.

As regards the amendments which had been submitted by Egypt and El Salvador, the representatives of France, Greece, the United Kingdom and the United States held that the Committee's draft resolution represented a compromise in the interest of unanimity and that it was difficult to entertain amendments to a compromise measure. The representative of France stated that the principle of equal representation, as adopted in the instance of the Libyan National Assembly, was a "classical" method of representation in international law which was followed whenever a State was to be constituted from parts enjoying equal rights at the time when they entered into a contractual relationship.

Replying to a question by the representative of Turkey, the United Nations Commissioner stated that in his opinion even with the extension which the amendments proposed by the representative of El Salvador would allow, the time was not sufficient for organizing and conducting nation-wide elections in Libya.

In reply to the argument advanced by the representative of France, the representative of Lebanon stated that the three provinces of Libya were administrative divisions and not States and were therefore not entitled to equal representation.

The United Nations Commissioner finally stated that a bicameral legislature with a senate chosen by the three territories and a popular chamber elected by all the people, would, in his opinion, reconcile the needs of unity and territorial "particularism". He would, he said, recommend that the Council for Libya consider such a solution.

At the 307th meeting of the Assembly on 17 November 1950, the President put the draft resolutions and the amendments to the vote.

South African amendment: adopted by 52 votes to none, with 2 abstentions

Egyptian amendment: 24 votes in favour, 20 against, with 15 abstentions—therefore not adopted, having failed to obtain the required two-thirds majority

(The President announced that it was not necessary to put the amendment proposed by El Salvador to the vote.)

Draft resolution recommended by the Ad Hoc Political Committee, as amended: adopted by 50 votes to none, with 6 abstentions

At the request of Iraq the vote on the USSR draft resolution (A/1511) was taken in paragraphs with the following results:

First paragraph recommending that the parts of Libya (Cyrenaica, Tripolitania and The Fezzan) be united in a single State and that legislative and executive organs for Libya be established: 23 votes in favour, 21 against with 10 abstentions—not adopted, having failed to obtain the required two-thirds majority. First part of the second paragraph, recommending the withdrawal of all foreign troops from Libya: rejected by 36 votes to 11, with 5 abstentions. Second part of the second paragraph, recommending the dismantling of military bases: rejected by 36 votes to 7, with 11 abstentions

The text of the draft resolution (387(V)) adopted by the General Assembly follows:

The General Assembly,

Having resolved by its resolution 289 A (IV) of 21 November 1949 that Libya shall be constituted a united independent and sovereign State,

Having noted the report of the United Nations Commissioner in Libya, prepared in consultation with the Council for Libya, and those of the administering Powers, submitted in accordance with General Assembly resolution 289 A (IV), as well as the statements made by the United Nations Commissioner and the representatives of the Council for Libya,

Having noted in particular the confidence expressed by the United Nations Commissioner that the aim of the General Assembly, namely, that Libya should become an independent and sovereign State, will be attained within the time-limit prescribed, with the increasing co-operation of the administering Powers with the United Nations Commissioner and the mutual co-ordination of their activities toward that end,

Having noted the statements in the above-mentioned report of the United Nations Commissioner regarding the needs of Libya for technical and financial assistance both before and after independence, if such assistance is requested by the Government of Libya,

1. Expresses confidence that the United Nations Commissioner in Libya, aided and guided by the advice of the members of the Council for Libya, will take the necessary steps to discharge his functions toward the achievement of the independence and unity of Libya pursuant to the above-mentioned resolution;

2. Calls upon the authorities concerned to take all steps necessary to ensure the early, full and effective implementation of the resolution of 21 November 1949, and particularly the realization of the unity of Libya

and the transfer of power to an independent Libyan Government; and, further,

3. Recommends:

(a) That a National Assembly duly representative of the inhabitants of Libya shall be convened as early as possible, and in any case before 1 January 1951;

(b) That this National Assembly shall establish a Provisional Government of Libya as early as possible, bearing in mind 1 April 1951 as the target date;

(c) That powers shall be progressively transferred to the Provisional Government by the administering Powers in a manner which will ensure that all powers at present exercised by them shall, by 1 January 1952, have been transferred to the duly constituted Libyan Government;

(d) That the United Nations Commissioner, aided and guided by the advice of the members of the Council for Libya, shall proceed immediately to draw up a programme, in co-operation with the administering Powers, for the transfer of power as provided in subparagraph (c) above;

4. Urges the Economic and Social Council, the specialized agencies and the Secretary-General of the United Nations to extend to Libya, in so far as they may be in a position to do so, such technical and financial assistance as it may request in order to establish a sound basis for economic and social progress;

5. Reaffirms its recommendations that, upon its establishment as an independent State, Libya be admitted to the United Nations in accordance with Article 4 of the Charter.

b. ECONOMIC AND FINANCIAL PROVISIONS TO BE APPLIED IN LIBYA

The question of economic and financial provisions for Libya was introduced by the representative of the United Kingdom at the 7th meeting of the Ad Hoc Political Committee on 9 October 1950, during the Committee's consideration of other questions affecting Libya (see above).

The Committee had before it a United Kingdom draft resolution (A/AC.38/L.9) relating to the economic and financial provisions to be applied in Libya, in accordance with Annex XIV, paragraph 19, of the Treaty of Peace with Italy, and providing, *inter alia*, for the establishment of a United Nations Arbitral Tribunal.

(1) Consideration in the Ad Hoc Political Committee

At the outset of the debate at the 7th meeting, the Committee heard a statement by the United Nations Commissioner in Libya, who said that the settlement of the problem of economic and financial provisions of the Italian Peace Treaty had been delayed by the legal and practical difficulties involved which, in turn, had given rise to serious economic problems. The status of very large amounts was still undecided and the Administering Powers still continued to regard them

as ex-enemy property. This complicated matter, it was stated, was closely linked with that of war damage. Those problems would have to be settled by the General Assembly.

The representative of the United Kingdom stated that there were many claims over different kinds of ex-enemy property. Libya, he considered, was unable to shoulder any share of the Italian public debt and some arrangements would have to be made in that respect. For many reasons, it had not been possible to finish examining the question of provisions concerning the property formerly belonging to the Italian State, or that of "parastatal property and undertakings", a term still undefined.

The position of Italian interests in the territories was stated by the representative of the United Kingdom to be as follows: There were, on the one hand, certain rights inherent in the ownership of the state or parastatal property; on the other hand, there were liabilities arising from the Italian public debt, some local contractual engagements entered into between the Italian metropolitan and local Governments, and finally, private property.

The United Kingdom Government, it was stated, had come to the conclusion that the most practical solution was for the General Assembly to appoint a special tribunal of arbitration to examine these questions on the spot and make recommendations. The Assembly might give the proposed tribunal instructions in the form of general principles. Otherwise, aside from the general principles of international law and procedure, the tribunal might be guided by provisions similar to those already governing the Peace Treaty with Italy as regards the disposal of property in former Italian territories. The United Kingdom had therefore submitted a draft resolution (A/AC.38/L.9), which, he stated, if adopted would dispel all uncertainty about property rights in Libya.

Speaking later in the debate, the representative of Italy questioned the legal basis of the United Kingdom proposal on the economic and financial provisions to be applied to the territory. That proposal, he said, was based on an extension of Annex XIV of the Italian Peace Treaty, which contained the text of the economic and financial provisions relating to the territories ceded by Italy. The Annex, however, the Italian representative contended, specifically provided that its economic and financial provisions would not apply to the former Italian colonies and, therefore, this problem should not be considered without pre-

vious consultation with the Italian Government. The United Kingdom proposals, he stated, would lead to all Italian data being completely ignored, which would be neither legal nor just.

From the legal point of view, the representative of Italy argued, if Italy were denied the right to participate in drawing up strict provisions concerning its responsibilities in Libya, it would be tantamount to imposing upon it the indeterminate obligation of accepting any decision which might be taken without its consent. The Assembly should first decide if this was legitimate; it was a question of legal principle which would constitute a precedent in international law.

At its 11th meeting on 12 October, on a suggestion by the representative of Greece, the Committee decided, without objection, to set up a seven-member sub-committee to examine the United Kingdom proposal. The Sub-Committee (Sub-Committee 1), composed of the representatives of Argentina, Belgium, Egypt, France, Greece, Poland and the United Kingdom, was to study the United Kingdom draft resolution (A/AC.38/L.9) and to make recommendations. It was decided that the observer from the Italian Government, the Chairman of the United Nations Council for Libya, and the United Nations Commissioner in Libya could take part in the sub-committee's work in an advisory capacity.

Sub-Committee 1 held twenty-eight meetings and submitted its report (A/AC.38/L.70) to the Ad Hoc Political Committee on 11 December 1950. The draft resolution adopted by the Sub-Committee, by 6 votes to 1, was divided into two parts. The ten articles of Part A related, *inter alia*, to the transfer of property owned by the Italian State (article 1), the pensions owed by Italy (article 3), the rules to be applied to the property rights and interests of Italian nationals (article 6), and the special provisions concerning concessions (article 9). The draft resolution provided for a United Nations Tribunal of three members to give instructions and to decide all disputes between the authorities concerned relating to the application of Economic and Financial Provisions (article 10).

Part B provided for the staff and all expenses necessary to carry out the terms of the draft resolution (for text as adopted, see below).

The Ad Hoc Political Committee considered the report of the sub-committee at its 81st and 82nd meetings on 13 and 14 December 1950. At its 82nd meeting, the Committee, by 26 votes to 5, with 9 abstentions, rejected a USSR proposal

to defer further consideration of the matter until the Assembly's sixth session, at which time it would be possible to hear a representative of independent Libya. The Committee adopted, by 34 votes to 5, with 13 abstentions, the draft resolution (A/AC.38/L.70) submitted by Sub-Committee 1. It also agreed to include in its report the explanations contained in the Sub-Committee's report on certain points of the draft resolution (see below).

(2) Resolution Adopted by the General Assembly

The report of the Ad Hoc Political Committee on the economic and financial provisions relating to Libya (A/1726) was discussed by the Assembly at its 326th plenary meeting on 15 December 1950.

The representative of the USSR stated that the draft resolution on economic and financial provisions relating to Libya had been submitted by the Ad Hoc Political Committee only on 12 December and that most delegations, including his own, had not had sufficient time to study it. He therefore proposed that the Assembly postpone its consideration till its next session. This proposal was rejected by the Assembly by 44 votes to 6, with 5 abstentions.

The Assembly then voted on draft resolution A, followed by draft resolution B, submitted by the Ad Hoc Political Committee, with the following results:

Preamble to draft resolution A: adopted by 46 votes to 5, with 2 abstentions. Operative part of the same draft resolution: adopted by 47 votes to 5, with 2 abstentions. Draft resolution B: adopted by 49 votes to 5, with 2 abstentions.

In explanation of his vote and of his wish that the voting on the resolution should have been postponed, the representative of Poland stated that, having taken part in two meetings of Sub-Committee 1 of the Ad Hoc Political Committee, he had been confronted with a number of voluminous documents regarding the matter under discussion. It was only on 12 December that a report was submitted to the Ad Hoc Political Committee. He had found that the Committee had come to the end of its agenda and that members were supposed to hasten a decision without proper discussion. It was his opinion that neither the Committee nor the Assembly had had the time to examine the item which was of a very serious nature as it might affect the future economic development of Libya. The representative of Czechoslovakia expressed a similar point of view.

The representative of Egypt stated that during the discussion of this item in the Sub-Committee

and in the Ad Hoc Political Committee he had been impressed with the spirit of justice and understanding displayed. The Sub-Committee's draft resolution did not in any way, in his opinion, neglect or sacrifice the interests of Libya.

The text of the resolution (388(V)) adopted by the General Assembly follows:

A

Whereas, in accordance with the provisions of article 23 and paragraph 3 of annex XI of the Treaty of Peace with Italy, the question of the disposal of the former Italian colonies was submitted on 15 September 1948 to the General Assembly by the Governments of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Whereas, by virtue of the above-mentioned provisions, the four Powers have agreed to accept the recommendation of the General Assembly and to take appropriate measures for giving effect to it,

Whereas the General Assembly, by its resolutions of 21 November 1949 and of 17 November 1950, recommended that the independence of Libya should become effective as soon as possible, and in any case not later than 1 January 1952,

Whereas paragraph 19 of annex XIV of the Treaty of Peace with Italy, which contains the economic and financial provisions relating to ceded territories, states that "The provisions of this annex shall not apply to the former Italian colonies. The economic and financial provisions to be applied therein will form part of the arrangements for the final disposal of these territories pursuant to article 23 of the present Treaty",

Whereas it is desirable that the economic and financial provisions relating to Libya should be determined before the transfer of power in that territory takes place, in order that they may be applied as soon as possible,

The General Assembly

Approves the following articles:

Article I

1. Libya shall receive, without payment, the movable and immovable property located in Libya owned by the Italian State, either in its own name or in the name of the Italian administration of Libya.

2. The following property shall be transferred immediately:

(a) The public property of the State (*demanio pubblico*) and the inalienable property of the State (*patrimonio indisponibile*) in Libya, as well as the relevant archives and documents of an administrative character or technical value concerning Libya, or relating to property the transfer of which is provided for by the present resolution;

(b) The property in Libya of the Fascist Party and its organizations.

3. In addition, the following shall be transferred on conditions to be established by special agreement between Italy and Libya:

(a) The alienable property (*patrimonio disponibile*) of the State in Libya and the property in Libya belonging to the autonomous agencies (*aziende autonome*) of the State;

(b) The rights of the State in the capital and the property of institutions, companies and associations of a public character located in Libya.

4. Where the operations of such institutions, companies and associations extend to Italy or to countries other than Libya, Libya shall receive only those rights of the Italian State or the Italian administration which appertain to the operations in Libya. In cases where the Italian State or the Italian administration of Libya exercised only managerial control over such institutions, companies and associations, Libya shall have no claim to any rights in those institutions, companies or associations.

5. Italy shall retain the ownership of immovable property necessary for the functioning of its diplomatic and consular services and, when the conditions so require, of the schools necessary for the present Italian community whether such property is owned by the Italian State in its own name or in the name of the Italian administration of Libya. Such immovable property shall be determined by special agreements concluded between Italy and Libya.

6. Buildings used in connexion with non-Moslem public worship and their appurtenances shall be transferred by Italy to the respective religious communities.

7. Special agreements may be concluded between Italy and Libya to ensure the functioning of hospitals in Libya.

Article II

Italy and Libya shall determine by special agreements the conditions under which the obligations of Italian public or private social insurance organizations towards the inhabitants of Libya and a proportionate part of the reserves accumulated by the said organizations shall be transferred to similar organizations in Libya. That part of the reserves shall preferably be taken from the real property and fixed assets in Libya of the said organizations.

Article III

Italy shall continue to be liable for the payment of civil or military pensions earned as of the coming into force of the Treaty of Peace with Italy and owed by it at that date, including pension rights not yet matured. Arrangements shall be concluded between Italy and Libya providing for the method by which this liability shall be discharged.

Article IV

Libya shall be exempt from the payment of any portion of the Italian public debt.

Article V

Italy shall return to their owners, in the shortest possible time, any ships in its possession, or that of its nationals, which are proved to have been the property of former Italian nationals belonging to Libya or to have been registered in Libya, except in the case of ships acquired in good faith by Italy or its nationals.

Article VI

1. The property, rights and interests of Italian nationals, including Italian juridical persons, in Libya, shall, provided they have been lawfully acquired, be respected. They shall not be treated less favourably than the property, rights and interests of other foreign nationals, including foreign juridical persons.

2. Italian nationals in Libya who move, or who have since 3 September 1943 moved, to Italy shall be permitted freely to sell their movable and immovable property, realize and dispose of their assets, and, after settlement of any debts or taxes due from them in Libya, to take with them their movable property and transfer the funds they possess, unless such property and funds were unlawfully acquired. Such transfers of property shall not be subject to any import or export duty. The conditions of the transfer of this movable property to Italy will be fixed by agreement between the administering Powers or the Government of Libya upon its establishment on the one hand, and the Government of Italy on the other hand. The conditions and the time-periods of the transfer of the funds, including the proceeds of above-mentioned transactions, shall likewise be determined.

3. Companies incorporated under Italian law and having their siège social in Italy shall be dealt with under the provisions of paragraph 2 above. Companies incorporated under Italian law and having their siège social in Libya and which wish to remove their siège social to Italy shall likewise be dealt with under the provisions of paragraph 2 above, provided that more than 50 per cent of the capital of the company is owned by persons usually resident outside Libya and provided also that the greater part of the activity of the company is carried on outside Libya.

4. The property, rights and interests in Italy of former Italian nationals belonging to Libya and of companies previously incorporated under Italian law and having their siège social in Libya, shall be respected by Italy to the same extent as the property, rights and interests of foreign nationals and of foreign companies generally. Such persons and companies are authorized to effect the transfer and liquidation of their property, rights and interests under the same conditions as may be established under paragraph 2 above.

5. Debts owed by persons in Italy to persons in Libya or by persons in Libya to persons in Italy shall not be affected by the transfer of sovereignty. The Government of Italy and the administering Powers or the Government of Libya after its establishment shall facilitate the settlement of such obligations. As used in the present paragraph, the term "persons" includes juridical persons.

Article VII

Property, rights and interests in Libya which, as the result of the war, are still subject to measures of seizure, compulsory administration or sequestration, shall be restored to their owners, and, in cases submitted to the Tribunal referred to in article X of the present resolution, following decisions of that Tribunal.

Article VIII

The former Italian nationals belonging to Libya shall continue to enjoy all the rights in industrial, literary and artistic property in Italy to which they were entitled under the legislation in force at the time of the coming into force of the Treaty of Peace. Until Libya becomes a party to the relevant international convention or conventions, the rights in industrial, literary and artistic property which existed in Libya under Italian law shall remain in force for the period for which they would have remained in force under that law.

Article IX

The following special provisions shall apply to concessions:

1. Concessions granted within the territory of Libya by the Italian State or by the Italian administration of Libya, and concession contracts (*patti colonici*) existing between the Ente per la Colonizzazione della Libia or the Istituto della Previdenza Sociale and the concessionaires of land to which each contract related shall be respected, unless it is established that the concessionaire has not complied with the essential conditions of the concession.

2. Land placed at the disposal of the Ente per la Colonizzazione della Libia and of the colonization department of the Istituto della Previdenza Sociale by the Italian State or the Italian administration of Libya and which has not been the object of a concession shall be transferred immediately to Libya.

3. Land, buildings and their appurtenances referred to in sub-paragraph (d) of paragraph 4 below shall be transferred to Libya in accordance with the arrangements to be made under that sub-paragraph.

4. Special agreements between Italy and Libya shall provide for:

(a) The liquidation of the Ente per la Colonizzazione della Libia and of the colonization department of the Istituto della Previdenza Sociale, the interim status of those institutions for the purpose of enabling them to fulfil their obligations towards concessionaires whose contracts are still in operation, and, if necessary, the taking over of their functions by new organizations;

(b) The repayment by those institutions to financial concerns of the quotas subscribed by the latter in the establishment of the Ente per la Colonizzazione della Libia, and, in the case of the Istituto della Previdenza Sociale, the reconstitution of that part of its reserves invested by that institution in its colonization department;

(c) The transfer to Libya of the residual assets of the institutions to be liquidated;

(d) Arrangements relating to land placed at the disposal of these institutions and to the buildings on and appurtenances to that land, in which, after their abandonment by the concessionaires, no further investment could be made by the institutions;

(e) Payments in amortization of the debts of concessionaires owed to those institutions.

5. In consideration of the renunciation by the Italian Government of its claims against those institutions, the latter shall cancel the debts of the concessionaires and the mortgages securing those debts.

Article X

1. A United Nations Tribunal shall be set up, composed of three persons selected by the Secretary-General for their legal qualifications from the nationals of three different States not directly interested. The Tribunal, whose decisions shall be based on law, shall have the following two functions:

(a) It shall give to the administering Powers, the Libyan Government after its establishment, and the Italian Government, on request by any of those authorities, such instructions as may be required for the purpose of giving effect to the present resolution;

(b) It shall decide all disputes arising between the said authorities concerning the interpretation and appli-

cation of the present resolution. The Tribunal shall be seized of any such dispute on the unilateral request of one of those authorities.

2. The administering Powers, the Libyan Government after its establishment and the Italian Government shall supply the Tribunal as soon as possible with all the information and assistance it may need for the performance of its functions.

3. The seat of the Tribunal shall be in Libya. The Tribunal shall determine its own procedure. It shall afford to the interested parties an opportunity to present their views, and shall be entitled to request information and evidence which it may require from any authority or person whom it considers to be in a position to furnish it. In the absence of unanimity, the Tribunal shall take decisions by a majority vote. Its decisions shall be final and binding.

B

The General Assembly

Authorizes the Secretary-General, in accordance with established practice,

1. To arrange for the payment of an appropriate remuneration for the members of the United Nations Tribunal set up under article X above and to reimburse their travel and subsistence expenses;

2. To assign to the United Nations Tribunal such staff and provide such facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution, utilizing the existing United Nations staff of the Libyan Mission in so far as possible.

Following is the text of the explanations of certain points in the foregoing resolution appended to the report of the Ad Hoc Political Committee (A/1726):

Article I, paragraph 2 (a):

It is understood that the Italian Government will facilitate the return to Libya of any archives or documents of an administrative character or technical value, property of the Italian State, which are in Italy and which the Libyan Government would have the right to request of it under this paragraph.

The words documents of "technical value" apply, *inter alia*, to documents concerning archaeological research projects which are being carried out or are to be carried out in Libya.

Article I, paragraph 3:

Italy abandons her right to property transferred under this paragraph, as a contribution to the rehabilitation of Libya.

Article I, paragraph 3(b):

The rights mentioned in this sub-paragraph include share holdings and similar rights owned by the Italian State either in its own name or in the name of the Italian administration of Libya.

Article I, paragraph 6:

The expression "buildings used in connexion with non-Moslem public worship" includes all objects used in connexion with public worship in those buildings.

It is understood that mosques and objects used in connexion with Moslem public worship will be transferred directly to the Libyan State.

It is also understood that the maintenance of cemeteries shall be the subject of special agreements.

Article IV:

Italy renounces all her claims to any payment whatsoever from Libya in respect of debts, in view of the economic conditions of that country.

Articles V; VI, paragraph 4; VIII:

The phrase "former Italian nationals belonging to Libya" means, in particular, the indigenous population of Libya.

Article VII:

It is understood that this article does not affect the requisitions made by the authorities for the needs of the administration.

Article VIII:

It is understood that the second paragraph applies to aliens only, and not to the Libyans themselves.

Article IX, paragraph 4(c):

It is understood that if the final balance sheet of the institutions shows a debit balance, no part of such liability will be transferred to the Libyan Government.

Article X, paragraph 1:

The Tribunal "whose decisions shall be based on law" shall apply the rules of law, and shall not decide *ex aequo et bono*. It will thus apply the General Assembly resolution in the light of the principles of international law and of the rules for the interpretation of international texts.

Article X:

The Sub-Committee discussed the period during which the Tribunal should remain in existence. Although it is difficult to foresee precisely the time it will take that body to accomplish its task, the Sub-Committee believes that it might take at least two or three years. In this connexion, much will depend on the time it will take to conclude the several special Italo-Libyan Agreements provided for in the resolution.

The Sub-Committee further believes that the General Assembly should in any case examine either at its seventh, or at its eighth session at the latest, and in the light of the progress then made by the Tribunal, the question of whether its functions should be continued. By then, Italy and Libya might desire either to maintain the Tribunal jointly, assuming the corresponding financial obligations, or prefer to replace it by a different procedure.

Article X, paragraph 3 (last sentence):

In specifying that the decisions of the Tribunal should be binding, the Sub-Committee does not intend to infer that this does not apply to the instructions given by the Tribunal.

c. TECHNICAL ASSISTANCE FOR LIBYA

(1) Consideration by the Economic and Social Council

The General Assembly, in resolution 289 A (IV),¹⁰⁵ had empowered the United Nations Commissioner in Libya to offer suggestions to the Economic and Social Council and to the

¹⁰⁵ For text, see Y.17.N., 1948-49, p. 275-76.

Secretary-General on measures that the United Nations might adopt during the transitional period regarding the economic and social problems of Libya.

Accordingly, the United Nations Commissioner on 12 August 1950 communicated to the eleventh session of the Council, held in Geneva from 3 July to 8 August 1950, his suggestions on that subject (E/1758/Rev.1). The United Nations Commissioner stressed Libya's present need for technical assistance both to formulate its future administrative organization and for its economic development. He stated that the Libyan people had frequently and urgently requested him to "bring them the resources and assistance of the United Nations not only to achieve their unity and independence, but also to assist in their economic development". The Council for Libya and the United Kingdom and France as Administering Powers had also expressed their concurrence in the need for such assistance.

After dealing with the points regarding technical assistance covered in his report¹⁰⁶ and after referring to the preliminary steps in that connexion taken by the Secretary-General, the Administering Powers and the United Nations specialized agencies, the Commissioner suggested that the Economic and Social Council recommend to the General Assembly and Member Governments that, in view of the special responsibilities of the United Nations to assist Libya to organize its administration and to create a viable economy, the Secretary-General, within the terms of the programme of technical assistance, should give particular consideration to Libyan needs. Assistance, he suggested, should be envisaged for the transitional period before independence and for the longer-range needs of Libya after the achievement of independence.

Furthermore, since only States Members of the United Nations or specialized agencies were eligible for technical assistance, the Commissioner "strongly" suggested that special provision be made for continuing a technical assistance programme for Libya during "the possible hiatus period" between its achievement of independence and the time when it formally became a Member of the United Nations and the specialized agencies.

"In view of the important considerations raised in the statement of the United Nations Commissioner", the Secretary-General, in his note transmitting the statement (E/1758/Rev.1), suggested a draft resolution for consideration by the Economic and Social Council, which, after referring

to the Assembly resolutions 289 A (IV) and 266(III)¹⁰⁷ and recognizing the Libyan need for assistance, would request the Secretary-General and the executive heads of the specialized agencies participating in the Technical Assistance Board to pay due regard to the technical assistance needs for Libya; and would further request the Secretary-General to present to the fifth regular session of the General Assembly specific proposals as to the procedure which would enable Libya to continue to receive technical assistance, after its independence had been achieved and before it had become a Member of the United Nations or of a specialized agency participating in the expanded programme.

The draft resolution submitted by the Secretary-General (E/1758/Rev.1) was considered by the Council at its 413th meeting on 15 August 1950, when another draft resolution, intended to replace the text proposed by the Secretary-General, was presented jointly by the delegations of Chile and the United States (E/L.103) (see below for text as adopted).

During the Council's consideration of the question, the United Nations Commissioner in Libya was invited to participate in the discussion and made a statement in support of his communication.

The representatives of Chile, France, India, Iran, Pakistan, Peru, the United Kingdom and the United States indicated that Libya stood in great need, not only of technical assistance but also of adequate financial assistance. This, it was stated, was urgent in view of the scant natural resources of Libya and the very inadequate level of training of its people in public administration and various skills. It was also felt that, in view of resolution 289 A (IV), the United Nations had a special responsibility for promoting the economic development and social progress of Libya and for ensuring that no interruption in the technical assistance granted to Libya at present would take place upon its becoming an independent State and until such time as Libya would be eligible to submit its own requests.

The Council adopted the draft resolution submitted jointly by Chile and the United States (322 B (XI)), by 14 votes to none, with 1 abstention. It read as follows:

¹⁰⁶ See pp. 345-47.

¹⁰⁷ Recommended that the Economic and Social Council should, in planning its activities in connexion with economically under-developed regions, take into consideration the problems of the development of the former Italian colonies.

B

The Economic and Social Council

Mindful of the decision taken by the General Assembly on 21 November 1949, and, embodied in resolution 289 A (IV), that Libya should be constituted an independent State, under the auspices of the United Nations, not later than 1 January 1952, and

Having also sympathetically considered the suggestions communicated to it by the United Nations Commissioner for Libya, in accordance with paragraph 9 of the above-mentioned resolution, and

Recognizing that the people in Libya stand in great need of assistance in the development of their economy and in the establishment of an efficient public administration in order to create an independent and economically viable State,

Draws the attention of the Secretary-General, the executive heads of the specialized agencies, and the Technical Assistance Board to the special need for early action in Libya;

Requests the Secretary-General to present to the fifth regular session of the General Assembly specific proposals as to the procedure which would enable Libya to continue to receive technical assistance after its independence has been achieved and before it has become a Member of the United Nations or of a specialized agency participating in the expanded programme.

(2) Consideration by the General Assembly at Its Fifth Session

In accordance with this resolution, the Secretary-General presented to the General Assembly specific proposals (A/1404) as to the procedure which would enable Libya to continue to receive technical assistance after its independence had been achieved, and before it had become a Member of the United Nations or of a specialized agency participating in the Expanded Programme. The question was considered by the Assembly's Second Committee at its 135th meeting on 8 November, 136th meeting on 10 November and 137th meeting on 14 November.

The Secretary-General stated that the objective sought by the Economic and Social Council could best be achieved by a decision of the Assembly requesting the Council and the specialized agencies to consider Libya as eligible for technical assistance without regard to its membership in any of the United Nations organizations. Accordingly, he submitted a draft resolution to the Assembly, which referred to Assembly resolution 289 A (IV), to Economic and Social Council resolution 322 B (XI) and to the proposal of the Secretary-General as to the procedure which would enable Libya to continue to receive technical assistance. Further, "recognizing that Libya should receive technical assistance in the development of its economy and in the establishment of an efficient public administration, and that it should be eligible to receive technical assistance without inter-

ruption after the attainment of independence", the draft resolution would request "the Economic and Social Council and the specialized agencies concerned to consider Libya as eligible to receive technical assistance under Economic and Social Council resolution 222 A (IV) as soon as it shall be constituted an independent State in accordance with General Assembly resolution 289 A (IV)".

The following amendments were proposed to the draft resolution submitted by the Secretary-General:

(i) Pakistani amendment (A/C.2/L.65/Rev.1), which would substitute for the penultimate paragraph of the draft resolution (see above) the following text: "Recognizing that Libya should receive technical assistance in the development of its economy and that it should be eligible to receive such technical assistance as the Libyan Government may request after the attainment of independence, provided that pending the receipt of such a request existing technical assistance may continue."

(ii) Joint amendment by Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen (A/C.2/L.66) to replace the final paragraph (see above) by the following: "Recommends that the need for preparing a complete plan for the economic, social and cultural development of Libya shall be borne in mind by the appropriate authorities when requesting technical assistance for Libya or when considering requests for technical assistance for Libya."

(iii) Uruguayan amendment (A/C.2/L.67/Rev.1), which, after a drafting change in the last paragraph of the operative part, would add the following as an Article 2: "Instructs the Secretary-General of the United Nations to study, prepare and submit to the Economic and Social Council a draft plan of technical, cultural and financial assistance sufficient to improve the economic and social development of Libya."

There was agreement in the Committee as to Libya's need for technical assistance and as to United Nations responsibility in the matter. Most members of the Committee, including the representatives of Australia, Canada, Chile, Egypt, Greece, India, Iraq and Yugoslavia, were of the opinion, however, that the Pakistani and Uruguayan amendments were unnecessary. There was general support in the Committee for the amendment proposed by Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen.

At its 137th meeting on 14 November, the Committee unanimously adopted a joint draft resolution, submitted by Chile, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Uruguay and Yemen (A/C.2/L.68), which incorporated the substance of all the proposals put forward as well as a new Uruguayan amendment (A/C.2/L.69) to reword the final paragraph (see below).

The report of the Second Committee (A/1513) was presented to the General Assembly at its 308th plenary meeting on 17 November 1950.

The draft resolution recommended by the Second Committee was adopted unanimously by the Assembly without a debate (398(V)). It read as follows:

The General Assembly,

Mindful of its resolution 289 A (IV) of 21 November 1949,

Having considered Economic and Social Council resolution 322 B (XI) of 15 August 1950, and the proposal of the Secretary-General as to the procedure which would enable Libya to continue to receive technical assistance after its independence has been achieved and before it has become a Member of the United Nations or of a specialized agency participating in the expanded programme of technical assistance,

Considering the special responsibility of the United Nations for the future of Libya,

Recognizing the need for continuing technical assistance to Libya without interruption, even after the attainment of its independence, for the development of its economy, for its social progress and for the improvement of its public administration,

Recognizing further the need for immediate study of a complete plan for the economic, social and cultural development of Libya,

1. Requests the Economic and Social Council and the specialized agencies concerned to consider Libya, as soon as it shall be constituted an independent State in accordance with General Assembly resolution 289 A (IV), as eligible to continue to receive technical assistance, in such form as the Government of Libya may request, from the expanded programme of the United Nations and in accordance with the fundamental principles and other provisions of Economic and Social Council resolution 222 A (IX);

2. Instructs the Technical Assistance Board, when giving technical assistance to Libya, to be mindful of the economic unity and independence of Libya in accordance with the aforesaid fundamental principles laid down in resolution 222 A (IX) of the Economic and Social Council and in resolution 304 (IV) of the General Assembly;

3. Recommends that the need for preparing a complete plan for the economic, social and cultural development of Libya shall be borne in mind by the appropriate authorities when requesting technical assistance for Libya or when considering requests for technical assistance for Libya.

d. TECHNICAL AND FINANCIAL ASSISTANCE IN RELATION TO WAR DAMAGES

During the consideration by the Ad Hoc Political Committee of the economic and financial provisions relating to Libya (see above), the representative of Egypt, at the 81st meeting on 13 December 1950, submitted a draft resolution (A/AC.38/L.75) which proposed that the Secretary-General should be instructed to study the problem of war damages suffered by Libya, in connexion with the technical and financial assist-

ance which Libya might request from the organs of the United Nations, and to report on the subject to the sixth session of the General Assembly.

During the discussion in the Committee, the United Nations Commissioner in Libya recalled that he had raised the question in his annual report and had mentioned it in his opening statement before the Committee. He had again raised it before Sub-Committee 1, which had decided that it did not come within its terms of reference—which were the financial and economic provisions relating to Libya. From the Libyan point of view, the problem was important since Libyan territory had suffered heavy damage during the war. The city of Benghazi had undergone 800 air raids and, as a result, only one fourth of it had remained intact. Tobruk had been completely destroyed and the harbour of Tripoli had been severely damaged. On the main road between Tripoli and Benghazi, not a single bridge had remained. Accordingly, he supported the Egyptian draft resolution. The Egyptian draft resolution was also supported by the representatives of Canada, Turkey and the United Kingdom. The representative of Belgium suggested that the draft should be entitled "Technical and financial assistance to Libya" and that if adopted should be made the subject of a separate report to the General Assembly. Both suggestions were accepted.

The Committee adopted the draft resolution by 40 votes to none, with 1 abstention.

The draft resolution recommended by the Ad Hoc Political Committee (A/1727) was unanimously adopted by the General Assembly at its 326th plenary meeting on 15 December 1950. The text of the resolution 389(V) adopted by the General Assembly read:

Whereas Libya as a result of the war has suffered extensive damages to private and public property, both movable and immovable, as well as to its system of communications,

Whereas the existence of these war damages and the necessity of repairing them represents one of the major economic and financial problems to be taken into consideration in order that an independent Libya may be established with a sound basis for economic and social progress, which is one of the avowed purposes of the United Nations in accordance with paragraph 4 of the resolution adopted by the General Assembly on 17 November 1950,

The General Assembly,

Instructs the Secretary-General to study the problem of war damages in connexion with the technical and financial assistance which Libya may request from the Economic and Social Council, the specialized agencies, and the Secretary-General, and to report on the subject to the sixth session of the General Assembly.

2. Eritrea

By resolution 289 A (IV), adopted at the fourth session, the General Assembly, among other things, established the United Nations Commission for Eritrea to ascertain more fully the wishes of the inhabitants of Eritrea and the means of promoting their future welfare. The Commission was to prepare a report and to submit proposals, so that the matter might be considered by the General Assembly at its fifth session. The Interim Committee of the General Assembly was asked to consider the Commission's report and to submit its conclusions to the fifth session of the Assembly.

a. REPORT OF THE UNITED NATIONS COMMISSION FOR ERITREA

The United Nations Commission for Eritrea, which consisted of the representatives of Burma, Guatemala, Norway, Pakistan and the Union of South Africa, after examining the situation on the spot, consulting with the Governments interested in the question (Egypt, Ethiopia, France, Italy and the United Kingdom) and hearing the views of the representatives of the principal political parties in Eritrea, submitted its report (A/1285) to the General Assembly on 28 June 1950. The Commission was unable to submit unanimous conclusions and consequently its report consisted of two memoranda: (i) submitted by Burma, Norway and the Union of South Africa; (ii) submitted by Guatemala and Pakistan.

The memorandum by Burma, Norway and the Union of South Africa surveyed the geography, population, economic resources, agricultural productivity, trade and finance of Eritrea and also detailed its conclusions regarding the wishes of the people and the views of the principal political parties. As regards population, it concluded that the total number of inhabitants was 1,067,000 of which 524,000 were Moslem, 506,000 Christian and 8,000 pagan. A majority of the Moslems (315,000) lived in the Western Province of Eritrea and a majority of the Christians (470,000) lived in the Highlands.

These various groups, it was stated, had different economic habits and different forms of social organization, and lived in different areas though the boundaries were blurred by seasonal migrations and overlapping of tribal areas. The bulk (78 per cent) of the population was rural. Since 1933, however, considerable urbanization had occurred, mainly at Asmara (126,000) and at the Red Sea port, Massawa (26,000).

As regards the future political status of the country, these delegations concluded that the poverty of the country and its dependence on Ethiopia's resources and transit trade precluded its complete independence. They were of the opinion that there were close affinities between large sections of the Eritrean population and the Ethiopian peoples and that the two countries had common strategic interests. They were convinced that in the interests of peace in East Africa and the welfare of the Eritrean people, the best solution of the problem would have to be one based on Eritrea's close political association with Ethiopia. They expressed the fear that the present situation, in which violence had inexcusably been committed by sectors of the Eritrean population, would deteriorate unless a final solution was quickly reached. These delegations, however, differed among themselves as to the precise formula to be applied in Eritrea. The delegations of Burma and South Africa recommended that Eritrea be constituted a self-governing unit of a federation of which the other member would be Ethiopia, under the sovereignty of the Ethiopian crown.

The representative of Norway recommended that Eritrea be reunited with Ethiopia on the understanding that the Western Province of Eritrea would be left for a limited period under the present (British) administration and would later be given an opportunity of deciding which of its two neighbouring countries it wished to join, Eritrea-Ethiopia or the Sudan.

The representatives of Burma and South Africa further stated that the continuance of Italian enterprise in Eritrea was a vital factor in the future economic development of the country and, therefore, the personal and property rights of the Italian community should be safeguarded. In this regard, they urged that the General Assembly propose friendly discussions with a view to reaching a suitable agreement on the question between the Italian and the Ethiopian Governments.

The representatives of Guatemala and Pakistan, in their memorandum, rejected any separation of the Western Province from the rest of Eritrea, on the ground that it would lead to the fragmentation of the Moslem population. These representatives maintained that, while the population of the Eritrean plateau had a certain affinity with the Ethiopian province of Tigre, no general or important affinity existed between Ethiopia and Eritrea. On the contrary, they contended, Eritreans bore resentment and even hostility towards the neighbouring country. The delegations felt that the

economic, ethnic, historical and security reasons, together with others advanced in favour of annexation, were not sufficient to justify their recommending that solution to the United Nations, nor were they convinced that the majority of the population wished it, or that this would be the best course for promoting the welfare of the inhabitants. Observing that Eritrea did not now possess a sufficient number of trained people to assume its own government immediately, the two delegations stressed that a certain period of time must be allowed for the general development of the inhabitants. The representatives of Guatemala and Pakistan agreed that Italians, whose contribution to the economic life of the country they acknowledged, must be protected and they held that this could best be done by creating an independent Eritrea where there would be no racial or other discrimination. In a separate note, the delegation of Pakistan wished to record that it did not agree with the population figures supplied by the British administration, which showed that nearly half the population of Eritrea was Moslem and a little under half was Coptic (Christian). These figures, it was stated, were not based on any census and could not be regarded as accurate; the Moslem League claimed that 70 per cent of the population of Eritrea was Moslem and that, even in the Highlands, Moslems were equal in number to the Coptic Christians.

On the basis of these findings the representatives of Guatemala and Pakistan recommended that Eritrea be placed under direct United Nations Trusteeship for a maximum period of ten years, at the end of which it should become completely independent.

The report of the Commission was considered by the Interim Committee of the General Assembly at the Committee's third session held between January and September 1950, but the Committee did not make any recommendations due to lack of agreement among members and to the short time at its disposal between the consideration of this item and the opening of the Assembly's fifth session.¹⁰⁸

b. CONSIDERATION BY THE AD Hoc POLITICAL COMMITTEE

The report of the United Nations Commission for Eritrea (A/1285) and the report of the Interim Committee (A/1388) were considered by the Ad Hoc Political Committee at its 37th to 40th and again at its 48th to 56th meetings between 8 and 25 November.

The following draft resolutions were submitted:

(a) Draft resolution submitted by the USSR (A/AC.38/L.31), which would have the General Assembly recommend: that Eritrea should be granted independence immediately; that the British occupation forces should be withdrawn from Eritrea within three months of the day on which this decision would be adopted by the General Assembly; and that Ethiopia should be ceded that part of the territory of Eritrea which was necessary to secure Ethiopia's access to the sea through the port of Assab.

(b) Draft resolution submitted by Iraq (A/AC.38/L.32/Rev.1), which, *inter alia*, would recommend that the question of whether Eritrea should enter into some form of federation with Ethiopia under the Ethiopian crown or become an independent sovereign State, Ethiopia being granted suitable access to the sea, be determined not later than 1 July 1951 by a national Assembly duly representative of the people of Eritrea. It also provided for the appointment of a United Nations Commissioner in Eritrea and a Council to aid and guide him and to assist the people of Eritrea to decide the above question and to effect its implementation.

(c) Joint draft resolution submitted by Bolivia, Brazil, Burma, Canada, Denmark, Ecuador, Greece, Liberia, Mexico, Panama, Paraguay, Peru, Turkey and the United States (A/AC.38/L.37 & Corr.1), which would recommend a detailed plan whereby Eritrea would constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown. The joint draft resolution provided for a transition period which should not extend beyond 15 September 1952, during which the Eritrean government would be organized and the Eritrean constitution prepared and put into effect. It also provided for the appointment by the General Assembly of a United Nations Commissioner for Eritrea who would be assisted by experts appointed by the Secretary-General of the United Nations.

(d) Draft resolution submitted by Poland (A/AC.38/L.47), which would recommend that Eritrea be granted independence after three years and that during that period it be governed by a Council of six members: one from Ethiopia, two from the Arab countries, and three from Eritrea, the latter comprising two from the indigenous and one from the European population of the territory. The Council would report annually to the General Assembly. It would appoint an Administrator with executive authority and responsible to itself. The resolution further recommended that British occupation forces be withdrawn within three months of the adoption of the resolution and that Ethiopia be ceded that part of Eritrea necessary to secure Ethiopia's access to the sea, through the port of Assab.

(e) Draft resolution submitted by Pakistan (A/AC.38/L.48), recommending that Eritrea be constituted an independent and sovereign State not later than 1 January 1953, and that a national Assembly, to be convened not later than 1 October 1951, should frame a constitution for Eritrea and should set up a provisional government, bearing in mind 1 April 1952 as the target date. It recommended that all powers exercised by the Administering Power be progressively transferred to this provisional government, the transfer to be completed by 1 January 1953. The draft resolution further provided for the appointment of a United Nations Commissioner to assist the people of Eritrea in setting up a national

¹⁰⁸ See p. 408.

assembly, in formulating a constitution and in establishing an independent Eritrean Government. A Council consisting of representatives of five countries and three representatives of the Eritrean people would be established to advise and guide the Commissioner in the discharge of his functions. After making further proposals concerning procedures in the interim period, the draft resolution recommended that Eritrea, upon its establishment as an independent State, be admitted to the United Nations, in accordance with Article 4 of the Charter.

The Committee adopted, by 31 votes to 16, with 9 abstentions, a proposal by Guatemala that a representative of the Moslem League of Eritrea be invited to participate, without vote, in the debate. It also adopted, by 53 votes to none, with 1 abstention, a proposal by Ethiopia that all political parties in Eritrea which might ask to be heard and to participate in the debate on the question should be accorded the same privileges as the Moslem League delegation. The Chairman invited a representative of Italy to participate, without vote, in the proceedings of the Committee.

At the 49th and 55th meetings of the Committee the representative, of the Moslem League made statements (A/AC.38/L.46 & 52) and replied to questions.

Opening the debate in the Committee, the representative of the United Kingdom stated that Eritrea, besides being geographically divided, was composed of various nationalities and political groups and was so poor in natural resources that it was not economically viable. It was short of water and of cultivable land, with the result that its agricultural productivity was at a low level. It still had to import annually 12,500 tons, or one eighth of its annual requirements, of cereals. It had a small export industry, employing only 24,000 people. There were some mines, but these employed only 3,200 people in 1947. Consequently, the deficit in Eritrea's trading balance exceeded £1,600,000 or rather more than the territory's total export trade. This lack of resources meant a considerable budgetary deficit of £500,000, excluding the cost of military forces for maintaining peace and security. He considered that the best solution for Eritrea was to reunite the Eastern Province with Ethiopia and work out a separate solution for the Western Province.

Explaining the political aspects of the problem, the representative of the United Kingdom stated that Eritrea's population comprised numerous races, with different languages, traditions and religions, as well as an Italian minority of 20,000. The various political groups exaggerated the number of their adherents and the people themselves

were largely inarticulate; their wishes could only be ascertained through self-styled leaders who might be representative only in varying degrees. Despite this confusion, he concluded, the consensus of opinion was in favour of union with Ethiopia. The United Kingdom, he declared, would do its best to implement proposals based on a federal solution, provided this seemed workable and was acceptable to Ethiopia. In that case it would be desirable that Italy also should accept that solution in view of the important Italian minority whose technical knowledge was of the greatest value to the economic life of the region.

The representative of Australia stated that the possibility of placing Eritrea under Trusteeship might have been studied more thoroughly. The territory's administration could have been placed under Ethiopia, and in that way Eritreans could have been prepared for eventual self-government. After a certain period the General Assembly could have reconsidered the question and ascertained for itself the wishes of the Eritrean people. A hasty decision could thus have been avoided. In the opinion of the representative of Australia, partition of the country would be tantamount to ignoring the wishes of the Eritreans, while independence would be inadvisable in view of the country's economic and political situation. He would, therefore, support a federation plan which would give adequate guarantees to the minorities and take into account the economic factors. Any such scheme should also provide for a federal court to adjudicate any disputes which might arise between the parties concerned.

The representative of Ethiopia stated that it was undeniable that a popular movement existed in Eritrea for a union with his country. A large number of Eritreans moved into Ethiopia regularly for seasonal work and, in fact, 200,000 Eritreans lived permanently in Ethiopia. Economically, the territory was entirely dependent upon its neighbours and derived its livelihood from the transit of goods to and from Ethiopia. Its almost total economic dependence on Ethiopia was only further proof that the two were not separate and alien.

The problem of minorities, he stated, did not complicate the issue in the case of Eritrea. The 250,000 Moslems of the Western Province represented less than 25 per cent of the total population. It would be unjust to ignore the wishes of a strong majority simply to satisfy this minority which, in any case, was itself divided. In view of Ethiopia's profound affinities with Arab countries, the Moslems of Eritrea had nothing to fear

from a union with Ethiopia. One fourth of the latter's population was Moslem and its commercial relations were largely with Moslem countries. Consistent with that spirit, Moslems as well as Christians from Eritrea would be called upon to participate in the government and national life of the united peoples.

The representative of the USSR stated that the question of former Italian colonies was not being settled by the General Assembly but through secret agreements, the most characteristic of which was the Bevin-Sforza agreement of May 1949. The report of the Commission, as well as the memoranda submitted by the delegations of South Africa, Burma and Norway, had noted that all political parties in Eritrea were opposed to the partition of the country. The same conclusion was borne out by the Four-Power Commission's report on Eritrea.¹⁰⁹ The representative of the USSR stated that whenever there was a question of granting a colony its independence, the interested colonial Power always claimed that the population was not yet ready to assume the responsibilities of government. It was not surprising that Eritrea, which had been under Italian domination for sixty years and under British domination for ten years, had not developed the same degree of national consciousness as other free countries. Nevertheless, he stated, mankind was now in an era of liberation of colonial peoples and it was inadmissible that a foreign Power should continue to rule a colonial country.

While expressing his sympathy and admiration for the Ethiopian people for their resistance to aggression by a colonial Power and while accepting Ethiopia's right of access to the sea, the representative of the USSR felt that no country could really be free if it wanted to enslave another. The USSR proposal, it was stated, was in harmony with the general purposes of the United Nations which, he maintained, should work for the liberation of the colonial peoples rather than in the interests of the colonial Powers.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR also made statements in support of the USSR proposal. They maintained that the USSR draft resolution provided the only solution satisfying both the interests of the Eritrean people and the principles of the Charter, as well as meeting the legitimate interests and economic demands of Ethiopia. Stating that it was wrong to characterize Eritrea as not being economically viable, these representatives held that its advantageous geographical situation would ensure it a large foreign

trade and that independence would stimulate its economic, political and social development.

The representative of Poland emphasized that though he unreservedly supported the USSR draft resolution he had proposed, as a compromise resolution, another draft resolution which, he stated, prescribed the conditions necessary to the emergence of Eritrea as an independent State. It respected the rights of minorities and neighbouring countries and, if adopted, would promote peace and security in East Africa. Those delegations which favoured independence but were not prepared to vote for immediate independence would find in the Polish draft resolution a satisfactory compromise, he concluded.

The joint fourteen-Power draft resolution was supported by a majority of the Committee and statements in its support were made by the representatives of Argentina, Burma, Brazil, Canada, Greece, Haiti, Paraguay, Turkey and the United States, among others. These representatives held that the joint draft resolution was the only proposal capable of providing a practical solution to the problem and reconciling all the interests involved. It represented an effort to assure the people of Eritrea the power to manage their own local affairs and safeguard their institutions and culture while at the same time meeting the legitimate interests of Ethiopia. Under the joint plan, the federal government would be responsible for defence, foreign affairs, currency and finance, foreign and inter-state commerce and external and inter-state communications. Such powers were necessary to a federal government in order to ensure its integrity and its relations with other nations, it was stated. The whole area of federation was to be a single customs unit, a provision which would assist the Eritrean economy.

The plan, these representatives maintained, would give the Eritreans their own government and constitution and would go a long way toward meeting the fundamental desires of that part of the population which desired independence. At the same time it preserved the unity of Eritrea and ensured Ethiopia's access to the sea. It included provisions to safeguard Eritreans against an abuse of power by the Ethiopian Government and guaranteed equality between the two members of the federation.

The representatives of Cuba, the Dominican Republic, El Salvador, Guatemala, Pakistan, Saudi

¹⁰⁹ Four Power Commission of Investigation for the Former Italian Colonies, Report on Eritrea, Vol. I, Sec. V, Ch. 4, par. (V), [1948].

Arabia and Uruguay, among others, criticized the joint draft resolution on the ground that it imposed very severe restrictions on the right of the Eritreans to self-determination. The only choice offered to the Eritrean people was the option of accepting or rejecting federation. They were not given the right to choose independence. Such a proposal, it was stated, could only prolong the existing uncertainty in Eritrea and might even increase the tension there.

Urging the adoption of the draft resolution presented by his delegation, the representative of Pakistan said that it would give the Eritreans the right to decide in favour of federation with Ethiopia, if the claim for independence proved to be a mistaken one. The Pakistan plan, it was stated, was similar to that which had been adopted in the case of Libya, and there was nothing to justify treating the two problems in different ways.

The representative of Iraq stated that one of the main defects of the joint draft resolution was that it made no provision for permitting the Eritrean people to exercise their right of self-determination. If the federation plan was approved, then some provision should be made by which it should be made possible for the Eritrean people to dissolve the federation if the partnership proved impracticable. Iraq's proposal, he stated, was the best means of solving the Eritrean problem.

In a final statement of his views the representative of the USSR stated that the federation plan amounted to "a marriage against the will of one of the parties" and it was a marriage which could not admit of divorce. He noted that several delegations had spoken in favour of independence, differing only as to the methods and waiting periods. If, he stated, the USSR proposal did not receive support of the majority, then his delegation would vote for the Polish draft.

In statements (A/AC.38/L.46 & 52) to the Committee, the representative of the Moslem League of Eritrea maintained that Moslems comprised three fourths of the territory's population. Of the 293 tribes in Eritrea, 197 were Moslems and 96 a mixture of Moslems and Christians. Summarizing the attitudes and aspirations of the Eritrean people, the representative of the Moslem League stated that they wanted immediate independence, formation of a democratic government, and maintenance of the territorial unity of Eritrea within its present frontiers. They were opposed to any plan for the partition of Eritrea or the annexation of any part of it to the Sudan or

Ethiopia, and to any plan of union or federation with Ethiopia. The representative of the Moslem League further stated that if Ethiopia and its supporters were convinced that most Eritreans wanted union with Ethiopia, he wondered why they did not accept the Iraqi plan rather than attempt to impose federation on Eritreans without allowing them to decide their own future in accordance with democratic methods. He denied the statements made by some representatives that Eritrea was an arid and unfruitful region incapable of sustaining its population. On the contrary, he held, it was a fertile agricultural country with great potentialities of development which would be accelerated once the country became free.

At the 55th meeting, a telegram was read to the Committee from leaders of the Unionist Party of Eritrea and of the Independent Moslem League of Eritrea, which protested against the granting of a hearing to the representative of the Moslem League. The latter, it was alleged, did not speak for the people of Eritrea and was a "tool of foreign Powers". "Any statement by him about the future of Eritrea is under false pretense and does not convey the wishes of Eritreans", the telegram concluded.

The representative of Guatemala stated that the signatories of the telegram were representatives of groups favouring Ethiopia's annexation of Eritrea and that it was audacious on their part to deny that a man as eminent as the representative of the Moslem League did not represent Eritrea. The representative of Pakistan stated that the telegram was "somewhat illegal", having been sent by Eritreans from Cairo. No credence, he declared, could be placed in a document of that nature.

The representative of Italy stated that violence had been committed in Eritrea as a result of the undecided state in which the country found itself. Fifty-six Italians had fallen victim to political terrorism during the period when the United Nations was carrying out its preparatory work. This terrorism should be curbed. As regards the various proposals before the Committee, the representative of Italy stated that he considered it a moral duty to support the independence of Eritrea, particularly as the United Nations had granted independence to Libya and Somaliland. Eritrea, he said, was in a stronger position than either Libya or Somaliland inasmuch as it was situated on the crossroads to vital means of communication. Independence, he maintained, was demanded by a vast majority of the population of Eritrea including both Moslems and Copts.

He also made a plea for the protection of Italians, who, he stated, wished to continue their task of developing the country and of contributing to its progress. While expressing no opposition to the joint fourteen-Power draft resolution providing for federation, he emphasized that care should be taken to assure Eritrea real self-government.

At its 55th meeting on 24 November the Committee began voting on the draft resolutions before it.

USSR draft resolution (A/AC.38/L.31): voted on first and rejected, paragraph by paragraph, by votes ranging from 29 to 12 with 17 abstentions, to 36 to 8 with 12 abstentions

Polish draft resolution (A/AC.38/L.47): rejected, paragraph by paragraph, by votes ranging from 27 to 10 with 17 abstentions, to 36 to 8 with 14 abstentions

Pakistan draft resolution (A/AC.38/L.48): rejected, paragraph by paragraph, by votes ranging from 22 to 22 with 10 abstentions, to 29 to 16 with 14 abstentions

Iraq draft resolution (A/AC.38/L.32/Rev.1): rejected, paragraph by paragraph, by votes ranging from 27 to 22 with 11 abstentions, to 28 to 21 with 11 abstentions

Joint fourteen-Power draft resolution (A/AC.38/L.37 & Corr.1) adopted by 38 votes to 14 with 8 abstentions

At its 64th meeting on 30 November the Ad Hoc Political Committee adopted and recommended to the Assembly an additional draft resolution, submitted jointly by the representatives of Brazil, Canada, Mexico, Turkey and the United States (A/AC.38/L.59), proposing that a Committee composed of the President of the General Assembly, two of the Vice-Presidents (Australia and Venezuela) and the Chairman of the Fourth Committee, should nominate a candidate or, if no agreement could be reached, three candidates for the post of United Nations Commissioner for Eritrea.

c. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The report of the Ad Hoc Political Committee (A/1561/Add.1), containing the two draft resolutions adopted by it, was considered by the General Assembly at its 315th and 316th plenary meetings on 2 December, when Poland and the USSR reintroduced the draft resolutions which had been rejected by the Ad Hoc Political Committee. The views expressed in the Assembly were similar to those that had been expressed in the Committee debate.

Referring to his proposal made in the Committee, the representative of Iraq stated that it had envisaged a national Assembly for Eritrea which would decide the question of federation or independence. That solution had not been accepted.

Since then, however, he had received assurances from Addis Ababa that the Arab and Moslem communities were happy about the federation plan. Iraq would therefore vote for the federation plan recommended by the Ad Hoc Political Committee.

Accepting the federation plan, the representative of Ethiopia stated that his Government would do its best to implement it. Ethiopia, he said, accepted the necessary provisions for reassuring all indigenous and foreign minorities in Eritrea and would respect their rights and privileges. A similar statement was made by the representative of the United Kingdom.

The voting on the draft resolutions was as follows:

USSR draft resolution (A/1570): rejected, paragraph by paragraph, by votes ranging from 32 to 13 with 8 abstentions, to 38 to 5 with 14 abstentions

Polish draft resolution (A/1564 & Corr. 1): rejected, paragraph by paragraph, by votes ranging from 36 to 10 with 14 abstentions, to 37 to 5 with 13 abstentions
Draft resolution recommended by the Ad Hoc Political Committee (A/1561): voted on, paragraph by paragraph, and adopted by votes ranging from 48 to 2 with 7 abstentions, to 42 to 6 with 8 abstentions. The draft resolution as a whole was then put to the vote and adopted by 46 votes to 10 with 4 abstentions.

Before putting the second draft resolution (A/1561/Add.1) to the vote, the Chairman asked the Rapporteur of the Ad Hoc Political Committee whether it was intentionally provided that if members of the nominating committee failed to agree on one candidate, they should nominate three candidates or whether the committee could nominate either two or three candidates.

The Rapporteur of the Committee stated that he thought it was the intention of the Committee that, in the event of failure of the nominating committee to reach an agreement, the greatest latitude should be left in the matter of nominating a Commissioner for Eritrea. For that reason the number had been fixed at three. However, he explained, if it was the intention of the General Assembly that the choice be limited to two, or three, then it should be explicitly stated in the draft resolution. He therefore suggested that an amendment to that effect should be incorporated in the draft resolution. The amendment was adopted and the draft resolution, as amended, was adopted by 45 votes to 5, with 6 abstentions. The text of the two draft resolutions A and B (390(V)) adopted by the General Assembly follows:

A

Whereas by paragraph 3 of Annex XI to the Treaty of Peace with Italy, 1947, the Powers concerned have

agreed to accept the recommendation of the General Assembly on the disposal of the former Italian colonies in Africa and to take appropriate measures for giving effect to it,

Whereas by paragraph 2 of the aforesaid Annex XI such disposal is to be made in the light of the wishes and welfare of the inhabitants and the interests of peace and security, taking into consideration the views of interested governments,

Now therefore

The General Assembly, in the light of the reports of, the United Nations Commission for Eritrea and of the Interim Committee, and

Taking into consideration

(a) The wishes and welfare of the inhabitants of Eritrea, including the views of the various racial, religious and political groups of the provinces of the territory and the capacity of the people for self-government,

(b) The interests of peace and security in East Africa,

(c) The rights and claims of Ethiopia based on geographical, historical, ethnic or economic reasons, including in particular Ethiopia's legitimate need for adequate access to the sea,

Taking into account the importance of assuring the continuing collaboration of the foreign communities in the economic development of Eritrea,

Recognizing that the disposal of Eritrea should be based on its close political and economic association with Ethiopia, and

Desiring that this association assure to the inhabitants of Eritrea the fullest respect and safeguards for their institutions, traditions, religions and languages, as well as the widest possible measure of self-government, while at the same time respecting the Constitution, institutions, traditions and the international status and identity of the Empire of Ethiopia,

A. Recommends that:

1. Eritrea shall constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown.

2. The Eritrean Government shall possess legislative, executive and judicial powers in the field of domestic affairs.

3. The jurisdiction of the Federal Government shall extend to the following matters: defence, foreign affairs, currency and finance, foreign and interstate commerce and external and interstate communications, including ports. The Federal Government shall have the power to maintain the integrity of the Federation, and shall have the right to impose uniform taxes throughout the Federation to meet the expenses of federal functions and services, it being understood that the assessment and the collection of such taxes in Eritrea are to be delegated to the Eritrean Government, and provided that Eritrea shall bear only its just and equitable share of these expenses. The jurisdiction of the Eritrean Government shall extend to all matters not vested in the Federal Government, including the power to maintain the internal police, to levy taxes to meet the expenses of domestic functions and services, and to adopt its own budget.

4. The area of the Federation shall constitute a single area for customs purposes, and there shall be no bar-

riers to the free movement of goods and persons within the area. Customs duties on goods entering or leaving the Federation which have their final destination or origin in Eritrea shall be assigned to Eritrea.

5. An Imperial Federal Council composed of equal numbers of Ethiopian and Eritrean representatives shall meet at least once a year and shall advise upon the common affairs of the Federation referred to in paragraph 3 above. The citizens of Eritrea shall participate in the executive and judicial branches, and shall be represented in the legislative branch, of the Federal Government, in accordance with law and in the proportion that the population of Eritrea bears to the population of the Federation.

6. A single nationality shall prevail throughout the Federation:

(a) All inhabitants of Eritrea, except persons possessing foreign nationality, shall be nationals of the Federation;

(b) All inhabitants born in Eritrea and having at least one indigenous parent or grandparent shall also be nationals of the Federation. Such persons, if in possession of a foreign nationality, shall, within six months of the coming into force of the Eritrean Constitution, be free to opt to renounce the nationality of the Federation and retain such foreign nationality. In the event that they do not so opt, they shall thereupon lose such foreign nationality;

(c) The qualifications of persons acquiring the nationality of the Federation under sub-paragraphs (a) and (b) above for exercising their rights as citizens of Eritrea shall be determined by the Constitution and laws of Eritrea;

(d) All persons possessing foreign nationality who have resided in Eritrea for ten years prior to the date of the adoption of the present resolution shall have the right, without further requirements of residence, to apply for the nationality of the Federation in accordance with federal laws. Such persons who do not thus acquire the nationality of the Federation shall be permitted to reside in and engage in peaceful and lawful pursuits in Eritrea;

The rights and interests of foreign nationals resident in Eritrea shall be guaranteed in accordance with the provisions of paragraph 7.

7. The Federal Government, as well as Eritrea, shall ensure to residents in Eritrea, without distinction of nationality, race, sex, language or religion, the enjoyment of human rights and fundamental liberties, including the following:

(a) The right to equality before the law. No discrimination shall be made against foreign enterprises in existence in Eritrea engaged in industrial, commercial, agricultural, artisan, educational or charitable activities, nor against banking institutions and insurance companies operating in Eritrea;

(b) The right to life, liberty and security of person;

(c) The right to own and dispose of property. No one shall be deprived of property, including contractual rights, without due process of law and without payment of just and effective compensation;

(d) The right to freedom of opinion and expression and the right of adopting and practising any creed or religion;

(e) The right to education;

(f) The right to freedom of peaceful assembly and association;

(g) The right to inviolability of correspondence and domicile, subject to the requirements of the law;

(h) The right to exercise any profession subject to the requirements of the law;

(i) No one shall be subject to arrest or detention without an order of a competent authority, except in case of flagrant and serious violation of the law in force. No one shall be deported except in accordance with the law;

(j) The right to a fair and equitable trial, the right of petition to the Emperor and the right of appeal to the Emperor for commutation of death sentences;

(k) Retroactivity of penal law shall be excluded;

The respect for the rights and freedoms of others and the requirements of public order and the general welfare alone will justify any limitations to the above rights.

8. Paragraphs 1 to 7 inclusive of the present resolution shall constitute the Federal Act which shall be submitted to the Emperor of Ethiopia for ratification.

9. There shall be a transition period which shall not extend beyond 15 September 1952, during which the Eritrean Government will be organized and the Eritrean Constitution prepared and put into effect.

10. There shall be a United Nations Commissioner in Eritrea appointed by the General Assembly. The Commissioner will be assisted by experts appointed by the Secretary-General of the United Nations.

11. During the transition period, the present administering Power shall continue to conduct the affairs of Eritrea. It shall, in consultation with the United Nations Commissioner, prepare as rapidly as possible the organization of an Eritrean administration, induct Eritreans into all levels of the administration, and make arrangements for and convoke a representative assembly of Eritreans chosen by the people. It may, in agreement with the Commissioner, negotiate on behalf of the Eritreans a temporary customs union with Ethiopia to be put into effect as soon as practicable.

12. The United Nations Commissioner shall, in consultation with the administering Power, the Government of Ethiopia, and the inhabitants of Eritrea, prepare a draft of the Eritrean Constitution to be submitted to the Eritrean Assembly and shall advise and assist the Eritrean Assembly in its consideration of the Constitution. The Constitution of Eritrea shall be based on the principles of democratic government, shall include the guarantees contained in paragraph 7 of the Federal Act, shall be consistent with the provisions of the Federal Act and shall contain provisions adopting and ratifying the Federal Act on behalf of the people of Eritrea.

13. The Federal Act and the Constitution of Eritrea shall enter into effect following ratification of the Federal Act by the Emperor of Ethiopia, and following approval by the Commissioner, adoption by the Eritrean Assembly and ratification by the Emperor of Ethiopia of the Eritrean Constitution.

14. Arrangements shall be made by the Government of the United Kingdom of Great Britain and Northern Ireland as the administering Power for the transfer of power to the appropriate authorities. The transfer of power shall take place as soon as the Eritrean Constitution and the Federal Act enter into effect, in accordance with the provisions of paragraph 13 above.

15. The United Nations Commissioner shall maintain his headquarters in Eritrea until the transfer of power has been completed, and shall make appropriate reports to the General Assembly of the United Nations

concerning the discharge of his functions. The Commissioner may consult with the Interim Committee of the General Assembly with respect to the discharge of his functions in the light of developments and within the terms of the present resolution. When the transfer of authority has been completed, he shall so report to the General Assembly and submit to it the text of the Eritrean Constitution;

B. Authorizes the Secretary-General, in accordance with established practice:

1. To arrange for the payment of an appropriate remuneration to the United Nations Commissioner;

2. To provide the United Nations Commissioner with such experts, staff and facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution.

B

The General Assembly, to assist it in making the appointment of the United Nations Commissioner in Eritrea,

Decides that a Committee composed of the President of the General Assembly, two of the Vice-Presidents (Australia and Venezuela), the Chairman of the Fourth Committee and the Chairman of the Ad Hoc Political Committee shall nominate a candidate or, if no agreement can be reached, two or three candidates, for the post of United Nations Commissioner in Eritrea.

d. NOMINATION OF A COMMISSIONER FOR ERITREA

The Committee named in resolution 390 B (V) accordingly met on 12 December to consider the nomination of candidates for the office of the United Nations Commissioner in Eritrea. It reported (A/1715) on 13 December that it had agreed to nominate the following candidates: Victor Hoo (Assistant Secretary-General for the Department of Trusteeship and Information from Non-Self-Governing Territories); Aung Khine (Burma); Eduardo Anze Matienzo (Bolivia).

The General Assembly at its 325th plenary meeting on 14 December 1950, elected by secret ballot Mr. Anze Matienzo as United Nations Commissioner in Eritrea.

3. Procedure to Delimit the Boundaries of the Former Italian Colonies

By resolution 289 C (IV), adopted at its fourth session, the General Assembly referred to the Interim Committee the item concerning the study of procedure to delimit the boundaries of the former Italian colonies, in so far as they were not already fixed by international agreement. The Interim Committee decided, on 15 September, that in view of the short time available before the opening of the Assembly's fifth session it should

transmit to the General Assembly, without a recommendation, a draft resolution (A/AC.18/118/Rev.2) submitted on the question, by the United States.¹¹⁰ The report of the Interim Committee (A/1388) and the item concerning the delimitation of the boundaries of former Italian colonies was considered by the Ad Hoc Political Committee at its 81st meeting on 13 December 1950.

a. CONSIDERATION IN THE AD Hoc
POLITICAL COMMITTEE

The Committee had before it a draft resolution (A/AC.38/L.78) by the United States which proposed:

(a) with respect to Libya, that the portion of its boundary with French territory not yet delimited by international agreement be delimited, upon Libya's achievement of independence, by negotiation between the Libyan and French Governments, assisted, upon the request of either party, by a third person to be selected by them, or, failing their agreement, to be appointed by the Secretary-General;

(b) with respect to the Trust Territory of Somaliland, that the portion of its boundaries with British Somaliland and Ethiopia not yet delimited by international agreement be delimited by bilateral negotiations. If either party to a bilateral negotiation so requested, a United Nations Mediator would be appointed by the Secretary-General and, if the Mediator's recommendations were not accepted, the parties should agree to a procedure of arbitration;

(c) with respect to any other boundaries not delimited by international agreement, that the parties concerned seek to reach agreement by negotiation or by arbitration.

On a motion by the representative of the Philippines, the Committee decided at the outset of the debate that in view of the simplicity of the United States proposal each speaker should be limited to five minutes and one speech.

The representative of France, while raising no objection to the draft resolution, invited the Committee to consider a special situation which, he said, existed on the borders of The Fezzan and Algeria in the region of Ghat and Serdeles. The population of that area, estimated at less than 3,000 persons, had repeatedly expressed a wish to be reunited with their racial kinsmen, the tribes of the neighbouring Djanet region of Algeria. He wished to inform the Committee that his Government reserved the right to settle that question in a friendly spirit by direct negotiation with the Libyan Government. It would follow the same procedure in solving all similar problems of boundary rectification which might arise in connexion with the former Italian colonies.

The representative of France also wished to correct a mistake which appeared to have crept into Section II, paragraph (c), sub-titled "South Eastern Frontier (with French West Africa and French Equatorial Africa)" of document A/AC.18/103 submitted to the Interim Committee by the Secretariat on the "Study of procedure to delimit the boundaries of the former Italian colonies". The agreement to which that paragraph referred had never come into force. In those circumstances reference should be made to previous provisions fixing that section of the boundary which, he stated, were contained in the Franco-Italian Agreement of 1 November 1902.

The representatives of Egypt and the United Kingdom agreed with the provisions of the United States draft resolution.

The representative of the USSR objected to the reference in the United States draft resolution to the Interim Committee and to the Memorandum submitted to it by the Secretariat on the ground that the Interim Committee was considered illegal by some delegations including his own. He further maintained that the United Nations was not competent to deal with the delimitation of the boundaries of the former Italian colonies, which was a matter within the exclusive competence of the four Powers signatories to the Treaty of Peace with Italy.

He recalled that Annex XI, paragraph 2, of that Treaty provided that the fate of the territories in question and the appropriate delimitation of their boundaries should be settled by the four Powers. Paragraph 3 of the Annex provided only that the matter should be referred to the General Assembly if there was no agreement between the Powers over the fate of the colonies. It made no reference whatever to delimitation of boundaries. Consequently, the representative of the USSR argued, the Assembly's consideration of this question constituted a violation of the Italian Peace Treaty. Moreover, he stated, the General Assembly's deliberations had revealed a bargain concluded between the Administering Powers at the expense of the inhabitants of the various territories. For those reasons, he said, he would vote against any draft resolution dealing with the delimitation of the former Italian colonies.

The United States draft resolution was then put to the vote and adopted by 35 votes to 5, with one abstention.

¹¹⁰ See p. 408.

b. RESOLUTION ADOPTED BY THE
GENERAL ASSEMBLY

The resolution recommended by the Ad Hoc Political Committee (A/1723), was considered by the General Assembly at its 326th plenary meeting on 15 December 1950, and was adopted without debate by 44 votes to 5.

Explaining his vote, the representative of the USSR reiterated the point of view he had expressed before the Ad Hoc Political Committee.

The text of the resolution (392(V)) adopted by the General Assembly follows:

The General Assembly,

In accordance with its resolution 289 C (IV) adopted on 21 November 1949, in which the General Assembly called upon the Interim Committee "to study the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement, and report with conclusions to the fifth regular session of the General Assembly",

Having taken note of the memorandum, prepared at the Interim Committee's request by the Secretariat, giving information relating to the boundaries of the former Italian colonies not already fixed by international agreement, and having taken into consideration the views of the interested governments,

1. Recommends:

(a) With respect to Libya,

That the portion of its boundary with French territory not already delimited by international agreement be delimited, upon Libya's achievement of independence, by negotiation between the Libyan and French Governments, assisted on the request of either party by a third person to be selected by them or, failing their agreement, to be appointed by the Secretary-General;

(b) With respect to the Trust Territory of Somaliland,

That the portion of its boundaries with British Somaliland, as well as with Ethiopia, not already delimited by international agreement be delimited by bilateral negotiations between the United Kingdom Government and the Administering Authority, in respect of the boundaries with British Somaliland, and between the Ethiopian Government and the Administering Authority in respect of the boundaries with Ethiopia;

In order to resolve any and all differences arising in the course of such negotiations, the respective parties to each bilateral negotiation agree, on the request of either party, to a procedure of mediation by a United Nations Mediator to be appointed by the Secretary-General and, further, in the event of the inability of the parties to accept the recommendations of the Mediator, to a procedure of arbitration;

2. Recommends, further, that, with respect to any other boundaries not delimited by international agreement, the parties concerned seek to reach agreement by negotiation or by arbitration.

4. Adjustment of the Frontiers between
Egypt and Libya

The item "The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of Annex XI of the Treaty of Peace with Italy" was placed on the agenda of the fifth session of the General Assembly by Egypt. It was considered by the Ad Hoc Political Committee on 13 December 1950 at its 80th meeting, when the representative of Egypt stated that the adjustment of frontiers between the two countries had become necessary as a result of the detachment from Egypt of certain strips of territory which had now become incorporated in Libya.

Outlining the background to the question, the representative of Egypt stated that the Egyptian Government had ceded the oasis of Djarabub to Italy in 1925 in exceptional circumstances when Italy had been one of the principal Allied Powers in the First World War and had claimed certain African territories as compensation for its war effort. The oasis had been promised to Italy by the United Kingdom under the Milner-Scialoja Agreement. The promise, it was stated, was devoid of any sound basis inasmuch as it deprived a third State of part of its territory without its consent. The Egyptian Government had ceded the territory to Italy under pressure from the United Kingdom. Egypt had also ceded part of the Sollum plateau which was important for the defence of Egypt. The Egyptian people continue to regard that cession as unjust. Egypt's territorial claim, it was stated, was small and could not be detrimental to Libya. The representative of Egypt therefore requested that the item should be retained on the Assembly's agenda for discussion at the sixth session.

The Committee, at the suggestion of the Chairman, agreed to the Egyptian request, and recommended that the Assembly should retain the item on its agenda for the sixth session.

The report of the Ad Hoc Political Committee (A/1720) containing its recommendation was considered by the General Assembly at its 325th plenary meeting on 14 December 1950 when the Assembly unanimously adopted resolution 391 (V) as follows:

The General Assembly,

Decides to defer to its sixth session consideration of item 59 of the agenda of its fifth session, entitled "The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of Annex XI of the Treaty of Peace with Italy".

H. THREATS TO THE POLITICAL INDEPENDENCE AND TERRITORIAL INTEGRITY OF GREECE¹¹¹

1. Reports before the General Assembly

In its consideration of this agenda item, the General Assembly, at its fifth session, had before it reports from the United Nations Special Committee on the Balkans (A/1307; A/1423 & Add.1; A/1438/Add.1), a resolution from the Executive Committee of Red Cross Societies (A/1257) and a report from the Secretary-General (A/1480).

The United Nations Special Committee on the Balkans (UNSCOB), which had been established at the second session of the General Assembly and continued in being through the third and fourth sessions, submitted a report (A/1307) on 31 July 1950, covering the period from September 1949 to July 1950. On 8 September and 12 October, it also submitted supplementary reports (A/1423 & Add.1; A/1438/Add.1) on subsequent events.

The Special Committee stated in its main report (A/1307) that in accordance with General Assembly resolution 288(IV) of 18 November 1949, it had endeavoured to promote normal diplomatic and good neighbourly relations between Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other. The Government of Greece had continued, as before, to co-operate with the Special Committee, but Albania, Bulgaria and Yugoslavia had refused co-operation and recognition. Diplomatic relations between Yugoslavia and Greece, however, existed, the Committee stated, and an agreement had been reached between the two Governments on 21 May 1950 for an exchange of Ministers. The Committee also noted official statements on the part of both these Governments in April and May 1950, referring to definite steps towards re-establishment of normal relations. Another satisfactory development had been the proposals put forward by the Yugoslav Government, on behalf of the Yugoslav Red Cross, for implementing the Assembly resolution 288 B (IV) on the repatriation of Greek children.

Greek army operations in 1949 had eliminated large-scale guerrilla activity along the northern borders of Greece, but guerrilla leaders had not abandoned their aims and the remnants of the movement within Greece had not been dissolved. Nor, the report continued, had the disarming and disposition of thousands of guerrillas who had fled beyond the northern frontiers been verified through an international agency.

The Committee found that Yugoslavia had maintained its policy, announced in July 1949, of closing its frontier with Greece, and frontier relations between the two countries had been correct. But, the Committee observed, Bulgaria, in particular, had continued to give moral and material assistance to guerrilla raiders and saboteurs operating on the Greek border. The chief potential threat to the political independence and territorial integrity of Greece, according to the Committee, was now to be found in Bulgaria.

The Committee expressed the gravest concern that no Greek children had yet been repatriated to their homes in Greece, and that the General Assembly resolutions calling for the repatriation of the children removed from Greece during the guerrilla warfare had had no practical results, despite the untiring efforts of the Secretary-General and the international Red Cross organizations. Similarly, the Committee reported, no success had been achieved in the repatriation of Greek nationals and of captured Greek military personnel at present in countries to the north of Greece. In contravention of international practice, lists of detained Greek soldiers had not been circulated by the Governments concerned despite repeated requests from the Greek Government. The Special Committee considered that the vigilance of the United Nations with respect to Greece had been and remained a significant factor in maintaining peace in that region. Prerequisites for the re-establishment of normal relations between the four Governments were, the Committee considered, as follows: international verification of the disarming and disposition of Greek guerrillas outside Greece; repatriation of Greek children; repatriation of detained Greek soldiers and other Greek nationals; and conclusion of conventions for the regulation and control of the common frontiers between Greece and its northern neighbours.

The Special Committee, therefore, recommended:

- (i) that the Assembly take note of the assistance given to the Greek guerrillas by Albania and in particular by Bulgaria, in disregard of the Assembly's recommendations, as being contrary to the purposes and principles of the Charter, and endangering peace in the Balkans;
- (ii) that the Assembly call upon all Member and non-Member States, and especially Albania and Bulgaria, to

¹¹¹ For previous consideration of this question, see Y.U.N., 1946-47, pp. 336-38; 1947-48, pp. 14, 63-75, 298-302, 337-52; 1948-49, pp. 238-56. See also pp. 436-37.

do nothing which would encourage or permit a renewal of armed action against Greece;

(iii) that the Assembly once more call upon Albania, Bulgaria and Greece to establish diplomatic relations and to renew previously operative frontier conventions or conclude new ones providing effective machinery for the regulation and control of their common frontiers and for the peaceful adjustments of frontier incidents along the lines suggested by the Special Committee;

(iv) that the Assembly call upon all States and in particular Albania and Bulgaria, to permit international verification of the disarming and disposition of the Greek guerillas who had entered their respective territories;

(v) that the Assembly again recommend to all Member and non-Member States: to refrain from direct or indirect provision of arms or materials of war to Albania and Bulgaria until the Special Committee or another competent United Nations organ determined that the unlawful assistance of these States to the Greek guerillas had ceased, and to take into account, in their relations with Albania and Bulgaria, the extent to which those two countries henceforth abided by the recommendations of the General Assembly in their relations with Greece;

(vi) that the Assembly call upon Albania, Bulgaria and Yugoslavia and all other States harbouring or detaining Greek nationals, as a result of the guerilla operations against Greece, to facilitate the peaceful repatriation to Greece of all such individuals who desire to return;

(vii) that the General Assembly in a humanitarian spirit, detached from political or ideological considerations, make every effort to find means of restoring Greek children to their homes;

(viii) that the Assembly consider the advisability of maintaining an appropriate United Nations agency on the Balkans, in the light of the current international situation and of conditions prevailing along the northern frontiers of Greece.

One of the Committee's supplementary reports (A/1438/Add.1) related to incidents occurring at the Greek-Bulgarian frontier since 14 September 1950. The other (A/1423 & Add.1) dealt with the testimony of a guerrilla who had surrendered to the Greek Army. This person stated that he had crossed, with a band of twenty guerrillas, into Greece from Albania. After killing, for personal reasons, a guerrilla leader, he had surrendered to the Greek Army and led them to the body of the guerrilla leader he had killed. On the body of the guerrilla leader had been found certain articles of allegedly Polish manufacture and a hand grenade with Polish markings. According to the witness, Greek guerrillas, including himself, had been transported to Poland from Albania and, after training, were being sent back to Greece for subversive activities. The witness also testified to the presence of Greek children in Poland.

The resolution of the Executive Committee of Red Cross Societies (A/1257) referred to the efforts made by the International Committee of the Red Cross and the League of Red Cross So-

cieties for the repatriation of Greek children, which included:

(a) verification of satisfactory conditions under which the children would be received upon their return to Greece;

(b) preparation of lists in Latin and Greek characters of the names of claimed children and dispatch of those lists to the national Societies of the countries concerned, to be used by them in the identification of children;

(c) requests to national Societies of the receiving countries to prepare lists of Greek children in their respective countries so that they might be checked against requests from parents;

(d) offers of assistance to the national Societies of the receiving countries in preparing and checking lists of Greek children in their respective territories;

(e) missions to Czechoslovakia, Yugoslavia and Bulgaria, to discuss with national Societies and the Governments concerned the speedy repatriation of Greek children and offers to send similar missions to Hungary and Romania;

(f) invitations to the national Societies of all countries concerned to meet in Geneva on 9 and 10 March 1950, to discuss means for repatriation, to which only the Greek Red Cross responded by sending delegates.

The Executive Committee reported that, despite those efforts, no Greek child had, so far, been returned and that even "elementary indications indispensable for the solution of the problem have not been furnished by the Governments concerned".

It therefore drew the attention of the United Nations to the fact that without "a greater sense of social responsibility on the part of the Governments concerned", the Red Cross could not fulfil the task passed on to it. It, nevertheless, affirmed the determination of the Red Cross organizations concerned to proceed with the task which they had accepted.

The report of the Secretary-General (A/1480) stated that before the close of the fourth session of the General Assembly, he had brought resolution 288 B (IV) officially to the attention of the Governments of Albania, Bulgaria, Czechoslovakia, Greece, Hungary, Poland, Romania and Yugoslavia. Having received a communication from the Greek Government stating that a number of Greek children appeared to have been transferred to Eastern Germany, he also forwarded a copy of the resolution to the Chairman of the Soviet Control Commission in Berlin.

In January 1950 he held conversations at Lake Success with the representatives of Czechoslovakia, Poland and Yugoslavia on the matter. After a further meeting in February with the representative of Czechoslovakia, a visa was granted to a representative of the International Red Cross to visit Prague and, with his assistance, conditions were formulated and agreed upon by Greece under

which 138 children in Czechoslovakia would be returned to Greece.

When he was in Geneva at the beginning of May, the Secretary-General consulted with officials of the International Red Cross about future steps and made personal representations to certain governments communicating to them the world-wide anxiety felt on this issue.

In June, the Secretary-General invited representatives from the Governments of Bulgaria, Czechoslovakia, Hungary, Romania and the German Democratic Republic to a meeting in Geneva. The invitation was accepted by Yugoslavia; Czechoslovakia expressed its inability to nominate a representative at that time and the other Governments failed to reply. The meeting, therefore, did not take place.

On June 23, the report stated, an agreement was reached between the Greek and Yugoslav Governments regarding methods to be adopted in repatriating Greek children from Yugoslavia, and arrangements were being made to repatriate a group of 63 children. Yugoslavia had already sent sixteen children to their parents, who had emigrated to Australia. The Yugoslav Red Cross, it was further stated, had sent to the International Red Cross seven lists containing names of 2,512 Greek children resident in other countries of eastern and southeastern Europe who were claimed by their parents in Yugoslavia. This list had been communicated to the Red Cross Societies of the countries concerned.

The Secretary-General also stated that he had been in frequent contact with the Greek Government throughout the year and had received communications suggesting that considerable numbers of Greek children were recently in Poland and Eastern Germany. An earlier communication, he stated, referred to information suggesting that Greek children were in the territory of the Soviet Union.

The report also mentioned a resolution, transmitted to the Secretary-General by the Board of Governors of the League of Red Cross Societies, which requested the General Assembly, "in a spirit of humanitarianism, detached from all political or ideological considerations, to make every effort possible to find a means of repatriating Greek children".

A letter from the International Committee of the Red Cross and the League of Red Cross Societies, appended to the Secretary-General's report stated, *inter alia*, that:

(i) they had been able to send joint missions to Bulgaria, Czechoslovakia, Greece and Yugoslavia, but had

not succeeded in obtaining permission for their representatives to visit Hungary and Romania;

(ii) since August 1949, they had transmitted to the Red Cross of the "reception countries" four lists of claimed children, comprising approximately 9,300 names in all, a figure substantially lower than the 28,000 which had been quoted as the total number of displaced children. The Czechoslovak Red Cross identified 138 names in the first of the four lists. The Yugoslav Red Cross identified 63.

The two organizations regretted that more substantial practical results had not been achieved and felt that it was now impossible for them to proceed further with the general execution of their mission through the channels open to them. The Secretary-General's report also contained, as an annex, a chronological summary, by country, of the negotiations undertaken for the repatriation of Greek children.

The Secretary-General concluded by stating that up to the moment of writing, not a single Greek child had been returned to his native land and that, except for Yugoslavia, no country harbouring Greek children had taken steps to implement the General Assembly resolutions. He urged the Assembly to take a "most serious view of this situation" and drew the attention of the Assembly to the statement of the Red Cross organizations to the effect that they would be obliged to relinquish their mission in the face of continued lack of co-operation from the States concerned. He hoped that this co-operation "may yet be forthcoming".

2. Consideration in the First Committee

The General Assembly, at its 285th plenary meeting on 26 September, referred the Greek question to the First Committee, which considered it at its 346th and 392nd to 398th meetings, 10-15 November 1950.

Five draft resolutions were submitted: one by Greece (A/C.1/620); one by Australia, France, Pakistan, the United Kingdom and the United States (A/C.1/622/Rev.1); two by the USSR (A/C.1/559, A/C.1/623); and one by Australia, Denmark, France and the Netherlands (A/C.1/627). To the last-mentioned draft resolution the USSR submitted amendments (A/C.1/628).

a. REPEAL OF DEATH SENTENCES

The Committee first voted on the first USSR draft resolution (A/C.1/559). This proposed that the Committee should request the President of the General Assembly to enter into negotiations with the representatives of the Greek Government

concerning the repeal of death sentences passed by military courts in Athens on Greek patriots, including eleven patriots named in a letter from their mothers and eight trade union officials named in a memorandum dated 16 September 1950 from the various relatives of those officials (A/C.1/-516).

Introducing his draft resolution, the representative of the USSR stated that more than 2,800 political prisoners were living under the sentence of death in Greece and that 59 new death sentences had been pronounced in August 1950. He appealed to the Committee to consider the question of death sentences from a humanitarian point of view.

In reply, the representative of Greece stated that there had been no executions in Greece since 1 October 1949. The eighteen persons on whose behalf the USSR had intervened were hardened criminals, expert in subversive activities and guilty of high treason. The Greek delegation, he stated, could have invoked the Charter provision concerning national sovereignty but it had preferred a frank explanation. He requested an immediate vote on the USSR draft resolution in order to clear the ground for more important discussions. Moreover, he stated, it would be contrary to the Charter for the Committee to open a debate on the internal affairs of Greece.

The request of the representative of Greece for immediate voting on the USSR draft resolution was supported by the representatives of Turkey and Australia, who also opposed the USSR draft resolution on the ground that it constituted an intervention in the internal affairs of Greece. In this connexion, the representative of Australia drew attention to what he called a contradiction between the USSR's insistence on discussing the domestic affairs of Greece and its opposition to the debate on the violation of human rights in Bulgaria, Hungary and Romania.

The representative of the USSR, supported by the representatives of Poland and the Ukrainian SSR, opposed the immediate voting on the USSR draft. He characterized as "inaccurate" the statement of the representative of Australia that the resolution would constitute an intervention in the internal affairs of Greece. "The truth was", he stated, "that the troubles on the Greek frontier were the results of a domestic situation due to the policy of a reactionary government receiving military, economic and political support from the United States. To put an end to the tension in the Balkans, the terror in Greece should be stopped".

After a motion by the representative of Greece for the closure of the debate had been adopted by 28 votes to 6, with 16 abstentions, the representative of the Ukrainian SSR moved suspension of the meeting. This motion was rejected by 32 votes to 8, with 12 abstentions.

The USSR draft resolution was then put to the vote and rejected by 31 votes to 6, with 12 abstentions.

b. REPORT OF UNSCOB

The report of the Special Committee (A/1307) was considered next, the debate in the First Committee centering on three draft resolutions:

(i) Draft resolution, submitted by Greece (A/C.1/620), which would have the Assembly: 'recommend the repatriation of all members of the Greek armed forces captured by the Greek guerillas and taken into countries north of Greece, who expressed the wish to be repatriated; call upon the States concerned to implement the resolution; and instruct the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross Societies to ensure liaison with the national Red Cross organizations of the States concerned with a view to implementing the resolution

(ii) Joint draft resolution by Australia, France, Pakistan, the United Kingdom and the United States (A/C.1/622/Rev.1), which would have the Assembly: approve the report of the Special Committee on the Balkans; continue the Special Committee in being until the sixth session of the General Assembly, in accordance with resolutions 109(II), 193(III) and 288(IV), unless meanwhile the Special Committee should recommend to the Interim Committee its own dissolution; and authorize the Interim Committee to act on such a recommendation as it might think proper

(iii) Draft resolution, submitted (at the 393rd meeting) by the USSR (A/C.1/623), which would have the Assembly recommend: the declaration of a general amnesty in Greece and the abolition of the concentration camps for Greek democrats; the holding of free parliamentary elections on the basis of proportional representation; the cessation of military and political intervention in Greek affairs by the United States and the United Kingdom; the establishment of diplomatic relations between Greece and Albania and between Greece and Bulgaria; and the dissolution of the United Nations Special Committee on the Balkans

Speaking on the joint draft resolution (A/C.1/622/Rev.1), the representatives of Australia, France, Pakistan, the United Kingdom and the United States stated that, owing to the effort of the Greek army, the desire of the Greek people to defend their independence, the help rendered by the United States and other Member States and the work of the Special Committee, large-scale guerrilla activities had come to an end. However, as the report of the Special Committee showed, the menace to that country's independence still existed.

The guerrillas had, it was stated, left Greece but had not been disarmed; their broadcasting sta-

tion in a neighbouring country still functioned and Albania and Bulgaria continued to give them moral and material assistance. Moreover, except for the helpful attitude of Yugoslavia there had been no other indication of progress in the repatriation of Greek children. These representatives, therefore, supported the joint draft resolution, urged the Assembly to approve the Special Committee's report and stressed the necessity for continuing it for another year. Depending on the situation, it was suggested, the Special Committee could either recommend its own dissolution to the Interim Committee or it might recommend some changes in its functions or the transfer of them to some other United Nations agency.

The representative of the United States, supported by the representative of Australia, suggested, as an alternative, that, even if the Special Committee recommended its own dissolution, the Interim Committee should be able to arrange the continuation of its observation functions in a limited way with the observers in the area still reporting to the Peace Observation Commission, instead of to the Special Committee, in accordance with the resolution "Uniting for Peace".¹¹² These representatives also supported the Greek draft resolution (A/C.1/620) on the repatriation of Greek soldiers.

The representative of Greece stated that the main problem of the Greek question still remained the same as in previous years, namely, the continuing aid given to subversive elements by Greece's northern neighbours, their territory being used freely by these elements as their base of operations. The two factors which had greatly helped in improving the situation in Greece, the representative of Greece observed, were the complete defeat of the guerrillas at the hands of the Greek army and the closure of its frontiers to the partisans by Yugoslavia. This last factor showed that with similar co-operation from other States the question of suppressing the guerrillas would have been solved easily. The representative of Greece observed that, after suffering a defeat in Greece, approximately 15,000 guerrillas had reached Albania and, later, had been transported to Bulgaria, leaving approximately 1,500 in Albania. He estimated the number of "combatants" in the neighbouring countries of Greece and in certain other countries at 15,000. They had been transported to Poland and, after being re-equipped, were being sent back to Bulgaria, where Bulgarian officers had been ordered to receive them, the representative of Greece charged. Thus, in disregard of previous Assembly resolutions, certain countries had been

preparing another threat to the independence of Greece. He therefore supported the joint five-Power draft resolution. The joint draft resolution was also supported by the representatives of Belgium, Brazil, El Salvador, Israel and Turkey.

Referring to his own draft resolution for the repatriation of Greek soldiers, the representative of Greece stated that the Legal Department of the United Nations Secretariat, when consulted by the Special Committee, had given the opinion that Greece's neighbours were under international obligation to repatriate these captured soldiers. In spite of this and in disregard of General Assembly resolution 288 B (IV) adopted at the previous session, Greece's neighbours, with the exception of Yugoslavia, were still detaining them. He therefore urged the adoption of his draft resolution.

Opposition to the joint draft resolution was voiced by the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR. These representatives held the view that the report of the Special Committee, the testimony collected by it and its recommendations were based on "falsehoods and distortion of facts". The report had been made, it was contended, in a spirit of partiality and bad faith, and the witnesses who had been used were "deserters, informers, agents provocateurs and renegades". The Special Committee, by acting as the "instrument" of the ruling circles of the United Kingdom and the United States, by endorsing the Greek Government's policies and by its hostility to Albania and Bulgaria, had not contributed to a solution of the Greek problem, but had only delayed the establishment of friendly relations between the countries concerned.

With regard to the establishment of diplomatic relations and conclusion of frontier conventions, it was held by these representatives that it was Greece which was waiting for an opportunity to take possession of northern Epirus. For an improvement of relations between these countries, it was necessary that Greece first recognize as final its existing frontiers with Albania.

The object of continuing the Special Committee, it was stated, was, as it had been in the past, to conduct espionage against Albania and Bulgaria by means of its observers. That was why the representative of the United States had desired the retention of observers even after the dissolution of the Committee.

Analysing the testimony of certain witnesses, the representative of Poland referred to the testi-

¹¹² For text, see pp. 193-95.

mony of a witness who had stated (A/1423) that there were Greek guerrillas and children in Poland and who had said that he had been abducted by the guerrillas in 1947 and, desiring to return to Greece, had escaped to Albania, proceeded by boat to Poland and had made his way back to Greece. This, the representative of Poland commented, was apparently the "shortest route". This testimony, although inconsistent, had been accepted, despite the fact that he was a "confessed murderer". The hand-grenade of allegedly Polish manufacture found upon "a captured guerrilla" contained markings which included the letter Q—a letter which did not exist in the Polish alphabet.

The presence of Greek guerrillas in Albania and Bulgaria was never denied, it was said by the representatives opposing the joint draft resolution, but they had been disarmed. These representatives maintained that only an amnesty, as proposed in the USSR draft resolution, could ease the tension in the Balkans. The representative of the USSR said that in the First Committee the representative of Greece had expressed himself in confused terms and had been unable to submit any authentic evidence in support of his charges concerning the question of repatriation of members of the Greek armed forces captured by Greek guerrillas and transported into neighbouring countries. The summary record of the meeting of 19 June 1950 showed that the Special Committee had estimated that number as being approximately 106. However, in the same meeting, the Greek Government had given the approximate number of the members of the Greek armed forces that had been taken prisoners by the partisans since 1946 as 1,713. As evidence for that statement, there existed only the summary record of that meeting of the Special Committee and several letters from the Greek Government. In the circumstances, the First Committee could not adopt a proposal as biased and unfounded as the Greek draft resolution.

In reply, the representative of Greece stated that Greece had never harboured expansionist views. It had respected the Paris Peace Treaty of 1947 with Bulgaria, but the latter had pursued an aggressive policy both before and after the conclusion of the Treaty. Similarly, Greece had accepted the proposals of the United Nations Conciliation Commission (A/1062), but Bulgaria had rejected them, demanding in its turn that the partisans should be allowed the right of belligerency, and making other demands such as declaration of amnesty, holding of elections with the participation of the USSR—demands similar to those proposed by the USSR. It was thus clear that the

USSR wanted to interfere in the domestic affairs of Greece through its "protégés". It wanted to eliminate UNSCOB so as to have its hands free.

As to the repatriation of members of the Greek armed forces, the representative of Greece said that it was not essential to produce documents to justify support of a draft resolution based on principles of justice and humanity. However, he pointed out that, early in 1949, the Tirana wireless station had officially announced that 227 Greek soldiers, prisoners of the partisans, had arrived in Albania. The Greek Government possessed 250 letters received from prisoners of war in Albania, and it was prepared to communicate the contents of those letters either to the competent Committee or to the Secretary-General.

At the 396th meeting of the Committee on 14 November 1950 the Greek draft resolution (A/C.1/620) was adopted by 53 votes to 5, with 1 abstention. The five-Power joint draft resolution (A/C.1/622/Rev.1) was adopted by 52 votes to 6, with no abstentions. The USSR draft resolution (A/C.1/623) was rejected by 51 votes to 5, with 2 abstentions.

c. REPATRIATION OF GREEK CHILDREN

Finally the Committee considered the report of the Secretary-General on the repatriation of Greek children (A/1480/Add.1) and a joint draft resolution presented by Australia, Denmark, France and the Netherlands (A/C.1/627), which would have the Assembly request the Secretary-General, the International Committee of the Red Cross and the League of Red Cross Societies to continue their efforts in accordance with the Assembly resolutions 193 C (III) and 288 B (IV), concerning the repatriation of Greek children; urge all States harbouring the Greek children to arrange for the early repatriation of those children to their parents and to allow the international Red Cross organizations engaged in this task free access to their territories whenever necessary. The draft resolution further sought to establish a Standing Committee to act in consultation with the Secretary-General and to consult with the representatives of the States concerned, with a view to the early repatriation of children. The draft resolution proposed that the International Red Cross and the League of Red Cross Societies be asked to co-operate with this Standing Committee and that the Secretary-General be requested to report to Member States from time to time on the progress made. The Secretary-General and the Red Cross organizations should also, it was proposed, be

asked to submit reports to the sixth session of the General Assembly.

The USSR submitted amendments (A/C.1/628) to the four-Power draft resolution (A/C.1/627) which proposed, *inter alia*, the deletion of the provision for the free access of Red Cross organizations into the territories of the States concerned and the substitution for that provision of the words "in accordance with the resolutions referred to above". They further proposed deletion of the last two paragraphs relating to the establishment of a standing committee.

On behalf of the sponsors of the four-Power draft resolution, Australia proposed that the Standing Committee provided for in the draft resolution (A/C.1/627) should be composed of the representatives of Peru, the Philippines and Sweden. Introducing the joint draft resolution, the representative of Australia stated that, in considering the question, the First Committee should bear in mind the fundamental right and need of the child to be with his parents and in the atmosphere of his own home. He referred to Yugoslavia's effort to repatriate a number of children and to the fact that other countries harbouring Greek children had, in principle, agreed to their repatriation. Obstacles to repatriation were the denials of some Governments that any children had remained in their territories. Yet there was strong evidence to the contrary. These Governments had delayed replies to Red Cross inquiries, had refused to send representatives to Red Cross conferences and had denied visas to Red Cross representatives wishing to visit their countries. He appealed to these Governments to assist the Red Cross in checking their lists against the master list. Explaining the proposal to establish a Standing Committee, the representative of Australia said that unless the Red Cross was aided in its task it might be obliged to relinquish its efforts. The Standing Committee would on the one hand help the International Red Cross in its dealings with the Governments, and on the other, help the Secretary-General in his dealings with the Governments concerned and the Red Cross. The representatives of Denmark and France associated themselves with the remarks made by the representative of Australia.

The representative of Greece stated that Bulgaria had not submitted the lists of children requested by the Secretary-General, nor sent delegates to the Red Cross conference arranged in March 1950. The Romanian Red Cross had not provided any lists and both Romania and Hungary had refused entry to the representatives of the

International Red Cross. The Hungarian Red Cross had even stated that conditions in Greece were not favourable to the return of children. Czechoslovakia, while announcing the identification of 138 children, had made their repatriation subject to certain arbitrary conditions not provided for in the Assembly resolutions of 1948 and 1949. These conditions had been accepted but, owing to "red tape", no children had yet been returned to Greece. The Polish Red Cross had denied the presence of Greek children in Poland but Greece knew that this assertion was false. Albania had stated that all children passing through Albania had left, but it was difficult to trust countries which had shown no spirit of compromise. Moreover there were Greek children in Eastern Germany and the USSR.

Referring to difficulties involved in repatriation of children, the representative of Yugoslavia stated that a large number of children had fled their country with their parents. Thus eight ninths of the refugee Greek children in Yugoslavia were living with their parents. Parents of other children were scattered in different countries. There were, he stated, more than 2,000 Greek children in Poland, Czechoslovakia, Hungary, Romania, Albania and even Greece whose parents were in Yugoslavia. The children in Yugoslavia were living in Red Cross homes and were receiving the greatest care. They were attending schools and were receiving education in their own language. It was admitted that such care could not replace the love of parents. While stipulating certain guarantees, the Yugoslav Red Cross had made every effort to carry out the Assembly resolutions. The representative of Yugoslavia further stated that there were errors in the lists submitted by the Red Cross and also difficulties of identification. Also, the political atmosphere was not such as to preclude the possibility of the misuse of lists of children published by the country of asylum. The main problem, however, could not be solved until Greek children outside Yugoslavia had been restored to their parents in Yugoslavia, and the Yugoslav children who were outside their country since the war were returned to Yugoslavia.

Statements in support of the joint draft resolution were also made by the representatives of Chile, Costa Rica, the Dominican Republic, Syria, the United Kingdom, the Union of South Africa and the United States.

The representative of Syria, however, suggested that instead of increasing the number of subsidiary bodies of the Assembly by creating a Standing Committee, the Special Committee itself might be instructed to act in consultation with the Secre-

tary-General and to consult with the representatives of other countries.

The representative of Czechoslovakia stated that, contrary to the statement in the Secretary-General's report which was repeated in the joint draft resolution, representatives of the International Red Cross had repeatedly entered Czechoslovakia. The delay in repatriation, however, was due to lack of evidence about the authenticity of lists and related documents. Most of the parents were not living in Greece. There was no evidence that the requests had not been made under pressure. It was essential to ascertain that there was no deceit.

Submitting his amendments, the representative of the Soviet Union said that in spite of the talk of humanitarianism, what awaited the Greek children on their repatriation to Greece were children's jails and camps. The Greek Government and the Greek Red Cross were preparing to receive children whose parents were in jails and concentration camps. There could be, he stated, no question of repatriating such children. As regards the proposed Standing Committee, the representative of the Soviet Union stated that "a new superstructure of organs and Committees" would not solve the problem. The main obstacles were the internal situation in Greece, and the method and spirit in which the lists were compiled.

The representative of Poland gave specific instances of intimidation of parents by Greek authorities in the area of Kastoria in order to obtain signatures to requests for repatriation. He also gave instances of "falsifications" of lists compiled by the Greek Red Cross.

The representative of Belgium stated that the USSR and the "countries called 'satellites'" had introduced purely political considerations into the problem. To reject lists of 28,000 children on grounds of inaccuracy and errors was nothing but obstruction, he charged. He urged the immediate settlement of at least undisputed cases.

The representative of Greece said that the Czechoslovak Government had admitted that there were 134 children who satisfied the terms of repatriation. The Greek Government wished to restore children to their parents and not to camps as had been alleged. The Yugoslav attitude, he said, had shown that co-operation was possible. The Greek Government was willing to discuss the question and all that was needed was a little goodwill.

At its 398th meeting on 15 November, the Committee voted on the joint draft resolution (A/C.1/627) and the USSR amendments (A/C.1/628). The amendment deleting the first paragraph of the preamble was rejected by 43 votes

to 5, with 5 abstentions. The amendment to the second operative paragraph was rejected by 46 votes to 5, with 7 abstentions. The amendment deleting the third and fourth operative paragraphs was rejected by 44 votes to 5, with 8 abstentions. The four-Power draft resolution was voted on by paragraphs and was adopted as a whole by 53 votes to none with 5 abstentions.

3. Resolutions Adopted by the General Assembly

The report of the First Committee (A/1536) containing three draft resolutions A, B and C recommended by it, was presented to the General Assembly at its 313th plenary meeting on 1 December 1950. (Draft resolution A related to the repatriation of Greek military personnel; draft resolution B recommended the approval of the Special Committee's report and the extension of the Special Committee's term for another year; and draft resolution C related to the repatriation of Greek children.)

The USSR reintroduced its two draft resolutions which had been rejected by the First Committee: (i) (A/1569) recommending the repeal of death sentences on 18 Greek nationals and (ii) (A/1560) recommending general amnesty and certain other measures to be taken by Greece and dissolution of the Special Committee. The USSR also reintroduced the amendments (A/1568) to draft resolution C which had been rejected by the First Committee (see above).

The Assembly decided not to reopen a debate.

Statements in explanation of their votes which were made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR and the USSR reflected the views expressed by these representatives in the Committee debates. Explanations of their votes (supporting the draft resolutions recommended by the First Committee) were also made by the representatives of Belgium, Greece and New Zealand.

The Assembly voted on the draft resolutions with the following results:

Draft resolution A: adopted by 53 votes to 5, with 1 abstention

Draft resolution B: adopted by 53 votes to 6

USSR amendments (A/1568) to resolution C recommended by the First Committee: first amendment (calling for the deletion of the first paragraph of the preamble): rejected by 49 votes to 5, with 1 abstention; second amendment (seeking to replace in paragraph 2 of the operative part, the provision for free access of Red Cross organizations into the territories of the States concerned by the words "in accordance with the resolutions referred to above"): rejected by 48 votes to 5,

with 2 abstentions; third amendment (calling for the deletion of paragraphs 3 and 4 of the draft resolution): rejected by 51 votes to 5, with 1 abstention

Draft resolution C submitted by the First Committee: adopted by 50 votes to none with 5 abstentions

USSR draft resolution (A/1560) on the report of the Special Committee: rejected by 50 votes to 5, with 3 abstentions

USSR draft resolution (A/1569) on the repeal of death sentences of Greek nationals: rejected by 38 votes to 6, with 11 abstentions.

The resolutions adopted by the General Assembly (382(V)) at its 313th plenary meeting read as follows:

A

The General Assembly,

Having considered the unanimous conclusions of the United Nations Special Committee on the Balkans concerning those members of the Greek armed forces who were captured by the Greek guerrillas and taken into countries north of Greece,

Having noted that with the sole exception of Yugoslavia, the other States concerned are still detaining these members of the Greek armed forces without justification under commonly accepted international practice,

1. Recommends the repatriation of all those among them who express the wish to be repatriated,

2. Calls upon the States concerned to take the necessary measures for the speedy implementation of the present resolution,

3. Instructs the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross Societies to ensure liaison with the national Red Cross organizations of the States concerned, with a view to implementing the present resolution.

B

The General Assembly,

Having considered the report of the United Nations Special Committee on the Balkans and having noted that, although a certain improvement has taken place in the situation on the northern frontiers of Greece, there nevertheless remains a threat to the political independence and territorial integrity of Greece,

1. Approves the report of the United Nations Special Committee on the Balkans;

2. Continues the Special Committee in being until the sixth session of the General Assembly, in accordance with the terms of reference and administrative arrangements contained in General Assembly resolutions

109(II), 193(III) and 288(IV), unless meanwhile the Special Committee recommends to the Interim Committee its own dissolution;

3. Authorizes the Interim Committee to act on such recommendation as it thinks proper.

C

The General Assembly,

Noting with grave concern the reports of the International Committee of the Red Cross and the League of Red Cross Societies and of the Secretary-General, and particularly the statement that "not a single Greek child has yet been returned to his native land and, except for Yugoslavia, no country harbouring Greek children has taken definite action to comply with the resolutions unanimously adopted in two successive years by the General Assembly",

Recognizing that every possible effort should be made to restore the children to their homes, in a humanitarian spirit detached from political or ideological considerations,

Expressing its full appreciation of the efforts made by the International Committee of the Red Cross and the League of Red Cross Societies and by the Secretary-General to implement General Assembly resolutions 193 C (III) and 288 B (IV),

1. Requests the Secretary-General and the International Committee of the Red Cross and the League of Red Cross Societies to continue their efforts in accordance with the aforementioned resolutions;

2. Urges all States harbouring the Greek children to make all the necessary arrangements, in co-operation with the Secretary-General and the international Red Cross organizations, for the early return of the Greek children to their parents and, whenever necessary, to allow the international Red Cross organizations free access to their territories for this purpose;

3. Establishes a Standing Committee, to be composed of the representatives of Peru, the Philippines and Sweden, to act in consultation with the Secretary-General, and to consult with the representatives of the States concerned, with a view to the early repatriation of the children;

4. Requests the International Committee of the Red Cross and the League of Red Cross Societies to co-operate with the Standing Committee;

5. Requests the Secretary-General to report from time to time to Member States on the progress made in the implementation of the present resolution, and requests the international Red Cross organizations and the Secretary-General to submit reports to the General Assembly at its sixth session.

I. THREATS TO THE POLITICAL INDEPENDENCE AND TERRITORIAL INTEGRITY OF CHINA

The item "Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945, and from Soviet violations of the Charter of the United Nations" was first in-

cluded in the agenda of the fourth session of the General Assembly, from 20 September to 10 December 1949.

At its 273rd plenary meeting, on 8 December 1949, the General Assembly adopted resolution 292(IV), referring the question to the Interim

Committee for continuous examination and study in the light of the Assembly resolution (291(IV)) on the promotion of the stability of international relations in the Far East.

At the 45th meeting of the Interim Committee, on 15 September 1950, the Chairman pointed out that the scope of the item was wide and that it touched upon important issues which were being considered by other United Nations bodies. Many of these issues would be included in the agenda of the fifth session of the General Assembly, and it was possible that discussion in the Committee on the eve of the fifth session and in the context of the existing political situation would not serve a useful purpose. Accordingly, he suggested that the Committee would facilitate the work of the General Assembly if it were to decide not to debate the question. The Interim Committee accepted the Chairman's suggestion and reported to the General Assembly accordingly.

At its 285th plenary meeting, on 26 September 1950, the General Assembly, on the recommendation of the General Committee, decided to include this item in its agenda, and refer it to the First Committee for consideration and report. The question was considered by the First Committee at its 400th to 404th meetings, 21-23 November 1950.

In the debates of the Committee, three main points of view emerged. Certain representatives, including those of Chile, China, New Zealand, Nicaragua, Peru, the Philippines, Syria, Thailand, the United States and Uruguay, were agreed that further inquiries should be made into the item under consideration, although there were differences of opinion as to the method of inquiry to be used.

In contrast, the representatives of Australia, Belgium, Canada, France, Iceland, Israel and the United Kingdom held the view that further investigation into the matter would be useless since the facts pertinent to the situation had already been made known and become part of history.

The third point of view, voiced by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the USSR, was that the charges made by the Chinese representative were false and therefore no inquiry into the situation was required. Moreover, these representatives felt that this item should never have been considered by the General Assembly.

During the debate of the Committee, the representative of China charged that the Soviet Union: in violation of the acknowledged sovereignty of the Chinese Government over Manchuria, pre-

vented the re-establishment of Chinese national authority in that province after the war; supplied the Chinese communists with enormous quantities of arms in their insurrection and sent active combatant aid to that army; and actually annexed Outer Mongolia and Tannu Tuva and was in control of the great areas of Manchuria and Sinkiang.

The representative of China further charged that the Chinese communist régime was the fruit of Soviet Union aggression in China and that its leaders were puppets used by the Soviet Union to overthrow the National Government of China, in violation of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and in violation of the Charter of the United Nations.

In reply to the arguments advanced by the representative of the USSR he said that, if the 1945 Treaty was no longer in force, that was only by the arbitrary and unilateral decision of the USSR, taken in violation of all the practices recognized by civilized nations and in violation of General Assembly resolution 291(IV), which called upon all States to respect existing treaties concerning China. Furthermore, the charges which his Government had made in 1949 had referred to violations committed in the preceding four years, and it could not be disputed that the Treaty was still in force at that time.

To validate his charges, the representative of China recalled, *inter alia*, that the United States Secretary of State, Mr. Acheson, had said on 12 January 1950 that the USSR was annexing to its own territory the four northern provinces of China, and that this statement had been followed, on 25 January 1950, by the publication of a pamphlet in which the State Department had given details regarding the annexation of the four provinces by the USSR. The representative of China quoted W. Averell Harriman as having stated, on 23 October 1950, that the Soviet Union's violation of the Treaty of Friendship and Alliance of 1945 and of the Yalta Agreement had marked the beginning of the post-war difficulties.

The representative of China further stated that in June 1950 there were no less than 45,000 Soviet Union advisers and technicians exercising economic, military, technical and political control in China. He also asserted that the foreign policy of the Chinese communist régime was completely subservient to the Soviet Union and cited the Korean conflict and the Chinese regime's attitude toward the United Nations as evidence of this.

In order to deal with the alleged Soviet Union aggression in China, the representative of China proposed a draft resolution (A/C.1/631/Rev.1)

at the 400th meeting of the Committee on 21 November which, after recalling the previous Assembly resolutions 291(IV) and 292(IV), and noting that the Interim Committee, to which the case had been referred by the fourth session of the General Assembly, had not submitted recommendations to the fifth session, provided for the appointment of a United Nations Commission of Inquiry for the purpose of gathering information and facts from the two countries in dispute as well as from other States Members of the United Nations. The Commission was to submit a report on its findings to the next session of the General Assembly.

The representative of the United States voiced his support for this resolution, stating, among other things, that it was necessary for the United Nations to face the facts and expose a master plan that had already resulted in the enslavement of one third of the human race. Soviet Communism, according to this representative, instead of adopting the friendly attitude of good neighbour, had tried to impose upon China a new colonialism, Soviet style, and the time had come to awaken the peoples of the Far East to danger to which none could afford to be indifferent. The representative of the United States further pointed out that if this question were buried, it would destroy the hopes so many had placed in the General Assembly, and would have a bad effect on the prestige of the Organization.

The representative of Uruguay also considered that unless an inquiry into the complaint lodged by the legally recognized representative of China were made, the United Nations would lose its prestige. The representative of Thailand declared his support for the Chinese resolution, while the representative of Egypt, although in favour of the resolution in principle, doubted its practicability.

The representative of Syria also doubted the utility of creating a commission of inquiry which could not enter either China or the USSR and get on-the-spot information and facts relating to the item under consideration. He therefore submitted a second draft resolution (A/C.1/632) at the 400th meeting of the Committee, which proposed that the General Assembly should instruct the Interim Committee to continue inquiry on this question in order to obtain more information and facts having direct bearing upon the case. This resolution was supported by the representatives of Chile, China, Egypt, New Zealand, Nicaragua, Peru, the Philippines, the United States and Uruguay.

The representative of China withdrew his resolution (A/C.1/631/Rev.1) at the 404th meeting

of the Committee and stated that his delegation would vote in favour of the Syrian draft resolution.

The other delegations which supported the Syrian resolution voiced their belief that it was the duty of the United Nations and its obligation under the Charter to consider the charges made by the representative of China against the USSR. The representative of Egypt further pointed out, in answer to those representatives (see below) who believed it was useless to refer the item back to the Interim Committee since that Committee had not been able to reach any decision concerning the item when it had previously been referred to it by the General Assembly, that the Interim Committee had not reported to the fifth session of the General Assembly on this question because, *inter alia*, it had been aware that the agenda of the fifth session included several inter-related questions. Therefore, the Committee had wanted to await the point of view of delegations on these questions as a whole, as they would be discussed in the fifth session. The representative of Egypt felt that the discussions of the fifth session had given the Interim Committee some light on the subject, and that the Syrian proposal was, for that reason, very timely.

At the 403rd meeting, on 22 November, the representative of Egypt proposed an oral amendment to the Syrian draft resolution, adding that the Interim Committee was to report to the General Assembly at its next regular session. This was subsequently accepted by the representative of Syria.

At the same meeting, an amendment was submitted by the representative of El Salvador (A/C.1/633) to the Chinese draft resolution (A/C.1/631/Rev.1). The representative of El Salvador, however, replaced the amendment by a draft resolution (A/C.1/634) at the 404th meeting on 23 November, after the representative of China had withdrawn his draft resolution in favour of that proposed by Syria.

The resolution proposed by El Salvador drew the attention of all States to the necessity of complying faithfully with the recommendation contained in General Assembly resolution 291(IV) to promote the stability of international relations in the Far East, and which for that purpose, *inter alia*, recommended scrupulous observance of the treaties in force when that resolution was adopted. In this resolution, the representative of El Salvador utilized proposals concerning certain minor changes in the wording of the resolution made by the representative of Egypt at the 403rd meeting

of the Committee and by the representative of Mexico at the 404th meeting.

The representatives of Belgium, Canada, Iceland and Mexico declared themselves in favour of this resolution. The representatives of Mexico and Iceland pointed out that it was illogical not to accept the resolution proposed by the representative of El Salvador since it merely reaffirmed the position adopted by the General Assembly in 1949.

The delegations of Australia, Belgium, Canada, France, Iceland, Israel and the United Kingdom opposed the Chinese and Syrian resolutions (A/C.1/631/Rev.1 & A/C.1/632 respectively) on the point that it would be impractical and useless to initiate a formal inquiry into events which were already fully on record.

The representative of the United Kingdom pointed out that the essential facts were not in dispute, and all delegations could draw their own conclusions from them; further information would not alter their judgment. The representative of Israel stated that it would not be helpful to seek further information, since it would simply divert the attention of the United Nations from the immediate issues lying ahead.

The representative of Australia supported the remarks made by the representative of the United Kingdom, further pointing out that General Assembly resolution 291(IV) was still in force and appeared adequate to cover the situation under discussion. He therefore recommended that the matter be shelved. The representative of Belgium declared that a new resolution would be useless since the Interim Committee remained seized of the item under discussion and was at liberty to discuss it again whenever it deemed it appropriate.

The representative of Canada, while concurring with the above points of view, added that the Interim Committee could not be expected to resolve problems which the First Committee itself could not resolve.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the USSR considered that this item should never have been included in the agenda, because the Central People's Government of the People's Republic of China was the only lawful Government of China, which ruled *de jure* and *de facto*. Only this Government was entitled to represent China and the Chinese people through its accredited representatives, and to make proposals to the United Nations on China's behalf. The allegation of the Kuomintang agents that there was a "dispute" between China and the USSR was nonsense, because the Central People's Government, with which the USSR had the friend-

liest relations, was the only sovereign and legitimate government of China. The very Treaty of 14 August 1945 no longer existed. It had lost its force and meaning and had been superseded by the agreement of 14 February 1950 between the USSR Government and the Central People's Government of the People's Republic of China. These representatives contradicted, point by point, the specific charges which the representative of China made during the dispute. The following were certain of the points made by these delegations.

The charge that the Government of the USSR desired to take over the economy of Manchuria was, these representatives held, a slanderous one. In fact, they asserted, as the result of an agreement concluded between the USSR and the People's Republic of China on 14 February 1950, the Government of the USSR had agreed to transfer to the full ownership of the Government of that Republic all Soviet rights with respect to the joint administration of the Chinese Changchun Railway and all appurtenances thereto, the military facilities in the area of the Port Arthur naval base, and all facilities in the city of Dalny (Dairen) which had been leased or administered by the Government of the Soviet Union, and also facilities taken by Soviet economic organizations from the Japanese authorities in Manchuria.

Both in the fourth and fifth sessions it had been alleged that in 1945 and 1946 the USSR Government had prevented the then Chinese Government from re-establishing its authority in Manchuria; e.g. it had been alleged that the USSR authorities had refused to communicate to the Kuomintang authorities the exact dates when USSR troops would be withdrawn. These charges were ludicrous since, in reality, the Soviet Command had informed the Kuomintang about withdrawals of Soviet troops in ample time, having often given even more advance notice than the Kuomintang had requested. The withdrawal dates furnished by the Army of the USSR were cited as evidence of this.

Dealing with the charge that the USSR had supplied weapons to the Chinese People's Liberation Army, these representatives stated that that army had captured tremendous quantities of United States equipment during battles with the Nationalist forces, and for proof of this, they referred, among other things, to the White Paper issued by the United States Department of State in 1949.¹¹³ This, they said, was the reason why

¹¹³ United States Relations with China (Department of State Publication 3573, Far Eastern Series 30; Washington, August 1949).

the Chinese People's Liberation Army had been excellently equipped.

In reply to the charge that the USSR had failed to carry out its obligations under the Sino-Soviet Treaty of 14 August 1945 and that the USSR threatened the independence and integrity of China, it was stated that such threats did exist, but that they emanated not from the USSR but from United States monopolists who had been supporting the reactionary forces of China. The accusation that the USSR was annexing China's northern provinces was said by these representatives to be a manifestation of Mr. Dean Acheson's attempt to shift to the USSR the blame for the collapse of United States policy.

It was further emphasized by these delegations that the Kuomintang had collapsed because of its misdeeds against the people; the Chinese revolution had been an internal revolution, for it was not possible to export a revolution from one country to another.

These representatives stated that since the charges made by the representative of China were false, they could not support the resolutions proposed by China (A/C.1/631/Rev.1), Syria (A/C.1/632) and El Salvador (A/C.1/634). Instead, they felt that the best service the General Assembly could render the Chinese people would be to admit to the United Nations the legitimate representatives of the legitimate Government of China, the People's Republic of China, and cease supporting the Nationalists who, they said, still usurped a seat in the United Nations.

At the 404th meeting of the First Committee on 23 November, the Syrian draft resolution (A/C.1/632) as amended was adopted by 35 votes to 17, with 7 abstentions, and the draft resolution proposed by the representative of El

Salvador (A/C.1/634) was adopted by 38 votes to 6, with 14 abstentions.

When the report of the First Committee (A/1563) and the accompanying resolutions were considered at the 314th plenary meeting of the General Assembly on 1 December 1950, views similar to those presented in the discussions of the First Committee were expressed. The Assembly adopted draft resolution A in the Committee's report by 35 votes to 17, with 7 abstentions, as resolution 383 A (V), and draft resolution B by 39 votes to 6, with 14 abstentions, as resolution 383 B (V). The resolutions read as follows:

A

The General Assembly,

Noting that the Interim Committee, to which the Assembly, during its fourth session, referred the complaint concerning "Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations", has not yet submitted recommendations thereon,

Decides to instruct the Interim Committee to continue inquiry on this question, in order to obtain more information and facts having a direct bearing upon the case if such findings are obtainable, and to report to the General Assembly at its next regular session. The records of the discussion of the First Committee on the case shall be made available to the Interim Committee.

B

The General Assembly

Decides to draw the attention of all States to the necessity of complying faithfully with the recommendation contained in General Assembly resolution 291(IV), the object of which is to promote the stability of international relations in the Far East, and which recommends specific principles for that purpose, including, inter alia, the principle of the scrupulous observance of the treaties in force when the resolution was adopted, the purpose of which was to secure the independence and territorial integrity of China.

J. OBSERVANCE IN BULGARIA, HUNGARY AND ROMANIA OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The General Assembly, after considering at its third and fourth sessions¹¹⁴ charges of violations of human rights in Bulgaria, Hungary and Romania, decided in resolution 294(IV)¹¹⁵ to ask the International Court of Justice for an advisory opinion on certain questions involving the implementation of the Peace Treaties with these three countries.

In these Peace Treaties, concluded in Paris in February 1947, Bulgaria, Hungary and Romania

had undertaken, among other things, to secure the enjoyment of basic human rights and fundamental freedoms to all persons under their jurisdiction and to submit disputes arising under the treaties to settlement through certain procedures, including the arbitration by treaty commissions. The Secretary-General of the United Nations was authorized under the Treaties, if requested by either party to

¹¹⁴ See Y.U.N., 1948-49, pp. 316-27.

¹¹⁵ For text, see *ibid.*, pp. 326-27.

a dispute, to appoint the third member of a treaty commission if the parties failed to agree upon the appointment of a third member.

1. Advisory Opinion of the Court

The General Assembly, by resolution 294(IV) of 22 October 1949, asked the Court for an opinion on the following four questions:

"I. Do the diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand and certain Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of article 2 of the Treaties with Bulgaria and Hungary and article 3 of the Treaty with Romania, disclose disputes subject to the provisions for the settlement of disputes contained in article 36 of the Treaty of Peace with Bulgaria, article 40 of the Treaty of Peace with Hungary, and article 38 of the Treaty of Peace with Romania?"

In the event of an affirmative reply to question I:

"II. Are the Governments of Bulgaria, Hungary and Romania obligated to carry out the provisions of the articles referred to in question I, including the provisions for the appointment of their representatives to the Treaty Commissions?"

In the event of an affirmative reply to question II and if within thirty days from the date when the Court delivers its opinion, the Governments concerned have not notified the Secretary-General that they have appointed their representatives to the Treaty Commissions, and the Secretary-General has so advised the International Court of Justice:

"III. If one party fails to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Romania where that party is obligated to appoint a representative to the Treaty Commission, is the Secretary-General of the United Nations authorized to appoint the third member of the Commission upon the request of the other party to a dispute according to the provisions of the respective Treaties?"

In the event of an affirmative reply to question III:

"IV. Would a Treaty Commission composed of a representative of one party and a third member appointed by the Secretary-General of the United Nations constitute a Commission, within the meaning of the relevant Treaty articles, competent to make a definitive and binding decision in settlement of a dispute?"

The General Assembly requested the Secretary-General to make available to the Court the relevant exchanges of diplomatic correspondence communicated to him for circulation to the Members of the United Nations and the records of the General Assembly proceedings on this question. It also decided to retain the question on the agenda of its fifth regular session.

The Assembly resolution was transmitted to the Court's Registry by the Secretary-General on 31 October 1949.

On 7 November 1949, the Registrar notified the request for opinion to all States entitled to appear

before the Court. On the same day, the Registrar informed all States entitled to appear before the Court and parties to one or more of the above-mentioned Peace Treaties (Australia, the Byelorussian SSR, Canada, Czechoslovakia, Greece, India, New Zealand, Pakistan, the Ukrainian SSR, the Union of South Africa, the USSR, the United Kingdom, the United States and Yugoslavia) that the Court was prepared to receive from them written statements on the questions submitted to it for an advisory opinion and to hear oral statements at a date which would be fixed in due course. The communication was also sent on the same day to the other States parties to each of the said Treaties, namely, to Bulgaria, Hungary and Romania.

By an order of 7 November 1949, the expiration of the time-limit for the submission of written statements was fixed at 16 January 1950.

Within the prescribed time-limit written statements and communications were received from the following States: Australia, Bulgaria, the Byelorussian SSR, Czechoslovakia, Hungary, Romania, the Ukrainian SSR, the USSR, the United Kingdom and the United States.

At public sittings held on 28 February and on 1 and 2 March 1950, the Court heard oral statements submitted by the representatives of the Secretary-General of the United Nations, of the United States and of the United Kingdom.

a. FIRST PHASE

(1) The Court's Opinion on the First Two Questions

In its opinion,¹¹⁶ handed down on 30 March 1950, the Court stated first of all that it was called upon, for the moment, to give an opinion only on questions I and II set forth in the General Assembly resolution. The Court began by considering the objection to the competence of the Court presented by Bulgaria, Hungary and Romania, and also by several other Governments, in the communications which they addressed to the Court. These States argued that the request for opinion was an action *ultra vires* on the part of the General Assembly which was "interfering" or "intervening" in matters essentially within the domestic jurisdiction of States. An objection was also directed specifically against the competence of the Court; it was alleged that Article 2, paragraph 7, of the Charter forbade the organs of the United Nations, including the Court, to intervene in matters which are essentially within the domestic jurisdiction of any State.

¹¹⁶ Interpretation of Peace Treaties, Advisory Opinion: I.C.J. Reports, 1950, p. 65.

The Court set aside the first argument, directed at its competence through that of the General Assembly. The Court considered that it was not called upon to deal with the charges brought before the General Assembly, since the questions put to the Court related neither to the alleged violations of the provisions of the Treaties concerning human rights and fundamental freedoms nor to the interpretation of the articles relating to these matters. The object of the request for an advisory opinion was much more limited. It was directed solely to obtaining from the Court certain clarifications of a legal nature regarding the applicability of the procedure for the settlement of disputes by the Commissions provided for in the express terms of article 36 of the Treaty with Bulgaria, article 40 of the Treaty with Hungary and article 38 of the Treaty with Romania. The interpretation of the terms of a treaty for this purpose, the Court declared, could not be considered as a question essentially within the domestic jurisdiction of a State. It was a question of international law which, by its very nature, lay within the competence of the Court.

These considerations also sufficed in the opinion of the Court to dispose of the objection directed specifically against its competence.

To the objection that the advisory procedure before the Court would take the place of the procedure instituted by the Peace Treaties for the settlement of disputes, the Court answered that, in its opinion, the object of the request was to facilitate this procedure by seeking information as to its applicability in the case.

Bulgaria, Hungary and Romania had further argued that the request was a violation of an alleged principle of international law, by which no judicial proceedings relating to a legal question pending between States could take place without the consent of the States concerned. This objection, the Court considered, revealed a confusion between the principles governing contentious procedure and those which were applicable to advisory opinions. The consent of States, parties to a dispute, was the basis of the Court's jurisdiction in contentious cases. In the case of an advisory opinion, the Court's reply was only of an advisory character and, as such, had no binding force. No State, whether a Member of the United Nations or not, could prevent the giving of an advisory opinion which the United Nations considered to be desirable in order to obtain enlightenment as to the course of action it should take.

The Court considered that its reply represented its participation in the activities of the Organi-

zation, as an organ of the United Nations and in principle should not be refused. It recognized, however, that the obligation to reply was limited by the essentially judicial character of the Court.

Under Article 65 of its Statute, the Court may examine whether the circumstances of a case are such as to lead it to decline to give an advisory opinion. In the present case, it considered that the circumstances differed from those which led the Permanent Court of International Justice to refuse to give an opinion in the *Eastern Carelia* case.¹¹⁷

The present request for an opinion, the Court observed, was concerned solely with the applicability to certain disputes of the procedure for settlement instituted by the Peace Treaties and in no way touched the merits of those disputes. Furthermore, the settlement of those disputes was entrusted solely to the commissions provided for by the Peace Treaties: it was for those commissions to decide upon objections to their jurisdiction. The legal position of the parties to these disputes could not, therefore, be in any way compromised by the answers that the Court might give to the questions put to it.

The Court observed in addition that, under Article 68 of its Statute, the provisions of the Statute applicable in contentious cases must be extended to the advisory functions of the Court only "to the extent to which it [the Court] recognizes them to be applicable." They were, in the Court's opinion, not applicable in the present case in the manner contended by the States which argued that no advisory opinion should be given without the consent of Bulgaria, Hungary and Romania.

For these reasons, the Court considered that it had the power to answer questions I and II and that it was under a duty to do so.

The Court analysed question I in two main parts:

(1) whether the diplomatic exchanges between Bulgaria, Hungary and Romania, on the one hand, and certain Allied and Associated Powers signatories to the Peace Treaties, on the other, disclosed any disputes; (2) if they did so, whether such disputes were among those subject to the provisions for the settlement of disputes contained in the Peace Treaties.

On the first point, the Court recalled that the United Kingdom (acting in association with Aus-

¹¹⁷ See *The Eastern Carelia Case* (P.C.I.J. Advisory Opinion No. 5). In this case, the Permanent Court declined to give an advisory opinion, because it found that the question put to it was directly related to the main point of a dispute actually pending between two States, so that to answer the question would be substantially equivalent to deciding the dispute between the parties. It also held the request raised a question of fact which could not be elucidated without hearing both parties.

tralia, Canada and New Zealand) and the United States had charged Bulgaria, Hungary and Romania with having violated in various ways provisions dealing with human rights and fundamental freedoms in the Peace Treaties. The latter Governments had denied these charges. Confronted with such a situation, the Court concluded that as the two sides held clearly opposite views concerning the question of the performance or non-performance of certain treaty obligations, international disputes had arisen. The Court found that the Peace Treaties did not limit the term "dispute" to a dispute between the United States, United Kingdom and the USSR acting in concert on the one hand, and Bulgaria, Hungary or Romania on the other.

On the second point, the Court recognized that the disputes related to the question of the performance or non-performance of the obligations provided in the articles of the Peace Treaties dealing with human rights and fundamental freedoms and, therefore, were clearly disputes concerning the interpretation or execution of the Peace Treaties. Since no other procedure of settlement had been specifically provided for in the Treaties, these disputes, it considered, must be subject to the methods of settlement contained in the articles providing for the settlement of all disputes.

The Court, by 11 votes to 3, answered the first question in the affirmative.

As a preliminary to its answer to the second question, the Court ruled that the term "articles" in the question's phrasing referred only to those providing for the settlement of disputes, and not to those dealing with human rights. The sole object of this question, said the Court, was to determine whether the disputes were among those falling under the procedure provided for in the Treaties with a view to their settlement by arbitration. Bulgaria, Hungary and Romania had not denied their obligation to carry out the article dealing with human rights.

Diplomatic documents presented to the Court had shown that the parties had not succeeded in settling their disputes by direct negotiation in accordance with the terms of the Treaties. Further, the disputes had not been resolved by the three heads of mission within two months, as provided, nor had the parties agreed on any other means of settlement. After the expiry of the prescribed period, the United Kingdom and the United States had requested that the disputes should be settled by the commissions mentioned in the Treaties. In the opinion of the Court, all the conditions required by the Treaties for entering on the settle-

ment of disputes by the commissions had been fulfilled.

The Court held that the provision in the Peace Treaties that any dispute should be referred to a commission "at the request of either party" implied that either party was obligated, at the request of the other, to co-operate in constituting the commission, in particular by appointing its representative. Otherwise the method of settlement provided for in the Peace Treaties would fail completely in its purpose.

The Court concluded, by 11 votes to 3, that question III must also be answered in the affirmative.

Judge Azevedo, while concurring in the Opinion of the Court, appended to the Opinion a statement of his separate opinion. The dissenting judges were Judges Winiarski, Zoricic and Krylov, who presented statements of their dissenting opinions.

(2) Separate **Opinion by Judge Azevedo**

In his separate opinion, Judge Azevedo stated that the Court should have abstained from giving an opinion because the request referred to a definite and clearly specified situation. It involved a dispute which required either settlement or an indication of the method of settlement. That brought the matter into the sphere of contentious cases, in which the Court's competence was subject to the agreement of the parties.

Bulgaria, Hungary and Romania, however, had not appeared during the proceedings, nor had they acknowledged the jurisdiction of the Court.

Judge Azevedo declared that to affirm the existence of a dispute in the present case was to begin to adjudicate upon it, and therefore to recognize the competence of the Court.

He went on to state that the Court cannot abandon the fundamental rules of international law in order to favour an indirect action designed to settle a dispute actually pending by way of a request for an advisory opinion. A large measure of flexibility, he held, is admissible in seeking the consent of the parties; but this consent cannot be dispensed with altogether when the Court is confronted with a dispute actually pending. Similarly, one may acknowledge the duty of reasonable co-operation with the other organs of the United Nations and go so far as to give opinions which, though couched in abstract terms, may be seen on closer inspection to be more or less indirectly connected with specific disputes; but that, he stated, would not justify the delivery of opinions relating to disputes which are explicitly indicated

or mentioned either in the text of the questions or in the preamble which usually precedes the questions.

He indicated, however, his agreement with the opinion of the Court on the specific questions asked.

(3) Dissenting Opinions of Judges Winiarski, Zoricic and Krylov

The need for the consent of the parties in a case with contentious aspects was stressed in the dissenting opinions of Judges Winiarski, Zoricic and Krylov. All three Judges stated that, although disputes unquestionably existed, the Court should have refrained from giving an answer because this would involve the interpretation of treaties.

Judge Winiarski declared that to say that an obligation under the Peace Treaties rested with Bulgaria, Hungary and Romania, which was denied by them, would mean that the Court was pronouncing on the interpretation and application of the jurisdictional clauses of the Peace Treaties, and this was in the first place the prerogative of the High Contracting Parties themselves; the Court could not make such a pronouncement without their consent or, at least as a general rule, without their participation. The Court, he said, heard the interpretation and the conclusions of the United States and the United Kingdom; it did not hear statements by Bulgaria, Hungary and Romania. Although these three States might be at fault in their interpretation and execution of the human rights articles and the arbitration clause, they were right in their denial of the Court's jurisdiction.

In order to give an opinion in accordance with the conditions laid down in its Statute and Rules, the Court required to hear the views of both parties in proceedings which, though not contentious, do, nevertheless, call for the presentation from both sides of argument, declarations, objections, proof and submissions. This had been impossible because the three Governments had refused to appear. Judge Winiarski emphasized that the jurisdiction of the Court, even though it was exercising its advisory functions, could not be imposed upon a State if that State had not given its consent freely and beforehand.

Judge Zoricic considered that the Court was right in ruling that the matters concerning the observance of human rights did not fall within the limits of the questions asked. He also stated that objections to the Court's jurisdiction (on the ground that it was intervention in domestic affairs) were ill-founded and could not be upheld. However, he believed that the Court should have

declared itself unable to give an opinion because, in doing so, it could not avoid dealing with the merits of the dispute.

He stated that it was a fundamental rule of international law that no State can be compelled to submit its disputes with other States to any procedure, judicial or otherwise, without its consent, and that this rule applied not only to the Court's judgments but also to its advisory opinions. In the present case, the subject-matter of the advisory opinion was the interpretation of a treaty and the existence of certain international obligations arising under that treaty, so that the Court's answer was substantially equivalent to deciding the dispute between the parties which were then before the Court.

In his dissenting opinion, Judge Krylov stated that according to the wording of both questions, the Court was being asked to consider the issue in connexion with treaty articles on human rights as well as the so-called "performance" clauses. He also held that objections on the grounds of domestic jurisdiction were well founded. The question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania was, in his view, purely the problem of the functioning of the judicial and administrative authorities of these States, and therefore belonged to the essentially domestic jurisdiction of the State and was out of the jurisdiction of the International Court of Justice.

It was proper, he said, to refuse to give an advisory opinion on questions the meaning and purpose of which were primarily political, even though the General Assembly submitted them to the Court. The Court, he pointed out, did not have the consent of any one of the three States concerned. This consent was all the more necessary since there was considerable tension in the relations between the Governments that had appeared before the Court, on the one hand, and the "accused" Governments, on the other. The Court's affirmative answer, he held, would "drag the Court into the political struggle".

b. SECOND PHASE

(1) The Court's Opinion on the Third Question

The Court's advisory opinion in the first phase was notified to the Secretary-General of the United Nations by the Registrar on 30 March 1950.

On 1 May 1950, the Acting Secretary-General of the United Nations notified the Court that, within 30 days of the date of the delivery of the

Court's advisory opinion on the first two questions, he had not received information that any one of the three Governments concerned had appointed its representative to the Treaty Commissions.

On 5 May 1950, the President of the Court fixed at 5 June 1950 the date of expiry of the time-limit for the submission by the States concerned of written statements on questions III and IV. This Order was notified to the Governments concerned.

Additional documents were sent to the Court by the Secretary-General of the United Nations on 16 May 1950. On 2 June 1950, the United States sent a written statement. The United Kingdom had previously stated its views on questions III and IV in the written statement submitted during the first phase of the case.

At public sittings held on 27 and 28 June 1950, the Court heard oral statements submitted on behalf of the Secretary-General of the United Nations and on behalf of the United States and of the United Kingdom.

In the second advisory opinion concerning the Peace Treaties,¹¹⁸ handed down on 18 July 1950, the Court recalled that it had stated in its Opinion of 30 March 1950 that Bulgaria, Hungary and Romania were obligated to carry out the provisions of those articles of the Peace Treaties which related to the settlement of disputes, including the provisions for the appointment of their representatives to the treaty commissions. As it had been informed by the Secretary-General of the United Nations that no information on such appointments had been given by the three Governments concerned, the Court had then to decide whether the provision empowering the Secretary-General to appoint the third member of the commission applied to the present case, in which one of the parties refused to appoint its own representative to the commission.

The Court stated that while the text of the Peace Treaties in its literal sense did not completely exclude the possibility of the appointment of the third member of the commission before the appointment of both national commissioners, it was nevertheless true that according to the natural and ordinary meaning of the terms it was intended that the appointment of both the national commissioners should precede that of the third member. This, the Court pointed out, clearly resulted from the sequence of the events contemplated by the article: appointment of a national commissioner by each party; selection of a third member by mutual agreement of the parties; failing such

agreement within a month, his appointment by the Secretary-General. Moreover, it was the normal order in arbitration practice and, in the absence of any express provision to the contrary, there was no reason to suppose that the parties wished to depart from it.

The Secretary-General's power to appoint a third member had no other basis than the agreement of the parties as expressed in the dispute clause of the Peace Treaties. By its very nature such a clause must be strictly construed and could be applied only in the case expressly provided. The case envisaged in the Peace Treaties was that of the failure of the parties to agree upon the selection of the third member and not the much more serious one of a complete refusal of co-operation by one of them, taking the form of refusing to appoint its own commissioner.

A change in the normal sequence of appointments could only be justified if it were shown by the attitude of the parties that they desired such a reversal to facilitate the constitution of commissions in accordance with the terms of the Peace Treaties. But such was not the present case. Bulgaria, Hungary and Romania, the Court said, had from the beginning denied the very existence of a dispute, and had absolutely refused to take part, in any manner whatever, in the procedure provided for in the disputes clauses of the Peace Treaties.

In these circumstances, the appointment of the third member by the Secretary-General, instead of bringing about the constitution of a three-member commission provided for by the Peace Treaties, would result only in the constitution of a two-member commission, not the kind of commission for which the Peace Treaties had provided. The opposition of the one national commissioner could prevent the commission from reaching any decision. The commission could decide only by unanimity, whereas the disputes clause provided for a majority decision. There was no doubt that the decisions of a two-member commission, one of which was designated by one party only, would not have the same degree of moral authority as those of a three-member commission.

In short, the Secretary-General would be authorized to proceed to the appointment of a third member only if it were possible to constitute a commission in conformity with the provisions of the Peace Treaties. In the present case, the refusal by Bulgaria, Hungary and Romania to appoint their own commissioners made the constitution of

¹¹⁸ Interpretation of Peace Treaties (Second Phase), Advisory Opinion: I.C.J. Reports, 1950, p. 221.

such a commission impossible and rendered useless the appointment of the third member by the Secretary-General.

The Court had declared in its Opinion of 30 March 1950 that Bulgaria, Hungary and Romania were under an obligation to appoint their representative to the treaty commissions. Refusal to fulfil a treaty obligation involved international responsibility. Nevertheless, such a refusal could not alter the conditions contemplated in the Peace Treaties for the exercise of the Secretary-General's power of appointment. These conditions were not present in this case and their lack was not made good by the fact that their absence was due to the breach of a treaty obligation. The failure of machinery for settling disputes by reason of the practical impossibility of creating the commission provided for in the Peace Treaties was one thing; international responsibility, another. One could not remedy the breach of a treaty obligation by creating a commission which was not the kind of commission contemplated by the Peace Treaties. It was the Court's duty to interpret treaties, not to revise them.

Nor could the maxim *ut res magis valeat quam pereat*, often referred to as the rule of effectiveness, justify the Court in attributing to the provisions a meaning which would be contrary to their letter and spirit.

The fact that an arbitration commission may make a valid decision although the original number of its members is later reduced, for instance by withdrawal of one of the arbitrators, presupposed the initial validity of the commission, constituted in conformity with the will of the parties as expressed in the arbitration agreement, whereas the appointment of the third member by the Secretary-General in circumstances other than those contemplated in the Peace Treaties raised precisely the question of the initial validity of the constitution of the commission. In law, the two situations were clearly distinct and it was impossible to argue from one to the other.

Nor could it be said that a negative answer to question III would seriously jeopardize the future of the many similar arbitration clauses in other treaties. The practice of arbitration showed that, whereas draftsmen of arbitration conventions often took care to provide for the consequences of the inability of the parties to agree on the appointment of a third member, they had, apart from exceptional cases, refrained from contemplating the possibility of a refusal by a party to appoint its own commissioner. The few treaties containing

express provisions on the matter indicated that the signatory States in those cases felt the impossibility of remedying the situation simply by way of interpretation of the treaties. In fact, the risk was a small one as, normally, each party had a direct interest in the appointment of its commissioner and must, in any case, be presumed to observe its treaty obligations. That this was not so in the present case did not justify the Court in exceeding its judicial function on the pretext of remedying a default for the occurrence of which the Peace Treaties had made no provision.

For those reasons the Court, by 11 votes to 2, answered question III in the negative. It held that it was therefore unnecessary for it to consider question IV, which required an answer only in the event of an affirmative answer to the preceding question.

Judge Krylov, while joining in the conclusions of the Court's Opinion and the general line of argument, declared himself unable to concur in the part of the Opinion dealing with the problem of international responsibility as, in his opinion, this problem went beyond the scope of the request for opinion.

Judges Read and Azevedo, declaring that they were unable to concur in the Opinion of the Court, appended statements of their dissenting opinions.

(2) Dissenting Opinions of Judges Read and Azevedo

Judge Read, in his dissenting opinion, stated that he was of the opinion that an affirmative answer should be given to both questions III and IV. The central issue, he stated, was whether the provisions of the Peace Treaties should be construed as authorizing Bulgaria, Hungary and Romania to frustrate the operation of the "disputes article" and to prevent judicial review of the charges and decision of the disputes, by the device of defaulting on their obligations under the Peace Treaties in the matter of appointing their national representatives on the treaty commissions.

The text of the "disputes article" considered by themselves, Judge Read held, showed a firm intention of the Parties concerned to provide a workable compulsory jurisdiction to deal with disputes arising out of the substantive provisions of the Peace Treaties. A negative answer to question IV would destroy these articles as an effective guarantee of the substantive provisions of the Peace Treaties; it would render largely nugatory the undertakings given in the Treaties to secure the enjoyment of human rights and fundamental freedoms.

Judge Read stated that in the present instance, the Government in default, by failing to appoint its representative to the treaty commission, clearly waived its rights or privileges under the Peace Treaties and defaulted in the performance of its duty—although, of course, it would be open to that Government at any time to withdraw its waiver to comply with its obligations under the Peace Treaties and to make an appointment—but no party to a treaty could destroy the effect of the treaty itself by its own default or by its failure to exercise a right or a privilege. In the present instance, that Government could not by such an omission prevent the treaty commission from performing its allotted task.

In his opinion, a negative answer to question IV would lead to the establishment, by the process of judicial interpretation, of an escape clause, available only to treaty violators, which would enable a defaulting Party to the Peace Treaty to destroy the effectiveness of the "disputes article" and to disregard with impunity most of its undertakings under the substantive provisions, and, in particular, to render largely nugatory the guarantees for securing human rights and fundamental freedoms.

Judge Azevedo, in his dissenting opinion, stated that he gave an affirmative answer to both questions III and IV. There was nothing in the preparatory work for the Peace Treaties, he explained, to show that the Parties concerned contemplated the eventuality of all disputes remaining without a solution, practically facilitating the non-performance of the Treaties themselves. A strict interpretation limited to an examination of one text only and which took as its data a partial intention of the Parties, could not, in his view, prevail, especially if it confirmed the complete breakdown of the whole machinery for solving the disputes, although it was recognized in theory that a responsibility arose from the fact that an international obligation had been violated.

The current practice with respect to arbitration tribunals, he pointed out, was to appoint the third member after the other members had been appointed, or at the same time; but this empirical observation by no means justified the Court's reading into the texts of the Peace Treaties a condition which did not exist.

An excessive respect for formulae, he went on to say, should not result in the extension of a mere concept such as, for instance, the one of the "fundamental procedural order" which had sometimes been put forward to give exceptional importance to the timing of the constitution of an organ, to

the detriment of social exigencies and for the exclusive benefit of those who were forgetful of their promises, whether they be individuals or States.

In Judge Azevedo's opinion, the absence of the "representative" of one of the parties was no reason for suspecting the third member, whose function was not in any way changed thereby. Whether he acted with one or two members, he remained free to have the last word.

In case of default, Article 53 of the Court's Statute contented itself with a recommendation to the International Court to exercise a certain *ex officio* control, which it had already had occasion to exert. There was nothing to prevent organs which functioned in an incomplete way from taking their guidance from the same principle when they were about to make their decisions.

The Court's advisory opinion in the second phase was notified to the Secretary-General by the Registrar on 18 July 1950.

2. Consideration by the General Assembly at Its Fifth Session

The General Assembly, at its fifth session, considered the question at the 2nd to 6th meetings of the Ad Hoc Political Committee, 2 to 5 October, and at the 302nd and 303rd plenary meetings, 3 November 1950.

a. DISCUSSION IN THE AD Hoc POLITICAL COMMITTEE

The Committee had before it the advisory opinions of the Court, an Australian draft resolution (A/AC.38/L.1) and two amendments to it—a Bolivian amendment (A/AC.38/L.2) and a Cuban amendment (A/AC.38/L.3).

The Australian draft (A/AC.38/L.1) would have the Assembly: take note of the advisory opinions of the Court; express its grave concern at the failure of Bulgaria, Hungary and Romania to fulfil their obligation to appoint representatives to the treaty commissions; express its opinion that the conduct of these Governments indicated that they were aware of breaches of their obligations to secure the enjoyment of human rights and fundamental freedoms in their countries; note that serious accusations on these matters continued to be made without satisfactory refutation; and invite the Members of the United Nations to submit to the Secretary-General all evidence available to them in relation to the matter.

The Bolivian amendment (A/AC.38/L.2) to the Australian draft proposed to insert a new paragraph declaring that every violation of human

rights and fundamental freedoms concerned the United Nations as a whole. It would also invite the Secretary-General to notify the Members of any information he might receive in connexion with this question.

The Cuban amendment (A/AC.38/L.3), would *inter alia*, condemn the violation of human rights by Bulgaria, Hungary and Romania; consider their attitude as further evidence that these Governments were incapable of complying with their international obligations; decide that without modification in their attitudes their applications for membership in the United Nations should not be entertained; and suggest that the item should be placed on the agenda of the sixth session.

At the fifth meeting of the Ad Hoc Political Committee on 5 October, Australia introduced a revised draft resolution (A/AC.38/L.1/Rev.1) as amended by agreement with Bolivia and Cuba. The revised draft resolution incorporated the following changes: an additional paragraph was inserted at the beginning of the preamble, stating that the General Assembly considered that one of the purposes of the United Nations was to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms; a new paragraph 2 was added condemning the refusal of Bulgaria, Hungary and Romania to appoint representatives to the treaty commissions; a statement to the effect that the three Governments were indifferent to the sentiments of the world community was added to paragraph 3; a sixth paragraph was included, inviting the Secretary-General to notify the Members of any information he might receive in connexion with the question. At the same meeting, Bolivia and Cuba withdrew their respective amendments (A/AC.38/L.2; A/AC.38/L.3).

The representatives of, *inter alia*, the following countries supported either fully or in part the ideas embodied in the revised Australian draft: Australia, Bolivia, Brazil, Canada, Cuba, the Dominican Republic, El Salvador, Ecuador, France, Greece, Lebanon, Liberia, the Netherlands, Norway, the Philippines, Sweden, Thailand, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay, Venezuela and Yugoslavia.

It was argued that Bulgaria, Hungary and Romania persistently refused to carry out the provisions for free elections agreed upon at Yalta. The three Governments, it was stated, had reorganized their judicial systems with the result that guarantees of justice had been ruthlessly destroyed, and judges, lawyers and the public had become the

instruments of political power and oppression. Recent court trials in the three countries were in fact "staged" by the ruling political group and justice was administered by arbitrary arrest, privation and torture of the accused, and guilt was assumed and proclaimed from the outset, it was charged.

The Governments of the three States, it was stated, had made no valid refutation of the charges brought against them. They had refused to use the arbitration machinery provided in the Peace Treaties; they had refused to abide by the opinion of the International Court and they were continuing to violate the fundamental rights guaranteed to all peoples by the Charter. Any nation with a sense of its international responsibilities would have made every effort to clear itself of the grave charges¹⁹ against it.

It was considered that there was little object in appointing a body to make further inquiries in the case, as there was no likelihood that, a fact-finding committee established by the United Nations would be permitted by Bulgaria, Hungary and Romania to discharge its functions effectively. A commission of inquiry would not be admitted to the three States concerned and would be forced to work on the basis of documentation alone. In such circumstances, the best procedure, as proposed in the Australian draft resolution, was to invite all States to report to the Secretary-General all evidence of further breaches of the treaties so that the free world would be informed of all developments.

It was emphasized that it was the duty of the General Assembly to condemn the States which continued to infringe individual liberties, and to continue to expose such violations. Accordingly, the Assembly could not, solely on the grounds that the accused parties had frustrated the arbitration procedures provided in the Peace Treaties, abandon the question under discussion. The Assembly must provide some means to make known to the world the facts on the substance of the charges brought against Bulgaria, Hungary and Romania. They could not be permitted to disregard individual rights indefinitely.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed, the Australian draft. These representatives declared that they had maintained from the outset that there was no real basis for the charges brought against Bulgaria, Hungary and Romania and no justification for placing the

¹ See Y.U.N., 1948-49, pp. 316-27.

question before the General Assembly. They argued that a review of the case indicated that the charges brought against Bulgaria, Hungary and Romania had never been substantiated, and that they had been artificially invoked as the basis of a dispute to which the provisions of the Charter had been arbitrarily applied. Furthermore, the principle that the United Nations should not consider matters which were within the domestic jurisdiction of States must apply equally to all States, including Bulgaria, Hungary and Romania.

They stated that Bulgaria, Hungary and Romania had prosecuted spies and saboteurs whose activities jeopardized internal peace and stability; they had not merely brought to trial political dissidents or persons misled by their religious convictions. The trial procedures, to which vociferous objections had been raised by those who had initiated action against the three States, had been scrupulously fair: the accused had been condemned on the basis of complete and irrefutable evidence; the courts had complied with accepted legal standards; and the rights of the defendants had been adequately safeguarded.

They stated that the Constitutions of Hungary, Bulgaria and Romania provided full and adequate protection for human rights and fundamental freedoms, that all citizens were equal before the law and that all must bear the responsibility for their crimes, regardless of their rank or position. Therefore, the prosecution of persons who had sought to overthrow the existing Governments and had been engaged in subversive and criminal activities against the States, was not a violation of human rights but a sovereign right and a legal duty of the States concerned. They further stated that the Governments of Bulgaria, Hungary and Romania were fully complying with all provisions of the peace treaties, and especially the specific provision authorizing the outlawing of all fascist organizations and groups seeking to undermine the State. The failure of direct interference by the ruling circles of the United States and the United Kingdom in the internal affairs of the People's Democracies forced them to embark upon a campaign of slander and defamation of these Governments, by using alleged violations of the peace treaties as their pretexts.

These slanderous attacks, they maintained, were tantamount to a violation of their sovereign rights and an intervention in their domestic affairs. They were designed to disrupt the political and economic development of those regimes with a view to furthering the expansionist plans of the Anglo-American bloc.

The Assembly, they said, should not endorse baseless charges against Bulgaria, Hungary and Romania. It should reject the revised Australian draft and remove the item from its agenda.

The representative of Mexico declared that the Mexican Government felt that all countries were not in the same position when it was a question of the application of the principles of international law and the observance of human rights and fundamental freedoms. In the first place, it was a fact, he stated, that under the provisions of the Charter itself, certain States, permanent members of the Security Council, could paralyse the Council's activities and make it impossible for the United Nations to intervene in that and other matters; secondly, the observance of human rights and fundamental freedoms had not evolved on identical lines in all countries.

For those reasons, the Mexican delegation thought that account should be taken of Article 2, paragraph 7, of the Charter and was forced to consider that, for the time being, the question of the observance of human rights and fundamental freedoms still fell exclusively within the domestic jurisdiction of States. The General Assembly and the Security Council had therefore no competence in the matter. Consequently, Mexico he said, would vote against the last four paragraphs of the revised Australian draft resolution (for text, see below).

The representative of Yugoslavia stated that Bulgaria, Hungary and Romania had forcibly deported Yugoslav citizens and forced Yugoslavs, born in territories occupied by Bulgaria and Hungary, to adopt the nationalities of these countries. In 1948, Hungary had stopped payment of compensation for war damage as provided in the Peace Treaties; it likewise had suspended restitution of Yugoslav property seized during the war. The three countries also encouraged propaganda against Yugoslavia and were constantly creating border incidents. He declared that the Australian draft resolution did not deal with the most serious of the violations of which Bulgaria, Hungary and Romania were guilty. Nevertheless, one part stressed the need for a careful and thorough inquiry. His delegation would accordingly vote in favour of it.

The representatives of Saudi Arabia and Syria declared their intention of abstaining from voting on the Australian draft. Both considered that the draft resolution discussed presumptions rather than established facts. The representative of Saudi Arabia submitted that the Opinion of the International Court related more to procedural matters.

than to matters of substance. The representative of Syria, on the other hand, declared that he would vote for that part of the Australian draft relating to the advisory opinion of the Court. Syria, he explained, had always endeavored scrupulously to observe the clauses of international treaties to which it was a party.

During the general debate in the Committee, a number of representatives commented on the advisory opinions of the Court, some expressing agreement with the Court's opinions and others criticizing them. The representative of Uruguay, for example, declared that in his opinion the second phase of the advisory opinion of the Court raised "very serious questions involving the fate of the entire system of treaties for arbitration and the peaceful settlement of disputes". The majority opinion of the Court, he argued, might have the immediate consequence of making most of the treaties which in effect called for conciliation, arbitration and other methods of peaceful settlement optional in character. He considered that the majority opinion meant that, unless there was an express provision in the text of a treaty for arbitration, the court or commission in question could not be established and the obligation to arbitrate could not be fulfilled when one of the parties to the treaty refused to designate its representative to the court or commission or to co-operate in the establishment of such bodies. The representative of Cuba stated that he fully supported the position of the Uruguayan delegation "that the excessively literal interpretation given by the Court jeopardized all existing systems of international arbitration". The representative of the United States, while declaring that his Government would abide by the Court's opinions in letter and spirit, stated that his Government did not share the Court's view on question III and hoped that the decision of the dissenting judges in the second phase would ultimately become the law of the nations.

The representative of Bolivia also declared that his Government was "ready to bow to the opinion of the Court", but it regretted that the Court was "so circumspect in its search for agreement between the parties". Such an over-cautious attitude, he warned, would tend to stultify the whole system of collective negotiation.

The representative of Canada said that in the view of his delegation, the Assembly was bound by the provisions of the Charter concerning human rights to condemn the systematic attacks on individual freedoms which available evidence imputed to Bulgaria, Hungary and Romania. The

Court's rulings, he stated, made it difficult, if not impossible, for the United Nations to prevent such attacks, or to assist the victims of oppression, since the accused parties obstinately refused to set in motion the machinery for an impartial investigation of the facts.

The representatives of the Byelorussian SSR, Poland and the USSR argued that the International Court of Justice had no competence to give an advisory opinion on the question, since Article 96 of the Charter authorized advisory opinions on legal questions only. They stated that the Court was not empowered to interpret and construe the provisions of the Peace Treaties; only the signatories were authorized to do so. They declared that there was nothing in the Peace Treaties which authorized the Court to advise on their interpretation or execution and that the Court itself had acknowledged that it was not competent to give an opinion on violations of those Treaties and that it had found no violation. They added that the matter submitted to the Court was not a legal question, but was an attempt, based on political considerations, to use the authority of the Court as a means of exerting political pressure on Bulgaria, Hungary and Romania. They stated, moreover, that the advisory opinion was illegal because it dealt with a non-existent dispute. In this connexion, the representative of the USSR explained that the relevant articles of the Peace Treaties required that one party to any dispute must be Bulgaria, Hungary and Romania, while the second party must be the United States, the United Kingdom and the USSR acting jointly. If such joint agreement could not be reached, no action could be taken under the Treaties. Since the USSR did not recognize the existence of grounds for claims against Bulgaria, Hungary and Romania, and since none of the three States was a party, the prerequisites for a dispute were lacking and no dispute could be said to exist.

At its sixth meeting on 5 October, the Ad Hoc Political Committee, after a paragraph-by-paragraph vote on the revised draft resolution (A/AC.38/L.1/Rev.1) submitted by Australia, as amended by agreement with Bolivia and Cuba, adopted the draft resolution as a whole, by 39 votes to 5, with 13 abstentions.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The report of the Ad Hoc Political Committee (A/1437) was considered by the General Assembly at its 302nd and 303rd plenary meetings on 3 November. Arguments both in favour of and

against the draft resolution adopted by the Committee similar to those advanced in the Committee were repeated in the plenary meetings of the Assembly.

Representatives of the following countries spoke in support of the draft resolution: Australia, Bolivia, Cuba, France, New Zealand, Turkey, the United Kingdom and the United States. They declared that the draft resolution was an attempt to deal with the situation created by the refusal of Bulgaria, Hungary and Romania to co-operate in the settlement of those disputes regarding the observance of human rights in accordance with the procedures laid down in the Peace Treaties, and in accordance with procedures which the International Court of Justice held that they were obliged to carry out. Friendly relations among States, it was explained, depended upon respect for treaty obligations. What the General Assembly was confronted with was not merely a dispute arising out of a treaty between the parties to the treaty, but a wilful and flagrant refusal on the part of the accused Governments to settle their disputes by peaceful means in accordance with their treaty obligations.

The supporters of the draft resolution argued that it rightly declared that the conduct of the three Governments in this matter was such as to indicate that they were aware of their responsibility for the violation of their treaty obligations and were indifferent to the sentiments of the world community. No other conclusion, they submitted, could be drawn from the conduct of the accused Governments. The Governments concerned avoided all serious discussion before the Assembly's committees, or under the treaty procedures. They defended themselves only in propaganda statements and by irrelevant counter-charges and were unwilling to defend their record before any international tribunal and to be judged in any impartial forum in accordance with the law and the evidence.

Some of the representatives supporting the draft resolution, in particular the representative of Cuba, regretted that the resolution did not go further. He felt that in this case the General Assembly was acting in a very cautious and circumspect manner. In his opinion, the argument that the safeguarding of human rights was a domestic concern of States was invalid; no State based on a free and respected citizenry could hide behind such an argument in order to avoid its fundamental duties to its subjects. Attacks upon individual freedoms, he said, wherever they might occur, went beyond national frontiers and assumed

a world-wide character. The Members of the United Nations, he argued, were committed under Article 55 c of the Charter to promote universal respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. It was therefore not optional but mandatory for the General Assembly to intervene firmly in all cases of flagrant and systematic violations of fundamental human freedoms.

The representatives of Czechoslovakia, Poland and the USSR spoke against the Committee's draft resolution. They maintained that the General Assembly was not competent to ask for the advisory opinion of the International Court of Justice on the matter because it was a matter exclusively within the domestic jurisdiction of Bulgaria, Hungary and Romania. Nor was the Court competent to discuss the matter without the consent of the Governments of the States directly concerned. They stated that the trials held in Bulgaria, Hungary and Romania, which were used by the United States and the United Kingdom as a pretext for attempted interference in the domestic affairs of these States, had shown clearly that the accused persons were leaders or members of anti-democratic and anti-popular organizations whose purpose was to deprive the peoples of those countries of their democratic rights.

No one, they submitted, had been able to substantiate the allegation that fundamental rights had been violated by Bulgaria, Hungary and Romania. All statements to that effect had been mere accusations, and empty accusations at that. They went on to state that the real reason why the question was raised was the desire of the United States and the United Kingdom to divert attention from the revelations concerning Anglo-American espionage and subversion in Bulgaria, Hungary and Romania and to use the United Nations in order to exert political pressure on those countries.

The draft resolution, they contended, was unacceptable both in its substance and in its wording. It was not a compromise as stated by the representative of the United States, but a diktat of a coerced majority. They urged the General Assembly to reject the draft resolution and thereby to discontinue the consideration of an item which had long been an obstacle in the efforts of the Assembly to develop friendly relations among nations, and which had contributed to preventing the United Nations from becoming a centre for harmonizing the actions of nations in the attainment of common ends.

The representative of Iraq declared that his delegation would abstain from voting on the proposal, not because of lack of sympathy for its underlying aims and principles but because his delegation felt that any observation of human rights should be dealt with universally. His delegation, he went on to say, could not think of human rights being observed in Bulgaria, Hungary and Romania and forgotten in Palestine and Africa, especially in North Africa.

A motion by the representative of Greece for closure of the debate was adopted by 32 votes to 10, with 9 abstentions. The Committee's draft resolution was then voted upon, first by paragraphs and then as a whole. It was adopted as a whole by 40 votes to 5, with 12 abstentions.

The representative of the Ukrainian SSR, in explaining his negative vote, stated that the resolution undermined the prestige of the United Nations and the confidence in it of the peoples of the world. His Government did not recognize the resolution, which he said, was a flagrant violation of the Charter and of international law.

The resolution (385(V)) adopted read as follows:

The General Assembly,

Considering that one of the purposes of the United Nations is to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Having regard to General Assembly resolutions 272(III) and 294(IV) concerning the question of the observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms, and to its decision in the latter resolution to submit certain questions to the International Court of Justice for an advisory opinion,

1. Takes note of the advisory opinions delivered by the International Court of Justice on 30 March 1950 and 18 July 1950 to the effect that:

(a) The diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand, and certain

Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of article 2 of the Treaties with Bulgaria and Hungary and article 3 of the Treaty with Romania, disclose disputes to the provisions for the settlement of disputes contained in article 36 of the Treaty of Peace with Bulgaria, article 40 of the Treaty of Peace with Hungary, and article 38 of the Treaty of Peace with Romania;

(b) The Governments of Bulgaria, Hungary and Romania are obligated to carry out the provisions of those articles of the Treaties of Peace which relate to the settlement of disputes, including the provisions for the appointment of their representatives to the Treaty Commissions;

(c) If one party fails to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Romania where that party is obligated to appoint a representative to the Treaty Commission, the Secretary-General of the United Nations is not authorized to appoint the third member of the Commission upon the request of the other party to a dispute;

2. Condemns the wilful refusal of the Governments of Bulgaria, Hungary and Romania to fulfil their obligation under the provisions of the Treaties of Peace to appoint representatives to the Treaty Commissions, which obligation has been confirmed by the International Court of Justice;

3. Is of the opinion that the conduct of the Governments of Bulgaria, Hungary and Romania in this matter is such as to indicate that they are aware of breaches being committed of those articles of the Treaties of Peace under which they are obligated to secure the enjoyment of human rights and fundamental freedoms in their countries; and that they are callously indifferent to the sentiments of the world community;

4. Notes with anxiety the continuance of serious accusations on these matters against the Governments of Bulgaria, Hungary and Romania, and that the three Governments have made no satisfactory refutation of these accusations;

5. Invites Members of the United Nations, and in particular those which are parties to the Treaties of Peace with Bulgaria, Hungary and Romania, to submit to the Secretary-General all evidence which they now hold or which may become available in future in relation to this question;

6. Likewise invites the Secretary-General to notify the Members of the United Nations of any information he may receive in connection with this question.

K. TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

The General Assembly, on 14 May 1949, adopted resolution 265(III)¹²⁰ inviting India, Pakistan and the Union of South Africa to hold a round table discussion on the question of the treatment of people of Indian origin in South Africa. Negotiations for holding such a discussion, however, fell through, and India in a letter (A/1289) dated 10 July 1950 requested the

Secretary-General to place this question on the agenda of the Assembly's fifth session.

A memorandum (A/1357 & Corr.1 & 2) on the developments subsequent to General Assembly resolution 265(III) was later submitted by India. In this memorandum, India stated that certain preliminary talks were held between the delegates

¹²⁰ See Y.U.N., 1948-49, p. 310.

of India, Pakistan and the Union of South Africa in Cape Town in February 1950, when it was agreed that a round table conference should be held. India declared that it found it impossible to attend the proposed conference because it charged, among other things, the Group Areas Act which the Union of South Africa contemplated at the time involved further discrimination against South African nationals of Indian origin. Pakistan also withdrew for similar reasons. Accordingly, India once more brought the matter before the General Assembly.

1. Consideration in the Ad Hoc Political Committee

The General Assembly referred the question to the Ad Hoc Political Committee which considered it at its 41st to 48th meetings, 14-18 and 20 November.

a. QUESTION OF THE COMPETENCE OF THE UNITED NATIONS

Much of the discussion in the Committee centred in the question of United Nations competence in this matter. At the outset of the discussion, the representative of the Union of South Africa, speaking on a point of order, raised this question. He declared that, according to international law, the relationship between a State and its nationals, including the treatment of those nationals, was a matter exclusively of domestic jurisdiction, which brooked of no intervention either by another State or by any organization and was subject only to treaty obligations under which the State might have waived its inherent right of sovereignty. The United Nations, he argued, had no competence to intervene in the item before the Committee as it related to the treatment of South African nationals.

The representative of India stated that, under cover of a point of order, the representative of South Africa was raising a question of substance in connexion with the competence of the United Nations. The Indian representative felt that the question of competence, or lack of competence, could appropriately be raised only when the Committee was fully cognizant of the subject matter.

Other representatives, including those of Lebanon and Syria, considered that the question of competence should be deferred by the Committee until all of the facts had been presented to it by both parties concerned.

The representative of Cuba expressed the view that the Ad Hoc Political Committee could not vote on competence, generally speaking, because that question had been decided by the General Committee and by the General Assembly which had approved the report of the General Committee. The item submitted by India was therefore definitely within the competence of the Ad Hoc Political Committee, to which it was referred by the Assembly, and, if any doubts in connexion with competence should persist, it was for the General Assembly rather than the Ad Hoc Political Committee to make a final decision.

At the 41st meeting of the Ad Hoc Political Committee on 14 November, the Chairman ruled that the discussion would proceed on both the question of competence and the substance of the item, and that a vote would be taken on the question of competence prior to voting on any proposals submitted.

In addition to the representative of India, the representatives of the following States, among others, considered the United Nations competent to deal with the item under consideration: Denmark, Ecuador, Iraq, Lebanon, Mexico, Pakistan, the Philippines, the United States, Uruguay and Yugoslavia. In support of their stand they advanced the following arguments:

Matters which, by their nature, could assume an international complexion or give rise to international repercussions, especially if they threatened to impair relations between States or jeopardize international peace and security, ceased to be essentially within the domestic jurisdiction of States. The policy of the South African Government, it was stated, had had that effect on the relations between that country and India and Pakistan and, more broadly, on the general situation of peace and security.

South Africa had assumed certain obligations towards India under the direct agreements of 1927 and 1932 and under the United Nations Charter.

There were many articles in the United Nations Charter, such as Article 1, paragraph 3, Article 13, sub-paragraph 1b, and Articles 55 c, 5.6 and 62, which stressed the paramount importance of human rights. The Preamble itself, which had the same legal force as the rest of the Charter, affirmed faith in fundamental human rights. The statement of purposes in Article 1 and the relevant parts of the Preamble were sufficient to establish the competence of the United Nations to deal with the matter and to make recommendations, in accordance with Articles 10 and 14 of the Charter.

The Charter clearly bound Members to promote human rights and fundamental freedoms without distinction as to race, sex, language or religion, and Article 2, paragraph 7, referring to domestic jurisdiction, could not be used as a basis for repudiation of such obligations.

Although the Universal Declaration of Human Rights, adopted by the General Assembly in December 1948, had no legal binding force on Members of the United Nations, nevertheless, it could not be denied that the Declaration had the moral force of a recommendation of the Assembly. It imposed the moral obligation upon States to promote respect for human rights through education and, by progressive measures, national and international, to obtain their effective observance by the peoples of their territories. When a Member State deliberately flouted the Declaration and the Charter by adopting legislation violating human rights and reversing the trend toward the larger freedom of all peoples, the General Assembly was fully entitled to express concern regarding its conduct. Intervention by one State in the affairs of another was a real danger; intervention by the collective body of the United Nations for the sake of freedom and in accordance with the principles of the Charter was appropriate international action.

The problem did not only concern South Africa and the Indians in that country, but raised a serious question, that of relations between Asian peoples and Western peoples, between coloured and non-coloured peoples. Consequently, it was of great international importance. It would not be an exaggeration to say that a satisfactory solution of the question would have considerable influence on future relations between the East and West and, more immediately, on the situation in Asia. Unless the people of Korea, of Indochina and other parts of Asia received an assurance that the United Nations would defend the principle of human equality and the ideal of human brotherhood, its efforts in that field would be largely in vain.

The rigid interpretation of Article 2, paragraph 7, would result in nullification of the Charter, stultification of any action of the General Assembly and paralysis of the work of any organ of the United Nations.

The problem was closely bound up with the question of friendly relations between peoples, and with the question of international peace and security. For that reason it was not Article 2, paragraph 7, of the Charter which was operative,

but Article 10. Article 10 authorized the General Assembly to "discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12" to "make recommendations to the Members of the United Nations or to the Security Council, or to both, on any such questions or matters". Under that Article, the General Assembly and the Ad Hoc Political Committee were fully empowered to discuss the question of the treatment of Indians settled in South Africa.

The representative of the Union of South Africa maintained that the United Nations was not competent to formulate recommendations on the substance of the matter. He was supported in this contention by, among others, the representatives of Australia and Greece.

These representatives argued that the Charter provided no evidence whatsoever to support the intervention of the United Nations in a subject such as that before the Committee. The item related to the treatment of South African nationals and the United Nations had no competence to intervene in a matter which was within the exclusive domestic jurisdiction of the Union Government. Article 2, paragraph 7, of the Charter prevented the United Nations from dealing with such matters. The persons in question were South African citizens and, consequently, were within the sole jurisdiction of the South African Government. Their status and rights were therefore matters solely for that Government.

It was clear that there were no relevant treaty obligations in virtue of which the question of the treatment of people of Indian origin in the Union of South Africa could be regarded as a matter of international concern. The Cape Town Agreements of 1927 and 1932, defining the status of South African Indians, concerned only the domestic affairs of the Union of South Africa, and could not therefore become a matter for international action under the Charter.

There was danger that unless the question of jurisdiction were satisfactorily decided, the rights and obligations of the Member States which derived from their status as sovereign States would be continually disputed. If that process were not checked, the small nations, which did not possess the right of veto, would ultimately be led toward the total abdication of their sovereign rights. Any failure to observe the principle of non-intervention in the domestic affairs of States carried with

it a threat to the Organization itself, since one of the main purposes of the United Nations was to achieve international co-operation, and a policy of intervention or interference would have the effect of destroying rather than promoting that co-operation. The discussions at San Francisco constituted clear evidence that the representatives of the various States would either not have agreed to the enlargement of the functions and powers of the Organization—particularly in regard to economic and social matters—or they would have refused to subscribe to the Charter unless it had contained the over-riding protection afforded by Article 2, paragraph 7.

Articles 10 and 14 as well as all other Articles of the Charter were governed by Article 2, paragraph 7. It had been argued that Articles 55 and 56 clearly obliged any Member State to carry out the human rights provisions in spite of Article 2, paragraph 7. In this respect, the representative of South Africa recalled that, in order to allay any misgivings as to whether the obligation of Article 56 impinged upon the protection afforded by Article 2, paragraph 7, the framers of the Charter had recorded their agreement that "nothing contained in Chapter IX . . . can be construed as giving authority to the Organization to intervene in the domestic affairs of Member States".¹²¹ It was therefore inappropriate to suggest that the protection which had been designed specifically to prevent any such conclusion was non-existent.

Those members of the Committee who felt that human rights and fundamental freedoms were matters of such international concern as to be removed beyond the sphere of domestic jurisdiction should, to be consistent, be prepared to apply the same argument to other matters mentioned in Article 55—higher standards of living, full employment, and so on. Those Members should therefore consider whether they were prepared to be brought to account before the United Nations on the allegation of another State that they had failed to give effect to the provisions of Article 55 a and Article 55 b.

The representative of Australia stated that the members of the Committee should realize that if the United Nations thought it could deal with the question of the treatment of people of Indian origin in the Union of South Africa, basing its competence either on racial origin or on the general principle of human rights, that would imply that the United Nations could intervene in what the Australian delegation regarded as the domestic affairs of other countries. Thus, if any State with

racial or religious minorities within its borders were accused by another State of ill-treating those minorities or of depriving them of their civic, religious or other rights, it would have to defend before the Organization any of the measures it had adopted with regard to those populations. Any such assumption of functions by the United Nations would be unwise as well as illegitimate. Such complaints, even if justified, had much better be settled by direct negotiation between the Governments themselves than by the United Nations.

If India, Pakistan or any other country were not satisfied with the treatment given to South African nationals, the Government concerned should attempt to settle the matter through the normal diplomatic channels rather than by applying to the United Nations. Recourse to the United Nations could not, and should not, replace direct negotiations between the States concerned.

The representative of Greece stated that the duty of the General Assembly was to facilitate understanding between Member States and the peaceful settlement of disputes, and not to pass judgment. In any case, the future relations between East and West could not be improved by condemnation, but only by promoting conciliatory measures. He also declared that it was inadmissible for the Organization to pass judgment on a Member State which had contributed to the United Nations forces in Korea and whose airmen were giving their lives for the ideals of the United Nations.

The representatives of France and Belgium declared their intention of abstaining on the matter.

The representative of France recalled that the French delegation had abstained from voting on the question of competence in 1949 and pointed out that no new circumstances had arisen to alter his delegation's views. It still could not understand how the racial origin of the persons concerned could justify United Nations interference in the affairs of the Member State in whose territory they were found. Furthermore, little light had been shed on the provisions of the agreement concluded by the parties concerned with regard to the rights of persons of Indian origin.

The representative of Belgium stated that as long as the question of competence had not been elucidated in a precise manner, his delegation would be unable to adopt any stand in the General Assembly on the substance of the matter.

¹²¹ See Documents of the United Nations Conference on International Organization (San Francisco, 1945), Vol. 10, Commission II, doc. 861, par. 10.

The Ad Hoc Political Committee, at its 46th meeting on 18 November, voted on a Syrian proposal (A/AC38/L.40) which stated that the Committee was competent to consider and vote on such proposals as had been submitted on the question. The proposal was adopted by the Committee by a roll-call vote of 35 to 3, with 17 abstentions.

The representative of Turkey explained that he had abstained in the vote because his delegation had wished to avoid a vote on the question of competence. The Syrian proposal, he felt, left unresolved the larger problem of competence raised by the Union of South Africa regarding the general juridical implications of the Charter limiting the legal jurisdiction of Member States in questions of human rights. A jurisprudence on that delicate subject, he explained, would be formulated progressively over a period of years as a result of studies by experts and the practice established with regard to specific questions. The Turkish delegation, he went on to say, had wished to avoid taking a general legal decision and had feared that its vote in favour of the Syrian proposal might have been interpreted as a final judgment on the general matter of competence, although it considered the Assembly competent on the specific question of the treatment of people of Indian origin in South Africa.

The representative of the United Kingdom stated that he had abstained in the vote because his delegation considered that the International Court of Justice and not the General Assembly should determine the question of competence. The representative of the Netherlands, who had abstained, also considered that the Committee could not take a decision on such a question without an opinion from the Court, which, he stated, should have been consulted.

b. STATEMENT BY INDIA

In presenting India's case to the Ad Hoc Political Committee, the representative of India declared that nearly 300,000 persons of Indian origin lived in the Union of South Africa. Those persons had been brought into South Africa under definite agreements between the Governments of the two countries to the effect that they would have the same rights and privileges and be subject to the same laws as other persons residing in South Africa. Those pledges had not been fulfilled. Except in the Cape Province, these South African nationals of Indian origin had no right of parliamentary or municipal franchise; their right to

own or hold property was restricted to certain areas; they were barred from public office and from apprenticeship or skilled labour in factories; they were denied free movement from one province to another; and they could not freely enter universities and other educational institutions. They were discriminated against in the matter of entry into restaurants, theatres, cinemas, parks, motor vehicles and trains.

In 1946, with the adoption of the Asiatic Land Tenure and Indian Representation Act, further segregation was imposed in violation of the agreements of 1927 and 1932 between India and the Union of South Africa. This led India to bring a complaint before the United Nations in 1946. The General Assembly in December 1946 urged South Africa to take measures to ensure treatment of its Indians "in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter". At its 1947 session, the Assembly approved, but without the required two-thirds majority, a resolution reaffirming its 1946 decision.

In 1948, the new South African Government repealed the limited franchise rights given to Indians under the Asiatic Land Tenure and Indian Representation Act. India once again brought the question before the General Assembly, which on 14 May 1949, invited the two Governments to hold a round table conference, "taking into consideration the purposes and principles of the Charter . . . and the Declaration of Human Rights".

In the meantime, territorial segregation of Indians was extended to trade and business under the Asiatic Land Tenure (Amendment) Act of 1949. Nevertheless, on 4 July 1949 India asked South Africa to suggest a time and place for the round table conference. On 9 July it protested against the 1949 Land Tenure Act as a further violation of the Charter and the Declaration of Human Rights. On 13 July South Africa replied, *inter alia*, that it could accept no compromise on the principle of domestic jurisdiction. On 21 July India agreed to preliminary negotiations, but South Africa on 14 September reiterated its basic position. India, on 22 September, protested against other measures of discrimination, noting that they were not conducive to a favourable atmosphere for the proposed round table conference. It urged the deferment or suspension of those measures. In February 1950, preliminary talks were held between the two Governments.

When the Indian community in South Africa learned the details of the Group Areas Act, various organizations of the Indian community there appealed to India to withdraw from the proposed round table conference. India maintained a conciliatory approach. It urged postponement of action on the bill pending the results of the conference. In reply, the Union Prime Minister limited the second reading of the bill to 22 hours and all stages to 52 hours, and stated that the conference could not be held before 15 September by which time the bill would have become law.

The withdrawal of the Indian Commissioner from the Union of South Africa and India's imposition of trade sanctions were not among the causes of the failure to hold the round table conference. The High Commissioner, the representative of India stated, had been withdrawn three years before the conference was even proposed, and so could not be regarded as a cause of the failure. The trade ban was imposed as a protest against the Asiatic Land Tenure and Indian Representation Act of 1946. Further, India had made it clear in a telegram sent on 10 February 1950, that it was ready to lift the trade ban if South Africa on its part suspended the action which had led to it. Such an attitude could, therefore, not be regarded as an attempt to wreck the prospects of the conference.

Only when all attempts to postpone action on the Group Areas Act failed, did India inform the Union, on 6 June, that it would not take part in the conference. In the circumstances, India felt justified in withdrawing from it.

The policy underlying the Group Areas Act, India explained, was that of apartheid or total segregation, and its effect was to perpetuate racial arrogance. The Act divided the Union's population into three racial groups, allotting to each a "group area", in which only members of that particular race, or companies composed of such individuals, could occupy land or premises. Of the three racial groups, white, native and coloured, Indians came under the last, but they were soon to be constituted into a separate group. They would then be unable to acquire property in a non-Indian group area. Those holding such property in a white group area, would be forced to sell it to a white person, or hold it until death when it would be sold, and only the net proceeds would be reserved to the heirs. An Indian company holding such property would have to sell it to a white person within ten years, failing which it would be compulsorily sold by the Minister of the Interior. All residential

accommodations and business premises occupied by Indians in a white area would have to be vacated.

Taking up the question of competence, the representative of India stated that in its opinion and in the opinion of the countries which supported its interpretation, the conduct of the Union of South Africa constituted a violation of the agreements of 1927 and 1932 between the two Governments and consequently could not be treated merely as a domestic matter. Moreover, that action constituted a violation of the principles of the Charter relating to human rights and fundamental freedoms and could not therefore be considered as essentially a matter of domestic jurisdiction. Also, the treatment of Indians in South Africa had affected the friendly relations between two Member States. During previous sessions in 1946, 1947 and 1949, the various organs of the United Nations which had discussed the question of competence had always decided in favour of the Indian view.

The representative of India then drew attention to the grave implications of the Union's policy, which, he stated, imposed a permanent stigma of inferiority on almost half the human race, constituted a breach of solemn agreements with India, an open violation of the Universal Declaration of Human Rights and a defiance of the Assembly's decisions.

c. STATEMENT BY SOUTH AFRICA

The representative of the Union of South Africa stated that the United Nations had no competence to intervene in a matter which was essentially within the domestic jurisdiction of South Africa. He pointed out that Article 2, paragraph 1, of the Charter, guaranteed the sovereign equality of all Member States and accorded them the rights inherent in full sovereignty. Article 2, paragraph 7, specifically barred intervention in matters "essentially within the jurisdiction of any State".

Nor could he agree that the Universal Declaration of Human Rights warranted intervention in matters that would otherwise be within the domestic jurisdiction of States. The Declaration was still very much a counsel of perfection and a declaration of ideals; it did not create any legal obligations.

Human rights, further, were left uncertain, vague and nebulous concepts in the Charter, and Members could not therefore be said to have undertaken any obligations in respect of them.

There was no analogy between this question and the one relating to observance of human rights

in Bulgaria, Hungary and Romania.¹²² In the latter case, there were specific provisions in the Peace Treaties with those countries which could justify United Nations intervention. Here, there were no treaty obligations which would make the treatment of Indians in South Africa a matter of international concern. Nor was there any analogy between the item before the Committee and the Assembly's action on the Soviet wives of foreign nationals in the USSR.¹²³ The latter case involved persons who were not USSR nationals. The United Nations was therefore not attempting, in that case, to interfere with the way a State treated its own nationals.

The contention that South Africa's agreement to enter into preliminary talks with India and Pakistan constituted a tacit admission of United Nations competence was unfounded. In communicating with India and Pakistan, South Africa made it clear that its action was without prejudice to its views on the question of jurisdiction and also that its agreement to hold the preliminary talks was the result of discussion in London in April 1949 between the Prime Ministers of South Africa and India at a conference of Commonwealth Premiers.

The argument that there were treaty arrangements between South Africa and India, apart from the Charter, which made the question one for international intervention, was likewise completely unfounded. The conclusions reached at the conference between the two Governments in 1926 on the question of Indians in South Africa were announced on 21 February 1927, both in India and South Africa in two somewhat disjointed documents, which contained policy statements by the two Governments in the widest and most general terms. No treaty was drawn up and therefore no treaty obligations existed. Treaty obligations in such wide and general terms would have enabled India to intervene, as of right, against practically every step taken by South Africa.

South Africa considered that the General Assembly had exceeded its powers in taking up the Indian complaint and that therefore it was under no obligation to give effect to the Assembly's recommendation to hold a round table conference on the subject. Nevertheless, South Africa had attempted to comply with the wishes of the United Nations without prejudice to its position on the question of jurisdiction. It therefore sought an opportunity to bring about a meeting of the three Governments concerned as envisaged by the Assembly. Such an opportunity presented itself during the Conference of the Commonwealth

Prime Ministers in London in April 1949, when an informal talk between the Prime Ministers of India and South Africa encouraged the Union Government to hope that further official talks might lead the way to a solution of the Indian problem acceptable to South Africa.

The representative of South Africa observed that India withdrew its High Commissioner from South Africa some years previously and also unilaterally imposed trade sanctions on South Africa. South Africa was prepared to waive its demand that those disabilities should be removed before it entered into the proposed round table conference. Immediately prior to the Cape Town talks in February 1950, Pakistan made a notable contribution by deciding to remove the trade sanctions which were then in force against the Union. But India remained adamant.

India agreed to the holding of the conference while the 1946 Act as amended was in force. The Group Areas Act admittedly did not discriminate against Indians as was alleged of the 1946 Act; for the former applied to all sections of the population of the Union, including Europeans. It was difficult to understand why passing this Act should be adduced as a reason for not participating in the proposed conference when no such objection had been made in regard to the 1946 Act which dealt specifically with Asiatics.

With respect to the Group Areas Act, South Africa had assured India and Pakistan that no group area would be declared before December 1950. If the conference took place as South Africa had suggested, between 15 September and 15 November, it would have preceded any declaration of any group area under the Act. South Africa also informed the two countries concerned that any agreed solution at the conference which entailed amending its legislation would be acted on appropriately and the necessary amendments introduced in Parliament. Thus no law, no matter when passed, curbed the scope of the conference discussions. It was therefore clear that India was responsible for the conference not taking place.

The charge that South Africa denied certain of its citizens fundamental rights and freedoms was also unfounded. No person, whatever his race, colour or religion, was denied the basic rights and fundamental freedoms long recognized in international law and envisaged in the Charter: freedom of conscience, religion and speech.

The very nature of the unique problem with which it was confronted admittedly compelled the

¹²² see pp. 385-97.

¹²³ See Y.U.N., 1948-49, p. 333.

Union to differentiate between the various racial groups but that did not constitute a violation of the human rights and fundamental liberties enunciated in the Charter.

The representative of South Africa stated that his Government was spending more per capita on developing social services among non-Europeans than any other Power in Africa. Describing other measures such as those prohibiting land alienation, controlling the supply of liquor, and protection against want, he pointed out that there was an increase in the indigenous population in South Africa, whereas in many other countries it had almost died out. Indigenous peoples of neighbouring territories were irresistibly drawn towards South Africa by the better living conditions it offered.

He concluded by stating that in the present troubled times the best solution to the problem would be for India to withdraw its complaint and for a round table conference, the door to which was still open, to be held.

d. CONSIDERATION OF DRAFT RESOLUTIONS

At the 41st meeting of the Ad Hoc Political Committee on 14 November, a joint draft resolution (A/AC38/L.33) was submitted by Burma, India, Indonesia and Iraq. It expressed the opinion that "The Group Areas Act" of the Union of South Africa entailed contravention of the purposes and principles of the Charter of the United Nations and the Declaration of Human Rights, and noted with regret that this Act and the policy on which it was based had prejudiced and rendered fruitless the recommendation contained in resolution 265(III), inviting India, Pakistan and the Union of South Africa to enter into discussions at a round table conference. The draft resolution also recommended South Africa to take all steps necessary speedily to bring its treatment of people of Indian origin into conformity with the purposes and principles of the Charter and the Declaration of Human Rights, bearing in mind the vital importance of those principles to the securing of international peace as well as the strengthening of domestic forces throughout the world.

Besides the sponsors the representatives of Cuba, Haiti, Lebanon, Pakistan and Yugoslavia, among others, supported the four-Power draft resolution. These representatives considered that the United Nations could not remain indifferent to the situation created by the adoption of measures of racial discrimination by a Member which

had signed the Charter and accepted the Universal Declaration of Human Rights. They stated that the sole purpose of the joint draft was to find a way out of the untenable situation imposed upon South African nationals of Indian origin.

It was argued that the treatment accorded in the Union of South Africa not only to Indians, but to all non-whites, was a definite threat to international peace and security. At a time when the United Nations was engaged in assisting the peoples of Libya and other areas in their progress towards self-government, the General Assembly could not permit a Member to take measures as retrogressive as the Group Areas Act. The adoption of the joint draft would show that the United Nations continued to support the promotion of human rights and the principle of racial equality.

No compromise, they stated, was possible where the principles of social justice were involved, just as none was possible where international peace and security were threatened.

In addition to South Africa, the representatives of Australia and the Netherlands, among others, voiced their objection to the four-Power draft. The representative of Australia maintained that it went much further than the resolutions previously adopted by the General Assembly. The intervention of the United Nations in the domestic affairs of a Member State was unwise as well as illegitimate, he stated. He, as well as the representative of the Netherlands, maintained that such a complaint had much better be settled by direct negotiation between the Governments themselves than by the United Nations.

The General Assembly, the representative of the Netherlands stated also, could not improve the situation;¹ to bring about open disagreement with South Africa was certainly not a constructive approach. He declared the four-Power draft resolution legally doubtful and politically harmful. It would, he said, be irresponsible to condemn the policy followed by South Africa without a full knowledge of the facts and without making any constructive suggestions as to what that State should do. The only proper course was for the Assembly to call upon the parties concerned once again to discuss their differences at a round table conference.

The representatives of Belgium, France, Turkey and the United States declared their intention of abstaining in the vote on the four-Power draft as they considered that its objective was not the most practical course to follow. The four-Power draft, they stated, did not envisage the resumption of conversations among the countries concerned, yet

these remained the only way of smoothing out the differences and facilitating the application of the principles of the Charter and the Universal Declaration of Human Rights.

At its 43rd meeting on 15 November, the Committee decided, by 25 votes to 4, with 20 abstentions, that the text of "The Group Areas Act" of the Union of South Africa should be circulated by the Secretariat. It was circulated as document A/AC.38/L.34.

At the 44th meeting of the Ad Hoc Political Committee on 16 November, a joint draft resolution (A/AC.38/L.35) was submitted by Brazil, Bolivia, Denmark, Norway and Sweden. It recommended that India, Pakistan and the Union of South Africa should proceed in accordance with resolution 265(III), with the holding of a round table conference on the basis of their agreed agenda and, in the event of failure to reach an agreement within a reasonable time, they should agree on an individual to assist them in carrying through appropriate negotiations. It also called on the Governments concerned to refrain from taking any steps which would prejudice the success of their negotiations.

In addition to its sponsors, the representatives of Israel, France, the Netherlands, Turkey and the United States, among others, supported the five-Power draft. These representatives thought that it would be preferable if the General Assembly did not, at the present time, pass any definite judgment on the substance of the complaint made by India against the Union of South Africa.

They stated that the idea of racial equality was perhaps the greatest spiritual achievement of the twentieth century, and the question of the treatment of races by responsible Governments was becoming a matter of concern to the world community and consequently, to some extent, to the United Nations. It was therefore natural that a nation which felt that a group of people with which it had close ties was being unjustly treated should want to appeal to world opinion.

The problem under discussion, however, was one of great complexity, which was likely to lead to international complications. It was the duty of the United Nations to help to bring about a negotiated settlement while it was still possible. In fact, all possibilities of effecting a negotiated agreement should be exhausted before any further measures were taken. It was doubtful whether a judgment expressed by the United Nations at the present stage would be in the best interests of the group of people concerned.

The supporters of the five-Power draft were fully aware that negotiations might break down again, and provision for such an eventuality had been made in the draft resolution. All were agreed in hoping to find a solution for the problem acceptable to all parties. Any hope for a solution at all in the foreseeable future would have to be on the basis of an agreement by the parties concerned. The five-Power draft was recommended to the Committee as offering such a solution, and an appeal was made to the parties to accept it in the same spirit of conciliation in which it was put forward.

The representatives of South Africa and Indonesia expressed their objection to the five-Power draft. The representative of South Africa stated that because of the unshakable attitude adopted by his Government on the question of competence, his delegation could not support the draft.

The representative of Indonesia considered that the draft provided no solution to the problem before the Committee. Operative paragraph 1 of the draft, he said, proposed the holding of a round table conference; but in the existing circumstances it was impossible to hold such a conference. Moreover, the draft would call upon the Governments concerned to refrain from taking any steps which would prejudice the success of their negotiations; but steps had already been taken which prevented any agreement from being reached by negotiation.

The representatives of Chile and Iraq advocated the adoption of both the four-Power draft (A/AC.38/L.33) and the five-Power draft (A/AC.38/L.35) because in their opinion, the two proposals were not contradictory, but complementary. One would condemn the Group Areas Act and the other would invite the countries concerned to hold a round table conference in order to find a solution to the problem.

At the 45th meeting on 17 November, an amendment (A/AC.38/L.36) to the four-Power joint draft resolution (A/AC.38/L.33) was submitted by Cuba. The representative of Cuba stated that since the policy of apartheid constituted the crux of the matter, and since it was the duty of the United Nations to oppress such a policy, his delegation wished to submit the amendment which proposed the insertion between the third and fourth paragraphs of the preamble a clause to the effect that the policy of racial segregation (apartheid) was necessarily based on the doctrines of racial discrimination. At the 47th meeting, the representative of Cuba declared that, should the Committee decide to vote first on the five-Power joint draft resolution (A/AC.38/-

L.35), the Cuban amendment should also be considered as an amendment to that draft resolution.

Also at the 45th meeting, an amendment (A/AC.38/L.38) was submitted by the Philippines to the five-Power joint draft resolution (A/AC.38/L.35) to include a reference in the preamble to the Charter and the Declaration of Human Rights and an addition to paragraph 3 calling for suspension of the enforcement of "The Group Areas Act" pending the conclusion of the negotiations. The amendment was, however, withdrawn at the 46th meeting on 18 November in favour of a new joint draft amendment (A/AC.38/L.39) embodying the Philippine amendment. This new amendment to the five-Power joint draft resolution (A/AC.38/L.35) was submitted jointly by Ecuador, Mexico, the Philippines and Uruguay. It provided for:

(a) the insertion of an additional paragraph to the preamble — calling the Assembly's attention to resolution 103(I) of 19 November 1946 against racial persecution and discrimination, and to resolution 217 (III)¹²⁴ of 10 December 1948 relating to the Universal Declaration of Human Rights;

(b) the stipulation that the Governments concerned bear in mind the provisions of the Charter and the Universal Declaration of Human Rights when they held the proposed round table conference;

(c) the stipulation, *inter alia*, that the proposed round table conference be held within a reasonable time, and further that in the event the Governments concerned were unable to come to an agreement on the designation of an individual to assist the parties in carrying through appropriate negotiations, the Secretary-General be authorized, at the request of any of the parties, to appoint the individual;

(d) calling upon South Africa to refrain from implementing or enforcing the Group Areas Act while negotiations were being conducted; and

(e) the decision to retain this item in the agenda of the Assembly's next regular session.

At the 47th meeting on 20 November, the representative of Brazil, on behalf of the sponsors of the five-Power joint draft resolution (A/AC.38/L.35), accepted all the amendments (A/AC.38/L.39) proposed by Ecuador, Mexico, the Philippines and Uruguay, except the amendment relating to the Group Areas Act. At the same meeting, the following amendments were submitted to the amendment (A/AC.38/L.39) of Ecuador, Mexico, Philippines and Uruguay:

(a) By Iraq (A/AC.38/L.41), to provide, in paragraph 2, that a three-member commission be established to assist the Governments concerned rather than an individual being designated. Provisions for the appointment of the three members were laid out.

(b) By the Dominican Republic (A/AC.38/L.42), to specify, in paragraph 2, that if the Governments concerned are unable to come to an agreement by 1 April 1951, the three-member commission to assist them should then be established. It also provided for the

deletion of reference to the Group Areas Act from paragraph 3 and the substitution in its place of a phrase which called upon the Governments concerned to refrain from taking any steps which would prejudice the success of their negotiations: "in particular, the implementation or enforcement of any provision which may make difficult an understanding". (During the vote, the amendment relating to paragraph 3 was withdrawn by the representative of the Dominican Republic.)

(c) Oral amendment, suggested during the voting, by the representative of Uruguay, on behalf of Ecuador, Mexico, the Philippines and Uruguay, to substitute for paragraph 3 of the joint draft resolution the proposal that the Governments participating in the proposed round table conference take note of the fact that its agenda permits discussion of the Group Areas Act. After discussion the amendment was withdrawn.

The Committee decided, by 23 votes to 18 with 10 abstentions, to vote first on the five-Power joint draft resolution (A/AC.38/L.35), as amended.

The results of the vote were as follows:

The first three paragraphs of the preamble were adopted by a roll-call vote of 43 to 1, with 11 abstentions; the Cuban amendment (A/AC.38/L.36), to add a new fourth paragraph to the preamble, was adopted by a roll-call vote of 20 to 3, with 32 abstentions; paragraph 1 of the operative part, as amended, was adopted by a roll-call vote of 43 to 1, with 11 abstentions; the amendment (A/AC.38/L.42) of the Dominican Republic to the first two lines of paragraph 2 was adopted by 27 votes to 8, with 22 abstentions; the amendment (A/AC.38/L.41) of Iraq to the latter part of paragraph 2 was adopted by a roll-call vote of 27 to 12, with 17 abstentions; paragraph 2 as a whole, as amended, was adopted by a roll-call vote of 34 to 6, with 16 abstentions; the amendment (A/AC.38/L.39) of Ecuador, Mexico, the Philippines and Uruguay to paragraph 3 of the joint draft resolution was adopted by a roll-call vote of 24 to 14, with 18 abstentions; paragraph 3 as a whole, as amended, was adopted by a roll-call vote of 25 to 12, with 19 abstentions; and paragraph 4 was adopted by a roll-call vote of 31 to 3, with 22 abstentions. The joint draft resolution as a whole, as amended, was adopted by a roll-call vote of 26 to 6, with 24 abstentions.

At the 48th meeting on 20 November, the representative of India, on behalf of the sponsors, withdrew the four-Power draft resolution (A/AC.38/L.33), but reserved their right to re-submit it. The four-Power draft, however, was not re-submitted.

2. Resolution Adopted by the Assembly

The report (A/1548) of the Ad Hoc Political Committee was considered by the General Assembly at its 313th and 315th plenary meetings on 1 and 2 December. The Assembly, at its 313th meeting, decided not to hold a debate on the Committee's report, and at its 315th meeting voted on the draft resolution contained in the report.

¹²⁴ See Y.U.N., 1946-47, p. 178; 1948-49, pp. 535-37.

Prior to the voting, several representatives explained their votes.

The representatives of Australia and South Africa opposed the draft resolution before the General Assembly. The representatives of Bolivia, Chile, Cuba, Haiti, Iceland, and Iraq spoke in support of it. The representative of India stated that she was content to leave the decision to the conscience of the General Assembly.

The representatives of Australia and South Africa reiterated the arguments they had advanced in the Ad Hoc Political Committee on the competence of the General Assembly to deal with the matter. They argued that a vote for the draft resolution would be a vote for interference in the most naked form in the internal policies and domestic legislation of a Member State.

Those representatives speaking in favour of the draft resolution considered that the Assembly should take a firm attitude towards discriminatory measures. They argued that the defence of fundamental human rights was one of the primary duties and obligations of the United Nations, and concern for the observance of fundamental human rights in a country did not mean interference in the domestic affairs of that country. They stated that the infringement of human rights and racial discrimination practised in South Africa was not only an offence against the dignity of the human person, but also a grave danger to democratic principles and world peace. The opinion was also expressed that it was time that some solution should be reached so that the question before the Assembly would not become a permanent problem before the United Nations.

A roll-call vote on each paragraph of the draft resolution was taken.

The first three paragraphs of the preamble were adopted by 46 votes to 3, with 10 abstentions, and the fourth paragraph by 29 votes to 5, with 25 abstentions. Paragraph 1 of the operative part was adopted by 48

votes to 3, with 9 abstentions; paragraph 2 by 39 votes to 7, with 14 abstentions; the first part of paragraph 3 by 50 votes to 4, with 6 abstentions, and the second part by 35 votes to 13, with 12 abstentions; and paragraph 4 by 38 votes to 5, with 17 abstentions. The draft resolution as a whole was adopted by a roll-call vote of 33 to 6, with 21 abstentions.

The text of the resolution (395(V)) adopted read as follows:

The General Assembly,

Recalling its resolutions 44(I) and 265(III) relating to the treatment of people of Indian origin in the Union of South Africa,

Having considered, the communication by the Permanent Representative of India to the Secretary-General dated 10 July 1950,

Having in mind its resolution 103(I) of 19 November 1946 against racial persecution and discrimination, and its resolution 217(III) dated 10 December 1948 relating to the Universal Declaration of Human Rights,

Considering that a policy of "racial segregation" (Apartheid) is necessarily based on doctrines of racial discrimination,

1. Recommends that the Governments of India, Pakistan and the Union of South Africa proceed, in accordance with resolution 265(III), with the holding of a round table conference on the basis of their agreed agenda and bearing in mind the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights;

2. Recommends that, in the event of failure of the governments concerned to hold a round table conference before 1 April 1951 or to reach agreement in the round table conference within a reasonable time, there shall be established for the purpose of assisting the parties in carrying through appropriate negotiations a commission of three members, one member to be nominated by the Government of the Union of South Africa, another to be nominated by the Governments of India and Pakistan and the third to be nominated by the other two members or, in default of agreement between these two in a reasonable time, by the Secretary-General;

3. Calls upon the governments concerned to refrain from taking any steps which would prejudice the success of their negotiations, in particular, the implementation or enforcement of the provisions of "The Group Areas Act", pending the conclusion of such negotiations;

4. Decides to include this item in the agenda of the next regular session of the General Assembly.

L. THE INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

At its fourth session the General Assembly referred to the Interim Committee, the following matters for consideration and report:

- (i) Report of the United Nations Commission for Eritrea (resolution 289 A (IV))
- (ii) Study of procedure to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement (resolution 289 C (IV))

(iii) Examination of item 68 of the agenda of the fourth session of the General Assembly dealing with "threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations" (resolution 292 (IV))

(iv) Systematic study of the promotion of international co-operation in the political field (resolution 295 (IV))

The General Assembly further instructed the Committee to report on any changes in its constitution or its terms of reference which might be considered desirable in the light of experience and empowered the Committee to amend its rules of procedure as necessary in the light of the modifications of the Assembly's rules of procedure approved during the fourth session.

The report of the Interim Committee to the General Assembly (A/1388) covering the Committee's third session, held between 16 January and 18 September 1950, is summarized as follows. Consideration of the Report of the United Nations Commission for Eritrea.¹²⁵—The Committee considered the Commission's report (A/1205) at its 40th to 42nd and at its 44th meetings, between 14 and 31 July 1950. It decided to invite a representative of the Italian Government to take part in the discussions of the Committee. At the 45th meeting, held on 15 September, the Chairman stated that confidential discussions, initiated jointly by the United States and the United Kingdom delegations had taken place with the representatives of the interested countries in an effort to reconcile the conflicting points of view on the future status of Eritrea. He himself and the representative of Mexico had later participated in these discussions. A formula which, he considered, was capable of effecting an agreement had been found, but certain considerations prevented its recommendation to the Committee. In view of the short time which remained before the opening of the Assembly session, he regretted that the Committee would not be able to make recommendations to the General Assembly. He therefore suggested that the Rapporteur of the Committee be requested to make his report to the General Assembly incorporating in it this statement of the Chairman. The Interim Committee agreed with the Chairman's suggestion.

Study of the Procedure to Delimit the Boundaries of the Former Italian Colonies not Already Fixed by International Agreement.—The Committee agreed, at its 36th meeting on 16 January, that the consideration of this item would require additional information. It therefore requested the Secretariat to prepare an analysis which would provide members of the Committee with the required data. In response, the Secretary-General submitted a memorandum entitled "Study of procedure to delimit the boundaries of the former Italian colonies" (A/AC.18/103), setting forth the position regarding the several boundaries of these territories. On 7 February, the Committee decided to postpone consideration of this item

pending the receipt of the draft Trusteeship Agreement for Somaliland.¹²⁶

On 15 September, a draft resolution on procedure for delimiting certain of the boundaries was submitted by the United States (A/AC.18/118/Rev.2). This draft resolution proposed, *inter alia*, that the boundary with respect to Libya not already fixed by international agreement should be delimited on Libya's achievement of independence through negotiations between the Libyan and French Governments. With respect to the Territory of Somaliland the resolution proposed that its boundary with British Somaliland not already fixed by international agreement should, on approval by the General Assembly of the draft Trusteeship Agreement for Somaliland, be delimited through negotiations between the British Government and the Italian Administration. In view of the objections raised by a number of representatives that the limited time before the opening of the General Assembly's session made it impossible for them to consult their Governments on the United States draft resolution, the Committee decided to transmit the draft resolution to the General Assembly as an annex to its report.

Examination of Item 68 of the Agenda, Relating to China.—The Committee decided on 15 September that, in view of the forthcoming session of the General Assembly and in view of the existing political situation, it should not debate this question.

Systematic Study of the Promotion of International Co-operation in the Political Field.—At its 36th meeting, the Interim Committee established a sub-committee on international co-operation in the political field consisting of the representatives of Australia, China, Cuba, France, Greece, Iran, Israel, Lebanon, Mexico, the Netherlands, Norway, Panama, the United Kingdom, the United States and Uruguay.

On the basis of the work done by four working groups, the Sub-Committee, on 28 June, completed its report (A/AC.18/114) which covered three main topics:

- (i) Further study on organization of United Nations commissions, in particular on the rules of procedure of commissions
- (ii) Analysis on the basis of the experience of the General Assembly, of the preliminary stages in the consideration of a dispute or special political problem by the General Assembly before it begins to take measures for its settlement
- (iii) Study of steps taken by the General Assembly for the settlement of a dispute

¹²⁵ For summary of the Commission's report and its consideration by the General Assembly, see pp. 363-70.

¹²⁶ For text of Agreement, see pp. 802-6.

The Committee decided that the report of the Sub-Committee should be communicated for information to the General Assembly and to Member States.

The General Assembly, at its fifth session, took note¹²⁷ of parts of the report of the Interim Committee. With regard to the agenda item dealing

with threats to the political independence and territorial integrity of China,¹²⁸ it adopted a resolution (383(V)) on 1 December 1950, which noted that the Interim Committee had not yet submitted recommendations on the question and instructed the Committee to continue inquiry on this question.

M. ADMISSION OF NEW MEMBERS

1. Advisory Opinion of the International Court of Justice

The General Assembly, in resolution 296 J (IV),¹²⁹ adopted on 22 November 1949, requested the International Court of Justice to give an advisory opinion on the following question:

"Can the admission of a State to membership of the United Nations, pursuant to Article 4, paragraph 2,¹³⁰ of the Charter, be effected by a decision of the General Assembly when the Security Council had made no recommendation for admission by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent member upon a resolution so to recommend?"

The Secretary-General transmitted this resolution to the Registry of the Court on 25 November 1949.

The Registrar, on 2 December 1949, notified the request to all States entitled to appear before the Court. The same day the Registrar informed the Governments of States Members of the United Nations that the Court was prepared to receive from them written statements on the question and that, by an Order of the Court of that day, a time-limit expiring 24 January 1950, had been fixed for the submission of such statements. The Order reserved the rest of the procedure for further decision.

By 24 January, written statements were received from the Byelorussian SSR, Czechoslovakia, Egypt, the Ukrainian SSR, the USSR and the United States, and from the Secretary-General. The Registrar also received written statements from Argentina on 26 January 1950 and from Venezuela on 2 February 1950. These statements, received after the expiration of the time-limit fixed, were accepted by a decision of the President (the Court

itself not being in session). The written statements were communicated to all Members of the United Nations, which were informed that the President had fixed 16 February 1950 as the opening date of the oral proceedings.

France and Argentina, on 14 January and 3 February 1950, respectively, announced their intentions to make oral statements before the Court. Argentina, however, informed the Court on 14 February that it had abandoned this intention. At a public sitting on 16 February 1950, the Court heard an oral statement presented on behalf of France by Georges Scelle, Honorary Professor in the Faculty of Law of the University of Paris and member of the United Nations International Law Commission.

In its opinion,¹³¹ given on 3 March 1950, the Court declared that it had been called upon to interpret Article 4, paragraph 2, of the Charter. Before examining the merits of the question submitted to it, the Court first considered the objections that had been made to its doing so, either on the ground that it was not competent to interpret the provisions of the Charter, or, on the ground of the alleged political character of the question.

With regard to its competence, the Court recalled a previous opinion which dealt with the

¹²⁷ For consideration by the General Assembly of the question of Eritrea and the delimitation of the boundaries of former Italian colonies, see pp. 363 ff.

¹²⁸ For a discussion of this question and the text of the resolution adopted by the General Assembly, see pp. 381-85.

¹²⁹ See Y.U.N., 1948-49, p. 394.

¹³⁰ Art. 4, par. 2, of the Charter reads: "The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."

¹³¹ International Court of Justice, Competence of Assembly Regarding Admission to the United Nations, Advisory Opinion: L.C.J. Reports, 1950, p. 4.

interpretation of Article 4, paragraph 1,¹³² and declared as it had done in that case that, according to Article 96 of the Charter and Article 65 of the Court's Statute, it may give an opinion on any legal question and that there is no provision which prohibited it from exercising, in regard to Article 4 of the Charter, a multilateral treaty, an interpretative function falling within the normal exercise of its judicial powers.

With regard to the political character of the question, the Court, quoting the same opinion, said that it "cannot attribute a political character to a request which, framed in abstract terms, invites it to undertake an essentially judicial task, the interpretation of a treaty provision".

The Court then considered the substance of the question. Analysing the terms of the question, the Court reached the conclusion that it was called upon to determine solely whether the General Assembly could make a decision to admit a State to membership in the United Nations when the Security Council had transmitted no recommendation to it; it did not have to examine whether the negative vote of a permanent Member was effective to defeat a recommendation which had obtained seven or more votes.

On this basis, the Court then considered Article 4, paragraph 2 of the Charter (see above). There was no doubt for the Court that two things are required to effect admission: a "recommendation" of the Security Council and a "decision" of the General Assembly, the recommendation having to precede the decision. In other words, the recommendation of the Council was the condition precedent to the decision of the Assembly by which the admission is effected.

In this connexion, and owing to an interpretation presented in one of the written statements, the Court considered it necessary to say that "the first duty of a tribunal which is called upon to interpret and apply the provisions of a treaty, is to endeavour to give effect to them in their natural and ordinary meaning in the context in which they occur; only if the relevant words in their natural and ordinary meaning were ambiguous or led to an unreasonable result could the Court resort to other methods of interpretation". The Court referred to the terms of the decision of the Permanent Court of International Justice in the case concerning the Polish Postal Service in Danzig.¹³³

In the present case, the Court, finding that the natural and ordinary meaning of the relevant terms was perfectly clear, set aside all reference to travaux préparatoires of the Charter. It con-

sidered its conclusion fully justified by the structure of the Charter, which makes the Assembly and the Council principal organs of the United Nations, and does not place the latter in a subordinate position in relation to the former.

Because Article 24 confers upon the Security Council "primary responsibility for the maintenance of international peace and security", the Charter, the Court stated, granted it for this purpose certain powers of decision. Under Articles 4, 5 and 6, the Security Council co-operates with the General Assembly in matters of admission to membership, of suspension from the exercise of the rights and privileges of membership, and of expulsion from the Organization. It has power, without the concurrence of the General Assembly, to re-instate a Member which was the object of suspension in its rights and privileges.

The Court added that the organs to which Article 4 entrusts the judgment of the Organization in matters of admission (the General Assembly and the Security Council) have consistently interpreted the text in the sense that the General Assembly can decide to admit only on the basis of a recommendation of the Security Council. The Court quoted, in particular, Article 125 of the Rules of Procedure of the General Assembly, providing for consideration of the merits of an application only "if the Security Council recommends the applicant State for membership", and Article 126 of these Rules, whereby the Assembly may send back the application to the Council for further consideration. This last step, the Court pointed out, had been taken several times; it was taken in resolution 296 (IV) of the Assembly, the very one that embodies the request for an opinion.

The Court went on to state that if the General Assembly had power to admit a State to membership in the absence of a recommendation of the Security Council, the latter would have merely to study the case, present a report, give advice and express an opinion. This, the Court explained, is not what Article 4, paragraph 2, says.

The Court set aside the suggestion that the absence of recommendation would be equivalent to an "unfavourable recommendation" on which the General Assembly could base a decision to admit a State to membership. This theory, put forward

¹³² This paragraph states that "Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations". For the opinion given by the Court on the interpretation of it, see Y.U.N., 1947-48, pp. 796-801.

¹³³ P.C.I.J., Series B, No. 11, p. 39.

in one of the written statements, referred to a document of the United Nations Conference on International Organization at San Francisco, but the Court, observing that, in practice, no such recommendation was ever made, considered that Article 4, paragraph 2, had in view only a favourable recommendation of the Council.

Concluding, the Court declared that while "keeping within the limits of a request which deals with the scope of the powers of the General Assembly, it is enough for the Court to say that nowhere has the General Assembly received the power to change, to the point of reversing, the meaning of a vote of the Security Council.

"In consequence, it is impossible to admit that the General Assembly has the power to attribute to a vote of the Security Council the character of a recommendation when the Council itself considers that no such recommendation has been made."¹³⁴

For these reasons, the Court, by 12 votes to 2, stated the opinion that the admission of a State to membership in the United Nations, pursuant to paragraph 2 of Article 4 of the Charter, "cannot be effected by a decision of the General Assembly when the Security Council has made no recommendation for admission, by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent Member upon a resolution so to recommend".¹³⁵

a. DISSENTING OPINIONS

Judge Alvarez and Judge Azevedo declared that they were unable to concur in the opinion of the Court and appended to it statements of their dissenting opinion. While the majority of the Court considered that the question of the voting procedure in the Security Council was not involved and that the General Assembly, in any event, could not change the meaning of a vote in the Security Council, the dissenting judges considered, that the question of the "right of veto" was in fact the central point in issue.

Judge Alvarez examined this question "in the light of the new international law" and was of the opinion that the General Assembly might determine whether the "right of veto" had been abused; if there was such abuse, the Assembly, he held, could proceed with the admission of a State without a Security Council recommendation.

He concluded by stating that "if it were admitted that the right of veto could be freely exercised, the result might be ... that a State whose request for admission had been approved by all the Mem-

bers of the Security Council except one and by all the Members of the General Assembly would nevertheless be unable to obtain admission to the United Nations because of the opposition of a single country; a single vote would thus be able to frustrate the votes of all the other Members of the United Nations; and that would be an absurdity".¹³⁶

Judge Azevedo considered a different aspect of the question of the veto and came to the conclusion that the veto did not apply to a recommendation for the admission of a State to membership. He therefore held the view that if the General Assembly observed that an applicant State "has obtained the votes of any seven Members of the Council, it may freely decide to accept or reject the applicant. On the other hand, if the application has not obtained seven favourable votes, the Assembly would be under obligation to take note of the absence of a recommendation preventing any final discussion".¹³⁷

The dissenting judges agreed with the majority that little significance should be attributed to the travaux préparatoires in this case, and suggested further that interpretations should be guided by the future requirements of the international community.

b. CONSIDERATION IN THE GENERAL ASSEMBLY

El Salvador on 28 July 1950 requested (A/1309) the Secretary-General to include the item "Admission of new Members" in the provisional agenda of the fifth session of the General Assembly. On 10 August, in an explanatory memorandum (A/1315), El Salvador stated that it was of the greatest importance that admission to membership should be granted to all those States which, in addition to satisfying the requirements of Article 4 of the Charter, had repeatedly displayed their desire to co-operate with the free nations. It expressed its firm determination to request the admission to the United Nations of certain sister peoples such as those of Italy, Portugal and Ireland.

The question of the admission of new Members to the United Nations, including the advisory opinion of the International Court of Justice was considered by the General Assembly, without prior reference to any committee, at its 318th plenary meeting on 4 December.

¹³⁴ See International Court of Justice, *op. cit.*, pp. 9-10.

¹³⁵ *Ibid.*, p. 10.

¹³⁶ *Ibid.*, p. 21.

¹³⁷ *Ibid.*, p. 34.

The Assembly had before it the advisory opinion of the International Court of Justice (A/1373) and three draft resolutions.

Joint draft resolution by Brazil, Canada, the Philippines, Sweden and Syria (A/1571) noted that the General Assembly had not received recommendations for the admission of any applicants and requested the Security Council to keep the pending applications under consideration in accordance with the terms of General Assembly resolution 269(IV), of 22 November 1949. (That resolution, among other things, determined that Austria, Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal and Nepal were peace-loving States within the meaning of Article 4 of the Charter, were able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations. The General Assembly requested the Security Council to reconsider the applications of these States in the light of that determination of the Assembly. The Assembly further requested that the States permanent members of the Security Council refrain from the use of the veto in connexion with the recommendation of States for membership in the United Nations and also that the Council keep under consideration the pending applications of all States which so far had not gained admission to the United Nations.)

Draft resolution by the USSR (A/1577) recommended that the Security Council review the applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon and Nepal for admission to membership in the United Nations.

Draft resolution by El Salvador (A/1585), urged the Security Council to reconsider the applications of Austria, Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal and Nepal for admission to membership of the United Nations; it asked the Secretary-General to invite each of the above Governments to send an observer to sessions of the General Assembly and its committees, including the Interim Committee, in order to enable them to express their views and furnish information whenever consulted by the delegation of any Member State; and it stated that documents and letters sent by the above States to the Secretary-General for the information of the United Nations should be distributed to the delegations to the General Assembly or, if the Assembly is not in session, to the foreign offices of Member States and the permanent delegations to the United Nations.

The representative of El Salvador accepted an oral amendment by Thailand to state that each of the Governments to which the resolution applied should, pending admission to membership, be allowed an opportunity to send observers to the Assembly and its committees.

In addition to its sponsors, the representatives of France, Thailand, the United Kingdom and the United States supported the joint draft resolution. It was pointed out that, in view of the recent advisory opinion of the Court on the subject, it was clear that no step could be taken by the General Assembly to admit new Members in the absence of a recommendation by the Security Council. The representatives considered that the

Assembly could not possibly do less in 1950 than reaffirm the past Assembly resolutions which expressed the overwhelming sentiment that Austria, Italy, Jordan, Finland, Ceylon, Portugal, Ireland, Nepal and the Republic of Korea were all qualified for membership and were deserving of admission. They hoped that conditions would make it possible for the Security Council to forward, in due course, affirmative recommendations on these and other States which fulfilled the requirements of the Charter.

A number of representatives, including those of Argentina and Egypt who favoured all three resolutions, stressed in addition the principle of the universality of the United Nations and expressed regret that so many countries which could make a substantial contribution to the work of the United Nations were excluded for reasons which had nothing to do with the Charter.

The representative of the United States pointed out that if the Government of the USSR would agree, as his Government had done, not to use its privileged vote to block the admission of applicant States receiving seven affirmative votes in the Security Council, a number of States determined by the Assembly to be amply qualified for membership could be admitted immediately. He stated that unfortunately other applicants were continuing to prevent their own admission by such actions as rendering at least moral support to aggression in Korea, or waging a war of nerves against Yugoslavia, or flouting the recommendations of the Assembly with respect to violations of peace treaty obligations of human rights.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR supported the USSR draft resolution. The Court, they considered, was not competent to give an advisory opinion on the question, but its opinion was, nevertheless, declared to be of undoubted interest. It reproduced all the arguments put forward by them at previous sessions of the General Assembly and confirmed the correctness of their position.

The representative of the USSR explained that his delegation had serious grounds for opposing the admission to the United Nations of the thirteen States whose admission it was proposing. He disregarded the application of the South Korean puppet regime of Syngman Rhee. In order, however, to facilitate a solution of the problem, his Government, he pointed out, was prepared to withdraw its opposition to their admission, provided that there would be no discrimination against Albania, the Mongolian People's Republic,

Bulgaria, Hungary and Romania, which had every qualification for admission to the United Nations, since they met all the requirements of the Charter. He submitted that all thirteen States should be admitted simultaneously, in accordance with the principle that discrimination in the question of the admission of new Members was inadmissible. He criticized the position hitherto maintained by the United Kingdom and the United States, namely selective admission to the United Nations, whereby only those States which enjoyed their protection would be admitted to the United Nations and whereby the People's Democracies could not be admitted. That viewpoint was shared by the other representatives supporting the USSR draft. Several of them emphasized that the United Nations should be fully representative of all countries, regardless of their social, political, or economic structures.

The above representatives opposed both the joint draft resolution and that submitted by El Salvador. The latter, they stated, was entirely in conflict with the Charter. The two resolutions, in their opinion, provided for the continuation of a policy of favouritism, a policy of discrimination in favour of some States which had applied for membership in the United Nations and against other States which had made similar applications. That approach could not give any positive results nor would it help solve the problem of the admission of new Members.

The representative of El Salvador declared his inability to vote in favour of either the joint draft resolution or the USSR draft. He pointed out that those two drafts recommended the reconsideration by the Security Council of certain applications for admission, without taking into practical account the conduct of the applicants in international affairs. The General Assembly, he stated, had declared that Albania and Bulgaria continued to give moral and material assistance to the Greek guerrilla movement and had also condemned Bulgaria, Romania and Hungary for violating fundamental human rights and freedoms. In view of those expressions of censure, it would be difficult, he said, for the Assembly to recommend the reconsideration of the applications for membership of those four countries.

The representatives of the United Kingdom and the United States, among others, opposed the USSR draft resolution. They criticized it for omitting from its list the Republic of Korea and for not containing a provision relating to the elimination of the veto in connexion with questions of membership of the United Nations.

The representative of El Salvador, in explaining his draft resolution, stated that he was in favour of recommending the admission of Austria, Ceylon, Finland, Italy, Ireland, Jordan, Portugal, the Republic of Korea and Nepal to membership in the United Nations, because those nine States had obtained in every vote in the Security Council during the past year, nine favourable votes and only one adverse vote, that of the USSR. He said it could not be regarded as right or in accordance with the purposes of the United Nations that States which, in the opinion of the General Assembly, fulfilled all the requirements needed for membership in the Organization, should be denied all possibility of co-operating with the United Nations and that this should only be so because of the opposing vote of a single one of the permanent members of the Security Council. The purpose of his draft, he said, was to lessen the lack of official contact between the General Assembly and those States which the Assembly itself had stated to be peace-loving nations and which met all the conditions laid down for membership in the Organization.

The representatives of Canada, the United Kingdom and the United States, among others, criticized certain parts of the El Salvadorean draft. They believed that it would involve important changes in the structure of the United Nations which should not be adopted hastily. The observer status which it suggested should be accorded to applicant countries was, in their opinion, incompatible with the dignity of sovereign states and they felt that the proposal would, therefore, not be acceptable to the countries whose interests it was intended to serve.

The Assembly adopted the joint draft resolution (A/1571) by 46 votes to 5, with 2 abstentions. The USSR draft resolution (A/1577) was rejected by 18 votes in favour to 22 against, with 15 abstentions. After a series of separate votes on each paragraph of the draft resolution (A/1585) submitted by El Salvador, it was rejected as a whole by 19 votes to 13, with 19 abstentions.

The text of the resolution adopted (495(V)) is as follows:

The General Assembly,

Recalling its resolutions 296 (IV) A to I and K of 22 November 1949 concerning the reconsideration, by the Security Council, of pending applications for membership,

Noting that the General Assembly has not received recommendations for the admission of any of the applicants,

Requests the Security Council to keep the applications under consideration in accordance with the terms of the above-mentioned resolutions.

2. Admission of Indonesia

On 25 September 1950 the Permanent Observer of the Republic of Indonesia to the United Nations sent a letter (S/1809, A/1393) to the Secretary-General, formally applying, on behalf of his Government, for the admission of the Republic of Indonesia to membership in the United Nations. A formal declaration that the Republic of Indonesia accepted the obligations contained in the United Nations Charter was enclosed. It then went on to state that on 15 August 1950, the United States of Indonesia re-constituted themselves into a unitary State under the name of Republik Indonesia (the Republic of Indonesia) effective as of 17 August 1950.

The Security Council at its 503rd meeting on 26 September, on the suggestion of the representative of India, decided to take action on the application without prior reference to the Council's Committee on Membership.

The representatives of Ecuador, Egypt, France, India, Norway, the USSR, the United Kingdom, the United States and Yugoslavia supported the application of Indonesia.

The representative of China explained that although his Government under normal circumstances would have been the first to welcome Indonesia into the United Nations, the recognition of the Peking regime by Indonesia had "cast a shadow over the whole question". He considered that recognition as premature and as a lack of faith in the principles of international law. He therefore declared his intention to abstain in the vote.

The Security Council then adopted by 10 votes in favour, none against, with 1 abstention, an oral proposal of the President which found Indonesia to be a peace-loving State and which recommended to the General Assembly that it be admitted to membership in the United Nations.

The Assembly considered the question at its 289th plenary meeting on 28 September. It had before it:

- (1) text of the letter (A/1393) from the Permanent Observer of the Republic of Indonesia to which was appended the declaration that Indonesia accepted the obligations of the Charter;
- (2) text of a letter (A/1402) from the President of the Security Council to the President of the General Assembly drawing the Assembly's attention to the resolution adopted by the Council;
- (3) joint draft resolution (A/1403) submitted by Australia and India calling upon the Assembly to admit Indonesia to membership in the United Nations.

The resolution was unanimously adopted by the General Assembly, and at the invitation of the

President, the representative of the Republic of Indonesia, Mr. L. N. Palar, took his place on the rostrum.

The President of the Assembly welcomed the representative of Indonesia and, on behalf of the General Assembly, assured him of the Assembly's deep satisfaction at the admission of his country to membership in the Organization. He called upon the representative of Indonesia to transmit to his Government the Assembly's "sincere good wishes for the prosperity of the young Republic of Indonesia".

The following representatives then expressed their satisfaction at Indonesia's becoming a Member and extended a welcome to it: Afghanistan, Australia, Belgium, Bolivia, Burma, Chile, Czechoslovakia, the Dominican Republic, Egypt, France, Greece, India, Iran, Iraq, Israel, the Netherlands, Pakistan, the Philippines, Poland, Saudi Arabia, Syria, Thailand, Turkey, the USSR, the United Kingdom, the United States, Yemen and Yugoslavia.

In response, the representative of Indonesia thanked the speakers for their words of welcome and encouragement, and expressed his special gratitude to the "governments and peoples of India and Australia, supported by the Philippines, Pakistan and Burma, who have taken up our case in the United Nations by bringing it first before the Security Council and, later, before the General Assembly, and have carried it on through thick and thin until the ultimate goal was achieved".

He declared his country's indebtedness to "the nations of Asia and the Middle East, whose leaders met at New Delhi to give us their wholehearted sympathy and inspiration, support and assistance, both moral and material". He likewise expressed his Government's appreciation of "the goodwill of the great Powers, permanent members of the Security Council, which, in considering our application for admission to membership of the United Nations, submerged their differences and gave us their support".

The representative of Indonesia then recalled further that the people of Indonesia highly appreciated the "wise counsels of the leaders and the people of the Netherlands who made possible the cessation of bloodshed and destruction and, instead, wisely sought a peaceful settlement of the dispute at the Round Table Conference last winter".

Finally, he declared that Indonesia would always "recall with deep and warm gratitude the great debt owed to the United Nations". He explained that the United Nations, through its

organs and subsidiary bodies, succeeded to a high degree in injecting the spirit of conciliation and reason into the discussions between the parties to the dispute. Indeed, he remarked, the "United Nations has made valuable contributions in very generous measure to the cause of Indonesian independence and to the establishment of Indonesia as a free nation".

The text of the resolution (491(V)) adopted read as follows:

The General Assembly,

Noting the recommendation of the Security Council of 26 September 1950 that the Republic of Indonesia should be admitted to membership in the United Nations,

Noting also the declaration made by the representative of the Republic of Indonesia to the effect that it will accept the obligations contained in the Charter of the United Nations,

Admits the Republic of Indonesia to membership in the United Nations.

N. WORK OF THE MILITARY STAFF COMMITTEE

The Military Staff Committee continued to hold regular meetings during the year under review but did not report substantial progress in its work.

On 19 January 1950, the delegation of the USSR withdrew from the 120th meeting of the Committee when the Committee decided, by a majority vote that a USSR proposal challenging the right of representation of the Chinese delegation on the Committee could not be discussed as the matter fell within the competence of the Security Council.

The USSR delegation resumed its participation in the work of the Military Staff Committee at the Committee's 140th meeting held on 26 October 1950. At that meeting, the head of the USSR delegation stated that, as previously, the USSR considered the participation of the "representative of the Kuomintang Group" in the work of the Committee to be illegal and that it would consider the vote of that representative to be illegal. He stated that the USSR delegation was participating in the work of the Committee in the "interest of the common cause".

The Chairman stated that the Security Council, having determined that the representatives of the Chinese Nationalist Government were legally representing their Government in the Security Council, they would represent their Government in the Military Staff Committee also. As Chairman, he considered that the decision taken by the Committee on 19 January was still in effect.

The representative of the United Kingdom stated that the question of Chinese representation was a matter for the Security Council to decide and not for the Military Staff Committee. The representative of France concurred in the views expressed by the Chairman and the representative of the United Kingdom.

The representative of China stated that the legality or otherwise of the Chinese representation was not a matter for the USSR delegation to decide. He protested categorically against "the propaganda tactics" employed by the USSR delegation.

At the request of the representative of the USSR statements made at this meeting were included in the Committee's record.

0. INTERNATIONAL CONTROL OF ATOMIC ENERGY¹³⁸

On 29 July 1949, the Atomic Energy Commission adopted a resolution which included the statement that no useful purpose would be served by discussion in the Commission until the six sponsoring Powers reported that a basis for agreement existed. On 23 November 1949, the General Assembly adopted resolution 299 (IV) by which, among other things, it requested the permanent members of the Atomic Energy Commission to continue their consultations and to explore all avenues with a view to reaching an agreement,

keeping the Commission and the General Assembly informed of their progress.

The consultations of the six Powers, Canada, China, France, the USSR, the United Kingdom and the United States were resumed on 20 December 1949. On 19 January 1950, the representative of the USSR proposed that the representative of China, whom he termed the "representative

¹³⁸ For information on earlier consideration of the question see Y.C7.N., 1946-47, pp. 64-66, 444-51, 886-87; 1947-48, pp. 461-76; 1948-49, pp. 344-61.

of the Kuomintang group", be excluded from the consultations on the ground that he had ceased to represent China. The proposal having been rejected, the representative of the USSR left the consultative conference after stating that the USSR would not recognize as lawful any decision or recommendation adopted by the conferences with the participation of the representative of the "Kuomintang group".

The circumstances leading to the suspension of the six-Power consultations were described in two documents; one (S/1253) dated 30 January 1950, signed by the representatives of Canada, China, France, the United Kingdom and the United States and the other (S/1254) dated 10 February 1950, signed by the representative of the USSR. The two documents were circulated to the Members of the General Assembly. No consultations between the six permanent members took place during the remainder of the year and, in consequence, there has been no discussion in the Atomic Energy Commission.

1. Consideration by the General Assembly at Its fifth Session

At its fifth session the General Assembly considered the question of the international control of atomic energy, at its 321st to 323rd meetings from 12 to 13 December.

Two draft resolutions were presented:

(i) Joint draft resolution by Australia, Canada, Ecuador, France, Netherlands, Turkey, the United Kingdom and the United States (A/1688), which proposed to establish a committee of twelve, consisting of representatives of the Security Council as of 1 January 1951, together with Canada, to consider and report to the next regular session of the General Assembly on ways and means whereby the work of the Atomic Energy Commission and the Commission for Conventional Armaments might be co-ordinated, and on the advisability of their functions being merged and placed under a new consolidated disarmament commission.

(ii) Draft resolution by the USSR (A/1676), which proposed that the United Nations Atomic Energy Commission be instructed to resume its work and to prepare draft conventions for the unconditional prohibition of the atomic weapon and for the control of atomic energy, the two conventions to be concluded and brought into effect simultaneously. The draft conventions were to be submitted to the Security Council not later than 1 June 1951.

Introducing the joint eight-Power draft resolution, the representative of Australia referred to the address given by the President of the United States to the General Assembly, on 24 October 1950, in which he had referred to the two United

Nations Commissions dealing with the problem of disarmament, and had suggested that a proper plan of disarmament must include all kinds of weapons, that it must be based on unanimous agreement and that it must apply equally to all nations possessing substantive armaments. The joint draft resolution, the representative of Australia stated, had been developed from that suggestion.

He remarked that the circumstances in which the work of the Atomic Energy Commission and the Commission on Conventional Armaments had been interrupted were well known to Members and that there was no need to elaborate on them. He felt that it might be useful, if only for procedural reasons, to continue the work of the two bodies in a single Commission. At least, he said, the possibility of doing so should be explored. Stressing the need of considering the problem as a "single whole", he stated that agreement on the control of only one type of weapon might have the effect of giving advantage to an aggressor whose strength lay in the possession of other types of weapons. He could not support the USSR draft resolution which, he said, repeated proposals that the Assembly had previously rejected and which contained no safeguards at a time when good faith and safeguards were essential. Past attempts, he said, had failed primarily because of the attitude of one or two Powers. That was not to say that the goodwill of those Powers should not be continually explored and put to the test. Meanwhile, the "free world" should continue to increase its strength on the one hand, while considering on the other, what fresh approach to the problem of disarmament could be used.

In reply, the representative of the USSR stated that at the beginning of the session of the Assembly the United States Secretary of State had said that the principal obstacle to a solution of the question of atomic energy had been the policy of the USSR Government. The truth, however, was that for five years it had been the USSR which had striven for the prohibition of the atomic weapon and the United States and its supporters which had opposed such prohibition. He recalled that the President of the United States had announced on 31 January 1950 that the United States Atomic Energy Commission was being instructed to continue its work on the production of all forms of atomic weapons, including the so-called hydrogen bomb or "super bomb". He had threatened to continue such production until a "satisfactory" plan of control was achieved. This statement removed any doubt as to the real pur-

pose of the United States which, he said, was to continue the arms race, to prevent any ban on atomic weapons, and to prevent genuine international control of atomic energy.

The true purpose of the American plan—the Acheson-Baruch-Lilienthal plan of international control—was, the representative of the USSR maintained, to concentrate control of the utilization and production of atomic weapons in the hands of American monopolists. Thus, the main task of the committee for the peaceful and military development of atomic energy, appointed by the former United States Secretary of War, Henry Stimson, was to obstruct the production of atomic energy and atomic weapons in other countries since such production would be in conflict with interests of the American monopolists.

The majority of the United States advisers and experts on atomic energy were linked with the monopolists, the representative of the USSR declared. Thus in 1945, the organization of the so-called international control was entirely in the hands of the Morgan family, the Duponts, the Mellons and the Rockefellers. Policies of the Atomic Energy Commission and its committees were determined by representatives of big business who controlled the development, exploitation and management of all atomic energy plants.

The representative of the USSR then cited the profits of certain concerns from atomic energy projects in 1949 and in part of 1950. He stated that one reason for United States opposition to the prohibition of atomic weapons was that those profits would disappear. The other reason was the exceptionally important role assigned to the atomic bomb in the "aggressive plans being hatched by the ruling circles of the United States".

Five years of debate had shown that no State which cherished its future destiny could agree to such a fundamental provision of the American plan, as the international control organ's right of ownership over all atomic and ancillary enterprises, including all the sources of atomic raw materials all over the world. Nor could any country agree to the establishment of quota standards for the utilization of atomic energy beyond which no State would be allowed to go without special permission from the international control agency. By agreeing to those conditions, the representative of the USSR said, only shreds and patches would remain of the sovereign rights of States. In addition, he maintained that the USSR proposals for the control of atomic energy were based on the necessity of the unconditional prohibition of the atomic weapon and the simultaneous establish-

ment of strict international control to implement such prohibition. The USSR plan envisaged the establishment within the framework of the Security Council of an international control commission with very wide powers, including powers of inspection which would give it great international authority. That, he said, would wholly dispose of the allegation that the USSR was opposed to investing the international control agency with such an authority.

Furthermore, under the USSR plan, the international control agency would inspect atomic energy facilities by investigating their activities; check existing stocks of atomic raw materials and unfinished products; observe the fulfillment of the rules of technical exploitation of the facilities prescribed by the convention on controls; collect and analyse data on the mining of atomic raw materials; carry out special investigations in cases of suspected violation and make recommendations to the Security Council on measures for prevention and suppression of violations of the convention. Those, he said, were extremely wide powers.

The representative of the USSR then quoted names of scientists, writers, institutions and organizations of several countries including those of the United States, which had demanded prohibition of the atomic weapon and of the hydrogen bomb. He said that the work proceeding in the Soviet Union in the field of atomic energy provided convincing evidence that the production of heat and electric power from atomic fuel was expedient and promised good results and would make it possible for many countries to make rapid progress. It was for such peaceful purposes alone that atomic energy should be used. The USSR draft resolution, he concluded, provided for an immediate resumption of work on the preparation of conventions to achieve such results.

The representative of Sweden stated that he doubted whether it was desirable to deal in a single commission with both atomic weapons and the so-called conventional armaments. The experience of the Disarmament Conference at Geneva, at which all types of armaments had to be considered at the same time, had not been encouraging. The technical nature of the atomic weapon was unique and so were the methods of control. In its technical aspects the problem remained the same whether it was examined by a special commission or a commission concerned with all kinds of armaments. Politically a reconciliation between the opposing points of view would not be made easier if the problem were approached as a whole by a new commission.

However, with a view to examining such possibilities of success as were contemplated in the operative part of the joint draft resolution he would vote for the eight-Power draft resolution.

Supporting the joint eight-Power draft resolution, the representative of the United States referred to the fundamental differences in the approach to the question which had existed between the Soviet Union and the other five members of the Atomic Energy Commission. In 1949, he stated, five of the six permanent members had reported to the General Assembly that Powers other than the USSR put world security first and were prepared to accept innovations in traditional concepts of international co-operation, national sovereignty and economic organization where they were necessary for world security. The Government of the USSR, however, placed its sovereignty first and was unwilling to accept measures which might impinge upon or interfere with its rigid exercise of unimpeded State sovereignty. If that fundamental difference could be overcome, reasonable ground might be found for the adjustment of other differences. The reports showed that there could be no solution to the problem unless the USSR joined the rest of the United Nations in a broad co-operative endeavour to promote peace and security. The failure to reach an agreement in the field of atomic energy control had not resulted from the activities of the individuals in the United States mentioned by the representative of the USSR nor from the economic system of the United States nor from the other facts cited by him. It had resulted from the lone position adopted by the USSR.

The representative of the United States observed that from time to time, in past speeches, the representative of the Soviet Union had implied that it would be appropriate to have the two Commissions carry on their work together. He hoped that if the Assembly adopted the joint draft resolution proposing the establishment of an ad hoc committee to consider the merger of the two bodies, the USSR would participate in the deliberations of that Committee. The draft resolution offered the world the possibility of an immediate and further consideration of the problem of atomic energy and disarmament which, he stated, were the main elements of future world peace.

Replying to the statement made by the representative of the USSR, the representative of the United Kingdom stated that it was useless to repeat time after time that it was all the fault of American monopolists. It was of course true that the atomic bomb was being manufactured in

America through the instrumentality of private companies; but that fact was irrelevant to the actual issue, which was that, in the absence of an agreed system of international control, such manufacture was essential not for the purpose of profits, but for the defence of the free world against aggression.

The representative of the United Kingdom said that there were certain "staggering" contradictions in the attitude adopted by the Soviet Union on the question. For example, how were the following statements to be reconciled?

The atomic bomb must be instantaneously banned because of its appalling effect. It had little or no military value. Unlike the capitalist world the Soviet Union was using atomic energy only for peaceful purposes. In the event of war the Soviet Union would be able to use the atom bomb with tremendous effect. International control was essential but sovereignty must in all cases remain inviolate.

Without any watertight system of international control, the representative of the United Kingdom asked, what reliance could be placed on the assurances of the Soviet Union that it would at once destroy any atomic bombs which it might have been able to produce and would forthwith cease to produce any more? He considered that if the peace of the world was to be securely based, control systems had to be worked out and applied both to atomic energy and to conventional armaments, and the method and timing of such control had to be closely co-ordinated. That aspect of the question had not been given very detailed study in the past and the work of the committee proposed in the eight-Power draft resolution might therefore be of considerable value.

Statements in support of the joint draft resolution were also made by the representatives of Egypt and France.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, and the Ukrainian SSR, supporting the USSR draft resolution, stated that, in contrast to that resolution, the joint eight-Power draft resolution was intended to delay an agreement and to give sufficient time to the atomic factories (of the United States) to pile up the stock of bombs. The peoples of the world, however, were determined to outlaw the use of the atomic bomb and their determination was exemplified by the Second World Congress of the Partisans of Peace, which has issued a manifesto in Warsaw on behalf of 500,000,000 persons who had signed the Stockholm Appeal calling for the

prohibition of atomic weapons and for the general reduction of arms.

The United States, it was said, was unwilling to develop the use of atomic energy for peaceful purposes, since such use would curtail the profits accruing to big business from other sources of power. Thus Senators Vandenberg and MacMahon had been reported by *Collier's Magazine*, in its issue of 3 May 1947, to have asserted that the advent of atomic energy as a cheap source of power would lead to a fall in the shares of all railroad and coal companies; insurance companies would go bankrupt and general financial chaos would ensue. Atomic energy according to American monopolists was an undesirable competitor for existing coal, oil and electrical industries, from which they were drawing vast profits. The monopolists were therefore trying their utmost to ensure that atomic energy would not be used for peaceful purposes. By adopting the USSR draft resolution, they contended, the General Assembly would take away from the brutal advocates of atomic warfare a dreadful weapon and would free mankind from the fear of mass destruction.

2. Resolution Adopted by the Assembly

The joint eight-Power draft resolution was put to the vote at the Assembly's 323rd plenary meeting on 13 December 1950 and was adopted by a roll-call vote of 47 to 5, with 3 abstentions. The text of the resolution (496(V)) adopted by the General Assembly follows:

The General Assembly,

Recognizing that the effective regulation and reduction of national armaments would substantially diminish the present danger of war, relieve the heavy economic burden placed upon the peoples of the world in the absence of a system of armaments control, and permit the greater use of man's resources to projects devoted to his betterment,

Recognizing that the regulation and reduction of armaments to be effective must cover weapons of all kinds, must be based on unanimous agreement, and so must include every nation having substantial armaments and armed forces,

Recognizing further that any plan for the regulation and reduction of armaments and armed forces must be based upon safeguards that will secure the compliance of all nations,

Recognizing the inability to date to achieve agreement among nations on the elimination of atomic weapons under a system of effective international control of atomic energy and on the regulation and reduction of other armaments and armed forces,

Recalling that a plan has been developed in the United Nations Atomic Energy Commission, and approved by the General Assembly, for the international control of atomic energy, which would make effective the prohibition of atomic weapons; and that much useful planning work has been accomplished in the Commission for Conventional Armaments,

Desiring, however, to carry this work forward toward a comprehensive system of armaments control,

Decides to establish a committee of twelve, consisting of representatives of the members of the Security Council as of 1 January 1951, together with Canada, to consider and report to the next regular session of the General Assembly on ways and means whereby the work of the Atomic Energy Commission and the Commission for Conventional Armaments may be co-ordinated and on the advisability of their functions being merged and placed under a new and consolidated disarmament commission.

P. THE COMMISSION FOR CONVENTIONAL ARMAMENTS ¹³⁹

By resolution 300(IV), adopted at its fourth session, the General Assembly recommended that the Security Council continue its study of the regulation and reduction of conventional armaments and armed forces through the agency of the Commission for Conventional Armaments in accordance with its plan of work. The Security Council, on 17 January, transmitted the Assembly's resolution to the Commission.

When the Commission met on 27 April, the representative of the USSR submitted a draft resolution (S/C.3/42) proposing that the Commission for Conventional Armaments should decide to exclude the "Representative of the Kuomintang group" from membership of the Commission. The proposal was rejected by the Commission by 4 votes to 3, with 4 abstentions. The representative of the USSR then withdrew from the meeting, declaring that the Soviet delegation would not participate in the work of the Commission until the "Kuomintang representative" had been excluded and that the USSR would not regard as valid any decision taken by the Commission with the participation of that representative.

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¹³⁹ For previous activities of the Commission, see Y.U.N., 1946-47, pp. 451-53; 1947-48, pp. 476-80; 1948-49, pp. 361-73.

At the same meeting the Commission decided, at the suggestion of the representative of the United States, to transmit to its Working Committee the Assembly resolution 300(IV) with the instruction that it should resume its work on item 3 of the Commission's plan of work.¹⁴⁰

At meetings of the Commission's Working Committee held between 18 May and 9 August 1950, the representative of the United States presented the following working papers:

(1) A working paper (S/C.3/SC.3/23) which proposed: (a) accurate and regular reports from all signatory States of such information relating to conventional armaments and armed forces as might be required by the treaty of disarmament; (b) verification of such information through international inspection; and (c) remedial action in case of any actual or threatened violations of the treaty.

(2) A paper (S/C.3/SC.3/24) containing general views of the United States on the nature and relationships of the international agency which would supervise the regulation and reduction of conventional armaments and armed forces. The document contained provisions relating to the establishment of a conventional armaments administration to carry out such supervision.

(3) A paper (S/C.3/SC.3/25) outlining the basic idea of the United States delegation that the most important information to be reported and verified was that bearing directly on the conventional armaments and armed forces of all States signatory to the treaty. Five schedules attached to the paper detailed: (a) items to be included in reports on personnel, material, deployment, bases and facilities; (b) items to which access must be provided in the verification phase of safeguards.

(4) A paper (S/C.3/SC.3/26) containing general United States views on the nature and scope of "industrial safeguards" (safeguards through industrial information). The paper suggested that military safeguards might be supplemented by a limited type of industrial safeguards which would provide accurate information on important industrial tendencies in certain strategic industries.

During discussions in the Committee the representative of Egypt stated that it was premature to discuss safeguards, since certain external conditions for such safeguards had not yet been fulfilled. The question of safeguards, he maintained, could not fruitfully be discussed separately from the practical measures necessary for the regulation and reduction of armaments and armed forces. Any such discussion, he maintained, must take into account the necessity of putting into effect the military agreements provided for in Article 43 of the Charter and the establishment of the control of atomic energy. Conventional armaments, he stated, had lost much of their importance.

The representative, of Norway considered that the discussion on the question of safeguards, in the absence of the representative of the USSR,

should be of a purely technical nature which would raise no controversial issues.

The representative of the United States, on the other hand, said that even in the absence of the USSR representative it was possible and useful to study in detail the question of safeguards, as this study was at the planning rather than the "action" stage.

The United Kingdom representative stated that the Committee's ability to achieve real progress at the present time was limited owing to the refusal of the USSR to participate in its work, but that the study of safeguards formed a vital element in the Committee's work. He considered that one principle must be established as underlying any system of safeguards, namely that it was essential to achieve some measure of improvement in international relations and to create an atmosphere of mutual confidence among the States. If disarmament was not to be universal at the outset, he said, all States possessing major military resources must adhere to the international control system before the entry into force of a convention on the regulation and reduction of armaments. The representatives of China and France also held that it was necessary to establish an international control system before the entry into force of a convention on the regulation and reduction of armaments.

The international control organ, the representative of the United Kingdom stated, should have very close organizational ties with the Security Council. It should be established within the framework of the Security Council, but it should not be too rigidly subordinated to it.

The progress report of the Working Committee (S/C.3/43) containing as an internal part, the summary records of its meetings and the working papers submitted to it was transmitted to the Commission on 9 August 1950.

In its report (S/1690) to the Security Council covering the period between 27 April and 9 August 1950, the Commission stated the circumstances in which the representative of the USSR had withdrawn from the Commission's work. It transmitted to the Council the progress report of the Working Committee (S/C.3/43) together with the summary records of its own proceedings.

The Security Council took no action on the report of the Commission during 1950.

¹⁴⁰ Item 3 of the Commission's plan of work related to the question of practical and effective safeguards, by means of an international control system operating through special organs and by other means to protect complying states against the hazards of violations and

Q. REPRESENTATION OF MEMBER STATES IN THE UNITED NATIONS

1. The Question of the Representation of China

a. CONSIDERATION BY THE SECURITY COUNCIL

In a cablegram dated 18 November 1949 (A/1123) to the President of the General Assembly, the Foreign Minister of the Central People's Government of the People's Republic of China stated that his Government repudiated the legal status of the delegation under Mr. T. F. Tsiang and held that it could not represent China and had no right to speak on behalf of the Chinese people in the United Nations.

At the 458th meeting of the Security Council, on 29 December, the representative of the USSR endorsed the position taken up by the Government of the People's Republic of China and stated that he would not regard the representative of the Kuomintang group as representing China, or as being empowered to represent the Chinese people in the Security Council. The representative of the USSR was supported by the representative of the Ukrainian SSR who made a similar statement.

The representative of China stated that, if a minority in the Council could arbitrarily deny the authority of any of the other delegations, the Organization would be reduced to anarchy or to the dictation of one or two delegations.

As to the nature of his Government, he said that the Government which he represented was based on a Constitution freely accepted by the People's representatives in a National Assembly.

The President then pointed out that the matter under discussion had not been included in the provisional agenda for that meeting and that the Council should pass on to other business.

In a cablegram dated 8 January 1950, the Foreign Minister of the Government of the People's Republic of China informed the Governments of States represented on the Security Council that his Government considered that the presence of the Kuomintang delegation in the Council was illegal. His Government's position was that the Kuomintang delegates should be expelled from the Council.

At the 459th meeting of the Council on 10 January 1950, the representative of the USSR expressed his support for the position taken by the People's Republic of China in its communication of 8 January, and he insisted that the representa-

tive of the Kuomintang group should be excluded from the Council. If the Council did not take appropriate measures, the USSR delegation, he stated, would not take part in the work of the Council until the Kuomintang representative was excluded. He submitted a draft resolution (S/1443), by which the Council would decide not to recognize the credentials of the representative referred to in the statement by the Central People's Government of the Chinese People's Republic and to exclude him from the Security Council.

The Council considered the USSR draft resolution at its 460th and 461st meetings on 12 and 13 January. The following views were expressed:

The representative of Yugoslavia stated that many Governments, including his own, had recognized the new Government of China. It had been argued that the USSR proposal was premature since five members of the Security Council continued to recognize the old regime. However, the number of Governments according diplomatic recognition to the new Government was growing because it had become patent that the sovereign will of the Chinese people had been expressed in the establishment of the Government of Mao Tse-tung. He argued that recognition or non-recognition by individual Governments of Member States did not imply an analogous position in respect of representation in the Security Council. Considerations of a domestic or ideological character and other factors determining the attitude of individual States on the question of recognition should not be the basis of the Council's attitude. The Council could not continue to work effectively if the world's largest nation were represented by the delegation of a Government which the overwhelming majority of that people regarded as an enemy.

The representative of France said that while the situation in China entailed problems which had not escaped the attention of the French Government, it had not, thus far, formulated its conclusions. In the circumstances, and in the absence of new instruction, the French delegation would not challenge the validity of the credentials of the representative of China and would vote against the USSR draft resolution. He considered that proposal to be a matter of procedure, and therefore held that his negative vote should not be construed as constituting a veto.

The representative of the United States noted that the USSR draft resolution was directed at unseating Mr. Tsiang on the ground that his credentials were no longer valid because they emanated from a Government which the USSR no longer recognized. However, the United States Government recognized, as the Government of China, the Government which had accredited Mr. Tsiang to the Security Council. Therefore, his delegation considered that Mr. Tsiang's credentials remained valid and would vote against the USSR draft resolution. His Government considered that the USSR proposal presented to the Council a procedural question involving the credentials of a representative of a member and his negative vote could not be considered as a veto. He wished to make it clear that his Government would accept the decision of the Council on the matter when made by an affirmative vote of seven members.

The representative of China said that, when he had taken his seat in the Council, more than two years previously, his credentials had been duly certified to the Council as adequate. They had not been challenged until the USSR draft resolution had been presented. If the question before the Council was a matter of credentials, there could be no real question at all. Although the USSR draft resolution spoke of credentials, what it called into question was really the right of his Government to be represented at all. That was not a question of mere procedure but a political question of the utmost importance, and he would treat it as such.

The representative of the USSR stated that the prestige of the Security Council and the United Nations was being undermined by the attitude of the United States and the French delegations and of some other delegations, which were transforming the Council into an organ comprising not only the official representatives of States members of the Security Council, but also private persons representing no one. The USSR delegation, because of the great significance it attached to the Security Council and because it realized the Council's responsibility in maintaining international peace and security, did not consider it possible to participate in the Council's work when the very basis of the authority and prestige not only of the Council, but of the United Nations as a whole, were being undermined. Taking note that the representative of the United States had advanced the thesis that the USSR was demanding the exclusion of the representative of the Kuomintang group because it had recognized the new

Government of China and had broken off diplomatic relations with the Kuomintang group, the representative of the USSR denied that thesis. He stated that diplomatic recognition or non-recognition of a Government was not a decisive factor in determining its right to be represented on the organs of the United Nations, including the Security Council. In reality, the USSR was demanding the exclusion of the representative of the Kuomintang group from the Security Council on the ground that he represented neither China nor the Chinese people.

The USSR representative said that it was obvious that any reference to the rules of procedure in connexion with the matter under discussion was irrelevant. The point at issue was not whether the credentials of the representative of the Kuomintang group on the Council were in order, but that the latter had no credentials at all and no legal right or reason to sit in the Security Council, because the Central People's Government of the People's Republic of China had urged his exclusion from the Council on the ground that his presence there was illegal. When half the members of the Security Council had broken off relations with the Kuomintang clique, it would be abnormal for the Council to continue its work with the participation of this Kuomintang clique. The Council should bear in mind the fact that, basing their attitude on international laws, common sense and the existing political situation, six of the eleven members of the Security Council, including China, could not agree to the continued presence of the representative of the Kuomintang group in the Council.

The sole criterion which must guide the Council, the USSR representative stated, was the will of the Government which represented China and the Chinese people in international affairs. That Government was the Central People's Government of the People's Republic of China and its will was clearly expressed in the telegram from its Foreign Minister. References to the rules of procedure were intended to prolong the illegal presence of the Kuomintang agent in the Security Council.

The representative of the United Kingdom stated that his Government considered that it was premature to discuss the USSR draft resolution before even a majority of the members of the Security Council had recognized the new Government in China.

At the 461st meeting on 13 January 1950, the representative of Ecuador said that his Government would recognize the right of the Nationalist

Government of China to be represented in the Security Council, so long as there was no change in the status of the relations between the two Governments.

Turning to some of the arguments which had been advanced during the debate, the representative of Ecuador examined certain aspects of the question of recognition in international law. He said that it might well be that a State or Government could exist *de facto* independently of recognition by other States; but if that State were to enter into international relationships, then custom and law required its recognition by other States and the establishment of diplomatic relations. Recognition was not automatic or irrevocable, and it was not enough for a Government to proclaim that it was the sole representative of its people. Other Governments must recognize it in that capacity and act accordingly. He noted that, while devoting some attention to the question of credentials, the representatives of the USSR and China both seemed to consider that the question under consideration was not, in fact, a question of credentials. However, credentials had been received for the representative of China, certified by the Secretary-General as valid and accepted by the Council. Whatever important considerations were involved and whatever motives there might be for unseating a representative, it would be absolutely indispensable first to withdraw recognition of his credentials.

The representative of Cuba considered that the USSR draft resolution bore not only upon the validity of the credentials but also upon the very representation of a Member State. He referred to resolutions 291 (IV) and 292 (IV) dealing with the situation in China which the General Assembly had adopted at its fourth session. The USSR draft resolution would lead the Security Council to resolve indirectly, or to consider as already resolved, a problem which was under consideration in another organ of the United Nations, in accordance with resolution 292 (IV). His delegation felt that it would be premature and inappropriate for the Security Council to take a decision on the status of the delegation of China. Together with a majority of the Members of the United Nations, the Cuban Government recognized the Nationalist Government of China. Therefore, the Nationalist Government was legitimately represented in the Security Council. If the Council acted differently, it would be transformed into a body whose function was to accept and legalize factual situations without even considering how those situations had come about.

At the 461st meeting, on 13 January 1950, the USSR draft resolution was put to the vote and was not adopted, having failed to obtain the affirmative votes of seven members. The vote was 6 to 3 (India, USSR, Yugoslavia) with 2 abstentions (Norway, United Kingdom).

The representative of the USSR declared that his delegation would not participate in the work of the Security Council until the representative of the Kuomintang group, who was illegally occupying a seat in that organ of the United Nations, had been removed from membership in the Council. His presence there was undermining the prestige and authority of the Security Council and of the United Nations as a whole. As a result, the Security Council was being transformed into an organ whose decisions could not be considered legal in those circumstances. Therefore, the USSR would not recognize as legal any decision of the Security Council adopted with the participation of the representative of the Kuomintang group and would not deem itself bound by such decisions. The representative of the USSR then left the Council chamber.

The representative of Yugoslavia pointed out that only five votes had favoured the continued representation of the former Government of China. In the circumstances, he questioned whether it was reasonable that the representative of China should continue to preside. He submitted the following draft resolution (S/1448/Rev.1):

The Security Council,

Considering the serious objections raised against the validity of the credentials of the present Chinese Representative to the Security Council,

Decides to suspend rule 18 of the provisional rules of procedure of the Council,

Invites the Representative of Cuba to take over the Presidency of the Council immediately, and to preside until 28 February 1950;

Decides to return to the application of rule 18 of the provisional rules of procedure of the Council on 1 March 1950.

The representative of France opposed the Yugoslav proposal, since the right to hold the Presidency was included in the rights which rule 17 preserved for representatives to whose credentials objections had been made.

The representative of the United States expressed the regret of his Government that the USSR was unwilling to abide by the Charter and that it had chosen to violate the Council's rules of procedure. He considered that the United Nations was strong enough to withstand such tactics. Calling attention to Article 28 of the Charter, he said that the absence of a permanent member in no way diminished the Council's

powers or its authority to act. The absence of the USSR representative could not be permitted to prevent the Council from fulfilling its obligations under the Charter. Its strength should not be permitted to be dissipated by a gesture of contempt for its orderly processes. He noted that only one of the five States represented on the Security Council which did not recognize the Government represented by Mr. Tsiang refused to accept the decision of the Council taken in accordance with the Charter and the rules of procedure. He hoped that a decent sense of respect for the United Nations and the work before the Council would soon restore the representative of the USSR to his place.

The Acting President said that, in view of the vote on the USSR draft resolution, he felt that the Council had decided to close the matter for the consideration of which the representative of China had used his discretionary powers under rule 20 to relinquish the chair.

After the representative of China had resumed the presidency, the Council commenced its consideration of the next item on the agenda, pending circulation of the Yugoslav draft resolution (S/1448/Rev.I).

At the 462nd meeting on 17 January 1950, the representative of Yugoslavia emphasized that only five members of the Security Council had voted to maintain the present Chinese representation; he considered that the Council's authority would be impaired if the presidential powers were exercised by the Head of a delegation whose credentials had been challenged in that manner.

The representative of Cuba said that the Yugoslav proposal raised again the question of the rights enjoyed by the representative of China, following the objection to his credentials. At the 461st meeting, the USSR draft resolution on the question had been rejected; consequently, the credentials of the representative of China remained valid.

At the 462nd meeting, on 17 January 1950, the Yugoslav draft resolution (S/1448/Rev.I) was put to the vote and rejected by 6 votes to 1 (Yugoslavia), with 3 abstentions (India, Norway, United Kingdom) and one member absent (USSR).

A cablegram dated 20 January 1950, bearing the signature of the Minister of Foreign Affairs of the People's Republic of China, informed the Secretary-General and the Members of the United Nations and the Security Council that his Government had appointed Chang Wen Tien as Chairman of its delegation to attend the meetings

and to participate in the work of the United Nations, including the meetings and work of the Security Council. He asked when the Kuomintang representative would be expelled from the United Nations and from the Security Council, and when the delegation of the People's Republic of China could participate in the work of the United Nations and the Security Council. A cablegram dated 3 February 1950, bearing the signature of the Vice-Minister of Foreign Affairs of the People's Republic of China, protested against the continued presence of the Kuomintang representative in the Security Council. At the request of the representative of Yugoslavia, the two communications were circulated as official documents of the Security Council (S/1462).

During the month of February 1950, the Secretary-General requested the preparation of a confidential memorandum on the legal aspects of the problem of the representation of States in the United Nations. Some of the representatives on the Security Council asked to see the memorandum and references to it appeared in the Press. On 8 March, the Secretary-General informed the President of the Council that he felt it appropriate that the full text be made available to all members of the Council. Accordingly, he circulated the memorandum (S/1466) to all members and released it to the Press.

The memorandum stated that the primary difficulty in the current question of the representation of Member States in the United Nations was that the question of representation had been linked up with the question of recognition by Governments of Member States. After arguing that the linkage was unfortunate from the practical standpoint, and wrong from the standpoint of legal theory, the memorandum concluded that the proper principle could be derived by analogy from Article 4 of the Charter. Article 4 required that an applicant for membership must be able and willing to carry out the obligations of membership. The obligations of membership could be carried out only by Governments which, in fact, possessed the power to do so. Where a revolutionary government presented itself as representing a State, in rivalry to an existing government, the question at issue should be which of these two governments in fact was in a position to employ the resources and direct the people of the State in the fulfilment of the obligations of membership. In essence, this meant an inquiry as to whether the new government exercised effective authority within the territory of the State and was habitually obeyed by the bulk of the population. If so, the memorandum

stated, it would seem to be appropriate for the United Nations organs, through their collective action, to accord the new government the right to represent the State in the Organization, even though individual Members of the Organization refused, and might continue to refuse, to accord that government recognition as the lawful government for reasons which were valid under their national policies.

On 13 March, the representative of China lodged his Government's formal protest (S/1470) against the Secretary-General's memorandum (S/1466), which the representative of China considered to be an attack on China's United Nations front and would, in time, be recognized as an attack on the cause of freedom throughout the world. After analysing the political errors which he considered the document involved, he replied to the legal arguments it advanced and concluded that recognition and representation were based on similar considerations and that the linkage between the two was natural and inevitable. If the Secretary-General wished to institute the inquiry to which he had referred, the only possible procedure consistent with the principles of the Charter was a fair and free election. The communist regime did not have the support of the Chinese people, who regarded it as a puppet regime. The representative of China considered that the question of Chinese representation could not be held to "threaten the maintenance of international peace and security" within the meaning of Article 99 of the Charter, the only Article that assigned a sphere of political action to the Secretary-General. For these reasons, he concluded that the Secretary-General had intervened against the interests of China on the basis of bad politics and bad law.

On 27 July, the permanent representative of the USSR at the United Nations informed the Secretary-General that, in accordance with established procedure, he was assuming the Presidency of the Security Council for August 1950. At the meeting on 1 August, the President ruled that the representative of the Kuomintang group did not represent China and therefore could not participate in the Council's meetings.

The representative of the United States considered that no President had the authority to rule, by arbitrary fiat, upon the status of the representative of a country which was a Member of the United Nations. Accordingly he challenged the ruling.

After discussion during which the points of view previously expressed were maintained, the

President's ruling was overruled by the Council by 8 votes to 3 (India, USSR, Yugoslavia). The representative of the USSR declared that this decision was illegal because the person concerned was the spokesman of a group which represented no one, and was not a representative of a State.

On 3 August, the Council rejected by 5 votes to 5 (China, Cuba, Ecuador, France, United States), with 1 abstention (Egypt), the proposal to include in the agenda the item "Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China" which had been placed on the Council's provisional agenda by the President (representative of the USSR).

b. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

In a cablegram (A/1364) dated 26 August 1950 to the Secretary-General, the Foreign Minister of the People's Republic of China recalled previous notes sent by his Government to the Secretary-General and to the General Assembly calling for the expulsion of the Kuomintang representatives from the United Nations organs. The continued toleration of those representatives by the United Nations was, it was stated, a violation of the United Nations Charter and involved disregard of the rightful claims of the People's Republic of China. He requested that the necessary arrangements should be made for the delegation of the People's Republic of China to attend the fifth session of the General Assembly.

On 5 September, the Secretary-General replied that he would promptly make a request for the entry into the United States of the delegation of the People's Republic of China, on the General Assembly's acceptance of that delegation as representing the Republic of China, or on the invitation to it by the General Assembly to attend the session.

In a cablegram dated 18 September, the Foreign Minister of the Central People's Government of the People's Republic of China repeated the statements included in his previous message and declared that, should the fifth session of the General Assembly be held without the participation of his Government's delegation, all the resolutions of the General Assembly concerning China would be illegal, null and void.

At the opening meeting (277th) of its fifth session, on 19 September 1950, the General Assembly had before it the following four draft resolutions:

(i) By India (A/1365), which noting that the Republic of China was a Member of the United Nations and of its various organs, considering that the obligations of a Member under the Charter of the United Nations could not be carried out except by a Government which, with a reasonable expectancy of permanence, actually exercises control over the territory of that Member and commands the obedience of its people, recognizing that the Central Government of the People's Republic of China is the only such Government functioning in the Republic of China as now constituted, would have the General Assembly decide that the aforesaid Central Government should be entitled to represent the Republic of China in the General Assembly; further, the draft resolution would have the Assembly recommend that the other organs of the United Nations adopt similar resolutions.

(ii) By the USSR (A/1369), which would have the General Assembly decide that the representatives of the Kuomintang group could not take part in the work of the General Assembly and its organs because they were not the representatives of China.

(iii) By the USSR (A/1370), which would have the Assembly invite the representatives of the People's Republic of China accredited by the Central People's Government to take part in the work of the General Assembly and its organs.

(iv) By Canada (A/1386), which taking note of differences of view concerning the representation of China in the United Nations, would have the Assembly establish a Special Committee consisting of the President of the Assembly and six other representatives selected by the President to consider the question of Chinese representation and to report back, with recommendations, to the present session of the General Assembly, after the Assembly should have considered item 62 of the Provisional agenda (Cuban item).¹⁴¹ The draft resolution would further have the Assembly resolve that, pending a decision by the General Assembly on the report of the Special Committee, the representative of the National Government of China shall be seated in the General Assembly with the same rights as other representatives.

The representative of Australia proposed an amendment (A/1371) to the Canadian draft resolution, by which the Special Committee would be constituted of seven Members nominated by the President and confirmed by the Assembly. This amendment was accepted by the representative of Canada.

The representative of the USSR stated that the first point which the General Assembly ought to settle in connexion with the Indian draft resolution was whether the presence in the General Assembly of the representative of the Kuomintang group purporting to represent China was proper. He maintained that only a State Member of the United Nations was entitled to appoint its representatives to the Organization and to provide them with necessary credentials. This, he stated, was clearly provided for under rule 27 of the General Assembly's rules of procedure which stated that "the credentials shall be issued either by the head of the State or Government or by

the Minister of Foreign Affairs". It was inadmissible that the General Assembly should be attended by persons who did not represent their country and who belonged to the remnants of a political regime which had been overthrown in the country. However, an attempt was being made to accord representation to the Kuomintang group in China which had not the slightest political, legal or moral right to represent China. He therefore asked that the Assembly first consider his draft resolution which would recommend the exclusion of the Kuomintang representative.

Speaking in support of the Indian draft resolution, the representative of Yugoslavia stated that to recognize as the Government of China a political group which in reality did not hold power in that country was both illegal and politically inexpedient. There could hardly be any doubt that the delegation of the People's Republic of China must take its place in the United Nations. To postpone the matter or to link it with other controversial questions would, in his opinion, tend to aggravate the whole international situation.

He further said that Yugoslavia's position on this question was entirely independent of its attitude towards the foreign policy of the Government of the People's Republic of China or its policy with regard to Yugoslavia.

The representative of China stated that he represented the only legal Government in China based on a constitution passed by the representatives of the Chinese people. After briefly outlining the achievements of that Government in the political and economic fields and its efforts in resisting Japan's aggression the representative of China analysed the origin and character of the Peking regime, which he said had been brought into power by the Soviet Union. He quoted General Chu Teh, the Communist Commander-in-Chief, to the effect that the victory of the Chinese democratic revolution was inseparable from Soviet aid. Mao Tse-tung had himself defined his policy on 1 July 1949 as alliance with the Soviet Union, with the new democratic countries of Europe and with the proletariat and masses of the people in other countries to form an international united front.

Referring to the Korean issue, the representative of China said that the radio and the press under the control of the Peking regime had been trying to impose the idea that the action in Korea was a war of aggression by the United States.. The fourth report of the Unified Command in

¹⁴¹ See pp. 429-35.

Korea, it was stated, (S/1796) showed beyond doubt that the Chinese communist regime had substantially aided North Korea. He denied that the communist regime had effective control of China, stating that even at that moment one million guerrillas were fighting the communists on the mainland. He said that it would be an endorsement of totalitarian despotism to accept the Peking regime into the United Nations as representative of 450,000,000 people.

The representative of the United States called upon the Assembly to vote at once on the Indian draft resolution and to vote it down. He said that he took his position on the sound and unanswerable ground of the need for orderly procedure and the overwhelming necessity of getting on to the organization of the Assembly and the transaction of orderly business.

Some measure of the consequences and difficulties of the question, he stated, was given by the fact that 43 States represented in the Assembly recognized the Government which it was proposed to eject and sixteen recognized the regime which it was proposed to seat. This was a step of the greatest importance to all governments because it would create precedents. Such a decision could not be taken without full consideration. During this session, he stated, there would be ample opportunity to consider the criteria which should be used in determining which of the two claimants should be seated in the United Nations.

The representative of the USSR, supported by the representatives of Poland, Czechoslovakia and the Ukrainian SSR, maintained that no one could any longer doubt the real character of the Kuomintang clique, which had arrogated to itself the right to speak on behalf of the 450,000,000 people of China who had thrown them out. The representative of the USSR cited Mr. Acheson's introduction to the United States White Paper of August 1949 and his statement of 12 January 1950. Describing the Kuomintangists, the former document stated that in the opinion of many observers, they had sold official duties and responsibilities, become corrupt and so on. In the 12 January statement, Mr. Acheson had recognized that Chinese people had deprived the Chiang Kai-shek regime of support.

The representative of the USSR then quoted—with apologies to the President for the language of the quotation—from the papers of General Stilwell, former Commander-in-Chief of United States forces in China. General Stilwell had described the Kuomintang group as a "gang of

thugs whose sole purpose was to clutch power and maintain their machine in power". The leaders, General Stilwell was stated to have said, thought only of money, influence, jobs and intrigues. The USSR representative therefore urged the adoption of his draft resolution inviting the representatives of the Central People's Government of the People's Republic of China.

The representative of India stated his Government had recognized the Central Government of China toward the end of 1949 and had ever since followed the logical consequences of that recognition. India's advocacy of the claims of new China to be represented in the United Nations was antecedent to and in no way connected with the Korean conflict. India had recognized the new Government because to the best of its knowledge it was a sound and stable Government. It had followed the criteria of recognition in international law: "habitual obedience of the bulk of the population with a reasonable expectancy of permanence." As Dr. Lauterpacht put it: "The bulk of the practice of States, at least that of Great Britain and the United States . . . was based on the principle of effectiveness thus conceived."¹⁴²

Further, it seemed self-evident that the Central Government of the People's Republic of China was the only Government that could discharge China's obligations under the Charter. It was illogical and inconsistent to demand fulfilment of obligations while denying rights. There was a double fallacy, he contended, in the objection that it was impossible to seat a "puppet Communist Government." He said that according to his information, that Government was a national coalition representing all sections of the nation, including some members of the Kuomintang, pledged to work a common programme of democratic advance. In his Government's view it was an independent Government. He then quoted two articles, published in *The Times of London* on 28 and 29 June 1950. The writer, speaking of Chinese communism said:

It is because it is a Chinese movement, seeking to reform conditions in China, that it has gained such wide support. Few of its followers are really interested in foreign nations or their fate. The mass support of all classes which the regime enjoys is not given to theoretical communism but to the practical programme of reform and reconstruction which the party is now carrying out. The Administration, confined in the executive posts to party members is impeccably honest; the army is admirably disciplined; there is no nepotism; efficiency

¹⁴² See Oppenheim, L. F. L., *International Law: a Treatise*, edited by H. Lauterpacht (7th ed., London, New York, 1948), Vol. I, p. 127.

and drive have replaced sloth and indifference. Intellectuals and experts, non-communists in their own views, have been asked to work for the regime in order to reconstruct China, and find a congenial atmosphere in which the expert is appreciated and his advice accepted.

But, he said, even assuming that the new Government in China was a communist Government, there was room for it in the United Nations since that Organization was open to different systems of Government, with different policies and ideals. So long, he concluded, as a nation of 475,000,000 remained outside a world organization, that organization could not be regarded as fully representative. For those reasons he commended to the Assembly his draft resolution.

The representative of Syria suggested that, in order to give time for the consideration of this question, voting on the draft resolutions should be postponed and the credentials committee should be immediately appointed. The General Assembly could take a final decision after the credentials had been presented and all the representatives recognized as the presumptive representatives to participate in the session.

The representative of Australia adduced four arguments against the Indian and the USSR draft resolutions. The first was that the Indian proposal made allegations of fact which the Assembly was not in a position to determine: reasonable expectancy of permanence, control of territory, and command of the obedience of people. From the statements of the Chinese and the USSR representatives there was, obviously, a dispute on those facts and this dispute must be settled first by an appropriate body.

But, he asserted, even if the allegations were correct, the fact that a nation was controlled by a particular Government, or that it commanded obedience of its people, or that it was the only such functioning government would not be sufficient to justify admission. Hitler's regime during the war could have satisfied those criteria and so could North Korea if it had succeeded in over-running the South. It would be necessary to determine both the facts and the criteria to be applied. He therefore supported the Canadian draft resolution for a special committee with the qualification that the members of the committee should be elected by the Assembly and not appointed by the President. Finally, the representative of Australia urged the Assembly to follow the well-known juridical maxim: not only was it important that justice was done; it was equally necessary that justice should appear to be done.

The representative of Sweden stated that he would support the Indian draft resolution on the

ground that the People's Republic had control over nearly all the territory of China and therefore was the only *de facto* government of the country. No government was obliged to recognize the situation *de jure* but it was an unequivocal fact that the Chinese nation was no longer represented by the Nationalist Government, now residing in Formosa.

The representative of Cuba explained that the agenda item his delegation had proposed¹⁴³ was of a general character with regard to representation. It did not refer or intend to refer specifically to China. In that case, however, it could be included within the general rules which the Assembly might adopt. As to the proposals on Chinese representation the representative of Cuba supported Syria's suggestion of appointing the credentials committee first and dealing with the draft resolutions later. At that time, he felt, it would be opportune to adopt the Canadian proposal for a special committee.

In reply to the statement made by the representative of Australia, the representative of the Ukrainian SSR stated that the United Nations included in its Membership all nations who through their joint efforts, had undertaken to fight for and to establish lasting peace. It appeared to him that the representative of Australia did not share that purpose, if, in violation of the Charter, he wanted to keep out nations whose make-up and ideologies were different from that of his country. The People's Republic of China, he stated, elected by the Chinese people and representing their vital interests, had in a very short time gone a long way on the road to economic and social reform. That was enough proof that it was a people's government. He stated further, that his Government, like the governments of other countries, could not tolerate the presence of representatives of the Kuomintang group in the Assembly. He would, therefore, support the two draft resolutions presented by the USSR.

The representative of Peru stated that the Assembly could not, as proposed by India, assume a distinct juridical competence on the matter. The basic question, in his view, was to know which Government legitimately and effectively exercised the personality of China and the answer depended upon the opinions of the government which had relations with China. Forty-three Member States still did not think that a legal change had occurred in the legal personality of China.

¹⁴³ Item 62 on the provisional agenda—Recognition by the United Nations of the representation of a Member State—became item 61 on the final agenda (see below for discussion).

The various proposals were then put to the vote. The Syrian proposal to postpone a decision was rejected by 21 votes to 16, with 13 abstentions. The Indian draft resolution (A/1365) was voted upon by roll-call and rejected by 33 votes to 16, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Burma, Byelorussian SSR, Czechoslovakia, Denmark, India, Israel, Netherlands, Norway, Pakistan, Poland, Sweden, Ukrainian SSR, USSR, United Kingdom and Yugoslavia

Against: Australia, Belgium, Bolivia, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, Ethiopia, Greece, Haiti, Honduras, Iceland, Iran, Iraq, Liberia, Luxembourg, Mexico, New Zealand, Nicaragua, Panama, Paraguay, Peru, Philippines, Thailand, Turkey, Union of South Africa, United States, Uruguay, Venezuela

Abstaining: Argentina, Canada, Ecuador, Egypt, France, Guatemala, Lebanon, Saudi Arabia, Syria, Yemen

The Canadian draft resolution (A/1368) was voted on in two parts:

First part, as amended by Australia: adopted by 38 votes to 6, with 11 abstentions; second part, adopted by 42 votes to 8, with 6 abstentions.

USSR draft resolution (A/1369): rejected by 38 votes to 10, with 8 abstentions.

Second USSR draft resolution (A/1370): rejected by 37 votes to 11, with 8 abstentions.

The text of resolution (490(V)) adopted by the Assembly follows:

The General Assembly,

Taking note of differences of view concerning the representation of China in the United Nations,

Establishes a Special Committee consisting of seven Members nominated by the President and confirmed by the General Assembly to consider the question of Chinese representation and to report back, with recommendations, to the present session of the General Assembly, after the Assembly shall have considered item 62 of the provisional agenda (item proposed by Cuba);

Resolves that, pending a decision by the General Assembly on the report of this Special Committee, the representatives of the National Government of China shall be seated in the General Assembly with the same rights as other representatives.

c. APPOINTMENT OF THE SPECIAL COMMITTEE

On 12 December, the General Assembly, on the nomination of the President, elected by secret ballot the following States Members to serve on the Special Committee: Canada, Ecuador, India, Iraq, Mexico, the Philippines and Poland.

The Special Committee met on 15 December and elected the representative of India as its Chairman. After some discussion it decided, by 3 votes to 1, with 2 abstentions to leave the convening of the next meeting to the discretion of its Chairman. No further meeting of the Special Committee was held in 1950.

2. Recognition by the United Nations of the Representation of a Member State

By a letter (A/1292) dated 19 July 1950, Cuba requested the Secretary-General to place the question of the recognition by the United Nations of the representation of a Member State on the provisional agenda of the fifth session of the General Assembly. An explanatory memorandum (A/1308) was transmitted to the Secretary-General on 26 July.

The memorandum included a summary of the consideration of the same question by the Security Council and its Committee of Experts in January and February 1950.¹⁴⁴ The representative of Cuba had at that time stated that only the General Assembly or a subsidiary organ established by it was legally authorized to study or promote identical solutions for all organs of the United Nations concerning questions affecting the functioning of the Organization as a whole. The Committee of Experts had agreed on the desirability of establishing some uniform procedure which could be adopted by all organs of the United Nations, and the majority of its members had agreed that the question under consideration was of such a nature that it should be dealt with by the General Assembly. The item proposed, it was explained, referred not only to the formal problem of credentials, but to the question that arose concerning the legality of the representation of a Member State in the United Nations, when the latter had to decide which Government had the right to represent that State in the Organization.

On 6 September, the Secretary-General transmitted to the Members of the General Assembly, for their information, the text of a resolution (A/1344) adopted on 30 May 1950 by the fifth session of the General Conference of the United Nations Educational, Scientific and Cultural Organization, forwarded to him on 1 June by the Director-General of that organization. The resolution expressed the wish that the United Nations should adopt general criteria to permit uniform and practical settlement of the problem of representation on United Nations organs and organizations.

a. DISCUSSION IN THE AD Hoc POLITICAL COMMITTEE

The General Assembly, at its 285th plenary meeting on 26 September, referred this question to the Ad Hoc Political Committee which con-

¹⁴⁴ See pp. 52-53.

sidered it at its 18th to 24th meetings inclusive, and again at its 57th to 60th meetings inclusive, held on 20, 21, 23, 25 and 26 October and 27 and 28 November.

Cuba (A/AC.38/L.6) and the United Kingdom (A/AC.38/L.21) submitted draft resolutions in connexion with the item. The preamble of the Cuban proposal (A/AC.38/L.21) expressed the view:

(1) that questions regarding the representation of a Member State in the United Nations could not be definitively settled under the present rules and that there was danger that the organs of the United Nations might reach conflicting decisions;

(2) that in the interest of the proper functioning of the United Nations there should be uniformity in the procedure applied in the settlement of such questions;

(3) that by virtue of its composition, the General Assembly was the only organ of the United Nations in a position to express the general opinion of all Member States in matters affecting the functioning of the Organization as a whole. The first operative paragraph of the draft recommended that questions arising in connexion with the representation of a Member State in the United Nations should be decided in the light of the following:

(a) effective authority over the national territory; (b) the general consent of the population; (c) ability and willingness to achieve the Purpose of the Charter, to observe its Principles and to fulfill the international obligations of the State; and (d) respect for human rights and fundamental freedoms. The second operative paragraph provided that when it was necessary to take a decision regarding the legitimacy of the representation of a Member State, the matter was to be referred to the General Assembly for decision. The third operative paragraph declared that such decisions taken by the General Assembly were not to affect the direct relations of individual Member States with the State, the representation of which had been the subject of such decision. The fourth operative paragraph requested the Secretary-General to transmit the resolution to the organs and specialized agencies of the United Nations for appropriate action.

In submitting his draft resolution, the representative of Cuba explained that the problem before the United Nations was to find a criterion and a method of procedure whereby it could decide on the capacity or right of a Government to represent a Member State within the Organization. None of the rules of procedure of the Security Council indicated what was to be done when a question arose as to which was the recognized or true Government of any particular State. The Charter did not contain any provision in that connexion, nor did the rules of procedure of the main organs lay down any rules whereby such a problem could be solved. The chief purpose of the Cuban draft, he said, was to set forth the basic principles according to which the question of the legal representation of governments should be solved. The draft, he pointed out, made

it clear that the decision the General Assembly might take bound only the United Nations. It would not affect diplomatic recognition by Member States.

He enumerated the conditions set forth in his draft resolution which would make possible, in his opinion, an objective decision regarding the capacity or right of a government legitimately to represent a Member State in the United Nations. The first condition, he said, concerned the government's effective authority over the national territory. That condition was complemented by the second, which was the general consent of the population. A third was the government's ability and willingness to achieve the purposes of the Charter, to observe its principles and to fulfil the international obligations of the State. Willingness to co-operate with the United Nations and to observe its principles, he asserted, was an obviously essential condition for any government claiming to represent any Member State. However, the government should also be capable of such co-operation and capable of fulfilling the State's other international obligations. The final condition was that in the exercise of its authority the State should respect human rights and fundamental freedoms. Protection of those rights, he argued, was one of the fundamental purposes of the United Nations and it had, therefore, seemed obvious that it should be taken into account when deciding the legitimacy of the representation of a Member State.

The preamble of the United Kingdom proposal (A/AC.38/L.21) stated that:

(1) There was no uniformly agreed principle for determining the right of the government of a Member State to represent it and that there was a danger that conflicting decisions on this subject might be reached by the various organs of the United Nations and in the specialized agencies;

(2) In the interest of the proper functioning of the Organization there should be uniformity in the criteria to be applied in determining whether a given government was entitled to represent a Member State or when the representation of a Member State was challenged in any organ of the United Nations;

(3) In virtue of its composition, the General Assembly was the only organ of the United Nations in which consideration could be given to the views of all Member States in matters affecting the functioning of the Organization as a whole. The first operative paragraph recommended that where the question of the representation of a Member State arose in consequence of internal processes or changes which had taken place in that State, the right of a Government to represent the Member State concerned in the United Nations should be recognized if that Government exercised effective control and authority over all or nearly all the national territory, and had the obedience of the bulk of the population of

that territory, in such a way that this control, authority and obedience appeared to be of a permanent character. The second operative paragraph provided that when any question arose regarding the right of a Government to represent a Member State in the United Nations, the matter was to be referred to the General Assembly for consideration, but without thereby precluding action by any other organ of the United Nations which was called upon to take a decision on the matter during the period before the Assembly met. The third operative paragraph recommended that the view taken by the General Assembly concerning the right of a Government to represent a Member State should be acted upon by Member States in other organs of the United Nations and in the specialized agencies. The fourth operative paragraph declared that decisions taken by the General Assembly in accordance with the resolution were not of themselves to affect the direct relations of individual Member States with the State the representation of which had been the subject of such decisions. The fifth operative paragraph requested the Secretary-General to transmit the resolution to the organs and specialized agencies of the United Nations for appropriate action.

The representative of the United Kingdom explained that it was essential that some universal, factual and objective test which implied no moral or political approval of the government concerned or of the people which it controlled or of its policies or actions should be applied. In the circumstances, the most convenient and logical test was that the government to be recognized internationally as the government of the State concerned was that which controlled all or nearly all of the territory of the State and had the allegiance of the overwhelming majority of its population. That criterion, he said, was objective and coherent. It was important that the United Nations adopt some such test, since agreement was unlikely on any other basis. Sharp differences of opinion would arise on criteria such as respect for human rights, willingness to fulfil international obligations and consent of the people governed. The objective test of effective control, he asserted, would make possible almost unanimous agreement. All others were subjective in varying degrees and could lead only to divergences of view and of action. Refusal to allow a government exercising effective control to represent a State in the United Nations meant that the State was unrepresented and could not enjoy its rights as a Member. Such action, he argued, was illegal and contrary to the Charter.

Various amendments to the two proposals were submitted, mostly with a view to making the criteria to be applied more detailed. Thus, the representative of Uruguay submitted an amendment (A/AC.38/L.11) to the Cuban draft designed to add the following criterion: effective authority of a government should be acquired

by means which are in accordance with international law. This provision, the representative of Uruguay explained, would preclude recognition of any government established with the illegal intervention of another State. His amendment would also make it clear that an Assembly decision would be required only in the event of disputes regarding the representation of a State.

The representative of China also submitted an amendment (A/AC.38/L.22) to the Cuban draft. This amendment, *inter alia*, provided for the addition of a paragraph which would make it clear that the recognition of a new representation of a Member State should not be premature and should be guided strictly by the principles and provisions of the Charter of the United Nations and the Stimson Doctrine of Non-Recognition.¹⁴⁵ Another new paragraph would make it clear that effective authority over a national territory was to be established without the intervention of any other State, and that such authority was not to be the result of foreign aggression, either direct or indirect.

The representative of Venezuela submitted an amendment (A/AC.38/L.24) to the United Kingdom draft, which provided for, among other things, the addition of a new criterion beside that of effective control over a national territory; namely, the expressed declaration of the Government concerned, to fulfil willingly its international obligations.

At the 20th meeting of the Ad Hoc Political Committee on 23 October, the representative of the Dominican Republic submitted a draft resolution (A/AC.38/L.23), calling upon the General Assembly:

(1) to request the International Law Commission to study the legal aspects of the item and to submit the results of such study in time for inclusion in the agenda

¹⁴⁵ United States Secretary of State Stimson in Jan. 1932 addressed notes to both the Government of the Chinese Republic and the Imperial Japanese Government, notifying them that the United States Government "cannot admit the legality of any situation de facto nor does it intend to recognize any treaty or agreement entered into between those Governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open door policy; and that it does not intend to recognize any situation, treaty or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which Treaty both China and Japan, as well as the United States, are parties". This is referred to as the Stimson Doctrine of Non-Recognition. (Foreign Relations of the United States, 1932, Vol. III: The Far East, p. 8.)

of the sixth regular session of the General Assembly; and

(2) to send to the International Law Commission the records of the meetings of the Committee dealing with the subject, the draft resolutions submitted, and all other documents which might provide the International Law Commission with useful information, and to request the Secretary-General to take the necessary action on this resolution.

At the 23rd meeting on 26 October, the United Kingdom submitted a proposal (A/AC.38/L.25) to the effect that, if it should be decided to refer the matter to an outside body, the latter should be the International Court of Justice, to which (or to the International Law Commission if reference were made to that body), the following questions should be put:

(1) If, in consequence of internal changes or processes which have taken place in a State a Member of the United Nations, there is established in that State a Government which exercises effective control and authority over all or nearly all the national territory, and has the obedience of the bulk of its population, in such a manner that this control, authority and obedience appear to be of a permanent character, is there an obligation, according to the accepted principles of international law, to recognize the Government concerned as being entitled to represent that Member State?

(2) If the answer to the first question is in the negative, what are the circumstances (if any) in which such an obligation can be regarded as existing?

During the general debate, various representatives including, among others, Paraguay and the Union of South Africa, expressed doubts concerning the advisability of attempting to adopt various criteria that had been proposed. Some representatives, including those of Australia, Belgium and Thailand, held that every case should be decided on its merits; others, including those of India and the United Kingdom, declared that the only criterion universally accepted in international law was that of effective control and authority over the territory of the State concerned.

The representatives of Costa Rica, El Salvador, Honduras and Uruguay, among others, supported the Cuban draft resolution. They considered the question important, because revolutions frequently brought about changes in governments and consequent alterations in the representation of States in the various organs of the United Nations. The United Nations, they said, had not set up any machinery for dealing with such cases. On the other hand, if each organ were free to decide for itself in the matter, the Organization might find itself faced with conflicting decisions. The argument that each organ of the United Nations was free to decide upon the validity of the credentials of its members, in accordance with its rules of procedure, seemed applicable only to the

process of ascertaining whether those credentials had been properly prepared. When it was a case of deciding on the representation of a Member State after a change of government, the General Assembly should take the decision. They considered the Cuban draft to be in perfect harmony with the principles of the Charter. It was in fact quite normal that, before recognizing the representatives of a new government, the United Nations should make sure that the government in question exercised effective authority over the national territory and that its authority was based, not on the obedience of the population, but upon its general consent. The ability and willingness of a government to achieve the purposes of the Charter, to observe its principles and to fulfil the international obligations of the State, they argued, must also be taken into account.

The representatives of Burma, India, Norway, Venezuela and Yugoslavia, among others, supported the United Kingdom draft resolution. They thought that any government sufficiently stable to continue to function as the permanent and established government of a country was the spokesman for that country's people and could therefore claim to represent it on outside bodies. A change of government need not break the continuity of a State. Through a stable government, the United Nations could come into contact with the people of a State and vice versa. Consequently, the problem which arose was whether the government of the State in question exercised effective authority over the territory and was obeyed by the majority of the population. In their opinion, if the prerequisites of stability and permanence existed, the question of the recognition of representation should ultimately be decided by the General Assembly. The United Kingdom draft, they argued, provided the most just and equitable solution of the problem by suggesting a realistic basis for solution of concrete cases.

Representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR criticized the Cuban draft resolution. They argued that the Cuban draft contravened the practices of the United Nations in the matter. Every organ of the United Nations, they said, was fully empowered under its rules of procedure to decide independently as to the powers of representatives appointed by the governments exercising authority in their countries. No other questions, much less any questions relating to the domestic affairs of States should be taken into account when the question of representation was under discussion. They asserted that the Cuban draft suggesting

that the General Assembly should be given the right in every case to decide as to the legitimacy of the representation of Member States in the United Nations infringed the sovereign rights of people to self-determination and therefore was in contradiction with the Charter. Attempts to make representation in the United Nations contingent upon domestic conditions, they asserted, were also illegal and a violation of the Charter.

In the opinion of the representative of Yugoslavia, the Cuban draft resolution complicated the question by introducing a series of criteria likely to impede the recognition of new governments in the future and which would to some extent involve coercion, preventive sanctions and interference in the domestic affairs of States.

The representative of the USSR declared that the draft resolutions submitted by Cuba and the United Kingdom were fundamentally analogous. He said that both had the same purpose, namely to establish certain criteria—dangerous criteria—for the representation of Member States in the United Nations.

At its 24th meeting on 26 October, the Committee decided, by 29 votes to 6, with 17 abstentions, to establish a Sub-Committee to consider the item in the light of all the proposals, amendments, suggestions and views presented in the course of debate. The Sub-Committee was composed of the representatives of Australia, Belgium, China, Cuba, Denmark, the Dominican Republic, Egypt, France, India, Turkey, the United Kingdom, the United States, Uruguay and Venezuela. It held nine meetings between 27 October and 15 November and agreed on a draft resolution which it adopted by 8 votes to 4, with 2 abstentions.

The draft resolution adopted by the Sub-Committee for consideration by the Ad Hoc Political Committee recommended that whenever more than one authority claimed to be the government entitled to represent a Member State in the United Nations and that question became the subject of controversy in the United Nations, the question should be considered in the light of the Principles and Purposes of the Charter and the circumstances of each case. The following factors were to be taken into consideration in determining any such question: (1) the extent to which the new authority exercised effective control over the territory of the Member State concerned and was generally accepted by the population; (2) the willingness of that authority to accept responsibility for the carrying out by the Member State of its obligations under the Charter; and

(3) the extent to which that authority had been established through internal processes in the Member State. When any such question arose, it should be considered by the General Assembly, or by its Interim Committee if the Assembly were not in session.

At the 57th meeting of the Ad Hoc Political Committee on 27 November, the Rapporteur of the Sub-Committee presented its report (A/AC.38/L.45) and the draft resolution adopted by it. The report was considered by the Committee at its 57th-60th meetings, held on 27 and 28 November.

Various amendments were submitted during the discussion of the Sub-Committee's draft resolution, including one submitted by Egypt (A/AC.38/L.54), proposing the deletion of the factors enumerated in the proposal.

Belgium submitted an amendment (A/AC.38/L.50) calling for: (1) the deletion of paragraph 2 of the Sub-Committee's draft, which related to the consideration by the General Assembly, or by the Interim Committee, of the question regarding representation; and (2) the removal of any reference to "decisions" of the General Assembly or the Interim Committee in paragraphs 3 and 4 of the draft. The representative of Belgium explained that paragraph 2 of the draft was superfluous because its general intention was already covered by paragraph 3, which allowed the General Assembly, or, failing that, the Interim Committee, to take up the matter in case of need. He also declared that as the General Assembly or the Interim Committee could not judge except for themselves, their conclusions — when considered in relation to other United Nations organs — did not have the force of decisions. It was therefore better at that point to speak of the "attitude" or "position" of the General Assembly or the Interim Committee.

The USSR submitted an oral amendment calling for the deletion of the reference to the Interim Committee.

Mexico (A/AC.38/L.53) and Argentina (A/AC.38/L.56) also submitted amendments to the Committee's draft but later withdrew them.

The representatives of Bolivia, Canada, Chile, China and the United States, among others, supported the draft resolution submitted by the Sub-Committee. They thought that the draft resolution defined a body of guiding principles and remedied an important omission, while following the principles of the Charter and of international law. It was an objective proposal made at a time when the problem of the representation of a Member State had to be solved. It in no way implied either an intervention in the domestic affairs of a State or a violation of Article 7 with regard to the competence of the various organs of the United Nations in connexion with representation, as it was confined to a recommendation to be submitted to those organs for study. The United Nations, they said, ought to be as repre-

sentative as possible; hence, it ought to see that governments which effectively represented the populations of the Member States took their seats on it. Under the draft resolution the United Nations would be able to achieve that truly representative character. They stated that the draft resolution presented by the Sub-Committee represented a satisfactory compromise solution of a complex and controversial political and legal issue.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed the Sub-Committee's draft resolution. They emphasized the fact that there was no need for a special decision regarding the representation of Member States, since the provisions of the Charter and the rules of procedure of various organs were sufficiently clear on that point. In accordance with the practice followed by the United Nations with regard to representation, each organ, they said, acting within its rules of procedure, recognized the credentials of representatives of a Member State appointed by the government which exercised real authority in the territory of that Member State. They argued that the Sub-Committee's draft resolution, under the pretext of establishing a uniform procedure, if adopted, would tend to legitimize the intervention of the General Assembly in the domestic affairs of Members of the United Nations. Moreover, if that draft were accepted, they said, it would be possible to prevent a Member from taking part in the work of the Organization, in defiance of the provisions of the Charter, of international law and of the rules of procedure of the Organization. They stated that the draft resolution illegally extended the rights and competence of the General Assembly and of the Interim Committee—which was an illegal organ—in order to enable them to interfere in the internal affairs of Member States. The object of the draft resolution, they asserted, was to prevent the Government of the People's Republic of China from taking part in the work of the United Nations. They were of the opinion that the "representative of the Kuomintang group" should be excluded from all United Nations organs and that the representative of the Government of the People's Republic of China should be admitted to them. Any attempt to lay down new tests for representation, they were convinced, would inevitably delay solution of the problem of the representation of the People's Republic of China.

Other representatives criticized certain aspects of the draft resolution. Thus, for example, the

representatives of Argentina, Colombia, Sweden, Turkey and Venezuela, among others, criticized that part of the draft resolution dealing with the factors to be considered when the representation of a Member State was in issue. They said that effective control of territory was undoubtedly an objective factor, but the same could not be said of the agreement of the population, which could not be established without previous inquiry. Such an inquiry would amount to an intervention in matters essentially within the domestic jurisdiction of a State and be a breach of the provisions of Article 2, paragraph 7, of the Charter.

The representative of the Netherlands felt that the draft resolution lacked clarity and therefore would not advance the solution of the matter.

The representative of France asserted that the draft resolution had been the product of differing and often contradictory concepts. It succeeded in stating some of the principles involved in the problem, but it did so in vague and equivocal terms. It provided no uniform machinery applicable to all cases; consequently, the question remained unresolved.

The representative of Yugoslavia stated that he could not accept the Sub-Committee's compromise draft resolution because it was not clear and some of its provisions would permit interference in the internal affairs of States.

India could not accept the references to the Interim Committee. India stated that the General Assembly, not the Interim Committee of the Assembly, should decide on the representation of a Member State. No mention had been made of the Interim Committee in the Charter, and that organ, therefore, could not be regarded as representing all the Members of the United Nations.

Some representatives expressed their intention of abstaining on the vote of the Sub-Committee's draft resolution. The representative of the United Kingdom stated that he did not consider the draft satisfactory, but it had been sufficiently amended to permit his delegation to abstain from voting. Denmark observed that it seemed doubtful whether the draft would obtain general consent. In those circumstances, it would abstain from voting if the draft resolution were voted upon in its existing form. Pakistan also stated that even if certain amendments to the draft resolution were adopted, it would probably abstain from voting for it.

The Ad Hoc Political Committee, at its 60th meeting on 28 November, voted on the Sub-

Committee's draft resolution and the amendments to it. The Belgian and Egyptian amendments were adopted by varying votes; the USSR amendment was rejected by 35 votes to 6, with 11 abstentions. The draft resolution of the Sub-Committee, as amended, was adopted as a whole by 29 votes to 7, with 15 abstentions. A draft resolution (A/AC.38/L.55), calling for the study of the legal aspects of the question by the International Law Commission, submitted by the representative of the Dominican Republic at the Committee's 60th meeting, was withdrawn after the vote.

b. CONSIDERATION BY THE GENERAL ASSEMBLY

The report (A/1578 & Add.1) of the Ad Hoc Political Committee was considered by the General Assembly at its 325th plenary meeting on 14 December. An Egyptian amendment (A/1582) restoring the paragraph deleted by the Committee to the effect that when a question concerning representation arose, it should be considered by the General Assembly, or by the Interim Committee if the General Assembly were not in session, was adopted by 25 votes to 10, with 8 abstentions. The draft resolution, as amended, was adopted by 36 votes to 6, with 9 abstentions.

Following the adoption of the resolution, the representatives of Czechoslovakia, Poland, and the USSR declared that it was unacceptable to them. They stated that the whole question of representation had been brought up to deprive the People's Republic of China of its legitimate place in United Nations organs. The establishment of criteria was intended to make it possible, when the question of the recognition of the representation of a given Member State arose, to make particular demands upon that State, and to deprive it of its legitimate rights under the Charter. This would amount to illegal expulsion of the Member State from the Organization. The use of such criteria would inevitably lead to arbitrary and discriminatory measures in respect of certain Member States, and would open the way to interference in the internal affairs of Members. Stating that there was no need for the establishment of any criteria whatsoever, or for any uniformity in practice, these representatives maintained that such problems should be decided independently by each organ of the United Nations in accordance with its own rules of pro-

cedure. Recognition should be given only to the representatives appointed by the governments which exercised effective power in given Member States, since only such governments could carry out the obligations of the Charter.

The representative of China, explaining why he had voted for the resolution, declared that although the resolution adopted fell somewhat short of the original draft submitted by Cuba in the Ad Hoc Political Committee and also of the draft submitted by the Sub-Committee, it nevertheless gave primary importance to the principles and purposes of the Charter as guiding considerations in the determination of the question of representation, and it established an appropriate machinery for the determination of such questions.

The text of the resolution (396(V)) read:

The General Assembly,

Considering that difficulties may arise regarding the representation of a Member State in the United Nations and that there is a risk that conflicting decisions may be reached by its various organs,

Considering that it is in the interest of the proper functioning of the Organization that there should be uniformity in the procedure applicable whenever more than one authority claims to be the government entitled to represent a Member State in the United Nations, and this question becomes the subject of controversy in the United Nations,

Considering that, in virtue of its composition, the General Assembly is the organ of the United Nations in which consideration can best be given to the views of all Member States in matters affecting the functioning of the Organization as a whole,

1. Recommends that, whenever more than one authority claims to be the government entitled to represent a Member State in the United Nations and this question becomes the subject of controversy in the United Nations, the question should be considered in the light of the Purposes and Principles of the Charter and the circumstances of each case;

2. Recommends that, when any such question arises, it should be considered by the General Assembly, or by the Interim Committee if the General Assembly is not in session;

3. Recommends that the attitude adopted by the General Assembly or its Interim Committee concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies;

4. Declares that the attitude adopted by the General Assembly or its Interim Committee concerning any such question shall not of itself affect the direct relations of individual Member States with the State concerned;

5. Requests the Secretary-General to transmit the present resolution to the other organs of the United Nations and to the specialized agencies for such action as may be appropriate.

R. MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT PLACED ON THE AGENDA

1. Cases Submitted by Haiti and the Dominican Republic to the Organization of American States

At a special meeting of the Council of the Organization of American States held on 6 January 1950, the Council took cognizance of a note presented on 3 January by the delegation of Haiti requesting that the Organ of Consultation be convoked in conformity with the Inter-American Treaty of Reciprocal Assistance, and also of a note presented at the meeting by the delegation of the Dominican Republic. The Council decided at that meeting to constitute itself provisionally as the Organ of Consultation and to appoint a committee to investigate on the spot the events, and the antecedents thereof, mentioned in the notes of Haiti and the Dominican Republic.

On 13 March 1950, the Investigating Committee reported to the Organ of Consultation its findings and recommendations relative to the petition of the Dominican Republic concerning the same situation in the Caribbean resulting from the support given by some governmental authorities to revolutionary movements and exile groups, with particular reference to the acquisition of armaments by groups in Cuba and Guatemala for the purpose of attacking the territory of the Dominican Republic. On 8 April the Council of the Organization adopted several decisions on the basis of the report of the Committee of Investigation declaring, *inter alia*, that the danger to international peace that might have arisen from the events affecting relations between Haiti and the Dominican Republic had fortunately been dispelled and that there had formerly existed within Cuba and Guatemala armed groups animated by the purpose of overthrowing by force the Government of the Dominican Republic; and resolving to appoint a committee of five to acquaint itself with the manner in which the Council's resolutions were carried out and to assist the interested parties in complying with the resolutions.

Those activities of the Council of the Organization of American States were outlined in a letter (S/1492) dated 23 May 1950 from its Chairman to the Secretary-General enclosing the report of the Investigating Committee of the Organ of Consultation and the Council's decisions. The Secretary-General informed the Security Council of these activities.

By letter dated 10 July 1950 (S/1607), the Secretary-General of the Organization of American States transmitted to the Secretary-General of the United Nations, for the information of the Security Council, the report submitted to the Governments of the States members of the Organization of American States on 30 June 1950 by the Special Committee for the Caribbeans.

2. Panel for Inquiry and Conciliation

At the 199th plenary meeting of the General Assembly on 28 April 1949, resolution 268 D (III)¹⁴⁶ was adopted providing for the establishment of a list of persons deemed to be well fitted to serve as members of commissions of inquiry or conciliation. In accordance with article 2 of the annex to that resolution, the Secretary-General, in letters dated 27 March (S/1476) and 3 May 1950 (S/1476/Add.1) to the President of the Security Council, communicated lists of persons who had been nominated by Governments of Member States for inclusion in the panel.

In a note dated 8 December 1950, the Secretary-General communicated to the members of the Security Council a consolidated list of the persons who had, by that date, been designated.

Biographical information on these individuals has been made available for consultation in the Department of Security Council Affairs of the Secretariat.

3. Complaint by the USSR against Greece

By letter dated 29 August 1950 (S/1735), the representative of the USSR, in his capacity as the President of the Security Council, drew the attention of the members of the Council to two communications, one from the All-Union Council of Trade Unions (USSR) and the other from relatives of Greek political prisoners appealing for cessation of terror against Greek democrats, of mass executions, and of the inhuman plan for the transfer of prisoners suffering from tuberculosis to islands where elementary medical care did not exist with a view to bringing about their destruction. He expressed the hope that the

¹⁴⁶ See Y.U.N. 1948-49, pp. 416-17.

Council and the General Assembly would adopt a decision to save the lives of these people who had waged a courageous struggle against Hitlerite invaders.

On 31 August, the item, "The unceasing terrorism and mass executions in Greece", proposed by the USSR was placed on the provisional agenda of the 493rd meeting of the Council.

Citing telegrams and letters (S/1735/Corr.1; S/1737), which reported inhuman torture and barbarous treatment of political prisoners in concentration camps, the representative of the USSR stated that the Security Council could not ignore all the acts of inhuman cruelty committed by the Greek monarcho-fascist regime. One of these communications stated that democrats who had played an active part in the national resistance movement were being tried by special military courts and were in danger of being executed simply because of their refusal to change their democratic beliefs.

The representative of the USSR therefore submitted a draft resolution (S/1746/Rev.1), which noting that the military courts in Greece were continuing to pass death sentences on the leaders of the national resistance movement and that the number of persons sentenced to death amounted to 2,877, noting also that at the present time in Greece 45 Greek democrats were before a military tribunal in Athens and were in danger of being shot, noting that the Greek Government was transferring political prisoners suffering from tuberculosis to desert islands and injurious climatic conditions, requested the Greek Government to suspend the execution of the death sentences of 45 active members of the national resistance movement, to prohibit further executions of poli-

tical prisoners and not to allow the transfer of tubercular political prisoners to desert islands with an unhealthy climate.

A majority of the members of the Council, including the representatives of China, Cuba, Ecuador, the United Kingdom and the United States felt that the matters alleged did not really threaten peace and were not within the jurisdiction of the Security Council and could be discussed by the General Assembly at its fifth session.

The representative of Yugoslavia stated that the question should be admitted to the Council's agenda and that the Council should try to save the lives and alleviate the fate of the people concerned. Many of them, he stated, had waged a gallant struggle against Axis invaders and had fought in the post-war period for a democratic pattern of affairs in Greece.

At its 493rd meeting on 31 August, the Council decided, by 9 votes to 2 (USSR, Yugoslavia) not to include the item in its agenda.

In a reply dated 1 September 1950 (S/1749) to the charge brought against Greece by the USSR, the permanent representative of Greece stated that the persons whose defence the representative of the USSR had undertaken were not democrats with a stainless record or freely elected trade union leaders; that they had not been sentenced for their democratic convictions but for crimes which had covered Greece with blood and tears, that not a single death sentence had been carried out during the last months; and that special care was being taken for the maintenance of satisfactory sanitary conditions in the island where a few of those criminals were detained.

IV. Economic and Social Questions

A. ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED AREAS

1. Financing of Economic Development

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS TENTH SESSION

The question of the financing of economic development was considered by the Council at its 367th—371st plenary meetings, 28 February—2 March 1950.

Among other things, the Council had before it the following studies prepared by the Secretariat in accordance with resolution 222 D (IX) adopted at its ninth session in July-August 1949:¹

Survey of Policies Affecting Private Foreign Investment (E/1614/Rev.1).—This study described the main types of laws, regulations and economic policies of both capital-exporting and less developed countries, with respect to foreign investments; it also included brief summaries of laws, regulations and policies in certain less developed countries in Asia and the Far East, Latin America, the Middle East and among British colonial territories.

Methods of Increasing Domestic Savings and of Ensuring Their Most Advantageous Use for the Purpose of Economic Development (E/1562).—This report was based on a meeting of experts on financing economic development, which was held at Lake Success in October 1949, under General Assembly resolution 200(III).² The report contained the general views expressed by the experts who participated in the meeting; a summary of the discussions; and the papers prepared by each of seven participants, describing the experience of his country in obtaining domestic financial resources for economic development, together with an annotated guide to the papers prepared by the Secretariat to facilitate the discussions.

In addition to these studies, the following pertinent reports were made available to the Council at its tenth session:

Methods of Financing Economic Development in Under-Developed Countries.³ This report was prepared by the Secretary-General pursuant to resolution 179 (VIII)⁴ and was presented to the ninth session of the Council. However, in view of the fact that the Council's work at that session centered largely on problems of technical assistance, it was not then possible for the Council to give detailed consideration to the problems of financing. Relative Prices of Exports and Imports of Under-Developed Countries.⁵ This study was made available

in its preliminary form to the third session of the Sub-Commission on Economic Development in March-April 1949, under the title "Post-War Price Relations in Trade between Under-developed and Industrialized Countries" (E/CN.I/Sub.3/W.5). It was prepared in response to the Sub-Commission's recommendation that a study be made of the price trends of primary products relative to prices of capital goods. The study was concerned with the post-war increase in the prices of goods—especially capital goods, machinery and equipment—imported by under-developed countries, compared with price increases in their exports, predominantly primary products.

International Capital Movement during the Inter-War Period⁶ In its preliminary form, this study had been submitted to the third session of the Sub-Commission on Economic Development. The report contained information on the magnitude and direction of the movement of capital during the inter-war period, the terms of investment and their effects on borrowing countries.

The Council also had before it at its tenth session other documents in connexion with the question of financing economic development, including a communication (E/1591) from the Food and Agriculture Organization of the United Nations, transmitting a report on international investment and financing facilities adopted by the fifth session of the Conference of FAO; the fourth annual report, 1948/49, of the International Bank for Reconstruction and Development, which included a chapter on the role of the Bank in economic development (E/1597); a report entitled National and International Measures for Full Employment⁷ which was prepared by a group of experts appointed by the Secretary-General in accordance with Council resolution 221 A (IX), and which contained recommendations concerning the stabilization of international investment for economic development; and a report entitled The Effects of Taxation on Foreign Trade and

¹ See Y.U.N., 1948-49, pp. 453-54.

² See *ibid.*, pp. 437-38.

³ U.N.P., Sales No. 1949.II.B.4.

⁴ See Y.U.N., 1948-49, pp. 453.

⁵ U.N.P., Sales No. 1949.II.B.3.

⁶ U.N.P., Sales No. 1949.II.D.2.

⁷ U.N.P., Sales No. 1949.II.A.3. See also pp. 466 ff.

Investment,⁸ prepared by the Secretariat in accordance with Council resolution 226 (IX).

Although the Council was aware of the concern of the General Assembly with problems of financing economic development, as expressed in General Assembly resolution 306(IV),⁹ it also took note of the Secretary-General's statement (E/1602) to the effect that it appeared "that both more definitive data as well as draft recommendations in the field of financing economic development should be available in time for consideration during the eleventh session of the Council". After engaging in a preliminary discussion on the subject,¹⁰ it recognized the need for further study of the problems of financing economic development before it could recommend definitive action. The Council, therefore, decided to defer action on these problems till its eleventh session. To facilitate action at that session, it unanimously decided at its 371st plenary meeting on 2 March 1950 (268 B (X)) that "the Sub-Commission on Economic Development should meet in 1950 and that it should, utilizing fully the studies prepared by the Secretariat and the records of the relevant debates of the Council, formulate practical recommendations for financing economic development of under-developed countries at its next session and make them available in time for consideration by the eleventh session of the Council". It also took account of General Assembly resolution 307(IV)¹¹ on economic development and international economic and commercial policy, in which it was recommended that the Council should give further attention to "such questions of international economic and commercial policy as may influence the process of development of the economies of under-developed countries, with a view to making recommendations to the General Assembly".

b. CONSIDERATION BY THE SUB-COMMISSION ON ECONOMIC DEVELOPMENT AT ITS FOURTH SESSION

The Sub-Commission on Economic Development at its fourth session, 17 April-11 May 1950, therefore concerned itself primarily with the formulation of practical recommendations for financing economic development. In its report (E/CN.80 & Add.I), the Sub-Commission emphasized the major role of domestic effort and domestic resources, including domestic capital, in the development of under-developed countries, but considered foreign and international aid an important supplement for accelerating economic development. Pointing out that both the usefulness

of and the opportunities for obtaining external financing on an increased scale depended to a large extent upon domestic organization and activity, the Sub-Commission stressed the importance of self-help in furthering economic development, stating that "on this foundation rest the hopes and the best opportunities for promoting international arrangements for financing that are needed for further accelerating economic development".

In its review of available foreign financing, the Sub-Commission covered private, governmental and international sources. It concluded that these sources were at present inadequate to provide the foreign financing needed for the large volume of low-yielding and slow-yielding "social and economic overhead" projects in such fields as education, health, housing, transport, communications and power, which were a necessary foundation for continued, accelerated economic development.

After taking into consideration certain advantages of private foreign investments, the Sub-Commission recommended a number of measures which would increase the flow of such capital for the purpose of financing economic development. Primarily, it recommended that under-developed countries subject private enterprise to the fewest possible restraints and controls, accord private investors non-discriminatory treatment, pledge the security of foreign persons and property, assure preference to transfer of earnings and withdrawal of capital if desired in the event of balance of payments difficulties, assure adequate compensation and reasonable transfer of earnings in the event of nationalization of the enterprises, and refrain from imposing inflexible requirements upon foreign investors with respect to percentage of foreign ownership and number or proportion of local directors, managers and employees. The more developed countries, the Sub-Commission held, should encourage private investment by their nationals by entering into bilateral treaties designed to assure fair treatment to the invested capital and entering into tax conventions in order to eliminate double or multiple taxation, by offering unilateral tax incentives and by making provision for long-term government contracts for the purchase of raw materials.

However, deterrents to the expansion of private foreign investment were seen rather in the existing obstacles to the transfer of funds be-

⁸ U.N.P., Sales No. 1950.XVI.1.

⁹ See Y.U.N., 1948-49, p. 457.

¹⁰ For views of Council members on the subject, see pp. 441-42.

¹¹ See Y.U.N., 1948-49, pp. 457-58.

tween countries than in the lack of agreement on codes, treaties and general principles. The Sub-Commission concluded that a substantial expansion in private foreign investment was not immediately to be expected, and that an acceleration of private investment commensurate with the needs of under-developed countries would, at best, take a considerable number of years to materialize.

Two of the members of the Sub-Commission did not subscribe to the opinion of the majority concerning private foreign investment. In their view, it was neither desirable nor feasible to discuss at an international level the detailed conditions necessary for the promotion of private investment without much more preparatory work and mutual consultations by the Governments and nationals of the countries concerned. For one thing, detailed international obligations of the type suggested in the draft resolution on the subject would be in conflict with the existing legislation and, in some cases, even of the constitutions of a number of under-developed countries. In addition, it would be a matter of no small difficulty to get the necessary changes made therein, especially if the initiative was to come from an international body rather than from the nationals or the Governments concerned. They also stated that action under this head should emanate from individual Governments—both capital-exporting and capital-importing—rather than from an international body until such time as conditions favour the negotiation of an international treaty on the subject.

With regard to foreign financing through governmental and international agencies, the Sub-Commission was encouraged by the prospects of increasing such financing through the International Bank for Reconstruction and Development and the United States Export-Import Bank in Washington. In this connexion, the Sub-Commission noted with satisfaction the assurance of the representatives of the Bank that the Bank was favourably disposed towards granting loans for financing a series of interrelated projects, relying for repayment on the general credit condition of the country concerned rather than on the self-liquidating character, in terms of foreign exchange, of a specific project. In view of the scope of the low-yielding and slow-yielding basic projects requiring foreign financing, however, the Sub-Commission concluded that there was urgent need for additional sources of funds at lower interest rates and with longer maturities than are presently available.

The Sub-Commission, recognizing that the main financial burden would fall on one particular Member State, did not feel that it should recommend at this time the creation of an international organization to finance economic development. It therefore recommended urgent consideration of the problems by the Governments in a position to provide such funds, and by the Economic and Social Council at its eleventh session. If the necessary response were forthcoming, the Sub-Commission suggested that the creation of such an agency might then be discussed in detail.

The above considerations were embodied in the draft resolutions which the Sub-Commission, in its report, proposed for consideration by the eleventh session of the Council.

The Sub-Commission also suggested that the Council should make appropriate provision for a study dealing with the important problems of unemployment and under-employment in the under-developed countries.

c. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

At its eleventh session the Council had before it, in addition to the report of the Sub-Commission, the Experts' report on National and International Measures for Full Employment, the studies which had been previously submitted to the tenth session and a number of other studies, together with the following documents which had become available between the two sessions: Economic and Legal Status of Foreign Investments in Selected Countries of Latin America (E/CN.12/166 & Add. 1 to 9 inclusive).—prepared by the Secretariat for the third session of the Economic Commission for Latin America. Foreign Investment Laws and Regulations in the ECAFE Region (E/CN.11/1 & T/25).—prepared by the Secretariat for the second session of the Committee on Industry and Trade of the Economic Commission for Asia and the Far East. Financing Economic Development (E/C.2/256/-Add. 1).—statement submitted by the International Chamber of Commerce, a non-governmental organization in category A consultative status.

Taking as a basis the proposals of the Sub-Commission, together with the pertinent parts of the report of the experts on full employment, the Council discussed the problems of financing of economic development of under-developed countries at the 90th, 91st and 95th-97th meetings of

its Economic Committee, 27 and 28 July and 10 and 11 August, and at its 381st-385th and 409th plenary meetings, 10-12 July and 12 August 1950.

In addition, the Council had before it a note by the Secretary-General on methods of financing economic development (E/1690) and a report by him on measures being taken by the United Nations and specialized agencies to promote economic development (E/1729).

During the discussions in the Council, the majority of members supported the conclusions of the Sub-Commission, particularly its recommendations (1) that there should be joint participation of domestic and foreign capital in financing development projects in under-developed countries, (2) that more of the developed countries should permit the International Bank for Reconstruction and Development to utilize an increasing amount of their domestic currencies for such of the Bank's loan transactions as involve a demand for such currencies and (3) that foreign financing should not be confined to the direct needs of development projects for foreign expenditures and that international credit organizations should consider a possible reduction of interest rates and an improvement of amortization terms so as to ease the financial burden on the under-developed countries.

With regard to the last-mentioned point, the representatives of the United Kingdom and Iran stressed that unless projects which produced little or no direct financial return (e.g. housing, education, sanitation, power, etc.) were financed, possibilities for other types of investment would be restricted. The United Kingdom representative stated that he agreed with the Sub-Commission that much essential development of a "social overhead" nature could not be financed by the Bank and felt that much more thought should be given to finding a solution for the problem.

It was also agreed in the Council that while under-developed countries should rely first of all on domestic financing, it was impossible for them to develop their resources without help from foreign finance. It was also generally felt that while private foreign investment was extremely important, public or governmental lending was of primary importance.

The representative of Australia pointed out that both the Experts on Full Employment and the Sub-Commission on Economic Development had agreed that (1) it was essential to draw a clear-cut distinction between investments for specific projects which yielded direct returns and those in fields such as health and education which yielded indirect returns, (2) it was most desirable

to promote as much as possible the financing of economic development from domestic capital resources of under-developed countries but that total reliance on domestic resources was impossible, (3) in prevailing conditions the flow of private international investment would be irregular as well as inadequate to meet the world's requirements for economic development and (4) it was essential to supplement private international lending by loans granted under governmental auspices which should not be tied to specific projects. However, they had not been able to reach agreement on how to organize and administer such a flow of capital on a larger and more stable basis. The Experts had recommended expansion of the Bank's functions with appropriate modification of organization while the Sub-Commission had again suggested the creation of a United Nations economic development administration to finance economic development. A third possible approach was action by particular countries.

The representatives of India and Iran favoured the creation of a new international agency. In the opinion of the representatives of Australia and Canada, however, there were already enough international institutions in existence. The representative of Brazil felt that the time was not yet ripe for the establishment of such an agency.

Other members, among them the representatives of Australia, Brazil, Chile and France, agreed with the Experts on Full Employment that the scope of the Bank's operations should be enlarged and diversified to finance general development programmes, including basic social development rather than specific projects.

The representatives of the United States and United Kingdom, while in favour of the Bank's present trend to extend, within its present framework, more loans for development in general, were opposed to any modification of its constitution at this time. The United States representative stated that in his opinion the scope of international capital resources available for development and the methods by which they could be increased should be determined only after further experience had been gained in the actual financing of loans for development. If, in the future, the Bank's resources proved inadequate, then consideration could be given to increasing its lending capacity.

The representative of Belgium maintained that private capital should be the basis of international financing and that it was necessary to develop an international market for capital. The under-developed countries, he felt, should create

a favourable "climate" by improving legislative and administrative machinery and by guaranteeing loans made by private sources. In this connexion he welcomed the Sub-Commission's suggestion regarding guarantees to be given by borrowing countries to their creditors. But, in addition, guarantees should also be provided against debtor countries which defaulted.

While the majority of members agreed that the creation of a favourable "climate" was important, the representatives of Chile, India and the United States pointed out that it was equally the responsibility of the lending countries to create a favourable economic "climate". Public capital, the representative of Chile held, should give an example to private capital and so help create such a "climate".

The representative of Mexico was of the opinion that the element of distrust that existed between capital-exporting and capital-importing countries prevented a favourable "climate" from developing and that the explanation for this distrust lay not in legislative measures adopted by capital-importing countries but in the general political tendency shown in all countries of the world of increasing State intervention in economic life arising out of the difficulties of the world economic situation.

The representatives of Chile, Mexico, India and Brazil questioned the Belgian proposal for the use of sanctions if countries failed to meet their financial obligations. Such action would be a step backwards. Moreover, private capital, while important, should play only one part in financing economic development. The representative of Peru pointed out that the question was to organize sound economic relations throughout the world in an entirely new spirit calculated to produce new results. The representatives of India and Pakistan pointed out that it ultimately was in the interests of industrialized countries to raise the standard of living in eastern countries because the poverty there was the greatest menace to world peace.

The representatives of Mexico and Chile felt that the recommendations of the Sub-Commission on the stimulation of private foreign investment placed foreign investors in a more favourable position than local investors and therefore would tend to discourage the latter. This was running counter to the principle that the economic development of under-developed countries should be ensured primarily by domestic savings.

The United States representative noted that all were agreed that under-developed countries

needed foreign capital—both private and public—to formulate and accelerate their economic development and that it was desirable and necessary to facilitate the international flow of capital for this purpose. It was generally agreed, also, that private capital was of particular importance in furthering economic development. He and the representative of Australia stressed the importance of the technical assistance programme in developing local measures necessary for capital formation in under-developed areas and to channel savings into productive enterprises. The programme would also provide means for helping countries to assess their resources and possibilities and to prepare programmes and projects for development and for international financing.

After a detailed and technical discussion of the proposals of the Sub-Commission, the Economic Committee at its 91st meeting on 28 July referred them to a Drafting Committee which had previously been set up by the Committee when discussing the problem of full employment. The Drafting Committee, consisting of the representatives of Australia, Brazil, Canada, Chile,¹² France, the United Kingdom and the United States met under the chairmanship of the Chairman of the Economic Committee (India) on 2, 3 and 4 August and submitted several resolutions (E/AC.6/L.12/Rev.1) to the Economic Committee for consideration.

In addition to the proposals of the Sub-Commission, the Drafting Committee had taken into consideration the following additional substantive draft resolutions and amendments, as well as several oral proposals and suggestions raised in the debate:

(1) A draft resolution (E/1757) by the representative of Chile to replace the Sub-Commission's proposals on external financing of local currency costs of development, which he felt were not sufficiently definite. The Sub-Commission had recommended that international lending institutions follow flexible policies in making external loans for local currency costs of development and make them at a rate of interest and on terms of amortization which would place the smallest possible burden on the under-developed countries. The Chilean draft resolution was intended to ensure that different types of programmes were combined in an organic whole in order to circumvent inflationary tendencies which might arise from the implementation of certain development schemes. The representative of Chile explained that his draft resolution was based on the principles under which the ECA operated in Europe and was intended to enable the Governments affected to increase available resources for economic development and avoid inflationary tendencies.

¹² The representative of Chile was added to the original composition of the Drafting Committee.

(2) Section 9 of a draft resolution (E/L.67) presented by the representative of the United Kingdom during the discussion of full employment.¹³ This section was an amendment to the same Sub-Commission proposal and would recommend that Governments consider within the framework of the Bank broadening the criteria of ordinary Bank lending with a view to laying greater emphasis on the size, composition and financial implications of a borrowing country's investment programme as a whole and less on the detail of selected projects.

(3) Section 8 of the same draft resolution (E/L.67), which would recommend that Governments extend the principle of untied lending to all Governmentally-controlled or guaranteed foreign lending.

(4) A joint draft resolution (E/L.73) presented by the representatives of Chile and the United States, which also contained recommendations for the organization of the Economic and Employment Commission and its Sub-Commissions.¹⁴ The relevant action recommended that Governments promote domestic measures and international agreements to encourage a large and more stable flow of capital exports toward under-developed areas, and establish conditions necessary for participation of foreign private capital in the form either of direct investments or of governmental, private or public corporation bonds, and that governmental and inter-governmental credit organizations consider means of using their funds more effectively to accelerate the rate of economic development in under-developed countries.

The report of the Drafting Committee (E/AC.6/L.12/Rev. 1) was considered at the 95th to 97th meetings of the Economic Committee on 10 and 11 August. The Drafting Committee had proposed three draft resolutions, entitled "A. With the Object of Encouraging Effective Methods of Mobilizing Domestic Capital for the Economic Development in Under-Developed Countries"; "B. With the Object of Encouraging Effective Methods for Increasing the Flow of International Capital for the Economic Development of Under-Developed Countries"; "C. With the Object of Facilitating Further Studies in the Field of International Investment and Price of Primary Products". (For texts, as amended, see below.)

Section A was adopted at the 95th meeting, with minor drafting changes, without comment.

Under Section B, the representatives of Canada and the United States presented joint amendments (E/AC.6/L.13) which would refer to the criteria for the Bank's lending in the preamble to the resolution and delete the paragraph which recommended that Members consider whether the Bank had given sufficient emphasis to the size, composition and financial implications of a borrowing country's investment programme as a whole as distinct from the detailed costs of selected projects. They felt that the inclusion of such a paragraph implied an unjustified criticism of the Bank. They also proposed that the Council

should recommend that governmental and inter-governmental credit organizations also consider means by which funds could be used more effectively to help carry out integrated investment programmes designed to carry forward in a co-ordinated manner development projects in different branches of the country's economy as well as means to accelerate the rate of economic development in under-developed countries.

Those opposing the joint amendments, among them the representatives of the United Kingdom, Pakistan and Peru, felt that the paragraph in question was not a reproof since members were merely asked to consider whether sufficient emphasis was being placed on certain things. The representative of the Bank had said himself that only in exceptional circumstances could local currency costs be financed.

At its 96th meeting, the Committee adopted by 12 votes to none, with 3 abstentions, the paragraph to be inserted in the preamble, as proposed in the joint amendments and further amended by France and Australia (see below, Section C, paragraph 10).

By 11 votes to 4 it adopted the remainder of the proposals in the joint amendments.

Section B, as amended, was adopted in paragraph-by-paragraph votes.

Section C was adopted unanimously without comment.

At the 97th, meeting, the Committee agreed that the paragraphs forming Section B should be rearranged by the Secretariat under the guidance of the Chairman and in keeping with structural suggestions (E/AC.6/L.15) made by the Chilean delegation.

The Council at its 409th meeting on 12 August 1950, after adopting a minor drafting amendment proposed by the United States representative, adopted the resolutions proposed by the Economic Committee (E/1817) unanimously. Resolution 294 (XI) read as follows:

The Economic and Social Council,

Taking note of the report of the fourth session of the Sub-Commission on Economic Development, the experts' report on National and International Measures for Full Employment, the report of the fourth session of the Economic and Employment Commission, and

Considering the studies prepared by the Secretary-General in pursuance of Council resolutions 179 (VIII) and 222 D (IX)

¹³ See pp. 470-71.

¹⁴ For organization of Commission and Sub-Commissions, see pp. 79-81.

A. WITH THE OBJECT OF KEEPING UNDER CONTINUING REVIEW PROBLEMS OF FINANCING ECONOMIC DEVELOPMENT

1. Recommends that the Economic, Employment and Development Commission undertake to study and keep under review the nature and magnitude of the problems involved in financing the economic development of under-developed countries, and make recommendations thereon to the Council from time to time; and

B. WITH THE OBJECT OF ENCOURAGING EFFECTIVE METHODS OF MOBILIZING DOMESTIC CAPITAL FOR THE ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

2. Having regard to the necessity of mobilizing the domestic financial resources of under-developed countries to the fullest possible degree either independently or in conjunction with any foreign funds which may be available for economic development,

3. Considering the importance of promoting the self-generating character of economic development, which requires reinvestment as far as possible of increases of income following upon development, and

4. Considering the desirability of utilizing and pooling the credit standing of established industrial enterprises and financial institutions for facilitating the import of foreign capital,

5. Draws to the attention of Member Governments the report prepared by the group of experts convened by the Secretary-General pursuant to Council resolution 222 D(b) (IX) in which various views and suggestions concerning methods of increasing and channelling domestic savings are discussed; and

6. Commends to the attention of the Governments concerned the desirability of considering the formation in their countries of banking syndicates or development banks with the participation of domestic banks and industrial enterprises, as a means of attracting and channelling foreign investments into essential projects; and

C. WITH THE OBJECT OF ENCOURAGING EFFECTIVE METHODS OF INCREASING THE FLOW OF INTERNATIONAL CAPITAL FOR THE ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES AND

7. Recognizing:

(a) That a more rapid increase of production in under-developed countries is essential for raising the level of productive employment and the living standards of their populations and for the growth of the world economy as a whole,

(b) That the domestic financial resources of under-developed countries together with the international flow of capital for investment have not been sufficient to assure the desired rate of economic development, and

(c) That such accelerated economic development of under-developed countries requires not only a more effective and sustained mobilization of domestic savings but also an expanded and more stable flow of foreign capital investment,

8. Recommends:

(a) That Governments establish through domestic measures and, if necessary, through bilateral or multilateral agreements, conditions to encourage participation

of foreign private capital in desirable economic developments either in the form of direct investment or in the form of investment in bonds of Governments or of private and public corporations;

(b) That Governments of the more developed countries seek to encourage by appropriate means the investment of private capital by their nationals in under-developed countries;

(c) That more of the developed countries take early action, in the light of their balance-of-payments position, to grant permission to the International Bank for Reconstruction and Development to utilize increasing parts of the 18 per cent of their subscriptions which have been pledged to be payable in domestic currencies, for such loan transactions as the Bank may be undertaking and which involve a demand for such currencies, and consider granting permission to the Bank to place its bond issues in their financial markets; and

(d) That Governments extend progressively, so far as their balance-of-payments position and prospects permit, the principle of untied lending to all governmentally controlled or guaranteed foreign lending;

9. Recognizing:

(a) That economic development requires the execution not only of self-liquidating projects but also of projects in such fields as transport, power, communications, public health, educational institutions and housing, which, while not always fully self-liquidating, are justified by reason of their indirect effect on national productivity and national income, and

(b) That with respect to financing of economic development, there is no direct logical connection between the immediate expenditures in local and foreign currencies on the one hand and the desirable amount of domestic and foreign financing, respectively, on the other, and

10. Taking note of the constructive statements made by the representative of the International Bank for Reconstruction and Development at the eleventh session of the Council, and welcoming, as being of special importance in relation to the problem of economic development of under-developed countries, his assurance that, in considering applications for loans, it is the determined policy of the Bank to examine the size, composition and financial implications of a borrowing country's investment programme as a whole, as well as the details of selected projects,

11. Recommends:

(a) That under-developed countries give greater attention to the formulation of integrated programmes of development and to the planning of loan projects for presentation to the International Bank for Reconstruction and Development so as to facilitate the Bank's operations and thereby accelerate the rate of economic development;

(b) That governmental and intergovernmental credit organizations which can assist in the economic development of under-developed countries consider means by which the funds which are at their disposal can be used more effectively to help carry out integrated investment programmes, designed to carry forward in a co-ordinated manner development projects in different branches of the country's economy, and in general to accelerate the rate of economic development of under-developed countries;

(c) That institutions providing international loans, in considering the amount of external finance required

in connection with any project, give appropriate consideration not only to the direct foreign costs but also to the foreign costs which tend to arise indirectly from the additional claim which the projects make on local labour and other resources, and from the additional incomes thus created; and

(d) That these institutions make any such loans at rates of interest and on terms of amortization designed to place the smallest feasible burden on the exchange availabilities of the under-developed countries, consistent with the maintenance of these institutions as self-supporting entities;

D. WITH THE OBJECT OF FACILITATING FURTHER STUDIES IN THE FIELD OF INTERNATIONAL INVESTMENT AND PRICES OF PRIMARY PRODUCTS

12. Considering the great importance for the promotion of private foreign investments of assurances of ability to transfer earnings and withdraw capital in the currency in which the original investment has been made, and

13. Considering, furthermore, that such assurances of ability to transfer raise a number of technical difficulties, some of them closely related to the rights and obligations of members of the International Monetary Fund,

14. Expresses the opinion that the practical conditions under which such assurances can be made effective have not so far been sufficiently examined at the technical level;

15. Requests Member Governments to provide the Secretary-General and the International Monetary Fund with such statistical and other data as may be necessary for the carrying out of the studies referred to below;

16. Recommends that the International Monetary Fund be requested to assemble and analyse, in consultation with the International Bank for Reconstruction and Development, and when appropriate with other interested international agencies, the statistical and other data bearing upon the capacity of under-developed countries to service investments of foreign capital, with special reference to:

(a) The proportion of the foreign exchange receipts of such countries currently absorbed by services on foreign investment as compared with the past periods;

(b) The proportion of foreign exchange receipts of more developed countries which, in earlier stages of their development, has been absorbed by services on foreign investment in these countries;

(c) Statutory and administrative measures designed to provide for servicing foreign investment in times of exchange stringency; and

17. Requests the Secretary-General, in co-operation with the interested international agencies and within the resources available, to undertake a study of the relation of fluctuations in the prices of primary products to the ability of under-developed countries to obtain foreign exchange.

2. Technical Assistance for Economic Development under General Assembly Resolution 200(III)

To deal with economic and social development of under-developed areas, four inter-related programmes have been established by the General

Assembly and the Economic and Social Council on technical assistance for economic development, training in public administration, advisory social welfare services (all of which operate on separate budgets within the United Nations regular budget) and the so-called Expanded Programme of Technical Assistance. The Expanded Programme is financed by voluntary contributions and includes the work of the specialized agencies, whose programmes are co-ordinated through the Technical Assistance Board. In administering these four inter-related programmes, the Technical Assistance Administration, established in 1950, makes no distinction as to the source of funds.

Under General Assembly resolution 200(III)¹⁵ the Secretary-General was requested to report to each session of the Council on the measures he had taken in compliance with the provisions of the resolution. Accordingly he submitted his third and fourth reports (E/1576, E/1700) to the tenth and eleventh sessions of the Council, respectively.

The Secretary-General pointed out that, under the 1950 programme, sixteen countries had by 1 June 1950 requested expert advice in furtherance of their plans for economic development. The experts made available numbered approximately 50 and represented some twenty different nationalities. It could thus be said that the programme of technical aid to the less advanced countries combined and made use of the experience of many nations with different social patterns and cultural traditions. The Secretary-General reported that a group of experts in public administration and in agricultural, industrial, geological and other fields began its work in Afghanistan in June; that a comprehensive team of experts organized under General Assembly resolutions 58(I)¹⁶ and 200(III), and recruited in consultation with the specialized agencies concerned, was at that time in Bolivia advising the Government on a wide range of subjects concerning its development programme; that several experts had visited Chile to review economic policies bearing on problems of economic stability in relation to Chile's development needs and to discuss with the Chilean authorities the country's public finance structure; and that a further group of experts had visited Ecuador to undertake basic investigations and advise on the preparation of legislation in the fields of taxation, public finance, customs organization, public administration, civil service and census techniques. Negoti-

¹⁵ See Y.U.N., 1948-49, pp. 437-38.

¹⁶ See also Advisory Social Welfare Services, p. 591.

ations were in progress for the dispatch to Iran under General Assembly resolutions 58(1) and 200(III) of an expert mission in the fields of social questions, public administration, public finance and customs organization. In response to a request from the Government of India in connexion with its sponsorship of a pilot reclamation and development project, a soil conservation expert had been appointed in consultation with the Food and Agriculture Organization, and it was planned to make available the services of a community planning and housing expert under General Assembly resolution 58(I). Individual experts were, furthermore, rendering advice in a number of specific fields in response to requests from Brazil, Burma, Lebanon, Mexico, Paraguay, the Philippines and Thailand. Requests had been received from Yugoslavia for extensive technical assistance involving the assignment of experts and the provision of semi-industrial and laboratory appliances. A further clarification of the scope of these requests was being sought. The Secretary-General further informed the Council that he had appointed a resident representative in Haiti, whose first task was to advise the Government on the implementation of the recommendations of the United Nations Mission which visited that country in 1948, and to help arrange for the provision, of such continued technical assistance as the Government might request. A similar appointment of a resident representative was being made in Pakistan. Expert advice in a number of specific fields was also being rendered by individual experts in both countries.

The Secretary-General reported that, under the 1950 fellowship programme, fellowships for economic development had been awarded to 68 candidates selected from a total of 276 candidates nominated by 28 Member Governments. The principal fields of study of the fellowship holders included economic geology, coal mining, photogrammetry, statistical services, regional economic development techniques, co-operatives, agricultural and industrial credits, hydro-electric and thermal-electric power production, distribution and utilization, fertilizer manufacture, telecommunications, railroad operation and maintenance, airport operation and maintenance, public finance and fiscal administration, livestock management, plant breeding, seed production and storage, irrigation techniques, utilization of forest products and organization of research facilities in agriculture. The fellowship holders were using host facilities made available by the following thirteen Member States: Australia, Belgium, Brazil, Can-

ada, Denmark, France, India, Mexico, Netherlands, New Zealand, Sweden, United Kingdom and United States.

The Secretary-General further informed the Council that under paragraph 3(c) of General Assembly resolution 200(III), which provides for the organization of training institutes, the Statistical Office of the United Nations and the Food and Agriculture Organization had collaborated in census-training centres in Cairo and New Delhi; and that an inter-American seminar on biostatistics would be organized jointly by the United Nations and the World Health Organization in September 1950. The Asian Centre on Agricultural and Allied Projects, sponsored jointly by the Government of Pakistan, the United Nations, the Food and Agriculture Organization and the International Bank for Reconstruction and Development, would be held from 1 October to 22 December 1950 at Lahore, Pakistan. The centre would consist of a training institute on economic appraisal of development projects, to aid participants in formulating such projects for subsequent action by administrative officials and by national and international financial institutions. The Secretary-General further reported that in implementation of paragraph 3(d) of General Assembly resolution 200(III) the beginnings of a clearing-house service had been established to handle specific inquiries for technical information and for advice on the location of technical assistance personnel, equipment and supplies.

The Secretary-General drew special attention to various practical considerations affecting the implementation of the programme and to a number of difficulties encountered during day-to-day operations. In his third report, he anticipated that future efforts under resolution 200(III) would be greatly facilitated by the General Assembly's decision to place such activities on a continuing basis, since services could henceforth be planned without the restraints imposed by the financial necessity of completing action within a calendar year. He also advised that the programme of the International Centre for Training in Public Administration and the technical assistance programme under resolution 200(III) would be integrated and in essence be as a single programme. In addition, while there would be two separate sources of funds for technical assistance, on the operational level he had decided to ensure complete administrative integration of the activities of the expanded programme and the programme under 200(III) irrespective of the source of the funds which would be used to

finance them. In his fourth report, the Secretary-General drew particular attention to the appointment in certain countries of resident technical assistance representatives, and emphasized that such appointments could greatly contribute towards the avoidance of confusion which might otherwise arise from a multiplication of channels for technical assistance, and that such representatives would also assist under-developed countries which do not already have appropriate co-ordinating machinery to view their requirements for technical assistance from the standpoint of the over-all development needs of the country.

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS TENTH SESSION

The Council at the 82nd meeting of its Economic Committee on 9 February and at its 349th plenary meeting on 13 February briefly reviewed the third report (E/1576) of the Secretary-General, commending the work accomplished in implementing resolution 200(III).

Among the few specific points raised, the representative of Pakistan expressed his belief that the expanded technical assistance programme and the regular United Nations programme should be co-ordinated, with the general objective of optimum utilization of resources. The representative of Brazil thought that while the programme of the International Centre for Training in Public Administration¹⁷ should be co-ordinated with the regular technical assistance programme under resolution 200(III), its independent structure should be preserved. The representative of France considered that there was a need for a definite policy on the implementation of the programme of expert advice and that the United Nations should both centralize and disseminate information. He further considered that some fellowships should be reserved for experts who were less trained but whose course of study might be lengthened, that the requirement that candidates should know the language of the host country was necessary but should not be too strictly applied and that a request should indicate three host countries in order of preference which could be changed only after consultation with the countries concerned.

The Economic Committee (E/1604) on 9 February and the Council (268(X)) on 13 February 1950 unanimously adopted a resolution which took note of the third report and expressed satisfaction with the progress achieved during the year, notwithstanding the difficulties encountered.

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

The Council considered the fourth report of the Secretary-General (E/1700 & Add. 1) at its 412th plenary meeting on 15 August 1950. In view of the fact that resolution 200(III) requires the Council to make recommendations concerning any budgetary action that may be required by the General Assembly, the Council considered the Secretary-General's proposal that an amount equal to that appropriated for 1950 again be appropriated for 1951. The representative of the United Kingdom commended the Secretary-General for the modesty of his proposal. The representative of France also expressed the view that, with the exception of the origin of the funds, no administrative distinction need be made between the technical assistance programme which is administered under General Assembly resolution 200 (III) and that part of the expanded programme for technical assistance which is to be administered by the United Nations under Council resolution 222 A (IX) and General Assembly resolution 304(IV).

The Council also had before it a policy matter, deferred from its tenth session (E/1603) dealing with a proposal by Chile (E/AC.6/L.1 & Corr. 1) that the General Assembly so amend resolution 200(III) as to make eligible for technical assistance under this resolution all those non-member countries which are responsible for their international relations and participate as associate members in the work of any of the regional economic commissions. This question had grown out of a somewhat similar proposal which had been submitted too late for consideration by the Second Committee at the fourth session of the General Assembly. In view of the fact, however, that the non-members concerned had meanwhile become eligible for similar technical assistance under the expanded programme by virtue of their membership in one or more of the specialized agencies participating in the latter programme, the representative of Chile withdrew the draft resolution. The representatives of France and the United Kingdom, nevertheless, took the opportunity to point out that they would have supported the proposal, and indicated that they might re-open the issue in the future should the circumstances require it.

The Council unanimously adopted the draft resolution proposed by the Secretary-General (E/1700), with minor amendment, as resolution

¹⁷ See pp. 454-56.

291 A (XI). In it the Council expressed its satisfaction with the Secretary-General's report and recommended that the General Assembly (1) approve the same amount for technical assistance in 1951 as in 1950 and (2) recommend that requests for technical assistance for economic development under resolution 200(III), which cannot be financed with funds provided in the regular budget, should be eligible for financing under the expanded programme of technical assistance.

c. ACTIVITIES DURING 1950

By the end of 1950 action had been planned or undertaken under resolution 200(III) on requests for expert advice from the following sixteen countries: Afghanistan, Bolivia, Brazil, Burma, Chile, Ecuador, Haiti, India, Iran, Lebanon, Mexico, Pakistan, Paraguay, the Philippines, Thailand and Yugoslavia. The services of over 50 experts were made available, in some cases through the co-operation of the specialized agencies. The assistance rendered covered a wide field and included, besides general problems of economic development, such questions as raw materials utilization, industrial development, public finance, public administration, fiscal questions, development finance, organization of statistical services, customs administration, mining, electric power, transport, cottage industries, irrigation, improvement of livestock, fisheries, soils analysis, forestry and tropical agriculture.

Thirty Member States nominated 306 candidates for fellowships, including nine from Non-Self-Governing and Trust Territories. Awards were made to 93 of these candidates to study in thirteen Member States. The principal fields of study included industrial development, statistics, development of land and water resources, transport and communications, co-operatives in economic development, and combined resource development.

In addition to the provision of expert advice and the award of fellowships to experts from the under-developed countries for study abroad, technical assistance is provided to Member Governments under resolution 200(III) through the organization of training institutes, seminars and meetings of experts to discuss problems of special concern to the under-developed countries. The two main activities of this type during the year were the Asian Centre on Agricultural and Allied Projects in Lahore, Pakistan, from October to December, and the Inter-American Training Semi-

nar for Biostatistics in Santiago de Chile, from 25 September to 16 December.

3. Technical Assistance under the Expanded Programme of Technical Assistance for Economic Development

a. TECHNICAL ASSISTANCE CONFERENCE

In accordance with Council resolution 222 A (IX) and General Assembly resolution 304 (IV),¹⁸ the Secretary-General convened the United Nations Technical Assistance Conference at Lake Success on 12 June 1950. All Members of the United Nations were invited as well as all other Governments who, while not Members of the United Nations, were members of one or more of the specialized agencies participating in the expanded programme through their membership on the Technical Assistance Board (TAB). Representatives of the specialized agencies were also invited. The purposes of the Conference were to ascertain the total amount of contributions which would be made available by Governments for the execution of the expanded programme of technical assistance, and to obtain the final consent of the participating Governments to the proportionate shares of the total contributions which would be allotted to the various participating organizations, as well as their consent to the other financial arrangements set out in Council resolution 222 A (IX). The Technical Assistance Conference met from 12 to 14 June 1950. Many of the delegations, both at the Conference and later at the eleventh session of the Economic and Social Council, expressed their satisfaction regarding the careful preparations which had preceded the Conference and which had made it possible for it to conclude its business expeditiously and by unanimous action. Governments declared their intention of making available for the special account for technical assistance, in the first period of operation up to 31 December 1951, a sum slightly exceeding the equivalent of \$20,000,000.

The Governments of the following States were represented at the Conference by delegations:

Afghanistan	Burma	Cuba
Argentina	Canada	Denmark
Australia	Ceylon	Ecuador
Austria	Chile	Egypt
Belgium	China	El Salvador
Bolivia	Colombia	Ethiopia
Brazil	Costa Rica	Finland

¹⁸ See Y.U.N., 1948-49, pp. 443-46, 452.

France	Liberia	Thailand
Greece	Luxembourg	Turkey
Haiti	Mexico	Union of
Honduras	Monaco	South Africa
India	Netherlands	United Kingdom
Indonesia	New Zealand	United States
Iran	Norway	Uruguay
Ireland	Pakistan	Venezuela
Israel	Philippines	Yemen
Italy	Sweden	Yugoslavia
Korea	Switzerland	
Lebanon	Syria	

The following specialized agencies and inter-governmental organizations were represented:

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 Monetary Fund
International Refugee Organization
International Meteorological Organization
Inter-governmental Maritime Consultative Organization
Organization of American States

The Conference adopted a Final Act which included resolutions (I) on the subject of contributions from Governments to the expanded programme of technical assistance; and (II) on the financial arrangements concerning the expanded programme of technical assistance through the United Nations and the specialized agencies, and reproducing the financial arrangements set out in paragraph 9 of Council resolution 222 A (IX). The text of these resolutions follows.

RESOLUTION I

CONTRIBUTIONS FROM GOVERNMENTS

The United Nations Technical Assistance Conference.

Believing that world peace and prosperity depend on a rising standard of living among all peoples and particularly among the peoples of the countries which are now economically under-developed,

Being impressed with the significant contribution to economic development that can be made by an expansion of the international interchange of technical knowledge and skills,

Noting the recommendations contained in resolution 304 (IV) adopted by the General Assembly of the United Nations on 16 November 1949 regarding an expanded programme of technical assistance for economic development of under-developed countries,

1. Notes with satisfaction that the total amount of monetary sums and domestic credits hitherto ascertained to be made available from contributing Governments during the first financial period of the operation ending

31 December 1951 for the expanded programme of technical assistance through the United Nations and the specialized agencies is equivalent to approximately \$20,012,500;

2. Notes further that, by indicating the amounts listed in the schedule appended hereto (Annex I) each of the contributing Governments has declared that it will, so far as its appropriate constitutional bodies authorize and, where necessary, appropriate funds, make available such amounts to the expanded programme of technical assistance during the first financial period of its operation;

3. Urges that contributions for the first period of operation be made available as soon as possible to the special account for technical assistance for economic development to be set up and administered by the Secretary-General of the United Nations in accordance with the provisions of paragraph 8 of resolution 222 A (IX) of the Economic and Social Council and paragraph 3 of resolution 304 (IV) of the General Assembly.

ANNEX I

Governments	Amounts
Afghanistan	Afghanis 119,084
Argentina	Argentinian pesos 1,000,000
Australia	Equivalent of \$400,000
Austria	Austrian schillings 500,000
Belgium	Belgian francs 13,500,000
Bolivia	Bolivianos 750,000
Brazil	Cruzeiros 8,500,000
Burma	Equivalent of \$7,500
Canada	Canadian \$850,000
Ceylon	Equivalent of \$15,000
Chile	Chilean pesos 5,400,000
China	\$10,000
Colombia	Colombian pesos 100,000
Costa Rica	\$5,000
Cuba	Cuban pesos 50,000
Denmark	Danish kroner 660,000
Ecuador	Sucres 94,500
Egypt	Egyptian £ 28,500
El Salvador	\$5,000
Ethiopia	Equivalent of \$20,000
Finland	
France	French francs 422,625,000
Greece	Equivalent of \$5,900
Haiti	Haitian gourdes 30,000
Honduras	Lempiras 16,000
India	Equivalent of \$250,000
Indonesia	Rupiah 463,000
Iran	Equivalent of \$40,000
Ireland	
Israel	Israeli £10,000
Italy	Equivalent of \$93,000
Korea	\$5,000
Lebanon	Equivalent of \$6,500
Liberia	\$8,000
Luxembourg	Equivalent of £2,500
Mexico	Mexican pesos 300,000
Monaco	French francs 1,000,000
Netherlands	Florins 1,520,000
New Zealand	New Zealand £45,000
Norway	Norwegian kroner 250,000
Pakistan	Pakistani rupees 467,000
Philippines	Philippine pesos 100,000
Sweden	Swedish kroner 500,000
Switzerland	Swiss francs 1,000,000

Governments	Amounts
Syria	Syrian £25,000
Thailand .....	.....
Turkey	Equivalent of \$182,000
Union of South Africa .....	.....
United Kingdom	£760,000
United States	\$12,007,500
(provided this does not exceed 60 per cent of the total amount made available by contributing Governments as indicated in this schedule)	
Uruguay	Uruguayan pesos 151,900
Venezuela	\$44,000 or equivalent
Yemen	Indian rupees 20,000
Yugoslavia	Dinars 2,500,000

RESOLUTION II

The United Nations Technical Assistance Conference Approves the following financial arrangements recommended in paragraph 9 of resolution 222 A (IX) of the Economic and Social Council:

(a) Contributions shall be made by Governments in such forms and subject to such conditions as may be agreed between the Secretary-General, after consultation with the Technical Assistance Board established pursuant to resolution 222 A (IX) of the Economic and Social Council, and the contributing Governments, provided that contributions shall be made without limitation as to use by a specific agency, or in a specific country or for a specific project;

(b) The Secretary-General shall allot contributions received during the first fiscal year as follows:

(i) The first \$10,000,000 in contributions shall automatically be available for distribution to the participating organizations for the expanded technical assistance programme;

(ii) Of the second \$10,000,000 of contributions received, 70 per cent shall be automatically available for distributions to the participating organizations and 30 per cent shall be retained for subsequent allocations, bearing in mind the desirability of retaining an appropriate proportion of convertible currencies;

(iii) All contributions above \$20,000,000 shall be similarly retained;

(c) Contributions automatically available for distribution to the participating organizations, in accordance with sub-paragraph (b) (i) and (ii) above, shall be transferred by the Secretary-General to the organizations in accordance with the following percentages:

	Per cent
United Nations	23
International Labour Organisation	11
Food and Agriculture Organization	29
United Nations Educational, Scientific and Cultural Organization	14
International Civil Aviation Organization	1
World Health Organization	22

Total 100

(d) Contributions retained under sub-paragraph (b) (ii) and (iii) above shall be allotted by the Technical Assistance Board in such a manner as it may decide and at such time as it may decide, taking into consideration all relevant factors, in particular the amounts and kinds of resources on hand and receivable, the technical assistance requests received which fall within the field

of the several participating organizations, the uncommitted balances held by them, and the need for the retention of any reserves to meet unforeseen requests from Governments;

(e) The Technical Assistance Board shall determine the manner in which different currencies and services or materials can be most effectively utilized;

(f) The amounts received by the participating organizations shall be available to them for the purpose of assuming obligations or commitments during the fiscal year in which these amounts are received, but actual expenditures shall be allowed to extend over a period of not more than the two ensuing fiscal years;

(g) The Secretary-General and the executive heads of the other participating organizations shall, after consultation, make appropriate arrangements for the audit of contributions and expenditures under this programme.

The Conference also took account of the fact that several Governments were not in a position to announce contributions during the Conference but that they contemplated submitting such amounts after the end of the Conference. The Conference requested the Secretary-General to communicate to the Governments invited to the Conference the additional amounts announced by Governments notified to him after the close of the Conference. As of 31 December 1950¹⁹ the following additional contributions had been announced:

Governments	Amounts
Ireland	£5,000
Finland	Finnish marks 1,155,000
Iraq	Equivalent of \$5,000
Guatemala	\$5,000

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

The question was discussed by Council at the 1st to 5th meetings of its Technical Assistance Committee (TAC) from 2 to 15 August and at its 412th and 413th plenary meetings on 15 August 1950. The Council had before it the report by the Secretary-General (E/1733) briefly summarizing the work of the Conference and the report of the Technical Assistance Board (E/1742). The latter dealt with the Conference, the establishment of the Board, the work it had undertaken and arrangements with regional organizations.

During the discussion in the Committee, the following comments and suggestions were made.

Many members stressed the importance which Governments attached to the technical assistance activities of the United Nations and the special-

¹⁹ A contribution of Baht 425,000 from Thailand was announced in April 1951.

ized agencies. The economic development of the under-developed countries, they felt, could contribute much towards promoting conditions of world peace and security. In this connexion, the international programme of technical assistance had a vital role to play. The Committee was impressed by the variety and scope of technical assistance requested from, or being rendered by, the international agencies to more than 50 countries. The Committee also noted with interest that, although the expanded programme provided for in Council resolution 222 (IX) and General Assembly resolution 304(IV) had only recently come into being, many of the pending requests were already being considered under the new programme.

The implementation of the programmes to which the requests for advice referred would represent an immense effort on the part of the more and the less developed countries alike. Several representatives, among them the representatives of Canada, France and the United States, expressed the opinion that special attention should be given to the achievement of a better balance in the technical assistance to be rendered under the expanded programme in terms of the economic and social needs of the recipient countries, and that the United Nations and specialized agencies should continue to assist Governments at their request in ascertaining the technical assistance requirements of the countries concerned in relation (1) to their own economic plans; (2) to the resources at the disposal of the United Nations and specialized agencies; and (3) to current or projected programmes or requests for technical assistance from all sources. The representative of Canada was of the opinion that the appointment for this purpose of resident technical assistance representatives, wherever appropriate, as discussed in the report of the Technical Assistance Board, would be particularly desirable. The Committee hoped that TAB would, as the programme developed, be in a position to set out criteria to govern the selection of technical assistance projects, especially in view of the limited resources at the disposal of the participating organizations.

The Committee noted with satisfaction the declarations made by some Governments that they envisaged making available to TAB information on their bilateral or regional programmes of technical assistance. The view was expressed by the representative of Australia that the existence of such bilateral or regional programmes should not affect the eligibility of recipient coun-

tries to receive technical assistance requested from the United Nations and specialized agencies in accordance with the principles laid down by the Council; the assistance provided through bilateral and regional programmes would be complementary to that provided through the United Nations and the specialized agencies and not a substitute.

Reference was made to the need for full information to be supplied by TAB to TAC in order to enable TAC to carry out the duties entrusted to it with full effectiveness. Inter alia, TAC should receive, within a reasonable period of time, information which would enable it to make an evaluation of the actual results being achieved and to be expected from the expanded programme.

The co-operative spirit which the various participating organizations had shown in accepting the conditions and guiding principles laid down in Council resolution 222 (IX) and to the work of the various secretariats in carrying through the initial stages of the work was praised by the members of the Committee. It was noted that TAB, consisting of representatives of the participating organizations, had had the full co-operation of the International Monetary Fund and of the International Refugee Organization, whose representatives had attended its meetings. The Board and the participating organizations should be given every support by Governments to proceed efficiently and with the necessary freedom of action with their work.

The Committee felt that the expanded programme had made a good start with the pledging of over \$20,000,000 by Governments at the Technical Assistance Conference and with the establishment of TAB in effective working order. As regards contributions, the Committee noted that funds had already been made available by certain Governments, although the Technical Assistance Conference had only been recently concluded. It was clear that, now that all the preparatory steps had been taken and the machinery had begun to operate, the under-developed countries could expect action on the programme and could look forward with confidence to its benefits.

The Committee took a number of specific decisions regarding the organization of its work:

- (1) Its sessions should be held twice a year, immediately before or during the early part of Council sessions, as long as the Council held two sessions a year; and the Chairman of the Committee should be authorized to call further sessions of the Committee if and when necessary
- (2) TAB should transmit to TAC, on a monthly basis, lists of requests received by participating organizations;

these lists should be circulated only to members of TAC (3) Analytical reports, describing activities and potential projects, and covering questions of policy, administration and finance, under the expanded programme, should be submitted by TAB to TAC twice yearly, normally at the sessions held in conjunction with sessions of the Council.

The Technical Assistance Committee unanimously recommended (E/1833) that the Council note its first report and the first report of the Technical Assistance Board (E/1742) and transmit the records of the Council and Committee discussions to TAB and the organizations represented on it for guidance in their work.

Following minor drafting changes, the Council, at its 412th plenary meeting on 15 August, unanimously adopted the proposed resolution (E/1833). At its 413th meeting, however, the representative of India expressed the opinion that the Council should also note the Secretary-General's report on the Technical Assistance Conference (E/1733). The Council agreed that such a paragraph should be included in the final resolution. In resolution 291 B (XI) the Council therefore noted with satisfaction the Secretary-General's report on the Conference, noted the first reports of the Technical Assistance Committee and the Technical Assistance Board and transmitted the records of the Council and Committee discussions to the Technical Assistance Board.

c. ACTIVITIES DURING 1950

By 31 December 1950, approximately 265 requests for assistance under the expanded programme had been received from 55 Governments. Of these, the United Nations received 48 requests (including certain activities under Assembly resolutions 58(I) and 200(III)), ILO received 16; FAO, 62; UNESCO, 39; ICAO, 19; and WHO, 81, 24 of which have been transferred to the regular WHO programme. Six of the 265 requests were submitted by the administering authorities on behalf of five Non-Self-Governing Territories.

One hundred and forty-five projects had been initiated by the United Nations and the participating organizations in 38 countries as follows: United Nations, 21; ILO, 13; FAO, 58²⁰; UNESCO, 13²⁰; ICAO, 12; and WHO, 28. These required the services of approximately 513 experts and the provision of a considerable number of fellowships, a total estimated cost, inclusive of incidental equipment, of \$2,106,680. From agreements then under negotiation, 150 additional projects were expected to result.

In addition, the Bank had received eight requests and had initiated six. The Fund, which generally does not report requests received to TAB, stated that it had undertaken sixteen projects during the period.

By the end of 1950, the United Nations and the specialized agencies²¹ were operating in 43 countries as follows:

Latin America: Bolivia, Fund; Brazil, United Nations; Chile, WHO; Colombia, United Nations, ILO, FAO, UNESCO, ICAO, WHO, Fund; Costa Rica, FAO, WHO; Cuba, Bank, Fund; Dominican Republic, WHO; Ecuador, United Nations, ILO, FAO, UNESCO, WHO, Fund; Guatemala, United Nations, ILO, FAO, Bank; Haiti, United Nations, FAO; Honduras, FAO, Fund; Mexico, ILO, UNESCO, WHO; Nicaragua, ICAO, Fund; Paraguay, Fund; Peru, FAO, WHO, Fund; El Salvador, ILO, WHO; Uruguay, FAO, Bank; Venezuela, WHO

Middle East: Egypt¹, ICAO, Fund; Iran, UNESCO, ICAO, WHO; Iraq, United Nations, FAO, UNESCO, ICAO, Bank; Israel, ILO, FAO, ICAO; Jordan, FAO; Lebanon, UNESCO, ICAO, WHO, Fund; Saudi Arabia, FAO, WHO; Syria, FAO, WHO; Turkey, WHO, Bank

Asia and Far East: Afghanistan, United Nations, FAO, WHO; Burma, United Nations, ILO, FAO; Ceylon, FAO, UNESCO, WHO; India, United Nations, FAO, UNESCO, WHO; Indonesia, United Nations, ILO, FAO, UNESCO, ICAO, WHO; Pakistan, ILO, FAO, UNESCO, ICAO; Philippines, United Nations, Fund; Thailand, United Nations, ILO, FAO, UNESCO, ICAO

Europe: Finland, ICAO, Fund; Greece, Fund; Iceland, Bank, Fund; Italy, United Nations, Fund; Yugoslavia, United Nations, FAO

Africa: Ethiopia, ICAO, WHO; Liberia, UNESCO, WHO; Libya, United Nations, FAO, UNESCO, WHO, Fund

The United Nations co-operates in the Expanded Programme through the Technical Assistance Administration, created during the year. The major fields in which technical assistance is provided are industrial development, road, rail, and inland water transport, public finance and fiscal policies, public administration and social welfare. During 1950 the United Nations provided, or was about to provide, for example, a technical assistance resident representative in Colombia to be responsible for co-ordinating the work there of all the agencies. At the end of the year, the United Nations was recruiting for Colombia experts in public utilities, harbour management, central government and local government finance, tax administration, and price and production statistics.

²⁰ FAO and UNESCO in their reports included only projects on which agreements have already been signed with Governments.

²¹ For specific activities of the specialized agencies, see Part II of this volume.

Experts were sent to Ecuador and Mexico to assist them in using available power resources, including lignite. A social welfare adviser had helped Guatemala to organize a school for training workers for various social services.

In Afghanistan, following an exploratory mission, technical experts were working with the Government to overcome the lack of power and transport facilities. An oil geologist was surveying possible oil resources. A small industries expert advised the Burmese Government on the rehabilitation of certain industries affected by the war, such as paper making and sugar refining, as well as on the organization of marketing for cottage industry output.

The United Nations also sent statisticians to Thailand and Lebanon, among other countries, to aid governments in organizing their basic statistical services.

One request pending at the end of the year was for an expert to assess the possibilities of harnessing the volcanic steam of Santa Lucia, British West Indies, to end the power shortage there.

An important part of the programme is the providing of fellowships for the training of local officials abroad. An Indian hydro-electric engineer, for example, was sent to Canada to study and observe the practices in that country in the use of hydro-electric power in industries. In addition to awarding fellowships to individuals, the United Nations has joined with other agencies to provide a faculty of experts for a regional training institute on how to evaluate the economics of development projects. Fifty-five officials of eight countries in South East Asia spent the last three months of 1950 at Lahore, Pakistan, on such a study.

4. Training for Apprentices and Technical Workers

At its eleventh session the Council had before it at its 395th meeting on 20 July a report (E/1705 & Add. 1) from the International Labour Organisation in response to General Assembly resolution 201 (III).²² The report dealt with arrangements to facilitate the admission of candidates to the world's centres of training for apprentices and technical workers, from countries suffering from a lack of qualified personnel necessary to the development of their national economy.

The report dealt with the nature and scope of the problem and plans for assembling and making available to the countries concerned technical documentary materials on methods of vocational training, for making technical assistance available in introducing modern systems and methods of vocational training in countries planning economic development, and for assistance in the organization and development of technical training abroad. ILO outlined the framework of its programme, indicating the staff to whom it would apply and the types and purposes of the training. The programme would comprise: a study of the needs of the various countries in regard to vocational training abroad; a study of the training possibilities open to foreigners in the various countries and of their development; and a study of measures to solve the general or specific problems raised by training abroad (in particular, choice of candidates, preparation of programmes of study, control of the results of training, financing, problems of exchanges, etc.). ILO stated that a start had already been made to put the programme into effect in co-operation with the other international organizations concerned.

In introducing the report, the representative of the ILO, *inter alia*, pointed out that the efforts devoted to the extension of external opportunities in the field of technical training could be effective only if they were accompanied by efforts directed toward the systematic organization of technical training within countries which were suffering from a lack of qualified personnel necessary to the development of their national economy. ILO was consequently intensifying its efforts, in various parts of the world, to build up vocational training programmes within countries at the same time as it organized and developed opportunities for training abroad.

During a brief discussion the members of the Council commended ILO on the work it had undertaken. Since a number of representatives had emphasized the close relationship between the technical assistance programme and the programme for the training of apprentices and technical workers, the President suggested that a paragraph should be added to the draft resolution (E/L.71) proposed by France which would draw the attention of the Technical Assistance Board and the organizations participating in the expanded programme of technical assistance to the report. The representative of France accepted this suggestion as well as several drafting changes suggested by the representative of India.

²² See Y.U.N., 1948-49, p. 438.

The amended draft resolution was adopted unanimously at the same meeting. By resolution 293 (XI) the Council drew the attention of the Technical Assistance Board and the organizations participating in the expanded programme of technical assistance to the ILO report; noted the work accomplished by ILO; and recommended that ILO pursue and develop, in co-operation with the United Nations and other specialized agencies concerned, its extended programme in this sphere in accordance with the proposals outlined in the report. The resolution further recommended that Member States give their full co-operation in the task undertaken by ILO of extending the possibilities of providing training facilities abroad for apprentices and technical workers.

5. Programme for Training in Public Administration under General Assembly Resolution 246(III)

The General Assembly at its third session had resolved (246(III))²³ that an International Centre for Training in Public Administration should be established under the direction of the United Nations and at its fourth session had approved an amount of \$145,000 for the operation of the centre in 1950.

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS TENTH SESSION

At its 371st meeting on 2 March 1950 the Council had before it a report, prepared by the Secretary-General (E/1577), on the arrangements considered desirable to co-ordinate the programme of training in public administration with the programme of technical assistance. He reported that it was proposed to organize the International Centre for Training in Public Administration within the Department of Economic Affairs and to develop its activities as an integral part of the whole technical assistance programme. He further informed the Council that certain functions common to the two programmes, such as fellowships, scholarships, seminars and allied activities, were already being planned and organized jointly and would be carried out jointly. In other activities, the Centre would serve as a consultative unit "with respect to all administration aspects of such substantive activities as may arise under the technical assistance programme".

The representatives of France and Belgium felt that it was not the intention of the authors of the two programmes that the International

Centre should permanently become an integral part of the technical assistance programme as was implied in the draft resolution proposed by Brazil (E/L.38). They therefore proposed (E/L.39) to insert a reference to the year 1950, since undoubtedly the major part of the Centre's programme during this year would be linked with technical assistance. The representative of Brazil accepted this amendment.

The Committee adopted by 10 votes to 2, with 3 abstentions, a United Kingdom amendment to refer to training in public administration rather than specifically to the Centre's programme. The amended Brazilian resolution (E/L.38) was unanimously adopted as resolution 269 (X). By this resolution the Council noted the report of the Secretary-General on the arrangements considered desirable to co-ordinate during the year 1950 the programme of training in public administration with the programme of technical assistance and requested that a report on the final arrangements be submitted to a subsequent session of the Council.

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

The Secretary-General accordingly submitted to the eleventh session of the Council a report (E/1708 & Add. 1 & Add. I/Corr. 1) on the progress of the Centre, describing the work (see below) which had been undertaken and the general plan according to which it would be carried forward. The report stated that it was expected that the organization of the Centre would be completed in 1951.

The Council considered the report at its 379th and 380th plenary meetings on 5 July 1950. During the discussion several representatives, including those of Australia; Canada, Denmark, France, India, the United Kingdom and the United States, stressed that the Centre should not, as a result of a misunderstanding of the Assembly's intention in resolution 246(III), become an academic institution for training on a purely theoretical plane divorced from the practical problems of public administration. The United Kingdom representative pointed out that the Secretary-General's report showed clearly that the phrase "international centre" was to be interpreted in the broad sense of an office for administrative co-ordination and not in the narrower sense of a particular geographic location. The representatives of Brazil and China felt that the establishment of a central unit was essential.

²³ See Y.U.N., 1948-49, p. 480.

The Council, by 6 votes to 3, with 5 abstentions, rejected an oral Brazilian amendment which proposed that the title should read "International Centre for Training in Public Administration", as originally drafted, instead of "Programme for training in public administration", which had been accepted by Peru.

Several representatives, among others the representatives of Brazil and the United States, expressed concern at the slow pace at which the programme was being implemented. The majority expressed satisfaction at the arrangements made by the Secretary-General to co-ordinate the programme of training in public administration with the programmes of technical assistance.

Following the acceptance by the representatives of Peru of several drafting amendments, presented by France, the Council voted on the other proposed amendments to the Peruvian draft resolution (E/L.49).

By 8 votes to 6, the Council rejected an amendment by India (E/L.55) which would delete the recommendations for Assembly action, thereby making the recommendations stem from the Council itself. However, the representative of Peru accepted a Canadian amendment (E/L.54) which would have the same effect as the Indian proposal except that it would retain the paragraph which noted with approval that the Secretary-General had included in the 1951 budget the same amount as was appropriated in 1950.

On the suggestion of the representatives of India and Canada, the Council agreed that the Council should, itself, recommend action, rather than call on the Assembly to do so.

By 11 votes to 3, with 1 abstention, the Council adopted a Canadian amendment (E/L.54) which would recommend that additional activities undertaken in the field of training in public administration at the request of Member Governments should be considered under the Expanded Programme rather than commit the Council to definite financial action under the Expanded Programme.

Following the adoption of another drafting amendment suggested by India, the Council, at its 380th meeting on 5 July 1950, unanimously adopted the draft resolution (E/L.49), as amended. Resolution 292 (XI) read as follows:

The Economic and Social Council

Notes with approval the arrangements made by the Secretary-General and contained in document E/1708 submitted to the Council in accordance with Economic and Social Council resolution 269(X); and further

Notes with approval that the Secretary-General has included in the budget for 1951 the same amount as

was appropriated by the General Assembly in 1950 for the purpose of carrying out the activities authorized under General Assembly resolution 246(III); and

Recommends that additional activities undertaken in the field of training in public administration at the request of Member Governments should be considered under the Expanded Programme for Technical Assistance.

c. ACTIVITIES DURING 1950

The first seminar of the Public Administration Programme opened at the United Nations Headquarters on 30 October and was scheduled to close on 30 January 1951. The seminar, the subject of which was public personnel management, was attended by officials from the following nineteen Member States: Australia, Belgium, Canada, China, Colombia, Costa Rica, Denmark, Ecuador, Egypt, France, Haiti, Israel, Norway, Pakistan, Philippines, Thailand, United Kingdom, United States and Uruguay.

One hundred and twenty-three nominations for scholarships in public administration were submitted during 1950 and 32 fellowships and 25 scholarships awarded to candidates from 24 countries. The fellowships and scholarships were provided mainly in the following fields: principles of public administration; public finance and fiscal policies; principles of organization; public personnel administration; administrative regulations; administrative planning; government corporations; public relations; state and municipal administration; organization and management of services for purchase and control of supplies; public utilities regulation and related problems; and administrative regulation and adjudication.

The Secretary-General entered into an agreement with the International Institute of Administrative Sciences of Brussels covering the provision of documentary material to the United Nations on such subjects as the improvement of administrative practices, organization and methods, structure and operation of central government, problems of personnel administration, budget management and fiscal administration.

By the end of 1950 the Institute had already undertaken several projects, including a report on the value of central "organization and methods" offices within government administrations and a draft model statute or regulation outlining their structure and defining their functions; a manual on the technique of conducting studies of administrative organization and methods within national administrations; a guide to the establishment of civil service systems in countries which at present do not have such systems or wish to improve

their present systems; a report, based on administrative surveys of national governments, summarizing the problems to be dealt with in the conduct of administrative surveys; and a summary report on the central administrative planning and co-ordinating facilities which governments are setting up to deal with public administration matters.

6. General Consideration of Economic Development by the Assembly at Its Fifth Session

The General Assembly considered the over-all question of economic development of under-developed countries at the 119th to 135th meetings of its Second Committee from 9 October to 8 November and at its 312th plenary meeting on 20 November 1950.

a. GENERAL DEBATE IN THE SECOND COMMITTEE

During the general debate in the Second Committee from 9 to 19 October the General Assembly discussed the general principles which should govern action with regard to the economic development of under-developed countries and which would ensure smooth international co-operation, the existing obstacles to and the problem of financing economic development, and the United Nations programmes of technical assistance.

Primary attention was paid to the question of financing economic development. In this connexion the Committee discussed the role of domestic capital resources and how it could be increased; how far the needs could be met by the present sources of foreign finances (private, governmental and international); and what part could be played by bilateral arrangements, private capital and international agencies, especially the International Bank for Reconstruction and Development. The question of the desirability of creating a new international agency for financing economic development was again discussed and the need for giving special attention to non-self-liquidating projects was stressed. It was generally agreed that much remained to be done to further economic development, particularly in making specific and practical recommendations for international action for its financing.

As in the Council, it was generally agreed that while under-developed countries should contribute as much as possible toward their development from their own resources, their scale of production

was too low to leave a margin for savings, and therefore external financing was necessary.

The representatives of India, Pakistan and the Philippines pointed out that it was futile to expect substantial domestic savings in countries where the masses had a sub-marginal existence and inflation had depleted the middle class, the major source of such savings. The representative of Iran thought that if basic projects had to be financed through domestic savings, inflation would result. The representative of Yugoslavia stressed that if domestic resources were relied on completely they would upset the fixed relationship between investment and consumption and cause a rapid change in the structure of the national economy; this would inevitably lead to social repercussions and would endanger the stability of the national currency.

The representative of France pointed out that it should also be remembered that improvements in the productivity of under-developed countries might temporarily disturb their balance of payments. The exports of such countries depend more on an increased national income in the larger importing countries than on a decrease in their own production costs.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland the Ukrainian SSR and the USSR felt that funds should come mainly from the internal resources of the under-developed countries. Foreign finances should be provided only as an additional source and national sovereignty must be assured.

The United Kingdom representative pointed out that development needs were no longer being met by the flow of private capital as they had been in the nineteenth and early twentieth centuries. War had weakened the economies of the Western European countries which had during that period supplied most of the capital to the rest of the world. Economic troubles since the First World War had discouraged investors from risking capital abroad. Moreover, returns expected from investments abroad were often no greater than those expected from home investment and involved much greater risk. Another difficulty was that, as far as the United States was concerned, a substantial portion of the existing private capital was in trust funds and thus not available. The representative of the USSR, however, claimed that, instead of declining, the rate of profit on foreign investment was in fact increasing visibly.

The representatives of Brazil, Chile and Colombia, among others, maintained that developed countries should undertake more conscious direc-

tion of foreign investment policy to ensure a more stable and adequate flow of capital to under-developed countries.

The representative of New Zealand considered that the United Nations should direct its attention to giving full information and advice on how to attract foreign capital. The principle of untied lending, he stressed, should be increasingly observed in all governmentally controlled or supported foreign lending.

The representatives of Brazil, Colombia and the Philippines felt that inducements had to be offered to attract foreign capital, while the representative of India thought that such attempts would be difficult, if not in vain, as long as opportunities for capital investment existed in the lending countries themselves.

The representative of Mexico thought that investments should promote activities likely to lay a sound basis for development despite the absence of immediate profits. He felt that they were refusing to recognize the reality that foreign capitalists were no longer seeking investment privileges to which they had been accustomed and it was this, not a lack of favourable conditions, that had slowed the flow of foreign capital.

The representative of China warned against private loans impairing the sovereignty of under-developed countries.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR held that under-developed countries must be able to build up national industries, including heavy industries, and develop their agriculture. Governmental methods must be taken within the under-developed countries themselves to create favourable conditions for industrial development. The situation would improve, they felt, if under-developed countries ceased to be appendages of developed countries and mere economic outlets and sources of cheap labour. Financing of economic development would be easier if the shares of national income which now left the country to pay profit to foreign shareholders or in repayment of foreign debts remained within the country. Internal resources would then be ample to finance economic development. Foreign loans, they stressed, should be made without economic, political or military conditions which would place the lender in a privileged position. Rapid economic development was possible if appropriate social and political conditions prevailed.

The representatives of Egypt, Iran, Iraq, Lebanon, Syria, Turkey and Yemen considered that private investments from abroad were insufficient

and likely to interfere with the independence of the borrowing country. More emphasis, therefore, should be placed on investments by Governments or international agencies.

The representative of Brazil suggested that under-developed countries could conclude bilateral agreements with capital-exporting countries for joint development plans.

The representative of Haiti once again suggested that a financial security covenant should be drawn up to safeguard foreign investors against the risks of excessive taxation, nationalization, confiscation or exchange control, and to safeguard the beneficiary countries against foreign control and domination.

The representative of Yugoslavia felt that too much attention had been paid to financing from private sources and that such financing would only achieve positive results if concentrated under the control of the Bank. He suggested that in order to meet the financial needs of under-developed countries which could not be met from these sources, a solution might be found by considering new methods of financing from international public funds.

A number of representatives, including those of Belgium, Chile, Egypt, France, Iran, Iraq, Lebanon, Syria, Turkey and Yugoslavia, were of the opinion that the Bank's operations should be expanded and liberalized. In this connexion the United States representative noted with approval the new policies of the Bank, such as the wide geographical distribution of its loans, the enlargement of its technical assistance activities, the broader scope of the projects it was financing, and the promise of greater flexibility with regard to financing local currency costs. The representative of Greece, among others, felt that it should be transformed from an institution relying on private lending to one relying on public lending and should be enabled to borrow from Governments to make loans for general development purposes. The representative of Brazil thought that a separate department should be set up within the Bank, while the representatives of India, Iran, Turkey, the Philippines and Pakistan supported the creation of a new international agency. The representative of Pakistan suggested that a financial assistance board set up to deal with the financial needs of under-developed countries particularly in respect to non-self-liquidating projects might be empowered to grant long-term loans at low rates of interest. It could also issue bonds for subscription by all the people of the world who believed in United Nations objectives. He thought that certain Govern-

ments and agencies might be prepared to make loans to such a body.

Several representatives, among them those of Australia, Greece, India, the United Kingdom and the United States, stressed the importance of financing those projects which yield no direct financial return—such as roads, bridges, and schools—but which are basic to the development of large-scale agricultural, industrial or commercial projects. It was pointed out that while the other types of project, which would have direct though possibly no immediate returns—such as railways, mining, light industries—had been financed to some extent by private investment and Bank loans, the former type of project did not lend itself to private investment.

The representative of Australia felt that rapid progress in financing non-self-liquidating projects could best be tackled on a regional basis as was, for example, being done under the Commonwealth Plan to aid Southeast Asia.

With regard to the United Nations programmes for technical assistance, the Second Committee praised the work which had been accomplished.

In discussing the general principles involved in carrying out technical assistance programmes, the representative of Iraq stressed that any such programme must aim at developing both agriculture and industry. If agriculture alone were stressed, development would be painfully slow.

The representative of Saudi Arabia wanted a more precise definition of technical assistance. He considered that standards should be set up to determine the urgency, priority and amount of aid which various regions were entitled to request, taking into account political factors. For example, he held that it would be unfair in the Middle East to give priority to a State with a considerable force of trained immigrant labour and access to foreign capital.

The Ukrainian SSR representative stressed that technical assistance must have as its aim full economic and political independence of recipient countries and assistance given only on request. The representative of Yugoslavia held that the country concerned should have exclusive rights in deciding upon programmes and projects and that the specialized agencies should not insist on their own conceptions of economic development in giving technical assistance. The representatives of the Byelorussian SSR and the USSR stressed that assistance should correspond to the needs of the recipient country's economy and not to the requirements of the world's market.

The representative of Poland was of the opinion that by separating technical assistance from the general question of economic development, and by limiting the studies and debates to financing, the problem of furthering development had been transformed into an effort to extend the field for profit-making investments.

The representative of Mexico suggested that the scope of the technical assistance programme should be broadened. It should be co-ordinated with financial assistance, assistance should be distributed on an equitable basis, close adherence should be maintained to the basic principles guiding the programme, concrete assistance rather than investigations should be emphasized, staff selected should be conversant with the problems of the country concerned and assisted by qualified staff from the recipient country, and technical assistance should not become a pretext for intervention in the internal affairs of the recipient country.

Among the specific suggestions for implementing the technical assistance programmes, was that of the representative of Turkey, who urged that inter-regional activities should be undertaken to complement the technical assistance programmes. With regard to the expanded programme of technical assistance, the representative of China stressed the need for employing experts familiar with the areas to which they were sent, and the representative of Yemen suggested that the programme be increased by means of more fellowships and more experts. The representative of Haiti felt that the costs of maintaining experts were too high for small countries and suggested that the beneficiary Government should be responsible only for the board and lodging of United Nations experts, the United Nations bearing the other expenses.

The representative of Bolivia noted that the fate of the expanded programme of technical assistance would depend on its administration. Among other things, dissipation of efforts should be avoided; Member Countries should concentrate their requests upon a group of related problems; every country should be prepared to contribute to the expenditures which technical aid entailed; and every ministry and public undertaking should make every possible effort to recover the funds it had invested by putting the expert advice into practice. The representative of Greece thought that the Bank should participate in the technical assistance programmes and that its work should be co-ordinated with that of other participating agencies.

b. FINANCING ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

The Second Committee had before it two draft resolutions on the financing of economic development of under-developed countries. The first (A/C.2/L.35 & Add.1), submitted jointly by Egypt, Iraq, Lebanon, Syria, Yemen and Yugoslavia, suggested that the Economic and Social Council on the basis of the work of an inter-governmental committee to be established by the Council for this purpose, should consider and report to the sixth regular session of the General Assembly on the extension of the international machinery through which international public funds could be made available to accelerate economic development.

The representative of Cuba spoke in favour of the resolution. Those opposing it, among them the representatives of Australia and the United States, were not in favour of the establishment of a special agency to finance development, which they felt the draft resolution implied.

The second draft resolution (A/C.2/L.38), submitted jointly by Pakistan and the United Kingdom, recommended that the Economic and Social Council should consider in greater detail the problem of financing non-self-liquidating projects which were basic to economic development and work out plans for implementation.

The Committee discussed the draft resolutions at its 127th meeting on 19 October, together with the relevant amendments. The first amendment submitted by Cuba (A/C.2/L.40) to the joint draft resolution proposed by Egypt, Iraq, Lebanon, Syria, Yemen and Yugoslavia (A/C.2/L.35 & Add.1) suggested that the International Bank for Reconstruction and Development make concurrently a study on the same subject with a view to the adoption of a more active and liberal financing policy; the second, submitted by Greece (A/C.2/L.43) to the joint Pakistan and United Kingdom draft resolution (A/C.2/L.38), substituted a new text for the last paragraph of that draft resolution recommending that the Economic and Social Council continue to consider the problem of financing economic development, and work out schemes for the expansion and steadier flow of foreign capital with special attention to the financing of non-self-liquidating projects. The representatives of Pakistan and the United Kingdom agreed to an oral amendment by the United States to indicate that a number of those basic social and economic development projects—particularly public health and educational institutions

—because of the fact that they were non-self-liquidating, were sometimes not capable of being serviced through existing sources of foreign finance. Since the Committee had welcomed the Bank's efforts to service non-self-liquidating projects, the United States representative considered it should not "recognize" that "most" of such projects were not capable of being serviced by the Bank.

The Second Committee set up a Sub-Committee consisting of the representatives of Cuba, Egypt, Greece, Pakistan, United Kingdom, United States and Yugoslavia, to draft a resolution based on the two original draft resolutions and the relevant amendments. The Sub-Committee met once and unanimously agreed on the text of a resolution (A/C.2/L.46), which was considered by the Second Committee at its 128th meeting on 31 October and unanimously adopted (A/1524B). The General Assembly, at its 312th meeting on 20 November 1950, without discussion unanimously adopted the resolution proposed by the Second Committee as resolution 400 (V). It read as follows:

The General Assembly

Taking note of the report of the fourth session of the Sub-Commission on Economic Development, the experts' report entitled "National and International Measures for Full Employment", the report of the fourth session of the Economic and Employment Commission to the Economic and Social Council, and the report of the Economic and Social Council to the fifth session of the General Assembly,

Taking note further of the studies prepared by the Secretary-General in pursuance of Economic and Social Council resolutions 179(VIII) and 222D(IX),

Recognizing that a more rapid economic development of under-developed countries, in particular an increase of their production, is essential for raising the level of productive employment and the living standards of their populations, for the growth of the world economy as a whole and for the maintenance of international peace and security,

Recognizing further that, although the economic development of under-developed countries depends primarily upon the efforts of the people of those countries, the necessary acceleration of that development, on the basis of their own plans and programmes, requires not only technical but also financial assistance from abroad, and particularly from the more developed countries,

Considering that the domestic financial resources of the under-developed countries, together with the international flow of capital for investment, have not been sufficient to assure the desired rate of economic development, and that the accelerated economic development of under-developed countries requires a more effective and sustained mobilization of domestic savings and an expanded and more stable flow of foreign capital investment,

Being convinced that the volume of private capital which is currently flowing into under-developed coun-

tries cannot meet the financial needs of the economic development of the under-developed countries and that those needs cannot be met without an increased flow of international public funds,

Taking account of the fact that some basic development projects are not capable of being adequately serviced through existing sources of foreign finance although they contribute directly or indirectly to the increase of national productivity and national income,

1. Recommends that the Economic and Social Council, in giving further study to the problem of the financing of economic development, consider practical methods, conditions and policies for achieving the adequate expansion and steadier flow of foreign capital, both private and public, and pay special attention to the financing of non-self-liquidating projects which are basic to economic development;

2. Calls upon the governments of all Member States and the specialized agencies concerned to submit to the Economic and Social Council any proposals bearing upon the present resolution;

3. Requests the Economic and Social Council to submit its recommendations to the sixth session of the General Assembly.

c. LAND REFORM AND DEVELOPMENT OF ARID LAND

The Committee, at its 127th meeting, also began discussion of the draft resolution submitted by Poland (A/C.2/L.36), which proposed that the Council, at its thirteenth session and on the basis of a report to be prepared by the Secretary-General, draw up recommendations for improving the conditions of landless peasants, and those with small and medium-sized holdings by (a) land reforms; (b) governmental aid through cheap agricultural credit facilities and comprehensive technical assistance; (c) construction of small factories and workshops for making and repairing essential agricultural machinery, equipment and spare parts; (d) easing the tax burden; and (e) other welfare measures.

During the discussion at the 127th, 128th and 129th meetings on 9 and 31 October and 1 November, the majority supported the proposal in principle, although a number of amendments were presented.

The representative of the United Kingdom thought that the Polish resolution prejudged the findings of the investigation called for and he agreed with the representatives of Canada and South Africa that to call for more reports would delay immediate action. He proposed (A/C.2/L.52) that the Council act, in consultation with FAO and other specialized agencies concerned, to provide Governments of under-developed countries with expert advice: (a) for developing land

reform plans; (b) for rendering financial aid to farmers through agricultural credit facilities; (c) for constructing workshops to repair and service agricultural machinery and (d) for other measures to promote the welfare of agricultural communities.

The representative of Egypt supported this amendment and wished also to refer (A/C.2/L.51) not only to agrarian reforms, but also to development of arid zones and the need for the United Nations to devote more attention to the problem of the landless peasants and those with small and middle holdings.

The representative of Cuba suggested (A/C.2/L.41) that in addition to the measures recommended for improving conditions, mention should be made of measures for the satisfactory utilization of large agricultural estates in cases where their retention was necessary owing to the type of agriculture carried on.

The representative of Poland accepted a Cuban amendment (A/C.2/L.41) to paragraph (c) of his draft resolution, to indicate that the factories and shops should also be used for storage of spare parts and that they should be financed either by direct state action or through suitably-financed co-operative groups.

The United States representative stated that he agreed with the principle in the draft resolution that land should belong to those who cultivated it. His amendment (A/C.2/L.54) was designed to facilitate and promote family-owned and operated farms and rural co-operatives for the benefit of small farmers. This amendment was supported by the representatives of Venezuela, Chile and Greece.

The representative of Haiti (A/C.2/L.47/-Rev.1) suggested that where the words "backward countries" appeared, they should be replaced by the words "under-developed countries". All under-developed countries which might apply for technical aid were not necessarily backward. He also proposed that the Secretary-General should report on the agrarian structure of under-developed countries, and on "methods for improving (in countries suitable therefor) the conditions of the landless peasants who constitute the agricultural force, with a view to securing them in possession of inalienable family holdings".

The representative of Yugoslavia presented an amendment (A/C.2/L.48) to indicate that industrialization should play a prominent part in development.

The Second Committee, at its 129th meeting, decided to refer the draft resolution and amend-

ments to a sub-committee consisting of the representatives of Cuba, Egypt, Haiti, Poland, the United States, the United Kingdom and Yugoslavia. The representative of FAO also participated in the work of the Sub-Committee which met on 2 November and unanimously agreed on two draft resolutions (A/C.2/L.60)—one on land reform and the other concerning the development of arid land. The latter was based on the proposals of the Egyptian representative (A/C.2/L.51) (see above). The Second Committee considered these draft resolutions at its 134th and 135th meetings on 8 November.

(1) Land Reform

The Committee rejected the following amendments to the draft resolution proposed by the Sub-Committee:

- (i) A Peruvian oral amendment, which would have the Council, when making recommendations for the improvement of conditions of agricultural populations, take into account such factors as the industrial growth and the foreign trade of the countries concerned (rejected by 24 votes to 2, with 19 abstentions),
- (ii) An Argentine oral amendment, to delete the word "small" in reference to factories and workshops, to delete the reference to "most essential" agricultural machinery, and to delete the words "locally based" in reference to the enterprises for the processing of agricultural products (rejected by varying votes).
- (iii) A Haitian amendment (A/C.2/L.64), which would refer to the need for providing landless peasants with inalienable family holdings (rejected by 16 votes to 3, with 26 abstentions).

The representative of Uruguay asked for a clarification of the nature of the study requested of the Secretary-General, especially with reference to sub-paragraph (a) on the institution of appropriate land reforms. The Secretary of the Committee explained that the sub-paragraph concerned one of the methods for improving the conditions of the agricultural populations, and stated that the phrase "institution of appropriate land reform" comprised the entire complex of relationships between ownership of land and the actual cultivation of land and that the Council was to consider such reforms of those relationships as would tend to remove any which impede economic development and depress the standard of living of agricultural workers and tenants and of small and medium-sized farmers.

It was agreed that the explanation would be embodied in the Rapporteur's report.

The draft resolution as proposed by the Sub-Committee (A/C.2/L.60 A), with minor drafting amendments, was adopted by the Second Committee (A/1524 C) at its 135th meeting on 8 November, by 50 votes to none, with 1 absten-

tion. The General Assembly, at its 312th plenary meeting on 20 November 1950, without further discussion, adopted the proposal unanimously as resolution 401(V). It read as follows:

The General Assembly,

Bearing in mind the many resolutions adopted by the General Assembly and by the Economic and Social Council concerning the economic development of under-developed countries in which industrialization as well as the development of agriculture must play an essential part,

Considering, however, that agrarian conditions which persist in many under-developed countries and territories constitute a barrier to their economic development because such conditions are a major cause of low agricultural productivity and of low standards of living for the populations of those countries and territories,

Convinced that immediate steps should be taken to study the extent to which existing agrarian conditions hamper the economic development of under-developed countries as well as to assist Governments, at their request, in the utilization of the facilities available in the United Nations and the specialized agencies for the improvement of such conditions,

1. Recommends that the Secretary-General, in co-operation with the Food and Agriculture Organization and in consultation with other appropriate specialized agencies, prepare and submit to the thirteenth session of the Economic and Social Council an analysis of the degree to which unsatisfactory forms of agrarian structure and, in particular, systems of land tenure, in the under-developed countries and territories impede economic development and thus depress the standards of living especially of agricultural workers and tenants and of small and medium-sized farmers;

2. Calls upon the Economic and Social Council to consider the analysis referred to above and to prepare recommendations to the General Assembly with a view to the improvement of the conditions of agricultural populations, paying special attention to such measures as the following:

- (a) Institution of appropriate land reform;
- (b) Appropriate action on the part of the governments concerned to render financial aid to agricultural workers and tenants and to small and medium-sized farmers through cheap agricultural credit facilities, comprehensive technical assistance and the promotion of rural co-operatives;
- (c) Construction or development, either by direct government action or suitably financed co-operative groups, of
 - (i) Small factories and workshops for the manufacture, maintenance, repair and servicing of the most essential agricultural machinery and for the storage of spare parts;
 - (ii) Locally-based enterprises for the processing of agricultural products;
- (d) Taxation policies designed to lighten, to the greatest possible extent, the tax burden on tenants and small and medium-sized farmers;
- (e) Promotion of family owned and operated farms and of co-operative farms, as well as of other measures to promote the security of tenure and the welfare of agricultural workers and tenants and of small and medium-sized farmers;

3. Recommends to the governments of the under-developed countries concerned that they avail themselves of the facilities available to them through the United Nations expanded programme of technical assistance, in order that they may obtain expert advice in the planning of such measures as those listed in the preceding paragraph, for the purpose of improving agrarian conditions.

(2) Development of Arid Land

In the course of the discussion of the draft resolution on the development of arid land, the representative of the USSR objected to the implication that an increase in the population was undesirable. He thought, rather, that the resolution should point out that it was essential to develop national resources which would satisfy the needs of a growing population. He therefore presented an oral amendment suggesting the deletion of the paragraph. He agreed, however, to the amendment which was put forth by the representative of Egypt and finally accepted by the Committee (see below, (b)). The Committee, by 24 votes to 11, with 10 abstentions, rejected an oral amendment by Colombia to replace the word "arid" with the word "uncultivated" wherever it occurred.

The draft resolution as proposed by the Sub-Committee (A/C.2/L.60 B), as amended, was unanimously adopted by the Second Committee (A/1524 D), at its 135th meeting on 8 November, and by the General Assembly, at its 312th plenary meeting on 20 November 1950, (402-(V)). It read as follows:

The General Assembly,

Considering that:

(a) One of the basic reasons for the low standard of living in certain under-developed countries is the inadequate extent of the areas at present under cultivation,

(b) The continual increase in the populations of these countries requires the adoption of appropriate and urgent measures for the development of their resources,

(c) It is essential in the above circumstances, if the equitable distribution of land is to be promoted and the standard of living raised, that, among other measures, the areas at present under cultivation be increased by the development of arid zones,

(d) The Economic and Social Council, in resolution 324 D (XI) of 9 August 1950, has recommended an intensification of scientific research to promote the economic and social progress of mankind and has recognized the necessity for co-ordinating the efforts of the various competent bodies of the United Nations and the specialized agencies in order to study the problems of the arid zones both in their scientific and in their practical aspects,

1. Recommends that the Secretary-General prepare, in collaboration with the competent specialized agencies, a report on the practical measures adopted for the

study of the problems of arid zones and on the technical and financial means employed by the specialized agencies for this purpose;

2. Invites the Secretary-General to submit his report on this matter not later than to the fourteenth session of the Economic and Social Council;

3. Calls upon the Economic and Social Council to examine the report and, with a view to facilitating and encouraging the development of arid land, to consider such measures as:

(a) Devoting sufficient technical and financial means to the study of the relevant scientific and practical problems;

(b) Promoting and co-ordinating the activities of the United Nations and the specialized agencies to that end;

(c) Furnishing appropriate technical assistance to the governments concerned.

d. VOLUME AND DISTRIBUTION OF NATIONAL INCOME IN UNDER-DEVELOPED COUNTRIES

The Committee discussed, at its 129th to 133rd meetings from 31 October to 3 November, a draft resolution submitted by Poland (A/C.2/L.37) requesting the Secretary-General to submit to the Economic and Social Council a report on the level and distribution of national income in under-developed countries and territories, with particular regard to the part of the income accruing to foreign companies or used for the liquidation of foreign debt. The proposal was supported in general by the representatives of Brazil, Burma, Czechoslovakia, Egypt, India and the USSR. Among those opposed were the representatives of Belgium, Haiti, New Zealand, Peru, the United Kingdom and the United States. An amendment proposed by Cuba (A/C.2/L.42) specified in greater detail the nature of the proposed study. An amendment submitted by Yugoslavia (A/C.2/L.49) proposed that the references to foreign debt and foreign companies and firms be accompanied by words "private and other". These two amendments were accepted by Poland and incorporated in a revised draft of its proposal (A/C.2/L.37/Rev.1).

To this revised text, Chile proposed to add two paragraphs (A/C.2/L.54): to recommend that the under-developed countries give special consideration to studies relating to the calculation of national income and its distribution and that such studies should be made in connexion with those recommended by resolution 294 D (XI)²⁴ of the Economic and Social Council, in order to avoid duplication of effort. The representative of Cuba proposed (A/C.2/L.55) to amend the first para-

²⁴ See p. 445.

graph of the preamble to indicate the desirability of knowing the volume of national income and the effect of its distribution on the rate of economic development in under-developed countries, in connexion with the mobilization of resources for the acceleration of economic development. Subsequently, both Chile and Cuba withdrew their respective amendments and submitted a joint draft amendment (A/C.2/L.56), substituting for the revised Polish draft a new single text which incorporated these points. The Committee agreed to consider this amendment as a new proposal. An oral amendment to the revised Polish draft was made by France, to change the word "constitutes" to "may constitute" in the third paragraph of the preamble; this amendment was adopted by the Committee. The revised Polish draft resolution was then voted on paragraph by paragraph. Since the operative part of the proposal was rejected by 24 votes to 16, with 7 abstentions, the Chairman declared the entire proposal to be rejected.

The joint draft resolution proposed by Chile and Cuba (A/C.2/L.56) proposed that the General Assembly should recommend that under-developed countries should devote special attention to the national income studies; request the Secretary-General to give favourable consideration to requests for technical assistance for this purpose; and request the Economic and Social Council to study and report on the volume and distribution of national income in those countries, particularly with respect to the various income groups and the ability of countries to meet their foreign commitments arising from loans and investments. These studies were to take into account the statistical data compiled by the Secretary-General and were to be made in connexion with the studies recommended by Economic and Social Council resolution 294 D (XI).

The Committee adopted, by 40 votes to 1, with 1 abstention, an amendment by Poland (A/C.2/L.57), directing the Secretary-General to prepare and submit to the Economic and Social Council a report to enable it to carry out the request of the General Assembly, but rejected by 24 votes to 8, with 13 abstentions, another amendment by Poland (A/C.2/L.57), which would require the Council to report in particular on the parts of the national income used for servicing of foreign debts, instead of reporting on the ability of the countries to meet their foreign commitments arising from loans and investments. The sponsors of the joint draft resolution then accepted an amendment by Peru (A/C.2/L.59), which would require the Council to study and report on the

amounts used by the under-developed countries to meet their foreign commitments, instead of on their ability to meet them. By varying votes, the Committee also adopted amendments proposed by the United States (A/C.2/L.61), to refer in the preamble to Economic and Social Council resolution 299 E (XI);²⁵ to request not only the Secretary-General but also the specialized agencies concerned to give favourable consideration to requests of under-developed countries for technical assistance in their national income studies; and to reword the final paragraph of the draft resolution. On the basis of an amendment proposed by Uruguay (A/C.2/L.58), the sponsors of the joint draft resolution agreed to substitute the words "respective proportions" for the word "relations" in the operative part. The Committee, however, rejected, by 23 votes to 7, with 9 abstentions, the Uruguayan proposal to replace the word "ability" in the operative part by the words "financial ability".

The joint draft resolution proposed by Chile and Cuba, as amended, was adopted by the Committee (A/1524 E) by 38 votes to none, with 8 abstentions.

The General Assembly, without discussion at its 312th plenary meeting on 20 November 1950, unanimously adopted the resolution proposed by the Second Committee as resolution 403 (V). It read as follows:

The General Assembly,

Considering that, in order to mobilize better their resources with a view to accelerating their economic development, it is desirable that the under-developed countries should have knowledge of their national income and its distribution,

Noting Economic and Social Council resolution 299 E (XI) of 12 July 1950 concerning national income and social accounts,

1. Recommends that the under-developed countries should devote special attention to studies directed towards the calculation of their national income and its distribution;

2. Requests the Secretary-General and the specialized agencies concerned to give the most favourable consideration possible to requests for technical assistance made for the above purpose;

3. Requests the Economic and Social Council to study and report on the volume and distribution of national income in the under-developed countries, with special reference to:

(i) The various income groups and the respective proportions between them;

(ii) The amounts used by these countries to meet their foreign commitments arising from loans and investments, public and private, and the payment of services;

²⁵ See pp. 493-94.

4. Directs the Secretary-General to prepare and submit to the Economic and Social Council a report to enable it to carry out the request made in paragraph 3 above;

5. Requests the Secretary-General, in carrying out studies relating to the present resolution, to avoid any duplication with the study recommended in paragraph 16 of Economic and Social Council resolution 294 D (XI) of 12 August 1950.

e. ECONOMIC DEVELOPMENT AND INTERNATIONAL ECONOMIC AND COMMERCIAL POLICY

A draft resolution submitted by Cuba (A/C.2/L.39), reaffirming General Assembly resolution 307 (IV)²⁶ on international commercial policy, and requesting the Secretary-General to submit to the sixth session of the Assembly a report on the effect of international commercial policy on economic development plans, was considered at the 133rd and 135th meetings of the Second Committee on 3 and 8 November. Two amendments were submitted: one by the Ukrainian SSR (A/C.2/L.53), another by Greece (A/C.2/L.62). The first was designed to express the fact that the position of certain countries as regards their imports and exports is an important factor in economic development, instead of stating that the economic welfare of most countries depends at least in some degree on their imports and exports, and that these imports and exports are directly affected by prevailing commercial policies. The second would request the group of experts appointed under Council resolution 290 (XI)²⁷ to pay due attention to the influence that prevailing commercial policies have on national plans for economic development of under-developed countries. The representative of Cuba agreed to revise his draft resolution (A/C.2/L.39/Rev.1) to incorporate the substance of these two amendments and the representatives of the Ukrainian SSR and Greece therefore withdrew them as such. Two amendments were then proposed by Canada (A/C.2/L.63) to the revised draft. The first, which proposed to delete the words "at least in some degree" in the first paragraph of the preamble of the revised draft, was adopted by the Committee by 39 votes to none, with 7 abstentions. The representative of Canada withdrew a second amendment in favour of an oral amendment by Chile, to the effect that the United Nations and its specialized agencies must thoroughly and continuously study this problem. The Chilean amendment was accepted by the representative of Cuba. The draft resolution submitted by Cuba, as amended, was unanimously adopted by the

Committee (A/1524 F) at its 135th meeting on 8 November and by the General Assembly (404(V)), at its 312th plenary meeting on 20 November 1950. It read as follows:

The General Assembly,

Considering that the economic welfare of most countries depends on their imports and exports, and that these imports and exports are directly affected by prevailing commercial policies,

Considering further that the United Nations and its specialized agencies must thoroughly and continuously study the extent to which prevailing commercial policies influence the plans for economic development of under-developed countries,

Reaffirms General Assembly resolution 307 (IV) of 16 November 1949 concerning economic development and international economic and commercial policy, and requests that the group of experts, to be appointed by the Secretary-General under Economic and Social Council resolution 290 (XI), paragraph 13, after consultation with the Executive Secretary of the Interim Commission for the International Trade Organization, pay due attention to the influence that prevailing commercial policies have on national plans for the economic development of under-developed countries.

f. TECHNICAL ASSISTANCE ACTIVITIES UNDER GENERAL ASSEMBLY RESOLUTION 200(III)

The draft resolution on this subject recommended by the Economic and Social Council (291 A (XI))²⁸ was considered by the Second Committee at its 127th meeting. The representative of Egypt pointed out that the sum voted for the 1950 budget had been \$539,000. However, it had been reduced later to \$508,420 because of economies resulting from the devaluation of currencies. The funds of the special account were already inadequate, he felt, and the regular programme should not be financed from it. He presented an amendment to make certain that the full \$539,000 should be voted again, but later withdrew it on the understanding that the Rapporteur's report would indicate that the Committee desired the figure to be not less than this amount.²⁹ The draft resolution as proposed by the Council (A/1359) was unanimously adopted at the 127th meeting of the Second Committee on 19 October and at the 312th plenary meeting of the General Assembly on 20 November 1950 (399(V)). It read as follows:

The General Assembly,

Having decided at its fourth session (resolution 305 (IV)) that the regular budget of the United Nations

²⁶ See Y.U.N., 1948-49, pp. 457-58.

²⁷ See pp. 472-74.

²⁸ See p. 448.

²⁹ The total appropriation for these technical assistance activities as finally approved by the General Assembly was \$479,400.

should continue to provide for the activities authorized by General Assembly resolution 200(III),

1. Notes with approval that the Secretary-General has included in the budget of the United Nations for the year 1951 the same amount as was appropriated by the General Assembly in 1950;

2. Recommends that the requests for technical assistance for economic development received by the Secretary-General in accordance with resolution 200(III) which cannot be financed with funds provided on the regular budget of the United Nations, should be eligible for financing from the special account for technical assistance for economic development established in accordance with General Assembly resolution 304 (IV) and with the actions of the Technical Assistance Conference convened by the Secretary-General under the terms of Economic and Social Council resolution 222A (IX).

7. Other Related Activities

a. UNITED NATIONS SCIENTIFIC CONFERENCE ON THE CONSERVATION AND UTILIZATION OF RESOURCES

At its tenth session, the Council had before it a report³⁰ by the Secretary-General (E/1579 & Add.1) on the Conference held at Lake Success, from 17 August to 6 September 1949, under Council resolution 32 (IV).

The report summarized the scope of the discussions which took place in the plenary meetings and in the meetings of the six sections of the Conference—minerals, fuels and energy, water, forests, land, and wild-life and fish resources.³¹ It indicated that the Conference had proved fruitful, and suggested that the Council might wish to continue the collaboration of the experts and scientists who had participated in the Conference, and to review carefully the practicable suggestions which had emerged during the Conference, in view of the proposed expansion of the programme of technical assistance for economic development.

The Council discussed the report at its 349th plenary meeting on 13 February 1950. During the discussion, various representatives pointed out that the experience of the Conference had justified the comprehensiveness of the programme. The participants had come, not as representatives of Governments or other organizations, but as experts prepared to benefit from the exchange of information and experience. It was also pointed out that the records of the Conference contained valuable suggestions for action by which the United Nations, the specialized agencies, the Governments and scientific institutions could improve standards of living through the analysis, use and develop-

ment of natural resources. The members of the Council stressed the importance, not only of publishing and distributing the proceedings, but of publicizing the work of the Conference so that these valuable suggestions would have the widest possible effect.

The Council unanimously adopted, as resolution 271(X), the draft resolution proposed by Denmark (E/L.7). By this resolution, the Council expressed "satisfaction with the success of this Conference" and, in line with the conclusions set forth in the report of the Secretary-General, requested the Secretary-General "to study the proceedings of the Conference and to report to the Council such proposals for the consideration of the Council as he may deem appropriate; and in this connexion to consult with the specialized agencies concerned and with such of the Conference participants as he may deem useful".

b. AVAILABILITY OF INSECTICIDES FOR THE CONTROL OF MALARIA

The Council, at its 403rd meeting on 8 August 1950, had before it a report (E/1709 & Corr. 1 & 2) prepared by the Secretary-General in pursuance of Council resolution 225(IX),³² a communication from the World Health Organization (E/1720) regarding a resolution of the World Health Assembly on labelling and distribution of insecticides, and a draft resolution submitted by Brazil (E/L.91) on the availability of insecticides for the control of malaria.

The Secretary-General's report dealt with the production, needs and consumption of insecticides, and factors affecting their availability in non-producing countries, i.e. Government activities, prices and distribution, equipment for application, exports of producing countries, tariffs and taxes, and import and exchange restrictions.

In the course of the debate, it was agreed that national and international governmental action was needed to wage on all fronts a successful fight against malaria, and that technical assistance

³⁰ See Y.U.N., 1948-49, pp. 481-82.

³¹ In accordance with the resolution of the Council, all conference contributors and participants served in their individual capacities, with the primary purpose of exchanging information on techniques in conservation and utilization of resources, their economic costs and benefits, and their inter-relations. The Conference had over 700 participants, including attending authors, from over 50 countries. The Governments of 36 countries arranged for the attendance of groups of participants selected by them. In addition, 22 non-governmental organizations were represented by observers, and 152 scientific learned societies and institutions participated by sending representatives.

³² See Y.U.N., 1948-49, p. 476.

for that purpose should be provided by international organizations at the request of Governments. Several representatives, among them those of Brazil, China and the United States, expressed their appreciation of the valuable information and analysis contained in the Secretary-General's report, and suggested that further work in this field should be continued.

The representative of Brazil agreed to accept two amendments to the draft resolution: one suggested orally by the United States to add a sentence calling on Governments to adopt the measures recommended in the Secretary-General's report for increasing the amounts of insecticides available for combating malaria and another by the President of the Council to submit the records of the discussion to WHO and FAO.

The Council unanimously adopted the amended draft resolution as resolution 297 (XI). By it, the Council noted the report of the Secretary-General and the resolution of the third World Health Assembly concerning labelling and distribution of insecticides, re-affirmed the recommendations contained in its earlier resolution 225 (IX), and commended to the attention of Governments the Secretary-General's report and discussion of the various problems associated with the increased production and distribution of insecticides for the control of malaria. The resolution also urged Governments to adopt such measures among those suggested in the report as were appropriate to their circumstances, and requested the Secretary-General to transmit the records of the discussion on the subject to WHO and to FAO.

B. FULL EMPLOYMENT

By resolution 221 E (IX) of 11 August 1949, the Economic and Social Council, at its ninth session, invited the Secretary-General to appoint a group of experts to prepare, in the light of the current world situation, a report on national and international measures required to achieve full employment. It invited the Economic and Employment Commission to examine this report and submit to the tenth session of the Council any comments and recommendations for action that seemed appropriate. It also requested the Secretary-General to publish, on a current basis, brief reports on measures taken in various countries for the purpose of achieving full employment and invited Governments to assist the Secretary-General in this matter.

The Secretary-General addressed a questionnaire to Governments concerning their actions to maintain full employment in the second half of 1949. The first report based on the replies received was published under the title *Implementation of Full Employment Policies*.³³

With respect to the appointment of the group of experts referred to in resolution 221 E (IX), the Secretary-General appointed the following economists: John Maurice Clark, Professor of Economics, Columbia University, New York, who worked in association with Arthur Smithies, Professor of Economics, Harvard University; Nicholas Kaldor, Fellow of King's College, Cambridge University; Pierre Uri, Economic and Financial Adviser to the Commissariat general du Plan,

Paris; and E. Ronald Walker, Economic Adviser to the Australian Department of External Affairs. The report of this group is described below.

The General Assembly, at its fourth session,³⁴ adopted at its 256th plenary meeting on 25 November 1949, resolution 308 (IV), in which it approved the action of the Secretary-General in inviting the group of experts to report on national and international measures required to achieve and maintain full employment. In this resolution, the General Assembly also stated that national and international action by Members, designed to promote and maintain full employment in accordance with Articles 55 and 56 of the Charter, was a basic requirement for the achievement of a stable and expanding world economy; that action was needed to overcome unemployment and under-employment especially prevalent in under-developed countries, and that to this end it was necessary, *inter alia*, to stimulate the economic development of under-developed countries; that failure to take action to maintain full and productive employment, especially in countries which have an important share in world trade, would seriously impair the objectives of international agreements for the furtherance of the production and consumption of, and the expansion of international trade in, goods on as free as possible a basis; and that a high and stable level of international invest-

³³ U.N.P., Sales No. 1950.II.A.1. For texts of replies from Governments, see E/1698 & Add.1-8.

³⁴ See Y.U.N., 1948-49, pp. 460-66.

ment, particularly in the under-developed areas of the world, would contribute materially to the realization of those objectives. The resolution also noted with satisfaction the declarations of various Governments that they intended to deal promptly with unemployment and had already taken appropriate measures or had such measures under study. It recommended that each Government should consider, as a matter of urgency, its international responsibility under Articles 55 and 56 of the Charter to take action, as the need arises, designed to promote- and maintain full and productive employment through measures appropriate to its political, economic and social institutions; and requested the Economic and Social Council, during its consideration of full employment and economic development, to give attention to unemployment and under-employment, especially in under-developed countries.

1. Recommendations of the Group of Experts

The group of experts appointed by the Secretary-General met from 22 October to 16 December, 1949, and prepared a unanimous report entitled *National and International Measures for Full Employment*³⁵ The report contained a set of recommendations covering action in both the national and the international field.

a. NATIONAL MEASURES

With respect to domestic measures, the experts recommended that each Government should take action on the following lines:

- (i) It should adopt and announce a full employment target which will define the meaning of full employment in the country concerned in operational terms, and constitute the standard to the attainment of which the national employment stabilization measures will be directed.
- (ii) It should announce a comprehensive programme for directing its fiscal and monetary policies, its investments and production planning, and its wage and price policies (including anti-monopoly policies) to the continuous achievement of its full-employment objective.
- (iii) It should adopt and announce an appropriate system of compensatory measures designed to expand effective demand which would be prepared in advance for automatic application in case its general programme for maintaining full employment, indicated above, fails to prevent unemployment from exceeding the limit prescribed by the full-employment target by a predetermined amount for three successive months.
- (iv) It should announce the nature of the policies which it will adopt in order to maintain the stability of the price level and to combat inflationary tendencies in

a manner consistent with the maintenance of its full-employment target.

- (v) It should adapt its legislative procedures, its administrative organization and its statistical services to the implementation of its full-employment programme.

b. INTERNATIONAL MEASURES

The international measures recommended by the experts were designed to serve three main purposes:

- (i) To create a workable system of international trade for a stable and expanding world economy and thereby provide the conditions required for the elimination of undue trade barriers and for the restoration of the convertibility of currencies.
- (ii) To accelerate the orderly economic development of the under-developed areas of the world.
- (iii) To prevent the international propagation of fluctuation in effective demand.

For these purposes they recommended that Governments should take early action on the following lines:

- (i) To establish a programme, through consultation among Governments under the auspices of the Economic and Social Council, to eliminate the present structural disequilibrium in world trade.
- (ii) To create a stable flow of international investment at a level appropriate to the needs of the under-developed areas of the world and to the capacity of the lending countries.
- (iii) To stabilize international trade by maintaining external disbursements on current account in the face of internal fluctuations of effective demand.

2. Consideration by the Economic and Employment Commission at Its Fifth Session

The Economic and Employment Commission considered the report of the group of experts at its fifth session in January 1950, in accordance with Council resolution 221 E (IX), and declared in its report (E/1600) that "in view of the far-reaching character of the recommendations contained in the full employment report and the lack of opportunity for sufficient study and formulation of views by Governments, it would be inappropriate at this stage to put forward substantive recommendations for consideration by the Council".

The Commission confined itself to a preliminary examination of the report and presented a draft resolution, which suggested a procedure for further action on the report, for the consideration of the tenth session of the Council. In this draft resolution, the Commission recommended that the

³⁵ U.N.P., Sales No. 1949.II.A.3.

Council should commend the report of the experts to Governments, interested specialized agencies and non-governmental organizations for their serious consideration and detailed examination; that Governments should be urged to take appropriate measures to facilitate widespread consideration of the report in their respective countries; and that members of the Council should be prepared at the eleventh session to express their considered views on the proposals contained in the report and to present any alternative proposals they might have in this connexion (E/1600, annex A). Several members submitted a number of points which they thought should be considered by the Council at its eleventh session. The Commission could not, in the time available, discuss these points, but it included them in another annex to its report (E/1600, annex B).

3. Consideration by the Economic and Social Council at Its Tenth Session

At its tenth session, held from 7 February to 6 March 1950, the Economic and Social Council considered the report of the Economic and Employment Commission (E/1600). Insofar as it related to the subject of full employment and the Commission's recommendations in this connexion, the Council debated the report at its 356th to 358th plenary meetings on 20 and 21 February. A number of representatives, including those of Australia, Belgium, Canada, Chile, China, Denmark, France, India, Peru, the United Kingdom and the United States, in expressing general approval of the report of the group of experts, favoured the procedure suggested by the Economic and Employment Commission in its report. Most representatives confined themselves to preliminary observations on the procedure or refrained from commenting on the substance. Some reservations in respect of particular details were made by representatives.

It was pointed out by some delegations, among them those of Brazil, Chile, India, Pakistan and Peru, that though the experts, as shown in the report, recognized the problem of unemployment and under-employment in under-developed countries, they had decided that this problem was outside their terms of reference and had considered only problems of unemployment caused by lack of effective demand. It was also pointed out by some representatives, including those of Australia, Brazil, Chile, India, Pakistan and the United States, that in Resolution 308 (IV) the General Assem-

bly had stressed the need for action to overcome unemployment and under-employment in under-developed countries and had requested the Economic and Social Council, during its consideration of full employment and economic development, to give attention to this problem. It was incumbent upon the Council to devote time to the consideration of this problem at its next session.

Two amendments to the recommendations of the Commission were adopted unanimously by the Council at its 358th plenary meeting on 21 February 1950.

The first, by the United States (E/L.19), added a paragraph to the draft resolution to request the Secretary-General to obtain in writing the views on the Experts' Report of the interested and competent non-governmental organizations, in time for circulation to the members of the Council before its eleventh session.³⁶

The second, by Chile (E/L.22), commended the records of the Council's debate on the matter, together with the Expert's Report, to Member Governments of the United Nations, the interested specialized agencies and non-governmental organizations for their detailed examination.

At the same meeting, by resolution 267 B (X), the Council unanimously adopted, with the above amendments, the recommendations of the Economic and Employment Commission, which invited widespread dissemination and consideration of the report.

4. Related Activities of the Regional Economic Commissions

Some of the activities of the regional economic commissions³⁷ which relate directly to the problem of full employment were the following.

a. ECONOMIC COMMISSION FOR EUROPE

The Economic Survey of Europe in 1949,^{37a} prepared by the Secretariat of the Economic Commission for Europe (ECE), contains information bearing on questions of domestic stability and employment, on prospects of expansion in European production, as well as on the balance-of-payments problems of European countries and on international trade. ECE itself, during its fifth session, after recalling that the International Labour Organisation was the competent organ of the United Nations to deal with questions concerning unemployment insurance, migration, vocational training and, generally, with anything concerning

³⁶ The views received from such agencies are contained in E/1695 & Add.1-4.

³⁷ See also under Regional Economic Commissions.

^{37a} U.N.P., Sales No. 1950.II.E.1.

seasonal or partial unemployment, noted that unemployment due to lack of effective demand was a function of the general economic situation and that the remedies for its prevention and cure lay in all measures calculated to expand the economy by the development of production and exchange (E/1674). The Commission reminded its committees, sub-committees and working parties that it was their duty to keep their efforts constantly directed to an expansion of production and exchange so as to assist in the campaign against unemployment and for the achievement of productive full employment.

b. ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST

Apart from the information bearing on production, employment and trade contained in the Economic Survey of Asia and the Far East, 1949,^{37b} the Economic Commission for Asia and the Far East (ECAFE) adopted several resolutions bearing on the problem of full employment in the sense that they were directed toward the encouragement of action designed to expand the international exchange of goods and services.

c. ECONOMIC COMMISSION FOR LATIN AMERICA

The Economic Survey of Latin America, 1949,^{37c} also brought together a large volume of information and presented valuable analyses bearing directly on the question of unemployment in Latin-American countries and on the relations between fluctuations in employment, production and exports of Latin-American countries to recessions in other countries. Bearing this information in mind, the Economic Commission for Latin America (ECLA) adopted, during its third session a resolution which, *inter alia*, took account of the measures proposed in the experts' report on National and International Measures for Full Employment^{37d} but noted that these measures were applicable principally to the great industrial areas and that, in the Latin-American countries, cyclical phenomena had different characteristics from those contemplated by the experts. The Commission recommended that its secretariat should study the adaptation of the measures recommended by the experts, as well as other measures suited to the economic characteristics of the Latin-American countries, with a view especially to avoiding the adverse effects which such measures might have on the balance of payments. The Commission, bearing in mind that measures of anti-cyclical policy

were not incompatible with the plans of economic development but were in fact complementary to them, recommended that Latin-American Governments, in their plans for developing domestic activities, should consider the desirability of a composition of imports that was easily adaptable to the cyclical declines of the capacity to import, thus making possible the application of anti-cyclical measures without bringing about a disequilibrium of the balance of payments.

5. Consideration by the Economic and Social Council at Its Eleventh Session

In considering the problem of full employment at its eleventh session, held from 3 July to 16 August 1950, the Council had before it the report of the group of experts, entitled National and International Measures for Full Employment; the report of the fifth session of the Economic and Employment Commission (E/1600 & Corr. 1, Add. 1-2); the views of certain non-governmental organizations of the experts' report (E/1695 and Addenda); the resolution on action against unemployment (E/1744) adopted by the International Labour Conference at its 33rd session, together with the report on Action Against Unemployment³⁸ prepared by the International Labour Office as a basis for the Conference discussion; the reports of Governments on measures taken by various countries for the purpose of achieving full employment (E/1698 & Add. 1-8), and the report of the Secretary-General entitled Implementation of Full Employment Policies³⁹

The Council also heard the views of two of the experts who served on the group which prepared the report National and International Measures for Full Employment. The Council was also assisted by representatives of the specialized agencies, including those of the International Monetary Fund and the International Bank for Reconstruction and Development, who participated in the discussions in view of the proposals under consideration relating to the structure and functions of those agencies.

The matter came before the Council's Economic Committee at its 86th to 89th, its 93rd to 95th and 97th meetings, from 24 July to 11 August, and before the Council at its 389th to 394th plenary meetings, from 17 to 19 July, and at its

^{37b} U.N.P., Sales No. 1950.II.F.1.

^{37c} U.N.P., Sales No. 1951.II.G.1.

^{37d} U.N.P., Sales No. 1949.II.A.3.

³⁸ ILO Studies and Reports, New Series, No. 20.

³⁹ U.N.P., Sales No. 1950.II.A.1.

411th and 412th plenary meetings, on 14 and 15 August 1950. During the Council's discussions, several draft resolutions were submitted: by the United Kingdom (E/L.67), by Canada (E/L.69) and by the United States (E/L.70). These draft resolutions diverged in a number of important respects and concerned both domestic and international measures.

a. NATIONAL MEASURES

In the field of domestic measures to maintain full employment, the draft resolution by the United Kingdom (E/L.67), for example, recommended that each Government should announce a provisional full employment "target" in the form of a level of employment or unemployment which it would endeavour by all means in its power to maintain; and that it should submit a report to the United Nations on its general domestic policies for achieving full employment and economic stability, with particular reference to the various techniques suggested in the experts' report including flexible fiscal policies, adjustable public investment programmes, measures to maintain incomes and levels of consumption, the adoption of automatic compensatory measures or alternative measures for taking rapid action to counteract an unfavourable trend, means for ensuring the stability of prices and the avoidance of inflation and the adequacy of its legislative procedures, administrative organizations and statistical services to implement those policies.

The draft resolution by Canada (E/L.69) contained a proposal that the Economic and Social Council should note that, since the depression of the 1930's there had been a change of attitude among Governments and peoples, that many Governments were now committed to take appropriate measures if necessary to prevent economic recession, and that many Governments had adopted positive measures to promote social welfare, international security, high levels of trade, and vigorous economic development. The draft resolution suggested that the Council should state that it therefore believed that the risk of widespread unemployment in highly industrialized countries had been substantially reduced, but that the Council should nevertheless urge Governments that had not already done so to state publicly their employment objectives and to describe the various means at their disposal to maintain employment, such as flexible fiscal policies, public works programmes, social security measures and other "built-in stabilizers"; and to report to the Secretary-General on

both recent developments and on the future outlook in the fields of domestic employment, production, trade and related matters. It also suggested that the Council should emphasize the desire of facilitating the mobility of labour and, therefore, of maintaining organized and efficient employment exchanges, and adequate training and retraining facilities.

The draft resolution by the United States (E/L.70) was closer to the first in its recommendations, although these were somewhat less specific in that the draft did not refer to the various techniques suggested in the experts' report. This draft resolution also suggested that the Council should decide to place on its agenda annually the problem of achieving and maintaining (1) full and productive employment with progressively improving levels of production, trade and consumption, and (2) equilibrium in balances of payments; that it should ask Member Governments to supply to the Secretary-General periodic information on their economic situation, targets, policies, plans, programmes and actions relating to the above problems; and that the Economic and Employment Commission should periodically: (1) appraise the adequacy of the actions being taken by Governments with respect to employment, unemployment, production and related factors; (2) determine whether there were any conflicts among the targets, policies, plans, programmes or actions on the part of the Governments; (3) formulate significant issues for consideration by the Council; and (4) recommend proposals for Council action.

b. INTERNATIONAL MEASURES

In the field of international measures, the draft resolution by the United Kingdom (E/L.67) suggested that the Council, with the object of facilitating progress toward a new equilibrium in international trade, should recommend to Governments:

(1) that each Government agree to make it a principal objective of policy to act in such a way as to assist in rectifying the fundamental or structural disequilibrium in international trade and payments; (2) that, as a step towards the achievement of this objective, it indicate by means of quantitative estimates, the nature of the equilibrium it hoped to attain in its balance of payments by 1954 on both current and capital account; and (3) that, in preparing these estimates, it take account of the desirability of increasing its gold and dollar reserves if these reserves were low in relation to their international payments, so that when a new equilibrium in international payments is achieved all countries may possess gold reserves sufficient to enable them to meet such fluctuations as may reasonably be expected in their receipts of foreign exchange.

In addition, it recommended that the Council, with the object of ensuring effective international action to prevent the spread of depression from one country to others and to maintain a steady flow of capital for development purposes, should instruct the Secretary-General to convene a meeting of Governments with a view to concluding an agreement whereby each Government would undertake to do its utmost in the event of a decline in the effective demand within its borders and, under certain conditions, to prevent a consequential decline in the aggregate supply of its currency to the rest of the world by maintaining imports, or by the provision of additional credit, if necessary, by the supplementing of private external expenditures through the use of financial resources under public control. It also suggested that Governments of the more highly developed countries should conclude an international agreement in accordance with which each Government would undertake to endeavour, under certain conditions, to maintain a high regular flow of capital export for development purposes; that Governments should extend progressively the principle of untied lending to all governmentally controlled or guaranteed foreign lending;⁴⁰ and that the International Bank for Reconstruction and Development should consider the desirability of laying greater emphasis on the size, composition and financial implications of a borrowing country's investment programme as a whole and less on the detail of selected projects.⁴⁰

The draft resolution by Canada (E/L.69) recommended that the Council should note that loans by the Bank, together with private loans for capital exporting countries, were unlikely by themselves to be sufficiently large and continuous to provide either for the efficient development of the world's under-used resources or for the elimination of undue trade barriers and for the restoration of the convertibility of currencies. It should also note the danger that reduced employment and imports in one country might spread deflationary influences to other countries unless greater provision was made to mitigate these influences by replenishing international reserves of those other countries. It was therefore suggested that the Council, while welcoming the statement made on behalf of the Bank that it hoped and intended progressively to extend its loans for development, should urge the Governments of capital exporting countries to do all in their power to maintain a high and stable level of net capital exports, and urge the International Monetary Fund to make sure that its resources were at all times

as fully and readily available to its members as possible under its Articles of Agreement.

The draft resolution by the United States (E/-L.70) proposed to the Council that it should recommend Governments to seek to avoid in their policies and programmes measures which would be likely to have seriously adverse effects on the balance of payments or employment levels of other countries, and to intensify their efforts to achieve and maintain equilibrium in their balance of payments, while:

(1) eliminating restrictions on current account transactions; (2) reducing or eliminating quantitative and other restrictions on trade; (3) removing impediments to the flow of international investment funds; and (4) minimizing discrimination in all international economic relations.

It also suggested that the Secretary-General should be requested to initiate an inquiry into the changes in the demand for, and supply of, the principal commodities in international trade which might be expected to result in the establishment of a new over-all equilibrium under various plausible assumptions as to world economic developments.

All three draft resolutions were agreed in requesting the Secretary-General to appoint a small group of experts to prepare a report on unemployment and under-employment in under-developed countries and to recommend the national and international measures required to reduce such unemployment and under-employment.

During the discussion in the Council of the report, members expressed appreciation of its high quality, though some reservations were made in respect of the measures recommended. Representatives of under-developed countries considered that the experts had concentrated too much attention on unemployment in the highly industrialized countries and had proposed measures to maintain full employment which could not apply to the mainly agricultural under-developed countries. If the flow of international investment could be stimulated to these areas, they stressed, then the consequent increase in consumer demand would help greatly in maintaining full employment in industrialized countries.

A further point made by several members was that the experts had not paid sufficient attention to the factor of inflation which threatened the employment situation in a number of countries. It was also stated that full employment depended to

⁴⁰ It was agreed that these two suggestions should be considered in connexion with the problem of financing economic development. See p. 443.

a large extent on maintaining a steady and increasing flow of international trade, and some members emphasized the need for international equilibrium in the balances of payments as well as the need to harmonize national full employment policies so that action taken in one country would not lead to unemployment in another.

After lengthy consideration, both in plenary meetings of the Council and in its Economic Committee, the Council finally adopted unanimously, at its 412th plenary meeting on 15 August 1950, resolution 290(XI). It read as follows:

The Economic and Social Council,

Having in mind the obligations of Members of the United Nations under Articles 55 and 56 of the Charter to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development,

Having considered the experts' report on National and International Measures for Full Employment, the report of the Economic and Employment Commission (fifth session) and the views of various specialized agencies and non-governmental organizations,

Having noted from the replies of Governments to the questionnaires on employment issued by the Secretary-General under Council resolution 221 E (IX) that many countries have succeeded in maintaining satisfactory levels of employment,

Having regard to the fact that, in some predominantly agricultural countries, figures for unemployment and under-employment may not be easily ascertainable and full employment goals may, if related only to industrial labour, lead to misleading conclusions, and that, consequently, it may not be possible for such countries to implement certain provisions of this resolution,

Bearing in mind that a new group of experts will be appointed, as provided for in paragraph 22 below, for the purpose of studying the problem of unemployment and under-employment in under-developed countries, and that further recommendations in regard to national and international measures for full employment in under-developed countries will be considered by the Council in the light of the report of this group of experts,

Recognizing that Governments can achieve and maintain full and productive employment in an expanding world economy under conditions ensuring fundamental political and economic freedoms to the individual, and being aware of the determination of peoples and Governments to achieve and maintain such full and productive employment,

Concerned with the need for continuing action by Member Governments, and by the organs and specialized agencies of the United Nations to implement the obligation contained in the Charter with respect to full employment, including the reduction of unemployment and under-employment in the less developed countries, and

Bearing in mind the close relationship, in a free and expanding world economy, between high and stable levels of domestic employment, international capital movements, and imports and exports,

A. WITH THE OBJECT OF ENSURING REGULAR SYSTEMATIC CONSIDERATION OF EMPLOYMENT PROBLEMS BY THE COUNCIL

1. Decides to place on the Council agenda once each year, beginning in 1951, for consideration in the light of economic trends, the problem of achieving and maintaining full employment with progressively improving levels of production, trade and consumption, and maintenance of or progress towards the achievement of equilibrium in balances of payments;

B. WITH THE OBJECT OF ENCOURAGING THE ADOPTION OF EFFECTIVE DOMESTIC FULL EMPLOYMENT POLICIES

2. Recommends that each Government:

(a) Publish annually a statement of its economic objectives for the ensuing year or for such longer period as may be appropriate, making special reference to the purposes set out in Articles 55 and 56 of the United Nations Charter, and being accompanied, wherever practicable, by a statement of quantitative goals or forecasts relating to employment, production, consumption, investment or such other pertinent measurable economic factors as may be significant indicators of the trends of its economy; and

(b) Publish as soon and as precisely as is practicable the standard by which it defines the meaning of full employment as a continuing objective of policy, such standard being expressed, wherever possible, in terms either of employment percentages or of absolute numbers of unemployed or in ranges of such percentages or numbers; and thereafter publish such revised standards as may become necessary from time to time;

3. Recommends that each Government formulate, announce, and periodically review, in the light of current and foreseeable economic trends, the policies, programmes and techniques which it intends to pursue for the purpose of achieving such objectives, goals and standards as it may set for itself under paragraph 2 above, with particular reference to:

(a) Measures, such as the adaptation of fiscal, credit, monetary, investment, wage and price policies, to promote steady economic expansion;

(b) Measures to combat recessionary tendencies, such as measures to influence the volume of investment, to increase the flexibility of budget and fiscal policies, and to prevent undue fluctuations in the incomes of primary producers;

(c) Special corrective measures, whether of a discretionary or of an automatic type, to meet emergency unemployment situations that may arise;

(d) Measures to avoid inflation and to prevent excessive increases in the price level; and

(e) Measures to promote the geographic and occupational mobility of labour;

4. Recommends that each Government keep continuously under review the adequacy of its organizational and technical arrangements, including statistical services, required for the formulation and pursuit of economic goals, policies and programmes and the analysis of economic trends;

5. Recommends that, in connexion with the information required by the Secretary-General under Council resolution 221 E (IX), each Government furnish him, upon request, with full information concerning

economic trends, the full employment standard, domestic economic objectives and—where appropriate, goals or forecasts, and domestic policies and programmes, as referred to in paragraphs 2 and 3 above;

6. Invites the International Labour Organisation to take all feasible further steps towards the practical implementation of the recommendations of the Sixth International Conference of Labour Statisticians in order to facilitate international comparability of employment and unemployment data with special reference to their use in the formulation of full employment standards and annual employment goals, policies and programmes;

7. Requests the Secretary-General:

(a) To amend the questionnaires being issued under Council resolution 221 E (IX) so as to include the items referred to in paragraph 5 above, and to send to Governments the first issue of the amended questionnaire as soon as possible;

(b) To assemble and analyse the reports submitted by Governments in response to this questionnaire so as to facilitate the task of the Economic, Employment and Development Commission as set out in paragraph 8 below; and, in particular, to analyse the statistical basis of the full employment standards published under sub-paragraph 2 (b) above; and

(c) To transmit the reports and analyses prepared under (b) above, together with such special studies as he may have prepared, to the Economic, Employment and Development Commission; and

8. Requests the Economic, Employment, and Development Commission, in consultation with the representatives of the appropriate specialized agencies, to examine the reports, analyses and studies transmitted to it by the Secretary-General under sub-paragraph 7 (c) above in the light of current and foreseeable economic trends and with reference to their possible effects on the world economic situation, for the purpose of:

(a) Calling attention to the repercussions of the goals, policies and programmes of the various Governments upon the economic situation of other countries; and

(b) Formulating significant problems of international concern that may arise for consideration by the Council and recommending proposals for action by the Council;

C. WITH THE OBJECT OF ENCOURAGING EFFECTIVE INTERNATIONAL FULL EMPLOYMENT POLICIES

I

9. Recommends that each Government intensify its efforts; while pursuing its employment and other domestic goals, to achieve and maintain equilibrium in its balance of payments; such equilibrium should be at the highest possible level of mutually beneficial trade and should be characterized *inter alia* by:

(a) Conditions of trade involving, along the lines envisaged in the relevant international agreements:

(i) the absence of quantitative restrictions on international trade imposed for balance-of-payments reasons and of exchange restrictions on current account transactions (as defined in the Articles of Agreement of the International Monetary Fund), (ii) a reduced level of other trade barriers and (iii) a minimum of discrimination in the application of such trade, monetary or investment restrictions as may still exist;

(b) A level of reserves of convertible currencies and gold which would be sufficient to enable a country to meet normal fluctuations in its receipts of foreign exchange; and

(c) An increased and stable flow of international investment funds;

10. Recommends that each Government furnish the Secretary-General, upon his request, in connexion with its replies to the questionnaires being issued under Council resolution 221 E (IX) with estimates of its balance-of-payments position, and information on its related economic policies for the ensuing year and, when appropriate, for a longer period;

11. Recommends that each Government furnish the Secretary-General within six months after the receipt of the special questionnaire referred to in sub-paragraph 13 (a) below with quantitative estimates of the main elements of the balance of international payments that it hopes to attain by 1954, and a classification of its estimated trade by major commodities or groups of commodities which are important in its foreign trade, making clear to what extent the conditions set forth in paragraph 9 above are assumed to have been realized;

12. Requests the Secretary-General:

(a) To amend the questionnaires being issued under Council Resolution 221 E (IX) so as to cover the items referred to in paragraph 10 above;

(b) To assemble and analyse the reports submitted by Governments under paragraph 10 above so as to facilitate the task of the Economic, Employment and Development Commission as set out in paragraph 14 below;

(c) To continue to make special studies concerning the international aspects of the full employment problem; and

(d) To transmit the reports, analyses and studies prepared under sub-paragraphs (b) and (c) above to the Economic, Employment and Development Commission;

13. Requests the Secretary-General:

(a) To prepare, with the advice of suitable experts, and to issue to Governments as soon as conveniently possible, a special questionnaire for the purpose set out in paragraph 11 above, and, in carrying out this task, to take full account of similar work being undertaken by other international organizations in such a way as to avoid laying any unnecessary burden on Governments;

(b) To appoint a group of three independent experts, and to furnish them with such assistance as may be necessary to enable them to submit, on their own responsibility, to the Economic, Employment and Development Commission, a report analysing and commenting on the replies to the questionnaires received from Governments with a view to assisting the Commission to carry out the task assigned to it under paragraph 14 below; and

(c) To undertake, and if practicable, to annex to the report referred to in (b) above an analysis of the changes in demand for and supply of the principal commodities in international trade which might be expected to occur in the light of the data supplied by Governments under paragraph 11 above and other relevant material; and

14. Requests the Economic, Employment and Development Commission, in consultation with representatives of the appropriate specialized agencies, to examine

the reports, analyses and studies submitted to it under sub-paragraphs 12 (d), 13 (b) and 13 (c) above, in the light of current and foreseeable economic trends and with reference to their possible effects on the world economic situation, for the purpose of:

(a) Calling attention to any major problems which appear likely to arise in the light of the information supplied by Governments regarding international transactions, policies and programmes;

(b) Recommending proposals with respect to international policies and programmes for Council consideration and action; and

(c) Enabling the Council at its fourteenth session to consider the report prepared under sub-paragraph 13 (b) above, together with the Commission's comments and recommendations;

II

15. Recommends that Governments:

(a) Achieve and maintain, to the extent feasible, a high level and regular rate of flow of international investment capital for development purposes;

(b) Strive to prevent lapses in the flow of international investment resulting from or associated with economic recessions; and

(c) Continue to co-operate in efforts to achieve these results by both national and international measures;

16. Recommends that Governments:

(a) Seek to avoid, in their economic policies and programmes, measures which would be likely to have seriously adverse effects on the balance of payments or employment levels of other countries;

(b) In the event of a domestic recession, adopt, to the extent feasible, measures to offset the adverse effects of such recession on the balance of payments or employment levels of other countries; and

(c) Continue to co-operate in investigating ways and means for preventing domestic recession from spreading to other countries;

17. Urges the International Bank for Reconstruction and Development, while achieving and maintaining in ordinary times a high level and steady rate of flow of international investments for economic development, to utilize in case of recession, all practicable opportunities of increasing its resources, in order to expand the volume of its lending, inter alia by making fullest use of its borrowing capacity;

18. Urges the International Monetary Fund to make its resources available to its members to meet needs arising from economic recessions as fully and readily as its Articles of Agreement permit;

19. Requests the Secretary-General to appoint a group of three to five experts to make technical studies and, after seeking the views of the International Monetary Fund and the International Bank for Reconstruction and Development, to prepare a report in accordance with the objective of paragraphs 15 and 16 above, formulating and analysing alternative practical ways of dealing with the problem of reducing the international impact of recessions that may arise, the report to be submitted to the Secretary-General and issued on the responsibility of the expert group;

20. Requests the Economic Employment and Development Commission to study the report prepared under paragraph 19 above and to make recommendations thereon to the Council at its fourteenth session; and

21. Recommends that Governments, the specialized agencies concerned and the Secretary-General pursue the action already undertaken in the field of migration, taking into consideration the importance of facilitating the international mobility of labour for the solution of the problems of full employment;

D. WITH THE OBJECT OF FACILITATING THE COUNCIL'S FURTHER CONSIDERATION OF THE PROBLEM OF UNEMPLOYMENT, PARTICULARLY IN THE LESS-DEVELOPED COUNTRIES

22. Requests the Secretary-General to appoint a small group of experts to prepare, in the light of the current world economic situation and of the requirements of economic development, a report on unemployment and under-employment in under-developed countries, and the national and international measures required to reduce such unemployment and under-employment, the report to be issued on the responsibility of the expert group; to give every assistance to the group of experts in the preparation of this report and, in particular, keep the group informed of work already done or currently being undertaken in this field by the United Nations and the specialized agencies, and to transmit the report to Member Governments; and

23. Requests the Economic, Employment and Development Commission to examine the report prepared by the group of experts and to submit to the Council, at an early session, any comments and recommendations for action which seem to it appropriate; and

E. WITH THE OBJECT OF FACILITATING THE IMPLEMENTATION OF THIS RESOLUTION

24. Recommends that the Secretary-General and the appropriate specialized agencies provide, within their capacities, technical assistance to Governments, upon their request, for the purpose of carrying out this resolution; and

25. Requests the Secretary-General:

(a) In carrying out the tasks under paragraphs 7, 12 and 13 above to co-operate and consult with the specialized agencies concerned and other appropriate bodies in order to avoid duplication; and

(b) To take all appropriate measures to ensure that action under this resolution is initiated without delay.

Pursuant to this resolution of the Council, a questionnaire of the Secretary-General, to cover the years 1950 and 1951 and relating to full employment standards, economic trends and objectives, economic policies and balance-of-payments problems and policies, was sent on 1 December 1950 to Member Governments and those Governments participating in regional economic commissions.

6. Publicity for United Nations Action on full Employment

After adopting the resolution on full employment, many members of the Council expressed the view that its provisions were so far-reaching,

and went such a distance toward elaborating the obligations that were assumed by Governments when they subscribed to Articles 55 and 56 of the United Nations Charter, that the Secretary-General should utilize all means at his disposal to give publicity to the resolution. It was most desirable to ensure that not only officials and Governments should know and understand these provisions, but that they should be publicized as widely as possible so that the peoples of the world should clearly understand that the Economic and Social Council of the United Nations had recommended to Governments:

(1) that they should publicize and each tell their own people what they mean by their obligation to maintain full employment;

(2) that they should provide them publicly with the standard by which the achievement of, or the failure to achieve, full and productive employment can be gauged; and

(3) that each Government should tell its own people how it proposed to achieve the standard which it has set for itself, and that it should also give this information to the Council so that the latter might examine these policies and programmes for the purpose of calling attention to any repercussions which they may have upon the economic situation of other countries.

It was also pointed out that the resolution on full employment adopted by the Council represented an embodiment of the faith of the United Nations that mass unemployment need not last, and that it can be eliminated in an expanding world economy under conditions which ensure those fundamental political and economic freedoms to the individual which are the cornerstone of the United Nations. Members recognized that more remained to be done, both with respect to the object of encouraging effective international full employment policies and with the object of the elimination of unemployment in under-developed countries.

7. Consideration by the Assembly at Its Fifth Session

At the Assembly's fifth session, the question of full employment and economic stability was considered by the Second Committee at its 137th to 144th meetings, from 14 to 28 November. The Committee's recommendations were adopted without discussion by the General Assembly at its 320th plenary meeting on 12 December 1950.

The Second Committee had before it the report of the Economic and Social Council to the fifth session of the General Assembly (A/1345), con-

taining a chapter on the Council's activities in this connexion at its tenth and eleventh sessions (see above). The first five meetings of the Committee (its 137th to 141st meetings, held from 14 to 23 November) were devoted to a general debate in which 29 delegations took part: those of Afghanistan, Argentina, Australia, Belgium, Brazil, Byelorussian SSR, Chile, China, Cuba, Czechoslovakia, Denmark, Egypt, France, Greece, Iran, Israel, Indonesia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Ukrainian SSR, USSR, the United Kingdom, the United States and Uruguay, as well as representatives of FAO and ILO.

Representatives generally were agreed on the importance both from a national and international point of view, of the maintenance of full employment, and a number gave instances of what their Governments were doing towards the attainment of that end. Certain representatives, however, among them those of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR stressed that in their countries the maintenance of full employment did not exist as a problem, and that it had been solved by their own economy. The importance in under-developed countries of an adequacy of capital goods and the need for financing full employment by suitable measures was stressed by many representatives, including those of Afghanistan, Argentina, Brazil, Chile, Cuba, Egypt, Iran, Israel, Pakistan, the Philippines and Uruguay. General support for the recommendations of the Council and the Committee was forthcoming in the discussions, although a number of representatives made reservations in respect of details of the Council's resolution or the report.

At the conclusion of the general debate, the Committee had before it the following specific proposals:

(1) Full employment: proposals concerning resolution 290 (XI) of the Economic and Social Council were contained in part A of a draft resolution submitted by Chile (A/C.2/L.70) and in a draft resolution submitted by Uruguay (A/C.2/L.73);

(2) The current world economic situation: a proposal relating to the examination of the world economic situation by the twelfth session of the Council was contained in part B of a draft resolution submitted by Chile (A/C.2/L.70);

(3) Guides for organization and collection of economic data in under-developed countries: a draft resolution by Cuba (A/C.2/L.71);

(4) Mechanization and unemployment: a draft resolution by Cuba (A/C.2/L.72).

a. FULL EMPLOYMENT

The proposal contained in part A of the Chilean draft resolution as revised by its sponsor (A/C.2/L.70/Rev. 1) would note with satisfaction Economic and Social Council resolution 290 (XI) and invite Governments to comply with its terms and to co-operate with the Secretary-General in carrying out the tasks entrusted to him by that resolution. The draft resolution submitted by Uruguay (A.C.2/L.73) would note the Council resolution, congratulate the Council on the work accomplished and commend to its attention the desirability of continuing its efforts in the field of full employment, particularly with respect to under-developed countries. The Committee considered these proposals at its 142nd and 143rd meetings on 27 and 28 November. After the representative of Chile had orally revised his proposals to take account of the points made in the Uruguayan draft, the representative of Uruguay withdrew his draft resolution. The Committee then considered simultaneously both part A and another Chilean proposal contained in part B (see below) of the Chilean draft resolution. Several oral amendments to the revised Chilean draft were suggested by the representatives of Australia, Belgium, Canada, France, Peru and the United States, and, as a result, a new revision (A/C.2/L.70/Rev. 2) of the Chilean draft resolution, sponsored by Chile, Pakistan, Peru and Uruguay, was submitted. Before voting on this joint draft resolution, the Committee agreed to treat parts A and B as two separate resolutions.

At its 143rd meeting on 28 November, part A of the joint draft resolution was adopted by the Committee by 37 votes to 5, with 1 abstention. In adopting the resolution, it was the sense of the Committee that the Secretary-General should, in view of the rapidly changing economic conditions in the world, regard himself as authorized to use his discretion with respect to the time period to be covered by the special questionnaire referred to in paragraphs 11 and 13 of Economic and Social Council resolution 290 (XI) so as not to ask Governments to submit estimates of their balance of international payments for a longer period than they could reasonably be expected to supply. The General Assembly adopted without discussion at its 320th plenary meeting on 12 December 1950, by 43 votes to 5, with 1 abstention, resolution 405 (V). It read as follows:

The General Assembly,

Considering that the Economic and Social Council, in its resolution 290(XI) of 15 August 1950 concern-

ing full employment, has formulated recommendations to governments designed to strengthen the resistance of their national economies and of the international economic structure against the danger of recession,

Considering that the additional studies which the Secretary-General and the various groups of experts are requested to undertake by that resolution are designed to provide a sound basis for the adoption of national and international measures tending to ensure full employment, both in economically advanced and in under-developed countries,

1. Notes with satisfaction the vigorous action taken by the Economic and Social Council in connexion with full employment;

2. Invites governments to co-operate with the Secretary-General in carrying out the tasks entrusted to him.

b. CURRENT WORLD ECONOMIC SITUATION

Part B of the draft resolution as revised by Chile (A/C.2/L.70/Rev. 1) dealt with the need for discussion by the Economic and Social Council at its twelfth session of current international economic problems in connexion with the Council's examination of the world economic situation, so that the Council might be in a position to make recommendations to Governments and to the General Assembly concerning measures designed to make possible the uninterrupted progress of programmes of economic stability and development. This draft resolution also proposed arrangements for obtaining the views of the members of the Council and of the other Members of the United Nations concerning this matter prior to the opening of the twelfth session of the Council.

Part B of the Chilean draft resolution was considered by the Committee simultaneously with part A (see above). The draft resolution contained in part B of the joint draft resolution submitted by Chile, Pakistan, Peru and Uruguay (A/C.2/L.70/Rev. 2) was adopted by the Committee by 37 votes to none, with 6 abstentions at its 143rd meeting on 28 November, and by the General Assembly (resolution 406(V)), without discussion, at its 320th plenary meeting on 12 December, by 50 votes to none. It read as follows:

The General Assembly,

Bearing in mind that, as a result of the international events of the last few months, new economic factors have appeared which may unbalance and dislocate the general economic stability and the economic progress of many countries,

Recognizing that, under Articles 55 and 56 of the Charter, the United Nations is under an obligation to use all the means at its disposal to ensure the steady growth of the world economy and to prevent the emergence of those factors of economic disequilibrium which impair general economic stability and disturb the economic development of the under-developed countries,

1. Requests the Economic and Social Council, when examining the world economic situation during its twelfth session, to pay special attention to changes currently taking place in the international economic situation, with a view to recommending to governments and to the General Assembly measures designed to make possible the uninterrupted progress of programmes of economic stability and development;

2. Invites all the members of the Economic and Social Council to submit to the twelfth session of the Council their views concerning the way in which the current world situation has affected their economic progress and the prospects of continuing world economic expansion, and, if possible, to communicate these views, through the Secretary-General, to the Council before the opening of its twelfth session;

3. Invites all the other Members of the United Nations similarly to submit their views to the Council, with the object of assisting the Council in its task of recommending measures referred to in paragraph 1 above to the governments and to the General Assembly.

c. GUIDES FOR ORGANIZATION AND COLLECTION OF ECONOMIC DATA IN UNDER-DEVELOPED COUNTRIES

The draft resolution submitted by Cuba (A/C.2/L.71) was considered by the Committee at its 143rd and 144th meetings on 28 November. The proposal recommended that the Secretary-General, in co-operation with the specialized agencies concerned, should prepare material which would be of help to under-developed countries in organizing and collecting economic data in connexion with Economic and Social Council resolution 290 (XI); it further affirmed that any expenses involved could be charged to the Special Account set up under Economic and Social Council resolution 222 A (IX) relating to technical assistance. An amendment to the resolution which sought to clarify and limit the task imposed on the Secretariat, submitted by Pakistan and Peru (A/C.2/L.74) was subsequently withdrawn by its sponsors after a statement by the representative of the Secretary-General that the request regarding the preparation of this material could be carried out providing financial resources were available.

An oral amendment by the representative of the United States to delete a paragraph of the draft resolution dealing with the method of financing the work requested of the Secretary-General was adopted by 24 votes to 7, with 15 abstentions. After several oral revisions by the sponsor and an oral amendment by Australia, accepted by the sponsor, the Cuban draft resolution, as amended, was adopted unanimously by the Committee.

In adopting the resolution, the Committee expressed the view that, while it wished to ensure

that the work described in the resolution would be carried out, it had deleted a paragraph of the original Cuban draft resolution (A/C.2/L.71) because it did not consider it advisable to make any decision concerning the method by which this work was to be financed. The Committee's recommendations were adopted by the General Assembly (resolution 407(V)), without discussion, at its 320th plenary meeting on 12 December, by 51 votes to none, with 1 abstention. It read as follows:

The General Assembly,

Noting that the Economic and Social Council, in resolution 290 (XI) of 15 August 1950, *inter alia*,

(a) Recommended that governments should furnish the Secretary-General with a wide range of economic and statistical information relating to the implementation of that resolution,

(b) Stated that "Having regard to the fact that, in some predominantly agricultural countries, figures for unemployment and under-employment may not be easily ascertainable and full employment goals may, if related only to industrial labour, lead to misleading conclusions, and that, consequently, it may not be possible for such countries to implement certain provisions of this resolution",

(c) Invited the International Labour Organisation to take all feasible further steps towards the practical implementation of the recommendations in order to facilitate international comparability of employment and unemployment data with special reference to their use in the formulation of full employment standards and annual employment goals, policies and programmes,

Being aware that the Economic and Social Council, in part E of the above-mentioned resolution, recommended that the Secretary-General and the specialized agencies should provide, within their capacities, technical assistance to governments, on their request, for the purpose of assisting under-developed countries in this respect,

Recommends that the Secretary-General and the specialized agencies, taking into account the different institutional circumstances in the under-developed countries, prepare material which may serve to guide governments wishing to make use thereof and which should set forth:

(a) The types of data considered necessary to provide up-to-date information regarding the level of economic activity, employment, unemployment and under-employment;

(b) Procedures and methods suitable for obtaining and presenting such data;

(c) Other suggestions relating to the organization of adequate government machinery necessary for obtaining the said data.

d. MECHANIZATION AND UNEMPLOYMENT IN UNDER-DEVELOPED COUNTRIES

The draft resolution submitted by Cuba (A/C.2/L.72) on mechanization and unemployment in under-developed countries was considered by the Committee at its 144th meeting on 28 November. After several oral revisions by the sponsor

and oral amendments by the representatives of Canada, the United Kingdom and the United States, which were all accepted by the sponsor, the draft resolution, as amended, was adopted unanimously by the Committee and by the General Assembly (resolution 408(V)), without discussion, by 53 votes to none, at its 320th plenary meeting on 12 December 1950. It read as follows:

The General Assembly,

Having in mind that, at its fourth session, it expressed its belief that "action is needed to overcome unemployment and under-employment such as that arising, particularly in under-developed countries, among large numbers of people engaged in agricultural pursuits; and that, to this end, it is necessary, *inter alia*, to stimulate the economic development of under-developed countries",

Having noted that the group of experts appointed by the Secretary-General under Economic and Social Council resolution 221 E (IX) of 11 August 1949 to report on national and international measures required to achieve and maintain full employment has expressed the view that, in the under-developed countries, a large part of the population could be diverted from agricultural occupations without any decrease in agricultural output, and that "the only remedy for this form of disguised unemployment is economic development, which constitutes the major economic problem of the world",

Bearing in mind that the terms of reference of the Sub-Commission on Economic Development, whose functions now fall to the Economic Employment and Development Commission, include "studying the effects of

industrialization and changes of a technological order upon the world economic situation",

Commending the Economic and Social Council for the action it has initiated in paragraph 22 of resolution 290 (XI) of 15 August 1950 on full employment, by which the Secretary-General is requested to appoint a group of experts to prepare, in the light of the current world economic situation and of the requirements of economic development, a report on the national and international measures required to reduce unemployment and under-employment in under-developed countries,

Realizing that the mechanization of production essential for increased productivity may in many cases give rise to unemployment unless additional employment opportunities already exist or are simultaneously created in the economy as a whole,

1. Requests the Secretary-General to impress upon the group of experts to be appointed by him under paragraph 22 of Economic and Social Council resolution 290 (XI) the necessity of giving due consideration in the course of their work to:

(i) Ways and means of preventing any aggravation of the problems of unemployment and under-employment in under-developed countries that may occur as a result of the mechanization of production in certain branches of industry and agriculture;

(ii) Measures of social security designed to ensure that there will be no interruption in the income of workers temporarily unemployed through mechanization or technological progress, taking into account the work of the International Labor Organisation in this field;

2. Requests the Secretary-General and the specialized agencies concerned, in facilitating the work of the above group of experts, to bear in mind the present resolution.

C. WORLD ECONOMIC CONDITIONS AND TRENDS

At its ninth session, held from 5 July to 15 August 1949, the Economic and Social Council, in connexion with its recommendation that the General Assembly should include in the agenda of its fourth regular session the question of promoting full employment, requested the Secretary-General, in resolution 221 F (IX) of 11 August 1949, to submit to the General Assembly the latest available information on the world economic situation. This information should concentrate particularly on factors which were critical from the international point of view, according to the Council's request, and draw attention to international agreements and machinery already in existence which were designed to promote concerted action to maintain full employment and counter the international extension of any recession.⁴¹

Accordingly, a Secretariat report, *Recent Developments in the World Economic Situation*⁴² was submitted to the fourth session of the General Assembly in October 1949, bringing up to date the comprehensive annual survey, *World Economic*

Report, 1948,⁴³ which had been made available to the Council in July 1949. The supplemental survey generally confirmed the economic trends described in the earlier comprehensive report and noted that international trade difficulties had since been intensified.⁴⁴ While indicating that it was too early to evaluate the possible effects of the wave of currency devaluations beginning in September 1949, the report reaffirmed the conclusion of the full annual survey, that "the problem of combining the maintenance of high levels of employment and national prosperity with international integration and equilibrium is ... one which can hardly be solved in a short time or by schematic methods".

⁴¹ See Y.U.N., 1948-49, p. 468.

⁴² U.N.P., Sales No. 1949.II.C.4.

⁴³ U.N.P., Sales No. 1949.II.C.3.

⁴⁴ In resolution 308 (IV) on full employment, the General Assembly decided that the world economic situation would be reviewed again at the next regular session of the General Assembly in the light of Arts. 55 and 56 of the Charter. See pp. 476-77.

1. Consideration by the Economic and Social Council at Its Tenth Session

At its tenth session, held from 7 February to 6 March 1950, the Economic and Social Council made its annual review of the world economic situation, in accordance with the recommendation made by the General Assembly in resolution 118(II).

A report on world economic trends, *Major Economic Changes in 1949* (E/1601 & Corr. 1), was submitted by the Secretariat to facilitate the Council's discussion of the general economic situation. This report, which provided a factual analysis of significant economic developments during 1949, drew attention to the fact that, while the year 1949 was one of high levels of economic activity and employment, economic developments during the year brought into focus a number of long-term economic problems, both national and international, calling for a revaluation of current economic policies and programmes. It pointed out that the strength of abnormal demand factors arising from reconstruction and reconversion requirements, which had tended to promote economic expansion throughout most of the world had been considerably reduced. The problem confronting industrially advanced countries was to ensure the maintenance of effective demand at full employment levels whenever the automatic operation of market forces no longer sufficed to achieve this result. In under-developed countries, reductions during 1949 in the income derived from their exports of primary commodities served to emphasize once more the sensitivity of their economies to fluctuations in economic activity in industrialized countries and the obstacles which this might place in the way of their steady progress in economic development. Although the need for long-term adjustments in the world structure of production and trade had been evident for some time because of the persistence of the unbalance in international payments, it was underlined by the aggravation of the unbalance during 1949, which was followed by a wave of currency devaluations in the latter part of the year. The report stressed the interconnexion between the problems of full employment, economic development and balance in international economic relations and, consequently, the necessity for a co-ordinated approach to them.

In discussing the world economic situation at the Council's 359th to 362nd meetings, from 21 to 24 February 1950, many representatives described particular economic developments in their

countries and commented on the analyses contained in *Major Economic Changes in 1949*.

Although many representatives, including those of Belgium, Brazil, China, Denmark, France, India and Peru, commended the report, some reservations were made during the discussion. The representative of Belgium felt that the report made little mention of the monetary factor. The representatives of Canada, the United Kingdom and the United States held the view that the report tended to attribute the main trends in world economic activity to developments in the United States. For example, the report seemed to point out that decline in United States imports had been the sole cause of the increase in international disequilibrium in the first half of 1949. The representative of the United States further stressed the continuity of economic life and processes, and expressed the belief that 1949 did not mark the stopping point in the process of economic and social reconstruction, as the report seemed to indicate.

The importance of economic development of under-developed countries, which the report considered, was stressed by the representatives of Brazil, Denmark and India. The representative of Brazil felt that there was a lack of balance in economic distribution in the world. An economic vacuum existed in under-developed areas while too much money was going to Europe, he stated. The representative of Denmark said that through sound economic development of under-developed countries, the vast needs of the poorer half of mankind might gradually be translated into effective demand. A similar reference to the advantages of economic development of under-developed countries was made by the representative of India, who held the view that once the European economy had completely recovered, the United States would be able to maintain full employment only by directing its excess productive capacity towards such tasks as the economic development of under-developed countries.

Reconstruction in Europe was commented on by, among others, the representatives of Chile and France. The former pointed out that since the war, Europe had not only rebuilt the foundations of its economy but had at the same time undergone a process of technical development and modernization. The representative of France stated that the European countries were making a maximum effort to free Europe from the need of foreign aid by achieving permanent equilibrium—plans for the economic integration of Europe being prepared with that aim in mind.

At the conclusion of the general debate, the Council adopted at its 367th meeting, on 28 February 1950, a resolution (265 (X)) proposed by Chile at the 366th meeting on the same day. This resolution noted the report on Major Economic Changes in 1949, and drew the attention of Member States, of the Economic and Employment Commission, of the regional economic commissions and of the specialized agencies to the views expressed by members of the Council concerning the world economic situation.

In the course of the discussion of the world economic situation, the Council also had before it a statement (E/1611) on the Secretary-General's plans for future issues of the world economic survey, and it was noted that the world economic report, would, in future, be designed to present an over-all review of the most important national and international events in the world economic situation during the two-year period preceding its issuance and that it would be made available in time to facilitate the debate on the world economic situation at the earlier sessions of the Council each year.

2. Consideration by the Economic and Social Council at Its Eleventh Session

At the eleventh session of the Economic and Social Council, held from 3 July to 16 August 1950, the Assistant Secretary-General in charge of Economic Affairs confirmed the arrangements for future issues of the world economic survey (see above). Referring to the new tasks imposed on the Secretariat under resolution 290 (XI) on full employment,⁴⁵ he indicated that he was not in a position as yet to measure fully the manner in which the new tasks contemplated by that resolution might affect the schedule for preparation of the World Economic Report. He felt, however, that in view of the work already done it would be desirable to adhere strictly to the schedule, although it might prove advisable to make some of the materials already prepared available in a form somewhat different from what had been originally contemplated—that is, in a form other than an over-all world economic report (E/AC.6/L.19).

In conjunction with the discussion of the world economic situation at the tenth session of the Council, the Council also considered the problem of studies and data relating to the economic situation of Africa. The Council discussed the desira-

bility of the preparation of a special survey relating to economic conditions in Africa or of inclusion in the world economic report of a special section relating to this matter.

The representatives of Belgium, France, the United Kingdom and the United States voiced the opinion that it was not advisable to ask the Secretariat to prepare a special survey relating to economic conditions in Africa at that time, since, *inter alia*, the survey would entail considerable expense. They felt that the United Nations could devote increased attention to Africa within the framework of its existing programme of studies on the world economic situation.

These representatives, among others, supported the amendment proposed by the representative of the United Kingdom (E/L34/Rev. 1) embodying these views, to the resolution of the representative of India (E/L.31) proposed at the 366th meeting of the Council on 28 February. This latter resolution, *inter alia*, requested the Secretary-General to collect and collate material readily available on Africa, and urged Governments concerned to co-operate in supplementing that information. It was supported by the representatives of China, Mexico and the World Federation of United Nations Associations (WFUNA), which organization had requested the inclusion of the economic situation of Africa in the Council's agenda (E/1555/Add. 3).

At the 371st meeting of the Council on 2 March 1950, the Indian draft resolution, as amended by the United Kingdom, was adopted by 14 votes to 1 as resolution 266 (X). It requested the Secretary-General to include, in the world economic report to be prepared for the twelfth session of the Council, a special section relating to economic conditions in Africa, using material readily available and such further information as may be provided by the Governments concerned, and urged such Governments to give the greatest possible co-operation to the Secretary-General in making available the data required for the preparation of this section of the report. The Secretary-General was also requested to give attention to the problems of Africa whenever appropriate in the various economic studies.⁴⁶

The members of the Council were unanimous in feeling that the question of an economic commission for Africa should be deferred.

⁴⁵ See pp. 472-74.

⁴⁶ For economic surveys of Europe, of Asia and the Far East, and of Latin America, see under the respective Regional Economic Commissions.

D. INTERNATIONAL COMMODITY PROBLEMS

A feature of inter-governmental activity in 1950 regarding commodity arrangements was the concern with both surplus and shortage problems as prices fluctuated widely.

The tendency towards surplus, which had developed in some commodities in the early part of 1950, disappeared with the outbreak of hostilities in Korea which gave a sharp impetus to the demand for primary commodities. In the latter part of 1950 this demand reached a very high level with rearmament programmes, increased government purchases and anticipatory commercial buying. In many primary commodities serious shortages developed and prices rose very sharply. As a result consideration was given to the question of international allocation. In the case of wheat, however, the existence of an international agreement assured importers of certain quantities at a maximum price.

1. The Interim Co-ordinating Committee for International Commodity Arrangements

The Interim Co-ordinating Committee for International Commodity Arrangements (ICCICA) was established in 1947 by the Economic and Social Council to keep informed of, and to facilitate inter-governmental consultation and action on, commodity problems pending the establishment of the International Trade Organization. In 1950, the ICCICA requested the Council (E/1718) at its eleventh session to consider a draft resolution which would authorize the Secretary-General of the United Nations to convene, on the advice of ICCICA, inter-governmental commodity conferences, whose terms of reference would be to discuss measures designed to meet special difficulties which may exist or may be expected to arise in connexion with a particular primary commodity.

The draft resolution referred to the recommendation of ICCICA that such conferences should, as far as possible, not be held until there was some assurance that an agreement was possible, and that adequate documentation had been prepared. It provided that, in advising the convening of conferences, ICCICA would follow the principles of Chapter VI of the Havana Charter. The draft also contained a provision that invitations to such conferences should be extended to all Members of the United Nations, the Interim

Commission for the International Trade Organization, the Food and Agriculture Organization and the inter-governmental study group concerned. Non-member States could also be invited if they were substantially interested in the commodity concerned, and specialized agencies would also be invited. Other rules concerned the preparation of provisional agenda and rules of procedure, and the fixing of the date and place of any conference.

The Committee also submitted to the eleventh session of the Council its Review of International Commodity Problems, 1949,⁴⁷ which contained data on specific commodities up to the end of 1949, as well as the report and suggestions of ICCICA prepared at its 1949 sessions.

2. Consideration by the Economic and Social Council

At its 386th plenary meeting on 12 July 1950, the Council considered the request of the ICCICA (E/1718). The representative of the United Kingdom noted that under the Havana Charter the ITO would have been able to call conferences on its own initiative or at the request of interested Governments but he felt that it was inappropriate to give this power to an interim body and submitted an amendment (E/L.56) to the proposed resolution providing that ICCICA, in advising the Secretary-General, should act only at the request of an inter-governmental study group. The draft resolution with this amendment was referred to the Economic Committee for further discussion, on the proposal of the representative of India, which was adopted by 8 votes to 4, with 3 abstentions.

This matter was then considered by the Economic Committee at its 84th meeting on 13 July 1950. During the discussion it was pointed out by some representatives, among them those of Belgium and the United Kingdom, that serious international difficulties arose when raw material prices declined, and that urgent action might become necessary on particular primary commodities.

Some attention was given to the need for inter-governmental responsibility in connexion with commodity agreements and to the need for protecting the interests of both producing and consuming countries. It was felt that these matters were covered in the draft resolution and the United

⁴⁷ U.N.P., Sales No. 1950.II.D.2.

Kingdom amendment providing that the Secretary-General should only call a conference at the request of a study group since Governments of both producing and consuming countries were members of such groups. The representative of the United States asked that the record should show that the ICCICA need not act automatically on the request of an inter-governmental study group but rather in the light of its recommendations.

The representative of India felt that although the United Kingdom amendment provided a satisfactory interim arrangement, the procedure needed further examination. He therefore proposed an amendment providing that the Secretary-General be requested "in view of the desirability of the Council giving full consideration to means whereby study groups and international commodity conferences should be convened, to prepare a study on the subject of appropriate procedures to be adopted and to place the question on the agenda of the Council for consideration at its thirteenth session", and that the authority of the Secretary-General to convene commodity conferences on the advice of ICCICA be limited to the period pending the consideration by the Council of the Secretary-General's study.

Both the Indian and the United Kingdom amendments were unanimously adopted at the 84th meeting of the Committee. At this meeting, members of the Committee also commended the publication *Review of International Commodity Problems, 1949* and expressed the hope that such reviews would continue to be issued. At its 85th meeting on 14 July the Economic Committee unanimously adopted, with a minor drafting change, the amended draft resolution concerning international commodity arrangements.

At the 399th plenary meeting of the Council held on 2 August 1950, the draft resolution recommended by the Economic Committee (E/1774) was unanimously adopted as resolution (296-XI). It read as follows:

The Economic and Social Council,

Having recommended that Members of the United Nations adopt as a general guide in inter-governmental consultation or action with respect to commodity problems the principles laid down in chapter VII of the draft Charter for an International Trade Organization prepared at the first session of the Preparatory Committee of the United Nations Conference on Trade and Employment (now Chapter VI of the Havana Charter),

Having noted, that inter-governmental consultation is proceeding with respect to several commodities,

Having considered, the recommendation of the Interim Co-ordinating Committee for International Commodity Arrangements:

(a) That there should be no procedural delays in the summoning of a commodity conference by the United Nations, and

(b) That a commodity conference should, so far as possible, not be held until there is some assurance that an agreement is a possibility and that there has been adequate preparation of the necessary documentation, and

Bearing in mind General Assembly resolution 366 (IV) on "Rules for the calling of international conferences of States",

Authorizes the Secretary-General, pending consideration by the Council of the study referred to below, to convene, on the advice of the Interim Co-ordinating Committee for International Commodity Arrangements acting on the request of an appropriate inter-governmental study group, inter-governmental conferences whose terms of reference shall be to discuss measures designed to meet special difficulties which may exist or may be expected to arise concerning a particular primary commodity;

Requests the Interim Co-ordinating Committee for International Commodity Arrangements, in considering its advice to the Secretary-General, to follow the principles of Chapter VI of the Havana Charter relating to the calling of commodity conferences;

Decides that the following rules shall apply to the calling of such conferences:

(1) The list of States to be invited to such a conference shall be prepared by the Committee and shall include all Members of the United Nations, of the Interim Commission for the International Trade Organization, of the Food and Agriculture Organization of the United Nations, and of the inter-governmental study group concerned. Non-member States may also be included if they are substantially interested in the production or consumption of or trade in the commodity concerned. Specialized agencies in relationship with the United Nations may also be invited to take part;

(2) Where the State invited so wishes, there may be separate representation for dependent territories in accordance with the provisions of article 69 of the Havana Charter;

(3) The provisional agenda and rules of procedure of the conference shall be prepared by the Committee. The Committee may also prepare such working papers as it considers would facilitate the work of the conference;

(4) The Secretary-General shall fix the date and place of the conference;

Requests the Secretary-General, in view of the desirability of the Council giving full consideration to means whereby study groups and international commodity conferences should be convened, to prepare a study on the subject of appropriate procedures to be adopted and to place the question on the agenda of the Council for consideration at its thirteenth session.

During 1950 the International Tin Study Group requested that an international conference be convened to consider the conclusion of an international agreement on tin. Acting in accordance with the procedure laid down in resolution 296-XI of the Economic and Social Council (see above), and on the advice of ICCICA, the Secretary-General convened a Tin Conference in

Geneva on 25 October 1950. This conference discussed in detail the methods which might be used to bring stability to international trade in tin. In addition to the draft International Agreement on Tin submitted by the International Tin Study Group, the Conference had before it proposals submitted by various delegations. There was considerable difference in the methods of operation envisaged in the various proposals, and the conference adjourned to allow greater time to examine the manner in which the various proposals would operate. The text of the resolution adjourning the Geneva session is as follows:

This Tin Conference convened, pursuant to resolution 296(XI) of the Economic and Social Council, by the Secretary-General of the United Nations at the request of the International Tin Study Group and on the advice of the Interim Coordinating Committee for International Commodity Arrangements, and attended by delegations from Australia, Belgium, Belgian Congo, Bolivia, Brazil, British Colonial and Dependent Territories, Canada, Denmark, Egypt, France, India, Indonesia, Italy, Netherlands, Switzerland, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland and the United States of America,

Having met at Geneva from 25 October 1950 to 21 November 1950,

Recognizing that when a surplus or shortage of tin is expected to occur, inter-governmental co-operation and

action, in accordance with the principles of the Havana Charter, would be desirable to meet such difficulties,

Expecting that difficulties will arise concerning tin which may require such inter-governmental co-operation and action but having concluded that the draft Agreement prepared by the International Tin Study Group and the various international measures proposed at the conference to meet these difficulties differ so widely in their methods of operation that further examination by governments is needed,

1. Instructs the Chairman, with the assistance of the Executive Secretary,

(a) To keep under review the further discussions and conclusions of the International Tin Study Group;

(b) To consult, on the basis thereof, with the members of the Steering Committee, with a view to deciding upon a suitable date for a resumption of the conference;

(c) To consult the Secretary-General of the United Nations upon the further provision of the services and facilities of the conference; and, being satisfied that the conditions for a resumption exist, to request the Secretary-General to invite those Governments which were invited to the present meetings to come together again.

2. Decides to adjourn.

The ICCICA met at Torquay, England, at the end of 1950 and prepared the Review of International Commodity Problems, 1950⁴⁸ In the Review, the Committee summarized the conditions in various primary commodities and outlined the steps that were being taken at that time to deal with shortages.

E. TRANSPORT AND COMMUNICATIONS

The Transport and Communications Commission held its fourth session from 27 March to 4 April 1950. It reviewed international developments in the field of communications and was concerned particularly with questions relating to:

(1) the facilitation of the international movement of persons and goods (including travel, passport and frontier formalities as well as barriers to the international transport of goods);

(2) problems in the field of shipping (including the need for completing the ratification of the Convention on the Inter-Governmental Maritime Consultative Organization, the unification of tonnage measurement, the pollution of sea water and problems of maritime shipping affecting Latin America);

(3) the co-ordination of the specialized agencies in the field of transport and communications (including the implementations of the decisions of the Atlantic City Telecommunications Conference of 1947);

(4) transport statistics;

(5) applications of non-governmental organizations for consultative status with the Economic and Social Council;

(6) international road transport;

(7) the co-ordination of inland transport and other problems in this field and problems of regional organization.

The report of the Commission (E/1665) was considered during the eleventh session of the Economic and Social Council (ECE) at Geneva,

at the 83rd and 85th meetings of the Council's Economic Committee on 7 and 14 July and at the Council's 386th and 414th plenary meetings, on 12 July and 16 August 1950, respectively. During the discussion in the Committee and the Council, emphasis was given to the importance of considering transport and communications, particularly in under-developed countries, as an essential part of the programmes in other fields, such as agriculture, health, education and industry. The main questions discussed by the Commission and the action taken by the Council are given below.

1. Facilitation of International Movement of Persons and Goods

a. TRAVEL, PASSPORT AND FRONTIER FORMALITIES

At its fourth session, the Commission noted the extensive international activity on the facilitation and development of international travel, which, according to a report by the Secretary-General (E/CN.2/70 & Corr. 1 & Add. 1), had taken

⁴⁸ U.N.P., Sales No. 1951.II.D.1.

place in 1949-50. The report described developments since the third session of the Commission and outlined activities of international, inter-governmental and non-governmental bodies of a world-wide and a regional character concerned with the facilitation of international travel. Among these were:

the United Nations Conference on Road and Motor Transport; the implementation of the standards and recommended practices for international air transport of the International Civil Aviation Organization (ICAO); the revision by the World Health Organization (WHO) of International Sanitary Conventions relating to travel; proposals by the International Labour Organisation (ILO) to study, in connexion with its studies on recreation, "popular travel, especially on an international basis"; proposals by the International Chamber of Commerce (ICC) to consider existing practices which constituted "invisible barriers to trade and travel"; the activities of the regional commissions and the proceedings of the Third International Congress of African Touring, held from 4-8 October 1949, at Nairobi, East Africa.

The Commission also had before it a report by the Secretary-General (E/CN.2/71 & Add. 2) and a report by the International Union of Official Travel Organizations (IUOTO) on passport and frontier formalities (E/CN.2/71/Add. 1). The IUOTO report, which listed replies from various Governments on how principles adopted by IUOTO were being applied, also recorded that some of the proposals of the Union had not been implemented, among them:

the standardization and co-ordination of health regulations in force for travellers; the extension of the period for validity of passports to five years; the extension of the validity of visas, where still required, to a period of at least 12 months and their extension for use at all bridges and roads normally open to foreign traffic and to all means of transport; the establishment of maximum co-operation between national travel organizations and other national authorities concerned with travel problems.

The Commission, recalling Council resolution 227F(IX) which had deferred further inquiries concerning passport and frontier formalities to Governments until after the fourth session of the Commission,⁴⁹ decided (E/1665) to request the Secretary-General to address an inquiry to Governments and to prepare for the fifth session of the Commission a comparative analysis of progress achieved.

By the end of 1950, however, seven new agreements for abolishing visa requirements on a reciprocal basis had been added to the list of 63 already reported to the Commission. Activities in 1950 by the Inland Transport Committee of the Economic Commission for Europe⁵⁰ relating to the simplification of frontier formalities had helped put into effect recommendations of the

Transport and Communications Commission: in 1951, for example, many trains would be speeded up considerably in crossing German frontiers, through the carrying out of frontier formalities en route (E/CN.2/99).

b. BARRIERS TO THE INTERNATIONAL TRANSPORT OF GOODS

A report by the Secretary-General on barriers to the international transport of goods (E/CN.2/79 & Corr.1 & Add.1-4), made in accordance with Council resolution 227C(IX), came before the Commission at its fourth session. The report contained the replies of Governments concerning the 12 recommendations adopted by the International Chamber of Commerce (ICC) at its Montreux Congress in 1947 (E/CN.2/79 & Corr.1 & Add.1-4).⁵¹ Replies contained in the report were made by Afghanistan, Belgium, Canada, Egypt, France, India, Iran, New Zealand, Norway, Pakistan, Sweden, the Union of South Africa, the United Kingdom and the United States. The report also contained a review of the work done in the field by the United Nations, by specialized agencies and non-governmental organizations. It listed activities by ECE, ICAO, WHO, and the ICC in connexion with barriers to the international transport of goods.

The Commission noted that direct international action with respect to the problems of barriers to the international transport of goods, such as the convening of a conference, could not be undertaken immediately since the International Trade Organization (ITO), within whose competence the matter would primarily fall, had not started to function. The Commission noted, however, that the Council of ICAO had adopted annex 9 to the Convention on International Civil Aviation entitled "Standards and Recommended Practices for the Facilitation of International Air Transport". The Commission also noted that, although there had been a substantial degree of acceptance of the standards, a number of deviations from them had been noted by the member States of ICAO.

At the 83rd meeting of the Economic Committee of the Council, the view was expressed that the barriers referred to in the Commission's report related mainly to the number of documents required in the transport of goods and to "invisible barriers"—formalities and regulations apart from

⁴⁹ See Y.U.N., 1948-49, pp. 485-86.

⁵⁰ See pp. 501-2.

⁵¹ For details of the recommendations of the ICC, see Y.U.N., 1948-49, p. 486.

tariff walls, which in themselves formed serious barriers to the international movement of goods. Such barriers, it was stated, were symptoms of a serious malady, which could only be diagnosed in terms of fundamental political and economic factors. It was also suggested that, as the Havana Charter had not been ratified and the International Trade Organization had not come into being, the question might be brought to the notice of the Interim Commission of ITO, which could, in turn, bring it to the notice of the signatories to the General Agreement on Tariffs and Trade. In unanimously adopting the resolution, the Committee agreed to add a paragraph which would request the Secretary-General to bring the matter to the notice of the Interim Commission of ITO.

This resolution was adopted by the Council at its 386th plenary meeting on 12 July 1950, without discussion, as resolution 298 D (XI), in which it urged "the Members of the United Nations and all other interested Governments, bearing in mind all possible interests, to continue consideration of national measures consistent with the principles of the Charter of the International Trade Organization for the simplification of customs and related formalities constituting barriers to the international transport of goods". It asked the Secretary-General to bring this resolution to the notice of the Interim Commission for ITO.

The Economic Committee, at its 83rd meeting, and the Council at its 386th plenary meeting, unanimously adopted resolution 298 E (XI), by which it decided to convey to the Council of ICAO its satisfaction at, and approval of, the initiative demonstrated by that organization and the results so far attained in alleviating the barriers to international transport by air. The Council also urged "all Governments to take whatever further action is necessary to apply as soon as possible, wherever feasible, ICAO's Standards and Recommended Practices on the Facilitation of International Air Transport; to eliminate as many deviations as possible at an early date; and, with regard to those deviations which cannot be eliminated immediately, to continue working together through ICAO so as to find a basis for eventual full agreement".

2. Problems in the Field of Shipping

a. RATIFICATION OF THE CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

In resolution 298 B (XI), adopted at the 386th plenary meeting of the Council on 12 July 1950,

the Council noted that the Commission, at its third session in March 1949, had drawn attention to the fact that the solution of various urgent and important problems affecting international transport would be greatly facilitated when the Inter-Governmental Maritime Consultative Organization (IMCO) had started functioning. The Council also noted that the Commission, at its fourth session in March-April 1950, had again drawn attention to the fact that IMCO had not yet come into being and that this was the appropriate agency for the handling of further important and urgent problems, such as the unification of maritime tonnage measurement and the pollution of sea water. In the same resolution, the Council instructed the Secretary-General to draw the attention of Members to the fact that the early establishment of IMCO was desirable.⁵²

At the 83rd meeting of the Economic Committee, various representatives stated their Governments' position on ratification of the draft Convention. The resolution was adopted unanimously by the Economic Committee and by the Council by 12 votes to none, with 2 abstentions, after the Chairman of the Economic Committee had pointed out to the Council that the Convention of IMCO could come into effect only when at least seven States, owning more than one million tons of shipping, and 14 other States had ratified it. The Convention, he reported, had up to that time been ratified by Canada, Greece, the Netherlands, and the United Kingdom. In addition, the United States representative had stated, during the debate in the Economic Committee, that his Government had also recently ratified the Convention, and the representative of France had stated that his Government would do so in the near future.

b. UNIFICATION OF MARITIME TONNAGE MEASUREMENT

At its fourth session, the Commission considered a report by the Secretary-General (E/CN.2/81 & Add.1) on the results of an inquiry⁵³ to Governments made in response to Council resolution 227 B (IX), concerning the desirability of more general and closer adherence to the rules on the unification of maritime tonnage measurement which had been adopted at the Oslo Conference of 1947.

The Commission noted that only three Governments had so far ratified the Convention adopted at the Oslo Conference, and, moreover, that it ap-

⁵² For IMCO, see pp. 1007 ff.

⁵³ See Y.U.N., 1948-49, p. 487.

peared from replies received that a number of countries were not prepared to contemplate unification of maritime tonnage measurement on the basis of the Oslo Rules. The Commission considered that IMCO would be the competent agency to handle this subject. It resolved to leave the question of inter-governmental action to that agency when it had started functioning and urged Governments to continue their studies of this problem (E/1665).

c. POLLUTION OF SEA WATER

The Commission at its fourth session, considered a report by the Secretary-General (E/CN.2/68), on the pollution of sea water by oil, which reviewed the consideration given to the problem by the League of Nations. The Commission found some difference of opinion as to the urgency of the problem and the manner in which it should be approached (E/1665). It was generally agreed that the problem was one for IMCO. The Commission decided to recommend that the Secretary-General be instructed to request the views of Member Governments on the following points:

- (a) Whether, pending the establishment of IMCO, preliminary action should be taken;
- (b) If so, what would be the best procedure to follow;
- (c) In particular whether the convening of a meeting of competent governmental experts would be the appropriate procedure;
- (d) Whether the draft Convention on the Pollution of Sea Water by Oil prepared in 1935 under the auspices of the League of Nations could serve as a working basis for the consideration of the problem;
- (e) Whether the scope of the examination of the problem should be extended to cover the possible future pollution of sea water by atomic waste from fuel which may be used by ships;
- (f) Whether they would wish to give priority to the consideration of any one of the several consequences of the pollution of sea water (E/1665.)

The Economic Committee, at its 83rd meeting, accepted these recommendations unanimously. The Council, at its 386th meeting on 12 July 1950, also adopted unanimously and without discussion resolution 298 C (XI), in which it resolved to transmit the Secretary-General's report on the pollution of sea water by oil to the Members of the United Nations, and instructed the Secretary-General to request their views on the points raised by the Commission. The Council, on the recommendation of the Commission, also invited the Member Governments which possess the technical facilities to do so, to undertake research studies on this problem forthwith, collaborating on them as far as possible.

d. MARITIME SHIPPING AND LATIN AMERICA

At its fourth session, the Commission noted a report by the Secretary-General (E/CN.2/83 & Corr.1-3 & Add.1) on the problems of maritime shipping affecting Latin America. The Secretary-General, on the instructions of the Council (resolution 227 D (IX)), had sent an inquiry to the Latin American Governments, requesting from them their precise views on the problem of maritime shipping, including freight rates, affecting Latin America, so far as to enable the Commission to determine the elements of the problem.⁵⁴ At the time the Secretary-General's report was considered by the Commission, however, only two replies had been received.

The Secretary-General's report contained, in addition to the replies from these Governments, information concerning inter-governmental action since 1940 in the Americas with respect to this question, with particular reference to the Inter-American Maritime Conference held in Washington in 1940 and the work of the Organization of American States. The question of freight rates was currently under study by the Commission on Commercial Co-operation of the Organization of American States.

The Commission, accordingly, suggested to the Council that the examination of the subject, where appropriate, should be left to other competent bodies, like ECLA or some other appropriate American inter-governmental organization (E/1665).

At the 83rd meeting of the Economic Committee, the view was expressed that ECLA was now in a position to deal with problems of shipping affecting Latin America and that the matter should be referred directly to this regional Commission as the most competent body. ECLA, it was added, also enjoyed the support of all the Latin American Governments. The Committee agreed unanimously to recommend that the question be sent for examination to ECLA.

The matter came before the Council at its 386th plenary meeting on 12 July 1950. During the discussion, the representatives of Chile and Peru both supported the view expressed in the resolution of the Commission. The representative of Chile said that, with regard to the proposal that the problems of maritime shipping affecting Latin America should be referred to the Inter-American Economic and Social Council (E/AC.6/-SR.83), he felt that the case would be met by resolution L, adopted by ECLA at its third session

⁵⁴ See Y.U.N., 1948-49, p. 487.

(E/1762), which had suggested that the Executive Secretary of ECLA should consult with the Executive Secretary of the Inter-American Economic and Social Council with a view to co-operating in the study of the problems of maritime shipping affecting Latin America.

The Council unanimously resolved to refer the question to ECLA for examination (resolution 298 F (XI)).

3. Co-ordination of Activities of the Specialized Agencies in the Field of Transport and Communications

At its fourth session the Commission noted a report by the Secretary-General (E/CN.2/84 & Corr. 1 & 3 & Add.1), reviewing the co-ordination of activities of the United Nations and its regional commissions with the activities of such specialized agencies as ICAO, the Universal Postal Union, the International Telecommunications Union, and the World Meteorological Organization.⁵⁵

The report brought up to date information contained in documents before the Commission at its third session,⁵⁶ which dealt with the co-ordination of activities of specialized agencies in the field of transport and communications and the co-ordination of activities in the field of aviation, shipping and telecommunications in regard to safety at sea and in the air. The report dealt, first with subjects of direct interest to the commission:

- (1) international transport — including the simplification of frontier formalities and the easing of barriers to international trade as well as aspects of public health relating to international transport;
- (2) international communications, including both telecommunications and postal services involving international air mails;
- (3) the application of meteorology;
- (4) the coordination of statistical activities;
- (5) the co-ordination of activities in the fields of aviation, shipping, telecommunications and meteorology in regard to safety at sea and in the air;
- (6) the facilitation of the international interchange of goods;
- (7) the removal of obstacles to the free flow between nations of educational, scientific and cultural information, such as derive from currency, customs or other regulations.

The report also dealt with subjects of indirect interest to the Commission, including the expanded programme of technical assistance for the economic development of under-developed countries; conditions of employment in international transport; telecommunications; the United Nations research laboratories; the co-ordination of cartographic activities; and fiscal matters.

The Commission expressed the desire that a similar report be transmitted to its next session (E/1665).

The Commission brought to the attention of the Council the need for ensuring the implementation of the decisions of the Atlantic City Telecommunications Conferences of 1947 with respect to the establishment of an international list of frequencies (E/1665).

On the Commission's recommendation, the Council, at its 386th plenary meeting on 12 July 1950, adopted unanimously and without discussion a resolution concerning the implementation of the decisions of the Conferences. This resolution (298 J (XI)), which had been unanimously adopted by the Economic Committee at its 83rd meeting, stated that the Council was mindful of its role as a co-ordinating organ of the United Nations in the field of transport and communications and recalled its active-participation in the calling of the Atlantic City Telecommunications Conferences of 1947. The resolution proceeded to state that the Council;

Aware that communications by radio may become disrupted through interference if the Extraordinary Radio Conference to approve the international List of Frequencies called by the International Telecommunication Union (ITU) for 1 September 1950 is not successful in the task of effecting an orderly arrangement of radio frequencies, which was entrusted to it by the Atlantic City Telecommunication Conferences as well as by the Administrative Council of the ITU,

Conscious that such disruption will be detrimental to existing services especially in the fields of aviation, shipping, point-to-point radio-telegraphy and radio-telephony, safety-aids to navigation, broadcasting, and police and security services which, in turn, will have the most adverse effect in the field of economics, culture, education and health, which are specifically entrusted to the Council under Article 62 of the Charter,

Resolves to direct the Secretary-General to bring the foregoing considerations to the attention of all the Members of the United Nations, requesting those of them attending the Extraordinary Radio Conference to give this matter the most careful consideration at the highest policy level, and to direct their representatives at the Conference to take steps to ensure that, without unnecessary delay, the Conference shall reach a successful conclusion, which can only be brought about by a broad, co-operative and realistic approach to the problems.

Since the adoption by the Council of this resolution, it was informed that, on 10 August, the International Telecommunication Union had voted to postpone the Extraordinary Radio Conference at The Hague until the Administrative Council of ITU determined that it should be held. The Ad-

⁵⁵ See also Part II, under headings of various specialized agencies.

⁵⁶ See Y.U.N., 1948-49, p. 488.

ministrative Council, at its fifth session at Geneva from 1 September-11 October 1950, proposed, subject to confirmation, that the Extraordinary Conference meet at Geneva on 16 August 1951.⁵⁷

4. Transport Statistics

The Commission, at its fourth session, noted a report by the Secretariat (E/CN.2/75 & E/CN.3/85)⁵⁸ which continued a three-part study aimed at:

- (1) the establishment of economic and technical statistical requirements in the field of transport;
- (2) the achievement of comparability in the information to be collected;
- (3) the standardization of forms for the collection of this information. The document before the Commission at its fourth session contained the results of a study of the achievement of comparability in transport statistics.

Suggestions were made at the Commission's discussions concerning the items to be included in a proposed list of statistical series. The Commission expressed the opinion that some revision of the series and definitions might subsequently be found desirable on the basis of experience of Governments, and recommended the compilation of a series⁵⁹ by each country affected. The Commission also requested the Secretary-General to circulate the resolution it had adopted to Members of the United Nations, so that they might examine the possibility of producing, for the purposes of international comparability, series in substantial agreement with the definitions set forth (E/CN.2/75 & E/CN.3/85, Annex 1). It also asked the Secretary-General to circulate a copy of the resolution to bodies which publish international transport statistics and to governmental and non-governmental bodies concerned.

The Commission's recommendations were considered by the Statistical Commission at its fifth session, which, in its report to the Council (E/1696), noted the work done by the improvement of transport statistics and endorsed the recommendations of the Commission.

At the 83rd meeting of the Economic Committee, the United Kingdom representative suggested that the list of shipping statistics which the Commission intended to be compiled should wait until IMCO was set up and that the Secretariat should first consider the statistical series and definitions for railways, inland waterways and road transport as well as for other questions involved.

The Committee, and the Council at its 386th plenary meeting, unanimously adopted resolution 298 G (XI) and 299 C (XI), in which it took

note of the progress achieved by the Transport and Communications Commission and approved by the Statistical Commission with respect to the study of transport statistics.

5. Applications of Non-Governmental Organizations

At the request of the Council (resolution 263 C (IX)), the Commission examined at its fourth session the applications of the following organizations for consultative status: (1) Inter-American Federation of Automobile Clubs, (2) International Road Federation and (3) Permanent International Bureau of Motor Manufacturers.

After considering a report by the Secretary-General containing information on these organizations (E/CN.2/80 & Add.1 & 2), it decided to recommend that consultative status should be granted to the International Road Federation, but decided not to recommend the granting of status to the Inter-American Federation of Automobile Clubs; it resolved to postpone until its fifth session consideration of the case of the Permanent International Bureau of Motor Manufacturers (E/1665). These recommendations were to be dealt with by the Committee on Non-Governmental Organizations in connexion with the twelfth session of the Council, in 1951.

6. International Road Transport

At its 347th plenary meeting on 8 February 1950, the Council had before it the report of the Secretary-General on the United Nations Conference on Road and Motor Transport (E/1559), which was convened in accordance with Council resolution 147 B (VII) of 28 August 1948, and met in Geneva from 23 August to 19 September 1949.⁶⁰

a. WORLD-WIDE SYSTEM OF ROAD SIGNS AND SIGNALS

Inter alia, the Conference recommended that the Transport and Communications Commission should review, with the assistance of such experts as might be needed, the problem of establishing a world-wide system on road signs and signals, and

⁵⁷ See pp. 976, 978.

⁵⁸ See also Y.U.N., 1948-49, p. 490.

⁵⁹ For the full list of statistical series, see Transport and Communications Commission—Report of the Fourth Session (E/1665), p. 8.

⁶⁰ See Y.U.N., 1948-49, pp. 489-90.

advise the Council on steps to reach agreement on a uniform system. A draft resolution endorsing these recommendations was prepared by the Secretary-General and submitted to the Council (E/1559), together with a statement on the financial implications (E/1559/Add.1), based on a suggestion that the Commission be assisted by a number of experts, not exceeding seven.

The draft resolution asked the Council to instruct the Commission accordingly.

The Director of the Division of Transport and Communications, reviewing the report of the Secretary-General at the 347th plenary meeting of the Council on 8 February 1950, informed the Council that by 31 December 1949, a total of 21 Governments had signed the Convention on Road Traffic, sixteen had signed the Protocol on Road Signs and Signals and seventeen had signed the Protocol concerning Countries or Territories at Present Occupied—the three principal instruments prepared and opened for signature by the Conference.

During the discussion, The United States representative, who supported the recommendations of the Conference, said he had serious misgivings concerning the financial implications of the meetings of the proposed body of experts (E/1559/Add.1). It would appear from the document, he said, that the experts might meet over a period of years and constitute a new and costly permanent organization. The experts, he suggested, should hold no more than one or two meetings; on the basis of their findings, an ad hoc international conference might prepare and sponsor a new international convention. The United States representative was supported in this view by the representative of Australia. The Director of the Division of Transport and Communications, however, informed the Council that it was intended to hold one meeting of experts in 1950 and not more than one or two in 1951, at which it was hoped that a basis would be found for the conclusion of a convention at an international conference. A uniform world-wide system of road signs and signals was of paramount importance for the safety of road transport. In the light of this explanation the representative of the United States withdrew his objections and the draft resolution (272 (X)), approving the recommendation, was adopted unanimously by the Council.

In the same resolution, the Council also endorsed the recommendation of the Conference that the Transport and Communications Commission should review periodically developments concerning international road transport and advise the

Council further on what international action would be desirable, whether by a conference or otherwise.

In accordance with this decision of the Council, the Commission, at its fourth session, adopted a resolution (E/1665), requesting the Secretary-General, in consultation with the Chairman of the Commission, to designate not more than seven experts with particular knowledge covering conditions in the various geographical regions of the world, who should meet for the purpose of studying the problem of devising a unified world-wide system of road signs and signals and preparing a draft convention embodying such a system, and who should report back to the fifth session of the Commission. It was envisaged that experts conversant with conditions in Africa, Asia and the Far East, Europe, the Middle East, North America and South America would be designated. The Commission, furthermore, expressed the hope that while the matter was under consideration by the experts and the Commission, Governments would not take any action which would prevent them from accepting a unified system of road signs and signals on a world-wide basis.

The first session of the group of experts was held at New York from 20 November to 20 December 1950 (E/CN.2/94; E/CN.2/CONF.1/3). The group made a field trip through ten states of the United States to see the practical application of the American system of road signs, signals and markings. It prepared a survey of the existing situation (E/CN.2/CONF.1/3), which included a summary of the systems in operation in Africa, Asia and the Far East, Europe, the Middle East, North America and Central and South America, together with a report of general considerations regarding the unification of road signs and signals. The next session was to be held in the early summer of 1951, at the European Office of the United Nations.

b. OTHER PROBLEMS OF INTERNATIONAL ROAD TRANSPORT

The Commission at its fourth session considered a report by the Secretary-General (E/CN.2/76 & Corr.1. & Add.1-2) which, inter alia, summarized developments with respect to those further problems relating to international road transport which had been brought to the attention of the Commission at its third session, in particular: customs formalities, civil liability and compulsory insurance, fiscal charges, freedom of movement in international road transport and the road trans-

port contract.⁶¹ With reference to the question of customs formalities, the Commission was informed of the conclusion, in June 1949, under the auspices of the ECE, of an Agreement for the Provisional Application of the Draft International Customs Conventions on Touring, on Commercial Road Vehicles and on the International Transport of Goods by Road.

Members of the Commission suggested that the following additional subjects should be included, for the information of the Commission, in the Secretary-General's next report to the Commission on problems of international road transport:

- (1) Driver-licensing regulations and practices;
- (2) right or left traffic rule;
- (3) motor car headlamp requirements;
- (4) road development in under-developed areas;
- (5) transport of dangerous goods. It was suggested that the last problem should be studied with regard not only to road transport, but simultaneously with regard to transport by sea and air.

The Commission stated the opinion (E/1665), that no international action of a world-wide character needed to be initiated pending a review of the situation by the Commission at its fifth session, and expressed its satisfaction with the conclusion by the United Nations Conference on Road and Motor Transport of the Convention on Road Traffic and the Protocol on Road Signs and Signals and with the conclusion, under the auspices of ECE, of the agreement for the provisional application of three draft international customs conventions relating to road transport. The Commission recommended however, that the Council draw the attention of Governments which were invited to attend the United Nations Conference on Road and Motor Transport to the desirability of ratifying the Convention on Road Traffic at an early date. The recommendation was unanimously adopted by the Economic Committee at its 83rd meeting. The Council, at its 386th meeting on 12 July 1950, unanimously and without discussion adopted a resolution to this effect (298 I (XI)). A draft resolution (E/L.58), submitted in connexion with this resolution, was considered in connexion with the question of inland transport (see below).

7. Problems in the Field of Inland Transport

a. CO-ORDINATION OF INLAND TRANSPORT

The Commission, at its fourth session, noted a report by the Secretary-General on the subject of co-ordination of inland transport (E/CN.2/69 & Corr.1). It drew attention to a study which had

been undertaken by ECE and to steps taken in various countries with respect to the co-ordination of inland transport since the third session of the Commission.⁶²

During the discussion by the Commission, the opinion was expressed by some members of the Commission that, while the principle of co-ordination (namely, the most economical use of the various forms of transport) was the same in all countries, the conditions of its application varied from country to country and from region to region. The relationship between the national and international treatment of the problem of co-ordination was discussed and the opinion was expressed that the problem on an international basis was, in part, that of harmonizing national co-ordination policies (E/1665). The representative of the United Kingdom, however, felt that divergent regional solutions might hamper world trade by according different treatment to the transport of the same commodities. He would have preferred to have the Secretary-General now issue a questionnaire to Governments on a world-wide basis, the replies to which should be analysed by the Secretariat with the assistance of outside experts. He submitted a questionnaire which might be used as a guide in this connexion (E/CN.2/91).

The Commission, however, did not feel that the Secretary-General should address inquiries to Governments at that time and adopted a resolution requesting the Secretariat to continue to study the problem; to follow the situation with respect to its treatment on the international and national levels; to report to the fifth session of the Commission and to recommend whether, and in what form, consultations with Governments concerning this problem should take place (E/1665).

The subject came before the Council at its 386th plenary meeting on 12 July 1950. The Council adopted at that meeting a draft resolution (298 H (XI)), recommended by the Transport and Communications Commission, and adopted by the Economic Committee at its 83rd meeting. In this resolution, the Council invited the regional economic commissions which had not already done so to study the question of co-ordination of inland transport in their regions and instructed the Secretary-General to arrange an exchange among the various regional economic commissions of their studies of the problem of co-ordination of inland transport.

This resolution had already been adopted by the Council when the representative of Peru sub-

⁶¹ See Y.U.N., 1948-49, p. 490.

⁶² See *ibid.*, 1948-49, pp. 488-89.

mitted a draft resolution (E/L.58) relating to international road transport. He said that in spite of the work carried out by the Conference on Road and Motor Transport, it had so far proved impossible to draft a Convention on road signs and traffic signals. He felt, therefore, that such problems should be taken up on a regional basis.

In the discussion that followed, the view was expressed that the Council might wish to await the result of the studies by the experts it had appointed (resolution 272 (X)—see above) before deciding that the problem should be dealt with at regional conferences.

The draft resolution submitted by the representative of Peru was then referred to the Economic Committee, which discussed the proposal at its 85th meeting on 14 July 1950. Some representatives felt, at that meeting, that the draft resolution which had been submitted in connexion with the resolution on international road transport (298 I (XI)), already adopted by the Council, overlapped with the resolution (also already adopted) dealing with the co-ordination of inland transport (298 H (XI)). At the suggestion of the representative of India, the draft resolution was amended to take the form of a recommendation to the Secretary-General in respect of the holding of regional conferences on inland transport. This was agreed to unanimously by the Committee.

At its 414th plenary meeting on 16 August 1950, the Council unanimously decided to add a paragraph (E/1778) to resolution 298 H (XI), recommending that the Secretary-General, as far as lay within his power, should grant any requests for facilities for the organization of conferences

for co-ordination of inland transport between countries belonging to a single geographical region.

b. REGIONAL PROBLEMS AND ORGANIZATIONS IN THE FIELD OF INLAND TRANSPORT

At its fourth session, the Commission reviewed (E/1665), on the basis of reports by the Secretary-General (E/CN.2/72 & Add.1; E/CN.2/73 & Add.1; E/CN.2/74 & Add.1), regional developments in the field of inland transport within the framework of the regional economic commissions, and also in regions where such commissions had not been established. In connexion with the review of the position of the regional economic commissions in 1951, the Chairman, on behalf of the members of the Commission, expressed confidence in view of the great value the Commission had always attached to regional transport bodies that the Commission would be consulted by the Council before any decisions involving the future of inland transport bodies were taken.

The Commission also took note that a conference on Central African Transportation Problems had been held in Lisbon in May 1949, and that, it had recommended, inter alia, the establishment of a permanent inter-territorial transport council, and had prepared the agenda for a plenary conference to be held in Johannesburg in October 1950. This Conference, which met from 25 October to 16 November 1950, drew up a draft constitution for the proposed permanent organization and forwarded it to Governments for further consideration.

F. STATISTICAL ACTIVITIES

At its eleventh session, the Economic and Social Council had before it the report of the fifth session of the Statistical Commission (E/1696), held from 8-17 May 1950. The report covered significant developments during 1949-50 in the work of the Commission on: (1) the improvement of national statistics; (2) the development of a standard international trade classification; (3) the achievement of international comparability in index numbers of industrial production; (4) national income statistics; (5) social statistics; (6) indices of prices; and (7) transport statistics.⁶³ The report dealt further with the consideration by the Commission of interim reports of progress in its work on: (1) industrial classifica-

tion; (2) international trade statistics; (3) population and vital statistics; and (4) statistical sampling. The Commission also considered and made recommendations concerning an increase in its membership.

The report was discussed by the Economic Committee of the Council at its 83rd meeting on 7 July 1950. The report of the Committee to the Council (E/1753), which unanimously approved the Commission's recommendations in respect of: (1) standard international trade classification; (2) transport statistics; (3) index numbers of industrial production; (4) national income and social accounts; (5) social statistics; and (6) the

⁶³ See "Transport and Communications," p. 488

increase in membership of the Statistical Commission,⁶⁴ was considered by the Council at its 386th plenary meeting on 12 July 1950. All recommendations by the Committee were adopted at this meeting by the Council, unanimously and without discussion.

1. Improvement of National Statistics

The development of national statistics, and the organization of adequate national statistical systems, are basic elements of the terms of reference of the Statistical Commission. At its fifth session, the Commission reviewed the programme undertaken by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and by the International Statistical Institute towards developing a centre at Calcutta, which would include intermediate and advanced education in statistical theory and application, plans for fellowships and for translations of necessary texts and teaching materials where such facilities were deficient.

The Commission also reviewed the work done in pursuance of its previous recommendations, approved by the Council in resolution 231 D (IX), for a programme of advice and expert assistance to Governments seeking to improve their statistical services. The services provided by the Secretary-General, in collaboration with the specialized agencies, included the conduct of short-period training and demonstration centres; advice on the organization and content of national statistical services; provision for the training abroad of national statistical personnel, preparation of technical manuals and other training materials to assist countries in the conduct of census programmes and other phases of their statistical services (with particular emphasis upon the application of recommended statistical methods and international standards); and advice on methods of relating national statistical requirements to the needs of international organizations for statistical information. In connexion with the implementation of this programme, more than 250 technicians from 50 countries have participated in the training activities furnished.

The Commission noted the advantages in economy and effectiveness secured by the joint efforts of United Nations and the specialized agencies in the preparation and execution of technical assistance projects in the field of statistics, and felt that this experience provided a practical pattern for the continued development of assistance to Governments. In its recommendations to the Secre-

tary-General, the Commission emphasized the need for arrangements which would:

- (1) permit detailed advanced planning at the technical level among participating international organizations;
- (2) facilitate agreement well in advance of the initiation of particular projects upon detailed operational plans;
- (3) enable specific commitments to be made for the execution of technical assistance activities in statistics based upon such advance planning.

The Commission also urged the Secretary-General, in utilizing the resources allocated to the programme of technical assistance, to take into account the urgent unfilled needs in many countries for assistance in developing national statistical services and the benefits to be derived from expansion of facilities to provide such assistance.

In the implementation of this programme, the Secretary-General had responded to requests from Governments by assigning statistical consultants to Bolivia, Brazil, Burma, Chile, Colombia, Ecuador, Haiti, India, Iran, Lebanon, Libya, Pakistan, Paraguay, Peru, Thailand and Uruguay.

The Statistical Office had prepared technical manuals on statistical methods and procedures for use by national technicians in planning their own programmes as well as for use by the Office as a background for offering suggestions and advice. By the end of 1950, manuals had been and were being compiled in the fields of population censuses, statistical organization, industrial censuses, national income and vital statistics. This work was being expedited in response to General Assembly resolution 407 (V), which requested the preparation of guides for the assistance of underdeveloped countries in reporting on their full employment programmes and on the level of economic activity.

2. Standard International Trade Classification

The second in a series of basic systems of statistical classification, which the Statistical Commission had undertaken as part of its programme for the improvement of statistics, was submitted to the eleventh session of the Council (E/1696). This classification, the Standard International Trade Classification, was the result of three years of study by the Statistical Commission and the Statistical Office, assisted by groups of experts and taking into account the detailed comments on the successive draft classifications by statisticians of the specialized agencies and by most of the Gov-

⁶⁴ See p. 81.

ernments whose commodities form an important part in world trade.

The Standard International Trade Classification had been developed from the League of Nations Minimum List of Commodities for International Trade Statistics, in order to provide the widest measure of international agreement. It would serve three main purposes:

(1) many countries might adopt the new classification for their own external trade statistics in place of their present classification;

(2) other countries, while continuing to use their existing national system of trade classification, would be provided with an agreed international standard classification by which national statistics might be reclassified and thus made comparable with the international trade statistics of other countries;

(3) the regular reporting of trade statistics to international agencies could be done in terms of the Standard International Trade Classification.

At the 83rd meeting of the Economic Committee on 7 July, several representatives, including those of France and the United Kingdom, described the adoption of the Standard International Trade Classification as the most important achievement of the fifth session of the Commission. The classification—compiled with world-wide assistance from Governments, groups of experts and international organizations—represented the widest international agreement possible on the subject, they said.

The Council adopted resolution 299 B (XI), as follows:

The Economic and Social Council,

Taking note of the work done by the Statistical Commission during its third, fourth and fifth sessions, and the comments received from Governments and specialized agencies regarding the Standard International Trade Classification, and

Taking note that the classification recommended can serve as a basis for a systematic analysis of world trade and as a common basis for the reporting of trade statistics to international agencies, thus reducing the burden on Governments,

Urges all Governments to make use of this Standard Classification by:

(i) Adopting this system of classification with such modifications as may be necessary to meet national requirements, without disturbing the framework of the classification, or

(ii) Rearranging their statistical data in accordance with this system for purposes of international comparison.

3. Index Numbers of Industrial Production

The Statistical Commission, at its third session, requested the Secretary-General to review the League of Nations report (1939)⁶⁵ providing

guidance to countries intending to compile or to revise their indices of industrial production, taking into account the advances in the theory and practice of index number construction and the changes in industrial structure, and in the nature and amount of data available.

The report on this review (E/CN.3/86), presented to the fifth session of the Statistical Commission, took account of comments and suggestions made by Governments and international agencies on draft proposals prepared by the Statistical Office for the improvement and standardization of index numbers. The Statistical Commission, in its report (E/1696), made detailed recommendations on methods to be used in compiling index numbers of industrial production, proposing that Governments review their compilations of such index numbers utilizing the technical manual to be prepared by the Secretary-General for their guidance, in order to improve comparability with the indices of other countries. It was also recommended that Governments in whose countries industrial production was important should undertake to compile index numbers if they were not doing so. The Commission also formulated general suggestions which Governments might follow in determining the scope and methods of taking a census of industrial production for the purpose of, *inter alia*, providing the weights for an index on industrial production.

The Economic Committee of the Council, considering these proposals at its 83rd meeting on 7 July 1950, debated the procedure which should be recommended to Governments for revising their methods of calculation to improve the comparability of index numbers of industrial production. After the representatives of Chile, France and India had expressed themselves in favour of a clarification of procedure, the Committee decided to recommend further that the review by Governments of their compilation should be done "in consultation with the Statistical Office of the United Nations", and this recommendation was embodied in the resolution adopted by the Council (299 D (XI)).

4. National Income Statistics

Two studies on national income statistics by the Secretary-General⁶⁶ were reviewed by the Statisti-

⁶⁵ League of Nations Committee of Statistical Experts, *Indices of Industrial Production* (Studies and Reports on Statistical Methods, No. 6).

⁶⁶ *National Income Statistics of Various Countries, 1938-1947* (U.N.P., Sales No. 1948.XVII.2) and *National Income Statistics of Various Countries, 1938-1948* (U.N.P., Sales No. 1950.XVII.2).

cal Commission. The Commission recommended that the attention of Governments be drawn to the importance of periodic compilation of accounts of national income and expenditure and of the national accounts in general on an internationally comparable basis, and that those Governments in course of preparing tables of national income and expenditure and national accounts should review their compilations in order to improve comparability with the standard procedures proposed in the technical studies of the Secretariat. The Council adopted resolution 299 E (XI), endorsing the recommendations of the Statistical Commission.

5. Social Statistics

A preliminary survey of social statistics (E/CN.3/100), prepared by the Secretariat at the request of the fourth session of the Statistical Commission, reviewed the need for more adequate statistical data on social questions and the difficulties of devising satisfactory procedures for the collection and compilation of such statistics.

The Statistical Commission, in view of the importance of social statistics to the work of the Council and its Commissions, recommended that, in the programmes of the Statistical Office and the statistical services of the interested specialized agencies, greater emphasis be given to social statistics and their adequacy and comparability. The recommendations of the Statistical Commission for a programme of work to be undertaken by the Secretary-General, with the assistance of specialized agencies interested in the field of social statistics, was endorsed by the Council in resolution 299 F (XI). In this resolution, the Council asked the Secretary-General to survey the needs of the United Nations and other international agencies in the field of social statistics; to explore how these needs were being met by the United Nations and the specialized agencies, drawing attention to areas where more complete and comparable data were needed; and to investigate the availability and comparability of data not being collected by the United Nations and the agencies, compiling those most urgently needed, with appraisals of their accuracy.

6. Indices of Prices

At its fifth session, the Statistical Commission studied a preliminary report on indices of prices prepared by the Secretariat (E/CN.3/107 & Add.I). The Commission felt that the studies had

shown that the methods of construction of some wholesale price indices were not wholly appropriate, and that substantial changes in the practices of many countries might be necessary in order to revise the index numbers to meet current demands. The Commission, therefore, recommended that the Secretary-General continue to work on the problem of the construction of price indices and that special attention should be given to the means by which price index numbers might be compiled to measure price movements in various important categories of goods. The Commission further directed that a report be prepared, and, after review by the members of the Commission as to its suitability, be circulated to Governments and specialized agencies for comment, preparatory to a review of this problem by the Statistical Commission at a subsequent session (E/1696).

7. Reports of Progress in Statistical Development

a. INDUSTRIAL CLASSIFICATION

The Statistical Commission received interim reports on several aspects of the programme of work it had drafted at its fourth session in 1949. In taking note of the progress of national Governments in adopting or applying the International Standard Industrial Classification of all economic activities recommended by the Economic and Social Council in resolution 149 A (VII), the Statistical Commission requested the Secretary-General to urge countries which do not adopt the International Standard Industrial Classification as their national standard to prepare and transmit to the Secretariat a convertibility index by means of which the items of their national classification may be identified in the terms of the International Standard (E/1696).

b. INTERNATIONAL TRADE STATISTICS

In considering the problems of improving methods used in the recording of transactions in international trade, the Statistical Commission recommended the study of a series of related aspects of the problems of international trade statistics. The Secretary-General, in consultation with the appropriate specialized agencies, was urged to study the practices at present employed by Governments in recording transactions in international trade and to report to the Statistical Commission, at its next session, on the desirability of modification or expansion of the relevant provisions of the

International Convention relating to Economic Statistics (E/1696).

c. POPULATION AND VITAL STATISTICS

The Statistical Commission reviewed the progress made in the study of the problems of improving registration methods and the compilation of statistics of births, deaths, marriages and divorces. Both the Population⁶⁷ and Statistical Commissions received an interim report (E/CN.3/95) from the Secretary-General on the work begun in this field under previous recommendations of the two Commissions and of the Economic and Social Council. The Commissions jointly recommended that the Secretary-General should complete this work and incorporate the findings in a "Handbook of Vital Statistical Methods" and, in co-operation with appropriate international agencies, prepare draft recommendations for the improvement and standardization of vital statistics (E/1696, E/1711). The Statistical Commission called attention to the need for developing alternate methods for the registration and collection of vital statistics, which would be suitable for adoption in countries with less well developed statistical systems.

8. Statistical Sampling

The report of the third session of the Sub-Commission on Statistical Sampling (E/CN.3/83), considered at the fifth session of the Statistical Commission, dealt with a series of technical problems in statistical sampling relating to the work of the Statistical Commission, as well as problems raised by the specialized agencies. Among these were the application of sampling methods in preparing the organization and procedures for a complete census of population and for tabulating the results obtained; in developing reliable estimates of agricultural crops and in forecasting agricultural yields; in collecting manpower statistics; and in developing information necessary for the construction of estimates of national income and social accounts. As part of the broad programme of the Statistical Commission in improving the education and training of statisticians, the Sub-Commission considered the scope and content of advanced courses of instruction in statistical sampling. At the request of the Universal Postal Union, the Sub-Commission gave its preliminary advice on sampling methods which might be used in the collection of information on postal traffic.

The Statistical Commission recommended the Sub-Commission to continue to give attention to the problems raised by the specialized agencies and requested the Secretary-General to prepare detailed and full documentation on the sampling problems on which the advice of the Sub-Commission was sought (E/1696).

9. Statistical Publications of the Statistical Office

The Statistical Office as the executive agency of the Statistical Commission and the Sub-Commission on Statistical Sampling continued its activity in the various branches of statistics during 1950. During that year, the publication programme of the Statistical Office was as follows: Enlarged editions of the Statistical Yearbook⁶⁸ and the Demographic Yearbook⁶⁹ appeared, presenting the important economic, social and demographic statistical series at present publicly available in the world. The preparation of a Yearbook of International Trade Statistics proceeded. A Summary of World Trade was issued at quarterly intervals and trade-by-country data were given in a monthly publication, *Direction of International Trade*, issued jointly by the Statistical Office, the International Monetary Fund and the International Bank for Reconstruction and Development. *National Income Statistics of Various Countries, 1938-1948*⁷⁰ was issued covering that period. A further report containing less detailed statistics but including many more countries, *National and Per Capita Income of Seventy Countries in 1949*, was also issued. The *Monthly Bulletin of Statistics* was expanded and major emphasis was placed on the adaptation of national series to the new standard definitions and concepts developed by the United Nations and specialized agencies. A second edition of the Supplement also appeared during 1950. A quarterly publication, *Population and Vital Statistics*, giving population estimates, was introduced to supplement the Demographic Yearbook. In the field of sampling, reports on *Sample Surveys of Current Interest* appeared in the Statistical Papers Series C.

10. Transfer of Responsibility for Economic Statistics under 1928 Convention

The amendments to the International Convention relating to Economic Statistics (1928) which appear in the annex to the Protocol signed at Paris on 9 December 1948, entered into force on 9 October 1950 when the fifteenth State signed the Protocol.

⁶⁷ See pp. 624-25.

⁶⁸ U.N.P., Sales No. 1950.XVII.3.

⁶⁹ U.N.P., Sales No. 1951.XIII.1.

⁷⁰ See p. 492.

G. FISCAL QUESTIONS

The Fiscal Commission did not meet in 1950, its third session having been scheduled for May 1951. Accordingly, the Secretariat continued in the fiscal field the work that had been initiated by the Fiscal Commission at its second session and endorsed by the Economic and Social Council in its resolution 226(IX).⁷¹ In addition, the Secretariat undertook a number of tasks in this field in connexion with the expanded technical assistance programme⁷² and with the requirements of regional commissions.

In response to resolution 226(IX), the Secretariat prepared for publication early in 1951 Volumes II and III of the Collection International Tax Agreements.⁷³ Volume II contains the texts of more than 100 new agreements for the avoidance of international double taxation and the prevention of fiscal evasion, signed during 1949 and 1950. Volume III presents for the first time a comprehensive analysis of the status of all known international tax agreements, giving full information not only on such technical matters as dates of signatures, ratification, modification, suspension and termination, but also on such substantive matters as the scope of the agreements (often including an exhaustive enumeration of the types of taxes covered), their extension to dependent territories and their integration in the domestic tax systems of the contracting countries through implementing laws and regulations.

In the field of technical assistance, the work of the Secretariat in the fiscal field has greatly increased under the expanded programme. Experts were selected and briefed so that they could bring to the requesting country the cumulative experience not only of their own home country, but also of the other fiscal systems on which information and experience are available at United Nations Headquarters. Technical assistance through fiscal experts was granted in 1950 to Chile, Bolivia, Ecuador, Haiti and Iran.

Improvement of public finance statistics which was called for in the report of the Statistical Commission at its fifth session, endorsed by the Economic and Social Council in resolution 299 E (XI),⁷⁴ has become a matter of greater concern to the Secretariat, especially in view of various requests for technical assistance relating to budgetary organization. A first study, *Budgetary Structure and the Classification of Government Accounts*,⁷⁵ which was prepared for release early in 1951, discusses the most effective forms of budget

presentation permitting a periodic appraisal of the economic effects of governmental financial transactions. Individual case studies analysing the most significant features of the budget systems of Italy, Sweden, the United States and the USSR are added in appendix form. Further studies are planned on the preparation, execution and review of the budget.

The Secretariat has continued to build up its public finance information service. It has continued to issue fiscal information concerning budgetary data, taxation and the public debt; it has been evaluating the effects of fiscal developments in the light of their international implications, testing the applicability of modern fiscal techniques to less developed areas.

Two new series of country studies, *Public Finance Information Papers* (ST/ECA/Ser.A) and *Public Finance Surveys* (ST/ECA/Ser.B), were initiated; the first is intended to evaluate the public finances of individual countries, with special emphasis on comprehensive and detailed tables in which total expenditures, receipts and the public debt are sub-classified as far as possible into economically meaningful categories. Papers dealing with Egypt, Colombia and Italy were published during 1950, with further papers on Iran and Iraq scheduled for early 1951.⁷⁶

The public finance surveys are more comprehensive case studies. The first country survey, Venezuela, which was to be published early in 1951,⁷⁷ was selected to analyse the nature and effect of a number of fiscal reforms undertaken at a time when that country was in the process of major economic development.

At the request of the regional economic commissions, public finance chapters were contributed to the economic surveys for Latin America in 1950 and for Asia and the Far East in 1949⁷⁸ and 1950. These chapters contain an up-to-date set of data which show in particular the important changes in tax structure as well as the Government contribution to capital formation. They give a report on relevant fiscal developments and general trends in the area during the year. While the

⁷¹ See Y.U.N., 1948-49, p. 491.

⁷² See pp. 452-53.

⁷³ U.N.P., Sales Nos. 1951.XVI.1 and 5, respectively.

⁷⁴ See pp. 493-94.

⁷⁵ U.N.P., Sales No. 1951.XVI.3.

⁷⁶ *Public Finance Information Papers*: Iran, Iraq, Egypt, Colombia, Italy. U.N.P., Sales Nos. 1951.XVI.4, 6, 7, 8, 9, respectively.

⁷⁷ U.N.P., Sales No. 1951.XVI.2.

⁷⁸ See pp. 515-16.

1949 survey for Asia and the Far East had already been published by the end of 1950, the 1950 surveys for the two regions were scheduled for publication in the first half of 1951.

In preparing the country tables contained in the public finance chapter of the Statistical Yearbook 1949-50,⁷⁹ a number of refinements were introduced and the number of countries covered was increased. The data continued to show overall results based on official documents. In addition, another series of annual data is given, based on the replies to a public finance questionnaire issued by the Secretariat jointly with the International Monetary Fund, in the case of a number of countries. They furnish a comprehensive picture of the cash operations of central Governments, results of monetary operations, foreign grants, cash balance, borrowings and public debt. Similar tables on an annual and monthly basis currently appear in the International Financial Statistics of the International Monetary Fund.

In the Statistical Yearbook 1950-51, it is intended to give additional data for certain coun-

tries, by breaking down total expenditure and revenue into significant categories.

Replies of Member Governments to the questionnaire on tax treatment of foreign nationals, assets and transactions continued to be received and published (E/CN.8/46 & Addenda); they served as source material for the tax studies of the Secretariat. In February 1950, a study was published entitled *The Effects of Taxation on Foreign Trade and Investment*,⁸⁰ which analysed the problem in terms of the role which tax measures can play in furthering economic development by producing Government revenue for the financing of development projects, by stimulating foreign and domestic investment and by eliminating tax barriers, especially those arising from international double taxation. A more specific study on the taxation of corporate profits and dividends has been initiated with special emphasis on the problem of corporate taxation in under-developed countries.

The Secretariat has continued to enlist the co-operation of outside experts as consultants participating in the preparation of its fiscal studies.

H. REGIONAL ECONOMIC COMMISSIONS

1. Economic Commission for Europe (ECE)

The Economic Commission for Europe held its fifth session from 31 May to 15 June at Geneva.⁸¹

It considered, among other things, an overall report of its Executive Secretary (E/ECE/114/-Rev.1) on the Commission's work since its establishment by the Economic and Social Council on 28 March 1947. The report stated that the activity of the Commission had been given momentum by the earlier work of the Emergency Economic Commission for Europe, the European Coal Organization and the European Central Inland Transport Organization. It was aided further by the existence in Europe of strong, experienced governmental administrations and well-organized statistical services, and by the closeness and interdependence of European economies. It was in the common interest to maintain such an instrument of regular consultation.⁸²

The ending of shortages caused by the war uncovered more fundamental issues calling for European economic co-operation, the report stated. At this time, the outlook of the committees of

the Commission was characterized by five main themes:

- (1) Seeking a solution for the over-all problems of European industries: national development, the report recognized, is not parallel;
- (2) the need for Europe to reduce costs of production;
- (3) the problem of market organization;
- (4) Europe's shortage of dollars, despite increased production;
- (5) the problem of bilateral agreements and their effect on trade between the countries of Europe, as well as on the trade of Europe with the outside world.

⁷⁹ See p. 495.

⁸⁰ U.N.P., Sales No. 1950.XVI.1.

⁸¹ For the work of the Commission prior to 1 Jan. 1950, see Y.U.N., 1946-47, pp. 481-84; 1947-48, pp. 523-30; and 1948-49, pp. 498-509. For the Commission's terms of reference, see E/CN.10/1.

⁸² Under its resolution establishing the Commission (36(IV)), the Council was to decide by the end of 1951 whether the Commission was to be continued, and, if so, what changes, if any, were to be made in its terms of reference. In August 1950, under resolution 295 B (XI), the Council set up an ad hoc committee to review the organization and operation of the Council and its commissions. On 1 December 1950 the General Assembly noted the decision of the Council and expressed the opinion "that the regional and economic commissions should be maintained although their organization and terms of reference may have to be revised" (resolution 409 A (V)).

The Commission (E/1674) reviewed the work done, as outlined in the report, mapped out future work programmes for its committees, and, in some cases, revised the terms of reference of committees to place more emphasis on long-term development problems rather than on post-war reconstruction tasks. Discussion of the economic situation in Europe showed that further strides had been made and the back of post-war reconstruction work had been broken. Nevertheless, the general feeling was that new problems faced the European economy which were almost if not altogether as serious as those arising directly out of the war. Major problems discussed were: methods of increasing intra-European trade; the attainment of equilibrium in the balance of payments; possible new export markets for European products; the elimination of unemployment where it existed; the modernization of agricultural methods; and methods of increasing industrial productivity and output. The Commission requested the Executive Secretary to develop the exchange of technical information and technical assistance services, such activities to be co-ordinated with the technical assistance activities administered by the Secretary-General. It also authorized the Executive Secretary to proceed with consultations and studies on financial problems and factors affecting international price movements in Europe, including monopolies, cartels and State trading.

Representatives expressed general approval of the over-all work of ECE. The Commission deplored unanimously, however, what it considered the negative results achieved by the Committees on the Development of Trade, Manpower and Agricultural problems. Members of the Commission welcomed the efforts of the Executive Secretary to promote a general agreement on grain in the first place and perhaps other commodities later.

a. SUBSIDIARY BODIES OF THE COMMISSION

The subsidiary bodies⁸³ of the Economic Commission for Europe at the end of 1950 were as follows:

Committee on Agricultural Problems

- (a) Working Party on the Standardization of Perishable Foodstuffs

Coal Committee

- (a) Coal Trade Sub-Committee
- (b) Sub-committee on Economic and Technical Problems
 - (i) Classification Working Party
 - (ii) Utilization Working Party

- (iii) Production Working Party

- (c) Statistics Working Party

Committee on Electric Power

- (a) Liaison Group
- (b) Hydro Working Party
- (c) Thermal Working Party
- (d) Working Party on Requirements and Interconnections
- (e) Statistical Working Party
- (f) Group of Experts for the Study of Legal Questions

Industry and Materials Committee

- (a) Housing Sub-Committee
 - (i) Working Party on Technical Problems
 - (ii) Working Party on Programmes and Resources
 - (iii) Building Research Organising Committee
- (b) Consultations with Experts on the Engineering Industry
- (c) Ad hoc Working Party on Contract Practices in Engineering
- (d) Ad hoc Study Group on Compilation of Machine Tool Glossary

Inland Transport Committee

- (a) Sub-committee on Rail Transport
 - (i) Group of Experts to Study a Uniform System of Accountancy on Main Line Railways
 - (ii) Group of Experts for the Renewal of Rolling Stock
 - (iii) Working Party on Currency Problems
 - (iv) Working Party on Tariffs
- (b) Sub-committee on Road Transport
 - (i) Working Party on Main International Traffic Arteries
 - (ii) Working Party Dealing with Legal Questions
 - (iii) Working Party on the Development and Improvement of the Transport of Passengers and Goods by Road
 - (iv) Working Party on the Prevention of Road Accidents
 - (v) Working Party on the Transport of Dangerous Goods by Road
 - (vi) Ad hoc Working Party on Road Signs and Signals and the Rules of the Road
- (c) Working Party on Regulations Governing the Related Operations Regarding the Handling of Dangerous Goods
- (d) Group of Experts on the Transport of Dangerous Goods by Inland Waterways
- (e) Working Party on the Transport of Perishable Foodstuffs
 - (i) Sub-group on the Transport of Perishable Foodstuffs by Rail
 - (ii) Sub-group on Refrigerated Road Transport Equipment
 - (iii) Sub-group on the Standardization of Packaging and Conditions of Transport
- (f) Working Party of Experts on Statistical Information
- (g) Working Party on Co-ordination of Transport Manpower Committee (no permanent subsidiaries)

Steel Committee

- (a) Panel on Scrap
- (b) Working Group of Experts on Iron Ore
- (c) Panel of Statistical Experts

⁸³ Terms of reference may be found in E/ECE/I14/Rev. 1, App. III; revisions to the terms of reference of the Steel and Timber Committees in E/1674.

Timber Committee

- (a) Ad hoc Working Party on the More Rational Utilization of Wood

Ad Hoc Committee on the Development of Trade (no permanent subsidiaries)

(1) Committee on Agricultural Problems

The Committee on Agricultural Problems, established at the fourth session of the Commission in May 1949, held its first session in October 1949.⁸⁴

At its second session in March 1950, it decided:

- (a) to continue its study of measures for helping holders of small and medium-sized farms, by means of granting credit and promoting modern farming techniques, with an additional item dealing with the tenancy aspects of small and medium farmers;
- (b) to complete its study of livestock feedingstuffs and fertilizers with a study, of prices dealing with the relationship of prices of coarse grains and the main livestock products (milk, pigmeat and eggs), and, in the second instance, the relationship of prices of fertilizers and the principal vegetable products.

The Committee, however, was unable to agree at its second session, held from 20-25 March 1950, on an appropriate procedure for undertaking work on intra-European trade in agricultural products.

The Committee continued work on the standardization of perishable foodstuffs.

(2) Coal Committee

The Coal Committee, which first met in November 1947, had held nine sessions by January 1950.⁸⁵ Its work had been in the following main fields:

It had recommended allocations of solid fuels available for export; it had made certain technical studies, notably on the efficient utilization of solid fuels and coal classification; it had kept under review the supply position of mining equipment and pitwood with the object of promoting the increase of coal production; it had collected coal statistics and introduced regular forecasts of the future solid fuel situation.

Until its eleventh session on 26-27 May 1950, the main operating function of the Coal Committee was that of recommending allocations of solid fuels in the common interest of Europe. Under the system which was then in force, the Allocations Sub-Committee recommended separate quarterly allocations of ten qualities and types of solid fuels. During the coal scarcity of the immediate post-war years, the allocations system ensured the fair distribution of available solid fuel supplies and played a direct part in the process of European industrial recovery.

By the middle of 1950, however, it appeared that Europe had virtually regained self-sufficiency in solid fuels. The Coal Committee therefore discontinued its allocation system and replaced its Allocations Sub-Committee and Working Party

by a Coal Trade Sub-Committee, to which it gave the function of reviewing the flow and pattern of the European coal trade at regular intervals, and the competence to make recommendations on any matters affecting the European coal market.

The new system of review of the demand and supply situation of solid fuels, which replaced the old allocations procedure, underwent its first practical test during the last half of 1950 under conditions of a deteriorating supply position. By the autumn, a general scarcity was developing; coal production could not keep pace with a sharp rise in demand, which was due, in part, to increased industrial activity, particularly in the iron and steel industry. It was appreciated that if unequal sacrifices and hardships were to be avoided, some adjustment of the flow of trade would have to be accepted. Therefore, when the Coal Committee considered the position for the first quarter of 1951, at a meeting on 14 December 1950, suggestions for changes in existing trade patterns were discussed in detail, and agreement was reached on a more equitable distribution of available supplies.

In addition to the question of coal distribution, the Committee was concerned in 1950 with work in a number of other fields. It decided to study production and consumption trends, in pursuit of its general objective of bringing about a reasonable degree of equilibrium between solid fuel supply and demand. Coal production prospects in certain major producing countries and production programmes for five years ahead were examined; a general study of consumption trends was followed by the start of work on a series of studies on consumption trends in particular countries. The Committee also took up the question of coal prices in their general economic aspects; in particular, work began on a study of the chain of factors affecting the cost of coal to the consumer.

The Committee agreed, towards the end of 1950, to embark on a new programme of work in the field of solid fuel utilization and to develop the exchange of technical information on this subject. Further progress was made towards the establishment of an international coal classification system. Since a complete system, applicable to all hard coals, was in sight at the end of 1950, attention was turned to the question of introducing a simplified system, based on the complete system, for commercial and statistical use.

⁸⁴ See Y.U.N., 1948-49, p. 504.

⁸⁵ See Y.U.N., 1947-48, pp. 524-25; 1948-49, pp. 499-500.

Forecasts of production, exports, imports and consumption of coal and coke, made for a year ahead at a time, were carried on; the regular publication of the Monthly Bulletin of Coal Statistics and the Monthly Statistical Summary was also continued.

Production of hard coal in Europe in 1950 was about 558,000,000 tons and apparent consumption amounted to approximately 545,000,000 tons (including foreign bunkers). A total of approximately 13,000,000 tons was exported to extra-European destinations.

(3) Committee on Electric Power

The Committee on Electric Power, established at the Commission's second session,⁸⁶ carried further in 1950 its assembly of technical information on particular electric-power projects and advanced its industrial, economic, and legal research into the basic problems of the general power supply in Europe (E/ECE/119). Its legal researches involved problems of hydro-electric development of rivers of common interest to neighbouring countries and national legislation concerning exchanges of electric energy across frontiers. Its studies of problems of production ranged from consideration of the gross potential water power resources of Europe to an economic analysis of the efficiency of daily pumping stations utilizing thermal energy during the night.

Production capacity of power in Europe, nevertheless, remained one of its prime considerations during 1950. Though war-damaged power installations in most countries had been restored by the beginning of 1950, the Committee felt that electric power production still lagged and that a shortage would still be felt in some parts of Europe after 1950 (E/ECE/EP/50). The growth of power capacity was restricted by commercial policy, payments and financing, the Committee said. It felt that flexibility in the regulations governing the exchange of power across frontiers would develop power resources to the best advantage.

By the end of 1950, the Committee was able to report a 13 per cent increase over 1949 in the use of electric power (E/ECE/127), mainly because many new hydro-electric and thermal plants were now operating.

(4) Industry and Materials Committee

The Industry and Materials Committee, at the time of its fourth session in March 1950, had been primarily occupied with three broad areas of the European economy: engineering, building and industrial materials and chemicals.⁸⁷

In March 1950, nearly all engineering products and industrial materials were in good supply. In Eastern Europe trade in engineering products was growing, particularly between Czechoslovakia and the USSR. In Western Europe, imports from the United States of America had fallen; France, Sweden, Switzerland and the United Kingdom were selling more on Western European markets. Even more noticeable was the increase in exports from Western Germany (E/ECE/117 & Add.1). But in the second half of 1950, with an increase in industrial production, the position changed. There were then shortages of engineering equipment (like machine tools), and of industrial materials (like coal, steel, non-ferrous metals, sulphur and textile fibres). The Committee decided, at its fourth session in March 1950, to recommend a programme of work on housing and the building industry, but it decided to postpone until the next session of the Commission a final recommendation on the future of the Committee on the engineering industry and on industrial materials.

This future programme, outlined in April 1950 (E/ECE/114/Rev.1) involved the recognition that the building of homes was one of the major unfulfilled tasks of reconstruction throughout Europe. The Committee chose to work in three main spheres: (1) the spread of technical and economic information, (2) consideration of the setting up of international organizations for the building industry, and (3) certain detailed economic studies.

The Committee noted that there was, at that time, no proposal for work on industrial products or raw materials within its terms of reference, except for future work on cement. The Commission, however, at its fifth session invited the Committee to appoint a special working party to plan work in fields other than housing and building. This working party met in Geneva, from 4-8 September 1950, and agreed on a programme dealing with engineering and industrial materials (E/ECE/IM/55).

Meanwhile, the Economic and Social Council had adopted, at its eleventh session (E/1823), a resolution (301(XI)) approving a decision by the Economic Commission for Latin America on 19 June 1950 (E/CN.12/200), calling for a study on ways to expand trade between Latin America and Europe. The working party mentioned in the previous paragraph agreed that it was interested in the promotion of trade between

⁸⁶ See Y.U.N., 1947-48, p. 525; 1948-49, p. 500.

⁸⁷ See Y.U.N., 1948-49, pp. 500-1.

Europe and overseas areas and that the Committee should contribute to the joint ECE-ECLA study (E/ECE/IM/55). The Committee could assess technical factors affecting European exports of some engineering products to Latin America, particularly tractors and farm machinery. The working party also agreed to watch production trends and market developments; to continue its lists of engineering products available for export and to revise its first investigation of the elements of costs of engineering products; to recommend procedures for the provision, on requests from Governments, of technical information in connexion with Technical Assistance. It also agreed that the secretariat should prepare a document showing, in comparative form, the rate of tariffs on a limited number of engineering products in as many countries as possible and a list of documents relating to inquiries into the productivity of the engineering industry.

(5) Inland Transport Committee

The following are among the main achievements of the Inland Transport Committee by the beginning of 1950:⁸⁸ the reintroduction of the RIV (exchange of railway wagons); the conclusion of agreements on the lifting of restrictions on the freedom of the road; the drawing up of draft customs conventions on touring, on commercial road vehicles and the international transport of goods by road, which were put into force through a provisional agreement. The Committee also took steps to further the standardization of railway wagons, and began the publication of quarterly transport statistics.

At the beginning of 1950, the Committee was still examining the return and redistribution of rolling stock, identification of wagons, programmes for renewing and constructing rolling stock. It set up a working party to examine economic questions concerned with the Berne Convention—International Convention Concerning the Transport of Goods by Rail (CIM)—and the International Convention Concerning the Transport of Passengers and Baggage by Rail (CIV). It further considered ways of modifying the structure of European transport railway bodies with a view to eliminating duplications.

During 1950 the Committee was occupied with the definition of a general transport policy involving consideration of the related problems of the improvement of European communications, electrification of railways, and the co-ordination of transport investment programmes. The Committee also decided to deal with the problems

relating to the transport of dangerous goods by road and inland waterways.

The Committee was also occupied with over-all problems of tourist traffic,⁸⁹ the transport of perishable foodstuffs, statistics, particularly those relating to road transport, and the drawing up of a combined transport contract. The Committee initiated work on the co-ordination of transport, including studies on the cost of transport.

In rail transport, agreements on the restitution of rolling stock were concluded in May and June 1950, after negotiations between Government representatives of Belgium, France, the Netherlands, Poland and the authorities of the Occupation Zone of Western Germany. Action was taken which led to a reduction of the time spent by passengers at a number of frontiers. The Sub-Committee on Rail Transport continued studies on the better use of rolling stock, the modernization of long-distance passenger facilities, transport safety measures, standardization of rolling stock, the use of substitute materials, a programme for rolling stock renewal and a uniform system of accountancy for main line railways. A special working party examined currency problems involved in the payment of transport charges (E/ECE/127). At the fifth session of the Committee in September 1950, a draft agreement between international non-governmental railway associations for the co-ordination of activities was prepared and later signed by the organizations concerned.

In the field of road transport, the Sub-Committee was able to report that the agreements on the lifting of restrictions on the freedom of the road could now be regarded as being in force for an indeterminate period. Three agreements between European countries—on road signs and signals and on rules of the road; on weights and dimensions of vehicles; and on a Declaration on Main International Traffic Arteries—were signed in Geneva on 16 September 1950. Further, the Sub-Committee was working on problems connected with the implementation of the draft customs convention on commercial road vehicles. It initiated work on an international road transport contract and on civil liability and compulsory insurance for foreign motorists (E/ECE/144/-Rev.1).

An annual bulletin of transport statistics was published in September 1950 for the first time, and the publication of quarterly bulletins on

⁸⁸ See Y.U.N., 1948-49, pp. 501-2.

⁸⁹ See pp. 483-84.

European inland transport statistics was continued.

(6) Manpower Committee

No meetings of the Committee were held during 1950, its programme having been taken over by the ILO in April 1948.

(7) Steel Committee

The Steel Committee, like ECE generally, was faced at first with problems of acute shortages immediately after the war. By 1950 the emphasis of its work had shifted and the main functions of its new programme (E/ECE/114/Rev.1) involved:

- (1) the exchange of information to help reduce costs and increase output;
- (2) the review of supplies of steel-making materials;
- (3) measures to increase consumption;
- (4) studies on manufacturing and marketing trends.

New terms of reference for the Steel Committee were adopted by the Council at its fifth session (E/1674). They were:

- (1) to pursue the examination of the supply position with regard to the principal raw materials and equipment of the iron and steel industry;
- (2) to collect and transmit all useful information concerning steel production and consumption trends, and the development of the principal factors in the costs of production;
- (3) to examine ways and means of increasing steel production and consumption, particularly in the under-developed countries;
- (4) to pursue its statistical work;
- (5) to undertake, in general, any studies which the committee might deem of importance;
- (6) to draw any appropriate conclusions arising from its work.

At its sixth session in March 1950, the Committee declared that its most urgent problems concerned measures to increase the consumption of steel and to reduce costs and the study of trends and the correlation of statistics (S/ECE/STEEL/48). During the first half of 1950, steel production in many European countries was close to capacity; in others it dropped to between 60 and 70 per cent. By the end of the year, however, production in the majority of countries was the highest ever attained. Crude steel produced in Europe in 1950 (excluding the USSR) reached 60,000,000 tons—5,000,000 tons higher than in 1949 (E/ECE/127). Foreign trade in steel products in 1950 increased by nearly 40 per cent for the four largest steel-producing countries. In 1951, the Committee estimated, the steel industry of Europe could produce over 69,000,000 tons if the supply of raw materials were adequate.

At its seventh session in November 1950, the Committee warned that there was a serious risk of an important deficit in coke supplies for 1951.

It decided to reconvene the Panel on Scrap, which had been kept in abeyance since 1949,⁹⁰ because of the increased demand for scrap and the depletion of reserves of war scrap. The Committee also decided to appoint a group of experts to consider supplies of iron ore, and recommended the publication of a quarterly bulletin of steel statistics for Europe, the first issue of which was published in December 1950. It further recommended close liaison with other regional commissions on the subject of steel (E/ECE/127). It adapted a scheme for promoting technical co-operation through reports on the trends in the technique of steel making.

(8) Timber Committee

The mandate to the Timber Committee, which began its work as a sub-committee of the Industry and Materials Committee,⁹¹ concerned the serious shortages after the war. In 1950, it asked that its mandate be broadened to meet the changed situation and to enable it to recommend policy for the expansion of the timber industry in Europe. The Committee sought authority to continue collection and publication of statistics on primary forest products, to publish analyses of the timber market in Europe, to watch possibilities for the better use of wood and to maintain touch with the principal forest products. At its fifth session the Commission agreed to new terms of reference on these lines (E/1674).

The Timber Committee, at its seventh session, approved nine resolutions and made recommendations to Governments with a view to the more rational utilization of wood (E/ECE/TIM/35).

The temporary easing of the situation, however, began to give way to new shortages in 1950. Western and southern Europe were using more, and there was an active demand for overseas timbers. Since the first half of 1950 there had been a "sellers' market" for timber and wood pulp (E/ECE/127).

The Committee noted that, while it was forecast for 1951 that more timber would be available, estimates of import demands had increased. The estimated deficit for 1951 was between 445,000 and 847,000 standards. Circumstances seemed to point especially to the possibility of increased European imports from Canada and the United States, and perhaps also from the Soviet Union, in order to cover the deficit in European supplies of sawn softwood. The gap amounted to between 13 and 25 per cent of the import demand.

⁹⁰ See Y.U.N., 1948-49, pp. 502-3.

⁹¹ See Y.U.N., 1948-49, pp. 503-4.

There was also, the Committee added, an estimated deficit of 5 per cent on the probable requirements of pitprops for 1951.

The supplies available for 1951, it realized, would have to meet the demands for increased consumption resulting from the expansion of the European coal production programme. Strong demand for mechanical and chemical pulp showed no sign of diminishing; it was therefore likely that the demand for pulpwood would remain active, and, therefore, the competition between pitprop and pulpwood uses for small-size roundwood seemed likely to continue.

An investigation, designed to cover the period from 1913 in a comprehensive study of timber trends, was begun during the summer of 1950. The project was undertaken as a joint work by the secretariats of ECE and FAO, and would continue through 1951.

(9) AD HOC Committee on the Development of Trade

No meetings of the Ad Hoc Committee on the Development of Trade were held during 1950. Its activities, however, were covered by the executive secretary of the Commission in his over-all report (E/ECE/114/Rev.1) to the Commission in April 1950.

The report said that the committee had not begun to function effectively. A procedural deadlock in 1949⁹² led to the circulation of memoranda by the Executive Secretary, including a proposal for a multilateral European trade agreement (Aide Memoire of 2 November 1949—E/ECE/114/Rev.1, App. IV). The proposal involved, as part of the envisaged trade agreement, three main points:

- (1) long-term buying agreements by the Western countries for cereals from the Eastern countries;
- (2) a commitment by the Western countries that the proceeds of the sale of these products could be used to buy goods on an approved list;
- (3) arrangements for increased flexibility over payments.

No Government had expressed a view contrary to these proposals, the report said. It added that no further meeting of the Committee on the Development of Trade would be justified until a solid basis of agreement had been established by preliminary negotiations, such as those initiated by the secretariat.

(a) TRADE IN GRAINS

An ad hoc meeting of European countries interested in increasing their trade in certain grains was held at Geneva from 14-20 November 1950. It was attended by: Austria, Belgium, Bulgaria,

Czechoslovakia, Denmark, France, Greece, Hungary, Italy, Netherlands, Norway, Poland, Romania, Sweden, the USSR, the United Kingdom and the United States. Also at the meeting were observers from Canada, Finland, Switzerland, Turkey and Yugoslavia. In addition, the interests of the Byelorussian SSR and the Ukrainian SSR were represented by the USSR; Belgium represented the interests of Luxembourg and the United States represented the interests of the Western Zones of Occupation of Germany.

After an exchange of views and information on the requirements and availabilities for the current crop year and on the possibilities of negotiating some form of longer-term arrangements, the Meeting initiated a series of bilateral conversations which were to lead to agreements on meeting part of the importing countries' requirements for the current crop year.

The Meeting also agreed that the Executive Secretary should consult Governments as to the usefulness and timing of another meeting and if sufficient interest were shown, convene such a meeting in the spring or in the summer of 1951. (E/ECE/GRAIN/3, later incorporated in E/ECE/127, App.I).

b. ECONOMIC SURVEY OF EUROPE IN 1949

The Economic Survey of Europe in 1949,⁹³ published in May 1950, was the third prepared by the secretariat of the Commission. Since the publication of the last survey, the Commission had also begun to publish the Economic Bulletin for Europe, a regular quarterly review.⁹⁴

The Survey, based on official statistics and statistical estimates made by the Secretariat, showed continued progress in production, investment and trade in most European countries. It concluded that the European industrial production could be increased by half in the next ten years, if employment and investment were kept at high levels. Such a development would broaden the basis of the whole process of economic development in later years.

It also considered that Europe could participate to its own advantage in the economic development of overseas countries, not only through its export of capital equipment, but also through the provision of financing. While the flow of capital from Europe in the form of debt repayment and new funds entailed some disadvantages, it had made a

⁹² See Y.U.N., 1948-49, pp. 504-6.

⁹³ U.N.P., Sales No. 1950.II.E.1.

⁹⁴ See Y.U.N., 1948-49, p. 506.

major contribution to underdeveloped countries abroad.

The Survey dealt mainly, however, with immediate threats to the expansion of production and trade. Failure to receive a much greater volume of capital goods from Western European sources could seriously retard economic development in Eastern Europe. For Western European countries, the current low level of trade with Eastern Europe limited the area within which trade could be established to solve the dollar problem.

The Survey added that another threat to economic growth lay in the failure of a number of countries to use manpower effectively. Relatively full employment should be the main aim of the future. The gravest threat to continued economic stability and growth in Western Europe appeared, however, to be its overseas payment problem. The report concluded that devaluation of sterling and of many other currencies was unlikely to solve the central problem of the dollar shortage.

The Survey also concluded that "a severe downward balancing of dollar transactions will be inevitable" when the present extraordinary United States financial assistance to European and other countries comes to an end. If action were taken at once to develop production in Europe and in other overseas sources of supply, most European countries might be able to adapt themselves to a lower level of dollar imports. The basic instability encouraged national measures of self-protection and gave further impetus to the development of bilateral trade.

Details of trends of production in both agriculture and industry were analyzed by the Survey. It dealt with the allocation of resources—with changes in real income, the level and pattern of consumption, of capital formation. It discussed internal stability and employment, intra-European trade and payments, the balance of payments and overseas trade. Its analysis contained a special study of prices, devaluation and terms of trade, of "the continuing problem of international disequilibrium" and of the prospects of expansion in European production.

C. DISCUSSION BY THE COUNCIL OF THE COMMISSION'S REPORTS

The Economic and Social Council discussed the annual report of the Commission (E/1674), at its 398th plenary meeting on 11 July 1950, during its eleventh session at Geneva. The Council had before it also the financial estimate (E/1674/Add.1), the report of the Executive Secretary on the future work of the Commission (E/ECE/-

114/Rev.1) and the Economic Survey of Europe in 1949 (E/ECE/116/Rev.1).

During the discussion, the Executive Secretary reported that considerable agreement had been reached by the Commission and that the potentialities of inter-regional co-operation were substantial. He added, in replying to the debate, that an increase of trade between Eastern and Western Europe would raise European standards of production, investment and consumption and would help solve the problem of the dollar shortage. The Commission, he said, agreed that every effort should be made to improve trade between Eastern and Western Europe.

Representatives approved the work done by the Commission, particularly its research and the publication of regular Bulletins and Economic Surveys of Europe.

Two main points were raised in the discussions: the co-operation of member States in aiding the work of the Commission and the regional aspect of its work.

Several representatives, including those of Denmark, France and the United Kingdom, emphasized that greater participation by member countries would help raise the potentialities of both the Commission and its subsidiary committees.

The representatives of Canada, Chile, India and Pakistan drew attention to the regional aspect of the Commission's work. The Canadian and Indian representatives asked that regional development should be used to complement wider associations and that the trend to self-sufficiency should not become a trend toward exclusiveness. Europe, it was contended, should not look too much to itself for the expansion of its economy, but should take into account the broader aspects of those problems.

Both India and Chile urged the establishment of close links between the regional commissions of the United Nations. Chile asked the Commission to expand and intensify trade exchanges between Europe, Asia and Latin America.

The Council unanimously adopted a resolution 300 (XI) noting the Annual Report of the Commission (E/1674) for the period between 22 May 1949 and 14 June 1950, and recommended the allocation of funds to implement decisions of the fifth session of the Commission.

2. The Economic Commission for Latin America (ECLA)

The Economic Commission for Latin America (ECLA), established by the Economic and Social

Council at its sixth session in March 1948 (resolution 106(VI)), had held two sessions⁹⁵ by 1 January 1950. At this time it was committed to a work programme which involved the preparation of the Economic Survey of Latin America, 1949 (E/CN.12/164) as well as other studies, including studies of agriculture, economic development, foreign trade, technical training and assistance and relations with the Inter-American Economic and Social Council.

The work of the secretariat of the Commission between the second session at Havana, in May-June 1949, and the third session at Montevideo, in June 1950, was described in the second annual report (E/1717 & E/1762). It showed that the Commission was in consultation with specialists in Latin American countries for the collection of statistical data, and emphasized the collaboration with specialized agencies of the United Nations, including FAO, Fund, Bank, ILO, UNESCO, WHO, as well as the Inter-American Economic and Social Council. The report, which covered the period from 15 June 1949 to 21 June 1950, was adopted by the Commission at its third session.⁹⁶

a. STUDIES AND REPORTS

The secretariat of the Commission completed and presented to the Commission's third session in June 1950 a number of studies and reports.

Among these were the Economic Survey of Latin America, 1949 (see below), which dealt with problems of disequilibrium, both internal and external, which have come about with the growth of the Latin American countries, and analysed the salient features of the process of economic development in those countries.

A report entitled Trade Trends and Policies of Latin American Countries (E/CN.12/165) presented data on trade trends, showing that Latin American trade with Europe had not recovered its pre-war level and that there was a decrease in both exports and imports with Europe in 1949 as compared with 1948. The report also presented statistics on intra-regional trade, discussing the possibilities of increasing such trade in relation to the future development of these countries. It analysed the effect of policies in some Latin American countries on external trade and on certain aspects of their internal economies. It concluded that tariffs and currency depreciation had been less effective as a means of equilibrating balances of payments and protecting local industry than quantitative controls on imports, which had been made imperative by world economic

conditions during the last two decades and by the need to accelerate economic development.

A study of foreign investments—Economic and Legal Status of Foreign Investments in Selected Countries of Latin America (E/CN.12/166 & E/CN.12/166/Add.1-9)—was undertaken in collaboration with the United Nations Department of Economic Affairs and with the assistance of the secretariat of the Inter-American Economic and Social Council. Countries included in the study were Argentina, Brazil, Chile, Colombia, Cuba, Guatemala, Mexico, Uruguay, and Venezuela.

The FAO-ECLA Co-operative Unit, established in September 1949,⁹⁷ completed a study entitled Agricultural Credit in Central America (E/CN.12/167). As a result of the unit's study of agricultural credit institutions and policies in various Central American countries, a number of suggestions were made to individual Governments. The principal suggestions were:

That steps should be taken to develop expert personnel in the field of agricultural credit administration; that Governments, through their banking institutions, should consider the desirability of making larger sums available for agricultural credit; that steps should be taken to develop credit-worthiness of small producers; and that an endeavour should be made to establish uniform procedure in credit administration. A suggestion was made that the third session of the Commission should call a meeting of agricultural credit experts in Central America to consider ways of carrying out suggestions made in the report.

A report on immigration (E/CN.12/169 & E/CN.12/169/Add.1-3) gave an account of the role of immigrants in the economic development of Brazil, Chile and Venezuela, the Governments' policies and plans for future immigration and the needs of each of the countries for immigrants according to broad occupational classifications.

The secretariat was also occupied during 1950 with a study of cyclical fluctuations, requested by the second session of the Commission in a resolution on economic development (E/1330/Rev.1), and with a study of productivity of the cotton textile industry in selected Latin American countries. Research for this latter study was conducted by experts in Brazil, Chile, Ecuador, Mexico and Peru.

A paper on technical assistance (E/CN.12/171), produced in collaboration with the United

⁹⁵ For details of the 1st and 2nd sessions of the Commission, see Y.U.N., 1947-48, pp. 541-42; 1948-49, pp. 519-21.

⁹⁶ Details of resolutions adopted by the Commission at its third session are given in E/1762.

⁹⁷ See Y.U.N., 1948-49, p. 519.

Nations Department of Economic Affairs, gives an account of the action taken pursuant to resolutions on this matter. The secretariat of ECLA collaborated with the operational units of the United Nations Secretariat, and particularly in the preparatory work in connexion with United Nations, technical missions to Latin American countries. The secretariat also collaborated in both the 1950 Programme of Economic Development Fellowships under a resolution of the General Assembly (200(III)) and the programme of Public Administration Fellowships and Scholarships under a further Assembly resolution (246(III)). The report showed that 27 fellowships were granted in 1949 to nationals of Latin American countries and that, up to 5 May 1950, 115 nominations for fellowships had been received under the 1950 programme. The report gave, in addition, an account of technical assistance to Bolivia, Brazil, Chile, Ecuador, Guatemala, Haiti, Mexico and Venezuela.

b. THE ECONOMIC SURVEY OF LATIN AMERICA—1949

The Economic Survey of Latin America, 1949⁹⁸ prepared by the secretariat of the Commission pursuant to a decision of the Commission's second session in Havana in May 1949, came before the third session of the Commission in June 1950.

The Economic Survey described current economic conditions in Latin America and contained a technical section dealing with features of economic development common to all Latin American countries between 1925 and 1949. The findings of this section were supported by country-by-country studies covering the economic development of Argentina, Brazil, Chile, Cuba, and Mexico. The trends of development of agriculture, mining, manufacturing and foreign trade in each of these countries were surveyed and documented by data collected by the research staff of the Commission. The statistical material, collected for the period 1925-49, indicated major changes.

The Survey stated that the world-wide extension of technical progress had been relatively slow and irregular. Vast regions of under-developed countries had remained outside the sphere of world economy until the last few decades, when the industrial potentialities of those countries were realized.

As modern technique increased productivity, the Survey went on, a surplus of labour no longer needed by primary production was created. It then fell to industry and other activities to absorb this

manpower. Agricultural improvement and industrial development were two closely related aspects of the problem of economic development. Industry had been a significant force in promoting economic development in Latin America; it had also permitted the countries to absorb excess manpower displaced from primary production by technical progress.

The productivity of labour in Latin American countries had increased in all major economic fields, including primary production; but the possibilities of expanding exports had been limited by insufficient demand from industrialized countries, the Survey showed. The per capita capacity to import to Latin America had not grown between 1925 and 1949. The recovery of foreign trade and relative prices since the Second World War had helped the Latin American countries merely to offset the consequences of the depression in the 'thirties, without bringing about a net increase in the capacity of Latin America to import over the levels attained in the 1920's. Both external and internal factors had thus prevented the peoples of Latin America from sharing in the benefits of technical progress through the expansion of Latin American foreign trade and an improvement in the standards of living and welfare comparable to that which had taken place elsewhere.

The current situation was reflected, the Survey said, in certain characteristics of the economies of the Latin American countries, such as the low level of national income and saving as compared with the enormous need for capital; the low intensity of demand, which added to the difficulties of achieving large-scale production; and the lack of capital-goods industries, which, in more advanced countries, had been a significant instrument in employing workers driven out of primary production by technical progress. The limited resources of foreign exchange available for buying equipment abroad as well as cost-price relationships tended to maintain the amount of capital per worker in the industries of Latin America at a lower level, as compared with industries of more developed countries. There was in Latin America a need of sustained effort and organization to assimilate the new techniques of production.

c. THE THIRD SESSION OF THE COMMISSION

The third session of the Commission was held in Montevideo on 20-21 June 1950. It was attended by representatives of:

⁹⁸ U.N.P., Sales No. 1951.II.G.1.

Argentina	Ecuador	Netherlands
Bolivia	El Salvador	Nicaragua
Brazil	France	Panama
Chile	Guatemala	Paraguay
Colombia	Haiti	United Kingdom
Cuba	Honduras	United States
Dominican Republic	Mexico	Uruguay

Specialized, agencies: ILO, FAO, UNESCO, IRO

Intergovernmental organizations: International Chamber of Commerce, Inter-American Economic and Social Council, Caribbean Commission

Non-governmental organizations (consultants): International Confederation of Free Trade Unions, World Federation of United Nations Associations, International Federation of Transport Workers, Inter-American Council for Commerce and Production, International Organization for Standardization, National Association of Manufacturers (U.S.)

(1) Economic Development

The discussion of the preliminary draft of the Economic Survey of Latin America, 1949 turned on the central thesis of the Survey, which was concerned with the characteristics of the development of Latin American economies in the last 25 years and their vulnerability to world economic fluctuations.

Some delegations felt that there should be a clear definition of the goals of economic development of Latin America before they could agree on the means of such development. They drew the attention of the Commission to certain fundamental internal deficiencies of the Latin American countries and stated that the vicious circle of low productivity, low income and low capitalization had to be broken before economic progress could be accelerated. Others stressed the dependence of the Latin American countries on the foreign markets and their sensitiveness to variations in economic conditions abroad. There was, however, a general feeling among Latin American representatives that the structure of both imports and domestic production of their countries had to be modified.

Some representatives pointed out that underdeveloped countries were especially sensitive to cyclical fluctuations and that the proper method of raising the standard of living of the peoples of Latin America was not to seek economic self-sufficiency but to bring about a greater diversification of their economies. The Commission adopted a ten-point resolution, which recommended that Latin American Governments should adopt specific goals of economic development and establish an order of priority for their realization, and that they should adopt specific policies to intensify the rate of economic development or to overcome obstacles retarding such development. The Com-

mission also requested the Executive Secretary to prepare an economic survey for 1950, emphasizing economic development.

(2) Technical Assistance

The discussion by the third session of the Commission of technical assistance was concerned mainly with the manner in which the Commission might participate more directly in the United Nations programmes. The Commission welcomed the expanded programme of technical assistance for economic development. It expressed its desire that the programmes of technical assistance for Latin America be fully co-ordinated, and noted with satisfaction the steps taken to this end. It also agreed to request the Secretary-General that the secretariat of the Commission be utilized fully and actively in assisting member Governments to appraise needs and formulate requests for technical assistance. The Commission also requested the Secretary-General that in implementing such programmes account should be taken of the Commission's resolutions on economic development (see above).

(3) Immigration

In its consideration of the problem of immigration, the Commission had before it the study prepared by the secretariat (E/CN.12/169 & E/CN.12/169/Add.1-3), and a note by the International Labour Office on the conclusions and recommendations of the Preliminary Migration Conference at Geneva in April-May 1950 (E/CN.12/179). The conclusions reached by the Commission were in general agreement with those of the Preliminary Migration Conference. It was felt that international collaboration, both technical and financial, could best be directed towards particular development projects which would create opportunities for immigration and give a broad impetus to economic activity in the countries concerned. The Commission decided, because of the close relationship of economic development and immigration, that the Executive Secretary should set up, in co-operation with ILO and other specialized agencies, a Working Committee at the Secretariat Level, which held its first session from 16-20 October 1950 (ST/ECLA/C.1/5). The Commission also decided to recommend that the International Bank for Reconstruction and Development be invited to participate at the appropriate stage in the work of the Committee.

(4) Foreign Trade

Apart from decisions concerning international trade taken when the Economic Survey of Latin America, 1949 was reviewed by the Commission,

it also agreed that one of the most serious obstacles to the expansion of trade with Europe was the inconvertibility of currencies outside the dollar area. Certain representatives thought that the Latin American countries might be brought into a system of multilateral compensation of payments with Europe. It was agreed, however, that the possibility of trade expansion with Europe should be studied by the secretariat with a view to recommending measures to this end. The Executive Secretary was requested to consult with the Executive Secretary of the Economic Commission for Europe in order to undertake a joint ECE/ECLA study of ways in which trade between the two regions might be expanded. The Executive Secretary was also requested to make a study of the prospects of increasing trade within the region. The Commission agreed to authorize the Executive Secretary to convene, in due course, meetings of trade experts (E/CN.12/168) and to continue studies on commercial policies of Latin American countries (E/CN.12/165).

(5) Financing Economic Development

The Commission examined the report *Economic and Legal Status of Foreign Investments in Selected Latin American Countries* (E/CN.12/166 & Add.1-9), prepared by the Executive Secretary in co-operation with the Inter-American Economic and Social Council. Two documents prepared by the United Nations Secretariat were also taken into account—*Methods of Financing Economic Development in Under-Developed Countries*⁹⁹ and *International Capital Movements during the Inter-War Period*.¹⁰⁰ The report of a group of experts on *National and International Measures for Full Employment*¹⁰¹ which was presented to the United Nations Economic and Social Council, was also before the representatives.

It was generally agreed that Latin American countries required an adequate and stable flow of foreign capital as a means of continuing their economic development. In this connexion, the Commission decided that the research begun by the secretariat should be continued and that the Executive Secretary should continue to compile and analyse data supplied by Member Governments. The Commission also decided to request the Economic and Social Council that the Secretariat of the United Nations should continue reports on the financing of economic development, and should make a separate analysis of the data available for Latin America.

The Commission noted with satisfaction the policy of giving increased attention to the prob-

lem of economic development in under-developed areas,¹⁰² adopted by the International Bank, and suggested that it should intensify its application (E/CN.12/198). Domestic financial resources for economic development were also considered by the Commission and two resolutions (E/CN.12/197 & E/CN.12/199) were passed. These resolutions recognized the inadequacy of such resources and recommended that the Executive Secretary undertake research on domestic capital markets, including the availability and the uses of financial resources.

(6) Agricultural Credit

The Commission studied the report of the ECLA-FAO Co-operative Unit on agricultural credit in Central America (E/CN.12/167/Add.1-5). Central American representatives said that the report would help their Governments in their endeavour to better the conditions of their rural populations and to foster agricultural production through an expansion of farm credit. Technical help given by the Co-operative Unit to Governments, at the request of the latter, had led to practical results in the countries concerned, it was stated, and the Commission felt that this kind of assistance should be given priority. The Commission also emphasized the importance of maintaining the closest co-operation with the FAO, and asked the Co-operative Unit to continue this type of study and activity (E/CN.12/196).

(7) Transport

During a discussion on maritime transport, it was pointed out that differential maritime freight rates affected prices, supply and demand in Latin American countries. The Commission decided to request the Executive Secretary—pending a decision by the Economic and Social Council—to consult with the Executive Secretary of the Inter-American Economic and Social Council, with a view to assisting in a study by the latter organization of maritime freight rates.

In regard to inland transport problems, the Commission agreed with a suggestion of the Executive Secretary that such problems could be better dealt with through technical-economic surveys carried out under the technical assistance programme. It was understood that Latin American Governments desiring to have surveys made of their transport systems in order to stimulate

⁹⁹ U.N.P., Sales No. 1949.II.B.4.

¹⁰⁰ U.N.P., Sales No. 1949.II.D.2.

¹⁰¹ U.N.P., Sales No. 1949.II.A.3.

¹⁰² See Y.U.N., 1948-49, pp. 1050-51.

economic development, might request the Secretary-General to send technical missions to their countries for that purpose (E/CN.12/192).

(8) Relations with Other Bodies

Several resolutions adopted by the Commission at its third session re-affirmed and strengthened co-operation and collaboration with the Specialized Agencies and other organizations. Regarding relations with the Specialized Agencies, the Commission indicated its interest in continuing the collaboration between ECLA and the interested agencies, particularly in the fields of economic development, international trade, agriculture and immigration. Other resolutions provided for the setting up of joint machinery at the secretariat level for dealing with problems of common concern, the ECLA Economic Development and Immigration Committee, in which several agencies were invited to participate, and the ECLA-UNESCO Working Group for the study of measures to increase the availability of scientific, educational and cultural material. The results of research carried out by the ECLA-FAO Co-operative Unit were favourably received by the Commission and new tasks were assigned to that Unit.

In respect to co-operation and co-ordination with the Inter-American Economic and Social Council, the Economic Commission for Latin America considered a statement prepared jointly by the Executive Secretaries of the two bodies, expressing that co-ordination of work had been achieved by measures taken at the secretariat level. The Commission adopted a resolution (E/CN.12/203), in which it re-affirmed its policy, expressed at previous sessions, of avoiding any unnecessary duplication of effort with the Inter-American Economic and Social Council. The same resolution commended the Executive Secretary of the Commission for the co-operation achieved with the Inter-American Economic and Social Council and other international organizations, recommending that such collaboration be continued and strengthened.

d. CONSIDERATION BY THE COUNCIL OF THE COMMISSION'S REPORTS

The annual report of the Commission (E/1717, E/1762) came before the Economic and Social Council at Geneva on 7 August 1950.

In the discussion, a number of representatives emphasized the importance of the work of the Commission, particularly of its studies of economic conditions in Latin America. The work of the

Commission was generally considered as an outstanding contribution to the understanding of the problems of the region in the fields of economic development, domestic stability, foreign trade and balances of payments.

During a discussion on the Commission's resolution on economic development, the majority of the Council was in general agreement with the Commission's recommendations. The United States representative, however, felt that some of the conclusions of the Commission were debatable and several representatives also disagreed on the relative emphasis attached to the development of industry and agriculture. On the latter point, there was general agreement on the desirability of a balanced development of those two branches of economic activity.

Other representatives pointed out that the industrialization of under-developed countries would strengthen, rather than affect adversely, the world economy. The representative of Chile felt that the premature adoption of a policy of free trade in Latin America could jeopardize economic development there. The representative of Peru stressed that there were deep economic, social and cultural reasons why economic development of Latin American countries might have to follow different lines from those observed in other places and times and warned against drawing unwarranted parallels between those processes.

The importance of the trade studies carried out and the new proposed studies was stressed by representatives. The majority of the Council approved the proposed study of trade between Europe and Latin America, although several representatives pointed out that such studies should not overlook the broader aspects of international trade problems and that the principles of the Havana Charter should not be lost sight of. The importance of the co-operation between the regional economic commissions for Europe and for Latin America was emphasized by a number of representatives during the discussion.

In connexion with the criticism of the Commission's resolution on technical assistance raised by some representatives, the representative of France, who also acted as Rapporteur of the Commission, pointed out that the latter did not have in mind an independent technical assistance programme but wished for close collaboration in the United Nations programme. During the discussion, the importance of the role of the regional economic commissions in the implementation of the Technical Assistance Programme was noted by most representatives.

The Council adopted, by 13 votes to none, with 2 abstentions (United States, Denmark), the following resolution (301 (XI)), submitted jointly by Brazil, Chile, Mexico and Peru:

The Economic and Social Council

Takes note of the Annual Report of the Economic Commission for Latin America, covering the period from 15 June 1949 to 21 June 1950 and the statement on financial implications submitted by the Secretary-General;

Notes the statement on work programme and priorities endorsed by the Commission;

Notes with approval the resolution adopted at the third session of the Economic Commission for Latin America which calls for a study on ways and means to expand trade between Latin America and Europe on bases which are practicable and mutually advantageous;

Invites the interested Governments to facilitate this study to the fullest extent possible, in order that concrete recommendations may be formulated at an early date;

Notes the amendment of rule 42 of the rules of procedure of the Commission adding Portuguese to the official languages of the Commission;

Approves the holding of the fourth session of the Commission at Mexico City, Mexico, in May 1951, and

Recommends that the necessary funds be allocated for the purpose of implementing decisions of the third session of the Commission.

3. The Economic Commission for Asia and the Far East (ECAFE)

In the period under review, the Economic Commission for Asia and the Far East (ECAFE) held its sixth session (E/1710) at Bangkok, from 16-20 May 1950.

a. MEMBERSHIP

Indonesia, after passing through associate membership, automatically became a member of the Commission when it was admitted to membership of the United Nations on 28 September 1950.¹⁰³

At the sixth session of the Commission, considerable discussion took place regarding the representation of China. It was eventually decided, without questioning the competence of the Commission in the matter, to leave the subject to decision by a higher body of the United Nations. The representative of the USSR stated that his delegation would not participate in the work of the Commission so long as the representative of what he termed the "Kuomintang group" continued to sit on it, and further, that his delegation would not be bound by any decisions of the Commission taken in their absence. The USSR delegation then withdrew from the meeting.

b. ORGANIZATION

The Committee on Industry and Trade held its second session (E/CN.11/239) in Bangkok, from 9-17 May 1950, and the Sub-Committee on Iron and Steel held its second session (E/CN.11/I & T/18) in Calcutta, from 10-13 April 1950. A meeting of an ad hoc Committee of Inland Transport experts was held in Bangkok, 24 October-4 November 1950 (E/CN.11/262 & Add.1). Other meetings of subsidiary bodies held during the year included a meeting of railway experts and the second meeting of the ECAFE-UNESCO Working Party on educational and scientific materials (E/CN.11/266).

c. ACTIVITIES OF THE COMMISSION

Among the problems considered by the Commission during the period under review were the following:

(1) Problems of Industry and Trade

(a) INDUSTRIAL DEVELOPMENT

A comprehensive report on priorities and progress in industrial development projects (E/CN.11/I & T/15) was presented to the second session of the Committee on Industry and Trade. The Committee recommended (E/CN.11/239) further studies on electric power resources and needs, chemical fertilizers (in co-operation with FAO), hand tools and small-scale and cottage industries, particularly in regard to textiles, and a bibliography on power alcohol. It also agreed that the secretariat should include in its studies such factors as technical and management skills, domestic financial requirements and encouragement of domestic savings and investment.

At the request of the ECAFE secretariat, many countries of the region nominated liaison officers to work closely with it on problems of industrial development. Direct advisory services were rendered during 1950 by the ECAFE secretariat to Governments in the region, in regard to their general problems of planning, visits being paid by secretariat officials to Burma, Ceylon, Malaya, India, Indochina, Indonesia, Pakistan, Thailand, Japan, the Philippines and Hong Kong, and reports prepared on the basis of discussions with officials and experts in these countries. The ECAFE secretariat also co-operated with the Government of Pakistan, the Bank and FAO, in the organization of a regional training institute on the economic appraisal of development projects. At the

¹⁰³ For members and associate members of the Commission, see p. 98.

request of Ceylon, the Executive Secretary obtained the services of an expert from the Government of India, who, together with the secretariat's steel expert, assisted the Government of Ceylon in appraising its plan for the development of iron and steel industry.

The Committee on Industry and Trade, an Iron and Steel Sub-Committee established in 1949,¹⁰⁴ held its second session (E/CN.11/I & T/18) in April 1950 in Calcutta. It recommended the continuation of the seven projects chosen for study and report at its first session (E/CN.11/I & T/2 & Add.1) in August-September 1948, namely:

Survey, in collaboration with UNESCO, of geological and industrial research laboratories in the ECAFE region and in Australia and New Zealand; provision by countries with such laboratory and research facilities to test the ores of other countries of the region not having such facilities; estimates of requirements of iron and steel projects; production plans and obstacles in their execution; survey of availabilities of auxiliary raw materials; study of methods of utilizing scrap iron; and possibilities of uniform statistical reporting.

In particular, the Sub-Committee emphasized the need for a study of statistical reporting methods on an internationally comparable basis, with a view to the possible introduction of such methods in the region. Studies of present and potential regional and inter-regional trade in the raw materials, semi-finished and finished products of the iron and steel industry were also recommended.

A Progress Report on Coal and Iron Ore Studies, with an Annex on Coal and Iron Ore Resources of the ECAFE region, was presented (E/CN.11/I & T/16) to the second session of the Committee on Industry and Trade. The report included status of surveys, extent of known coal and iron ore resources, survey programme contemplated, and obstacles in carrying out additional surveys in the countries visited.

Top priority for the examination of possible sources for obtaining geologists, the existing facilities for training and the possibilities of extending them, were among the other recommendations made by the Committee.

The Committee's report and recommendations (E/CN.11/239) were generally approved at the sixth session of the Commission.

(b) TRADE AND FINANCE

The Committee on Industry and Trade, at its second session, considered a note on trade and balance of payments presented by the International Monetary Fund, and welcomed the close working relations established between the Fund and the secretariat. At the request of the Fund, and in connexion with the above study, the secretariat

prepared two reports in 1950 entitled Trade and Financial Agreements in the ECAFE Region and Import/Export Estimates for Countries of the Region, 1949 to 1951. The Committee also considered a working paper (E/CN.11/I & T/24 & Annexes A & B) on the problem of dollar shortage, measures taken or contemplated, and measures required.

A statement on the role of the International Bank for Reconstruction and Development in providing capital for the region was submitted by the Bank (E/CN.11/I & T/19). The Committee expressed the desire for an expanded volume of Bank loans for productive purposes in the region, and further suggested that the Bank should consider ways of speeding up its operations and of cultivating closer relations with its members.

The Committee approved a report (E/CN.11/I & T/25 & Add.1) on the laws and regulations governing the treatment of foreign investment in countries of the region, including the remittance of dividends, interest and profits, and taxation, and requested the secretariat to publish this information in the annual economic survey or otherwise, and to make it available to bona fide inquirers. The report was brought up to date, revised, published in printed form in 1950 and widely circulated. The Committee recommended that a complementary study be undertaken by the Headquarters Secretariat, for distribution in the region, of the laws and regulations of capital exporting countries.

Reports on the trade of the ECAFE region with Japan (E/CN.11/I & T/5 & 21) were also presented to the Committee. At the sixth session (E/1710), the Commission, while advocating the development of trade between the ECAFE countries and Japan, considered it important to avoid suggesting measures which might have the effect of retarding the progress of national industrial development programmes of the ECAFE countries.

The first country studies on the means of mobilizing domestic financial resources for industrial development (E/CN.11/I & T/14/Add.2) were available at the sixth session. Several other individual country studies were completed later in the year, some prepared by the International Monetary Fund, and these formed the basis of a regional report to be completed in 1951.

An analysis of the budgets of ECAFE Governments, based on a scheme of economic reclassification of budgets, was undertaken in the last quarter of 1950. The analysis will include: the magnitude

¹⁰⁴ See Y.U.N., 1948-49, p. 511.

and impact of Government expenditure on national income and capital formation, the difference between current and capital expenditures, enterprises and governmental functions, and the sources of finance such as taxes, earnings and other revenues, voluntary and involuntary borrowings. Preliminary work on the budgets of Burma, Hong Kong, India, the Philippines and Thailand was begun in consultation with Governments.

A provisional report entitled *Trade Promotion Facilities*, first issued in 1949, was revised and published in final form in March 1950 (E/CN.11/237). The report indicated Government commercial services within and outside the region, principal trade organizations, and trade publications most commonly used as standard references. A periodical, *Trade Promotion News*, was launched in March 1950.

To help meet the shortage of personnel trained in the techniques of trade promotion both for Government service and for international trade in the region it was agreed that training in the techniques of trade promotion should be accepted as falling within the scope of the United Nations fellowships programme,¹⁰⁵ and candidates were subsequently nominated by several countries. Universities in the region were also encouraged by the ECAFE secretariat to include foreign trade courses in their economic curricula and to hold foreign trade seminars.

The sixth session of the Commission approved (E/1710) a proposal to hold a regional conference of commercial attaches and businessmen in 1951.

A consultant was recruited in June 1950 as a result of the Commission's recommendation at the sixth session, that an expert be engaged to bring to ECAFE countries increased knowledge of hard currency markets for handicrafts and to advise them, after examination of their production techniques, as to methods of improving the marketability of their handicraft products. The consultant visited Burma, Ceylon, Hong Kong, India, Indochina, Malaya, Pakistan, the Philippines, Singapore and Thailand. Following his visit, the Philippines requested technical assistance to improve its handicrafts industry. Assistance was also given to the Government of Burma in connexion with its proposal to obtain the services of Japanese technicians in building up its cottage industries.

In April-September 1950, a travel consultant made trips to Burma, Ceylon, Hong Kong, India, Indonesia, Japan, Pakistan, the Philippines, Singapore and Thailand, holding conferences with government officials, travel agencies, carriers, hotel

associations and others interested in the development of the tourist industry as sources of foreign exchange. Specific recommendations were made to each Government based upon on-the-spot observations. In Pakistan and Singapore the consultant also advised on the setting up of national tourist organizations.

The International Union of Official Travel Organizations (IUOTO), at its General Assembly Conference in October 1950, decided to set up an IUOTO Regional Travel Commission for Asia and the Far East, with instructions to explore the possibilities of opening a regional office. This action stemmed directly from the Commission's resolution recommending such steps.

Asian Travelways, a monthly periodical, growing out of the travel section of *Trade Promotion News*, was issued in July 1950, implementing one of the recommendations arising from the resolution on travel adopted at the Commission's fifth session. In addition, a series of information papers on tourist travel was prepared and distributed.

The Joint ECAFE-UNESCO Working Party to study economic measures to increase the availability of educational, scientific and cultural materials in the region held its second meeting in December 1950 (E/CN.11/266). At the first meeting in December 1949, it had been decided that the first phase of the work should cover only scientific materials and equipment and audiovisual aids for education, and that Governments of the region should be requested to supply certain limited information regarding import needs arising from key shortages of these items and export availabilities. At the second meeting, the Working Party considered a number of working papers, prepared by the two secretariats, in consultation with the secretariat of ECE, and approved a report and recommendations for submission to the seventh session of the Commission.

(2) Problems of Food and Agriculture

Close liaison was maintained during 1950 between the secretariat of the Commission and the regional office of FAO in Bangkok. A notable example of this co-operation was the preparation of a joint study on the production and use of chemical fertilizers (E/CN.11/I & T/33). Material for this study was collected in the course of an extensive field investigation into soil fertility practices which was undertaken by FAO for the International Rice Commission. A member of the ECAFE secretariat participated in this investigation.

¹⁰⁵ See pp. 446, 452.

ECAFE was represented at the first session of the Forestry and Forest Products Commission for Asia and the Pacific held in October 1950. Assurances were given of ECAFE's readiness to co-operate in joint tasks concerning industrial, transport and other aspects affecting the Commission, and the secretariat agreed to take up, with the appropriate United Nations body, the question of excessive shipping rates for forest products.

In collaboration with the Government of India, FAO and the United Nations conducted during 1950 an institute for the training of persons to be employed in agricultural and population census work. ECAFE was a joint sponsor of the institute.

Under the sponsorship of the Government of Pakistan, FAO, the International Bank, ECAFE, and the Secretariat, a training centre on the formulation and economic appraisal of development projects was established in Lahore, Pakistan, during the latter part of 1950. Members of the ECAFE secretariat were among the lecturers.

(3) Problems of Technical Assistance and Technical Training

Pursuant to a decision of the Commission at its fourth session, a report was prepared in conjunction with UNESCO and ILO, on fields of economic development handicapped by lack of trained personnel (E/CN.11/I & T/39 & Annexes). The inquiry was confined to the industrial field, with special reference to each country's current plans of economic development.

At the sixth session of ECAFE, it was generally considered that the countries of the region, in particular, required technical assistance, both in agriculture and in industry, especially in preparing and executing industrial development plans. The Commission recommended that "specialists be made available under the technical assistance programme to maintain liaison with ECAFE, advise countries of the region on the formulation of proposals for technical assistance and otherwise assist them".

In line with this recommendation, the ECAFE secretariat rendered assistance to several countries, at their request, in the formulation of their applications for technical assistance, and kept Governments informed of developments in the United Nations programme. It also assisted the Technical Assistance Administration by providing comments on the nominations for fellowships and scholarships submitted by Governments of the region. Secretariat representatives also took part in technical assistance exploratory missions to Indonesia and Korea.

The secretariat also co-operated in the organization of a regional training institute on the economic appraisal of development projects, held in Pakistan in 1950. In addition, it provided various forms of advisory service direct to Governments on such matters as flood control; trade and financial problems; trade promotion; statistics; handicraft marketing; tourist travel facilities; planning machinery and techniques; geological survey problems; development of mineral resources; management procedures; development of iron and steel industries; and development of small-scale and cottage industries, in some cases under the Technical Assistance Programme. It also helped Governments by recommending experts from within the region in connexion with their stated needs for specific types of assistance.

(4) Problems of Inland Transport

The Ad Hoc Committee of Inland Transport Experts, which met in Bangkok from 24 October to 4 November 1950 (E/CN.11/262 & Add.1), considered studies by the secretariat on specific short-term road, rail and waterway problems, arrangements for the collection and dissemination of transport statistics, the establishment of a regional library service for the distribution of technical transport literature, and the establishment of an Inland Transport Committee to meet the need for continuous and co-ordinated action in the field of transport. The meeting included experts representative of countries of the region and of the various fields of transport.

Recommendations made by the Ad Hoc Committee for submission to the seventh session of the Commission included the establishment of the following machinery to undertake the programme:

- (i) a standing Committee on Inland Transport to deal with general policy matters and common problems;
- (ii) a Sub-Committee to deal with inland waterway problems; and
- (iii) certain ad hoc working parties to deal with problems in the field of highways and road transport. The Committee also recommended the establishment of a non-governmental Association of Railways in the region to consider technical railway problems.¹⁰⁶

The Committee considered that railway problems should be handled at two levels: on a Governmental level to deal with matters of principle and Governmental policy; on a non-governmental level to deal with the technical aspects of prob-

¹⁰⁶ At the 7th session of the Commission, held in Feb.-Mar. 1951, it was decided to establish an Inland Transport Committee, with the recommendation that it set up sub-committees on railways and inland waterways, and empowered to set up a sub-committee on roads. It was recommended that the proposal for a non-governmental Association of Railways be referred to the Sub-Committee on Railways, when established.

lems that either Governments or railway administrations themselves might wish to be investigated. Various recommendations were made on technical railway problems. The Committee recommended that a further joint study be undertaken by the secretariat, in co-operation with FAO, on the economic use of firewood as fuel, and that, pending the establishment of an Asian and Far Eastern Railway Association, the secretariat undertake preparatory work on other aspects of the best uses of available types of fuel. The Committee also recommended that the secretariat make preliminary investigations and collect information on modern telecommunication systems and improved operation of terminals and of single line sections of railways. Furthermore, it recommended that Governments should make available to the secretariat main operating statistical data normally prepared by railway administrations, in order that tables of common operating statistics might be prepared and circulated for information of Governments. The secretariat was also advised to explore the possibility of undertaking, with the International Labour Organisation, a joint study on the improvement of the productivity of labour and the training of technical personnel including diesel mechanics. With regard to the standardization of railway equipment, the Committee recommended that this problem should be referred in its entirety to the proposed Railway Association.

The problems of establishing international railway connexions and rehabilitating existing ones, promotion of transit and through railway traffic between countries interlinked by rail, including simplification of customs formalities, simplification and unification of terms and conditions of transport, including rates and fares and their apportionment, and the establishment of regulations for the exchange of rolling stock, were among other recommendations made by the Committee for studies to be taken up by the Inland Transport Committee.

In regard to roads and road transport, and in particular with reference to the secretariat's study, *The Most Economic Methods for the Construction, Repair and Maintenance of Roads Including Standardization and Other Characteristics and Comparative Methods of National Financing*, the Ad Hoc Committee (E/CN.11/262 & Add.1) stressed the importance of a long-term over-all planning of highway development and the need for increased adoption of mechanical methods of construction and repair. It recommended that initial steps be taken for the preparation of a long-term master plan of highway development and

that, to this end, countries should undertake national surveys of the availability of road-building equipment and technical manpower resources. The Committee took special note of the recent increase in the incidence of road accidents in the region and recommended that immediate further study of the problem be undertaken by an ad hoc working party of experts interested in highway safety, which should formulate specific proposals for improvement of existing practices in traffic control systems and recommend measures for improved accident prevention. The Committee felt that part of the solution of the problem of improved utilization of existing road transport equipment depended on improved repair facilities as well as better technical training of mechanics. It therefore decided that an ad hoc working party of experts should be established, in consultation with ILO, to study this problem.

The Committee recommended that Governments, faced with the problem of damage to roads caused by the iron-tired wheels of country carts, encourage the use of pneumatic tires on country carts in constant use in level country and, in other areas, promote improvements in the design of wheels and axles so as to minimize road wear. Long-term problems affecting road and road transport were referred to the Inland Transport Committee for consideration.

In regard to the development of inland waterways, the Ad Hoc Committee discussed a secretariat report dealing with the problem as a whole, and agreed with the conclusion that many countries had problems in common which were likely to benefit from a joint approach. The Committee recommended, *inter alia*, that the secretariat should continue its study on the fuller utilization of country boats; investigate the possibility of arranging for a pilot project covering craft design and operation under the auspices of the United Nations Technical Assistance Programme; prepare a study of the use of pusher craft in Indonesia, and of towing methods in the Associated States of Indochina and in Thailand; and discuss with Governments and the United Nations Technical Assistance Administration the possibility of arranging for a team of experts, drawn from countries of the region, to study abroad the technological advances in inland water transport methods. The Committee also agreed on a recommendation regarding the principles for measurement of craft.

The Committee recommended the establishment of a Sub-Committee on Waterways of the proposed Inland Transport Committee to deal with these problems, while other long-term problems

regarding inland water transport were referred to the proposed Inland Transport Committee.

The first issue of a Transport Bulletin appeared in September 1950. It contained topical articles, transport news of the region, and transport documentation. This was also discussed by the Ad Hoc Committee, which recommended its publication as a quarterly in 1951.

(5) Problems of Flood Control

Following the approval, by the Commission at its fifth session (E/1710), of the work programme for 1950 of the Bureau of Flood Control, experts of the Bureau conducted a number of field investigations of the major rivers of the region. The rivers included the Irrawaddy and the Sittang rivers of Burma, the Kelani, Gin, Mahaveli and Kalu Ganga of Ceylon, the Cauvery, Damodar, Ganges, Godavary, Kistna and Mahanadi of India, the Mekong and Red of Vietnam, the Brantas of Indonesia, the Agno and Pampagna of the Philippines, the Indus of Pakistan and the Mekong of Thailand. These investigations enabled the Bureau to make detailed studies of the existing flood control methods employed on the major rivers, particularly the river deltas of the region, with a view to comparing the existing methods and recommending improvements.

These studies are included in the Flood Control Series published by the Bureau. The first number of the series entitled Flood Damage and Flood Control Activities in Asia and the Far East was published in December 1950. In addition, the Bureau published four issues of the Flood Control Journal in 1950, describing flood control activities and the latest developments in flood control works of the region.

To promote the exchange of technical information, the Bureau has secured the co-operation of many technical organizations of the region, in particular the Central Board of Irrigation in India, in supplying publications on flood control for distribution by the Bureau among countries of the region.

Following the views on the importance of a programme of experiment and study on the silt problem repeatedly stressed by the Commission, the Bureau initiated a joint study with the Punjab Irrigation Research Institute of India in January 1950.

In response to a request by Ceylon, the Bureau sent experts to draw up a flood control scheme for the Kalu Ganga, one of the main rivers of the island, whose floods frequently threaten two towns and damage extensive areas of paddy fields. The

experts conducted an over-all investigation during May-June 1950 and a comprehensive report was submitted to the Government of Ceylon in December 1950.

In August 1950, at the request of the Royal Irrigation Department of Thailand, the Bureau assisted in conducting the first hydraulic model tests in the country in connexion with the Chao Phya Barrage Project, a joint irrigation and flood control scheme.

Before the outbreak of the war in Korea, the Republic of Korea sought the advice of the Bureau in joint research and planning of flood control for South Korean rivers.

Late in 1950, two of the Bureau's experts were invited by India to serve on the Assam Committee, which investigated the flood damage caused by the Brahmaputra in Assam, following the earthquake. Recommendations made by the Committee are to be implemented by the authorities concerned.

The Bureau has also helped various countries of the region in recruiting technical personnel for flood control and allied works during the year.

At its sixth session (E/1710), ECAFE approved the Bureau's work programme and priorities for the remainder of 1950 and for 1951.

d. ECONOMIC SURVEY OF ASIA AND THE FAR EAST, 1949

The Economic Survey of Asia and the Far East¹⁰⁷ was published in June 1950. Part I deals with economic developments in the ECAFE region during the year and Part II is devoted to the factors and problems underlying the post-war economic development of the region.

The Survey reported that the year 1949 may have marked the end of the first phase of slow and painful post-war recovery, and that, in the light of changes in the year, the economic situation of ECAFE countries might be considered encouraging. Mineral and industrial production had improved. So also had transport and, to a lesser degree, agricultural production. Inflationary pressures had been arrested and, in some countries, the measures taken had produced deflationary conditions, if not actual deflation. As a result of the reversal of the recession in the United States, exports of the region had recovered both in quantity and price. Devaluation of most currencies of the region, following the devaluation of the pound sterling, exerted a favourable influence, although it was too early to trace the full effects.

¹⁰⁷ U.N.P., Sales No. 1950.II.F.1.

However, against the over-all improvement, the most disquieting feature of the post-war economic conditions in the region still persisted, namely, the low level, both relative and absolute, of agricultural output. Food was still the basic need of Asia and the Far East, one of the poorest nutritional areas in the world, and the post-war years had witnessed a serious decline in the region's position as a producer and supplier of foodstuffs, as well as of fibres.

According to preliminary reports, agricultural production had increased 2 per cent as compared with 1948, which was, however, still 8 per cent below pre-war production.

Marked improvement was noted in industrial and mineral production despite a decline in most categories in China and a fall in textile production in India. In electric power, coal, iron and steel production rose 8 to 9 per cent over 1948.

Transport showed an improvement over the pre-war position, but this was due more to greater exploitation of existing resources than to increased supplies. The strain on transport systems continued. Air transport expanded more rapidly than in previous years, but the prospects of further expansion were not very favourable.

The year 1949 registered a further advance over 1948 in international trade. Excluding China, Nepal and the British Borneo territories, the total value of trade of the ECAFE region was 6 per cent above that of 1948. A significant change in the composition of the region's trade in 1949 was the increase in imports of machinery from Japan by about ten times, from the United States by 11 per cent and from the United Kingdom by 13 per cent, as compared with 1948.

Large increases in the import surpluses of ECAFE countries in the first half of 1949 contributed to the success in curbing inflation. However, they had led to a serious drain on foreign exchange holdings. Contributing to the increase in the balance of payments deficit of the ECAFE region, was a marked increase in dollar deficits, to which India, among the sterling area countries, and the Philippines, among the non-sterling countries, contributed the major share. Various measures were taken in 1949 to relieve the dollar deficits, principally by devaluation, and by export, import and exchange controls. But in view of the limited effectiveness of measures so far taken, continuance of external aid seemed to be necessary.

The current financial resources of the countries of the region were being stretched nearly to their limit. Aspirations for development and for social welfare were much in evidence. Plans for economic

development, which had been somewhat unrealistic in the past, had been reviewed by most countries in 1949, and great interest was being shown in the United Nations expanded programme of technical assistance and in the United States programme of aid.

Without external aid, the Survey discounted the possibility of increasing agricultural and industrial production and employment opportunities more rapidly than the continuous increase of population, which exceeded a rate of 1 per cent per year.

In the latter half of 1950, a quarterly Economic Bulletin for Asia and the Far East was started. Three issues were published covering the first, second and third quarters of 1950, respectively. The Bulletin is designed primarily to give up-to-date information on economic developments in the region and Japan in the intervals between publication of the annual Economic Surveys. It contains reviews of the more important developments during the quarter in the fields of agricultural and industrial production, trade, finance, and price movements, and articles on economic problems of the region. It also contains a comprehensive statistical section, "Asian Economic Statistics", including series on production, transport, trade, finance and prices.

Preparatory work was started in connexion with the first Regional Conference of Statisticians, to be convened pursuant to a resolution of the fifth session. Documents were prepared on problems of availability and utilization of trade statistics, customs statistical procedure, estimation of balance of payments, and statistical organization of countries of Asia and the Far East.

e. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL

(1) Action taken at the Council's Tenth Session

At its tenth session in February-March 1950, the Council considered a report (E/1578) by the Secretary-General on action arising out of certain resolutions adopted by the Commission at its fifth session (E/1710). These resolutions, the Secretary-General stated, might be regarded by the Council as necessitating action at its tenth session and would require additional resources if they were to be undertaken in 1950.

The Council considered the question at the 81st and 82nd meetings of its Economic Committee on 9 February and at its 349th plenary meeting on 13 February 1950.

The debate concentrated on the Commission's resolutions on inland transport, technical assis-

tance, date and place of the next session of ECAFE, and the financial implications of these resolutions. The Council also considered the Commission's resolution on implementation of Commission recommendations.

The Commission's resolution on inland transport had endorsed, in general, the intensive programme with regard to railways, roads and inland waterways outlined by the Conference of Inland Transport Experts held in October 1949 (E/CN.11/204), and had proposed that an ad hoc Committee of Experts on Inland Transport should review the results of studies undertaken in the meantime and recommend further intra-regional measures of co-operation. Some representatives, among them those of Brazil, Chile, China and India, were of the opinion that inland transport problems were of considerable importance in the region, and that the Commission's resolution on this subject should be given urgent attention; the secretariat, they held, should especially be authorized to start proposed activities as soon as possible. Other representatives, including those of Australia, the United Kingdom and the United States, while recognizing the urgent character of the problem, did not consider it necessary to request additional appropriations for the current year, and thought it proper that the matter should be considered at the time of the preparation of the 1951 budget estimates.

In its resolution on technical assistance, the Commission had urged its members to make full use of the technical assistance available under General Assembly resolution 200(III) and under the Expanded Programme. It asked the Council to consider ways in which ECAFE could participate in specific aspects of the programme. It also recommended that technical assistance under resolution 200(III) should be extended to certain associate members of ECAFE.

During the Council's discussion of this resolution, some representatives, including those of Canada and the United States, expressed their appreciation of the action of ECAFE in requesting the guidance of the Council concerning the role it should play in this field. Some representatives, including those of Brazil and India, noted with satisfaction the policy of the Secretary-General, as expressed in his third report on activities under General Assembly resolution 200(III) (E/1576), namely, that the secretariats of the regional economic commissions should play a full and active role in the development of the technical assistance programme and should have an important part in

stimulating and developing its implementation. Several representatives, including those of Brazil, India, the United Kingdom and the United States, expressed the view that every advantage should be taken of the expert knowledge and experience in the field of economic development acquired by the secretariats of the regional economic commissions through their normal activities in their areas of operation. It was felt, however, by some representatives, including those of Australia, France, Pakistan, the United Kingdom and the United States, that it would be advantageous for the work to be centralized, at the outset at any rate, in the secretariat of the United Nations at Headquarters. The representative of the United States stated that the regional commissions, which were composed of Government representatives meeting only once or twice a year to consider specific problems, should not act as operating groups and should not determine the technical assistance to be granted to individual countries. The representatives of Peru, the United Kingdom and Pakistan stressed the importance of promoting trade relations between Asia and the Far East and other parts of the world.

A major issue concerned the availability of technical assistance for non-member countries which are associate members of ECAFE. Some representatives, including those of Brazil, Chile and India expressed themselves strongly in favour of the ECAFE recommendations, and a motion was put forward by the representative from Chile (E/AC.6/L.1 & Corr.1) recommending adoption by the General Assembly of a draft resolution which would amend General Assembly resolution 200(III) by including non-member countries which are responsible for their international relations and which participate as associate members in the work of any of the regional economic commissions of the United Nations, but are not now eligible to request technical assistance under that resolution. The representatives of Australia, Peru, the United Kingdom and the United States considered that an amendment of resolution 200(III) would raise several complicated policy issues and thought that the matter should be deferred. An Australian oral proposal, to defer consideration of the question to the eleventh session, was adopted at the 82nd meeting of the Economic Committee, by 9 votes to 3, with 3 abstentions. It was, however, pointed out during the discussion that non-member countries would be eligible to request technical assistance under the expanded programme, by joining any one of the participating specialized agencies.

As to the resolution of implementation of Commission recommendations, it was generally considered that any action by ECAFE should conform with the recommendations contained in the report to the Council of the Ad Hoc Committee on Implementation of Recommendations on Economic and Social Matters (E/1585); that unnecessary duplication in requesting Governments for information in respect of implementation of recommendations should be avoided, and that the matter should be watched in direct collaboration between Headquarters and regional secretariats. Many members of the Council expressed the opinion that all inquiries of a general character should be undertaken by the Council itself.

As the question of an additional appropriation resulted from the fact that regular sessions of the Commission used to meet at the time of or after sessions of the General Assembly, the Council paid special attention to the calendar of Commission sessions. At its fifth session ECAFE had resolved "to convene its sixth session at any time between 15 October and 15 November 1950, and to meet as a Committee of the Whole in May 1950 in Bangkok for the sole purpose of considering and adopting a report for the Economic and Social Council". During the debate, members of the Council agreed that in the future ECAFE should avoid requests for funds other than as provided for in the regular budget, and that the calendar of meetings should be adjusted so that the annual sessions would be held in the early part of the year, and the financial implications of its resolutions could be incorporated in the regular annual budget.

The Economic Committee, at its 82nd meeting, unanimously adopted two resolutions proposed by India (E/AC.6/L.2), after the first had been amended to meet points raised by Council members, and one resolution proposed by the United States (E/AC.6/L.4). The three resolutions were unanimously adopted by the Council at its 349th plenary meeting on 13 February, without further discussion (resolution 270 A, B, C (X)).

In resolution 270 A (X), the Council took note of the report by the Secretary-General; considered it important that the proposed expansion of activities in the field of inland transport and technical assistance be started without delay; and recommended that the necessary funds be allocated for the purpose of implementing the Commission's 1950 programme of high priority work should the 1950 budget prove inadequate. In resolution 270 B (X) the Council asked the Secretary-General to send to the Commission the records of its discussions on implementation of recommendations.¹⁰⁸ It called the Commission's attention to the arrangements adopted for the review of implementation, and it asked the Secretary-General to take all possible steps to avoid

duplication in requesting information from Governments on implementation. The Council also recommended (270 C (X)) that the Commission hold a session of a Committee of the Whole in a plenary session at Bangkok in May 1950 and a plenary session at Lahore in January 1951.

(2) Action Taken at the Council's Eleventh Session

At its eleventh session, the Council had before it the annual report of ECAFE (E/1710 & Add.2) covering the period from 6 April to 20 May 1950. The report also included an account of the proceedings and discussions of the fifth and sixth sessions of ECAFE, a statement assessing the work of the Commission and its secretariat, and a work programme for 1950-51 including an assignment of priorities to the proposed tasks. The Council also had before it a note by the Secretary-General of the financial implications involved (E/1710 & Add.1).

In the debate at the 402nd and 403rd plenary meetings on 8 August, members of the Council were unanimous in appreciating the considerable progress achieved by the Commission during the period under review. Several representatives emphasized that this progress was achieved by concentration of efforts on specific problems and avoidance of broad generalization, and was facilitated by the operations of several subsidiary bodies of the Commission established at an earlier stage of its activities. The methods of inquiry and study were generally commended, and the progress achieved in collecting statistical information on economies of the countries in the region on a comparable basis was fully appreciated.

The development of advisory services rendered by the secretariat to the Governments of members was fully discussed in the light of the Commission's report and various representatives, including those of Australia, Brazil, the United Kingdom and the United States, expressed the opinion that these services should be developed in the future. In this connexion, some delegations, including those of Brazil, Canada, Chile, France, India and the United States, emphasized that the ECAFE secretariat should co-operate fully with the Headquarters secretariat and with the specialized agencies in the execution of the technical assistance programme.

The desirability of intensifying the activities of the Commission in the field of trade expansion, along the lines proposed in the co-operative project of the Economic Commission for Europe and the Economic Commission for Latin America, was also pointed out.

¹⁰⁸ See pp. 668-72.

In connexion with the activities of the Bureau of Flood Control, several representatives, including those of Australia, Chile, India and the United States, considered that these activities should not be limited to flood control but should jointly deal with such problems as pure and industrial water supply, irrigation, drainage, etc., in order to secure co-ordinated river system development.

The Council discussed, in the light of the Economic Survey of Asia and the Far East, 1949, the economic conditions of this region where great and widespread poverty, aggravated by the war, continued. It was emphasized that there was but little chance to secure political security without

social and economic security. The need of the countries in the region for international and foreign assistance to improve standards of living of their people and encourage balanced economic development and industrialization was generally considered by members of the Council as a highly urgent problem.

Finally, in resolution 302 (XI), adopted unanimously, as proposed by the Commission, the Council took note of the annual report of the Commission and of its work programme and priorities, and recommended that the necessary funds be allocated for the purpose of implementing the Commission's 1951 programme of work.

I. HUMAN RIGHTS

1. Draft First International Covenant on Human Rights and Measures of Implementation
- a. CONSIDERATION AT THE SIXTH SESSION OF THE COMMISSION ON HUMAN RIGHTS

At its sixth session, held from 27 March to 19 May 1950, the Commission on Human Rights had before it comments and observations received from the Governments of Australia, Denmark, France, India, Israel, Netherlands, Norway, Philippines, USSR, United Kingdom, United States and Yugoslavia (E/CN.4/353 & Addenda) in answer to an invitation it had addressed to Member Governments at its fifth session¹⁰⁹ (a) to comment on the draft international Covenant, including proposals for additional articles and the proposals concerning measures of implementation, and (h) to reply to a questionnaire on implementation.

The Commission also had before it documentation referred to it by the General Assembly and the Council relating to trade union rights (E/CN.4/164 & Add.1; E/CN.4/156); the survey of forced labour and measures for its abolition (E/CN.4/157 & Add.1); and the draft Convention on Freedom of Information (E/CN.4/360 & Corr.1 & 2); the recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/351 & 358); proposals on measures of implementation made at the fifth session of the Commission (E/1371, Annex III); communications from the World Health Organization (E/CN.4/359); and the International Labour Office (E/CN.4/403); and a survey of the activities of bodies of the United Nations other than the Commission on Human Rights, and of the specialized agencies, in regard to matters within the scope of articles 22 to 27 (economic, social and cultural articles)¹¹⁰ of the Universal Declaration on Human Rights (E/CN.4/364 & Corr.1-3).

The session was attended by representatives of the Commission on the Status of Women, and of ILO, IRO, UNESCO, and WHO, as well as observers from non-governmental organizations having consultative relationship.

The Commission took as a basis for its work on the draft Covenant the text adopted at its fifth session (E/1371) and examined it article by article. It transmitted to the Council, without discussion, articles 24 and 25 of that text, which became articles 43 and 44 and concerned the federal and territorial application clauses. At the same time, it requested the Secretary-General to submit to the Council a report on these articles, dealing with the legal aspect of previous action taken by the United Nations and its specialized agencies in this connexion.

The Commission discussed the question of including in the draft Covenant additional articles on economic, social and cultural rights (E/1681, Annex III). Some representatives thought that such rights were a prerequisite for the enjoyment of other rights already drafted and that they should be included in the Covenant. The majority view was, however, that more detailed discussion was necessary than would be possible at the sixth session, and that this should include full consultation with the specialized agencies, especially with ILO and UNESCO. Two resolutions were adopted on the question.

In the first, the Commission stated that it considered that the draft Covenant relating to some of the fundamental rights of the individual and to certain essential civil freedoms was the first

¹⁰⁹ See Y.U.N., 1948-49, p. 539-

¹¹⁰ See Y.U.N., 1948-49, pp. 536-37.

of the series of covenants and measures to be adopted in order to cover the whole of the Universal Declaration of Human Rights, and decided to proceed at its next session with the consideration of additional covenants and measures dealing with economic, social, cultural, political, and other categories of human rights. It decided also to consider the additional articles proposed which had not been examined at the sixth session and the importance of which it fully recognized, together with any other articles which Governments might propose. It requested the Council to confirm this decision. It was agreed that, at the seventh session of the Commission, economic and social rights would be taken up first (E/1681, Annexes III, IV).

In the second resolution, the Commission stated its resolve to begin at once with the preparation of the execution of its programme of work for 1951 with a view to assuring to everyone the enjoyment of economic, social and cultural rights as set forth in articles 22 to 27 of the Universal Declaration. After taking note of the survey prepared by the Secretary-General regarding the activities of other bodies of the United Nations and of the specialized agencies in matters within the scope of these articles—and referring to the significance of measures already taken or planned by such bodies and by the specialized agencies, as well as the desirability of promoting and supplementing their activities—the Commission took note with gratitude of the readiness of ILO and UNESCO to assist in preparing the draft texts to be considered at its next session. It recommended to the Council that the latter should instruct the Secretary-General to take the necessary steps to secure similar co-operation from other United Nations organs and specialized agencies, and it requested him to submit to it, before its first session of 1951, the documents thus assembled, together with any others which he might deem useful (E/1681, Annex IV).

On the question of implementation (E/1681), the Commission decided unanimously that some machinery should be included in the draft Covenant. It was understood, however, that this did not prejudice the possibility of the submission of further measures of implementation, such as the possibility of petitions filed by individuals and non-governmental organizations, by members of the Commission for inclusion in a separate protocol to the Covenant. It decided that the measures of implementation to be included in this draft First Covenant should include provisions for the consideration of complaints by States, but rejected

a proposal for the consideration of complaints from non-governmental organizations and of petitions from individuals.

As regards the machinery of implementation the Commission decided in favour of the establishment of a permanent Human Rights Committee to be elected by the States parties to the Covenant. Its functions would be to ascertain the facts in cases of alleged violations brought to its attention by a State party to the Covenant, and to make available its good offices to the States concerned, with a view to a friendly solution of the matter on the basis of respect for human rights as defined in the Covenant. The Committee would, normally, be empowered to act only after available domestic remedies had been invoked and exhausted.

The Commission adopted a resolution stating that it considered it desirable that the Committee should be able to obtain advisory opinions from the International Court of Justice on questions of law arising in the course of its work. It asked the Secretary-General to report to the Council on how this might be arranged, in conformity with the United Nations Charter (E/1681).

It also submitted a draft resolution to the Council for consideration, with a view to its adoption by the General Assembly. The draft resolution would have the Assembly state that Member States of the United Nations had pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55 of the Charter, and in particular to encourage and promote "universal respect for, and observance of, human rights", and that the United Nations has subsequently proclaimed the Universal Declaration of Human Rights, and request the Council to instruct the Commission on Human Rights to draw up, subject to the approval of the Council, a scheme providing for the compilation of annual reports by States in conjunction with the publication of the Yearbook on Human Rights. The draft resolution would have the Assembly recommend Member States to agree to act in the spirit of the scheme by forwarding annually to the Secretary-General, in particular with a view to the preparation of the Yearbook, a report on the manner in which they have promoted respect for, and the progress of, human rights in the course of the preceding year (E/1681, Annexes IV, V).

The Commission completed its work on the draft Covenant after a second reading of all the articles, including the measures of implementation.

It decided to submit to the Council for consideration at its eleventh session the draft First Covenant on Human Rights with the draft measures of implementation, together with the summary records of the 198th and 199th meetings of the Commission.

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

The Economic and Social Council considered the report of the sixth session of the Commission on Human Rights (E/1681 & Corr.1 & Add.1) at its eleventh session. Those parts of the report dealing with the draft covenant and measures of implementation were discussed at the 139th to 155th and 157th meetings of the Social Committee from 17-31 July and at the 377th, 379th and 404th plenary meetings on 4-5 July and 9 August 1950. The Council decided, at its 379th plenary meeting on 5 July, by 8 votes to 6, with one abstention, to examine the draft covenant in its broad aspects with a view to its transmission, together with the relevant summary records and documentation, to the General Assembly for consideration. It was agreed that the report as a whole should be submitted to the Social Committee.

In addition to the report of the Commission on Human Rights, the Council had before it two reports which the Commission had requested the Secretary-General to submit it. The first, the report on the federal and colonial clauses (E/1721 & Corr.1), dealt with the discussions and decisions taken in United Nations bodies and specialized agencies and the actual texts used in various conventions. The second, the report on the means by which the proposed Human Rights Committee might be able to obtain advisory opinions from the International Court of Justice (E/1732), dealt with the question of whether the "Human Rights Committee" could be authorized to request such opinions, either directly or through the intermediary of a United Nations organ.

The Council also had before it:

Certain observations by the Secretary-General on the first international Covenant on Human Rights (E/L.68), which contained comments made by members of the Commission included in the Commission's report (E/1681); a report by the Director-General of UNESCO on regulations concerning economic and social rights in the Covenant (E/1752) and statements by the following non-governmental organizations in consultative status—the International League for the Rights of Man (E/C.2/254/Add.1 & E/C.2/276), the World Jewish Congress (E/C.2/259) and the Pax Romana International Catholic Movement for Intellectual and Cultural Affairs (E/C.2/268).

(1) Discussion in the Council on the Draft Covenant

The Social Committee agreed to a full discussion under the following main headings: (1) the general substance of the first eighteen articles; (2) the problem of implementation; (3) the inclusion of clauses dealing with the application of the covenant to federal and colonial territories; and (4) general observations and specific articles.

(a) THE GENERAL SUBSTANCE OF THE FIRST EIGHTEEN ARTICLES

When the Committee discussed the general substance of the first eighteen articles, the view was expressed by some representatives, among them those of China, France, Pakistan and the United States, that the draft Covenant had already become an adequate framework on which to conduct further study, though there was some difference of opinion on how this could best be achieved (see below). The representatives of Belgium and China, among others, said that the draft Covenant failed to protect certain rights which they regarded as important and that these omissions should be corrected. Though it was generally felt that there was a lack of precision in the definition of the rights formulated in the covenant and some representatives, including those of Belgium, Canada and the United Kingdom, expressed their dissatisfaction both with its form and substance; others including the representatives of France and India, emphasized that the Commission, in drafting the covenant, had felt that the text should be at once sufficiently conservative to command ratifications from the largest number of States and sufficiently progressive to promote human rights without delay and to leave no loopholes.

(b) THE PROBLEM OF IMPLEMENTATION

Discussion by the Committee on articles 19-38 of the draft Covenant (the articles relating to measures of implementation) centred in the question of who should have the rights to lay complaints before the proposed Human Rights Committee. Unanimity appeared to have been reached on the principles that States parties to the covenant should have that right. There seemed to be a majority feeling that, in the current state of international atmosphere and organization, it would not be practical to confer the right of petition on individuals, though some members felt that this matter should be considered further, especially with regard to the possibility of allowing complaints from certain restricted non-governmental organizations.

During the discussion, members of the Committee stated what they considered to be the defects of the articles relating to measures of implementation. For example, the representative of France called attention to the danger that the election of members to the Human Rights Committee might assume a political character and the representative of Belgium observed that the provision of article 39, under which an individual was obliged to exhaust all means of remedy in his own country, would involve the individual in much loss of time and money.

(c) THE INCLUSION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

While representatives generally were agreed on the need for promoting the observance of fundamental economic and social rights, their inclusion in the Covenant was considered premature by a number of representatives, including those of Denmark, India, Pakistan, United Kingdom and the United States. These representatives felt that, although the inclusion of the articles was desirable, the difficulties of their incorporation at that time were great. On the other hand, the immediate or subsequent incorporation of such articles was advocated by seven representatives (those of Australia, Belgium, Brazil, Chile, France, Mexico and Peru). The representatives of Chile, France and Mexico said that the omission of certain fundamental rights in the draft covenant would constitute a failure to affirm and recognize these rights. Though there was support for this view, it was felt by some representatives that a detailed listing of such rights was not necessary but that certain general principles relating to them should be included.

(d) THE INCLUSION OF FEDERAL AND COLONIAL CLAUSES

Discussion in the Social Committee on the desirability of including clauses defining the application of the Covenant to federal States and colonial powers centred on the difficulties experienced by Governments facing such problems in becoming parties to international obligations.

Support for the inclusion of a federal State article was given in the Committee by the representatives of Australia, Canada and the United States. It was stressed by the representatives of Denmark, India and Pakistan, on the other hand, that if such a clause were included it should not provide an opportunity for any States with federal constitutions to evade their international obligations. Two further points of view were expressed: first (by the representative of India),

that the failure to include such a clause might delay ratification of the draft Covenant by some federal States and thus their peoples might be deprived of all protection of the covenant; and second (by the representative of Pakistan), that it should be possible for any federal Governments to consult their constituent parts.

The inclusion of a colonial clause in the draft Covenant was opposed in the Committee by the representatives of Chile, China, India, Mexico and Peru, mainly on the ground that it would allow the possibility of discrimination, without the colonial people having any vote in the matter. Among those who urged the inclusion of such a clause, on the other hand, were the representatives of Australia, Belgium, Canada, Denmark, France, Iran and the United Kingdom. It was suggested by the United States representative that it might be preferable to describe the clause as a "territorial" clause rather than as a "colonial" clause. This might help to remove some of the stigma attaching to a colonial clause and would also imply a recognition of the different degrees of self-government reached by the territories in question and the different types of territories covered, such as the Trust Territories. The representative of Belgium, referring to the varying levels of development reached by the populations of Non-Self-Governing Territories, observed that this should be taken into account in drafting such a clause.

(e) GENERAL OBSERVATIONS AND SPECIFIC ARTICLES

Apart from views expressed on particular aspects of the draft Covenant (see above), a number of representatives made general observations and referred to the text of individual articles. In the Social Committee, the representatives of Australia, Belgium, Brazil, Denmark, France, India, Pakistan, United Kingdom and the United States criticized the text of the draft Covenant as being too vague in its definitions. Several representatives pointed out that the Commission had not had time for the completion of a difficult and complex task. Some, including those of Australia and Belgium, indicated that they would urge that the draft Covenant should be returned to the Commission for further study, while others, including those of Chile, China, France, Mexico, Pakistan and the United States, felt that it should be sent to the General Assembly for consideration. The representatives of India and the United States expressed the view that the Commission had already achieved much on an important document and warned against undue haste. The representatives of France and Mexico felt that the draft Covenant

should be circulated to Member Governments for their comments. These two views were incorporated in two draft resolutions which later came before the Committee.

(2) Draft Resolutions before the Council

The first (E/AC.7/L.50 & Add.1), submitted by the representative of France, would refer the Covenant to the Commission to review the first eighteen articles in the light of the Council's discussion; to revise other articles in the light of this discussion; to consider the desirability of including federal and colonial clauses; and to consider further the question of economic and social rights. Further, the draft resolution would have the Commission report back to the Council on these matters at the thirteenth session of the Council. The Council would then submit to the sixth session of the General Assembly proposals to facilitate the adoption by the General Assembly of final texts.

The second draft resolution (E/AC.7/L.51), proposed jointly by Chile, Peru and the United States, sought to refer the question to the General Assembly on the ground that certain basic policy decisions with regard to the content of the draft covenant should be made by all Members of the United Nations; only in such a way could the covenant be completed. The discussion that followed showed that there was a division of opinion on whether the draft Covenant should be referred to the Commission or to the General Assembly; a drafting committee was then set up, in an attempt to reduce the alternatives before the Committee.

(3) Resolution Adopted by the Council

The proposals of the drafting committee (E/AC.7/L.58) were discussed at the 157th meeting of the Social Committee on 31 July 1950, and after a series of votes on paragraphs of the draft resolution and the alternatives it offered, the resolution as a whole was adopted by 11 votes to 2, with 2 abstentions.

The resolution proposed by the Committee was adopted as a whole by the Council (303 I (XI)), at its 404th plenary meeting on 9 August 1950, by 11 votes to none with 4 abstentions. In this resolution, the Council concluded that further progress on the Covenant could not be made without basic policy decisions being taken by the General Assembly on the following matters:

- (1) the general adequacy of the first eighteen articles;
- (2) the desirability of including special articles on the application of the covenant to federal States and to Non-Self-Governing and Trust Territories;

- (3) the desirability of including articles on economic, social and cultural rights;

- (4) the adequacy of the articles relating to implementation.

The Council also transmitted the draft Covenant, together with records of its discussions, to the General Assembly at its fifth session with a view to reaching policy decisions on these matters and asked the Commission on Human Rights to reconsider the draft Covenant—bearing in mind the directives of the General Assembly and the views expressed by the Council—and to submit a revised draft at the Council's thirteenth session. It also asked the Secretary-General to transmit the Council's resolution, together with records of its debate, to Member States with a view to obtaining their observations after the fifth session of the General Assembly for transmission to the Commission on Human Rights.

(4) Other Questions Relating to the Draft Covenant

(a) CONSIDERATION OF ADDITIONAL COVENANTS

The Commission on Human Rights also sought the Council's approval of its decision, taken at its sixth session (E/1681), to proceed at its seventh session with the consideration of additional covenants and measures dealing with economic, social, cultural, political and other categories of human rights, and consider additional proposed articles included in its report of its sixth session, together with any other articles which might be further proposed by Governments. After support for the Commission's decisions had been voiced by the representatives of Chile, Denmark, France, India, Pakistan and the United States, the Committee, at its 140th meeting on 18 July, and the Council, without discussion, at its 404th plenary meeting on 9 August 1950, adopted resolution (303 C (XI)), by 14 votes to none, with 1 abstention, approving these decisions.

(b) COLLABORATION WITH SPECIALIZED AGENCIES AND OTHER UNITED NATIONS ORGANS

The Committee, at its 141st meeting on 18 July and the Council, without discussion, at its 404th plenary meeting, unanimously adopted (resolution 303 D (XI)) the amended text of a draft resolution submitted by Belgium (E/AC.7/L.46) which outlined procedure for studies and collaboration with ILO and UNESCO, and other organs of the United Nations and specialized agencies on the subject of economic, social and cultural rights. The Committee heard statements on co-operation from representatives of ILO and UNESCO at its 140th and 141st meetings respectively.

(c) ANNUAL REPORTS TO BE SUBMITTED BY STATES

The Commission on Human Rights recommended (E/1681) that the Council ask the General Assembly to authorize the preparation by the Commission of a scheme providing for annual reports to be submitted by States in conjunction with the publication of the Yearbook on Human Rights. It also asked that the General Assembly recommend that Member States agree to act in the spirit of the scheme by reporting annually, in particular with a view to the preparation of the Yearbook, a report on the manner in which they had promoted respect for human rights in the preceding year.

During the discussion in the Committee several representatives, including those of Canada, Denmark and the United States, expressed the view that the draft resolution should be referred back to the Commission for further consideration; other representatives, among them those of China, France and India, felt that though they agreed with the principle embodied in the draft resolution, they were not satisfied with the form of the resolution itself, which had changed from the original proposal made in the Commission. It was also felt by certain representatives (including those of the United Kingdom and the United States) that progress in the promotion of human rights would best be shown by legislation adopted and judicial decisions protecting human rights which would be amply reported in the Yearbook on Human Rights. At its 143rd meeting on 19 July, the Committee adopted a resolution submitted orally by the representative of Denmark, which proposed that the draft resolution submitted by the Commission be returned for further consideration, together with the records of the discussions in the Council. This draft resolution (E/1808) was unanimously adopted by the Council, without discussion, at its 404th plenary meeting, as resolution 303 E (XI).

**c. CONSIDERATION BY THE
GENERAL ASSEMBLY**

At the fifth session of the General Assembly the question of the draft Covenant and measures of implementation was considered by the Third Committee at its 287th to 316th and 318th meetings, from 18 October-1 November, and at the 317th plenary meeting, on 4 December 1950.

(1) Discussion in the Third Committee

The Committee examined each of the four questions referred by the Council for policy de-

cisions: (1) the general adequacy of the first eighteen articles; (2) the desirability of including special articles on the application of the covenant to federal States and to Non-Self-Governing and Trust Territories; (3) the desirability of including special articles on economic, social and cultural rights; and (4) the adequacy of the articles relating to implementation.

**(a) THE GENERAL ADEQUACY OF THE FIRST
EIGHTEEN ARTICLES**

In considering this question the Committee discussed two major questions put before it by the Secretary-General (A/C.3/534): (a) whether the catalogue contained in the first eighteen articles of rights to be provided for in the Covenant was adequate, and (b) whether the existing articles as drafted were adequate to protect the rights to which they related.

Some representatives, including those of the Byelorussian SSR, Czechoslovakia, India, Iraq, Poland, Saudi Arabia, Turkey, the USSR and Yemen, considered that there were important omissions from the catalogue of rights which should be corrected. Others, among them the representatives of Afghanistan, Brazil, Canada, Chile, Egypt, El Salvador, Ethiopia, France, Lebanon, the Netherlands, the United Kingdom, the United States, Uruguay and Yugoslavia, felt, generally speaking, that the scope of the first eighteen articles was adequate although reservations were made on the form of the articles and certain amendments were suggested. Representatives expressed differing points of view as to the adequacy of the definitions and limitations contained in individual draft articles and cited particular provisions which, in their view, should either be deleted, added to or changed, but were, on the whole, agreed that the articles needed revision.

(b) FEDERAL AND COLONIAL ARTICLES

The Committee decided to deal separately with the question of the application of the Covenant to federal States on the one hand and to Non-Self-Governing and Trust Territories on the other.

During the discussion on the federal clause, it was pointed out that in certain federal States not all matters relating to human rights were within the jurisdiction of the federal Power, but were the concern of State, provincial or cantonal authorities. It was explained that it was the purpose of the federal clause to enable federal Governments to accept obligations concerning those matters which were within their jurisdiction and

to recommend favourably to the State, provincial or cantonal authorities those which fell within their jurisdiction. Support for the inclusion of a federal clause was given during the discussion by the representatives of Australia, Brazil, Canada, France, Greece, the Netherlands, New Zealand, the United Kingdom and the United States, among others. Opposition was voiced by, among others, the representatives of the Byelorussian SSR, Colombia, Cuba, Czechoslovakia, Denmark, the Dominican Republic, India, Iraq, Mexico, Pakistan, Poland, the Ukrainian SSR and Uruguay. Some of the representatives opposing the inclusion of the article declared that its acceptance would have the same effect as a reservation and would provide an escape clause, which would mean, in effect, that different States parties to the covenant would undertake different obligations. To meet this objection, it was suggested by the representatives of India, Lebanon, Norway, Turkey and Yugoslavia that if a federal clause were adopted, it should contain certain guarantees. The representatives of China and Egypt expressed the view that federal authorities should be able to ensure the acceptance by their constituent parts of obligations undertaken by the federal Power. The representative of Pakistan suggested that the objection raised by federal States could be met by their reaching prior agreement with the constituent units.

The inclusion in the Covenant of a special clause to provide for its application to Non-Self-Governing and Trust Territories was favoured by Australia, Belgium, Brazil, Canada, France, Greece, New Zealand, the United Kingdom and the United States. In support of this view, it was advanced that some Non-Self-Governing Territories had reached a stage in their development toward self-government which placed them in a position to enact, through their own autonomous organs, the laws covering those matters dealt with in the draft Covenant, and that the metropolitan Powers could not therefore automatically adhere to the Covenant on behalf of such territories under their administration without consulting these legislative organs. The majority of the Committee, however, were in favour of the principle of the universal application of the Covenant and doubted whether such territories really exercised the powers to which reference was made. Members holding this view included: the Byelorussian SSR, Chile, China, Cuba, Czechoslovakia, Egypt, Ethiopia, India, Indonesia, Iraq, Mexico, Pakistan, the Philippines, Poland, Saudi Arabia, Syria, the Ukrainian SSR, the USSR and Yugoslavia.

(c) ARTICLES ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

When the Committee took up the question, almost all participants in the debate were in favour of international instruments, to be adopted under the auspices of the United Nations, defining and guaranteeing such rights. There was some difference of opinion, however, on the feasibility of including articles on these rights in the existing draft Covenant. Some representatives felt that the incorporation at that time might delay the drafting and coming into effect of the covenant; others felt that it would be desirable to incorporate such articles in a separate covenant as the nature of these rights and their implementation posed special problems, and that their inclusion should be considered later. Among representatives who spoke against the immediate inclusion of economic, social and cultural rights in the draft covenant were those of Canada, Denmark, the Dominican Republic, France, Greece, Israel, the Netherlands, New Zealand, the United Kingdom and the United States. Among those who urged that such articles were an essential part of human rights and should be incorporated in the Covenant were the representatives of Afghanistan, Argentina, Belgium, Brazil, the Byelorussian SSR, Chile, Cuba, Czechoslovakia, Egypt, India, Iran, Iraq, Mexico, Poland, Saudi Arabia, Syria, the USSR and Yugoslavia.

Many speakers emphasized the necessity of the United Nations being assisted in this task by the specialized agencies. The Committee, in this connexion, heard statements by representatives of ILO and UNESCO.

(d) ADEQUACY OF THE ARTICLES RELATING TO IMPLEMENTATION

When this question was discussed in the Committee, several representatives, among them those of Brazil, Chile, the Netherlands, Turkey and the United States, expressed the view that the articles were generally adequate, though certain drafting changes might be necessary. The opposite view, however, was expressed by the representatives of Ethiopia, the USSR and Uruguay, among others. There was some divergence of opinion, also, on whether an implementation system restricted to State-to-State complaints was satisfactory: some representatives, including those of Brazil, India, the Netherlands, Sweden, Syria and Uruguay, held that complaints from individuals in respect of the violation of human rights should also be considered, and the representatives of Chile and Israel thought that petitions might also be entertained from certain non-governmental organiza-

tions contributing to the work of the United Nations. It was suggested by the representative of the United States, among others, that provisions on the admissibility and handling of petitions should be included in a separate protocol. Some favoured machinery which could be linked with the United Nations and not be based on a group of States. As regards the proposed Human Rights Committee, it was suggested that it should submit annual reports on its work to the General Assembly and that provision should be made for the Committee to have recourse to the International Court of Justice for advisory opinions.

(e) **DRAFT RESOLUTIONS BEFORE THE COMMITTEE**

At the conclusion of the debate on the above four questions, the Third Committee had before it one draft resolution dealing with the territorial application clause: a draft resolution by the Philippines and Syria (A/C.3/L.71/Rev.1), according to which the provisions of the Covenant would extend or be applicable to a signatory metropolitan State as well as to all the territories administered or governed by it, whether Non-Self-Governing, Trust or Colonial Territories.

The Committee also had before it two general draft resolutions on the matters on which the Commission on Human Rights and the Economic and Social Council had asked for guidance: one submitted jointly by Brazil, Turkey and the United States (A/C.3/L.76), to which amendments were suggested by Ethiopia and France, jointly (A/C.3/L.78), by France (A/C.3/L.82) and by Greece and New Zealand, jointly, (A/C.3/L.83), and one submitted by the USSR (A/C.3/L.77/Rev.1).

The joint draft resolution would state that the General Assembly, commending the Commission on Human Rights for the important work it had so far accomplished, called upon the Economic and Social Council to request the Commission:

- (a) to continue to give priority in its work to the completion of the draft Covenant and measures of implementation so that the General Assembly, at its sixth session, might have before it the revised draft of this Covenant;
- (b) to take into consideration in its revision the views expressed in the General Assembly at its fifth session and the Economic and Social Council at its eleventh session;
- (c) to study the federal State article and to prepare, for consideration by the General Assembly at its sixth session recommendations designed to meet the constitutional problems of federal States;
- (d) to study the article dealing with the territorial application of the draft Covenant and to make similar recommendations on this matter;
- (e) to proceed with the consideration of additional instruments and measures dealing with economic, social,

cultural and other human rights not included in the draft Covenant, taking into account the work of other organs of the United Nations and of specialized agencies in this connexion;

(f) to take steps necessary for the co-operation of these bodies in considering such rights;

(g) to proceed with consideration of separate protocols for the examination of petitions from individuals and organizations with respect to alleged violations of the Covenant;

(h) to report to the thirteenth session of the Economic and Social Council on these matters. Under the joint draft resolution the Secretary-General would be requested to invite Member States to submit their views by 15 February 1951 concerning the draft Covenant, as revised by the Commission at its sixth session.

The joint Ethiopian-French amendment proposed to insert a provision to the effect that preparation should be made for the establishment of an implementation body which, by its very composition, would offer all possible guarantees of independence and competence and be responsible, in accordance with precise terms of reference, for examining all charges of violations of the Covenant.

The French amendment would add to the draft a request to the Economic and Social Council to give consideration at its twelfth session to the methods by which the specialized agencies might assist the work of the Commission on Human Rights with regard to economic, social and cultural rights.

The joint Greek-New Zealand amendment would add a request to the Commission on Human Rights to proceed with the consideration of additional instruments and measures dealing with economic, social, cultural and other human rights not included in the First International Covenant on Human Rights, only after the completion of work on the First International Covenant.

The USSR draft resolution would state in the preamble that the first eighteen articles of the draft Covenant did not correspond to the aims envisaged either in the rights enumerated or in the guarantees provided; that the Covenant omitted a number of essential provisions; that it was essential that provisions should be included rendering it obligatory for States to take the necessary steps, including legislation, to guarantee to everyone a real opportunity of enjoying the rights and freedoms provided; that it should be recognized that the implementation of the Covenant fell entirely within the domestic jurisdiction of States. In its operative part, the draft resolution recommended: that the Commission on Human Rights should be instructed to include in the draft Covenant additional provisions covering the right to participate in the government of one's

country, the right to national self-determination, the protection of minorities, the right to freedom of expression, the prohibition of propaganda on behalf of Fascist or Nazi views, the prohibition of incitement to hatred among peoples as well as the prohibition of racial discrimination and the dissemination of slanderous rumours. The proposal also contained a comprehensive list of economic, social and cultural rights suggested for inclusion in the Covenant.

In addition, various draft resolutions before the Committee were concerned with particular aspects of the question.

Two draft resolutions dealt with the adequacy of the first eighteen articles:

(1) Yugoslav draft resolution (A/C.3/L.79), which would state that certain basic rights had been omitted from the first eighteen articles and that in their present form they were not adequate to protect the rights to which they referred. The draft resolution also proposed to add to the Covenant the right to universal and equal suffrage, the right of everyone to participate in the administration of his country, the right of every member of a minority to use his own language and develop his culture, and the right of asylum. It would state that the purposes and principles of the United Nations Charter should be logically implemented and properly protected against the abuse of certain rights and that fundamental human rights and freedoms should be based on general principles of the rights acquired by mankind in efforts to promote human welfare and democratic relations between human beings.

(2) Egyptian draft resolution (A/C.3/L.75/Rev.1), which would recommend to the Commission on Human Rights the deletion from the draft Covenant of the right of freedom to change one's religion or belief. The resolution would also add to the list of limitations in the article dealing with freedom of expression (those safeguards necessary for the protection of national security, public order, safety, health or morals, or of the rights, freedoms or reputations of others), the maintenance of peace and friendly relations between States.

One draft resolution, submitted by Yugoslavia (A/C.3/L.80), dealt specifically with economic, social and cultural rights. It proposed that the Assembly decide to include economic, social and cultural rights in the Covenant and invite the Commission on Human Rights to incorporate in the Covenant, in the spirit of the Universal Declaration, a clearly worded provision for such rights, corresponding to the provisions guaranteeing civic and political freedoms.

Three draft resolutions dealt with implementation:

(1) By Uruguay (A/C.3/L.74 & Add.1), which would have the General Assembly recommend that the Commission on Human Rights, in revising the draft articles on implementation, should take into account the proposal for the creation of a permanent agency of the United Nations, to be known as an Attorney-General or High Commissioner for Human Rights.

This agency would initiate proceedings before a standing committee upon receipt of complaints concerning non-observance from Governments parties to the Covenant, individuals or groups of individuals; would act as official plaintiff in these proceedings; would be responsible for the general supervision of the observance of the covenant by signatory States; would have power to make investigations ex officio; and would attempt to secure an amicable settlement before referring the case to the implementation body.

(2) By Chile (A/C.3/L.81), which would have the Assembly recommend that the Economic and Social Council give consideration to the inclusion in the Covenant of a new article or paragraph to the effect that not only a State party to the Covenant might have access to the contemplated Human Rights Committee, but that the right of access to the Committee might also be exercised by non-governmental organizations duly recognized by the United Nations.

(3) By Israel (A/C.3/L.84), which would recommend that the Commission on Human Rights insert in the provisions dealing with implementation, additional provisions to the effect: (a) that the right to bring cases of non-compliance with the provisions of the Covenant to the attention of the Human Rights Committee should be limited to such non-governmental organizations enjoying consultative status as would be included in a list drawn up for this purpose by the Secretary-General in conjunction with the Chairman of the Human Rights Committee; (b) that the Human Rights Committee might (by a majority decision of the members present) be seized of cases of non-compliance with the provisions of the Covenant by parties thereto on its own motion when the facts before the Committee appeared in its view to warrant such consideration; (c) that in urgent cases, the Human Rights Committee might recommend to the State or States concerned the adoption of measures designed to give immediate effect to the provisions of the Covenant and that it should have the right to suggest to the States concerned such remedies as it deemed advisable.

The Committee dealt first with the joint draft resolution submitted by the Philippines and Syria (A/C.3/L.71/Rev.1), which sought to extend the application of the Covenant to all territories, whether Non-Self-Governing, Trust or Colonial Territories, of a metropolitan State signatory to the Covenant. Support for the joint draft resolution was expressed by the representatives of Afghanistan, Argentina, Guatemala, Pakistan and Saudi Arabia, who felt that the inclusion of such a clause in the Covenant would help promote respect for human rights, but the inclusion of such a clause was questioned by the representatives of France and New Zealand. During the discussion, a number of oral amendments were accepted by the sponsors of the draft resolution, which was adopted by a roll-call vote of 30 votes to 11, with 8 abstentions. Later, the representatives of Brazil, Turkey and the United States withdrew from their joint draft resolution (A/C.3/L.76) a paragraph which would conflict with the above decision of the Committee.

The Committee decided, at its 303rd meeting on 3 November 1950, by 28 votes to 13, with 4 abstentions, to adopt as the basic text for its further work, one of the two draft resolutions, namely the joint draft resolution submitted by Brazil, Turkey and the United States (A/C.3/L.76) and the draft resolution submitted by the USSR (A/C.3/L.77/Rev.1), which could be regarded as general resolutions covering the whole range of problems submitted to the General Assembly by the Council for policy decisions. It then decided, by 31 votes to 8, with 10 abstentions, to adopt as the basic text the joint draft resolution submitted by Brazil, Turkey and the United States. Representatives who had submitted draft resolutions and proposals to the Committee then redrafted them in the form of amendments to the basic text of this resolution. (Ethiopian-French amendment, A/C.3/L.78; French amendment, A/C.3/L.82/Rev.1; Greek-New Zealand amendment, A/C.3/L.83/Rev.1; USSR draft resolution, A/C.3/L.96; draft resolution by Yugoslavia, A/C.3/L.92; draft resolution by Uruguay, A/C.3/L.93; draft resolution by Chile, A/C.3/L.81; and draft resolution by Israel, A/C.3/L.91/Rev.1 & Corr.1.)

Broadly speaking, the discussion in the Committee followed the main lines laid down by the proposed amendments, which were later voted on separately.

In so far as it related to the preamble of the joint draft resolution, the amendment by the USSR (A/C.3/L.96) was considered at the 315th meeting of the Committee on 16 November 1950. The Committee adopted, by 16 votes to 15, with 12 abstentions, the proposals which would declare that it was essential that provisions should be included in the draft Covenant rendering it obligatory for States to take the necessary steps, including legislation, to guarantee everyone a real opportunity of enjoying the rights and freedoms provided. It rejected, by 20 votes to 8, with 11 abstentions, a proposal which would state in the preamble that the first eighteen articles did not correspond to the aims envisaged, either in the rights enumerated or the guarantees provided. It also rejected, by 32 votes to 5, with 14 abstentions, a proposal which would recognize that the implementation of the Covenant fell entirely within the jurisdiction of States. The Committee also felt unable to adopt further proposals made by the USSR.

The first, which recommended that the Commission be instructed to include in the draft Covenant additional provisions covering the right to

participate in the government of one's country, the right to national self-determination, the protection of minorities, the right to freedom of expression, the prohibition of propaganda on behalf of Nazi or Fascist views, the prohibition of incitement to hatred among peoples as well as the prohibition of racial discrimination and the dissemination of slanderous rumours, was rejected by the Committee by roll-call vote at its 305th meeting on 6 November 1950, by 28 votes to 17, with 4 abstentions.

A proposal to include in the Covenant a comprehensive list of economic, social and cultural rights was rejected as a whole by 26 votes to 8, with 15 abstentions at the 313th meeting of the Committee on 14 November.

At its 314th meeting on 15 November, the Committee also rejected, by roll-call vote of 29 to 5, with 12 abstentions, a proposal that the articles on implementation should be deleted from the draft International Covenant on Human Rights on the ground that their inclusion would constitute an attempt at intervention in the domestic affairs of States and would encroach on their sovereignty.

As far as the amendments by Chile, Ethiopia and France, Israel and Uruguay were concerned, the Committee, at its 314th meeting on 15 November 1950, adopted as a whole, by 28 votes to 9, with 8 abstentions, an oral amendment by Mexico which would have the General Assembly call upon the Council to request the Commission to take into consideration the proposals presented by these representatives.

The French amendment, which would add to the draft a request to the Council to consider at its twelfth session methods by which the specialized agencies might assist the Commission with regard to considering economic, social and cultural rights, was adopted by the Committee, at its 315th meeting on 16 November, by 36 votes to none, with 1 abstention.

The Greek-New Zealand amendment was not put to the vote, in view of the Committee's decision concerning economic, social and cultural rights.

The Committee adopted, at its 307th meeting on 8 November 1950, by 25 votes to 16, with 9 abstentions, the Yugoslav amendment, in so far as it referred to the statement that certain rights had been omitted from the first eighteen articles. It further adopted, at its 307th meeting on 8 November, by 48 votes to none, with 2 abstentions, a revised text of the amendment, declaring that in their present form these articles were not ade-

quate to protect the rights to which they referred. It rejected, however, by 24 votes to 18, with 5 abstentions, at its 305th meeting on 6 November, the proposals to add to the Covenant the right to universal and equal suffrage, the right of everyone to participate in the administration of his country and the right of every member of a minority to use his own language and develop his own culture, and the right of asylum.

In so far as the Yugoslav amendment sought to add to the joint draft resolution the statement that the purposes and principles of the United Nations Charter should be implemented in the draft Covenant, the Committee adopted, by 43 votes to none, with two abstentions, at its 309th meeting on 9 November, a joint amendment by the United States and Yugoslavia (A/C.3/L.101) to the Yugoslav amendment. The joint amendment would have the General Assembly state that it considered that, in drafting the Covenant, account should be taken of the principles and purposes of the Charter, and that these should be "consistently applied and assiduously protected".

The Committee also adopted, by 23 votes to 17, with 10 abstentions, at its 313th meeting on 14 November, the part of the Yugoslav amendment which would have the General Assembly call upon the Council to request the Commission to include in the Covenant a clear expression of economic, social and cultural rights in a manner which related them to the civic and political freedoms to be proclaimed by the Covenant.

The Egyptian draft resolution, seeking, *inter alia*, the deletion from the draft Covenant of the right of freedom to change one's religion and belief, was incorporated in a joint amendment by Egypt, United Kingdom and United States (A/C.3/L.99), which asked that the Commission take into consideration views expressed during the discussion in the General Assembly, including those relating to the articles on freedom of thought, conscience and religion and freedom of expression, and those views relating to the rights set forth by the USSR in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92. The joint amendment was adopted by the Committee, at its 306th meeting on 7 November 1950, by 25 votes to 18, with 6 abstentions.

Among the additional proposals dealt with by the Committee were the following:

The Committee, at its 311th meeting on 10 November, adopted by roll-call vote of 31 to 16, with 5 abstentions, a joint amendment by Afghanistan and Saudi Arabia (A/C.3/L.88), urging the study by the Commission of the problem

of the right of peoples and nations to self-determination. The Committee rejected, by a roll-call vote of 16 to 7, with 28 abstentions, a proposal by Lebanon (A/C.3/L.104), whereby the General Assembly would decide to include in the agenda of its sixth session, as a separate item, the question of the study of ways and means which would ensure the right of nations to self-determination.

With regard to the federal clause, the Committee, at its 309th meeting on 9 November, considered three proposals. The first, proposed by the USSR, suggesting that the General Assembly declare its intention to extend the provisions of the Covenant without restrictions to all parts of federal States, was rejected by roll-call vote of 21 to 6, with 21 abstentions. The Committee also rejected, by a roll-call vote of 21 to 12, with 13 abstentions, an amendment by Mexico (A/C.3/L.89/Rev.1), which would have the Council request the Commission "to study the problem of the so-called federal clause in order to obtain a formula that will definitely preclude the possibility of the non-application of the Covenant in any one or more of the territories forming a federation". An amendment by Lebanon (A/C.3/L.86), which would seek provisions to secure the maximum extension of the Covenant to constituent units of federal States, was adopted by roll-call vote of 27 to 6, with 16 abstentions.

An amendment by Iraq (A/C.3/L.106), which would add a clause to the joint draft resolution giving "an explicit recognition of men and women in related rights, as set forth by the Charter of the United Nations", was adopted by the Committee by 34 votes to none, with 13 abstentions, at the 313th meeting on 14 November.

A joint amendment by Lebanon and the United Kingdom (A/C.3/L.94/Rev.1), asking for consideration of the view that it was desirable to define the rights set forth in the Covenant and the limitations thereto with the greatest possible precision, was adopted by the Committee, by 39 votes to none, with 10 abstentions, at the 307th meeting on 8 November.

The consolidated text (A/C.3/L.111) of the joint draft resolution of Brazil, Turkey and the United States (A/C.3/L.76) was adopted as a whole by 29 votes to 5, with 13 abstentions, at the 318th meeting of the Committee on 17 November 1950, and later by the General Assembly in plenary session (see below).

(2) Discussion by the General Assembly in Plenary Meeting

At its 317th plenary meeting on 4 December 1950, the General Assembly discussed the report

of the Third Committee on the draft Covenant and measures of implementation, together with the draft resolutions submitted by the Committee (A/1559 & Corr.1).

Criticisms of aspects of the draft resolutions were made by a number of delegations, including those of Australia, the Byelorussian SSR, Czechoslovakia, France, Guatemala, Greece, Lebanon, Mexico, Poland, the Ukrainian SSR, the USSR and the United Kingdom. These delegations considered, generally speaking, that the recommendations on the future work of the Commission were inadequate as precise replies to the Commission on Human Rights and to the Economic and Social Council, which had asked for decisions of policy in carrying out their task in drafting the Covenant, and that proposals concerning the implementation did not meet the needs of the situation. Certain representatives, including those of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR considered that certain minimum rights should be guaranteed; that certain fundamental rights had been omitted from the draft Covenant, and that it was the duty of the General Assembly to point out these deficiencies and to recommend concrete measures for remedying them. Accordingly, the representative of the USSR proposed an amendment (A/1576 & Corr.1) to the draft resolution dealing with the future work of the Commission on Human Rights, which sought amendments to five paragraphs of the Committee's draft resolution and which enumerated a series of thirteen economic, social and cultural rights, including trade union rights, to be specifically included in the* draft Covenant. The amendments were voted on separately and each was rejected.

The draft resolution proposed by the Third Committee on the future work of the Commission was voted on in parts and adopted as a whole (421(V)) by the General Assembly, at its 317th plenary meeting on 4 December 1950, by 38 votes to 7, with 12 abstentions. It read as follows:

The General Assembly,

Appreciating the priority which, in accordance with General Assembly resolution 217(III), the Commission on Human Rights during its 1949 and 1950 sessions gave to the preparation of a draft International Covenant on Human Rights and measures for its implementation,

Noting the decision of the Economic and Social Council at its eleventh session to transmit the draft Covenant together with the relevant documentation and records of the discussion in the Council to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the points listed in Economic and Social Council resolution 303 I (XI),

Considering it essential that the Covenant should include provisions rendering it obligatory for States to

promote the implementation of the human rights and fundamental freedoms proclaimed in the Covenant and to take the necessary steps, including legislation, to guarantee to everyone the real opportunity of enjoying those rights and freedoms,

Having considered the draft Covenant prepared by the Commission on Human Rights, particularly with reference to certain basic policies,

A

1. Commends the Commission on Human Rights for the important work it has thus far accomplished;

2. Calls upon the Economic and Social Council to request the Commission on Human Rights to continue to give priority in its work to the completion of the draft Covenant and measures for its implementation in order that the General Assembly may have before it at its sixth session the revised draft of this Covenant;

B

3. Considers:

(a) That the list of rights in the first eighteen articles of the draft Covenant does not contain certain of the most elementary rights;

(b) That the present wording of some of the first eighteen articles of the draft Covenant should be improved in order to protect more effectively the rights to which they refer;

(c) That in the drafting of the Covenant account should be taken of the Purposes and Principles of the Charter of the United Nations and that these Purposes and Principles should be consistently applied and assiduously protected;

4. Calls upon the Economic and Social Council to request the Commission on Human Rights to take into consideration in its work of revision of the draft Covenant:

(i) The views expressed during the discussion of the draft Covenant at the fifth session of the Economic and Social Council, including those relating to articles 13 and 14 of the draft Covenant and, with a view to the addition in the draft Covenant of other rights, those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92;

(ii) The view, expressed during the discussion of the draft Covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, that it is desirable to define the rights set forth in the Covenant and the limitations thereto with the greatest possible precision;

C

5. Calls upon the Economic and Social Council to request the Commission on Human Rights to study a federal State article and to prepare, for the consideration of the General Assembly at its sixth session, recommendations which will have as their purpose the securing of the maximum extension of the Covenant to the constituent units of federal States, and the meeting of the constitutional problems of federal States;

D

6. Calls upon the Economic and Social Council to request the Commission on Human Rights to study ways and means which would ensure the right of peoples and nations to self-determination, and to pre-

pare recommendations for consideration by the General Assembly at its sixth session;

E

Whereas the Covenant should be drawn up in the spirit and based on the principles of the Universal Declaration of Human Rights,

Whereas the Universal Declaration regards man as a person, to whom civic and political freedoms as well as economic, social and cultural rights indubitably belong,

Whereas the enjoyment of civic and political freedoms and of economic, social and cultural rights are interconnected and interdependent,

Whereas, when deprived of economic, social and cultural rights, man does not represent the human person whom the Universal Declaration regards as the ideal of the free man,

7. (a) Decides to include in the Covenant on Human Rights economic, social and cultural rights and an explicit recognition of equality of men and women in related rights, as set forth in the Charter of the United Nations;

(b) Calls upon the Economic and Social Council to request the Commission on Human Rights, in accordance with the spirit of the Universal Declaration, to include in the draft Covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms proclaimed by the draft Covenant;

(c) Calls upon the Economic and Social Council to request the Commission on Human Rights to take such steps as are necessary to obtain the co-operation of other organs of the United Nations and of the specialized agencies in the consideration of such rights;

(d) Requests the Economic and Social Council to consider, at its twelfth session, the methods by which the specialized agencies might co-operate with the Commission on Human Rights with regard to economic, social and cultural rights;

F

8. Calls upon the Economic and Social Council to request the Commission on Human Rights to proceed with the consideration of provisions, to be inserted in the draft Covenant or in separate protocols, for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant; and to take into consideration in its studies of questions relating to petitions and implementation of the proposals presented by Chile (A/C.3/L.81), Ethiopia and France (A/C.3/L.78), Israel (A/C.3/L.91/Rev.1) and Uruguay (A/C.3/L.93);

G

9. Calls upon the Economic and Social Council to request the Commission on Human Rights to report to the Economic and Social Council at its thirteenth session concerning the above matters;

H

10. Requests the Secretary-General to invite Member States to submit, by 15 February 1951, their views concerning the draft Covenant as revised by the Commission on Human Rights at its sixth session, in order that the Commission may have such views before it during its further consideration of the draft Covenant at its seventh session.

With regard to the draft resolution seeking to extend the provisions of the draft Covenant automatically to the Non-Self-Governing, Trust and Colonial Territories of a signatory metropolitan State, submitted to the General Assembly by the Third Committee, the Assembly heard divergent views from the representatives of Australia, Greece and the United Kingdom, on the one hand, and from Czechoslovakia and Guatemala on the other. Opposing the draft resolution, the representative of the United Kingdom said that his Government would adhere, in the case of the Covenant, to the normal practices and procedures which regulated the constitutional relationship between the United Kingdom and the territories for whose international relations it was responsible. The effect of a decision by the General Assembly to delete a colonial application clause from the Covenant might be to delay unduly the accession of the United Kingdom Government to the Covenant and the application of the Covenant to several territories. The representative of Australia told the Assembly that no real account had been taken of the constitutional difficulties which would face certain countries in the application of the Covenant to the territories for which they were responsible. The representative of Greece said that although the draft resolution expressed a cherished ideal, the necessary measures had not yet been taken to ensure its application, and, without them, the resolution would be purely academic.

Supporting the draft resolution, the representative of Czechoslovakia stated that it contained an unequivocal directive to the Commission on Human Rights and in this way corresponded to the demands for basic policy decisions. The representative of Guatemala said he saw no reason why the provisions of the Covenant should not be applicable to all States, whether self-governing or not; States which had had difficulty in ratifying the Covenant on behalf of Non-Self-Governing Territories which they administered had other ways of achieving the desired result.

The General Assembly adopted the draft resolution as submitted by the Third Committee, at its 317th plenary meeting on 4 December 1950, by 36 votes to 11, with 8 abstentions. It read as follows (resolution 422 (V)):

The General Assembly

Requests the Commission on Human Rights to include the following article in the International Covenant on Human Rights:

"Article

"The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan

State and to all the territories, be they Non-Self-Governing, Trust or Colonial Territories, which are being administered or governed by such metropolitan State."

2. Yearbook on Human Rights

The Economic and Social Council at its tenth session, at the 119th meeting of the Social Committee on 13 February and the Council's 354th plenary meeting on 17 February 1950, discussed the form which should be adopted for the Yearbook on Human Rights.

The Council had before it certain recommendations (E/1371, Annex IV) made by the fifth session of the Commission on Human Rights, held from 9 May to 20 June 1949. The Commission recommended that as soon as circumstances permitted, summaries of the decisions or the decisions in extenso of the highest court in every country relevant to human rights of international interest should be included in a special chapter of the Yearbook on Human Rights and that, in exceptional cases, summaries or full reports of decisions by other courts should be included in the Yearbook, if the information were of value to other countries. The Commission recommended also that, as of 1949, the Yearbook should be published in Chinese, Russian and Spanish and that the Secretariat should collect and include in the Yearbook all the texts of laws on human rights in respect of Non-Self-Governing and Trust Territories.

A draft resolution was presented to the Social Committee by the United Kingdom (E/AC.7/L.3) which sought to refer to the Commission for further consideration, in the light of discussions at the tenth session of the Council, the form which the Yearbook might take. The United Kingdom draft resolution received general support during the discussion and the view that further study by the Commission was desirable was expressed by the representatives of Canada, Chile, China, Denmark, India, Mexico, Pakistan and the United States of America. Some representatives, including those of Chile, India and Pakistan, felt that the cost of publishing the Yearbook in Chinese, Russian and Spanish, as recommended by the Commission, would involve great expense. The United Kingdom draft resolution was adopted by the Committee, after a drafting change, by 13 votes to none, with 2 abstentions.

The draft resolution (E/1613), with the addition of two amendments proposed by India (E/L.13), was unanimously adopted by the Council. The Indian amendments provided that

(1) nothing in the resolution would be interpreted as postponing the publication of Yearbooks in preparation and (2) texts of basic laws on human rights in Non-Self-Governing and Trust Territories should be included. In its resolution (275 C (X)), the Council therefore stated:

Considering that the question of the form which the Yearbook might take in future years should be given further consideration, provided that nothing in this resolution should be interpreted as postponing the publication of Yearbooks at present in preparation;

The Council:

Requests the Commission on Human Rights to examine this question in the light of the discussions at the tenth session of the Council, and

Decides that in all publications of the Yearbook, texts of basic laws on human rights in respect of Non-Self-Governing and Trust Territories should be included in the same manner as may be done in respect of self-governing territories.

At its sixth session, held from 27 March to 19 May 1950, the Commission on Human Rights considered resolution 275 C (X) of the Council and discussed in some detail the form and character of the Yearbook. It was felt that, without losing its present form and character as an annual work of reference, the Yearbook could be of greater use to Governments and experts and could also reach a wider public if it devoted less space to reproduction of original texts and treated in each volume the application, in as many countries as possible, of a particular right or group of closely-related rights set forth in the Universal Declaration—on the basis of material to be supplied by Governments. The Yearbook should contain references to, summaries of, and (in cases of special importance), quotations from new constitutions and statutory provisions, national legislation, court decisions and international instruments concerning human rights; it should, however, avoid the reproduction of material otherwise available to experts.

A draft resolution adopted by the Commission (E/1681, Annex IV) asked the Council to request the Secretary-General to continue annually the compilation and the publication of the Yearbook and that it should be compiled along the lines indicated, beginning as soon as possible, but not later than with the Yearbook for 1951. The Yearbook, the Commission further recommended, should also include texts or summaries of basic laws on human rights in respect of Non-Self-Governing and Trust Territories.

Consideration was given to the recommendations of the Commission by the Council at its eleventh session, at the 142nd and 143rd meetings of the Social Committee on 19 July, and at the 404th plenary meeting on 9 August 1950.

The Social Committee accepted the substance of the Commission's recommendations, but, in addition to drafting changes, adopted: (1) an Australian oral amendment, adopted by 10 votes to 2, with 2 abstentions, to have the Secretary-General's plan indicating which right or group of rights should be treated each year considered by the Commission; and (2) a United States amendment, adopted by 12 votes to none, with 2 abstentions, adding a paragraph to invite Governments to supply the Secretary-General, at the request of the Commission on Human Rights, with the relevant information on the points noted in the resolution, either directly or through correspondents appointed for this purpose. It was also decided to include, in respect of Non-Self-Governing and Trust Territories, not only basic laws, but also other relevant texts, in the same manner as for independent countries. The draft resolution recommended by the Social Committee (E/1613) was adopted unanimously and without discussion by the Council as resolution 303 H (XI). It read as follows:

The Economic and Social Council,

Having requested the Secretary-General, in its resolution 2/9 [Section 4, paragraph (a)] of 21 June 1946 to make arrangements for the compilation and publication of a Yearbook on Law and Usage relating to Human Rights;

Having considered the reports of the fifth and sixth sessions of the Commission on Human Rights relating to the question of the Yearbook;

Having considered the Yearbooks on Human Rights for 1946, 1947 and 1948 compiled and published by the Secretary-General;

Requests the Secretary-General to continue annually the compilation and publication of the Yearbook on Human Rights which, beginning as soon as possible but not later than with the Yearbook for 1951, shall be compiled on the following general lines:

(a) Each volume of the Yearbook shall contain a compilation concerning the application, and so far as necessary, the evolution in as many countries as possible of one of the rights or of a group of closely related rights set forth in the Universal Declaration of Human Rights. This compilation shall be prepared from information supplied by Governments and may include digests of this information prepared by the Secretary-General and shall be documented by reference to legislative enactments and other authoritative sources;

(b) For this purpose, the Secretary-General shall draw up a plan for the consideration of the Commission on Human Rights indicating, for a number of years ahead, which right or group of rights should be treated in each year;

(c) The Yearbook shall continue to record international and national developments concerning human rights which have taken place during the year, and for this purpose shall contain:

(i) A report on the work of the United Nations in the field of human rights;

- (ii) Relevant texts or summaries of international instruments in this field, including decisions of international courts and arbitral tribunals;
- (iii) Texts or summaries of or sufficient references to constitutional and statutory provisions which constitute important developments in the field of human rights during the year;
- (iv) Summaries of or sufficient references to decisions of national courts where these decisions constitute important developments in the field of human rights;

(d) The Yearbook shall also include texts or summaries of, or sufficient references to, basic laws on human rights in respect of Non-Self-Governing and Trust Territories, together with other relevant texts in respect of such territories in the same manner as indicated in paragraph (c) above;

(e) The Yearbook shall include adequate references to the sources of any texts or summaries which appear in it. It shall be produced in a form which is easy to handle and at a moderate price, and the reproduction of constitutional or statutory texts shall be confined within the limits imposed by these requirements; and

Invites Governments to supply to the Secretary-General, either directly or through correspondents appointed for this purpose at the request of the Commission on Human Rights, relevant information on the points noted above.

While discussing the Yearbook, the Council also considered a recommendation of the Sub-Commission on Freedom of Information and of the Press that a special section should be included in the Yearbook, which would contain excerpts from or summaries of new national legislation concerning freedom of information, to be furnished to the Secretary-General by the correspondents appointed by Governments. The Council, however, decided not to include a special section on freedom of information.

The Yearbook on Human Rights for 1948, which appeared in 1950, expanded the scope of the Yearbooks for 1946 and 1947, and introduced a number of new features. Part I of the Yearbook contained all constitutional provisions on human rights promulgated throughout the world during 1948 and legislative texts enacted in that year, with a selection of constitutional and legislative provisions relating to electoral law. International treaties and agreements recorded in Part II included basic agreements of specialized agencies, agreements concluded under the auspices of specialized agencies or by other inter-governmental organizations, regional treaties, and agreements and bilateral treaties. Part III reflected the expanded programme of the United Nations in a diverse range of human rights activities, including the action taken during 1948 in connexion with the Universal Declaration of Human Rights and the Convention on the Prevention and the Punishment of the Crime of Genocide. Two chap-

ters recorded the preliminary developments in the preparation of the Draft International Covenant on Human Rights and measures of implementation. Other chapters dealt with United Nations activities in the fields of freedom of information, the status of women, the prevention of discrimination and the protection of minorities, questions of human rights in certain territories and some specific questions involving stateless persons, the right of asylum, trade union rights, old age rights, the rights of the child and suppression of traffic in women and children.

3. Communications Concerning Human Rights

At its fifth session, held from 9 May to 20 June 1949, the Commission on Human Rights recommended¹¹¹ certain amendments to paragraphs (a), (b) and (e) of Council resolution 75 (V), concerning the procedure for dealing with communications relating to human rights (E/1371).

These proposals were considered by the Council at its tenth session, and adopted at the 119th meeting of the Social Committee on 13 February by 13 votes to none, with 3 abstentions, and at the 354th plenary meeting on 17 February without objection, as resolution 275 B (X).

Under the amended paragraphs (a) and (b) adopted by the Council, the Secretary-General was requested to compile two lists of communications concerning human rights: (a) a non-confidential list containing a brief indication of the substance of each communication, however addressed, dealing with the principles involved in the promotion of universal respect for and observance of human rights, the identity of the authors of such communications to be divulged unless they wished their names to remain confidential; and (b) a confidential list containing a brief indication of the substance of other communications concerning human rights, however addressed, this list to be furnished to members of the Commission, in private meeting, without divulging the identity of the authors of such communications, except in cases where they had stated that this had already been done or that they had no objection to their names being divulged. The amendment to paragraph (e) provided that in the future the Secretary-General would furnish each Member State concerned with a copy of any communication concerning human rights which referred explicitly to such State or to territories under its jurisdiction, without divulging the iden-

tity of the author as provided for in paragraph (b) above.

At its sixth session, held from 27 March to 19 May 1950, the Commission on Human Rights took note of the lists of communications on human rights prepared by the Secretary-General in accordance with Council resolution 75 (V), as amended by resolution 275 B (X) (E/CN.4/CR.14 & Add.1; E/CN.4/CR.16 & Add.1).

The Commission also took note of Council resolution 240 C (IX), relating to the establishment of a procedure by which the Sub-Commission on Freedom of Information and of the Press¹¹² would deal with communications concerning freedom of information. It noted, also, the recommendations of its Sub-Commission on Prevention of Discrimination and Protection of Minorities on the handling of petitions, but was of the opinion that until the Commission had decided upon measures of implementation of the International Covenant on Human Rights, it would be premature to sanction any procedure for dealing with complaints or petitions by a Sub-Commission other than at present in force for dealing with communications concerning human rights (E/1681).

4. Human Rights Day

At the fifth session of the General Assembly, the United States proposed (A/C.3/L.102), at the 315th meeting of the Third Committee on 16 November 1950, that Governments of Member States designate 10 December of each year as United Nations Human Rights Day and observe this day in recognition of the adoption of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948. The United States draft resolution requested that the anniversary of this event be "appropriately celebrated in all countries as part of a common effort to bring the Declaration to the attention of the peoples of the world."

The Third Committee also had before it, at its 315th meeting, a memorandum by the Secretary-General regarding the steps which 42 countries had taken the previous year to celebrate the adoption of the Universal Declaration. The report reproduced a letter sent by the Secretary-General to Member States on 20 October 1950, asking them to set aside 10 December every year in com-

¹¹¹ See Y.U.N., 1948-49, p. 543-

¹¹² See pp. 543 ff.

in memoriam of its proclamation. The representative of the United States, introducing the draft resolution, said that its aim was to have this request backed by a formal recommendation by the General Assembly.

General support for the United States draft resolution was expressed by members of the Committee, including the representatives of China, Dominican Republic, Guatemala, Lebanon, Mexico and the USSR. During the discussion at the 315th and 316th meetings of the Committee on 16 November, however, several representatives sought to widen the scope of the draft resolution and to extend its application.

In addition to a number of proposed drafting changes, the following suggestions were made:

(1) The representative of China, stating that he considered it important not only to recall the anniversary of the Universal Declaration of Human Rights but also to encourage Governments and peoples to pursue their efforts to make the Declaration a living reality, proposed orally that the Secretary-General should be asked to report each year to the General Assembly on steps taken in various countries to publish the Declaration as widely as possible. This suggestion was supported by the representative of the United Kingdom and accepted by the United States at the 315th meeting.

(2) An addition to the preamble of the draft resolution, which would emphasize that the General Assembly considered the Declaration marked a distinct step forward in the march of human progress, was proposed orally by the representative of the Philippines and adopted, by 41 votes to none, with 9 abstentions, at the 315th meeting.

(3) An oral amendment by the representative of Afghanistan, who said that States which were not Members of the United Nations had also helped to make the Declaration known throughout the world and that the preamble should express special appreciation of the efforts of those countries, was adopted at the 315th meeting, by 19 votes to 2, with 14 abstentions.

(4) The representative of Mexico suggested at the 315th meeting that, instead of making a recommendation only to Member Governments, the draft resolution should also invite non-member States to adopt 10 December as Human Rights Day. This suggestion was accepted by the United States.

(5) Some representatives, including those of Chile, France and Greece, urged the further extension of the draft resolution to make it applicable to organizations. This was accepted by the United States at the 316th meeting and, when a separate vote on this addition was called for by the representative of Canada, was adopted by 20 votes to 12, with 16 abstentions.

(6) An oral amendment by the USSR to the draft resolution, seeking to make 24 October each year Human Rights Day, on the ground that a celebration honouring both the Declaration and the Charter would give added meaning to United Nations Day, was rejected at the 316th meeting, by 24 votes to 9, with 12 abstentions.

The draft resolution as amended was adopted by the Committee at the 316th meeting on 16

November 1950, by 44 votes to none, with 4 abstentions. The General Assembly, at its 317th plenary meeting on 4 December 1950, accepted an amendment to the last paragraph of the resolution, made orally by the representative of Australia. The amendment, which concerned the clause inviting reports from "all States and interested organizations" on the observance of Human Rights Day, sought to eliminate the words "and interested organizations". The amendment was adopted without discussion, by 25 votes to 10, with 19 abstentions, and the draft resolution, as amended, was adopted (resolution 423(V)), also without discussion, by 47 votes to none, with 5 abstentions.

The resolution, as adopted by the General Assembly, read:

The General Assembly,

Considering that on 10 December 1948 the General Assembly proclaimed the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations,

Considering that the Declaration marks a distinct forward step in the march of human progress,

Considering that the anniversary of this event should be appropriately celebrated in all countries as part of a common effort to bring the Declaration to the attention of the peoples of the world,

Expressing its appreciation to all those countries Members or non-members of the United Nations which have already celebrated this anniversary,

1. Invites all States and interested organizations to adopt 10 December of each year as Human Rights Day, to observe this day to celebrate the proclamation of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948, and to exert increasing efforts in this field of human progress.

2. Invites all States to report annually through the Secretary-General concerning the observance of Human Rights Day.

5. Prevention of Discrimination and Protection of Minorities

a. CONSIDERATION BY THE COMMISSION AT ITS SIXTH SESSION

The Commission on Human Rights, at its sixth session held from 27 March to 19 May 1950, considered the reports of the second and third sessions of its Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/351 & Corr.1 & 2 & E/CN.4/358), held in June 1949 and January 1950 respectively.

It considered in particular the recommendations made by the Sub-Commission concerning:

(a) a request for information from Governments relating to legal measures to prevent discrimination and protect minorities;

(b) educational measures for the prevention of discrimination;

(c) a definition of minorities for the purposes of protection by the United Nations, and interim measures to be taken for their protection (E/1681).

With regard to question (a), the Commission asked the Council to request the Secretary-General to invite Governments of Members of the United Nations, as well as of non-members, to supply:

(i) examples (with appropriate citations, where possible) of legislation, judicial decisions, and other types of action which have been found to be specially useful in their countries in preventing discrimination in one or more fields covered by the Universal Declaration of Human Rights;

(ii) full information regarding the protection of any minority within their jurisdiction by legislative measures and in the light of the provisions of the Universal Declaration of Human Rights;

(iii) in particular, such information as could serve for the establishment of a definition of minorities. The Commission also asked that the information received in response to this invitation should be distributed to the members of the Sub-Commission prior to its fourth session.

On the question of educational measures, the Commission recommended the adoption by the Council of a resolution which would affirm its conviction that the principal goals of education should be to abolish all forms of discrimination and to eradicate such prejudices as might lead to the commission of any unlawful acts of discrimination. The draft resolution:

(i) drew the attention of Member States to the urgent necessity of taking steps to eliminate all forms of discrimination in the schools;

(ii) emphasized the part which private educational establishments and non-governmental organizations must play in combating prejudice and discrimination;

(iii) referred to the activities of UNESCO, inviting it to give due emphasis to those practical activities in the field of education which are likely to lead to the eradication of prejudice and the elimination of discrimination and, in this connexion, to bear in mind the opportunities of progress afforded by adult educational activities;

(iv) noted with pleasure certain resolutions adopted by UNESCO in 1950 concerning the importance of textbooks and teaching materials, the conduct of educational seminars and the publication and distribution of selected materials from each seminar;

(v) referred to UNESCO's forthcoming statement on race from the viewpoint of present scientific knowledge,¹¹³ and recommended that it should proceed as soon as practicable with the preparation, publication and dissemination of simple and readable books and pamphlets, based on scientific facts, explaining the fallacies of mistaken race theories and religious and other prejudices;

(vi) invited Member States to distribute such books or pamphlets widely among all their peoples, and to disseminate these ideas through their public education programmes.

On question (c), after considering the definition of the term "minority" recommended by the Sub-

Commission on Prevention of Discrimination and Protection of Minorities, and the interim measures suggested for the protection of minorities, the Commission decided that it was premature to forward these resolutions to the Council. It recognized that the Sub-Commission would consider the protection of minorities by international agreement at its fourth session, when it would have additional information from the Governments of Member States regarding minorities, which it proposed to consider before completing its recommendations for their protection by international agreement. It decided, accordingly, not to forward them to the Council so that the Sub-Commission might use them, if necessary, for the development of its further proposals on minorities, and it drew the attention of the Sub-Commission to the discussions in the Commission.

The Commission on Human Rights, at its sixth session, examined also the study which, in accordance with Council resolution 116 C (VI), had been prepared on the question of the continuing validity of the minorities treaties and declarations (E/CN.4/367). It was felt, however, that the study required careful consideration by Governments, and that the Commission should postpone consideration of the matter until its seventh session. It noted the study, and transmitted it to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its information.

b. CONSIDERATION BY THE COUNCIL AT ITS ELEVENTH SESSION

Accordingly, at its eleventh session, held from 3 July to 16 August 1950, the Council had before it, in the report of the Commission on Human Rights (E/1681), two draft resolutions, one dealing with legal measures, the other with educational measures for the prevention of discrimination. These two draft resolutions (see above) were considered by the Social Committee at its 141st-145th meetings, from 18-20 July 1950, and at the 404th plenary meeting of the Council on 9 August.

(1) Legal Measures

The draft resolution dealing with legal measures found general support in the Social Committee at its 141st meeting, although some representatives, including those of Belgium and Canada, pointed out that there were countries whose constitutions had for a long time been

¹¹³ See p. 916.

extremely liberal in the matter of human rights and that in these cases there would be no point in raising problems of discrimination which did not exist. The draft resolution, with certain minor amendments was unanimously adopted by the Committee at the same meeting and by the Council (resolution 303 F (XI)), at its 404th plenary meeting on 9 August 1950, unanimously and without discussion. It was understood that in transmitting the request for information to Governments, the Secretary-General would also send the tentative definition of the term "minority" which the Sub-Commission had suggested.

(2) Educational Measures

In discussing the second draft resolution proposed by the Commission, members of the Council expressed general agreement with the principles expressed in it, but considered that some re-drafting of the resolution was necessary. Suggested revised texts by India (E/AC7/L.47) and Belgium (E/AC7/L.48) were considered by the Social Committee, but a number of representatives felt that the original text was to be preferred, and a drafting committee consisting of the representatives of Belgium, China, India and the United States was appointed. After lengthy discussions on drafting changes, the Committee adopted a revised text in paragraph by paragraph votes, and, as a whole, by 14 votes to none, with 1 abstention.

The representative of China had suggested that some reference should be made in the resolution to the dissemination and promotion of moral values as well as the dissemination of information based on scientific facts. He proposed the insertion of a phrase to have the Council urge UNESCO to base its pamphlets on "generally accepted moral principles" as well as on scientific facts, but this was rejected by the Committee, by 11 votes to 1, with 3 abstentions.

At the Council's 404th plenary meeting, however, Belgium, China and France introduced a joint amendment (E/L.87) to the same effect.

The sponsors of the amendment maintained that, whereas books and pamphlets based on scientific knowledge could help to eliminate the fallacies of racial theories, they alone could not eliminate those fallacies and the other forms of religious and racial prejudice which lead to discrimination. The representatives of Mexico, Peru and the United States supported the joint amendment. It was opposed by a number of representatives, including those of Canada, Denmark, India, Pakistan and the United Kingdom who, however,

emphasized that in opposing the amendment, they were not expressing opposition to moral principles. The view was expressed by the representative of Pakistan that the amendment was not only imprecise but could be opposed on other grounds: (1) there were many different concepts of moral principles; (2) morality was itself a kind of prejudice which gave rise to discrimination; and (3) if UNESCO were faced with what it considered to be a conflict between science and generally accepted morality, the amended paragraph would give it no indication of how it should deal with such a conflict. An amendment proposed orally by the representative of Denmark, which sought to define the moral principles referred to as those contained in the Charter of the United Nations and the Declaration of Human Rights, was adopted by the Council, by 10 votes to 3, with 2 abstentions. The Council adopted the amended draft resolution by 12 votes to none, with 3 abstentions.

In this resolution 303 G (XI), the Council stated its belief that education plays a great part in the prevention of discrimination and that positive and lasting results are obtainable in educational establishments. It confirmed its conviction that one of the principal goals of education should be to eliminate all forms of discrimination and to eradicate such prejudices as may lead to the commission of acts of discrimination. It emphasized that considerable assistance might be given by non-governmental organizations and private institutions, and noted with satisfaction the initiative taken in this field by UNESCO in the improving of textbooks and teaching materials, in the conduct of educational seminars, the training of teaching personnel and the preparation of the statement on race from the viewpoint of present scientific knowledge. The resolution contained recommendations to Member States and to UNESCO. It asked the latter to give emphasis to such practical educational activities as are likely to eradicate prejudice and discrimination, bearing in mind the opportunities afforded through adult education, and to undertake, as soon as practicable, the preparation and the widest possible dissemination of information through suitable books and pamphlets based on scientific knowledge as well as general moral principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights, and designed to expose fallacies on race theories and to combat prejudices which give rise to discrimination. The Council recommended that Member States should adopt measures to be applied in educational estab-

ishments designed to eliminate discrimination, should distribute the books and pamphlets to be prepared by UNESCO as widely as possible among all their peoples, and should introduce into their educational programmes, in so far as possible, the ideas contained in the books or pamphlets.

6. Trade Union Rights

By resolution 239 (IX), adopted on 2 August 1949 during its ninth session, the Economic and Social Council requested the International Labour Organisation (ILO) to proceed on behalf of the United Nations as well as on its own behalf, with the establishment of a Fact-Finding and Conciliation Commission on Freedom of Association in connexion with the question of safeguarding of trade union rights. By the same resolution, the Council requested the Secretary-General and the Director-General of ILO to consult together with a view to exchanging information and formulating procedures for making the services of the Commission available to the appropriate organs of the United Nations with respect to Members of the United Nations which are not members of ILO. The Council also requested the Secretary-General and the Director-General to report progress to its tenth session.

This progress report on the establishment of the Commission (E/1566) was presented to the Council at its tenth session, held from 7 February to 6 March 1950. The report contained the text of a memorandum by the Director-General of ILO of 17 November 1949, dealing with questions relating to Freedom of Association, which was to be presented to the 110th session of the Governing Body of ILO in January 1950. The report also contained the comments of the Secretary-General on the memorandum.

The report was considered by the Social Committee at its 120th-123rd meetings on 14-15 February and by the Council at its 355th plenary meeting on 17 February, together with comments on the report received from the Governments of Canada, Greece, Lebanon, Netherlands, Pakistan, Philippines, the USSR and the United States of America (E/1605 & Add.1-5), and a note from the International Labour Office (E/1595). The ILO note stated that the Governing Body, after examining proposals and comments at its 110th session, decided on 6 January 1950 to establish the Fact-Finding and Conciliation Commission on Freedom of Association. It stated further that the Governing Body had approved certain arrange-

ments for the working of the Commission and made suggestions, for the consideration of the Council, concerning the manner in which the services of the Commission might be made available to the appropriate organs of the United Nations. The Governing Body, the note reported, had confirmed the terms of reference of the Commission as follows:

It would be open to the Governing Body (of the International Labour Office) to refer to the Commission for impartial examination, any allegations of infringements of trade union rights which the Governing Body, or the Conference acting on the report of the Credentials Committee, considers it appropriate to refer to the Commission for investigation. It would also be open to any Government against which an allegation of the infringement of trade union rights is made to refer such an allegation to the Commission for investigation. The Commission would be essentially a fact-finding body, but would be authorized to discuss situations referred to it for investigation with the Government concerned with a view to securing the adjustment of difficulties by agreement.

The Social Committee, at its 120th meeting on 14 February 1950, heard statements concerning the protection of trade union rights from representatives of the American Federation of Labor (AF of L) and the World Federation of Trade Unions (WFTU), and, at its 121st meeting on the same day, from the representative of the International Federation of Christian Trade Unions.

A draft resolution submitted by the representative of Denmark (E/AC.7/L.10), which expressed approval of the decisions taken by the Governing Body of ILO and sought to define the relationships between the United Nations and ILO in making use of the services of the Commission, came before the Social Committee at its 120th meeting. The draft resolution provided that the Council:

- (1) accept on behalf of the United Nations the services of the Commission as established;
- (2) refer to the Commission, through the Governing Body of ILO, all allegations against ILO member States;
- (3) before acting upon complaints regarding any Member of the United Nations which was not a member of the ILO, seek the consent of the Government concerned, but where such consent was not forthcoming, the Council would consider further action to safeguard the rights relating to freedom of association involved in the case;
- (4) upon receiving such consent it would then transmit to the Commission, through ILO, any complaints regarding Members of the United Nations which were not members of ILO, received from Governments or trade union or employers' organizations which it might consider suitable.

The draft resolution would also recommend that the General Assembly refer complaints regarding trade union rights to the Council for action.

Two amendments were presented to this draft resolution—by Australia (E/AC.7/L.13) and the United States (E/AC.7/L.14). The amendment by Australia sought decisions by the Council that:

(1) the Commission would have jurisdiction to, consider allegations against a country of infringements of trade union rights embodied in international conventions or other agreements to which that country was a party;

(2) the Commission might entertain an allegation against a country only if the country had accepted an obligation in respect of the right said to have been infringed and then only to the extent of the obligation accepted;

(3) countries might notify the Secretary-General or the Director-General of ILO that they would accept the jurisdiction of the Commission in respect of the whole or parts of a convention or agreement to which they were not a party. The United States amendment was concerned chiefly with certain drafting changes.

General support for the amendment submitted by Denmark was expressed by a number of representatives, including the representatives of Belgium, Brazil, Canada, Chile, France, India, Pakistan, Peru, United Kingdom and the United States, though certain reservations were made during the discussions at the 120th-123rd meetings of the Social Committee on 14-15 July 1950. The representative of Australia expressed doubt as to whether the Commission had the authority to enforce trade union rights which had not already been clearly defined and guaranteed by international agreement. Some representatives argued that Member States had accepted obligations to respect trade union rights under the general terms of the Charter, the Universal Declaration of Human Rights and several resolutions of the Assembly and the Council. The representatives of Canada and Chile pointed out that articles 24-34 and, in particular, article 26 of the Constitution of ILO provided that the International Labour Office could hear allegations of failure by States to fulfil their undertakings under international labour conventions. It was also contended that the terms of reference of the Fact-Finding and Conciliation Commission as well as the name of the Commission showed that it was not an instrument of enforcement. Further objection was raised by some representatives that the procedure suggested by the draft resolution would give too much authority to the International Labour Office and would make the function of the Council in these matters that of a forwarding agency. The representatives of India and Belgium were among those who questioned the distinction, drawn by the draft resolution, between States which were members of ILO and those which were not. Most representatives, however, were in favour of accepting the procedure for dealing with cases concerning mem-

bers and non-members of the ILO, suggested in the draft resolution. The Social Committee, after setting up a drafting Committee to present a joint draft resolution incorporating suggestions and amendments proposed during the discussion, adopted as a whole, at its 123rd meeting on 15 January 1950, by 12 votes to 2, with 1 abstention, a draft resolution (E/1615) which was adopted by the Council at its 355th plenary meeting on 17 February 1950 (see below). At that meeting, the representative of India stated that if a fact-finding and conciliation commission operated in the name of the United Nations, the United Nations should be able to follow the same procedure in considering allegations, whether the States against which the allegations were made were members of the ILO or not. India also felt that the Council could not give the Commission instructions directly, except on the question whether or not it should investigate any particular complaint. He submitted two amendments (E/L.17) which sought decisions on these lines.

The Indian amendments were rejected by 9 votes to 1, with 5 abstentions, and by 10 votes to 1, with 3 abstentions, respectively. An alternative amendment by India (E/L.17), which would have the Council invite the ILO to include in its annual report to the Council adequate details regarding the allegations against ILO members and their disposition was rejected by 8 votes to 4, with 3 abstentions. The Council then adopted, by 12 votes to 1, with 2 abstentions, the draft resolution proposed by the Social Committee.

In this resolution (277(X)), the Council noted with approval the decision taken by the Governing Body of the International Labour Office to establish a Fact-Finding and Conciliation Commission on Freedom of Association; it considered that this action corresponded to the intent of Council resolution 239 (IX) and was likely to prove the most effective way of safeguarding trade union rights; it decided to accept, on behalf of the United Nations, the services of the International Labour Office and the Fact-Finding and Conciliation Commission; it decided also to forward to the Governing Body, for its consideration as regards referral to the Commission, all allegations regarding infringement made by trade union organizations against States members of the International Labour Organisation, with special provisions devised for Members of the United Nations which were not members of ILO; it invited ILO to include in its annual report to the United Nations an account of the work of the Commission; it finally recommended that the General

Assembly refer allegations regarding trade union rights to the Council for action in accordance with procedures laid down in the resolution.

The Governing Body of ILO, at its 111th session in February-March 1950, noted (E/1659) the decision of the Council and indicated its adoption of measures to implement the Council's decision.

At the eleventh session of the Council, the Agenda Committee had before it communications received, in February, March and May 1950, by the Secretary-General from the World Federation of Trade Unions, from the Central Council of the Trade Unions Confederation of Yugoslavia, from the confederation generale du Travail of France, from the Great Lakes Licensed Officers' Organization-Foreman's Association of America, and from the Secretary of the third Mazdoor Sabha, alleging that trade union rights were being infringed in certain countries (E/C.2/250, E/1648 & Add.1 & 2).

The Council, at its 376th plenary meeting on 3 July 1950, unanimously decided, as proposed by its Agenda Committee (E/1739) that, as the allegations all referred to States which were members of ILO, the item be referred to ILO without discussion.

7. Forced Labour

Concern over charges of forced labour in certain Member States was first expressed at the eighth session¹¹⁴ of the Economic and Social Council and, at the request of the Council (resolution 195(VIII)), the Secretary-General approached Governments to ascertain in what manner they would co-operate in an impartial inquiry. The replies, which were reported to the ninth session of the Council in July and August 1949, did not, the Council felt, appear to provide the conditions under which a commission of inquiry could operate effectively, and the Secretary-General was urged (resolution 237(IX)) to ask Governments which had not yet stated that they would be prepared to co-operate in such an inquiry whether they could so state before the tenth session of the Council.

Accordingly, the Secretary-General reported (E/1587, E/1588 & E/1636) to the Council's tenth session that, in accordance with resolution 237(IX), he had sent further communications to Governments on 14 and 16 September 1949. Twenty-six Member and four non-member States had, up to 27 February 1950, stated that they

were prepared to assist the inquiry in some manner.

The Council considered the question at its 365th and 366th plenary meetings on 27-28 February. It heard statements from representatives of the American Federation of Labor (AF of L) and the World Federation of Trade Unions (WFTU). Charges and counter-charges of forced labour in certain countries were made and the view was again expressed that some form of impartial inquiry was desirable.

Members of the Council felt that in general the new answers received showed that the situation had not essentially changed since the Council's ninth session, but they did not wish to delete the item from the agenda. The representative of the United States orally proposed that consideration of the question should be postponed to the Council's twelfth session. The proposal to defer consideration was supported by the representatives of the United Kingdom and Canada. The representative of Mexico suggested that meanwhile the Secretariat might continue its work on the basis of information supplied by Member States so that the Council, when it came to make a recommendation, would be better equipped. The representatives of Belgium, Brazil and Chile spoke in favour of retaining the item on the agenda.

The United States proposal was adopted unanimously by the Council, after a Danish amendment to have the question considered at the Council's eleventh session had been rejected, by 8 votes to 3, with 4 abstentions.

The Commission on Human Rights, at its sixth session from 27 March to 19 May 1950,¹¹⁵ adopted article 5 of the draft International Covenant on Human Rights (E/1681, annex I), which dealt with slavery, servitude and forced labour. Section 3 of the article contained the provision that "no one shall be required to perform forced or compulsory labour". The provision was considered not to preclude the imposition of "hard labour" after a sentence to punishment of this kind by a competent court in countries where such sentences are imposed as punishment for a crime. Moreover, certain cases were cited in the article to which the term "forced or compulsory labour" should not be applied.

At its eleventh session, held from 3 July to 16 August 1950, the Council had before it a communication (E/1671) from the Director-General of the International Labour Office on the discussion

¹¹⁴ See Y.U.N., 1948-49, pp. 545-47.

¹¹⁵ See pp. 519-21.

of forced labour which had taken place at the 111th session of the Governing Body of ILO, in February-March 1950. The Governing Body had considered the report of its International Organizations Committee, which had recommended that the Governing Body, without waiting for further discussion by the Council, should itself establish an ILO commission to carry out an impartial inquiry into the nature and extent of forced labour. The Committee had considered that the establishment of such a commission should not prejudice the possibility of setting up joint machinery with the United Nations, should the Council subsequently decide in favour of the establishment of a joint commission of inquiry. The Governing Body decided at its 111th session that the record of its discussion should be transmitted to the Council.

A note by the Secretary-General (E/1636/Rev.1), dated 20 June, came before the Council at its eleventh session. It reported that a total of 31 Member States (Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, China, Colombia, Cuba, Denmark, Egypt, Ethiopia, France, Greece, Iceland, India, Iran, Guatemala, Lebanon, Netherlands, New Zealand, Norway, Pakistan, Philippines, Sweden, Syria, Thailand, Turkey, United Kingdom and the United States) and, in addition, six non-member States (Austria, Federal Republic of Germany, Italy, Japan, Nepal and Switzerland) had reported that they were prepared to collaborate in an impartial inquiry or to render assistance in some manner. Five countries (Chile, Saudi Arabia and the Union of South Africa, as well as the non-member States of Ceylon and Finland) had made no comment on the question of an inquiry. The Government of the USSR had reiterated its views as embodied in its proposals submitted to the eighth session of the Council¹¹⁶ and the Byelorussian SSR had supported these. The USSR proposals were for a comprehensive international mission, composed of 110 to 125 representatives of national and international trade union federations, to conduct an inquiry. The Government of Yugoslavia, the Secretary-General reported to the Council, had submitted its own proposals. The Governments of Bulgaria, Czechoslovakia and Iraq had stated that they were unable to co-operate.

The Council discussed the question at its 413th plenary meeting on 15 August 1950. It had before it a joint draft resolution (E/L.104) by the representatives of the United Kingdom and the United States of America, which proposed that the Council invite ILO to participate in the establishment

of an ad hoc committee on forced labour to be composed of not more than five independent members, to be appointed jointly by the Secretary-General of the United Nations and the Director-General of ILO. The task of the committee would be:

- (1) to survey the field of forced labour, especially systems of "corrective labour" employed as a means of political coercion or punishment for holding or expressing political views; or which are on such a scale as to constitute an important element in the economy of a given country;
- (2) to assess the nature and extent of this problem at the present time;
- (3) to report to the Council and the Governing Body of ILO.

In the discussion on this joint draft resolution, charges of the existence of forced labour in certain countries which had been made at previous sessions were repeated and new evidence was brought forward to substantiate the accusations.

The representative of Canada said that the main problem confronting the Council was how it could bring nearer the prevention of such examples of forced labour cited during the discussion. He said that the establishment of a committee as proposed in the joint draft resolution should be very carefully considered by Governments, as the Council should not set up machinery of this kind unless it were convinced that such machinery would be effective. In the hope that Member Governments would give the draft resolution careful consideration, he proposed that the Council adjourn its debate on the matter until its twelfth session. The proposal was adopted by 8 votes to none, with 7 abstentions.

At its 113th session in November 1950, the Governing Body of ILO rejected a proposal that it should postpone its decision on the action to be taken on forced labour pending further consideration of the subject by the Economic and Social Council (E/1884). It noted the United Kingdom-United States proposal made at the eleventh session of the Council, expressed its willingness to co-operate in the manner suggested by the proposal, and authorized the Director-General of ILO to co-operate in this manner in the event of its approval by the Council.

8. The Problem of Slavery

Acting upon the request made by the General Assembly in its resolution 278(III) of 13 May 1949, the Economic and Social Council, at its

¹¹⁶ See Y.U.N., 1948-49, pp. 545-47.

ninth session, decided (resolution 238(IX)) on 20 July 1949 to study the problem of slavery.¹¹⁷ It instructed the Secretary-General, after consultation with the bodies having special competence in this field, to appoint a small ad hoc committee of not more than five experts to survey the field of slavery and other institutions resembling slavery, to assess the nature and extent of these problems and suggest methods for attacking them, as well as an appropriate division of responsibility in connexion with this subject among the various bodies within the framework of the United Nations. It was to report to the Council within twelve months of its appointment. Accordingly, the Secretary-General appointed a committee of four members, which held its first session from 13 February to 23 March 1950.

The Ad Hoc Committee had before it several documents, including several memoranda by the Secretary-General, of which the most important were: one, dealing with the work of the League of Nations for the suppression of slavery (E/AC.33/2), another with the suppression of slavery and the slave trade by means of international agreement (E/AC33/3).

The Committee agreed that first priority should be given to the preparation of the survey which the Council had requested, and decided to submit to Member and non-Member Governments a questionnaire on slavery "and institutions and customs analagous thereto". It drew up and adopted, in closed session, a questionnaire (E/1617) which referred not only to slavery and the slave trade as defined in article 1 of the International Slavery Convention of 1926, but also to several practices which are restrictive of the liberty of the person and which tend to subject that person to a state of servitude, as for instance:

- (1) Serfdom (compulsory and hereditary attachment to land accompanied by obligations to render service to the landlord);
- (2) Traditional forms of involuntary unpaid service exacted by landowners and other employers of labour;
- (3) Debt bondage;
- (4) Pledging and pawning of third persons as security for debt;
- (5) Exploitation of children under the form of adoption;
- (6) Purchase of wives and inheritance of widows by the heir of the deceased husband, involving involuntary subjection of a woman to a man not of her choice;
- (7) Forms of prostitution of women and children involving exercise of ownership over them.

The Committee recommended to the Council (E/1617) that Governments should be asked to reply to the questionnaire by 15 August 1950, and that the Committee should hold a second ses-

sion in August-September 1950 and a third session in January-February 1951 to consider the information received and to prepare its final report.

To enable the Economic and Social Council to consider the matter at its tenth session, the Ad Hoc Committee submitted an interim report (E/1617) before it had completed its first session. The Council reviewed the interim report at its 372nd-374th plenary meetings from 3-6 March 1950, and although a number of representatives, including those of Belgium, China, France, United Kingdom and the United States, congratulated the Committee on its work in what was generally recognized to be a complicated task, some criticism of the definition of the questionnaire was voiced. It was also pointed out by some representatives, including those of Belgium, France, the United Kingdom and the United States, that questions concerning forced labour and trade union rights were being dealt with as separate items on the agenda of the Council and that they should be considered as distinct from slavery. Opinion on when a subsequent session or sessions of the Ad Hoc Committee should be held was divided: the representatives of Belgium and France felt that the Committee could meet early if it required to do so, the United States representative considered that the Committee should delay meeting in order to have further information at its disposal and the representative of China urged that a decision on this matter be postponed. A United States suggestion, that sessions of the Ad Hoc Committee should be closed sessions, found some support, but certain representatives, including those of France and the United Kingdom, considered that no special instructions on this point need be given to the Committee. On the ground that the views expressed by Council members in favour of closed meetings would be taken into account by the Committee, the United States representative withdrew his proposal.

The Council adopted, with certain drafting amendments, a resolution proposed by the United States (E/L.43). It rejected, by 7 votes to 1, with 6 abstentions, a Peruvian amendment (E/L.44), which would have the Committee resubmit the revised questionnaire to the Council before transmitting it to Governments. In the resolution (276(X)), adopted as a whole at the 374th meeting on 6 March by 13 votes to none, with 2 abstentions, the Council noted that it had examined otherwise, or had referred to other bodies for

¹¹⁷ See Y.U.N., 1948-49, pp. 547-48

action or report, such issues as forced labour and trade union rights. It returned to the Ad Hoc Committee the questionnaire on slavery and institutions or customs analagous thereto, with the request that it revise it in the light of the discussions at the tenth session and in keeping with resolution 276(X). It authorized the Committee to transmit the questionnaire, when revised, to the Governments of Members and non-members of the United Nations, subject to resolution 39(I) of the General Assembly.¹¹⁸ It considered that the next session of the Committee should be held not earlier than November 1950, with a view to the submission of a final report to the Council in 1951.

The Ad Hoc Committee duly revised the questionnaire, and asked the Secretary-General to transmit it to Governments with the request that they reply before 1 October 1950.

The Committee also decided that other methods of securing information for the survey should also be used and, for this purpose, approached non-governmental organizations, research institutions, religious organizations and other bodies, as well as individual experts with special knowledge or competence in the field of slavery and other forms of servitude. It also submitted a special request for information to the International Labour Organisation. It assigned to each of its members responsibility for undertaking the survey of conditions of slavery or institutions and customs resembling slavery, in a particular area of the world.

The Committee held preliminary discussions on the other questions it was asked to consider, but did not formulate any final decisions or recommendations pending the collection of adequate information on which to base its survey. It asked

the Secretary-General to arrange for a second session to be held in November 1950, principally for the purpose of examining and evaluating the replies received to the questionnaire and the information obtained from the other sources, and of preparing any supplementary requests for information which might be considered necessary. It requested, also, that a third session be scheduled for April-May 1951, for the preparation of the final report to the Council. These requests were contained in the report of the Committee's first session (E/1600), which came before the Council at its eleventh session at the 407th plenary meeting on 11 August 1950.

Members of the Council, generally speaking, recognized the difficulty and the magnitude of the task before the Committee. Several representatives, including those of Belgium, Peru and the United States, expressed the opinion that, in view of the great amount of material which the Committee was attempting to collect, the holding of a session in November might be premature. It was also stated that Governments should be given more time to reply to the questionnaire.

The representative of Peru, accordingly, submitted to the Council an amendment (E/L.96) to the Committee's proposals, seeking to defer until 1951 the meeting of the Committee. By resolution 307 (XI), adopted by 12 votes to none, with 3 abstentions, the Council took note of the Committee's report on its first session and decided that the session of the Committee planned for November 1950 should take place in the first half of 1951. It further requested the Committee to submit its final report to the Council at its thirteenth session.

J. FREEDOM OF INFORMATION

1. Draft Convention on Freedom of Information

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council, at its tenth session, held from 7 February to 6 March 1950, had before it General Assembly resolution 313-(IV) of 20 October 1949, recommending that the Council should request the Commission on Human Rights to include adequate provisions on freedom of information in the draft International Covenant on Human Rights, taking into account the work done on the draft Convention on Free-

dom of Information at the United Nations Conference on Freedom of Information and at the third and fourth sessions of the General Assembly.¹¹⁹

At the same time, the Assembly decided to postpone further action on the draft Convention to its fifth regular session, pending receipt of the draft International Covenant on Human Rights, or a progress report on it.

The resolution of the General Assembly came before the Council at its 348th plenary meeting

¹¹⁸ This resolution referred to relations between United Nations Members and Spain; see Y.U.N., 1946-47, p. 67.

¹¹⁹ See Y.U.N., 1948-49, pp. 553-77.

on 13 February 1950. The Council had before it a draft resolution prepared by the Secretary-General (E/1560) on the basis of the Assembly recommendation, which would have the Council transmit the Assembly's resolution to the Commission on Human Rights "for the action contemplated therein". It also had before it a draft resolution by Chile (E/L.4), which would state that the Council, having considered the General Assembly resolution, "requests the Commission on Human Rights to include adequate provisions in the draft International Covenant on Human Rights, taking into account the work done on the draft Convention on Freedom of Information at the United Nations Conference on Freedom of Information and at the third and fourth regular sessions of the General Assembly". A further draft resolution, submitted jointly by France and India (E/L.6), would have the Council instruct the Commission to consider the inclusion in the Covenant on Human Rights of basic principles of freedom of information only, bearing in mind that the action on the draft Convention on Freedom of Information had not yet been completed by the General Assembly. It would also recommend that the Assembly complete its consideration of the draft Covenant as early as possible.

The sponsors of the joint draft resolution emphasized that the Council should specify to the Commission on Human Rights what action it should take in this respect. It was desirable that a clause restricted to basic principles should be included in the draft Covenant and this action would not prejudice any decision by the General Assembly in respect of the Convention. Among those who spoke in favour of the joint draft resolution were the representatives of Belgium and Iran. The representative of Chile said that he would not press for a vote on his draft resolution.

The representative of the United States, on the other hand, opposed the joint draft resolution, stating that he felt that the Council should not go beyond its authority in transmitting the resolution by the General Assembly to the Commission on Human Rights and stated that he would sponsor the draft resolution prepared by the Secretary-General (see above). Support for this draft resolution was expressed by the representatives of Australia, Brazil, Canada, Mexico, Pakistan, Peru and the United Kingdom.

The French-Indian joint draft resolution, after a paragraph-by-paragraph vote, was rejected as a whole by 7 votes to 1, with 6 abstentions. The United States draft resolution was then adopted by the Council by 12 votes to 1, with 2 abstentions,

at the 348th plenary meeting on 13 February 1950. By this resolution (278(X)), the Council transmitted resolution 313(V) of the General Assembly to the Commission "for the action contemplated therein".

At its sixth session, held from 27 March to 19 May 1950, the Commission on Human Rights considered the resolutions of the General Assembly and the Council, while discussing the article on freedom of information in the draft Covenant on Human Rights. In its report (E/1681), it recommended to the Council that the latter should recommend to the General Assembly to proceed, at its fifth session, with the elaboration of a special convention on freedom of information as a means of ensuring adequately this freedom throughout the world.

When this recommendation was discussed at the Council's eleventh session, at the 139th meeting of the Social Committee on 17 July 1950, it was opposed on the ground that it was for the General Assembly to decide the action it wished to take concerning the draft Convention on Freedom of Information in the light of its consideration of the relevant article in the draft Covenant on Human Rights. This view was expressed by the representatives of the United Kingdom and the United States. The representatives of Brazil, France, India and Mexico, on the other hand, urged the adoption of the recommendation of the Commission, which was composed of experts and competent jurists who had reached the conclusion that the article in the Covenant could not replace the whole Convention on Freedom of Information. The Social Committee decided, by 8 votes to 5, with 1 abstention, to adopt the recommendation of the Commission.

The decision of the Committee, however, was not adopted by the Council at its 404th plenary meeting on 9 August 1950. The representative of the United States expressed the opinion at this meeting that it would be wrong for the Council to impose a particular course of action on the Third Committee of the General Assembly. Similar views were expressed by the delegations of Canada, Chile and the United Kingdom, while the representatives of Brazil, France, India and Mexico urged the adoption of the draft resolution submitted by the Social Committee (E/1808). An oral amendment by the representative of Iran, which sought to avoid the adoption by the Council of a resolution which might prejudge the action of the General Assembly, was debated at some length but was rejected by the Council by 8 votes to 5, with 2 abstentions. The Council also rejected

the draft resolution proposed by the Committee by 7 votes to 6, with 2 abstentions. Thus the Council at its eleventh session adopted no resolution with respect to the Draft Convention on Freedom of Information.

b. CONSIDERATION BY THE GENERAL ASSEMBLY

At the fifth session of the Assembly, the draft Convention was considered at the 320th-324th meetings by the Third Committee from 20 to 22 November 1950. The Committee had before it a draft resolution submitted jointly by Chile, Cuba, Egypt, France and the Netherlands (A/C.3/L.110/Rev.1), which would provide for the appointment by the General Assembly of an ad hoc committee consisting of the representatives of fifteen countries to prepare, at a meeting to be held not later than 1 March 1951, a draft convention on freedom of information. It further proposed that the Economic and Social Council be recommended to convene a conference of plenipotentiaries to meet not later than 1 August 1951 with a view to the framing and signature of a Convention on Freedom of Information, based on the draft prepared by the ad hoc committee and on observations solicited from Governments.

During the general debate, the representatives of Afghanistan, Brazil and Mexico expressed the opinion that the drafting of the Convention on Freedom of Information should be proceeded with at the current session of the General Assembly. No formal proposal to that effect was, however, introduced.

The following amendments to the joint draft resolution were submitted:

(1) By the United States (A/C.3/L.113): This amendment proposed that the operative part of the joint draft resolution be deleted, and that the General Assembly decide to postpone further consideration of the draft Convention on Freedom of Information until it had taken definite action on the draft Covenant on Human Rights.

(2) By Lebanon (A/C.3/L.116): This amendment included, among others, the following proposals: (a) to insert a provision requesting the ad hoc committee to report to the Economic and Social Council on the result of its work and to submit recommendations, particularly with regard to the advisability of convening a conference of plenipotentiaries as proposed in the joint draft resolution; (b) to change the wording of a paragraph of the joint draft resolution; and (c) to replace the recommendation for the convening of a conference of plenipotentiaries by a provision recommending the Economic and Social Council to consider the report of the ad hoc committee and "if it thinks fit in the light of the ad hoc committee's recommendations and the observations of Governments" to convene a conference not later than 1 August 1951.

The Committee also had before it sub-amendments to the Lebanese amendment by Mexico (A/C.3/L.117). They proposed the deletion of the request to the ad hoc committee to submit recommendations to the Economic and Social Council with regard to the advisability of convening a conference. It was proposed to delete the words "if it thinks fit in the light of the ad hoc committee's recommendations and the observations of Governments" and to change the wording of the amendment to the effect that the draft resolution should take into account the possibility of several drafts being prepared by the ad hoc committee.

Two sub-amendments by Chile were accepted by the representative of Lebanon. The first sub-amendment would have the Economic and Social Council take into consideration, also, the General Assembly's wish that one or more conventions to ensure freedom of information in the world should be adopted as soon as possible (A/C.3/L.116/Rev.1). The second Chilean sub-amendment proposed orally was to change the timing of the proposed conference from "not later than 1 August 1951" to "as soon as possible and not later than 1 February 1952".

The sponsors of the joint draft resolution urged its adoption to avoid further postponement of action on this question, which had been delayed by various obstacles, including the failure to agree on an appropriate method for guaranteeing freedom of information.

The representative of France considered that the absence of a convention in the field of freedom of information, one of the essential democratic freedoms, might have serious consequences. It would be desirable for the draft Covenant on Human Rights to cover all aspects of freedom of information, but the question was undoubtedly a complex one and could not be dealt with in a single article. The Commission on Human Rights had itself decided that a provision on freedom of information in the draft Covenant would not suffice to settle the problem and that a convention was essential. In the opinion of the representative of Cuba the effect of the adoption of the United States amendment would be to postpone the question indefinitely. The representative of Lebanon also urged that the study of the draft convention should not be postponed again.

The representative of the United States, on the other hand, stating that the draft Convention on Freedom of Information was closely related to the draft Covenant on Human Rights, expressed the view that since the Commission had not yet

completed the draft Covenant, no final decision on the draft Convention could yet be taken. The United States delegation considered that a decision should be taken as to the form of the article on freedom of information in the draft Covenant before consideration was given to the drafting of a convention.

The debate which followed in the Third Committee showed a division of opinion among Members as to whether it was desirable to proceed with consideration of the draft Convention on Freedom of Information before the completion of the draft Covenant on Human Rights, which would contain an article on freedom of information. Support for the joint draft resolution or the amendments to the joint draft resolution submitted by Lebanon and Chilean and Mexican sub-amendments to the Lebanese amendment was voiced by the representatives of El Salvador, Ethiopia, India, Poland, Saudi Arabia, Turkey, Union of South Africa and Yugoslavia, though in many cases reservations were made in respect of certain aspects. Among representatives who spoke in favour of the United States amendment, on the other hand, were those of Australia, Canada, Greece, New Zealand and the United Kingdom.

At the 322nd meeting of the Committee on 21 November 1950 the United States amendment was rejected, by roll-call vote of 25 to 14, with 10 abstentions, and the Committee then voted, paragraph by paragraph, on the joint draft resolution and the amendments.

The Committee decided not to adopt either of the Mexican amendments to the Lebanese amendment. In a roll-call vote on the first amendment proposed by Mexico, there were 17 votes in favour and 17 against, with 15 abstentions. The Committee rejected, by 23 votes to 18, with 6 abstentions, the second Mexican proposal. It decided, however, to adopt each of the three parts of the Lebanese amendment to the joint draft resolution—by a roll-call vote of 25 to 13, with 11 abstentions; by 46 votes to none, with 3 abstentions; and by 31 votes to 8, with 8 abstentions, respectively. It adopted the unamended parts of the joint draft resolution, paragraph by paragraph, by votes ranging from 41 votes to 2, with 6 abstentions, to 30 votes to 1, with 17 abstentions.

After voting on the joint draft resolution and the amendments, it was pointed out by the Chairman that the committee would have to decide on the membership of the proposed ad hoc committee before it could vote on the draft resolution as a whole.

At its 323rd meeting on 22 November 1950, the Committee took two secret ballots to determine the composition of the Committee referred to in the draft resolution. As a result of the first ballot, the following Member States obtained the required majority: Cuba, Egypt, France, India, Lebanon, Mexico, the Netherlands, the Philippines, the USSR, the United Kingdom and the United States. At the second ballot, the following Member States obtained the required majority: Ecuador, Pakistan, Saudi Arabia and Yugoslavia. When the names of these fifteen States had been inserted in the draft resolution, it was adopted as a whole by a roll-call vote of 35 votes to none, with 15 abstentions.

The resolution adopted by the Committee was adopted by the General Assembly (resolution 426(V)) at its 325th plenary meeting on 9 August 1950, without discussion, by 44 votes to none, with 12 abstentions. It read:

The General Assembly,

Recalling its resolution 313(IV) of 20 October 1949, the recommendation of the sixth session of the Commission on Human Rights regarding freedom of information and the discussion concerning that recommendation at the eleventh session of the Economic and Social Council,

Considering that freedom of information and the Purposes of the United Nations are indivisible,

1. Appoints a Committee consisting of the representatives of the following fifteen countries: Cuba, Ecuador, Egypt, France, India, Lebanon, Mexico, the Netherlands, Pakistan, the Philippines, Saudi Arabia, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia, which shall meet at the Headquarters of the United Nations as soon as possible, but not later than 1 March 1951, to prepare a draft Convention on Freedom of Information, taking into consideration the draft approved by the United Nations Conference on Freedom of Information held at Geneva from 23 March to 21 April 1948; the text voted during the second part of the third session of the General Assembly; article 14 of the provisional text of the draft First International Covenant on Human Rights; and the observations contained in the summary records of the meetings of the Third Committee dealing with the question;

2. Requests the Committee to report to the Economic and Social Council at its thirteenth session on the results of its work and to submit recommendations, in particular, with regard to the advisability of convening a conference of plenipotentiaries with a view to the framing and signature of a Convention on Freedom of Information;

3. Requests the Secretary-General to submit the Committee's report, together with the draft or drafts of the Convention prepared by the Committee, to the various governments concerned for their consideration;

4. Invites the governments so consulted to transmit their suggestions and observations to the Secretary-General by 15 June 1951;

5. Recommends the Economic and Social Council to consider the Committee's report at its thirteenth session and if it thinks fit, in the light of the Committee's recommendations and the observations of governments, and also taking into consideration the General Assembly's wish that one or more conventions to ensure freedom of information in the world should be adopted as soon as possible, to convene a conference of plenipotentiaries to meet as soon as possible and not later than 1 February 1952, with a view to the framing and signature of a Convention on Freedom of Information, based on the draft or drafts prepared by the above-mentioned Committee and on the observations of governments.

2. The Adequacy of News and Obstacles to the Free Flow of Information

At its fourth session, held in Montevideo from 15-26 May 1950, the Sub-Commission on Freedom of Information and of the Press discussed and made recommendations to the Council relating to the adequacy of news available to the peoples of the world and the obstacles to the free flow of information to them. These recommendations concerned, in particular:

- (1) interference with radio signals;
- (2) freedom of information in a state of emergency;
- (3) dissemination of information through newsreels;
- (4) agreements between Governments and the United Nations and the specialized agencies concerning free access of news personnel and their families to countries where meetings of the United Nations and the agencies are held;
- (5) the supply of newsprint;
- (6) discrimination against foreign news personnel.

These recommendations were discussed by the Council at its eleventh session, at the 135th to 139th meetings of the Social Committee, 12-17 July, and at the 405th plenary meeting on 9 August 1950.

The first two of these questions were also considered by the General Assembly at its fifth session, at the 317th to 319th meetings of the Third Committee on 17-18 November and at the 325th plenary meeting on 14 December 1950.

a. INTERFERENCE WITH RADIO SIGNALS

(1) Recommendation of the Sub-Commission

In a resolution on this subject, the Sub-Commission stated that it considered that duly authorized radio-operating agencies in the USSR were deliberately interfering with the reception, by the people of the USSR, of certain radio signals originating beyond the territory of that country. It declared these types of interference to be a violation of the accepted principles of freedom of information; condemned all measures of this

nature as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers; and requested the Council to transmit the resolution to the General Assembly, recommending that it should call upon the Governments of all Member States to refrain from such interference with the right of their peoples of freedom of information.

(2) Discussion in the Council at Its Eleventh Session

The Council's Social Committee in discussing this recommendation had before it an amendment to the Sub-Commission's draft proposed by India (E/AC.7/L.33) which, in the preamble, would, among other things, refer to interference by "duly authorized radio operating agencies in certain countries" with radio signals from abroad and, in the operative part would declare such interference a violation of the accepted principles of freedom of information and condemn all measures of this kind as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers. A sub-amendment by the United States (E/AC.7/L.42) sought to add a paragraph to the Indian amendment to provide for the transmission to the General Assembly the records of the Council's discussions on the subject. An Australian amendment (E/AC.7/L.40), suggested the deletion of the paragraph of the Sub-Commission's resolution condemning the practice of interference as a violation of the accepted fundamental human right of all persons to be fully informed.

In the Committee's discussion, various representatives, including those of France, India and Pakistan, urged that it was inappropriate to make specific mention in such a resolution of a particular Member State; the opposing view was expressed by the United States representative. The majority view was that this reference in the Sub-Commission's resolution should be deleted, and the Indian amendment was put to the vote, paragraph by paragraph. The United States sub-amendment to the Indian amendment was unanimously adopted and the Indian proposal, as amended, was adopted, as a whole, by 11 votes to none, with 2 abstentions. The Committee, accordingly, did not vote on the resolution proposed by the Sub-Commission or the Australian amendment to it.

When the Council considered the draft resolution of the Committee (E/1785, draft resolution B) at its 405th plenary meeting on 9 August 1950, the representative of the United Kingdom said that, in the opinion of his delegation, the question of interpretation of the International

Telecommunication Convention, referred to in the draft resolution (see below), was a matter which fell within the competence of the International Telecommunication Union (ITU) and should not be included in a Council resolution. He requested, therefore, that a separate vote should be taken on that particular paragraph. This view was opposed by the representative of the United States, who stated that to delete the paragraph would greatly weaken the draft resolution. He emphasized that ITU had an agreement with the United Nations and that the Atlantic City Convention was an important instrument and basic to the orderly development of international communications.

The paragraph referred to was put to the vote separately and adopted by the Council by 12 votes to 2, with 1 abstention. Part B of the resolution, as a whole, was adopted unanimously by the Council (resolution 306 B (XI)), as follows:

Whereas the General Assembly in its resolution 59(I) authorizing the holding of the United Nations Conference on Freedom of Information declared that freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated,

Whereas freedom to listen to radio broadcasts regardless of source is embodied in article 19 of the Universal Declaration of Human Rights, which reads: "Everyone has the right to freedom of opinion and expression" and whereas this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers,

Whereas article 44 of the International Telecommunication Convention, Atlantic City, 1947, provides that "All stations whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio service or communications of other members or associate members . . . [and that] Each member or associate Member undertakes to require the private operating agencies which it recognizes, and the other operating agencies duly authorized for this purpose, to observe the provisions of the preceding paragraph," and

Considering that the duly authorized radio operating agencies in some countries are deliberately interfering with the reception by the people of those countries of certain radio signals originating beyond their territories,

The Economic and Social Council

Declares this type of interference to be a violation of the accepted principles of freedom of information; condemns all measures of this nature as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers;

Transmits to the General Assembly the records of the discussion on this subject in the Council; and

Recommends to the General Assembly that it call upon all Member Governments to refrain from such interference with the right of their peoples to freedom of information.

When it considered the report of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Economic and Social Council, at its 405th plenary meeting on 9 August 1950, adopted resolution 331 B (XI), by which it requested the Secretary-General to prepare for the Council, in collaboration with the Director-General of UNESCO, a report delimiting the respective activities of the United Nations and of UNESCO, with a view to their co-ordination, in particular comparing the terms of reference and programme of the Sub-Commission on Freedom of Information and of the Press with the constitution and programme of UNESCO.¹²⁰

(3) Discussion in the General Assembly at Its Fifth Session

The Council's resolution 306 B (XI) was considered by the Assembly at the 317th-319th meetings of the Third Committee on 17-18 November and at the 325th plenary meeting on 14 December.

The representative of Chile submitted a draft resolution (A/C.3/L112), whereby the General Assembly would adopt as its own the declaration in the Council's resolution and invite the Governments of all Member States to refrain from interference of the kind mentioned.

During the debate in the Committee, charges and counter-charges concerning interference with radio signals were made by a number of representatives, including those of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR on one hand, and Cuba, Lebanon, the United Kingdom, the United States and Yugoslavia on the other. The representative of Chile, urging the adoption of his draft resolution, recalled that in 1947 the General Assembly had adopted resolution 110 (II)¹²¹ condemning all propaganda likely to jeopardize friendly relations among nations. The First Committee had reiterated (A/1532) that condemnation by its adoption, by 43 votes to none, with 8 abstentions, of a draft resolution condemning all propaganda against peace, and recommending the free exchange of information and ideas.¹²² Moreover to comply with resolution 290(IV),¹²³ and to meet the request of the Sub-Commission on Freedom of Information and of the Press which had been endorsed by the Economic and Social Council, the

¹²⁰ See pp. 919-20.

¹²¹ For text, see Y.U.N., 1947-48, p. 93.

¹²² For action by the General Assembly on the draft resolution of the Committee, see below.

¹²³ For text, see Y.U.N., 1948-49, p. 344.

Third Committee was, he considered, bound to condemn the policy of interference and to submit a draft resolution to that effect to the General Assembly. Such action was also dictated by the need to protect the work of the United Nations for peace. All propaganda against peace and all information capable of disturbing friendly relations among people should, he considered, be condemned. Similar views were expressed by the representatives of Afghanistan and Egypt, who supported the principle of a resolution which would be couched in general terms and could be regarded as being in the true interests of freedom of information.

Oral amendments to the Chilean draft resolution (A/C.3/L.112) were submitted jointly by the representatives of India, Indonesia, Iran, Iraq, Mexico, the Philippines and Saudi Arabia. In submitting these amendments to the Committee the representative of Saudi Arabia said that the reason for submitting these amendments, as he had been able to ascertain from personal experience, was that the major Powers employed radio broadcasting for propaganda purposes. The smaller nations, he said, did not want to become involved in any ideological struggle, whatever its nature. If the Third Committee and the General Assembly decided to request the major Powers to endeavour to disseminate their culture, art and literature and refrain from insisting upon their political interests, a great service would be rendered to the cause of peace. The joint oral amendments proposed to add a paragraph to the preamble which would have the General Assembly declare that it considered peace amongst nations rested on the goodwill of all peoples and Governments and that tolerance and understanding were prerequisites for establishing goodwill in the international field. It would also add to the operative part of the Chilean draft a paragraph which would have the Assembly invite all Governments "to refrain from such radio broadcasts as would offend the sensibilities of the peoples everywhere and in so doing conform strictly to an ethical conduct in the interests of world peace by reporting facts truly and objectively".

Some members of the Committee pointed out that as a result of the joint oral amendments two separate aspects of the question were now under consideration—interference with radio signals and the actual nature of radio broadcasts—though others considered the two matters interrelated. Some representatives were in favour of a single resolution embracing both aspects, others felt that they should be dealt with separately.

The representative of Chile, however, accepted the joint oral amendments in respect of the preamble. He criticized the phrasing of the amendment to the operative part of the draft resolution as being too vague and not strong enough to condemn any broadcasts but was willing to incorporate in it the phrase "that would mean unfair attacks or offensive slanders against other peoples anywhere" in place of the words "as would offend the sensibilities of peoples everywhere". He also proposed the addition to his draft resolution of a paragraph which would have the General Assembly also invite Member States to give every possible facility so that the people might know objectively the activities of the United Nations in promoting peace and, in particular, to facilitate the reception and transmission of the United Nations official broadcasts.

Following the acceptance by the representative of Chile of the suggested amendments, the Committee considered various suggestions for drafting changes. It rejected, by 16 votes to 13, with 15 abstentions, a Saudi Arabian proposal to reinsert in the designation of the types of broadcasts from which the General Assembly would invite all Governments to refrain, those broadcasts which would offend the susceptibilities of peoples anywhere. It also rejected by 12 votes to 8, with 22 abstentions, a Lebanese oral amendment to add a paragraph, having the General Assembly invite the Governments of all Member States to take the necessary steps within their competence to prevent the diffusion of false or distorted reports likely to injure friendly relations between States.

The Committee then voted on the amended Chilean draft resolution, paragraph by paragraph. The first two operative paragraphs of the draft resolution were adopted in roll-call vote by 38 votes to 5, with 1 abstention, and by 36 votes to 5, with 3 abstentions, respectively. The draft resolution as a whole was adopted by the Committee at its 319th meeting on 18 November 1950, by 39 votes to 5.

The resolution was subsequently adopted (resolution 424(V)) by the General Assembly at its 325th plenary meeting on 14 December, without discussion, by 49 votes to 5. It read as follows:

The General Assembly,

Whereas freedom to listen to radio broadcasts regardless of source is embodied in article 19 of the Universal Declaration of Human Rights, which reads: "Everyone has the right to freedom of opinion and expression" and whereas this right "includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers",

Whereas article 44 of the International Telecommunication Convention, Atlantic City, 1947, provides that "All stations, whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio service or communications of other members or associate members . . . [and that] Each member or associate member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of the preceding paragraph",

Considering that the duly authorized radio operating agencies in some countries are deliberately interfering with the reception by the people of those countries of certain radio signals originating beyond their territories, and bearing in mind the discussion which took place in the Economic and Social Council and in the Sub-Commission on Freedom of Information and of the Press on this subject,

Considering that peace among nations rests on the goodwill of all peoples and governments and that tolerance and understanding are prerequisites for establishing goodwill in the international field,

1. Adopts the declaration of the Economic and Social Council contained in its resolution 306 B (XI) of 9 August 1950 to the effect that this type of interference constitutes a violation of the accepted principles of freedom of information;

2. Condemns measures of this nature as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers;

3. Invites the governments of all Member States to refrain from such interference with the right of their peoples to freedom of information;

4. Invites all governments to refrain from radio broadcasts that would mean unfair attacks or slanders against other peoples anywhere and in so doing to conform strictly to an ethical conduct in the interest of world peace by reporting facts truly and objectively;

5. Invites also Member States to give every possible facility so that their peoples may know objectively the activities of the United Nations in promoting peace and, in particular, to facilitate the reception and transmission of the United Nations official broadcasts.

b. FREEDOM OF INFORMATION IN A STATE OF EMERGENCY

The Sub-Commission on Freedom of Information and of the Press at its fourth session recommended (E/1672) that the Council request the General Assembly to adopt a resolution concerning freedom of information in a state of emergency. Though some criticism of the draft resolution proposed by the Sub-Commission was voiced at the eleventh session of the Council in the Social Committee by the representatives of Australia, Belgium, Chile and France and the resolution was described both as vague and of little force, it was adopted by the Committee without change by 6 votes to 5, with 4 abstentions, at its 137th meeting on 14 July and without discussion by the Council at its 405th plenary

meeting on 9 August 1950 by 11 votes to 2, with 2 abstentions, as resolution 306 C (XI).

In this resolution the Council would have the General Assembly declare, in the preamble, that it considered that freedom of information and of the Press was a fundamental human right and should be advanced and safeguarded "in all circumstances" and that limitations had been placed on this right in emergencies or on the pretext of emergencies.

In the operative part of the resolution, the Assembly would recommend to all Members that when they were compelled to declare a state of emergency they should limit freedom of information and of the Press only in the most exceptional circumstances and then only to the extent required by the situation.

The question was considered at the Assembly's fifth session at the 318th meeting of the Third Committee on 17 November 1950. The Committee decided to take as its basic text the Economic and Social Council's draft resolution (306 C (XI)). It agreed, however, at the suggestion of the representative of Egypt to redraft the preamble.

Further drafting changes were adopted on the suggestion of Saudi Arabia and the Philippines. The Committee also adopted by 17 votes to 16, with 11 abstentions, a Saudi Arabian amendment, to delete the words "in all circumstances" from the first part of the preamble. The draft resolution as amended, was adopted by the Committee by 38 votes to 5, with 5 abstentions, and by the General Assembly at its 325th meeting on 14 December 1950, without discussion, by 41 votes to 5, with 2 abstentions, as resolution 425 (V). It read as follows:

The General Assembly,

Considering that freedom of information and of the Press is one of the fundamental freedoms and should be advanced and safeguarded,

Considering that limitations might be placed on this freedom in emergencies or on the pretext of emergencies,

Recommends to all Member States that, when they are compelled to declare a state of emergency, measures to limit freedom of information and of the Press shall be taken only in the most exceptional circumstances and then only to the extent strictly required by the situation.

c. NEWSREELS

In a resolution concerning the free circulation of newsreels, the Sub-Commission on Freedom of Information and of the Press at its fourth session (E/1674) proposed that the Council should appeal to all Governments:

(1) to permit movement within their territories of personnel engaged in the gathering, transmission and dissemination of information through the medium of newsreels;

(2) not to seize, impound or otherwise place restrictions or hindrances without justifiable legal cause on newsreel equipment used by them;

(3) not to confiscate or censor newsreels or portions of newsreels unless this was absolutely essential on grounds relating directly to public morals or national defence.

This matter was discussed at the eleventh session of the Council by the Social Committee at its 137th meeting on 14 July and by the Council at its 405th plenary meeting on 9 August 1950.

The Social Committee had before it two amendments to the recommendations by the Sub-Commission: one by Australia (E/AC.7/L.40), another by India (E/AC.7/L.39). The Australian amendment would (1) add the phrase "to the extent compatible with international security" in the appeal to Governments to allow the free movement of personnel; and (2) widen the application of provision dealing with the grounds for confiscation by having the Council appeal to all Governments not to confiscate or censor newsreels except on grounds relating to national security, public order, public morals and decency, the avoidance of blasphemy and the maintenance of friendly international relations. The Indian amendment similarly, would add to the conditions for confiscation grounds relating to the maintenance of cordial international relations.

The representative of Australia stated that the principles contained in his amendment had already been incorporated in the Draft Convention on the International Transmission of News and the Right of Correction,¹²⁴ which had been approved by the General Assembly (resolution 277 C (III)). The representative of India said that if the Australian amendments were accepted, he would withdraw his amendment.

The United Kingdom representative considered it inappropriate for the Council to adopt a resolution singling out one method of collecting and disseminating news when the draft Convention on the International Transmission of News and the Right of Correction already covered all existing methods. He therefore suggested that no action be taken on the Sub-Commission's draft resolution. Support for this view was expressed by the representatives of France and Mexico; the United States representative, on the other hand, supported the Sub-Commission's recommendations. The representative of Mexico drew the attention of the Committee to resolution 17 adopted by the Conference on Freedom of Infor-

mation, which, he stated, unlike the resolution of the Sub-Commission contained all the basic principles covering the free circulation of newsreels. It recommended Member States to adopt a whole series of practical and economic measures, whereas the Sub-Commission's experts had focussed their attention exclusively on the political aspect of the problem.

The Committee adopted by 9 votes to 2, with 3 abstentions, a United Kingdom proposal that the Committee's report recommend to the Council that, having considered the draft resolution, no action be taken thereon.

This action was endorsed by the Council at its 405th plenary meeting on 9 August 1950.

d. AGREEMENTS WITH THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

The Sub-Commission, in another resolution adopted at its fourth session, referred to the existence of agreements between Governments and the United Nations and between Governments and specialized agencies which made special reference to freedom of access for representatives of Press, radio, film and other information agencies accredited to the United Nations and the specialized agencies. It drew the attention of the Council to the absence of any provisions for facilitating the entry into such countries of the wives and families of accredited news personnel. It pointed out that this situation, especially in the event of long-term assignments, hinders the work of news personnel through hardship and the disruption of families, and it recommended that the Council should take such action as it considered necessary in the circumstances.

The Social Committee noted that the resolution of the Sub-Commission was not drawn up in the form of a draft resolution for adoption by the Council, which was asked to take such action as it considered necessary. As no resolution was formally moved, the Committee agreed, at its 137th meeting on 14 July to take no action, and this decision was endorsed by the Council at its 405th plenary meeting on 9 August 1950.

The Sub-Commission recommended also that a model agreement be drawn up to serve as a basis for future agreements between the United Nations and countries where meetings of the United Nations are held, and between the specialized agencies and such countries. This model agreement would deal with access for news personnel

¹²⁴ For text, see Y.U.N., 1948-49, PP. 564-67.

to meetings of the United Nations and its specialized agencies, and would contain provisions for the adequate protection of the rights and privileges of news personnel. It recommended that the Council should request the Secretary-General to prepare the draft of such an agreement to be considered at the fifth session of the Sub-Commission with a view to eventual approval by the General Assembly.

The Social Committee noted at its 137th meeting on 14 July that a similar recommendation had been made previously and had been before the General Assembly at its fourth session. The action which the General Assembly had decided to take was incorporated in its resolution 314 (IV), under which Member States were urged to grant accredited news personnel free access to countries where meetings of the United Nations or specialized agencies or any conferences convened by them were taking place, for the purposes of covering such meetings. The Council therefore at its 405th plenary meeting on 9 August 1950, on the recommendation of the Social Committee, decided to take no action on the recommendation of the Sub-Commission.

e. THE SUPPLY OF NEWSPRINT

A further recommendation by the Sub-Commission on the adequacy of news concerned the sale and purchase of newsprint. It considered that, for economic reasons, serious problems have arisen in various countries with regard to the supplies of newsprint, and that this situation had caused certain Governments to intervene officially in the sale and purchase of newsprint, either by restricting the amount of foreign currency allocated for its importation or by rationing it among the various organs of the Press, or by confiscating it. It considered also that governmental interference in these matters might lead to arbitrary and discriminatory action, which it was desirable to avoid and, further, that one of the functions of the Sub-Commission was to make recommendations to the Council with regard to the economic, political and other obstacles to freedom of the Press. The Sub-Commission accordingly recommended the cessation of these practices in so far as was compatible with the economic situation. It requested the Council to invite Member States to put an end to confiscatory measures and discriminatory actions as being contrary to freedom of the Press.

When this recommendation was considered by the Council at its eleventh session, two amend-

ments were presented to the Social Committee at its 137th meeting on 14 July.

One, submitted by Australia (E/AC.7/L.40), sought to substitute for the reference to the possibility of governmental interference leading to discriminatory action the statement that the Council considered it desirable that governmental action should diminish as the economic situation improved. The Australian amendment also proposed the deletion of the last paragraph, which would have the Council invite all Member States to put an end to confiscatory measures and discriminatory actions as being contrary to the freedom of the Press.

The Australian representative explained that the aim of his amendment was to dispel the impression which might be created by the draft resolution that any restrictions taken on the grounds of economic necessity were automatically wrong and that all Governments were guilty of confiscatory measures and discriminatory actions. He later withdrew his amendment in favour of drafting changes suggested by the United Kingdom representative.

An amendment proposed by France (E/AC.7/L.41) sought to incorporate in the preamble the statement that the Council considered intervention by Governments included regulation of the use by press enterprises of the newsprint placed at their disposal; the representative of France considered the list of restrictive measures incomplete without this addition, pointing out that this method of regulation had been used.

The representative of Mexico said that although his delegation had always held that Governments should not interfere in the distribution of newsprint, it would nevertheless vote against the draft resolution as it did not possess any information or details regarding Governments guilty of the type of interference mentioned.

The changes proposed by the United Kingdom and the French amendment were incorporated in the draft resolution, which was submitted to a paragraph-by-paragraph vote. The Committee agreed by 6 votes to 3, with 5 abstentions, to delete a paragraph of the draft resolution which, the United States representative had said, could be interpreted as justifying discriminatory practices on the ground of economic necessity. The draft resolution, as amended, was adopted as a whole by 12 votes to none, with 3 abstentions, by the Committee at its 137th meeting on 14 July, and by the Council at its 405th plenary meeting

on 9 August without discussion, by 13 votes to none, with 2 abstentions. By this resolution (306 D (XI)), the Council, after considering that for economic reasons serious problems had arisen in various countries of the world with regard to the supply of newsprint; that this situation had caused certain Governments to intervene officially in the sale and purchase of newsprint either by restricting the amount of foreign currency allocated for its importation, or by rationing it among the various organs of the Press, or by regulating the use by Press enterprises of the newsprint placed at their disposal; and that governmental interference in these matters had led in certain cases to confiscation or other forms of arbitrary and discriminatory action which it was desirable to avoid, invited the Member States concerned to put an end to such confiscatory measures and discriminatory actions as being contrary to the freedom of the Press.

f. DISCRIMINATION AGAINST FOREIGN INFORMATION PERSONNEL

The last recommendation of the Sub-Commission on the adequacy of news was contained in a resolution which required no action by the Council. The Sub-Commission declared the practice of discriminating against or mistreating foreign information personnel, which exists in certain countries, to be a serious interference with the right of the peoples to freedom of information and condemned it as a violation of the accepted fundamental human rights of all persons to be fully informed.

g. PROPAGANDA AGAINST PEACE AND THE FREE EXCHANGE OF INFORMATION

At its 308th plenary meeting on 17 November, during its discussion of the report of the First Committee (A/1490), the General Assembly adopted without discussion by 49 votes to none, with 7 abstentions, resolution 381 (V). By this resolution, the Assembly reaffirmed its resolutions 110(II) and 290(IV), which condemned all propaganda against peace and recommended the free exchange of information and ideas as one of the foundations of good-neighbourly relations between peoples. The resolution further declared that such propaganda included incitement to conflicts or acts of aggression; measures tending to isolate the peoples from any contact with the outside world, by preventing the Press, radio and other media of communication from reporting international events, and thus hindering

mutual comprehension and understanding between peoples; and measures tending to silence or distort the activities of the United Nations in favour of peace or to prevent their peoples from knowing the views of other States Members.¹²⁵

3. Draft International Code of Ethics

The Sub-Commission drew up and adopted a draft international code of ethics, containing a preamble and four articles. It recommended to the Council that it request the Secretary-General (a) to transmit to all Governments this draft code of ethics, together with available texts of existing codes of ethics and other relevant information; (b) to request Governments to refer such working material to information enterprises and professional associations in their respective territories for comment and suggestions, to be returned to the Secretary-General; and (c) to analyse the comments received and to submit them to the fifth session of the Sub-Commission in order that the latter might examine the draft in the light of these comments and adopt a text to be presented to an international professional conference which could be convoked at a later date pursuant to resolution 36 of the United Nations Conference on Freedom of Information.

This recommendation was discussed during the Council's eleventh session at the 138th meeting of the Social Committee on 17 July and at the 405th plenary meeting on 9 August 1950.

The representative of Mexico submitted an amendment (E/AC.7/L.43) in the Social Committee to delete the provisions for transmitting the codes of ethics through Governments. He pointed out that resolution 36 of the United Nations Conference on Freedom of Information stated that it was preferable that journalists should be consulted directly on an international code of ethics and that a conference of international journalists should be convened to see whether an international code of ethics could be adopted.

The Committee also had before it amendments by Australia (E/AC.7/L.40) to provide that the draft international code of ethics should be submitted in the first instance to Governments and, after preliminary consideration by them, should be referred to the national bodies concerned which should be asked, in addition, to comment on the usefulness of such a code. The representative of

¹²⁵ See p. 204.

Australia accepted a modification suggested by the United States representative, by which the Sub-Commission, after its examination of the comments received, would recommend what action it considered desirable.

The representatives of France, the United States, Brazil and India expressed agreement with the view of the representative of Mexico that the question of establishing a code of ethics was, at the present stage of its study, essentially the concern of journalists. The representative of France considered that an international conference might be convened to draw up an international code of ethics if it saw fit, but some Members thought that the drafting of such a code did not alone constitute sufficient reason for calling such a conference, and that the Council should not commit itself at that stage to convening one.

The Committee agreed, by 9 votes to 2, with 4 abstentions, to incorporate in the Mexican amendment that part of the Australian amendment requesting from professional associations to comment on the usefulness of such a code, and adopted the first part of the Mexican amendment, as amended, by 13 votes to none, with 1 abstention. The first part of the Australian amendment, which would have the code submitted first to Governments was rejected by 9 votes to 2, with 4 abstentions. The paragraph referring to recommendations by the Sub-Commission was adopted, with amendments suggested by the United States, by 12 votes to none, with 2 abstentions.

The resolution as a whole, as amended, was adopted by 12 votes to none, with 2 abstentions. At its 405th plenary meeting on 9 August, the Council adopted the resolution with certain drafting changes, by 13 votes to none, with 2 abstentions, as resolution 306 E (XI). In this resolution the Council decided to request the Secretary-General to communicate to information enterprises and national and international professional associations, for comment and suggestions (including comments on the usefulness of such a code) the draft international code of ethics formulated by the Sub-Commission on Freedom of Information and of the Press, together with the relevant section of its report. It requested him also to analyse the comments received, and submit them to the Sub-Commission, at its fifth session, in order that it might re-examine the draft in the light of these comments and recommend any further action it might deem necessary, including the possibility of convening an international professional conference.

4. Other Recommendations of the Sub-Commission

a. WAR PROPAGANDA AND FALSE REPORTS

On the question of war propaganda and false and distorted reports, the Sub-Commission at its fourth session adopted a resolution asking the Secretary-General to submit to its fifth session a full report on the measures or actions taken by Governments pursuant to resolutions 2 and 3 of the United Nations Conference on Freedom of Information (condemning war propaganda and the spreading of false and distorted reports) on the basis of the information received from Governments on this matter, as well as on the publicity already given these resolutions by the United Nations. This recommendation required no action by the Council.

b. DATA RELATING TO FREEDOM OF INFORMATION

The Sub-Commission recommended to the Council (E/1674) that a special section should be included in the Yearbook on Human Rights¹²⁶ containing excerpts from, or summaries of, new national legislation concerning the freedom of information, to be furnished by correspondents appointed by Governments. The Sub-Commission further requested that the Council should ask the Secretary-General to (a) continue to approach Governments with a view to obtaining regularly from them the new legislative and administrative measures which they may deem it necessary to take with regard to freedom of information and of the Press; (b) in accordance with paragraphs 2 and 3 of Council resolution 240 B (IX), obtain from the enterprises or associations mentioned therein any reports or surveys that they may compile concerning the current status of freedom of information in any part of the world; and (c) compile all pertinent data, analyse all information received, conduct appropriate research and prepare studies thereon for submission to the Sub-Commission on Freedom of Information and of the Press at each session.

This matter was discussed at the Council's eleventh session by the Social Committee at its 138th meeting on 17 July and by the Council at its 405th plenary meeting on 9 August 1950.

The Committee had before it an Australian amendment (E/AC.7/L.40) which would (1) delete the preamble to the resolution; and (2) provide that the suggested addition to the Yearbook

¹²⁶ See Y.U.N., 1948-49, pp. 542-43.

on Human Rights should be made in conjunction with the recommendations of the Commission on Human Rights on the Yearbook. The Committee agreed to consider the inclusion of a special section on Freedom of Information in the Yearbook when it considered the Yearbook as a whole.¹²⁷

The United States representative supported the Australian proposal to delete the preamble of the Sub-Commission's draft resolution, but supported the retention of the three sub-paragraphs of the draft resolution as they stood, since, he stated, his delegation considered it most important that the Sub-Commission should keep in touch with the actual situation and deal with practical problems. Support for this view was expressed by the representative of Chile.

The representative of Mexico, on the other hand, said that the information asked for in part of the resolution was fundamentally of a political character. He considered that a harmful precedent might be established by requesting a report from an enterprise or association on the current status of information. He proposed an oral amendment to cover this part.

The representative of Peru suggested that the information from news enterprises or associations should be obtained through Governments, as had been done in the trade union rights.

The Committee adopted by 14 votes to none, with 1 abstention, the Australian proposal to delete the preamble. After separate votes on individual paragraphs, the draft resolution, as amended, and subject to the subsequent decision on the first operative paragraph (referring to information to be included in the Yearbook on Human Rights), was adopted by 9 votes to 4, with 2 abstentions.

When the matter was discussed by the Council at its 405th plenary meeting on 9 August 1950, the United Kingdom representative said that the question of the first paragraph of the resolution was dependent on action by the Council on the Yearbook on Human Rights. The Council had invited Governments to supply information to the Secretary-General on all matters concerning human rights for inclusion in the Yearbook on Human Rights. It was therefore, he stated, unnecessary to adopt an additional provision dealing specifically with measures concerning freedom of information. He asked that a separate vote be taken on the first paragraph. The first paragraph was adopted by the Council by 7 votes to 6, with 2 abstentions, and the resolution as a whole was adopted by 7 votes to 2, with 6 abstentions. By this resolution (306 F (XI)), the Council decided to request

the Secretary-General to continue to approach Governments with a view to obtaining regularly from them the new legislative and administrative measures which they may deem it necessary to take with regard to freedom of information and of the Press: to obtain from the enterprises or associations mentioned therein, in accordance with paragraphs 2 and 3 of Council resolution 240 B (IX) any reports or surveys that they may compile concerning the current status of freedom of information in any part of the world; and to compile all pertinent data, analyse all information received, conduct appropriate research and prepare studies thereon for submission to the Sub-Commission on Freedom of Information and of the Press at each session.

It also decided (resolution 306 A (XI)) at its 405th meeting on 9 August in adopting a formal resolution taking note of the report of the Sub-Commission (E/1672), to request the Secretary-General to transmit to the Sub-Commission the records of the relevant discussions at the eleventh session of the Council.

At its eleventh session the Council devoted its 135th and 136th meetings on 12 July to a general discussion on the report of the fourth session of the Sub-Commission on Freedom of Information and of the Press (E/1672) which had been held at Montevideo from 15 to 26 May 1950.

Several representatives, including those of Australia, Brazil, Chile, Denmark, France, United Kingdom and the United States, expressed the view that the Sub-Commission, which was an expert body, should devote more attention to practical technical problems rather than to somewhat academic recommendations.

A number of representatives, in voicing general criticism of the work of the Sub-Commission, referred to particular aspects of the recommendations (see above). The representative of Australia, who described the Sub-Commission's work as disappointing, said that his criticism should not be taken to indicate opposition to all aspects of the report. The representative of China said that he was sure that the Sub-Commission would take note of the remarks which had been made in the Committee.

Regret that the United Nations Educational, Scientific and Cultural Organization (UNESCO) had not been able to contribute very effectively to the work of the Sub-Commission was expressed by the representative of the United States. The United Kingdom representative said in this respect that

¹²⁷ See pp. 532-34.

there appeared to be some danger of overlapping between the Sub-Commission and the Mass Communications Department of UNESCO. He asked whether it might not be desirable for the Council to request the Secretary-General to prepare for it, in collaboration with the Director-General of UNESCO, a report delimiting the respective activities of the two organizations with a view to their co-ordination, including a comparison of the terms of reference and programme of the Sub-Commission on Freedom of Information and of the Press with the constitution and programme of UNESCO. After the Social Committee had heard at its 136th meeting, a statement from the representative of UNESCO dealing with UNESCO's activities in the field of freedom of information, the Chairman expressed the view that the point raised by the United Kingdom might be discussed by the Co-ordination Committee. This suggestion was supported by the representative of UNESCO and the representative of Denmark.

In this connexion, two resolutions were adopted by the Social Committee and later by the Council. By resolution 306 A (XI), adopted at the 405th plenary meeting on 9 August 1950, the Council took note of the report of the Sub-Commission and requested the Secretary-General to transmit to it the records of the Council's discussions. By resolution 331 B (XI), adopted unanimously and without discussion at the same meeting during the consideration by the Council of the report of the Co-ordination Committee (E/1800) on the report of UNESCO (E/1688), the Council requested the Secretary-General to prepare for it,

in collaboration with the Director-General of UNESCO, a report delimiting the general activities of the two organizations with a view to their co-ordination. The report was to include a comparison of the terms of reference and programme of the Sub-Commission on Freedom of Information and of the Press with the constitution and programme of UNESCO.

e. ENCOURAGEMENT OF INDEPENDENT DOMESTIC AGENCIES

On 15 August 1949¹²⁸ the Economic and Social Council adopted resolution 240 D (IX), by which it noted the resolution of the Sub-Commission on Freedom of Information and of the Press relating to the adequacy of the news available to the peoples of the world and the obstacles to the free flow of information to them and also to the encouragement of independent domestic agencies (E/1369) and referred this resolution to the proposed Technical Assistance Committee of the Council (TAC) for consideration. The Committee, which held its first meeting on 2 August 1950, had before it notes (E/TAC/R.2) prepared by the Secretary-General on resolution 240. D (IX), and reported (E/1833) on 15 August 1950 to the Council. The report stated that the Committee had decided that if a request for technical assistance in connexion with the development of domestic information agencies in an under-developed country was received from a Government, the Technical Assistance Board would give it consideration in the normal manner and report to the Technical Assistance Committee.

K. STATUS OF WOMEN

The Commission on the Status of Women held its fourth session at Lake Success from 8 to 19 May 1950.

The report of the session was considered by the Economic and Social Council during its eleventh session at the 132nd-134th meetings of its Social Committee, 10-11 July 1950, and at its 388th and 389th plenary meetings, 14 and 17 July 1950.

The Council, by a unanimous vote, in resolution 304 A (XI), took note of the report of the Commission.

The following is a summary of the matters considered by the Commission and the action taken by the Council.

1. Political Rights

The Commission considered the question of the political rights of women under four headings, following recommendations made at its third session:

- (i) a report of the Secretary-General on discrimination based on sex, in the field of political rights;
- (ii) the status of women in Trust and Non-Self-Governing Territories;
- (iii) the possibility of proposing a convention on the political rights of women;
- (iv) effective programmes of political education of women who have recently acquired the right to vote.

¹²⁸ See Y.U.N., 1948-49, pp. 570-71.

The Commission took note of the Secretary-General's report on discrimination based on sex in the field of political rights (E/CN.6/131 & Corr.1). The report, using as a basis constitutional or other legal provisions regulating women's right to vote and be elected to public office, aimed at showing the extent to which women enjoy these rights equally with men. The Commission noted the recent wider extension of the political rights of women in Costa Rica, Greece and Syria. It also took into consideration the memorandum of the Secretary-General on constitutions, electoral laws and other legal instruments relating to the franchise of women and their eligibility to public office and functions (A/1163) and invited the Secretary-General to continue his valuable annual reports on this subject. It suggested that in future reports he should include also pertinent information on the political rights of women in Trust Territories drawn from annual reports of the Administering Authorities, and also information which might be communicated to him by the Administering Authorities of Non-Self-Governing Territories.

The Commission had before it two reports by the Secretary-General (E/CN.6/137, E/CN.6/138 & Corr.1) on the status of women in Trust and Non-Self-Governing Territories respectively, which were based on information contained in the annual reports of the administering countries and on replies to the Questionnaire on the Legal Status and Treatment of Women. The Commission noted with interest the information contained in the reports and requested the Secretary-General to continue to present information of this nature to it at future sessions, including it, if possible, in the annual reports on the political rights of women circulated to Member States under Council resolution 120 A (VI).¹²⁹

The Commission also had before it a report by the Secretary-General (E/CN.6/143) examining the possibility of proposing a convention on political rights for women. The report pointed out that, if adopted, a convention could serve a dual purpose: (a) enfranchise women who had not yet acquired the right to vote; and (b) prevent the disenfranchisement of women who already enjoyed the right to vote.

The Secretary-General also indicated that no technical difficulty would be involved in drawing up such a convention.

Members of the Commission were somewhat divided as to the desirability and importance of formulating a convention on political rights of women at this time. The Commission, however,

adopted a resolution in which it noted that the Charter of the United Nations was signed in 1945, but that twenty countries were still listed as denying equal political rights to women. It referred to the fact that women in Chile and Costa Rica had been granted equal political rights after the signing of the Convention on the political rights of women at Bogotá in 1948, by the Governments of these countries.

It further considered that its four years' investigation of the status of women in various fields clearly revealed discrimination against women in the political field. The Commission therefore requested the Secretary-General to prepare for submission to its fifth session a draft convention on the granting to women of equal political rights with men.

The proposal for this draft convention was considered on the basis of the Commission's report (E/1712) at the 132nd and 133rd meetings of the Social Committee on 10 and 11 July, and at the 388th plenary meeting of the Council on 14 July. The majority expressed their support for the principle of equal political rights for men and women, but the representatives of Australia, Brazil, Chile, Denmark, Pakistan, the United Kingdom and the United States doubted whether a convention was an appropriate method of dealing with the problem. The point was made by the representative of Chile that only Governments which had already granted political rights to women would accede to such a convention, and that those countries which still deny women these rights would not adhere to it. It was suggested by the representative of Australia that the Commission should wait to observe the effects of the Bogota convention of 1948, noting the number of ratifications and the progress made. The representatives of Australia, Chile, Denmark, Pakistan, the United Kingdom and the United States endorsed the view that propaganda and education were likely to prove more effective than a convention. It was noted by the representative of the United States that the Commission itself had emphasized the importance of educational measures, and had suggested the preparation and publication of annual reports as one method of attempting to secure equality in the enjoyment of political rights.

The Social Committee, at its 133rd meeting, by 11 votes to 2, with 1 abstention (E/1674), and the Council at its 388th plenary meeting unanimously adopted a resolution (304 B (XI)) which

¹²⁹ For text, see Y.U.N., 1947-48, p. 601.

drew the attention of the Commission, in connexion with its consideration of a draft convention on the political rights of women, to the opinions expressed in the relevant summary records of the Council.

The Commission, in considering effective programmes of political education of women who have recently acquired the right to vote, had before it a report from the Secretary-General (E/CN.6/141) on activities undertaken to date in this field.

Members of the Commission expressed the view that information collected by the Secretariat should be disseminated for the education of new women voters by showing the practical results which they could achieve by exercising their political rights. The Commission adopted a resolution expressing its appreciation of the work done by non-governmental organizations in the field of political education, and noted that such education cannot be undertaken as extensively as desired, in certain regions, by non-governmental organizations without further assistance. It requested the Council to instruct the Secretary-General to make available the information already collected, in the form of a study-guide or pamphlet to be used by organizations working for the political education of women in countries where women have recently acquired the right to vote or are beginning to participate in public affairs.

When the Council considered the Commission's resolution at its eleventh session, the representatives of Chile and France expressed the view, at the 133rd meeting of the Social Committee on 11 July, that such a study-guide would meet no existing need, and the representative of France further pointed out that separate political education for women might imply discrimination against them. The Chairman of the Committee, however, pointed out that the proposed pamphlet would simply indicate the way women could best make use of their civil rights, and the Committee, by 11 votes to 2, with 1 abstention, adopted a resolution approving the proposals of the Commission. This was unanimously adopted by the Council at its 388th plenary meeting on 14 July, as resolution 304 C (XI).

2. Nationality of Married Women

When considering the item on nationality of married women, the Commission, at its fourth session, decided that in view of the many difficulties involved in drafting a convention on this

subject, it would restrict itself to setting forth general principles to be used as the basis for a convention. Three principles were suggested: (1) that there should be no distinction, based on sex, as regards nationality in the legislation or in the practices of the parties to a convention; (2) that neither marriage, nor its dissolution, should affect the nationality of either husband or wife; (3) that, in the transmission of nationality to a child under the doctrine of *jus sanguinis*,¹³⁰ there should be no distinction as between the father and the mother of the child.

The Commission requested the Council to take appropriate measures, as soon as possible, to ensure the drafting of a convention on the nationality of married women, embodying the first two principles.

Most members of the Commission thought it would be inadvisable to include the third principle in such a convention, and that the nationality of children was a matter to be dealt with by other bodies within the framework of the United Nations. The Commission noted the work already undertaken in this field by other organs of the United Nations, particularly by the Social Commission. It decided not to recommend the third principle for inclusion in the convention, but to request the Council to instruct the appropriate bodies of the United Nations to give consideration to the problem of the transmission of nationality to the children from either the father or the mother on the basis of equality.

The Commission further considered various alternative procedures which might be followed in drafting the proposed convention, but it decided to leave the decision on this matter to the Council itself, and made no specific recommendation.

The recommendations of the Commission (E/-1712) were considered at the 133rd and 134th meetings of the Social Committee on 11 July and at the 389th plenary meeting of the Council on 17 July. It was pointed out that the draft resolution which had been proposed by the Commission raised very complicated legal questions. The representative of Denmark expressed the view that the nationality of the children of parents of different nationalities was a question quite separate from the nationality of married women, and was not within the terms of reference of the Commission on the Status of Women.

Discussion on the question of drafting a convention on the nationality of married women

¹³⁰ For definition, see p. 574.

centred on two main proposals as regards the procedure to be followed:

(a) That the Council should request the Secretary-General: to undertake a study of the terms of a draft convention, applying the principles advanced by the Commission; to submit the findings of the study to Member Governments; and to report to the Council on the outcome of its procedure.

(b) That the Council should propose to the International Law Commission that it should undertake as soon as possible the drafting of a convention to embody the principles recommended by the Commission, and should request the Law Commission to determine at its current session whether it deemed it appropriate to proceed with this proposal, and to inform the Council as to the approximate time when it might initiate action.

The representatives of Australia and France, who supported the first proposal, thought that an immediate decision to start drafting a convention would be premature, and that the placing of two nationalities on a basis of equality in the case of a mixed marriage would involve the revision of most national legislations, and would cause serious difficulties. The representatives of Belgium, Chile, Peru and the United States were in favour of referring the matter to the International Law Commission. It was explained to the Council by the representatives of Belgium and the United States that the International Law Commission would be competent to proceed with a study on a request from the Council, although in accordance with article 17 of its Statute it would not be bound so to proceed as it would in the case of a request from the General Assembly. It could, however, submit an interim report directly to the Council.

The representatives of Mexico and Pakistan thought it preferable to request the General Assembly to transmit the recommendation of the Commission on the Status of Women to the International Law Commission, so that it would undertake as soon as possible the drafting of a general convention. The representatives of Brazil, Canada, Denmark and the United Kingdom thought that before the drafting of a convention was undertaken, Member States should be consulted as to whether they desired one. The representative of the United Kingdom pointed out that only thirteen Governments had replied to the Secretary-General's questionnaire concerning the conflict of national laws and the desirability for a convention.

The representative of the United States argued, however, that if the International Law Commission were requested to draft a convention it would, under article 17 of its Statute, circulate a request for comments to Member States, and that

it was urgently necessary that action regarding the nationality of married women be pressed forward.

The Social Committee, at its 134th meeting on 11 July, by 8 votes to none, with 6 abstentions, adopted a draft resolution (E/1764) which was adopted in slightly amended form by the Council at its 389th meeting on 17 July, by 7 votes to none, with 8 abstentions. In this resolution (304 D (XI)) the Council, after noting the recommendations of the Commission on the Status of Women, and the fact that the International Law Commission, at its first session, had included among the topics selected for study and codification the subject of nationality, including statelessness, proposed that the International Law Commission should undertake as soon as possible the drafting of a convention to embody the principles recommended by the Commission on the Status of Women. The Council further requested the International Law Commission to determine at its present session (second session, June-July 1950) whether it deemed it appropriate to proceed with this proposal, and if so, to inform the Council as to the time when the International Law Commission might proceed to initiate action. Finally, the Council invited the Secretary-General to transmit its resolution to the International Law Commission, together with the recommendation of the Commission on the Status of Women.

The Secretary-General transmitted the resolution (304 D (XI)) and the recommendation of the Commission on the Status of Women (E/1712) to the International Law Commission on 18 July 1950, and these were considered by that Commission on 19 July 1950. The Commission decided to entertain the proposal of the Council in connexion with its contemplated work on the subject of "nationality, including statelessness", and proposed to initiate that work as soon as possible (E/1786).

3. Property Rights of Married Women

The Secretary-General submitted to the fourth session of the Commission on the Status of Women parts II and III of the questionnaire on the legal status and treatment of women, which concerned property rights of women and family law (E/CN.6/W.1/Add.2, Rev.1; E/CN.6/W.2/Add.3, respectively). After examining these parts of the questionnaire and suggesting certain minor changes, the Commission requested the Secretary-General to circulate them to Governments asking

them to reply, not later than 31 December 1951 in the case of part II, and 30 June 1952 in the case of part III. It also requested the Secretary-General to forward copies, together with simplified questions based on parts II and III, to specialized agencies and non-governmental organizations and to ask for their comments by 31 December 1950. Further, the Secretary-General was asked to prepare, for the fifth session of the Commission, a survey of various legal systems based on documentation available on the subjects included in these two parts of the questionnaire, together with an analysis of the replies received from Governments and of the comments by specialized agencies and non-governmental organizations. He was also asked to prepare, for the fifth session of the Commission, a compilation and analysis of the information contained in replies already supplied by Governments to section C of the questionnaire, on public services and functions; section E on civil liberties; and section F on fiscal laws, supplementing this information from other sources as necessary to ensure a complete and accurate picture.

The Council at its eleventh session noted that no action on the part of the Economic and Social Council appeared to be necessary with regard to this recommendation.

4. Participation of Women in the Work of the United Nations

In considering this question, the Commission had before it a report (E/CN.6/132) by the Secretary-General which described the nature and proportion of the posts occupied by women in the Secretariat of the United Nations and gave some information on their conditions of employment. It also contained information on the extent to which Member States had included women in their delegations to meetings of organs of the United Nations and of the specialized agencies.

It was emphasized in the Commission's debates that, whereas the Secretary-General had taken a liberal attitude on working conditions for women staff members, there appeared to be a disproportionately high percentage of women in subordinate positions and a very low percentage of women occupying policy-making posts and serving as consultants. It was pointed out, also, that only a small percentage of women had been included in delegations to meetings of United Nations organs and of the specialized agencies. It was, however, made clear that the Commission did not

suggest that posts be given to other than qualified women or that the requirements of geographical distribution within the Secretariat should be disregarded.

The Commission adopted a resolution which, after referring to the Secretary-General's report and to Article 8 of the Charter, and noting the present situation, suggested that the Council should draw the attention of Member States to the desirability of greater participation of women in delegations. Further, the resolution asked the Secretary-General to examine and report upon the reasons why women had not yet been able to take up more of the important posts in the Secretariat. It invited him to take the necessary steps to give promotion to qualified women staff members and to appoint more women to higher posts which they are competent to fill, in order to secure equality between the sexes in the Secretariat and participation of women in all capacities in United Nations organs.

These recommendations (E/1712) were considered at the 134th meeting of the Social Committee on 11 July 1950. The representatives of Denmark and France expressed the view that as far as the participation of women in the delegations of Member States was concerned, that question was a matter which should be left up to the discretion of the various Governments which were responsible for making up their delegations in accordance with the system laid down in the Charter. It was also pointed out by the representatives of Belgium and the United Kingdom that staff questions were the province not of the Commission on the Status of Women but of the Secretary-General, and that, further, on the question of principle, Article 8 of the Charter could hardly be improved upon.

The Council decided not to put the draft resolution to a vote, but rather to transmit the summary record of the discussion to the Governments of Member States and to the Advisory Committee on Administrative and Budgetary Questions.

5. Application of Penal Law to Women

The Commission on the Status of Women had before it at its fourth session a report (E/CN.6/139) from the Secretary-General concerning the application of penal law to women which contained an analysis of the information supplied by inter-governmental and non-governmental organizations specializing in the field of penal law. It also considered a report (E/CN.6/134) pre-

pared by the International Labour Office which concerned the protection of women workers by labour legislation carrying penal sanction. The Commission took note of the action taken by the Social Commission in this field and of the work done by the United Nations on the prevention of crime and treatment of offenders. It adopted a resolution in which it (i) noted the report of the Secretary-General" on the application of penal law to women, and that the Social Commission had undertaken a comprehensive study of problems concerning the prevention of crime and treatment of offenders; (ii) considered that certain aspects of these problems are of direct interest to the work of the Commission on the Status of Women, in particular the importance of adequate and appropriate measures for the care and the social and vocational rehabilitation of women offenders; and (iii) requested the Council to ask the Social Commission:

(a) to bear in mind in its study the concern of the Commission on the Status of Women that there should be no discrimination against women in penal law and in its application; and that provision should be made for the particular needs of women in all parole, probation, welfare, educational training and rehabilitation services;

(b) to refer to the Commission on the Status of Women for its consideration and comments any question arising in the special field referred to in (a) above.

The resolution proposed by the Commission (E/1712) was adopted without discussion by 13 votes to none, with 1 abstention, by the Social Committee at its 134th meeting on 11 July 1950, and unanimously by the Council at its 388th meeting on 14 July 1950, as resolution 304 E (XI).

6. Principle of Equal Pay for Equal Work

The Commission in considering this item had before it a memorandum of the Secretary-General (E/CN.6/135) which set forth the work carried on by the International Labour Office in this field.

It noted that ILO, in its study, had taken account of the suggestions made at the third session of the Commission, especially as regards the inclusion in its definition of equal pay for equal work of the concept of "wage rates based on content".

In view of the study being undertaken by ILO, the Commission decided that no specific resolution was necessary at this time. It expressed its appreciation of the work of ILO, and decided to include the subject in the agenda of its fifth session.

7. Technical Assistance Programme in Relation to the Status of Women

During its consideration of the technical assistance programme, the Commission had before it a memorandum by the Secretary-General (E/CN.6/145) outlining the development of the technical assistance programme of the United Nations and of the specialized agencies and the projects already undertaken or contemplated. In the Commission's discussion it was emphasized that the contribution of women to the general programme was essential.

The Commission expressed belief that the status of women would be improved through the operation of technical assistance programmes directed towards economic development, including the improvement of standards of living and family welfare. It recommended to the Council that attention should be given to the part that women might play in these programmes (for example, as doctors, nurses, teachers and technical advisers) both as regards the eligibility of women in the countries concerned, for employment in technical, professional and administrative posts, and to their consideration as trainees.

Finally, the Commission recommended that, in areas in the process of economic development, attention should be given by Governments, in co-operation with ILO and other specialized agencies interested in the matter, to the need of safeguarding women workers against exploitation, and of promoting equal pay for equal work.

When the Council considered the Commission's recommendations (E/1712) at its eleventh session, the United States, at the 134th meeting of the Social Committee on 11 July 1950, proposed a draft resolution (E/AC.7/L.36) to provide that the Secretary-General should transmit copies of the Commission's resolution to the appropriate bodies of the United Nations and to the specialized agencies, for consideration in connexion with the development of technical assistance. This draft resolution was unanimously adopted without discussion by the Committee, and by the Council at its 388th plenary meeting on 14 July 1950, as resolution 304 F (XI).

8. Educational Opportunities for Women

In discussing educational opportunities for women, the Commission had before it a memorandum prepared by UNESCO (E/CN.6/146) containing statistical data on illiteracy, school regis-

tration and attendance, by age and sex, in various countries, together with an account of limitations imposed on the education of women.

The Commission expressed its appreciation to UNESCO for its assistance in the study of educational opportunities for women throughout the world, and requested the Secretary-General of the United Nations and the Director-General of UNESCO to pursue jointly their work in this field and, in particular:

- (a) to complete the survey with such additional and later information as is available;
- (b) to promote, throughout the world, opinion in favour of equal opportunities of access to education for both sexes;
- (c) to direct attention to the development of fundamental education and adult education in agricultural and less-developed countries, with special emphasis on such techniques as would encourage the social advancement of women.

Finally, the Commission requested the Secretary-General to invite ILO to collaborate in the study and promotion of measures for the development of vocational guidance and technical education among women.

The Commission's draft resolution (E/1712), with minor drafting changes, was unanimously approved by the Council at its eleventh session, at the 134th meeting of the Social Committee on 11 July 1950, and at the 388th plenary meeting on 14 July 1950, as resolution 304 G (XI).

9. Problem of Greek Mothers Whose Children Have Not Yet Been Repatriated

The Commission, at its 78th meeting, heard a detailed statement by the representative of Greece describing the tragic situation of Greek mothers whose children had been abducted but had not yet been repatriated, and of the hardships to which they had been subjected.

Members of the Commission expressed their concern and sympathy for the Greek mothers in this situation, and adopted the following resolution, which the Council was asked to transmit to the General Assembly:

The Commission on the Status of Women,

Having heard the statement presented by the representative of Greece concerning the plight of the Greek mothers who were deprived of their children more than two years ago,

Considering that the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in December 1948, specifically refers to the family as "the natural and fundamental group unit of

society and is entitled to protection by society and the State",

Taking into account General Assembly resolutions 193 C (III) of 27 November 1948, and 288 B (IV) of 18 November 1949, and more particularly the announcement of the League of Red Cross Societies on 13 May 1950, that despite continuous efforts "no Greek child has so far been returned to Greece", and that "even elementary indications indispensable for solution of the problem have not been furnished by the Governments concerned",

Appreciates the endeavours of the Secretary-General of the United Nations and of the international Red Cross organizations for the repatriation of these children;

Expresses the hope that the result of the continuing activities of the Secretary-General on this matter, in co-operation with the international Red Cross organizations, will be the prompt repatriation of the children, so as to put an end to the agony of the Greek mothers;

Expresses its confidence that the Secretary-General will submit to the General Assembly the urgent necessity of finding new ways for the solution of this very important question, in case the countries detaining the children have not returned them.

The Council at the 134th meeting of the Social Committee and the 388th plenary meeting, after certain members expressed their sympathy for the Greek people in this matter, unanimously adopted a resolution (304 H (XI)) transmitting the Commission's resolution to the General Assembly.¹³¹

10. Communications Concerning the Status of Women

The Commission requested the Economic and Social Council to amend paragraphs (a), (b) and (e) of the Council resolution 76(V)¹³² governing the treatment of communications concerning the status of women, to bring it into conformity with the amendments made in resolution 275 (X) relating to communications concerning human rights.¹³³

The Commission's recommendations (E/1712), with minor drafting changes, were unanimously adopted at the 134th meeting of the Social Committee and the 388th plenary meeting of the Council, in resolution 304 I (XI), as follows:

The Economic and Social Council

Decides to amend paragraphs (a), (b) and (e), of resolution 76(V) of the Economic and Social Council to read as follows:

"The Economic and Social Council,

¹³¹ For action taken by the Assembly on the repatriation of Greek children, see pp. 378-81.

¹³² See Y.U.N., 1947-48, p. 599.

¹³³ See p. 534.

"Requests the Secretary-General:

"(a) To compile and distribute to members of the Commission on the Status of Women, before each session, a non-confidential list containing a brief indication of the substance of each communication, however addressed, which deals with the principles relating to the promotion of women's rights in the political, economic, civil, social and educational fields, and to divulge the identity of the authors of such communications, unless they indicate that they wish their names to remain confidential;

"(b) To compile, before each session of the Commission, a confidential list containing a brief indication of the substance of other communications concerning the status of women, however addressed, and to furnish this list to members of the Commission in private meeting without divulging the identity of the authors of communications, except in cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged;

"(e) In the future, to furnish each Member State concerned with a copy of any communication concerning the status of women which refers explicitly to that State, or to territories under its jurisdiction, without divulging the identity of the author, except as provided for in paragraph (b) above."

11. Plight of Survivors of Concentration Camps

At its fourth session, 8-19 May 1950, the attention of the Commission on the Status of Women was drawn to the plight of women survivors of concentration camps who were subjected, during the Nazi regime, to so-called medical experiments. It was pointed out that many of these victims were now stateless persons who could not count on the legal protection of any Government, and were therefore unable to obtain compensation for the sufferings to which they had been subjected. The attention of the Commission was also called to the tragic situation of a number of university women still in displaced persons' camps (E/1712).

The Commission requested the Council (E/L.47) to call the attention of the Social Commission, the World Health Organization (WHO), or other appropriate agencies, to the plight of these war victims who were compelled by force to reside in Germany during the war, or at least to the plight of those who might be unable to obtain compensation from any country, and to keep the Commission informed of any action taken in this respect.

The Commission's request was discussed by the Social Committee of the Economic and Social Council at its 134th meeting on 11 July 1950,

when representatives expressed their sympathy for the plight of survivors of concentration camps. The Committee had before it an amendment (E/AC.7/L.32) by the representative of France, which sought to replace the draft resolution submitted by the Commission: it asked the Council to take note of the report of the Commission on this matter and to request the Secretary-General to study ways and means of alleviating the plight of these victims as quickly as possible, and to keep the Commission informed on steps taken.

A Danish oral amendment, to ask that the Council and not the Commission on the Status of Women should be kept informed of these steps, was accepted by the representative of France, who told the Committee that there were still, in hospitals in Paris, a few isolated survivors of concentration camps who had been subjected to so-called medical experiments and who had never properly recovered. Every effort, he said, had been made to alleviate their plight, but without success. Their tormentors had been condemned by various bodies (for example, the Nürnnberg Tribunal) but the sentences had not stipulated compensation for the victims. He asked that the Secretary-General should be requested to study the question in co-operation with all organizations in a position to help: reference of the matter to the Social Commission and WHO, as requested by the Commission, might cause embarrassment.

Support for the views of the representatives of France and Denmark was given by the representative of the United Kingdom who asked the Committee, however, to defer action in the matter, in order not to prejudice current negotiations for compensation between the Allied High Commission for Germany and the German Federal Government. The representative of France amended his draft resolution accordingly, and the Committee, on the understanding that any delegation desiring to do so could raise the question again, adopted these proposals by 6 votes to 4, with 5 abstentions.

The Council considered the matter further at its 388th plenary meeting on 14 July 1950. Views expressed in the Social Committee by the representatives of Denmark, France and the United Kingdom were repeated in the Council. A new amendment (E/L.60), asking the Council to request the Secretary-General to consider, "with the competent authorities and institutions", means for alleviating the plight of these victims was presented by the representative of France with the aim of taking into account views expressed in the Committee and with a desire not to disturb the

negotiations in progress. This amendment found general support in the Council, but the representative of the United Kingdom asked that the provisions of the draft resolution should apply to "both male and female" victims, on the ground that men had also been victims of the so-called medical experiments. The Council unanimously adopted the resolution, as amended (305 (XI)), as follows:

The Economic and Social Council,

Taking note of the report of the fourth session of the Commission on the Status of Women referring to the tragic fate of survivors of concentration camps who, under the Nazi regime, were the victims of so-called scientific experiments,

Requests the Secretary-General to consider as soon as possible, with the competent authorities and institutions, means for alleviating the plight of such victims, both male and female, and to inform the Economic and Social Council of the action taken.

L. PRISONERS OF WAR

The Assembly considered the "Complaint of failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory" at the 271st, 316th, 338th-340th and 342nd-345th meetings of its Third Committee, 27 September, 16 November, 6-9 and 11 December, respectively; at the 282nd meeting of its Fifth Committee on 13 December; and at its 284th, 285th and 325th plenary meetings on 26 September and 14 December 1950.

1. Consideration by the Third Committee

During the discussions in the Third Committee, by a vote of 26 to 5, with 8 abstentions, it was decided to circulate communications from the Governments of Germany, Japan and Italy concerning the question of prisoners of war (A/C.3/552, 553 & 554). Two cables from the International Committee of the Red Cross and from the League of Red Cross Societies (A/C.3/555) concerning this question were also circulated.

The Assembly had before it an explanatory note (A/1339) from the three delegations which submitted the item, in which they stated that, at the end of hostilities in Europe and the Far East in 1945, large numbers of military personnel of various nationalities were in the hands of the Allied Powers and that prompt repatriation of these prisoners was demanded by accepted international practice as well as by the elementary principles of humanity. The Allied Powers had recognized this responsibility and had entered into agreements to repatriate prisoners of war, but as yet the USSR had not complied fully with these agreements.¹³⁴ Efforts to obtain information from the USSR had failed, and evidence existed to show

that the announcements by Tass (Telegraphic Agency of the USSR) on 22 April and 5 May 1950 that the USSR had completed repatriation of all Japanese and German prisoners of war were untrue.

The Assembly also had before it a copy of a note (A/1339/Add.1) from the Soviet Government to the United Kingdom Embassy in Moscow, dated 30 September 1950, in which it was stated that the repatriation of German prisoners of war had been completed at the beginning of 1950, with the exception of 9,717 convicted of serious war crimes, 3,815 being investigated for war crimes, and fourteen temporarily detained owing to illness. In view of these facts the USSR had stated that it regarded the British Government's renewed communications on this question as a desire to exploit the question of German prisoners of war for propaganda purposes.

During the discussion in the Third Committee, the United Kingdom representative charged that the USSR had not only violated specific agreements but had also infringed the general principle to which it had subscribed by signing the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949. While it was true that the USSR had not ratified that Convention and was therefore not legally bound by it, its signature must be regarded as indicating approval of the principles which it contained. He recalled Mr. Molotov's statement at the Moscow Conference in 1947 that 890,532 German prisoners of war remained to be repatriated. Subsequently Tass had announced that 58,103 additional German prisoners of war had been discovered between

¹³⁴ The Agreements listed were: Potsdam Proclamation of 26 July 1945 (par. 9); Foreign Ministers Agreement in Moscow of 23 Apr. 1947; Agreement between the USSR and the Supreme Commander for Allied Powers in Japan of 19 Dec. 1946.

1947 and 1949 among prisoners of war of other nationalities found in the Soviet Union thus bringing the total of German prisoners of war remaining to be repatriated to 1,952,609. A voluntary registration carried out by the Government of the Federal Republic of Germany between 1 and 11 March 1950 had led to the listing of 53,820 war prisoners from whom messages had been received from Soviet prison camps. In addition 8,972 had been listed in a registration by inhabitants of the Soviet Zone of occupation. The Federal Government had a total of 1,154,029 names who as of 1 March 1950 were still missing. The last news of some 923,000 of that figure had come from the USSR or areas occupied by Soviet troops. The Austrian Government had produced evidence of 1,635 prisoners of war still in Soviet territory. He considered the Soviet note of 30 September 1950 had created an impasse and that a further exchange of notes was useless. The facts must be ascertained and suitable action must follow.

With regard to the repatriation of Japanese military forces, the representative of Australia claimed that the best estimates at the time of the Potsdam Declaration had been that approximately 2,700,000 Japanese were in Soviet controlled territory. Tass had stated on 20 May 1949 that 95,000 Japanese nationals remained to be repatriated. At the end of 1949, according to the Japanese Government and the Supreme Command, at least 376,939 prisoners were unaccounted for. No reply had been received to notes sent by the Australian Government asking for an impartial investigation by an international humanitarian organization.

The United States Government had received a brief note on 16 July 1950 to the effect that the facts had been fully presented by Tass on 22 April and 9 June 1950. The gist of this information had been that no more than 594,000 Japanese had at any time been captured, 510,409 had been repatriated to Japan, 70,880 released immediately in the zone of combat operations, 1,487 detained in connexion with war crimes, nine temporarily detained for medical treatment and 971 placed at the disposal of the Chinese People's Government of the People's Republic of China in connexion with war crimes. The representative of Australia pointed out that even on the basis of these figures, some 10,000 of the 594,000 had not been accounted for.

According to the original figures, 369,382 Japanese were still unaccounted for. This number included many women and children as well as

others who in the strict sense of the word were not and never had been prisoners of war.

The representative of the United States stated that the Soviet Government had announced in 1943 that it had 115,000 Italian prisoners. After the war it had stated that 20,096 had been repatriated. Despite this discrepancy, the USSR now claimed that there were no Italian prisoners in the Soviet Union. Moreover, a large number of Hungarian and Romanian prisoners were also missing.

The representatives of Australia, the United Kingdom and the United States emphasized the humanitarian aspects of the question, as did the majority of members of the Committee. These representatives also felt that the United Nations could not let the matter rest simply with the assertion by the USSR that all war prisoners had been repatriated. It must seek to determine if the assertion were true. Mental anguish existing on such a huge scale could not be ignored. They therefore had proposed (A/C.3/L.145) that an impartial commission should be established to find out what had happened to prisoners and to assist in repatriating those still alive. They further stressed that the purpose of this action was not to censure the Soviet Government for its conduct but merely to resolve the conflicting assertions. The representative of Australia also considered that his delegation would expect the commission not to make an artificial distinction between prisoners of war and civilians, but to find out about all who had been unaccounted for.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR considered that the question of prisoners of war was, by virtue of Article 107¹³⁵ of the Charter, outside the competence of the United Nations.

The representative of the USSR repeated the assertion, as stated by Tass, that repatriation of prisoners of war had long since been completed. Allegations that Japanese and German prisoners of war still remained in Soviet territory were, he said, being made to divert the attention of the world from the policy pursued by the United States and its followers of the political and economic subjugation of Germany and Japan and of their militarization in anticipation of a new war. The representative of Poland stated that the proposed resolution was obviously for the purpose

¹³⁵ Which states: "Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war, by the Governments having responsibility for such action."

of political propaganda and, as such, should be rejected.

The USSR representative stated that the figures quoted by the representative of Australia were estimates and in his opinion fabricated statistics. Moreover, they had originated not with the Japanese Government but with General MacArthur. The total figures, he continued, according to General MacArthur's official reports in 1946 had grown by some 700,000 from one month to the next. A year later General MacArthur had officially recognized that it was impossible to estimate with any accuracy the number of Japanese troops caught in Manchuria at the time of surrender. He claimed that under the influence of General MacArthur the Japanese had actually set quotas of unrepatriated prisoners for various districts of Japan, and the local authorities had been told to prepare lists of certain numbers of prisoners who had not returned to their homes, adding up to a total previously decided upon. Naturally in those circumstances persons who had been killed in action, who were missing, or who had even been repatriated to some other districts, had been reported as Soviet prisoners. He cited several instances where soldiers known to be dead had been included in the lists.

In support of these charges the USSR representative referred to the case of an article in a Japanese newspaper. He stated that, following an announcement by General MacArthur on 31 August 1947 to the effect that repatriation had been completed, this newspaper declared that half a million people had vanished without a trace in the United States and United Kingdom zones of operation. Both the United Kingdom and the United States had "repatriated" a considerable number of prisoners to their own territories for hard labour; A number had also been used to combat the Malayan independence movement; others had been used by Chiang Kai-shek in China and by the Netherlands in Indonesia.

The USSR, he maintained, not the United Kingdom and the United States, had initiated the consideration of repatriation at the Moscow Conference, and the United Kingdom and the United States had concurred in the proposal that repatriation should be carried out in accordance with a plan to be worked out by the Control Council. That plan had never been worked out because the United Kingdom, the United States and France had decided to retain large numbers of prisoners on the grounds that they were gainfully employed.

The representative of the United States pointed out that if there was any intent to deceive, as

charged by the USSR, it should be exposed. By questioning the statistics available, the USSR had only made the establishment of an impartial body more necessary. In fact, the USSR ought to be among the sponsors of the draft resolution. She stated that while the United States contested the merit of the accusations it was willing to allow an impartial body to conduct an inquiry into the matter.

The United Kingdom representative considered that Article 107 in no way implied that any act committed by the signatory Powers was justified. Its sole purpose was to prevent enemy States from bringing complaints against them. The present complaint was being made not by enemy States but by signatory States.

The representative of the Union of South Africa held that Article 107 could not be invoked in this instance, since the draft resolution was concerned not with an act taken or authorized as a result of the war by the Governments having responsibility for such action, but was concerned with a breach of international commitments.

The representative of France preferred direct negotiations but would consider other proposals, in particular the proposal to establish a commission, although he would have preferred to have the Secretary-General deal with the matter.

The representatives of Egypt, India, Lebanon, Saudi Arabia, Syria and Venezuela, among others, considered that if the USSR would not allow the commission into its territory, and that seemed evident, it would be futile to establish it.

The representative of Saudi Arabia considered, therefore, that a conciliation body might be set up either within or outside the United Nations to contact all countries which had prisoners of war in their territories and deal with them on a humanitarian basis. The representatives of India and Iraq (A/C3/L.149) thought that the International Red Cross should establish a commission. The Secretariat at the request of the Committee had brought these amendments and the text of the joint resolution to the attention of the International Red Cross. Following a reply by the International Red Cross that it could only act if all Governments concerned agreed to the Assembly resolution, the representatives of India and Iraq withdrew the amendment.

The joint proposal by Australia, the United Kingdom and the United States (A/C3/L145) would have the General Assembly express its concern at the evidence presented that prisoners of war had been neither repatriated nor otherwise accounted for; call upon Governments still having

control over such persons to give them an unrestricted opportunity of repatriation; and establish a United Nations Commission on Prisoners of War, to be composed of three qualified and impartial individuals to be appointed by the Secretary-General, which would collect information regarding prisoners and assist in their repatriation.

The representatives of Australia, the United Kingdom and the United States revised the joint draft resolution (A/C.3/L.145/Rev.1) to incorporate the following amendments:

(1) Amendments submitted by Afghanistan (A/C.3/L.148) to (a) entitle the resolution "Measures for the peaceful solution of the problem of prisoners of war"; (b) delete specific reference in the draft resolution to "evidence"; (c) include a statement that any persons whose good offices the Commission would be authorized to use should be "qualified and impartial"; and (d) delete the statement authorizing the Secretary-General to incur the necessary expenditure, since such a recommendation was not within the Third Committee's competence

(2) Amendments jointly suggested by Lebanon and Syria (A/C.3/L.146) and a Philippine sub-amendment (A/C.3/L.147) to the effect that (a) the Governments should supply the names of persons still held and places where detained; (b) particulars of crimes, if any; (c) names of those who have died in prisoner of war camps, as well as date and cause of death; and (d) manner and place of burial.

In the light of the discussion, the representatives of Australia, the United Kingdom and the United States drew up a second revision of their draft resolution (A/C.3/L.145/Rev.2) which retained the amendments incorporated in the first revision and included an Ethiopian amendment (A/C.3/L.150) to the effect that the Commission should be an ad hoc body. The revised proposal thus provided for two successive steps: (a) a request for information from the Governments concerned, and (b) the establishment of an ad hoc Commission on Prisoners of War to examine and evaluate this information and to take certain specified action if the Commission considered the information inadequate.

The sponsors of the draft resolution then accepted an amendment by France (A/C.3/L.152) which requested that the Secretary-General establish a Commission composed of qualified and impartial persons appointed by the International Red Cross, or, failing that, by the Secretary-General himself. An oral suggestion, by the representative of the United Kingdom, that the proposed Commission should be an ad hoc body and that it should be composed of three members, was accepted by the representative of France.

The Third Committee at its 345th meeting adopted by 45 votes to 5, with 4 abstentions, a French amendment (A/C.3/L.152) to insert a paragraph urgently requesting all Governments to make the greatest possible effort to search for prisoners of war whose absence had been reported and who might be in their territories.

The following amendments were rejected:

(1) Suggestion by India and Iraq (A/C.3/L.149), to delete the reference in the preamble to specific agreements between the Allied Powers concerning prisoners, rejected by 24 votes to 11, with 15 abstentions

(2) Oral amendment by Iraq, to express concern at information which tended to show that a large number of prisoners had "(a) not been repatriated, (b) not been accounted for" rather than state had "neither been repatriated nor otherwise accounted for", rejected by 19 votes to 13, with 19 abstentions

(3) Oral amendment by Iraq, to raise the number of members on the proposed commission to five, rejected by 18 votes to 14, with 21 abstentions

(4) Oral amendment by Iraq, to delete the provision permitting the Secretary-General to appoint the Commission failing action by the International Red Cross, rejected by 31 votes to 12, with 7 abstentions.

The joint draft resolution (A/C.3/L.145/Rev.2) as a whole, as amended, was adopted by the Committee by 43 votes to 5, with 8 abstentions (A/1690), at its 345th meeting on 11 December (see below for text).

2. Consideration by the Fifth Committee

The Fifth Committee at its 282nd meeting on 13 December considered the financial implications of the draft resolution proposed by the Third Committee (A/1690). The Committee had before it estimates submitted by the Secretary-General (A/C.5/444), together with the observations of the Advisory Committee on Administrative and Budgetary Questions (A/1686).

The Secretary-General pointed out that no basis existed for an accurate estimation of costs. He believed, however, that expenditure would amount to approximately \$45,000," which sum included provision for the payment of fees in addition to travelling and subsistence expenses of the members of the proposed ad hoc Commission. The Advisory Committee had expressed the view that the principles concerning travelling and subsistence expenses, originally laid down in General Assembly resolution 231 (III)¹³⁶ and reaffirmed

¹³⁶ See Y.I7.N., 1948-49, pp. 891-92.

in resolution 459(V)¹³⁷ precluded the payment of fees to members of such a commission. The Advisory Committee had further considered that such payment would create an undesirable precedent and that, in any case, no difficulty need be anticipated in securing the services of qualified and impartial persons willing to serve as a matter of honour and obligation on the terms approved by the General Assembly for expert bodies of the United Nations. On this basis, it had recommended that no provision should be made for payment of fees and that, instead, the rate of daily subsistence allowance should be raised from \$12.50 to \$25 at Headquarters and \$20 in the field. Accordingly, the Advisory Committee recommended that provision should be made for \$35,000 in the 1951 budget estimates.

In the course of the discussion of the Advisory Committee's recommendations, the United States representative stated that he felt obliged to support, in principle, the payment of fees in the case of the proposed ad hoc Commission, because of new decisions taken by the General Assembly and by the Fifth Committee with respect to certain other expert bodies. However, the representatives of Australia, Denmark and the United Kingdom, among others, agreed with the Advisory Committee and suggested that persons appointed to the ad hoc Commission should not be regarded as experts within the meaning of General Assembly resolution 231(III). Still others, including the representatives of Brazil, Canada and France, felt that the policy regarding remuneration of experts required re-examination. The representative of France requested that, in future, the Secretary-General should furnish an annex to the budget document giving full details of payments made to members of various expert bodies.

The representative of the USSR explained that his delegation had clearly stated its position in the Third Committee and maintained that the item had been raised for purposes of propaganda. He was therefore opposed to any appropriation of funds for carrying out the draft resolution. An oral proposal by the representative of the USSR to that effect was defeated by 25 votes to 4, with 4 abstentions.

The Fifth Committee approved (A/1718) the recommendation of the Advisory Committee by 24 votes to 4, with 5 abstentions, and informed the Assembly that adoption of the draft resolution would require a budgetary provision in 1951 in the amount of \$35,000.

3. Resolution Adopted by the General Assembly

The General Assembly at its 325th plenary meeting on 14 December 1950 considered the reports of the Third Committee (A/1690) and the Fifth Committee (A/1718) and adopted, without further discussion, by 43 votes to 5, with 6 abstentions, the draft resolution proposed by the Third Committee as resolution 427(V). It read as follows:

The General Assembly,

Mindful that one of the principal Purposes of the United Nations is to achieve international co-operation in solving international problems of a humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all,

Considering that the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations,

Believing that all prisoners having originally come within the control of the Allied Powers as a consequence of the Second World War should either have been repatriated long since or have been otherwise accounted for,

that this is required both by recognized standards of international conduct and the Geneva Convention of 1949 for the protection of war victims, and by specific agreements between the Allied Powers,

1. Expresses its concern at the information presented to it tending to show that large numbers of prisoners taken in the course of the Second World War have neither been repatriated nor otherwise accounted for;

2. Calls upon all governments still having control of such persons to act in conformity with the recognized standards of international conduct and with the above-mentioned international agreements and conventions which require that, upon the cessation of active hostilities, all prisoners should, with the least possible delay, be given an unrestricted opportunity of repatriation and, to that end, to publish and transmit to the Secretary-General before 30 April 1951:

(a) The names of such prisoners still held by them, the reasons for which they are still detained and the places in which they are detained;

(b) The names of prisoners who have died while under their control as well as the date and cause of death, and the manner and place of burial in each case;

3. Requests the Secretary-General to establish an Ad Hoc Commission composed of three qualified and impartial persons chosen by the International Red Cross or, failing that, by the Secretary-General himself, with a view to settling the question of the prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned. The Commission shall convene at a suitable date after 30 April 1951 to examine and evaluate, in the light of the information made available to the fifth session of the General Assembly, the information furnished by governments in accordance

¹³⁷ See p. 160.

with the terms of the preceding paragraph. In the event that the Commission considers that this information is inadequate or affords reasonable ground for believing that prisoners coming within the custody or control of any foreign government as a consequence of military operations of the Second World War have not been repatriated or otherwise accounted for, the General Assembly:

(a) Requests the Commission to seek from the governments or authorities concerned full information regarding such prisoners;

(b) Requests the Commission to assist all governments and authorities who so desire in arranging for and facilitating the repatriation of such prisoners;

(c) Authorizes the Commission to use the good offices of any qualified and impartial person or organization whom it considers might contribute to the

repatriation or accounting for of such prisoners;

(d) Urges all governments and authorities concerned to co-operate fully with the Commission, to supply all necessary information and to grant right of access to their respective countries and to areas in which such prisoners are detained;

(e) Requests the Secretary-General to furnish the Commission with the staff and facilities necessary for the effective accomplishment of its task;

4. Urgently requests all the governments to make the greatest possible efforts, based in particular on the documentation to be provided, to search for prisoners of war whose absence has been reported and who might be in their territories;

5. Directs the Commission to report as soon as practicable the results of its work to the Secretary-General for transmission to the Members of the United Nations.

M. REFUGEES AND STATELESS PERSONS

1. Statelessness and Related Problems

a. CONSIDERATION IN THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

At its eleventh session the Economic and Social Council dealt with the question of refugees and stateless persons¹³⁸ in two parts. It examined the report of the Ad Hoc Committee on Statelessness and Related Problems (E/1618 & Corr.1) and took action, as requested in General Assembly resolution 319(IV), concerning the provisions for the functioning of a High Commissioner's Office for Refugees.

(1) Report of the Ad Hoc Committee on Statelessness and Related Problems¹³⁹

The Ad Hoc Committee on Statelessness and Related Problems, established by the Council in accordance with resolution 248(IX) of the Economic and Social Council, met from 16 January to 16 February 1950. Its task, as outlined in the resolution, was to:

(a) consider the desirability of preparing a revised and consolidated convention relating to the international status of refugees and stateless persons and, if they consider such a course desirable, draft the text of such a convention;

(b) consider means of eliminating the problem of statelessness, including the desirability of requesting the International Law Commission to prepare a study and make recommendations on this subject;

(c) make any other suggestions they deem suitable for the solution of these problems, taking into consideration the recommendations of the Secretary-General.

The Committee recommended (E/1618) an international convention as the most effective approach to the solution of the problems referred

to the Council. It decided, in view of the urgency of the refugee problem and the responsibility of the United Nations in this field, to address itself first to the problem of refugees, whether stateless or not.

The Committee prepared a draft Convention relating to the status of refugees, which consisted of a preamble and forty articles covering general provisions, legal status, gainful occupation, welfare, administrative measures, implementation and transitory provisions and final clauses. It provided in article 1 a definition of the term "refugee". The Committee also prepared and submitted to the Council its observations and comments on the draft Convention. Although the Committee did not feel that it could draw up a separate draft convention relating to the status of stateless persons, it considered the possibility of applying certain of the articles to stateless persons who were not refugees and, in this connexion, prepared a draft Protocol relating to the status of stateless persons, by which the provisions of certain articles of the Convention would be applied *mutatis mutandis* to stateless persons not covered under the Convention.

The Committee requested the Secretary-General, in accordance with resolution 248 B (IX), to submit its report to Governments and to invite them to forward their comments on it by 1 May 1950, in order that the report, along with the comments received, might be submitted to the Council at its eleventh session. The Com-

¹³⁸ See also Y.U.N., 1948-49, pp. 584-99.

¹³⁹ The Ad hoc Committee met later for a second session as the "Ad hoc Committee on Refugees and Stateless Persons"; see pp. 575-76.

mittee also recommended that the Council consider the report and the comments and submit them, together with its recommendations, to a diplomatic conference, to be convened for the purpose of reviewing further the draft Convention and the Protocol to it, and at which these would be opened for signature.

The Committee decided that it was not practicable to examine the complex problem of the elimination of statelessness in great detail or draft a convention on the subject. It reviewed the basic causes of statelessness, including failure to acquire nationality at birth, loss of nationality through marriage or dissolution of marriage, voluntary renunciation of nationality, and deprivation of nationality. It discussed the responsibilities of various organs of the United Nations in this field, including the International Law Commission and the Commission on the Status of Women.

The Committee decided to recommend to the Council the adoption of a resolution inviting Member States to re-examine their nationality laws with a view to reducing as far as possible cases of statelessness which arise from the operation of such laws, and recommending to the Member States involved in changes of territorial sovereignty that they include in the arrangements for such changes the necessary provisions for the avoidance of statelessness. The resolution, further, invited Member States to contribute to the reduction of the number of stateless persons by extending to persons in their territory an opportunity to be naturalized. It requested the Secretary-General to seek information from Member States with regard to the carrying out of the resolution, and to report to the Council. The Committee further recommended that considering that progress in the elimination of statelessness required joint international action and that the conclusion of an agreement or agreements for this purpose was necessary, the Council should request the International Law Commission to prepare the necessary draft documents at the earliest possible date.

No specific reference to the statelessness of women resulting from marriage or dissolution of marriage was included in the resolution proposed to the Council, as the nationality of married women was being considered on a broader basis by the Commission on the Status of Women.¹⁴⁰

(2) Discussion of the Report in the Council

The report of the Ad Hoc Committee was considered at the 156th-161st and 165th-170th meetings of the Social Committee, 31 July-3 August and 5-10 August respectively, and at the Coun-

cil's 399th and 406th-407th plenary meetings, 2 and 11 August 1950. In addition to the report, the Council had before it comments from the Governments of Australia, Austria, Canada, Chile, Egypt, France, India, Israel, Italy, Lebanon, Poland, the United Kingdom and the United States (E/1703 & Add.1-7). Comments of a general nature and related to individual articles in the draft Convention had also been received from the International Refugee Organization (E/1704 & Corr.1 & 2).

The first point under discussion in the Social Committee at its 156th and 157th meetings was primarily a procedural matter: whether to transmit the Ad Hoc Committee's report to the General Assembly's fifth session, meanwhile reconvening the Ad Hoc Committee at Geneva for a further review of the draft Convention and Protocol, or whether to call a diplomatic conference to revise the draft international agreements. The majority supported the proposal to reconvene the Committee and to submit the report to the Assembly. They were of the opinion that the question of refugees was urgent and should be dealt with as quickly as possible. Moreover, the Convention would be the principal instrument through which the High Commissioner for Refugees would exercise his functions for protecting refugees. It was therefore highly desirable, they held, that the Convention should be available when he assumed his duties in January 1951.

Other representatives favoured the proposal, included in the Ad Hoc Committee's report, to call a diplomatic conference. One of the main advantages, they stressed, would be that in a diplomatic conference those non-member States to which the problem was of great importance could also be represented. While agreed that the refugee problem was urgent, these representatives saw no reason why the High Commissioner could not begin his work before a Convention was concluded.

On the basis of a United States proposal (E/L.79 & Add.1) the Social Committee on 31 July, and, on the Committee's recommendation, the Council on 2 August, decided (1) to transmit the report to the Assembly's fifth session and (2) to reconvene the Ad Hoc Committee in Geneva to revise the draft Convention and Protocol. It decided that the name of the Committee should be changed to "Ad Hoc Committee on Refugees and Stateless Persons". Following this interim decision, the United States draft resolution, as amended to take account of other decisions by

¹⁴⁰ See pp. 558-59.

the Council and to provide for the hearing by the Ad Hoc Committee of the views of non-member States, was adopted by the Social Committee at its 169th meeting by 12 votes to none, with 3 abstentions, and by the Council at its 406th plenary meeting by 9 votes to none, with 6 abstentions.

In this resolution (319 B.I (XI)) the Council took note of the report of the Ad Hoc Committee on Refugees and Stateless Persons including, in particular, the draft agreements contained therein, and of the comments of Governments thereon, which - it transmitted to the General Assembly. The Council requested the Secretary-General to reconvene the Ad Hoc Committee in order that it might prepare revised drafts of the agreements in the light of comments of Governments and specialized agencies and the discussions and decisions of the Council at its eleventh session, which should include the definition of "refugee" and preamble approved by the Council, making such other revisions as appeared necessary. It also requested him to submit the revised drafts to the General Assembly at its fifth session.

The Council drew the attention of the Committee to the fact that, under rules 75 and 77 of the rules of procedure of the Council, it was authorized to hear statements from Member States not members of the Committee and from such specialized agencies as might wish to participate, without vote, in the deliberations of the Committee. It decided, in addition, that the Committee was authorized to hear statements from such non-member States as might, because of their special interest in the problem, wish to participate as observers, without vote, in the deliberations of the Committee.

Finally, the Council recommended to the General Assembly that it approve international agreements on the basis of the draft agreements prepared and revised by the Committee, taking into account the comments of Governments and the views expressed at the eleventh session of the Council.

**(a) DEFINITION OF THE TERM "REFUGEE" IN
ARTICLE 1 OF THE DRAFT CONVENTION
ON REFUGEES**

Meanwhile, the Social Committee at its 158th-161st and 165th-166th meetings had discussed the definition of the term "refugee" in article 1 of the draft Convention prepared by the Ad Hoc Committee.¹⁴¹ This definition had been based on categories. This principle, though not necessarily the definition itself, was supported by the representatives of Australia, Brazil, China, France and

the United States. Among other things, they maintained that in any instrument involving definite legal obligations categories should be precisely defined. Such a definition would also be more generally acceptable and more easily implemented than a global definition, to which they considered a number of countries would be reluctant to subscribe. The broader the definition, they thought, the narrower the protection that nations would be willing to give. The representative of the United States also pointed out that under too broad a definition the High Commissioner, when implementing the Convention, would be overwhelmed with applications from people who did not merit or require international protection. The Assembly had stated that the Commissioner's work should relate as a rule to groups and categories of refugees. Both States and the High Commissioner should know exactly to whom the Convention applied.

On the other hand, the representatives of Belgium, Canada, Pakistan and the United Kingdom felt that the definition should concern itself with all refugees and not merely with certain prescribed and limited categories of refugees. The Convention should not be an instrument of restricted application. Moreover, a limited classification, they stated, would not be adequate or useful for a lasting international convention on refugees.

In addition, the representatives of Belgium, Chile, France and the United Kingdom, among others, held that the definition used in the Convention and in the Statute for the High Commissioner's Office need not be the same, although, as pointed out by the representative of the United States, there was a definite link between them, i.e. if the Convention were approved, the definition of the term "refugee" would form part of the High Commissioner's terms of reference, since implementation of the Convention was to be one of his principal functions.

The representatives of Belgium and the United Kingdom had submitted substitute texts (E/AC.7/L.59; E/AC.7/L.63) for Article 1. Both of these were designed to give a broad, global definition to the term "refugee". However, at the 159th meeting on 1 August, it was decided by 8 votes to 2, with 4 abstentions, to proceed with a definition of "refugee" based on categories. Therefore, the Belgian and United Kingdom amendments were withdrawn. Several representatives, among them those of Canada, Mexico,

¹⁴¹ For discussions in the Council concerning the definition of "refugee" to be included in the Statute of the High Commissioners Office, see pp. 580-82.

Pakistan and the United Kingdom, reserved the position of their Governments on this aspect of the question in respect to future stages of discussion.

Taking as a basis for discussion a French amendment (E/L.82) to the Ad Hoc Committee's proposed text for article 1, the Social Committee discussed in detail the proposed definition of the term "refugee", and referred certain sections for re-drafting to a sub-committee composed of the representatives of China, Chile, France, the United Kingdom and the United States.

Among its decisions were:

(1) To omit a section stipulating the rights of Contracting States to extend the definition of refugees to persons in other categories as recommended by the Assembly and their right to conclude independently private agreements to extend the benefits of the Convention to categories of refugees not covered by it. The Committee felt that this statement was unnecessary and misleading, since it implied that States might have to await Assembly approval before extending the definition of refugees. Its deletion was proposed by France, and adopted by 13 votes to none, with 2 abstentions.

(2) To broaden the definition of refugees to include those who "for reasons other than personal convenience" were unwilling to return to their home countries. The United States representative, in proposing the amendment, drew attention to the position of refugees who were not afraid of actual persecution in their home countries, but were unwilling for psychological reasons to return. The amendment was adopted by 11 votes to none, with 4 abstentions.

(3) To substitute for a statement that no Contracting State would apply the benefits of the Convention to any person who in its opinion was guilty of "any . . . acts contrary to the Purposes and Principles of the United Nations" a clause stating that no Contracting State would be obliged to grant refugee status to any person it had "serious reasons to consider as falling under the provisions of article 14 (2) of the Universal Declaration of Human Rights."¹⁴² Various members of the Committee considered that the original statement was vague and might lead to discrimination, and that it was doubtful if individuals could be guilty of acts contrary to the Charter, since its responsibilities devolved only on States. The amended phrase was proposed by France and adopted by 7 votes to none, with 8 abstentions.

(4) To add a section making it clear that the Convention would not apply to a refugee who had no nationality but had voluntarily returned to the country he had left or outside which he had remained owing to fear of persecution. This was proposed by the United States and adopted by 13 votes to none, with 2 abstentions.

The amended definition of the term "refugee" was adopted as a whole by the Social Committee on 7 August by 7 votes to 1, with 7 abstentions, and by the Council at its 406th plenary meeting on 11 August 1950, by 10 votes to 2, with 3 abstentions, in resolution 319 B,II (XI). It read as follows:

(Chapter I, Article 1)

A. For the purposes of this Convention, the term "refugee" shall apply to any person

(1) Who in the period between 1 August 1914 and 15 December 1946 was considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, and the Protocol of 14 September 1939;

(2) Who has been accepted by the International Refugee Organization as falling under its mandate;

(3) Who has had, or has, well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion, as a result of events in Europe before 1 January 1951, or circumstances directly resulting from such events, and, owing to such fear, has had to leave, shall leave, or remains outside the country of his nationality, before or after 1 January 1951, and is unable, or, owing to such fear or for reasons other than personal convenience, unwilling, to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, has left, shall leave, or remains outside the country of his former habitual residence.

The decision as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugees being recognized in the case of persons who otherwise fulfil the conditions of this Article.

B. This Convention shall not apply to any refugee enjoying the protection of a Government because

(1) He has voluntarily re-availed himself of the protection of the government of the country of his nationality;

(2) Having lost his nationality, he has voluntarily re-acquired it;

(3) He has acquired a new nationality and enjoys the protection of the government of the country of his nationality;

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;

(5) As a former member of a German minority, he has established himself in Germany or is living there.

C. No contracting State shall apply the benefits of this Convention to any person who, in its opinion, has committed a crime specified in Article VI of the London Charter of the International Military Tribunal. No contracting State shall be obliged, under the provisions of this Convention, to grant refugee status to any person whom it has serious reasons to consider as falling under the provisions of article 14 (2) of the Universal Declaration of Human Rights.

(b) PREAMBLE TO THE DRAFT CONVENTION

The Preamble to the Convention was considered at the 160th, 167th and 170th meetings of the Social Committee on 2, 7 and 10 August and at the 406th plenary meeting of the Council on 11 August.

The Ad Hoc Committee had prepared a Preamble which would have the Contracting States

¹⁴² Which states that the right of asylum "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".

(1) refer to the concern of the United Nations for the protection of human rights without discrimination as expressed in the Declaration of Human Rights, and the profound concern for the rights of refugees as evinced in various resolutions, especially in General Assembly resolution 319 A (IV),¹⁴³ and (2) refer to the desirability of revising and consolidating previous international agreements relating to the protection of refugees, of extending the scope of such agreements to additional groups of refugees and of increasing the protection accorded by these instruments.

The representative of France stated that the principle of the Preamble was not in dispute but that, while ideally refugees should be placed on an equal footing with citizens of the countries receiving them, this was not possible. He proposed an amendment (E/L.81) which would, among other things, have the Preamble:

(1) state that refugees should be assured of the "widest possible exercise of the fundamental rights and liberties"; (2) recognize that the right of asylum placed an undue burden on certain countries because of their geographical situation and that the problem because of its international scope could not be solved without international co-operation "to help distribute refugees throughout the world";

(3) refer to the High Commissioner for Refugees, who would be called upon to supervise the application of the Convention and to endeavour, with international co-operation, to improve it; and finally,

(4) express the hope that countries would be guided by the Convention in granting the rights and advantages contained in it to refugees not covered by its provisions.

There was considerable discussion as to whether or not the idea expressed in point (2) above should be included in the Preamble. The representative of Belgium thought the point should be made in the Convention itself, while the representatives of Canada, India and the United States thought it might be better to include it in an Assembly resolution introducing the Convention. This paragraph was deleted at the Committee's 167th meeting on 7 August by 5 votes to 5, with 5 abstentions, but the Council reinstated the paragraph in slightly different form (E/L.94) at its 406th plenary meeting (see below).

The representatives of Belgium, Canada, the United States and Pakistan objected to the last paragraph, which they thought implied that the Convention was not wide enough in scope. It was also inconsistent with the Committee's previous decision that the Convention should apply to certain defined categories of refugees rather than to all refugees in a territory. Following the adoption of the paragraph in slightly amended form by 5 votes to 4, with 6 abstentions, the representatives

of Belgium and the United States reserved the right to raise the question again.

The Committee, after accepting certain technical amendments of a legal nature (A/C.7/L.71), adopted, in separate paragraph votes, the remainder of the French amendment (E/L.81) with an additional French sub-amendment designed to express more precisely the status and powers of the High Commissioner in relation to the Convention. It also decided, by 14 votes to 1, to include the reference proposed by the Ad Hoc Committee (see above) to the desirability of revising, consolidating and extending the scope of previous international agreements. The amended draft Preamble was adopted as a whole by the Committee by 10 votes to none, with 3 abstentions.

The Council, at its 406th plenary meeting on 11 August, after accepting by 9 votes to none, with 6 abstentions, a French proposal (E/L.94) to reinstate a paragraph (see paragraph 5 below) referring to the international scope of the problem, adopted the Preamble by 12 votes to none, with 3 abstentions, in resolution 319 B,II (XI). It read as follows:

PREAMBLE

1. Considering that the Charter of the United Nations and the Universal Declaration of Human Rights establish the principle that human beings shall enjoy fundamental rights and freedoms without discrimination;

2. Considering that the United Nations has, on various occasions, and most recently in General Assembly resolution 319 A (IV), manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms;

3. Considering that, in the light of experience, the adoption of an international convention would appear to be one of the most effective ways of guaranteeing refugees the exercise of such rights;

4. Considering further that it is desirable to revise and consolidate previous international agreements relating to the protection of refugees, to extend the scope of such agreements to additional groups of refugees, and to increase the protection accorded by these instruments;

5. Considering, however, that the exercise of the right of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation;

6. Considering that the High Commissioner for Refugees will be called upon to supervise the application of this Convention, and that the effective implementation of this Convention depends on the full co-operation of States with the High Commissioner and on a wide measure of international co-operation;

7. Expressing the hope, finally, that this Convention will be regarded as having a value as an example

¹⁴³ See Y.U.N., 1948-49, pp. 598-99.

exceeding its contractual scope, and that without prejudice to any recommendations the General Assembly may be led to make in order to invite the High Contracting Parties to extend to other categories of persons the benefits of this Convention, all nations will be guided by it in granting to persons who might come to be present in their territory in the capacity of refugees and who would not be covered by the following provisions, treatment affording the same rights and advantages.

(c) **ELIMINATION OF STATELESSNESS**

The resolution recommended by the Ad Hoc Committee on the elimination of statelessness¹⁴⁴ was discussed at the 167th and 168th meetings of the Social Committee on 7 and 8 August and at the 406th and 407th plenary meetings of the Council on 11 August 1950.

The following were among the views expressed: The representatives of Australia, Belgium, France and the United Kingdom considered that the suggestion that Member States should extend to stateless persons in their territory the opportunity to be naturalized was too general and tended to place a stateless person in a more privileged position than other aliens with regard to naturalization. The United States representative explained that the paragraph in question was merely meant to ensure that a stateless person was included in the general group of persons eligible for naturalization.

The representative of Mexico considered that statelessness could only be handled as an integral part of the problem of nationality and presented an amendment (E/L.95) suggesting that the Assembly request the International Law Commission to prepare a draft general convention on nationality, including measures to eradicate the problem of statelessness. The representatives of the United States and the United Kingdom criticized this on the ground that it would bind the International Law Commission to one course of action. The Commission might see fit to deal with statelessness in any one of several different ways, and should be free to do so. The amendment was rejected in the Committee by 6 votes to 6, with 3 abstentions, and in the Council by 6 votes to 5, with 4 abstentions.

The representative of the United States suggested that any invitation or request for action should be directed to States and not specifically to Member States. The representative of Chile expressed the view that a small group of legal experts could draw up the draft convention provided that Governments first accepted at least some of the following principles: (1) that no one may lose his nationality of origin without ac-

quiring a new nationality; (2) that women retain their nationality of origin on contracting marriage or on its dissolution; (3) that nationality, once acquired, is definitive and may not be withdrawn even as a penalty; and (4) that it is essential that agreement be reached between *jus soli* and *jus sanguinis* countries with regard to the nationality of children.¹⁴⁵

Since a number of representatives had declared their intention of abstaining from voting on the Ad Hoc Committee's draft resolution, the representative of France suggested an alternative draft which, with some additions and technical modifications, was adopted as a whole by the Social Committee (E/1814) at its 168th meeting on 8 August by 7 votes to 3, with 5 abstentions.

After having adopted amendments to replace the word "drawbacks" by "problems" and the word "sources" by "causes" in the fourth paragraph of the preamble, and to add a sentence to the fourth operative paragraph noting with satisfaction that the International Law Commission intended to initiate work on the subject of nationality, including statelessness, the Council adopted the revised resolution by 8 votes to 1, with 6 abstentions, at its 407th plenary meeting. It read as follows (319 B,III (XI)):

The Economic and Social Council,

Recalling its concern with the problem of statelessness as expressed in its resolution 248 B (IX) of 8 August 1949, in which it established an ad hoc committee to study this problem,

Having considered the report of the Ad Hoc Committee and its recommendations concerning the elimination of statelessness,

Taking note of article 15 of the Universal Declaration of Human Rights concerning the right of every individual to a nationality,

Considering that statelessness entails serious problems both for individuals and for States, and that it is necessary both to reduce the number of stateless persons and to eliminate the causes of statelessness,

Considering that these different aims cannot be achieved except through the co-operation of each State and by the adoption of international conventions,

Recommends to States involved in changes of territorial sovereignty that they include in the arrangements for such changes provisions, if necessary, for the avoidance of statelessness;

Invites States to examine sympathetically applications for naturalization submitted by stateless persons habitually resident in their territory and, if necessary, to re-examine their nationality laws with a view to reducing as far as possible the number of cases of statelessness created by the operation of such laws;

¹⁴⁴ See pp. 569-70.

¹⁴⁵ Under *jus soli* a child takes its nationality from the country in which it is born; under *jus sanguinis* it takes the nationality of its parents.

Requests the Secretary-General to seek information from States with regard to the above-mentioned matters and to report thereon to the Council;

Notes with satisfaction that the International Law Commission intends to initiate as soon as possible work on the subject of nationality, including statelessness, and urges that the International Law Commission prepare at the earliest possible date the necessary draft international convention or conventions for the elimination of statelessness;

Invites the Secretary-General to transmit this resolution to the International Law Commission.

b. REPORT OF THE AD HOC COMMITTEE ON REFUGEES AND STATELESS PERSONS

The Ad Hoc Committee on Refugees and Stateless Persons reconvened from 14 to 25 August 1950 in Geneva, as requested by the Economic and Social Council (319 B,I (XI)).

The Committee in its report to the General Assembly (E/1850) stated that it considered its function to be primarily that of revising the draft Convention and draft Protocol for the consideration of the General Assembly. The drafts which it had prepared represented a consensus. They did not, however, commit the Governments which were represented.

The Committee stated that it had given careful consideration to the discussions in the Economic and Social Council, to the views expressed by observers at the meetings of the Committee and to the comments submitted by Governments and specialized agencies. Some of the observations, it was pointed out, had dealt with problems peculiar to the country in question. The Committee had, however, concentrated on establishing a standard generally acceptable and leaving it to individual nations who might not feel able to subscribe to that standard to note particular reservations.

To meet the criticism that, in some respects, the draft Convention originally prepared was not self-sufficient but relied too heavily on interpretation in the comments, the Committee had dispensed with a formal set of comments and had instead introduced some of the ideas previously contained in them into the text of the Convention. It had clarified instances in which there appeared to be conflicts between the comment and the plain language of the text.

Among the points commented upon by the Committee in its report were the following:

(1) The Committee had retained the pattern whereby refugees would enjoy at least the same treatment as aliens generally in regard to most provisions, but preferred treatment—either that of nationals of a most favoured nation or that of nationals of the Contracting State—in regard to certain other rights. It had also

added a provision establishing the general principle that, where no other provision was contained in the Convention, refugees were to enjoy the same treatment as aliens generally. It had also endeavoured to make it clear that the adoption of the Convention should not impair any greater rights which refugees might enjoy prior to or apart from this Convention.

(2) The Committee had revised the text concerning the requirement of reciprocity because it considered that this was open to different interpretations in different countries. The revised text preserved rights based on reciprocity for those refugees who were entitled to enjoy them on the date on which the Convention came into force in a particular State. The Committee, however, expressed the hope that States would give sympathetic consideration to extending rights, as far as possible, to all refugees without regard to reciprocity, particularly where the rights had no relation to the requirements of residence, as, for example, compensation for war damages and persecution. But it felt that a legal obligation in this sense would be acceptable only in regard to refugees who had resided in the country "for a certain period", using this phrase on the understanding that the General Assembly would be better able to prescribe a definite period, if desirable. It was the understanding of the Committee that article 4, paragraph 2 (which provided for the preservation under the Convention of rights previously based on reciprocity), did not apply to rights conferred by treaty on nationals of a particular country only.

(3) The Committee considered that article 18, which provided that Contracting States should accord refugees the same treatment as their nationals with respect to public relief and assistance, conformed fully to the provisions of the resolution on migration adopted by the Economic and Social Council on 13 July 1950.¹⁴⁶ The Committee expressed its understanding that, despite the provisions of article 3 (B) requiring refugees to satisfy the conditions required of a national in order to enjoy the same treatment, refugees should not be required to meet any conditions of local residence or affiliation which may be required of nationals.

(4) The Committee decided not to incorporate any change in the text of Article 26, providing for the exemption from penalties of a refugee who illegally enters a country but who presents himself to the authorities and shows cause for his illegal entry. It noted that in some countries freedom from penalties on account of illegal entry was also extended to those who gave assistance for humanitarian reasons to such entrants.

(5) The Committee decided, after long discussion, to maintain the provision in article 27 that Contracting States were not to expel a refugee lawfully in their territory "save on grounds of national security or public order". While several members expressed dissatisfaction with the vagueness of the term "public order", and with the different interpretations given to the term in different countries, it was felt necessary to take into account the jurisprudence which this term had acquired in certain systems of law. The Committee felt that this provision would permit the deportation of aliens who had been convicted of certain serious crimes where in that country such crimes were considered violations of "public order". The phrase "public order" would not, however, permit the deportation of aliens on "social grounds" such as indigence or illness. The Committee

¹⁴⁶ See p. 626.

clarified the procedural safeguards accorded to refugees: expulsion should be only following a decision "reached in accordance with due process of law"; and the refugee would have the right to submit evidence and to appeal to and be represented before competent authority.

(6) While some question was raised as to the possibility of exceptions to article 28, which prohibited expulsion in any manner to the frontiers of territories where the life or freedom of a refugee was threatened on account of race, religion, nationality or political opinion, the Committee felt strongly that the principle there expressed was fundamental and that it should not be impaired.

(7) With regard to reservations, the Committee noted that under article 36 of the draft Convention reservations were permitted to most of its provisions, but stated that several of these were fundamental and not subject to reservations. It expressed the hope that there would be few reservations and considered that Governments might not find it necessary to reserve an article as a whole when it would be sufficient to reserve exceptional cases of special circumstances in connexion with the application of that article.

c. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

The General Assembly had before it, *inter alia*: Economic and Social Council resolutions 319 A & B (XI); the report of the Ad Hoc Committee on Refugees and Stateless Persons (second session) (E/1850), which contained the revised draft Convention and the draft Protocol relating to the status of stateless persons; and a memorandum by the Secretary-General (A/1385), containing both the provision for the functioning of the High Commissioner's Office¹⁴⁷ adopted by the Economic and Social Council, and the Council's definition of "refugee" for article 1 of the Convention.

(1) Draft Convention Relating to the Status of Refugees

The General Assembly discussed the procedure to be followed with respect to the draft Convention and the draft Protocol at the 324th, 328th, 330th, 332nd, 337th and 338th meetings of the Third Committee, 22-27 and 30 November and 1 and 6 December, and at its 325th plenary meeting on 14 December 1950.

The views expressed as to whether the General Assembly should complete the Convention or whether it should be referred to a conference of plenipotentiaries were primarily those expressed in the Economic and Social Council.¹⁴⁸ Although a number of representatives indicated that they would have preferred to have the Convention completed during the Assembly's session, they agreed, generally, that there was insufficient time for this.

Accordingly, the Committee at its 337th meeting adopted, by 26 votes to 7, with 12 abstentions, a draft resolution proposed by the United Kingdom revised to incorporate oral amendments suggested by Lebanon, Venezuela, France and Canada (A/C.3/L.68/Rev.1). These amendments provided for reference in the draft resolution to the draft Convention prepared by the Ad Hoc Committee and the Economic and Social Council, the Protocol relating to stateless persons, and the definition of the term "refugee" as adopted by the Council. The Committee also adopted by 37 votes to 5, with 4 abstentions, a New Zealand amendment (A/C.3/L.140) to add a paragraph calling on the High Commissioner to participate in the work of the Conference.

The representative of Australia, who considered that the final drafting of the Convention should be done in the Assembly, even if it meant waiting until the sixth session, had presented an alternative draft resolution (A/C.3/L.136) which would refer the draft Convention and Protocol back to the Economic and Social Council with a request that it should be resubmitted with recommendations to the sixth session of the General Assembly. Following the adoption of the United Kingdom draft resolution, as amended by New Zealand, no vote was taken on the Australian proposal.

After a brief discussion with regard to its financial implication a Belgian-French proposal (A/C.3/L.143) to hold the Conference in Geneva was adopted by the Committee at its 338th meeting by 18 votes to 9, with 18 abstentions.

The draft resolution adopted by the Third Committee (A/1682) was discussed at the General Assembly's 325th plenary meeting on 14 December. After having adopted, by 29 votes to 7, with 14 abstentions, a Venezuelan amendment (A/1725) to specify in the resolution that the meeting would be held in Geneva, the Assembly adopted resolution 429 (V), as a whole, by 41 votes to 5, with 10 abstentions, as follows¹⁴⁹:

The General Assembly,

Considering that, by its resolution 362 (IV) of 22 October 1949, it approved the recommendation of the Special Committee on Methods and Procedures that the General Assembly might decide to convene a conference of plenipotentiaries to study, negotiate, draft, and possibly sign conventions that had been drawn up by conferences in which all Members of the United Nations had not been invited to take part,

¹⁴⁷ See pp. 583 ff.

¹⁴⁸ See pp. 570-71.

¹⁴⁹ The annex to the resolution, containing article 1 of the draft Convention, was included in this vote. For text of the article, as adopted, see pp. 579-80.

Considering the desirability of enabling the governments of States not Members of the United Nations to participate in the final stages of the drafting of the Convention relating to the Status of Refugees, as prepared by the Ad Hoc Committee on Refugees and Stateless Persons and the Economic and Social Council,

1. Decides to convene in Geneva a conference of plenipotentiaries to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons;

2. Recommends to governments participating in the conference to take into consideration the draft Convention submitted by the Economic and Social Council and, in particular, the text of the definition of the term "refugee" as set forth in the annex hereto;

3. Requests the Secretary-General to take the steps necessary for the convening of such a conference at the earliest possible opportunity;

4. Instructs the Secretary-General to invite the governments of all States, both Members and non-members of the United Nations, to attend the said conference of plenipotentiaries;

5. Calls upon the United Nations High Commissioner for Refugees, in accordance with the provisions of the Statute of his Office, to participate in the work of the Conference.

(2) Definition of the Term "Refugee" in the Draft Convention

The definitions of the term "refugee" to be included in the Convention and in the Statute of the High Commissioner's Office¹⁵⁰ were discussed together by the General Assembly at the 324th-332nd, 334th and 335th meetings of the Third Committee, 22-30 November and 1, 4 and 5 December, and at the 325th plenary meeting on 14 December 1950.

In general, two different views were again expressed. The representatives of France, Venezuela, Israel and the United States, among others, stressed the importance of a precise definition of the term "refugee" so that those to be afforded protection could be clearly identified. The Council, they argued, had enumerated clearly those in need of international protection. Other categories of refugees, such as those created by the transfer of populations, enjoyed the same rights and privileges as nationals in their countries and were not in need of international protection. The main purpose of the United Nations should be to prevent refugees from becoming a liability to the international community.

Among others, the representatives of Belgium, Canada, the Netherlands, Turkey, the United Kingdom and Yugoslavia favoured a broad definition. The representative of Australia stated that, although in the Council his delegation had supported the definition by categories, he now felt that the general definition might be preferable in

the Statute. The representatives of Chile and the Union of South Africa supported the insertion of a general definition in the Convention and a limited one in the Statute for the High Commissioner's Office.

The representatives of the United Kingdom and Belgium, in sponsoring broader definitions in both cases, stressed particularly that the definition should not be limited to apply only to European refugees. The representative of Belgium further pointed out that under the Council definition a large number of persons had been refused refugee status and victims of the Nazi or fascist regimes had been granted such status. This seemed unjustified, as apparently nothing prevented these refugees from obtaining legal protection from the authorities currently administering Western Germany and Austria.

The representatives of Poland and Czechoslovakia expressed the opinion that the proposed definition was designed to enable certain countries to continue to use refugees as agents to provoke political disorder in their countries of origin. If the United Nations adopted the proposal to apply the term "refugee" to all who renounced their nationality of their own free will, it would protect persons co-operating with the intelligence services of the countries waging war against the Governments of the "peoples' democracies".

At the 329th meeting of the Committee on 29 November an informal working group was formed, composed of the representatives of Belgium, Canada, France, Israel, Turkey, the United Kingdom, the United States and Venezuela. The Group took into consideration the amendments and resolutions presented by the following States: Yugoslavia (A/C.3/L.122); France (A/C.3/L.123 & 129); Israel (A/C.3/L.124); Venezuela (A/C.3/L.125 & 126); Egypt, Lebanon and Saudi Arabia (A/C.3/L.128); Belgium, Canada, Turkey and United Kingdom (A/C.3/L.130).

At the 332nd meeting on 1 December, the Informal Working Group presented revised joint "compromise" amendments (A/C.3/L.131/Rev.1).¹⁵¹ The amendment concerning the definition of "refugee" to be included in the draft Convention was as follows:

I. Substitute the following text for Chapter I, Article 1 of the draft Convention on the Status of Refugees, (document E/1850):

¹⁵⁰ For consideration by the Assembly of the definition of "refugee" to be included in the Statute, see pp. 583 ff.

¹⁵¹ The amendments as originally proposed, except for those involving only drafting or procedural changes, are indicated in footnotes. Italics in the proposed text indicate revised phraseology.

"A. For the purposes of this Convention, the term 'refugee' shall apply to any person who:

"(1) Since 1 August 1914, has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;¹⁵²

"Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this article;

"(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable, or owing to such fear or for reasons other than personal convenience is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable, or owing to such fear or for reasons other than personal convenience, is unwilling to return to it;¹⁵³

"In the case of a person who has more than one nationality, the above term 'the country of his nationality' shall mean any of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national;¹⁵⁴

"B. This Convention shall cease to apply to any person falling under the terms of Section A if:

"(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

"(2) Having lost his nationality, he has voluntarily re-acquired it; or

"(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality;¹⁵⁵ or

"(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

"(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked;¹⁵⁶ or

"(6) If, being a person who has no nationality, he can no longer, because of circumstances in connexion with which he has been recognized as a refugee have ceased to exist, and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country;¹⁵⁷

"C. (1) The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that (a) he has committed a crime specified in Article VI of the London Charter of the International Military Tribunal; or (b) he falls under the provisions of Article 14, paragraph 2, of the Universal Declaration of Human Rights;

"(2) This Convention shall not apply to a person who has entered a country with whose nationals he has close ties of ethnic and cultural kinship and, because of

such kinship, enjoys the rights and privileges usually attached to the possession of the nationality of such country;

"(3) This Convention shall not apply to persons who fall under the auspices of other organs or agencies of the United Nations, other than the International Refugee Organization¹⁵⁸

"D. The Contracting States may agree to add to the definition of the term 'refugee' contained in this article persons in other categories, including such as may be recommended by the General Assembly."¹⁵⁹

As regards part I of the Working Group's proposals—concerning the definition of "refugee" to be inserted in article 1 of the draft Convention—the Committee at its 332nd meeting on 1 December took the following decisions.

(1) It rejected, by 34 votes to 1, with 11 abstentions, a motion of the Chairman that the text be binding on the proposed conference of plenipotentiaries. In discussing the procedure to be followed, it had been generally conceded that sovereign States, whether or not United Nations Members, should have the right to make the final decision and that the Assembly should only recommend a definition.

¹⁵² Venezuela had suggested (A/C.3/L.125) giving a broader time reference (the original text of the article had referred to the period between 1 August 1941 and 15 December 1946) and placing the reference to IRO in this paragraph, thereby deleting the paragraph immediately following in the original text.

¹⁵³ This paragraph was reworded, taking into account the Council wording and that suggested by Venezuela (A/C.3/L.125) and jointly by Belgium, Canada, Turkey and the United Kingdom (A/C.3/L.130). Venezuela had recommended deletion of the reference to persons being refugees as a result of circumstances directly resulting from events in Europe before 1 January 1951. The joint proposal would have deleted all reference to time or place. The Working Group accepted the Venezuelan suggestion and deleted the reference to Europe which had been proposed in the joint amendment.

¹⁵⁴ The general wording of this paragraph was recommended by Venezuela (A/C.3/L.125).

¹⁵⁵ The Working Group did not accept the Venezuelan suggestion (A/C.3/L.125) to delete this phrase.

¹⁵⁶ This paragraph and section C(2) below were added by the Working Group. It also deleted the paragraph inserted by the Council which would exclude members of a former German minority from coming within the terms of the definition if they had established themselves in Germany or were living there. It was the opinion of the Committee that the inclusion of such a provision would have a discriminatory connotation. The General Assembly, however, in plenary session adopted an amendment which would cover such persons but not specify their ethnic origin (see p. 579).

¹⁵⁷ The general wording of this paragraph was recommended by France (A/C.3/L.123).

¹⁵⁸ This paragraph was added by the Working Group, based on an amendment proposed jointly by Lebanon, Egypt and Saudi Arabia (A/C.3/L.128). As the revised definition, if adopted, would no longer refer to Europeans only, this paragraph was suggested to exclude from the application of the Convention Palestine refugees as long as they were receiving aid and protection from other United Nations sources.

¹⁵⁹ The original Venezuelan proposal (A/C.3/L.125) on which the amendment was based had suggested that the definition might be extended by States to such persons in other categories as the General Assembly might subsequently recommend.

(2) It adopted, by 14 votes to 6, with 18 abstentions, a Saudi Arabian proposal to delete section C(2), which had provided that the Convention should not apply to a person entering a country "with whose nationals he has close ties of ethnic and cultural kinship" and on account of this enjoyed privileges usually attached to the possession of nationality. It was felt that the words "close ties of ethnic and cultural kinship" were too vague and incapable of precise definition. It was also not clear why these persons, presumably not nationals of the country referred to, should enjoy the same rights and privileges as the country's nationals. Moreover, the inclusion of the paragraph was considered dangerous. Persons fleeing from a neighbouring state, for example, should not be excluded from the application of the Convention because they happened to speak the same language as those of the country in which they sought refuge.

(3) It adopted, by 22 votes to 5, with 12 abstentions, an Australian amendment (A/C.3/L.133) to section C(3) to have it read: "This Convention shall not apply to persons who are at present receiving from other organs of the United Nations protection or assistance." The amendment aimed at avoiding the vagueness of a reference to persons "who fall under the auspices of other organs or agencies of the United Nations . . .".

(4) It rejected, by 14 votes to 6, with 2 abstentions, an Australian amendment (A/C.3/L.133) to reword section C(1). This paragraph provided that the Convention should not be applicable to any persons there were serious reasons for considering guilty of a crime under Article VI of the Charter of the International Military Tribunal or as falling under the provision of article 14, paragraph 2, of the Universal Declaration of Human Rights. The representative of Australia, supported by the representative of Chile, stressed the vagueness of the provisions and their inappropriateness in a convention which would be legally binding. For example, Article 14 of the Universal Declaration of Human Rights stated that the right to asylum "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". While this type of language belonged in a declaration which proclaimed moral principles, it could easily be used to deprive many persons of the benefits which they might otherwise enjoy under the draft Convention.

The Third Committee adopted the definition in part I, as a whole, as amended, by 12 votes to 6, with 21 abstentions, at the 332nd meeting on 1 December (see below for text).

The General Assembly considered the report of the Third Committee (A/1682) at its 325th plenary meeting on 14 December. It adopted by 41 votes to 5, with 10 abstentions, resolution 429(V) relating to the status of refugees and the proposed definition to be included in the Convention, which it annexed to the resolution.

Before voting on the text, it adopted by 38 votes to 6, with 10 abstentions, an amendment presented by France, the United Kingdom and the United States (A/1685) to reinstate in a revised form a paragraph, proposed by the Economic and Social Council but rejected by the Third Committee's Informal Working Group,¹⁶⁰ to exclude

from the definition former members of a German minority if they had established themselves in Germany. The new text did not, however, specify the ethnic origin of such persons, as it was thought that this would show discrimination (see paragraph D, below).

The text of the recommended definition of the term "refugee" in article 1 of the draft Convention as annexed to resolution 429(V) read as follows:

ANNEX

DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES

CHAPTER I

Article 1

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Since 1 August 1914 has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of the present article;

(2) As a result of events occurring before 1 January 1951, and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it;

In the case of a person who has more than one nationality, the above term "the country of his nationality" shall mean any of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. The present Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily re-acquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse

¹⁶⁰ See p. 578.

to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked; of

(6) Being a person who has no nationality, he can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country.

C. The present Convention shall not apply to persons who are at present receiving from other organs or agencies of the United Nations protection or assistance.

D. The present Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

E. The provisions of the present Convention shall not apply to any person with respect to whom there are serious reasons for considering that (a) he has committed a crime specified in article VI of the London Charter of the International Military Tribunal; or (b) he falls under the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights.

F. The Contracting States may agree to add to the definition of the term "refugee" contained in the present article persons in other categories, including such as may be recommended by the General Assembly.

2. Provisions for the Functioning of the High Commissioner's Office

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

The Economic and Social Council discussed the provisions for the functioning of the High Commissioner's Office for Refugees at the 169th-173rd meetings of its Social Committee on 31 July, 8, 10 and 12 August, and at the 414th plenary meeting on 16 August 1950.

In its resolution 319 A (IV) of 3 December 1949, the General Assembly had established as of 1 January 1951 a High Commissioner's Office for Refugees,¹⁶¹ and had asked the Secretary-General to submit to the Council, and the Council to submit to the Assembly's fifth session, draft provisions for the functioning of the Office, in accordance with the provisions set forth in the annex to the Assembly's resolution. The Council had also been requested to transmit to the Assembly such recommendations as it might deem appropriate regarding the definition of the term "refugee" to be applied by the High Commissioner.

The Secretary-General submitted for the Council's consideration a draft resolution (E/1669) containing detailed provisions for implementing

the Assembly's resolution. The Assembly had proposed, in the annex to its resolution, that, in the first place, the persons coming under the competence of the High Commissioner's Office should be refugees and displaced persons as defined in annex I to the Constitution of the International Refugee Organization (IRO).¹⁶²

The Secretary-General pointed out that this definition differed from that contained in article 1 of the draft Convention relating to the Status of Refugees prepared by the Ad Hoc Committee on Statelessness and Related Problems (E/1618),¹⁶³ and suggested that the definition of those coming under the competence of the High Commissioner's Office should be the same as that contained in the draft Convention.

The Council also had before it a resolution of the IRO General Council which stated that certain sections of parts I and II of annex I to its Constitution¹⁶⁴ had been adopted in 1946 and were no longer applicable with respect to the furnishing of protection. The General Council suggested to the Economic and Social Council that it consider recommending that the Assembly instruct the High Commissioner for Refugees not to apply these provisions in the performance of his function of affording protection to refugees, and not to apply any decisions previously made by the General Council or the administration of IRO restricting the services of the Organization to refugees and displaced persons, such as the "freeze-order"¹⁶⁵ and date-lines, which had been adopted by IRO for purely financial or administrative reasons (E/1668).

Comments on the draft resolution prepared by the Secretary-General were submitted to the Council at its eleventh session by the Governments of Belgium (E/1767), Italy (E/1767/Add.1; E/1703/Add.6) and the Philippines (E/1801).

¹⁶¹ See Y.U.N., 1948-49, p. 598.

¹⁶² See Y.U.N., 1946-47, pp. 815-17, for definition of refugees and stateless persons coming within the scope of IRO. Broadly speaking, these were to be (1) persons outside their country of nationality or of former habitual residence (whether they have retained this nationality or are *de jure* stateless) who belong to any of several specified categories commonly recognized as having a refugee status; and (2) persons outside their country of nationality or former habitual residence who as a result of events subsequent to the outbreak of the Second World War are unable or unwilling to avail themselves of the protection of the Government of their country of nationality or (in the case of stateless persons) of former nationality.

¹⁶³ See pp. 569, 571.

¹⁶⁴ E.g. Part I, Sec. D, sub-pars, (c), (d) and (e), and Part II, par. 6 (Y.U.N., 1946-47, pp. 816-17).

¹⁶⁵ For explanation, see Y.U.N., 1947-48, pp. 958f.

At its eleventh session the Council also had before it statements from the International Confederation of Free Trade Unions (E/C.2/261), the Friends' World Committee for Consultation (E/C.2/273), the International Social Service (E/C.2/274), the International Students Service (E/C.2/275), the Commission of the Churches on International Affairs (E/C.2/267) and the Consultative Council of Jewish Organizations (E/C.2/260).

The Social Committee at its 169th meeting decided to use a French proposal (E/AC.7/L.60) as the basis for its discussions. The representative of France explained that his primary aim had been to unite in one text everything relating to measures of implementation in the Assembly resolution and in the document prepared by the Secretary-General. He had endeavoured to divide the Statute into four main chapters, (1) dealing with general principles; (2) dealing with organization—including sections on the High Commissioner's Office, an advisory committee for refugees and the headquarters of the Office; (3) dealing with the powers, functions and competence of the High Commissioner; and (4) containing certain general provisions relating to administrative and budgetary matters.

The Committee discussed each chapter in some detail, but paid particular attention to the definition of the refugees who would fall under the competence of the Office. Most members thought that the definition contained in the Statute should be the same as that contained in article 1 of the draft Convention relating to the status of refugees. Those representatives (Belgium, Canada, Pakistan, United Kingdom), however, who had wanted a broad definition to be included in the draft Convention¹⁶⁶ expressed the view that such a definition was even more necessary in the Statute of the High Commissioner's Office. They stated that, as the expenses of the Office would be borne by all Members of the United Nations, it should extend protection to all groups of refugees. It was pointed out, however, by the representatives of France and the United States, that the arrangements for the High Commissioner's Office were designed to protect refugees who, through lack of any legal status, were in need of international protection and that, while there were many refugees all over the world in urgent need of relief, such refugees enjoyed the protection of Governments and were therefore outside the scope of the arrangements as at present envisaged. The representative of the United States also argued that the High Commissioner would find himself in a

confusing situation if the definition of refugees falling under his competence differed from that contained in the draft Convention, and, furthermore, the Council had decided that the Convention should contain a definition by categories.¹⁶⁷

The Social Committee at its 173rd meeting on 12 August, by 8 votes to 3, with 3 abstentions, adopted with slight amendments a definition suggested by the United States (E/AC.7/L.73), the French text having been withdrawn in its favour. Under the recommended definition, refugees falling under the competence of the High Commissioner's Office were to be those defined in the Convention as approved by the General Assembly, and such other persons as the Assembly might from time to time determine. It was left to the High Commissioner to determine which cases were excluded from his mandate in accordance with paragraph c of Article 1 of the Convention.¹⁶⁸ It was also recommended that the High Commissioner might intercede with Governments on behalf of other categories of refugees, pending consideration by the General Assembly as to whether to bring such categories within his mandate.

The Committee rejected by roll-call vote of 6 to 5, with 3 abstentions, a proposal by the United Kingdom representative to define refugees in much broader terms.

The Council also paid considerable attention to the suggestion under chapter II of the French working paper that an advisory council should be set up to give advice on all questions submitted by the High Commissioner, and that such a council should be composed of representatives of States, whether Members of the United Nations or not, which were devoted to the cause of refugees and desired to support the High Commissioner's work. The representatives of Canada, China, Denmark, Mexico and the United Kingdom, among others, stated that they were not opposed, in principle, to the establishment of an advisory body but did not think that it should be set up at this time. It was pointed out by the United States representative that an advisory council could provide the High Commissioner with advice, as opposed to directives, on extremely difficult problems with which he would have to deal. The majority view was, however, that the High Commissioner should have some experience before a final decision was taken on this question. It was therefore decided by 12 votes to none,

¹⁶⁶ See p. 571.

¹⁶⁷ See pp. 571-72.

¹⁶⁸ This finally became paragraph E. See p. 580.

with 2 abstentions, at the 171st meeting of the Committee, to provide for the possibility of setting up an advisory body, but to recommend that its establishment should be deferred until the High Commissioner had expressed his views on the subject.

The Social Committee unanimously agreed also to delete the paragraph in chapter III which provided that the High Commissioner would convene the Advisory Council by agreement with the Secretary-General. Should the Council decide that an advisory body should be established, it could then, the Committee felt, establish its terms of reference.

Among other decisions taken by the Social Committee during its detailed consideration of the Statute were the following:

(1) The Committee unanimously agreed that more emphasis should be placed on the High Commissioner's duty to assist Governments and voluntary agencies, subject to Government approval, in repatriating and assimilating refugees in new national communities. It therefore adopted a United States amendment (E/AC.7/L.73), further amended by France, to this effect.

(2) The representative of France accepted a United States proposal (E/AC.7/L.73) to broaden the provision for policy directives and bring them into keeping with the formula agreed on by the Assembly. The amended paragraph provided that these directives would be given to the High Commissioner by the United Nations, according to methods determined by the Assembly.

(3) The Committee by 12 votes to none, with 1 abstention, adopted a United States proposal to have the Assembly approve the appointment of the High Commissioner on the Secretary-General's nomination. It was agreed that this provision would be more definitive and in keeping with the decision taken by the Assembly than the French text under which the Secretary-General was to draw up the Commissioner's contract. The representative of China, both in Committee and in plenary meeting, stated that he could not agree that the High Commissioner should be elected on the nomination of the Secretary-General since it might create a dangerous precedent. He, therefore, at the 414th meeting of the Council, reserved the right of his delegation to raise the matter in the General Assembly.

(4) The Committee unanimously adopted a United States amendment which, in keeping with the Assembly's formula, would specify that the High Commissioner was not to appeal to Governments for funds or make a general appeal without the prior approval of the General Assembly. On the United Kingdom's recommendation, the Committee also unanimously agreed that the High Commissioner should report on these activities annually.

The Social Committee adopted the Statute, as amended, by 11 votes to none, with 4 abstentions, at its 173rd meeting on 12 August.

To introduce the Statute the representative of France had earlier proposed a draft resolution

(E/AC.7/L.60) which would have the General Assembly, in view of resolution 319 (IV), adopt the Statute prepared by the Council.

The Committee, by 14 votes to none, with 1 abstention, adopted a United Kingdom proposal to add to the resolution, in an amended form, a section from the Secretary-General's proposed resolution (E/1669), calling on Governments to co-operate with the High Commissioner in specific ways.

A proposal by the representative of Belgium (E/AC.7/L.75) which would have the Assembly allocate special funds to the High Commissioner for the purpose of granting material aid on a temporary basis to refugees in dire need was rejected by 10 votes to 1, with 4 abstentions.

The draft resolution, as a whole, was adopted by the Social Committee at its 173rd meeting by 9 votes to none, with 6 abstentions (see below).

The Council considered the Social Committee's report (E/1831) at its 414th plenary meeting on 16 August 1950 and, after a brief discussion, adopted resolution 319 A (XI) by 9 votes to none, with 6 abstentions.

The representatives of Belgium, Canada, China, Denmark, Pakistan and the United Kingdom reserved the right either to support any move to enlarge the definition of a "refugee" or to raise the issue in the General Assembly.

By resolution 319 A (XI) the Council drew up a draft resolution for the General Assembly by which the Council would adopt the text annexed to the resolution as the Statute of the High Commissioner's Office for Refugees. The Assembly, as provided in the resolution, would call upon Governments to co-operate with the High Commissioner in the performance of his duties concerning refugees falling under the competence of his Office, especially by:

- (a) becoming parties to and implementing the provisions of the pertinent international conventions;
- (b) entering into special agreements with him;
- (c) admitting refugees, including the most destitute, to their territories;
- (d) promoting voluntary repatriation of refugees;
- (e) promoting their assimilation, especially by making naturalization less difficult;
- (f) providing refugees with travel and other necessary documents which would facilitate resettlement and, in particular, continuing to issue and accept documents under the 1946 London refugee travel agreement until it is superseded;
- (g) permitting the necessary transfer of assets;
- (h) providing the High Commissioner with information concerning the number and condition of refugees and laws and regulations concerning them.

b. CONSIDERATION IN THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

The General Assembly had before it Economic and Social Council resolutions 319 A & B (XI) and a memorandum by the Secretary-General (A/1385), containing both the provisions for the functioning of the High Commissioner's Office adopted by the Council and the Council's definition of a refugee proposed for inclusion in article 1 of the Convention.¹⁶⁹

The definition of the term "refugee" to be included in the Convention and in the Statute were discussed together by the General Assembly at the 324th-332nd, 334th, and 335th meetings of the Third Committee, 22-30 November and 1, 4 and 5 December and at the 325th plenary meeting on 14 December, 1950.

The discussion centred "on the question of whether to include a broad or a precise definition in both the Statute and the Convention. The representatives of France, Venezuela, Israel and the United States, among others, were in favour of a precise definition, while the representatives of Belgium, Canada, the Netherlands, Turkey, the United Kingdom and Yugoslavia, among others, were in favour of a general definition. The representative of Australia favoured a general definition for the Statute, but the representatives of Chile and the Union of South Africa supported a limited definition, while favouring a general one for the Convention."¹⁷⁰

At the 329th meeting of the Committee on 29 November an informal working group was formed, composed of the representatives of Belgium, Canada, France, Israel, Turkey, the United Kingdom, the United States and Venezuela. The Group took into consideration the amendments and resolutions presented by the following States: Yugoslavia (A/C.3/L.132); France (A/C.3/L.123 & 129); Israel (A/C.3/L.124); Venezuela (A/C.3/L.125 & 126); Egypt, Lebanon and Saudi Arabia (A/C.3/L.128); Belgium, Canada, Turkey and United Kingdom (A/C.3/L.130).

At the 332nd meeting on 1 December the Informal Working Group presented revised joint "compromise" amendments (A/C.3/L.131/Rev.1).¹⁷¹ Part I of this text dealt with the definition of the term "refugee" to be applied under the Convention relating to the status of refugees.¹⁷²

The amendments concerning the definition to be included in the Statute were as follows:

II. Amend the Statute of the High Commissioner's Office for Refugees, Chapter I,¹⁷³ General Principles

(A/1385, page 7), by inserting a new paragraph to be (I), the present four paragraphs to be renumbered II, III, IV and V:

"The High Commissioner acting under the authority of the General Assembly shall perform the function of providing international protection under the auspices of the United Nations, to refugees who fall within the scope of this Statute, in that connexion, he shall have the general power to intervene on their behalf. In the exercise of his functions, more particularly when difficulties arise, and for instance with regard to any controversy concerning the international status of these persons, the High Commissioner shall request the opinion of the Advisory Council¹⁷⁴

III. Amend Chapter III,¹⁷⁵ Section C, "Competence", as follows:

"1. The persons to whom the competence of the High Commissioner extends shall include:

"(a) persons who are refugees within the terms of Parts A and B of article 1 of the draft Convention relating to the Status of Refugees, as established in document A/C.3/L.131/Rev.1; and

"(b) any other person, who is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of victimization by reason of his race, religion, nationality or political opinions and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality or, if he has no nationality, to return to the country of his former habitual residence;

"2. Provided that the competence of the High Commissioner as defined in paragraph 1 above shall not extend to:

"(a) a person who is a national of more than one country unless he satisfies the provisions of the preceding paragraph in relation to each of the countries of which he is a national; or

"(b) a person who has entered a country with whose nationals he has close ties of ethnic and cultural kinship and because of this kinship enjoys the rights and privileges usually attached to the possession of the nationality of such country; or

¹⁶⁹ See p. 572.

¹⁷⁰ See also p. 577.

¹⁷¹ The amendments, as originally proposed, except for those involving only drafting and procedural changes, are indicated in footnotes. Italics in the proposed text indicate revised phraseology.

¹⁷² See pp. 577-78.

¹⁷³ A Yugoslav suggestion (A/C.3/L.132) that the work of the High Commissioner be specified as "humanitarian and social" was not adopted.

¹⁷⁴ Israel, in this connexion, had suggested (A/C.3/L.124) that in an emergency the High Commissioner should be given the right to extend assistance to refugees not enumerated in the definition. The paragraph, as it stands, was added by the Working Group, taking into consideration recommendations by France (A/C.3/L.129).

¹⁷⁵ A proposal by Egypt, Lebanon and Saudi Arabia (A/C.3/L.128) to include a broad definition of "refugee" under "Competence", as well as certain other suggested changes, were not adopted.

Many of these proposals, including some suggested by Venezuela (A/C.3/L.126) and France (A/C.3/L.129) were automatically met by the decision to extend the competence of the High Commissioner's Office to those categories of refugees defined in article 1 of the draft Convention.

"(c) a person who, on 1 January 1951, came under the auspices of other organs or agencies of the United Nations, other than the International Refugee Organization; or

"(d) a person in respect of whom there are serious reasons for considering that he has committed a crime covered by the provisions of treaties of extradition or a crime mentioned in Article VI of the London Charter of the International Military Tribunal or by the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights."

Part II of the Working Group's text was discussed at the Third Committee's 335th meeting on 5 December. The following were among the decisions taken by the Committee:

(1) It rejected by 29 votes to 12, with 3 abstentions, a Yugoslav amendment (A/C.3/L.132) to delete all references to an advisory council. The representative of Yugoslavia, in presenting the amendment, had stated there was no practical use for such a council and, in addition, it was potentially dangerous since it might gain sufficient power to circumscribe the High Commissioner's freedom of action.

(2) It adopted, by 34 votes to 2, with 10 abstentions, a Chilean proposal to insert after the references to the advisory council the words "if it is created".

(3) It adopted by 23 votes to 11, with 11 abstentions, an Australian proposal (A/C.3/L.133) to delete the sentence "In that connexion [i.e. with regard to the refugees falling within the scope of the Statute] he [the High Commissioner] shall have the general power to intervene on their behalf".

Part II, as a whole, was adopted by 31 votes to 5, with 8 abstentions.

The Third Committee discussed part III concerning the Competence of the High Commissioner's Office at its 334th meeting on 4 December.

(1) The Committee, by 33 votes to none, with 9 abstentions, adopted a New Zealand proposal for a new text of section 2 (b). The original paragraph stated that the High Commissioner's competence should not extend to a person entering a country with whose nationals he had close ethnic and cultural ties and on this account enjoyed privileges usually attached to the possession of nationalities. The new text provided that the High Commissioner's competence should not extend to a "person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country".

(2) It adopted, by 20 votes to 5, with 4 abstentions, an Australian amendment (A/C.3/L.133) to reword section 2 (c) which had excluded those "who on 1 January 1951, came under the auspices of other organs or agencies of the United Nations, other than the International Refugee Organization". The Australian amendment substituted the words "a person who is receiving from other organs or agencies of the United Nations protection or assistance".

(3) The Committee rejected by 14 votes to 11, with 15 abstentions, an Australian proposal (A/C.3/L.133) to delete all references in section 2(d) to crimes men-

tioned in the International Military Tribunal or in the Universal Declaration of Human Rights.

Part III of the text was adopted, as a whole, by 15 votes to 5, with 17 abstentions.

The remaining provisions of the Statute as formulated by the Council (A/1385) were discussed by the Third Committee at its 335th-337th, 341st and 342nd meetings, 5, 6, 8 and 11 December, and at the 325th plenary meeting, 14 December 1950.

A number of amendments to the Statute and to the resolution introducing it were submitted orally and in writing and were for the most part accepted by the Committee.

The following were among the substantive amendments to the Statute adopted by the Committee:

(1) By 33 votes to 4, with 9 abstentions, it adopted a United Kingdom amendment (A/C.3/L.118) to specify that directives would be given to the High Commissioner by the General Assembly or the Economic and Social Council. The original paragraph provided that he would be given directives by the United Nations, according to methods determined by the General Assembly.

(2) A Yugoslav amendment (A/C.3/L.132) to indicate in the Statute that the High Commissioner's work would be "humanitarian and social" was adopted by 36 votes to 5, with 1 abstention. In adopting this amendment the Committee agreed that the Statute itself should thus indicate that the work of the High Commissioner was not to be political in character.

(3) In slightly modified form the Committee adopted by 18 votes to 7, with 14 abstentions, an Israeli proposal (A/C.3/L.139 & Corr.1) that the High Commissioner should also provide for the protection of refugees by: promoting their admission to States, not excluding the most destitute refugees; obtaining permission for the transfer of their assets, especially those necessary for resettlement; and obtaining from Governments information with regard to their number and conditions and laws and regulations concerning them.

With regard to the draft resolution proposed by the Council, the Committee adopted the following substantive amendments:

(1) By 17 votes to 8, with 12 abstentions, it adopted an Israeli proposal (A/C.3/L.139 & Corr.1) to delete the reference to the inter-governmental travel agreement of London. The representative of Israel had pointed out that it was to be presumed that the parties to an instrument applied it in good faith and that the necessary travel documents would be provided.

(2) By 27 votes to 5, with 8 abstentions, the Committee adopted a further Israeli amendment which would ensure that the resolution would be brought to the notice of States not Members of the United Nations.

The remaining amendments did not deal with the substance of the Statute and resolution and were, for the most part, concerned with procedural and drafting changes.

At the 341st meeting of the Committee on 8 December the agreed text of the draft Statute, which included the definition of the term "refugee", was rearranged and in part re-drafted (A/C.3/L.151) by a Drafting Sub-Committee consisting of representatives of Canada, France, Israel, Lebanon, Pakistan, the United Kingdom, the United States and Venezuela.

The draft resolution, as amended (A/C.3/L.142), together with the annex containing the draft Statute (A/C.3/L.151) as amended,¹⁷⁶ was adopted at the 344th meeting of the Committee by 26 votes to 5, with 2 abstentions.

Meanwhile, during the 324th to 328th meetings of the Third Committee on 22 to 27 November, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR had again stated their objections, which they had held in the past when the subject had been discussed, to the High Commissioner's Office and the general policy being undertaken. His Office, they claimed, would not solve the refugee problem or enable effective assistance to be given to the hundreds of thousands of people who, six years after the war, were still in camps or scattered around the world. The High Commissioner's Office was intended to perpetuate the problem which dated back to the refusal by the West and IRO to carry out Assembly directives for repatriation. Charges were again made and defended that the refugees were being used for cheap and slave labour, for spying and subversive activities, and that the Office would merely be another centre for the exchange of slave labour and would serve no worthwhile purpose.

A Byelorussian SSR proposal (A/C.3/L.120), under which the General Assembly would invite all Member States to conform to the provisions of resolution 8(I) of 12 February 1946 and request the Governments of Member States in whose territories there were still refugees and displaced persons to submit to the Secretary-General full information regarding such refugees and displaced persons, was rejected paragraph by paragraph at the 326th meeting on 24 November 1950. Therefore no vote was taken on the whole.

The General Assembly at its 325th plenary meeting on 14 December 1950, on the recommendation of the Third Committee (A/1682), adopted resolution 428(V) by 36 votes to 5, with 11 abstentions. On the same day the Assembly elected, by secret ballot, Mr. G. J. van Heuven Goedhart as High Commissioner. Resolution 428(V) read:

The General Assembly,

In view of its resolution 319 A (IV) of 3 December 1949,

1. Adopts the annex to the present resolution, being the Statute of the Office of the United Nations High Commissioner for Refugees;

2. Calls upon governments to co-operate with the United Nations High Commissioner for Refugees in the performance of his functions concerning refugees falling under the competence of his Office, especially by:

(a) Becoming parties to international conventions providing for the protection of refugees, and taking the necessary steps of implementation under such conventions;

(b) Entering into special agreements with the High Commissioner for the execution of measures calculated to improve the situation of refugees and to reduce the number requiring protection;

(c) Admitting refugees to their territories, not excluding those in the most destitute categories;

(d) Assisting the High Commissioner in his efforts to promote the voluntary repatriation of refugees;

(e) Promoting the assimilation of refugees, especially by facilitating their naturalization;

(f) Providing refugees with travel and other documents such as would normally be provided to other aliens by their national authorities, especially documents which would facilitate their resettlement;

(g) Permitting refugees to transfer their assets and especially those necessary for their resettlement;

(h) Providing the High Commissioner with information concerning the number and condition of refugees, and laws and regulations concerning them;

3. Requests the Secretary-General to transmit the present resolution, together with the annex attached thereto, also to States non-members of the United Nations, with a view to obtaining their co-operation in its implementation.

ANNEX

STATUTE OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Chapter I

GENERAL PROVISIONS

1. The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

In the exercise of his functions, more particularly when difficulties arise, and for instance with regard to any controversy concerning the international status of these persons, the High Commissioner shall request the opinion of an advisory committee on refugees if it is created.

¹⁷⁶ Drafting changes only.

2. The work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees.

3. The High Commissioner shall follow policy directives given him by the General Assembly or the Economic and Social Council.

4. The Economic and Social Council may decide, after hearing the views of the High Commissioner on the subject, to establish an advisory committee on refugees, which shall consist of representatives of States Members and States non-members of the United Nations, to be selected by the Council on the basis of their demonstrated interest in and devotion to the solution of the refugee problem.

5. The General Assembly shall review, not later than at its eighth regular session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1953.

Chapter II

FUNCTIONS OF THE HIGH COMMISSIONER

6. The competence of the High Commissioner shall extend to:

A. (i) Any person who has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

(ii) Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.

Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of the present paragraph;

The competence of the High Commissioner shall cease to apply to any person defined in section A above if:

(a) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(b) Having lost his nationality, he has voluntarily re-acquired it; or

(c) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(d) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(e) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked; or

(f) Being a person who has no nationality, he can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country;

B. Any other person who is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence.

7. Provided that the competence of the High Commissioner as defined in paragraph 6 above shall not extend to a person:

(a) Who is a national of more than one country unless he satisfies the provisions of the preceding paragraph in relation to each of the countries of which he is a national; or

(b) Who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country; or

(c) Who continues to receive from other organs or agencies of the United Nations protection or assistance; or

(d) In respect of whom there are serious reasons for considering that he has committed a crime covered by the provisions of treaties of extradition or a crime mentioned in article VI of the London Charter of the International Military Tribunal or by the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights.

8. The High Commissioner shall provide for the protection of refugees falling under the competence of his Office by:

(a) Promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto;

(b) Promoting through special agreements with governments the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection;

(c) Assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities;

(d) Promoting the admission of refugees, not excluding those in the most destitute categories, to the territories of States;

(e) Endeavouring to obtain permission for refugees to transfer their assets and especially those necessary for their resettlement;

(f) Obtaining from governments information concerning the number and conditions of refugees in their territories and the laws and regulations concerning them;

(g) Keeping in close touch with the governments and inter-governmental organizations concerned;

(h) Establishing contact in such manner as he may think best with private organizations dealing with refugee questions;

(i) Facilitating the co-ordination of the efforts of private organizations concerned with the welfare of refugees.

9. The High Commissioner shall engage in such additional activities, including repatriation and resettlement, as the General Assembly may determine, within the limits of the resources placed at his disposal.

10. The High Commissioner shall administer any funds, public or private, which he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, public agencies which he deems best qualified to administer such assistance.

The High Commissioner may reject any offers which he does not consider appropriate or which cannot be utilized.

The High Commissioner shall not appeal to governments for funds or make a general appeal, without the prior approval of the General Assembly.

The High Commissioner shall include in his annual report a statement of his activities in this field.

11. The High Commissioner shall be entitled to present his views before the General Assembly, the Economic and Social Council and their subsidiary bodies.

The High Commissioner shall report annually to the General Assembly through the Economic and Social Council; his report shall be considered as a separate item on the agenda of the General Assembly.

12. The High Commissioner may invite the co-operation of the various specialized agencies.

Chapter III

ORGANIZATION AND FINANCES

13. The High Commissioner shall be elected by the General Assembly on the nomination of the Secretary-General. The terms of appointment of the High Commissioner shall be proposed by the Secretary-General and approved by the General Assembly. The High Commissioner shall be elected for a term of three years, from 1 January 1951.

14. The High Commissioner shall appoint, for the same term, a Deputy High Commissioner of a nationality other than his own.

15. (a) Within the limits of the budgetary appropriations provided, the staff of the Office of the High Commissioner shall be appointed by the High Commissioner and shall be responsible to him in the exercise of their functions.

(b) Such staff shall be chosen from persons devoted to the purposes of the Office of the High Commissioner.

(c) Their conditions of employment shall be those provided under the staff regulations adopted by the General Assembly and the rules promulgated thereunder by the Secretary-General.

(d) Provision may also be made to permit the employment of personnel without compensation.

16. The High Commissioner shall consult the governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, there may be appointed a representative approved by the government of that country. Subject to the foregoing, the same representative may serve in more than one country.

17. The High Commissioner and the Secretary-General shall make appropriate arrangements for liaison and consultation on matters of mutual interest.

18. The Secretary-General shall provide the High Commissioner with all necessary facilities within budgetary limitations.

19. The Office of the High Commissioner shall be located in Geneva, Switzerland.

20. The Office of the High Commissioner shall be financed under the budget of the United Nations. Unless the General Assembly subsequently decides otherwise, no expenditure, other than administrative expenditures relating to the functioning of the Office of the High Commissioner, shall be borne on the budget of the United Nations, and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions.

21. The administration of the Office of the High Commissioner shall be subject to the Financial Regulations of the United Nations and to the financial rules promulgated thereunder by the Secretary-General.

22. Transactions relating to the High Commissioner's funds shall be subject to audit by the United Nations Board of Auditors, provided that the Board may accept audited accounts from the agencies to which funds have been allocated. Administrative arrangements for the custody of such funds and their allocation shall be agreed between the High Commissioner and the Secretary-General in accordance with the Financial Regulations of the United Nations and rules promulgated thereunder by the Secretary-General.

3. Problem of Assistance to Refugees

At its fourth session, the General Assembly had decided (resolution 319 B (IV)) to postpone until "its fifth session the examination of the problems of assistance to refugees raised by the General Council of IRO in its memorandum of 20 October 1949 (A/C.3/528) should these problems still be in existence at that date. The memorandum dealt with the probable situation at the time IRO ceased its operations and indicated the special difficulties IRO was encountering in completing its programme and the Governmental assistance it expected. Among other things, IRO had reported that it had proposed to Member Governments that IRO be continued for an additional period of nine months (to March 1951). IRO had requested the General Assembly to take decisions of principle on the question of the international protection of refugees after the termination of IRO and to make preparations for the establishment of machinery which should come into force not later than 1 January 1951.

The Assembly also had before it at its fifth session another memorandum from the General Council of IRO (A/C.3/540) which provided information to supplement that transmitted to the Assembly in 1949. In presenting the memorandum at the 338th meeting of the Third Committee on 6 December, the representative of the

IRO stated that over a period of 38 months IRO had assisted 1,500,000 persons, of whom 70,000 had been repatriated and 832,000 resettled. On 1 October 1950, there remained 293,000 refugees for whom a solution still had to be found through repatriation, resettlement or local settlement.

The General Council had allocated \$22,000,000 for those who, owing to age, illness or other considerations, had little or no chance of resettlement. Norway had admitted 200 blind refugees and Belgium and the Netherlands a number of aged persons. France had received 1,000 aged persons and had admitted 1,000 more. Sweden had admitted several groups of tubercular refugees with their families. The United States had undertaken to admit 1,100 physically handicapped and Israel 3,500 ill or aged or invalid refugees. IRO had also established five re-education centres, equipped with prosthetic appliances for invalids, and five special centres for victims of tuberculosis.

The representative outlined IRO's plans for the remaining period of its activities. (IRO had decided to extend the time limit for assistance by it to refugees to 1 October 1951.) The organization would continue its work of repatriation, taking into consideration the wishes of the persons concerned and the principles laid down by the United Nations and the Constitution of IRO. With respect to resettlement, the policy would be, as in the past, to increase the possibilities of resettlement with the aid of Governments and of the refugees themselves. The Organization hoped in that way to resettle another 200,000 persons, mainly in the United States and Australia, before ceasing its activities. About 9,000 ill and aged refugees would remain in need of help at the termination of IRO's activities.

IRO was trying to make arrangements for the resettlement of those who, although not in need of hospitalization or admission to a home for the aged, would not be able, because of poor health, age or family situation, to leave Germany before the end of its activities. If it proved impossible to resettle this group of refugees IRO would try to arrange for their settlement in Germany under the best possible conditions of housing and employment.

The Third Committee, without discussion, adopted a draft resolution (A/C.3/L.141) sponsored by France, the United Kingdom and the United States by 32 votes to 5, with 6 abstentions (A/1682). It was adopted by the General Assembly at its 325th plenary meeting on 14 December 1950 by 40 votes to 5, with 7 abstentions, as resolution 430 (V) as follows:

The General Assembly,

Having taken cognizance of the communication addressed to it by the General Council of the International Refugee Organization on 13 October 1950 in amplification of its memorandum of 20 October 1949 addressed to the fourth session of the General Assembly,

Having noted that the General Council of the International Refugee Organization has decided to continue operations until 30 September 1951,

1. Decides to address an urgent appeal to all States, whether or not Members of the United Nations, calling upon them to assist the International Refugee Organization in its efforts to resettle refugees remaining under its care and particularly those in need of permanent custodial care;

2. Decides, in the absence of definite data, to postpone until its sixth session the examination of the problem of assistance raised by the above-mentioned communications, in the light of a further communication on the subject which the International Refugee Organization is invited to submit and of the observations which the High Commissioner will make in his report to the sixth session of the General Assembly.

N. SOCIAL ACTIVITIES

1. General Work Programme in the Social field

a. CONSIDERATION BY THE SOCIAL COMMISSION AT ITS FIFTH SESSION

The Social Commission at its fifth session in December 1949 (E/1568) recommended long-range work programmes in three fields, viz., family, youth and child welfare, prevention of crime and treatment of offenders, and housing and town and country planning.¹⁷⁷ It annexed to its report a work programme covering all its fields of activity for 1950:

I. Activities which are the primary and principal responsibility of the Social Commission

- A. Activities of direct assistance to Governments
- B. Social services
- C. Family, youth and child welfare
- D. Welfare of special groups
- E. Social defence
- F. Housing and town and country planning

II. Activities in which the Social Commission has a basic responsibility complementary to that of other agencies

- A. Studies regarding standards of living (living conditions)

¹⁷⁷ For details, see respectively pp. 599-600, 607-8, 605-7.

- B. Migration
- C. World social and cultural situation
- III. Routine activities within the field of responsibility of the Social Commission
 - A. Documentation and information services
 - IV. Co-operation with other international organizations and co-ordination of international programmes in so far as this falls within the competence of the Social Commission

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS TENTH SESSION

The Council discussed the work programme¹⁷⁸ at the 117th and 118th meetings of its Social Committee on 10 February and at its 354th plenary meeting on 17 February 1950. The Council praised the work of the Social Commission, although several representatives, among them those of Australia, Canada and Chile, advised caution in approving extensions of social activities programmes entailing serious budgetary implications. The representatives of Canada, China and the United States emphasized the importance of establishing an equilibrium between the Council's economic and social activities and expressed their gratification at the progress made in that direction.

Following a brief discussion, the Social Committee at its 118th meeting unanimously adopted (E/1607) a joint draft resolution proposed by Brazil, France, India and the United States (E/AC.7/L.9), which was adopted by the Council at its 354th plenary meeting on 17 February by 14 votes to none, with 1 abstention, as resolution 279 A (X). By this resolution, the Council endorsed, subject to review at its eleventh session, the work programme for 1950 regarding prevention of crime and treatment of offenders; family, youth and child welfare; social aspects of the rehabilitation of the physically handicapped, including the blind, and other social activities. It urged the Social Commission at its sixth session to give urgent attention to the study on the continuing needs of children and to make specific recommendations to the eleventh session of the Council. It was generally agreed that it would be premature at this time to discuss the financial implications (E/1607/Add.I) which would vary between \$20,687 to \$27,270, including the additional funds for housing.

c. CONSIDERATION BY THE SOCIAL COMMISSION AT ITS SIXTH SESSION

The Economic and Social Council at its sixth session (122 E (VI)) had asked the Commission to set out work programmes in order of pri-

ority.¹⁷⁹ At its fifth session in December 1949 the Commission decided that the Secretariat should prepare a comprehensive long-range programme of work, including priorities. Accordingly, at the Commission's sixth session in April-May 1950 the Secretary-General presented a draft of a long-range work programme (E/CN.5/189 & Add.1-3 & Corr.1 & 2).

In the light of this programme, the Commission felt that the advice which it was responsible for giving to the Council should necessarily encompass many social questions with which specialized agencies and other organizations, as well as different organs of the United Nations, were also concerned. The Commission, therefore, gave special consideration to machinery and procedures for consultation at the international, regional and national levels.

At the international level, the calling together of ad hoc groups of individual experts, expert representatives of specialized agencies and representatives of non-governmental organizations, within budgetary limitations, was recommended. The Commission considered that such groups would prove more economical and effective than sub-commissions. It particularly recommended that small ad hoc groups should be called together, as needed, for questions in such fields as community, family and child welfare, community welfare in under-developed areas and rehabilitation of the handicapped. At the regional level, the Commission recognized the usefulness of conferences convened at the desire of the Governments concerned, and also of regional social welfare seminars, as a phase in the development of a programme of direct assistance. At the national level, it commended the establishment of committees consisting of representatives of various ministries, and, when appropriate, of non-governmental organizations, in order to prepare the work of the Commission and bring it to the knowledge of the public.

The Commission recommended that first place among its functions should be accorded to operational services of direct assistance to requesting Governments, thus directing its work programme more and more towards practical measures of "help for self-help". It recognized, however, that the other functions, such as technical information, studies and reports, and recommendations and conventions, which indirectly serve all countries, are basic to an effective operational programme

¹⁷⁸ For the discussion of the work programmes in the field of housing and town and country planning, see p. 606.

¹⁷⁹ See also Y.U.N., 1947-48, p. 607.

of direct assistance and tend, in fact, to constitute different phases of a single process of development. It therefore proposed that, within each field of activity, the above functions should be exercised on a continuing basis, but that specific work items and changes in areas of work within the scope of these various functions should be reviewed at the regular sessions of the Commission.

Dealing more specifically with the preparation of recommendations or conventions, the Commission felt that recommendations would be most useful if embodying working guides, basic standards or model legislation, although in some cases a declaration in more general terms might be preferable; and that conventions would be most useful if they had a degree of flexibility. In this connexion, the Commission recommended that the advisory social welfare services should be utilized to help give effect to conventions that Governments had signed, recommendations made by the Economic and Social Council and conclusions reached as the result of studies conducted by the Secretariat and transmitted by the Commission to the Council.

Although the Commission recognized the essential unity of the social field and the interdependency of the various areas of work that are to be found within it, for reasons of convenience it grouped these areas under a limited number of headings, namely: planning; organization and administration for social welfare; community, family and child welfare; social defence; social rehabilitation of the physically handicapped; housing and town and country planning. The Commission felt that a system of priorities by function or by area of subject matter would lead inevitably to artificial results. It did, however, feel that community, family and child welfare services constituted the core of its work, and that techniques for planning, organization and administration for social services were essential to the promotion of social progress and development.

The Commission proposed that the Council approve an integrated programme of action in the fields of work outlined in the report, namely: Community, family and child welfare; planning, organization and administration for social welfare; social defence; rehabilitation of the handicapped; and housing and town and country planning; such programme to be carried out through direct assistance to Governments; and through supporting technical services of information, studies and recommendations, and co-operation and consultation with other agencies as appropriate.

The representatives of Australia, Canada, Denmark, the Union of South Africa, the United

Kingdom and the United States reserved the position of their Governments with regard to the financial costs of the proposed programme. Others insisted on the prime importance of the programme, and, although their Governments were opposed to undue increases in the budget of the United Nations, they considered that the necessary increases here were small in comparison with the importance of the work.

d. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

The Council considered the Commission's long-term integrated programme of work (E/1678 & Add.1/Rev.1) at the 125th, 126th and 128th-129th meetings of its Social Committee on 5, 6, 7 July and at its 387th plenary meeting on 13 July 1950.

During the discussion, the representatives of Canada and Australia held that to approve "an integrated programme of action in the fields of work outlined in the report" implied approval not only of the programme as a whole, but of all its parts and over a given period. This, they felt, was going too far. The United States representative, while supporting the programme, indicated that her Government could not approve many of the financial implications involved. The representatives of Belgium and the United Kingdom stated that it was essential to stabilize the expenditures of the United Nations and not increase its financial commitments. They also called the Council's attention to the need for avoiding overlapping in the work of the United Nations and the specialized agencies.

After some discussion the Social Committee at its 129th meeting on 7 July unanimously adopted a resolution which had been proposed jointly by Canada, France, the United Kingdom and the United States (E/AC.7/L.24). The representative of the United Kingdom stated that it had been understood by the drafters of the resolution that at this stage the additional financial implications had been neither approved nor disapproved; the resolution merely suggested that the Secretary-General should inform the General Assembly what his requirements were for such purposes, and left the final financial decision to the General Assembly. The resolution approved by the Social Committee (E/1755 F) was adopted without further discussion at the Council's 387th plenary meeting on 13 July as resolution 309 G (XI).

By this resolution, the Council commended the Commission for its orderly and far-sighted ap-

proach toward a long-term integrated work programme, approved the general lines of that programme, including the proposed methods of execution, and requested the Secretary-General, within the limits of such appropriations as might be provided by the General Assembly for the purpose, to make the administrative arrangements appropriate to carry out the unified programme, having full regard to the competence of the specialized agencies.

2. Advisory Social Welfare Services

Under the advisory social welfare programme adopted by the General Assembly on 14 December 1946 (58(I)),¹⁸⁰ the Secretary-General had been authorized to make provision for: expert assistance to Governments on welfare services; fellowships for training officials in social welfare; advice, demonstration and instruction in connexion with the manufacture of prosthetic appliances and the vocational training of physically-handicapped persons; the furnishing of demonstration equipment and the provision of technical publications. At its fourth session, in resolution 316(IV) the Assembly authorized the Secretary-General to place these services on a continuing rather than on a year-to-year basis as previously.¹⁸¹

a. CONSIDERATION BY THE SOCIAL COMMISSION AT ITS SIXTH SESSION

The Social Commission at its sixth session, in April-May 1955, had before it three reports by the Secretary-General: one (E/CN.5/193 & Add.1) on the progress of the programme of advisory social welfare services, a second (E/CN.5/194) containing recommendations arising from a series of studies requested by the Commission and the Economic and Social Council to aid in the development of these services, and a third (E/CN.5/196 & Add.1-4) on the training of social workers. The Commission also had before it the Secretary-General's proposals (E/CN.5/195 & Corr.1) for a revision of the terms of resolution 58(I). This revision was necessitated by the placing of the advisory social welfare services on a continuing instead of yearly basis.

(1) Progress Report on Implementation of Resolution 58(I)

In his report on the progress of the programme (E/CN.5/193 & Add.1) the Secretary-General pointed out that during its early stages requests

for assistance had come primarily from war-devastated countries which had needed help in reconstructing their welfare organizations and staff. During 1949 and 1950, however, two other categories of countries had also requested and received assistance, those wishing to improve already well-established welfare programmes and those just beginning to organize welfare services. In addition, the under-developed countries had shown an increasing interest in receiving assistance which had been given to them in the form of broad social development surveys to determine social needs and suggestions for ways of improving the general social economy. The report also contained summaries of the requests from Governments for services during 1950. As of 29 March 1950, 39 countries had asked for services, seven had stated that they would not participate in the programme in 1950 and twelve had merely acknowledged receipt of the Secretary-General's note requesting information on the services needed.

The Commission was agreed as to the value of the programme and expressed its satisfaction with the methods used in carrying it out. In providing advisory social welfare services, the Commission felt, the Secretariat should give primary consideration to the need for the development in the requesting country of its own social welfare services. With respect to financing the United Nations advisory social welfare programme, it was agreed that the Secretariat had made good progress in obtaining financial participation from recipient Governments. Some members felt that eventually Governments should, where they were able, bear the full cost of services received.

Some members recommended that the words "suitably qualified social welfare officials" should be interpreted liberally in determining the eligibility of candidates for fellowships, and that the length of the observation period should be flexible.

(2) Recommendations Resulting from Studies under Resolution

The Secretary-General, on the basis of the research studies undertaken at the Council's request, made recommendations (E/CN.5/194) on the furnishing of experts, on the character of the fellowship programme and on the directives governing its administration.

There was considerable discussion regarding the methods to be used in the furnishing of

¹⁸⁰ See Y.U.N., 1946-47, pp. 160-62.

¹⁸¹ See Y.U.N., 1948-49, pp. 601-2.

¹⁸² Under Council resol. 43 (IV) the Secretary-General had been asked to gather information and report on (a) the furnishing of information and advice to countries, (b) international training for social welfare and (c) social administration.

experts to requesting Governments. It was generally agreed that experts should be employed mainly on an ad hoc basis; that they should be selected internationally and on the basis of their qualifications and practical experience; and that, where necessary, exploratory missions of experts might be sent out to help Governments, particularly those of under-developed countries, to determine their needs.

The main purpose of regional demonstration centres, it was agreed, should be to acquaint Governments with new methods capable of promoting social progress. The centres would represent a joint programme by the United Nations, specialized agencies and countries concerned, and the resulting expenditure would be divided among all those taking part.

The Commission also discussed the Secretary-General's proposal to expand the present fellowship programme so as to provide grants for the professional training of persons with little or no social welfare experience. While there was general agreement that it was necessary for each country to have a body of trained social workers, there was some difference of opinion as to the best methods of achieving this end. Generally, it was agreed that the training of social workers was primarily a responsibility of Governments and that facilities should be developed to carry on this work within the countries concerned. The majority of the Commission were of the opinion, however, that a programme for training abroad, either in schools or by other means, would greatly assist countries which lacked trained personnel as well as appropriate training facilities. Several members advocated United Nations assistance in establishing regional social work training schools, but felt that participants should not be precluded from receiving professional training outside their own region. Scholarships, it was decided, should be reserved for persons who have completed their basic education, as a general rule, but have not had an opportunity for professional training.

The Commission reaffirmed the conclusion that the training of social workers was an essential step in the development of social welfare programmes. It commended the progress made in studying this problem and asked the Secretary-General to invite Governments to comment on the suggestions contained in his preliminary report (E/CN.5/196). These suggestions included recommendations for professional, national and international action to create the conditions necessary for the effective use of international training assistance. The report described and analysed detailed information, collected on a world-wide

basis, concerning the methods of training used in educational institutions of various countries for the professional preparation of social workers, the category of personnel from whom special "social" training was most often required as a condition of entry into the profession.

The Commission unanimously adopted a resolution (E/1678) which requested the Secretary-General to complete before its seventh session (a) the study of agency training programmes (training on the job) and (b) taking into consideration the comments of Governments, the report on the training of social workers (E/CN.5/196).

(3) Review of the Terms of Resolution 58(I)

At the request of the Social Commission, the Secretary-General presented his proposals (E/CN.5/195 & Corr.1) for the revision of the terms of resolution 58(I), necessitated by the placing of the advisory social welfare services on a continuing basis. The proposals were based on previous experience and on the recommendations arising from the social studies under Council resolution 43(IV) (see above). To obtain the extended authority necessary to carry out the programme, the Secretary-General proposed, among other things, that provision be made in the resolution for (1) the use of seminars and films; (2) authorization of "scholarships training" abroad of Governmental candidates; (3) demonstration projects; and (4) removal of restrictions on the supplying of technical literature for social welfare training purposes. (The supply of literature had been restricted to use in war-devastated countries.)

At its sixth session, the Commission (E/1678) examined the Secretary-General's proposals and stressed the following points as relevant for the revision of the terms of General Assembly resolution 58(I):

- (a) There should be close correlation between the advisory social welfare services programme and the general programme of work in the social field recommended by the Commission, and a broad interpretation should be given to the term "social welfare";
- (b) Co-operation among the United Nations, the specialized agencies, and the international non-governmental organizations having consultative status, as well as appropriate national organizations, should be increased;
- (c) Provision should be made for training by scholarships as well as by fellowships, particularly for countries which have no trained personnel eligible for fellowships, nor adequate facilities for training them;
- (d) The authorization with regard to demonstration and equipment should be drafted in more general terms, in order to cover the various phases of social work and to make it possible to associate demonstration projects

with the other training opportunities provided under the resolution, such as fellowships and scholarships (the original authorization for demonstrations and equipment had related these activities to rehabilitation work);

(e) Since the regional seminars which had been held and the films which had been produced had shown commendable results, such activities should be included as part of the programme under the revised terms of the resolution. Also, technical publications should be provided to any country requesting them.

The Social Commission therefore recommended for the Council's consideration a draft resolution (E/CN.5/212) which incorporated these revisions. This was later adopted by the Council with minor changes (see below).

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

The Council considered the question of advisory social welfare services at the 125th, 126th, 129th and 130th meetings of its Social Committee on 5 and 7 July and at its 388th plenary meeting on 14 July 1950. It had before it, in addition to the Commission's report (E/1678), a report by the Secretary-General (E/1702 & Add.1). The latter contained the resolution proposed by the Social Commission, a list of the requests for services during 1950 (as of 22 May) and an account of the additional expenditure which would be necessary under the proposed revision of resolution 58(I). The report stated that under the revised resolution an additional cost of \$158,000 would be needed in connexion with the expansion of the advisory services to include a programme of scholarships and demonstration centres and for broadening of the distribution of technical publications.

During the discussions in the Social Committee, the majority of members supported the draft resolution submitted by the Social Commission. A number of them felt that the revised resolution should specifically state that requesting Governments would be expected to participate financially to the maximum extent possible in the services provided to them. The incorporation of this principle in the draft resolution was proposed in a Canadian amendment (E/AC.7/L.27). It was agreed, however, that aid would not be withheld in any circumstances from countries not in a position to pay.

Several representatives, including those of India, Pakistan, Australia and the United Kingdom, expressed the opinion that the emphasis should now be placed on under-developed areas, but, as stressed by the Australian representative, this did not mean that developed countries should not

benefit from the services. The representative of Canada accepted an Indian amendment to add a provision that in furnishing services due regard should be paid to the greater needs of under-developed territories.

The Social Committee at its 130th meeting adopted that part of the Canadian amendment which dealt with these two points of substance by 12 votes to none, with 2 abstentions.

The Committee rejected by 8 votes to 5, with 1 abstention, an oral amendment by the representative of Mexico which would have provided for a definite statement in the resolution that Governments would participate financially only if able to do so.

The Social Committee unanimously agreed to the suggestion of the United States representative that the text of the resolution adopted by the Council should "note the proposals of the Social Commission" on the subject of social welfare services, since the Commission had been responsible for the larger part of work.

The draft resolution (E/1702), as a whole, as amended, was adopted unanimously by the Social Committee (E/1760) at its 130th meeting on 7 July, and by the Council at its 385th plenary meeting on 14 July as resolution 312 (XI).

By this resolution the Council submitted to the General Assembly a draft for the revision of the terms of Assembly resolution 58(I), with the following main suggestions:

- (a) The social welfare training programme would include scholarships as well as fellowships;
- (b) The possibility of creating demonstration centres and pilot projects would be provided for; also, fellowship and scholarship holders would be permitted to benefit from such projects;
- (c) Provision would be made for planning and conducting seminars;
- (d) The furnishing of films would be authorized;
- (e) The authorization to furnish technical publications would be expanded to include all participating Governments, instead of being limited to war-devastated countries.

The resolution also set forth certain policies to be followed in providing services:

- (a) that the Governments concerned would decide the kind of services to be rendered;
- (b) that the Secretary-General would undertake to furnish experts, normally applying to Member States for them, and would base his selection of the grant holders on proposals received from Governments, the latter indicating the host countries preferred;
- (c) that the Secretary-General would decide the amount of services and conditions for furnishing them, with due regard to the greater needs of the under-developed areas and in conformity with the principle that each requesting Government would be expected to participate financially to the maximum possible extent in the services provided to it.

e. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

The General Assembly considered the proposed revision (A/1335) of resolution 58(I) at the 272nd to 275th meetings of its Third Committee on 27 September to 2 October and at its 314th plenary meeting on 1 December 1950.

(1) Discussion in the Third Committee

The majority praised the programme of advisory social welfare services and supported, in principle, the Council's recommendations. Several representatives, among them those of Australia, the United Kingdom and the Union of South Africa, stressed the importance of avoiding duplication and overlapping with other departments or organs.

In discussing the financial implications of the proposed revision, the representatives of the United Kingdom, the Byelorussian SSR, Canada, Poland and the USSR held that the funds provided for these services in 1951 should not be increased over those provided for 1950. The representatives of the Byelorussian SSR, Poland and the USSR stated that they would therefore abstain from voting. Moreover, the development of social welfare services, the representative of the Byelorussian SSR pointed out, should be a material as well as moral responsibility of Governments and, therefore, they should be expected to pay for the advisory services. The United States representative suggested that additional funds should be derived from increased local contributions from contributing Governments. A few representatives, among them those of Australia, Belgium and Mexico, reserved their delegations' positions until the Fifth Committee had considered the financial estimates which had been submitted to the Council by the Secretary-General (E/1702/Add.1) (see below).

The Committee also heard various explanations and statements by representatives of the Secretariat. A technical explanation was given of the mechanism for consultation with requesting Governments, for collaboration with specialized agencies in meeting requests for services, for combining various advisory services through demonstration centres, for reinforcing and supplementing these services by means of technical publications and films and for using regional offices as dynamic centres for effectively meeting local needs.

A statement was also made concerning the organizational arrangements within the Secretariat for integrating the administration of the advisory social welfare services with that of other aspects

of technical assistance. The Committee noted with approval that the distinctive characteristics of the advisory social welfare programme were to be fully maintained, i.e. it was a continuing programme with wide terms of reference, financially supported from the regular contributions of all Member States, for the stimulation of social progress for its own sake and not only as an aspect of economic development. Moreover, it was to be undertaken on behalf of all people and not only those of under-developed areas.

The Committee understood that the advisory social welfare services would continue to be guided by the Economic and Social Council, on the recommendation of the Social Commission, and subject to the approval of the Assembly.

With a view to clarifying the provisions for participation of requesting countries in the selection of experts and in meeting the costs of the services furnished, the Third Committee adopted two amendments:

(i) Israeli amendment (A/C.3/L.43), to specify that the furnishing of experts and services would be undertaken by the Secretary-General, with due regard to suggestions made by requesting Governments; adopted by 37 votes to none, with 9 abstentions. Although this had been the usual procedure, the majority of the Committee agreed that it should be thus stated in the resolution itself.

(ii) Lebanese amendment (A/C.3/L.42), slightly modified by the representative of France, to provide that Governments would "assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it". (The original paragraph had stated that Governments would be expected to participate financially to the maximum possible extent.) The representative of Lebanon accepted a Mexican amendment (A/C.3/L.44) to add the words "either by making a contribution in cash or in the form of services for the purposes of the programme being carried out". The amendment, as amended, was adopted by 37 votes to none, with 7 abstentions. The amended revised resolution was adopted at the 275th meeting of the Third Committee on 2 October by 49 votes to none, with 5 abstentions. A draft resolution (A/C.3/L.41), submitted by the representative of France to introduce the revised resolution, was adopted by a roll-call vote of 47 votes to none, with 5 abstentions. (For text of resolution see below.)

(2) Discussion in the Fifth Committee

The Fifth Committee at its 249th meeting on 17 October unanimously approved the recommendation of the Advisory Committee on Administrative and Budgetary Questions (A/1312) for an appropriation of \$610,500 for advisory social welfare services.

At its 263rd meeting on 10 November, it considered the effect of the draft resolution adopted by the Third Committee (A/1436) on the 1951 budget estimates. The Committee had before it a

report by the Secretary-General which stated that, in keeping with the terms of the proposed revised resolution, an additional amount of \$158,000 would be needed as follows for 1951: 30 scholarships at \$2,000 each—\$60,000; operation of one demonstration centre, including cost of equipment—\$50,000; supply of technical literature on social welfare to various countries—\$48,000.

The Committee also considered a report of the Advisory Committee (A/1488) concerning these estimates. The Advisory Committee had suggested that it would be desirable, irrespective of the merits of the broadened programme, to establish a clear policy governing the continuance of advisory social welfare services. Such a policy decision should, in the Advisory Committee's opinion, take account of:

- (i) the extent to which contributions from recipient Governments should augment the total expenditure for the programme or alternatively decrease the net appropriation to be made by the United Nations;
- (ii) the extent, if any, to which funds for these services might be allocated from the special account for technical assistance; and
- (iii) the extent to which continued expansion of the programme would be consistent with the purposes of resolution 58(I) and proportionate to the financial resources of the United Nations.

The Advisory Committee suggested, with regard to the Third Committee's draft resolution, that a consolidated appropriation covering both scholarships and fellowships should be made. The distribution of funds could then be related to the urgency of the needs. Attention was called to the importance of giving the fullest possible effect to the provision under which requesting Governments were to assume responsibility, as far as possible, for all or part of the expenses. The Advisory Committee also thought that consideration might be given to limiting strictly the duration of advisory missions.

Finally, the Advisory Committee recommended that an attempt should be made to meet the new expenses: (i) by a redistribution of the existing programme; (ii) by increased contributions from requesting Governments; and (iii) by an appropriation from the special account for technical assistance. If, however, the General Assembly should decide to increase the funds available for these services within the United Nations budget, the Committee was of the opinion that under no conditions should the additional provision exceed \$80,000.

During the course of the discussion in the Fifth Committee, a number of members pointed out that the objectives which the Third Committee

had in mind could not be accomplished by means of a redistribution of the existing programme within the limits of the present budgetary provisions. While it was generally agreed that recipient Governments should participate to the fullest extent practicable in the financing of the programme, several representatives again stressed that this principle should not be applied in a way which would deprive those under-developed countries most in need of assistance of the opportunity of benefiting from it.

It was also agreed that the suggestion for an appropriation from the special account for technical assistance should be considered. However, it was pointed out that this would require amending the relevant Council resolution (on technical assistance). Therefore, in view of the circumstances, the representative of Brazil, supported by the representatives of Mexico, Syria, Venezuela, Bolivia and Yugoslavia, proposed that the full amount, \$158,000, should be approved.

The representatives of Canada, the United Kingdom and the Netherlands maintained that the proposed additional activities should be financed within the existing budgetary appropriations. They felt that the United Nations should aim primarily at assisting Governments to initiate and develop their own social welfare services. The United Kingdom representative suggested specifically that technical publications should be furnished only as an integral part of the fellowship programme or as equipment for demonstration purposes; that the costs of the proposed scholarship programme should be borne, first, by increased financial participation of the beneficiary countries, and second, by the transfer of funds earmarked for fellowships; that additional appropriations for the purpose of demonstration centres should not be authorized but that specific projects which might be put forward should be considered on their merits and, if necessary, supplementary appropriations requested; and, finally, that further consideration should be given to the organization of the Secretariat with a view to more effective co-ordination and integration of all technical assistance activities.

The representative of France, while supporting the proposed extension of the advisory social welfare programme, expressed doubts as to the wisdom of adopting a scholarship programme, at this stage, in addition to the existing fellowship programme.

The Fifth Committee at its 263rd meeting on 10 November, by 24 votes to 14, with 8 abstentions, approved (A/1537) the estimates submit-

ted by the Secretary-General. During the second reading of the estimates at its 281st meeting on 13 December 1950 the Fifth Committee recommended to the Assembly (A/1734) a total appropriation of \$768,500.

The General Assembly, in approving the budget for 1951 at its 326th plenary meeting on 15 December 1950, approved this amount (resolution 471 (V)).

(3) Resolution Adopted by the General Assembly

The General Assembly at its 314th plenary meeting on 1 December 1950, without discussion, unanimously adopted the draft resolution recommended by the Third Committee (A/1436). The resolution (418(V)) read as follows:

The General Assembly,

Having considered the modifications made, in the light of General Assembly resolution 316(IV), by the Economic and Social Council, in General Assembly resolution 58(I) on advisory and social welfare services,

Approves the following text of resolution 58(I) revised by the Economic and Social Council and amended by the Third Committee:

"Whereas by Articles 55 and 60 of the Charter of the United Nations the Economic and Social Council, under the authority of the General Assembly, is charged with the responsibility for promoting higher standards of living and conditions of social progress and development,

"Whereas by Article 66 of the Charter, the Economic and Social Council may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies,

"Whereas the General Assembly, after examining the recommendations of the Economic and Social Council and the accompanying report of services rendered for the first three years of operation, approved the recommendations and placed the advisory social welfare services originally authorized by resolution 58(I) on a continuing basis, and requested that a review be made of the terms of that resolution and appropriate recommendations made with respect to desirable or necessary changes (resolution 316(IV)),

"Whereas the General Assembly recognizes that the advisory social welfare services constitute a practical operational programme of direct assistance to governments and that the other activities of the United Nations in the social field should be properly correlated with these services in order to achieve maximum effectiveness, to which end the Social Commission has adjusted its long-range work programme,

"The General Assembly, therefore,

"A. Authorizes the Secretary-General:

"1. Subject to the directions of the Economic and Social Council, to make provision for the under-mentioned functions and services, such provision to be made, where appropriate, with the co-operation of the specialized agencies and in consultation with non-governmental organizations having consultative status:

"(a) For a requisite number of social welfare experts to provide advisory services at the request of governments which show the need for them, and to put into practice, over an appropriate period, new methods in any branch of social welfare;

"(b) For enabling suitably qualified social welfare officials to observe, and familiarize themselves with, the experience and practice of other countries in any branch of social welfare;

"(c) For enabling suitable qualified persons who cannot receive professional training in branches of social welfare in their own country to receive appropriate training in foreign countries having the necessary facilities;

"(d) For planning by appropriate methods projects for experimenting in or demonstrating various phases of social welfare, organizing and participating in these projects, providing the necessary tools and equipment in connexion therewith, and associating with the projects to the extent practicable, the persons referred to in paragraphs (b) and (c) above;

"(e) For furnishing technical publications and films;

"(f) For planning and conducting seminars;

"2. To include in the budgetary estimates of the United Nations the sums necessary for carrying out an effective operational programme based on the provision of the above services;

"B. Instructs the Secretary-General to undertake the performance of the functions listed in paragraph A.1 above, in agreement with the governments concerned, on the basis of requests received from governments and in accordance with the following policies;

"1. The kind of service to be rendered to each country shall be decided by the government concerned;

"2. The furnishing of the experts and services shall be undertaken by the Secretary-General, with due regard to suggestions made by the requesting governments; the Secretary-General shall, normally, make application for experts to States which are Members of the United Nations. The selection of grant-holders shall be made by the Secretary-General on the basis of proposals received from governments, which shall indicate their preferences with regard to host countries;

"3. The amount of services and the conditions under which they shall be furnished to the various governments shall be decided by the Secretary-General with due regard to the greater needs of the under-developed areas and in conformity with the principle that each requesting government shall be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it, either by making a contribution in cash, or in the form of services for the purposes of the programme being carried out;

"C. Requests the Secretary-General to report regularly to the Social Commission on the measures which he takes in compliance with the terms of the present resolution, and requests the Commission to formulate recommendations from time to time concerning the continued action required to carry on the essential advisory activities in the field of social welfare."

d. SOCIAL WELFARE SERVICES FURNISHED DURING 1950

Eighteen social welfare consultants were furnished to eleven Governments and six consultants remained in five countries to finish projects undertaken in 1949. In addition, child welfare experts were on duty in the Far East, Central America and Europe, working in liaison with the United Nations International Children's Emergency Fund. During 1950, 302 fellowships were requested by Governments, of which 184 were awarded to 36 countries, and the fellows proceeded to 23 host countries to study various aspects of social welfare.

Demonstration equipment for the social rehabilitation of physically disabled persons was provided for five Governments and small supplies of technical publications useful in the training of social workers were sent on request to five war-devastated countries.

The United Nations held its second social welfare seminar for the Arab States of the Middle East in Cairo from 22 November to 14 December 1950. At the request of the Government of India, the United Nations organized a three-day conference on physically handicapped children (including the blind, deaf and dumb) at Jamshedpur from 19 to 21 December 1950.

3. Community, Family and Child Welfare¹⁸³

a. DRAFT DECLARATION OF THE RIGHTS OF THE CHILD

The Social Commission at its sixth session in April-May 1950 had before it a note from the Secretary-General (E/CN.5/199) containing a draft preamble and principles of a declaration of the rights of the child. As requested by the Commission at its fourth session,¹⁸⁴ the Secretary-General had taken into account the Geneva Declaration and comments expressed by members of the Commission, Member Governments, specialized agencies, non-governmental organizations and other appropriate sources.

The Social Commission appointed a committee consisting of the representatives of Australia, Brazil, France, Iraq and Yugoslavia to consider the Secretary-General's note and previous documentation and to draw up a draft declaration for submission to the Council. The draft prepared by the Committee (E/CN.5/L.76) was approved by the Commission with certain amendments. The Commission expressed the view that although

there was a close relationship between the draft and the Universal Declaration of Human Rights the special needs of the child justified a separate instrument. It considered that the declaration should emphasize broad principles embodying standards which the world should strive to attain, that it was important to include in it the parallel concepts of individual rights and obligations toward society, and that emphasis should be placed on protection against factors likely to foster discrimination and on implanting in the minds of children as well as adults the ideals set out in the declaration. The Commission further emphasized the need for special care of the child's rights to a name, nationality, security, health, education and protection against all forms of exploitation which might prejudice his development.

The preamble to the draft declaration, approved by the Commission (E/1678), refers to the affirmation of human rights as expressed in the Preamble to the United Nations Charter and the Universal Declaration of Human Rights, to the statement in the Geneva Declaration of the Rights of the Child that "mankind owes to the child the best it has to give", and, to the special safeguards needed by the child because of his physical and mental immaturity and particular legal status. The Assembly therefore "... recognizes and proclaims the essential Rights of the Child to the end that he may have a happy childhood and be enabled to grow up to enjoy for his own good and for the good of society, the fundamental rights and freedoms, particularly those specified in the Universal Declaration of Human Rights, and calls upon men and women as individuals as well as through their local authorities and national Governments to recognize and strive for the observance of those rights through the application of the following principles".

These principles set forth in the draft declaration provide that the child shall be given the means necessary to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. Irrespective of race, colour, sex, language, caste, religion, political or other opinion, national or social origin, property, birth, legitimacy or other status, he shall have the right to: a name; nationality; social security; adequate nutrition, housing and recreation; free medical services; proper education free of charge; and the opportunity to grow up in economic security, in the care of his own parents whenever

¹⁸³ See also pp. 588-91.

¹⁸⁴ See also Y.U.N., 1948-49, p. 603.

possible, and in affectionate and understanding family surroundings.

The child shall in all circumstances, the principles state, be among the first to receive protection and relief. He shall be protected against all forms of neglect, cruelty and exploitation, and any practice which may foster racial or national discrimination or hatred. He shall be brought up in the consciousness that he will achieve his fullest development and satisfaction in the service of others.

The child who is physically, mentally or socially handicapped shall be given special treatment, education and care.

The Social Commission recommended (E/1678) that the Council note the close relationship between the draft declaration and the Universal Declaration of Human Rights and ask the Commission on Human Rights for its observations on the draft declaration with a view to its approval by the General Assembly.

The Council discussed the report of the Social Commission (E/1678) at the 125th to 128th meetings of its Social Committee on 5 and 6 July and at its 387th plenary meeting on 13 July 1950.

During the discussion, the representative of Chile expressed total disagreement with the draft preamble and principles, which, he considered, would merely provoke criticism and irony throughout the world. The representatives of Belgium and Canada stated that, while they were in favour of declarations of fundamental rights which affect humanity as a whole, they did not favour separate declarations for any particular group. They pointed out that the Universal Declaration of Human Rights already contained a number of articles concerning the family and several expressly devoted to children, and felt that there should be full consultation with the Commission on Human Rights on whether an additional declaration was necessary.

As regards the procedure to be adopted, it was generally felt that the draft should not be sent back to the Social Commission for further consideration, but some representatives, including those of the United States, Australia and India, considered that it would be premature to submit the draft for the Assembly's approval and that it should be referred to the Commission on Human Rights.

The representative of Mexico thought that the Council should recommend the adoption of a resolution rather than a declaration by the Assembly.

The Social Committee, at its 128th meeting on 6 July adopted, by 12 votes to 1, with 1 abstention, a draft resolution prepared by a drafting committee composed of the representatives of France, India, Mexico and the United States (E/AC.7/L.20) as amended by the United States, orally, and by the United Kingdom (E/AC.7/L.22).

This amended draft resolution was adopted by the Council at its 387th plenary meeting on 13 July by 12 votes to 1, with 2 abstentions. The Council decided not to append the draft declaration to the resolution. It was also pointed out in the Council's discussions that adoption of the resolution did not imply approval of the preamble and principles of the draft declaration.

In its resolution (309 C (XI)), the Council stated its desire that a resolution on the rights of the child should be presented to the General Assembly as soon as possible, referred to the close relationship between the draft Declaration and the Universal Declaration of Human Rights, and requested the Commission on Human Rights to consider the draft Declaration on the Rights of the Child at the same time as the Universal Declaration, taking into account the Council's discussions, and to report its observations on the principle and contents of the draft Declaration to the Council's thirteenth session.

b. WELFARE OF THE AGED

The Economic and Social Council at its eighth session (198(VIII))¹⁸⁵ had asked the Secretary-General to prepare, in collaboration with ILO and other appropriate bodies, a report on the welfare of the aged and to submit it to the Social Commission and to the Commission on Human Rights.

The Social Commission examined the Secretary-General's report (E/CN.5/200 & Add.1) at its sixth session. The material submitted covered only a limited number of countries and reflected the information available from ILO and several other European centres. The first part of the report contained a summary of available documentation on measures taken for the benefit of aged persons (e.g. income security, housing, health, institutional care, employment and welfare service—including recreational facilities and organizations); the second part was concerned with the effects of such measures on the standard of living of aged persons. Brief summaries were given of available material, containing both general and statistical information on living conditions of old people.

¹⁸⁵ See also Y.U.N., 1948-49, pp. 618-19.

Material was also included which indicated to some extent the significance of such measures as old age pensions in relation to standards of living of the aged.

Among other things, the Secretary-General pointed out that no international documentation regarding benefits to the aged—except that relating to social insurance—was available at any international centre, even regarding countries with the most developed social institutions. This was particularly true with respect to non-cash services such as housing, institutional care, recreation and health. Nor was information internationally available on the effects of these various measures on the standard of living of aged persons. Little information relating to measures supplementing compulsory insurance, such as might be secured through voluntary provident activities, mutual aid and collective bargaining, was internationally available. Therefore, he was of the opinion that it was premature at the present time to attempt to recommend minimum standards such as might be implied in a declaration of old age rights.

During the discussion the Commission particularly stressed the need for collaboration with Governments which were actively studying old age problems. It agreed that consideration of a declaration of the rights of the aged should be postponed until more information was available and that steps should be taken for the exchange of information on problems of the aged and practical approaches toward their solution. The Commission also agreed that the Secretariat, in collaboration with interested Governments and specialized agencies, should initiate a programme of research studies and action for promoting the welfare of aged persons. It submitted to the Council (E/1678) a draft resolution to this effect.

The Commission's recommendations were considered by the Council at the 125th and 126th meetings of its Social Committee on 5 July and at its 387th plenary meeting on 13 July 1950. During the discussion in the Committee certain representatives, among them those of Chile, Canada and Belgium, opposed the drafting of a special declaration on the rights of the aged, since they considered that the Universal Declaration of Human Rights made this unnecessary. The representatives of Canada and Belgium suggested consultation with the Commission on Human Rights on whether a good reason existed for drafting a special declaration on old age rights or whether it might not perhaps be better to incorporate a specific reference to the subject in the Universal

Declaration of Human Rights. Those supporting the eventual adoption of a special declaration held that its adoption was important in a world where the old age group was becoming substantially larger.

The draft resolution proposed by the Social Commission was adopted by the Social Committee at its 126th meeting (E/1755), and by the Council at its 387th plenary meeting, without objection, as resolution 309 D (XI). In this resolution the Council requested the Secretary-General, in consultation with the Governments and interested specialized agencies, to initiate an integrated work programme of research, studies and action for promoting the welfare of aged persons, taking into consideration any views expressed by the Commission on Human Rights¹⁸⁶ and the discussions of the Social Commission at its sixth session. The Council deferred any decision on the advisability of drafting a declaration of old age rights until the necessary preparatory studies and reports had been completed.

c. WORK PROGRAMME

The Economic and Social Council at its tenth session had before it the report of the Social Commission's fifth session (E/1568 & Add.1) which had been held in December 1949. The Commission had, *inter alia*, approved an over-all programme of work in the field of family, youth and child welfare and a specific programme for 1950.¹⁸⁷ Under the latter, the Secretary-General had been asked to prepare a report concerning the organizational arrangements by which essential international long-range activities for children could be rendered by the United Nations and other appropriate inter-governmental organizations.

The Council considered the Social Commission's report at the 117th and 118th meetings of its Social Committee on 10 February and at its 354th plenary meeting on 17 February 1950. At its 118th meeting the Social Committee unanimously recommended (E/1607) that the Council endorse, subject to review at its eleventh session in the light of further consideration by the Social Commission, the work programme for 1950. It also proposed that the Council should note that the Secretary-General had been requested to prepare a report on the continuing needs of children and should request the Commission to

¹⁸⁶ The Commission on Human Rights at its 6th session (Mar.—May 1950) postponed consideration of the subject until its 7th session in 1951.

¹⁸⁷ See also Y.U.N., 1948-49, p. 603.

give urgent attention to it at its sixth session, and prepare specific recommendations for consideration by the Council at its eleventh session.¹⁸⁸ The Council at its 354th plenary meeting adopted (279 A (X)), by 14 votes to none, with 1 abstention, the Social Committee's recommendation.

At its sixth session in April-May 1950 the Commission took the following action with regard to its work programme in the field of community, family and child welfare.

The Commission considered that the publication, which had grown out of the League of Nations report on child welfare developments, should be extended to cover community, family and child welfare and issued biennially. In view of the preparation of a legislative series, summaries of legislation, it considered, should no longer be included in this publication.

The Commission recommended that the field of community, family and child welfare should be approached from its legal, economic and social aspects.

Concerning the legal aspects, the Commission considered that a series of legal and administrative studies might be undertaken covering such matters as adoption, guardianship, birth registration, desertion, neglect, cruelty, exploitation, divorce and nullity. A study on maintenance obligations and their enforcement abroad, it noted, was already under way.

With regard to the economic aspects, the Commission expressed interest in an inquiry into the social and economic results of economic measures taken in favour of the family, including aged persons and children.

The Commission considered that the social aspects of the problem should be given priority in 1951-52. In this connexion it recommended that priority should be given to a survey of the contributions made by local community organizations in helping people solve their problems in areas at different stages of economic development. In recommending that work should be undertaken on the welfare of handicapped children, priority, it was felt, should be given to the welfare of blind and partially sighted children. Special attention, the Commission held, should be given to the welfare of children and young persons in rural and under-developed areas.

The Commission stated that it had already recommended that an integrated work programme for promoting the welfare of aged persons¹⁸⁹ should be initiated and that with regard to migration,¹⁹⁰ it had specific responsibility, for ex-

ample, for studies on the social position, rights and benefits, and family and community relationship of immigrants. As other projects were completed in 1951, the Commission decided, the Secretary-General should proceed to study the simplification of administrative procedures for migrants and recommended that priority should also be given to a study of measures taken in various countries to facilitate the integration of immigrants into the national life of their new homelands.

Special Projects for 1950, 1951 and 1952

Maintenance obligations: enforcement abroad (1950-51)

Economic measures in favour of the family (1950-51)

Social and economic results of such measures (1951-52)

Methods of administering assistance to the needy (1950)

Contributions made by local community organizations in helping people solve their problems, in areas at different stages of economic development (1951-52)

Care of children outside their own homes (1950-51)

Welfare of handicapped children, giving priority to blind and partially sighted (1950-51-52)

Welfare of the aged: programme of research, study and action (1951-52)

Assistance to indigent aliens (1950-51)

Measures undertaken in various countries to facilitate integration of immigrants into the national life of their new homelands (1951)

Simplification of administrative procedures for migrants (1951)

Social problems peculiar to unassimilated groups or minorities (1951-52)

Legal and social status of migrants (1952)

The Economic and Social Council at its eleventh session, in approving the general lines of the Commission's general work programme, thereby approved the programme in the field of community, family and child welfare.

4. Social Rehabilitation of the Handicapped

a. WORK PROGRAMME

(1) Consideration by the Social Commission at Its Fifth Session

At its fifth session in December 1949, the Social Commission had before it a memorandum by the Secretary-General (E/CN.5/171) containing detailed proposals for a pilot project in social rehabilitation of the disabled, together with other

¹⁸⁸ For discussion of long-range activities for children, see pp. 616-21.

¹⁸⁹ See pp. 588-91.

¹⁹⁰ See pp. 625-26.

recommendations (E/CN.5/L.1) submitted by an expert consultant sent to Austria and Poland under the advisory social welfare services programme.¹⁹¹ It also had before it recommendations resulting from an international conference of workers for the blind held at Oxford, England, in August 1949 (E/CN.5/172).

(a) REHABILITATION OF THE PHYSICALLY HANDICAPPED IN GENERAL

It was agreed that the subject should be considered in two parts: the question of the physically handicapped in general and the problem of the blind in particular. It had also been agreed earlier that the subject of handicapped children should be given special emphasis as part of the child welfare programme¹⁹² on the understanding that the problem would be appropriately related to the general problem of social rehabilitation of the handicapped.

Several representatives stressed the importance of keeping in mind the financial implications of any programme which might be undertaken, and of considering proposals for special action in that field in relation to the total work programme of the Division of Social Activities, to the functions of specialized agencies and to the advisory social welfare services programme authorized by resolution 58(I) of the General Assembly.¹⁹³

The representative of the International Labour Office emphasized the interest and concern of his organization in rehabilitation of the physically handicapped. The representative of the World Health Organization associated himself with the views expressed on behalf of ILO, but stressed the importance of prevention as a means to reduce the size of the problem.

The majority of the Commission favoured the development of a programme but expressed the hope that specific proposals would be developed by the Secretariat as a basis for action at the sixth session.

The Commission unanimously adopted a resolution (E/1568) noting the scope and complex nature of the subject which extended into the fields of several specialized agencies. It requested the Secretary-General, after consultation with the specialized agencies, to draft a comprehensive proposal on the total rehabilitation of the physically handicapped, including the blind, for the Commission's consideration at its sixth session. The Commission asked him meanwhile to continue, and as far as possible extend, his activities in this field at the request of Governments as provided in General Assembly resolution 58(I).

(b) REHABILITATION OF THE BLIND

The Social Commission at its fifth session had before it a report (E/CN.5/172) of an International Conference of Workers for the Blind, consisting of executive officers of the most effective welfare organizations for the blind from seventeen countries, which had been held in England in August 1949. The Conference had adopted recommendations concerning registration, responsibility for the blind, rehabilitation and training, employment, special economic provisions, care of the blind at home, homes for the blind, special facilities, education and international organization. With reference to international organization, it had appointed a planning committee for the purpose of establishing an international committee for the welfare of the blind and also a committee to enquire into the possibility of convening a conference to consider problems relating to the education of the blind. The Conference had further suggested that the Social Commission might recommend appropriate action to develop minimum standards for the blind and establish a pilot project according to certain proposals submitted by the Assistant European Director of the American Foundation for Overseas Blind.

The Commission adopted a resolution requesting the Secretary-General, in co-operation with appropriate specialized agencies, to develop a programme of work in the field of social rehabilitation of the blind, including a plan for a demonstration project. It further recommended that the Council should

(1) note the report of the Oxford International Conference of Workers for the Blind and state that it considered this a helpful basis for the development of recommendations for governmental action;

(2) recognize the importance of developing minimum standards for the welfare of the blind;

(3) call the attention of Governments to the advisory social welfare services of the United Nations;

(4) recognize the United Nations' interest in the rehabilitation of the blind.

The representatives of the USSR and of the Union of South Africa stated that they had abstained from voting on this resolution because, while generally in favour of the substance of the resolution, they considered that no division should be made in the subject of rehabilitation of the handicapped.

¹⁹¹ See pp. 591-97.

¹⁹² See pp. 599-600.

¹⁹³ See Y.U.N., 1946-47, pp. 160-62.

**(2) Consideration by the Social Commission
at Its Sixth Session**

At its sixth session, the Social Commission considered two reports submitted by the Secretary-General, one on the social rehabilitation of the handicapped in general (E/CN.5/197) and the other on the social rehabilitation of the blind (E/CN.5/198).

The former report briefly summarized the international action in the field of rehabilitation of the physically handicapped then in progress or under consideration. It included detailed information on the number of experts, fellowships and demonstration equipment supplied under the advisory social welfare services programme, and the current activities of the specialized agencies.

It also contained recommendations resulting from the conference held in Geneva, from 26 February to 3 March 1950, which had been attended by representatives of the United Nations Secretariat, ILO, WHO, UNESCO, IRO and the United Nations International Children's Emergency Fund. The Conference, *inter alia*, had recommended that the co-operation of the non-governmental organizations, including employers' and workers' organizations, should be sought as a part of a composite international programme. Responsibility for a co-ordinated programme, it suggested, could be entrusted to a working group of the Administrative Committee on Co-ordination,¹⁹⁴ which should meet preferably in Europe. The Conference envisaged that, in the initial phase of co-operation, the United Nations and the specialized agencies would provide technical assistance for the rehabilitation of the disabled. As a second phase, the United Nations and the specialized agencies should immediately establish an integrated and comprehensive plan for international action so that it might be submitted to the Council and the Executive Boards of the agencies for implementation in 1952.

The Secretary-General, bearing in mind these recommendations and the suggestions in the memorandum discussed at the Commission's fifth session (E/CN.5/171), included in his report a plan of action for the Social Commission. He recommended that the Commission establish a completely co-ordinated international programme and ensure co-ordination between the United Nations and the specialized agencies through consultations in the Administrative Committee on Co-ordination. The United Nations Secretariat, the report stated, would necessarily have to provide the staff for the administrative machinery and would have to be responsible for organizing an

interchange of information and for encouraging the formation of national committees for the rehabilitation of the handicapped. He suggested that the Commission (1) subsequently compile an international list of the best known experts, (2) if it wished, request the Department of Public Information to study the possibility of organizing travelling exhibits and (3) ask the Economic Commission for Europe whether it could study a plan for Europe to facilitate the exchange of scarce materials used in the manufacture of prosthetic appliances for the handicapped.

The majority of the Commission agreed on the need for such a programme and considered it important to establish international standards for the education, treatment, training and placement of the disabled. The importance of including methods for prevention in a comprehensive programme of rehabilitation was also stressed. It was pointed out that the stage of development in each country was a very important factor in determining emphasis. Several members explained that their governments had not had time to consider the long-range implications of the proposed programme.

Concerning the blind, the Secretary-General reported (E/CN.5/198) that he had developed within the general framework of the comprehensive proposal on the total rehabilitation of the physically handicapped, including the blind, a programme of work for social rehabilitation of the blind. Considerations basic to an integrated programme, it was stated, involved (1) general considerations, such as medical aspects, education, industrial and labour aspects and welfare services, and (2) a plan for a demonstration project. A programme of this nature would call for early action with regard to co-operative planning, co-ordinated utilization of available resources, and secretariat machinery. The report also contained, in an annex, recommendations for the blind resulting from the Geneva Conference (see above). Among other things, the Conference had felt that it was essential to establish a section for the welfare of the blind within the Division of Social Activities of the United Nations, and that a demonstration project should be set up to include: home teaching services, pre-vocational rehabilitation, vocational guidance and training, employment and home industries, general social welfare and recreation and a braille printing plant. Moreover, every effort should be made to bring non-governmental agencies within the framework of the programme.

¹⁹⁴ See pp. 639 ff.

The Social Commission was in general agreement with the proposals in the Secretary-General's report on the blind, although a number of representatives expressed doubts about a demonstration centre.

The representatives of ILO and WHO agreed in principle with the proposals for international action. The ILO representative stated that although his organization was anxious to be of assistance, it could not, for budgetary reasons, commit itself at the present time to participation in a demonstration centre for the blind. The representative of WHO expressed his organization's particular concern with the prevention of blindness.

On the basis of several proposals, the Commission (E/1678), *inter alia*, recommended that in addition to planning a work programme, the Secretary-General should as a continuing function provide as wide a range of services as possible to Governments, including, more particularly, training materials and appliances. It also recommended that the specialized agencies which are directly concerned with the problem of disability should assist Governments by whatever means they have at their disposal. Governments themselves should be urged, where they have not already done so, to take the initiative, either through their own or other organs, in adopting measures for the readjustment of disabled groups in their communities. (For text of resolution, with minor changes, see below.)

The Social Commission at its sixth session also determined a programme of work for 1950 for the rehabilitation of the handicapped. It pointed out that the main groups among the physically handicapped whose readjustment required special attention were the blind and the partially sighted; the deaf and the hard-of-hearing; orthopaedic cripples, in which group might be included cardiacs, the cerebral-palsied and all those whose power of locomotion was limited by their disability; epileptics; and some types of tuberculosis sufferers. The mentally handicapped would include the sub-normal or retarded mental defectives and those suffering from psychoneuroses and other types of psychiatric disorders which lend themselves to rehabilitative treatment. A programme for the physically handicapped should include minor disabilities which constitute a hindrance to adjustment.

The major item in the work programme for 1950, it indicated, was the development of a co-ordinated plan for effective study and action to rehabilitate the handicapped.

In developing a programme for the disabled, it recommended that the Secretary-General give particular attention to the problem of the blind, more especially in under-developed areas.

The Commission recommended further (E/1678) that the studies and other appropriate action in this field for the years 1951 and 1952 should be:

Development of a co-ordinated plan for submission to the Commission at its next session (1950)

Preparation of training materials (1950-51)

Assistance in providing for the exchange of materials for the manufacture of all types of prosthetic appliances (1950-51)

Rehabilitation of the blind: emphasis on planning of co-operation with a national demonstration project in an under-developed country (1950-51)

Rehabilitation of one or more other handicapped groups (preferably cripples) as the Secretariat, having regard to available technical staff and other relevant considerations, might find expedient and practicable

(3) Consideration by the Economic and Social Council at Its Eleventh Session

The Economic and Social Council considered the question at the 125th and 127th meetings of its Social Committee on 5 and 6 July and at its 387th plenary meeting on 13 July 1950.

During the discussion in the Social Committee the representative of Chile expressed the view that the draft resolution proposed by the Social Commission served no purpose since it merely made recommendations to Governments for action which most of them had already taken. Moreover, the matter could be adequately dealt with under the advisory social welfare services programme. The majority, however, were of the opinion that Governments were aware of the problem but to differing degrees and that there was, therefore, a distinct advantage in having some central place where knowledge could be concentrated.

The representatives of Canada, India and Belgium expressed the hope that the financial estimates could be reduced and expenditures kept at a minimum. The United Kingdom representative supported this view, and stated that he thought there was no case at the moment for a large staff as recommended by the Secretary-General. The present stage, he felt, was only one of joint planning for action and that could be done within the United States Secretariat and the specialized agencies.

The Social Committee agreed that throughout the resolution the word "physically" should be placed before any reference to "handicapped", since the problem of the mentally handicapped should be dealt with at a later stage.

To satisfy the point made by the representative of Chile concerning governmental action, the representative of Belgium submitted an amendment which would indicate that Governments were active and therefore recommend that they continue their efforts. The amendment was adopted unanimously.

The Social Committee also unanimously adopted a United States amendment (E/AC.7/L.19) to add a paragraph requesting the Secretary-General to report to the seventh session of the Commission on the progress made in developing the programme so that the Commission might advise the Council at its thirteenth session regarding further steps to be taken.

The Social Committee at its 127th meeting on 6 July adopted the resolution proposed by the Social Commission (E/1678), as amended, by 11 votes to none, with 3 abstentions (see below).

The question of expense was again raised in the Council's 387th plenary meeting on 13 July. The Secretary-General had submitted an estimate (E/1678/Add.1/Rev.1) which called for an additional expenditure of \$21,550 for 1951. The United Kingdom representative thought that it seemed premature to engage staff at such a cost before there was any plan of action. Moreover, he felt that any plan should be carried on by a joint effort of the specialized agencies concerned and the United Nations and not by a special section of the United Nations Secretariat.

The representative of the United States pointed out that the activities had to be co-ordinated from some centre, and that a small staff in the Secretariat would form a nucleus which would be able to provide both the expert knowledge required and the necessary co-ordination of activities of all the agencies in the field.

The Council at the same meeting adopted the resolution, as recommended by the Social Committee (E/1775), by 11 votes to none, with 3 abstentions. Resolution 309 E (XI) endorsed the Commission's views with minor changes. It read as follows:

The Economic and Social Council,

Having considered the report of the Social Commission, based on the recommendations of the Geneva meeting of the Secretariats of the United Nations, the specialized agencies and the United Nations International Children's Emergency Fund, with respect to the desirability of the United Nations, the specialized agencies and the United Nations International Children's Emergency Fund developing a broad, co-ordinated programme of rehabilitation of the physically handicapped, including the blind,

Requests the Secretary-General:

(1) To plan jointly with the specialized agencies and in consultation with the interested non-governmental organizations a well co-ordinated international programme for rehabilitation of physically handicapped persons;

(2) To provide, in so far as the budget permits, the various types of service which are made available from time to time under resolution 58(I) and other available sources such as the expanded programme of technical assistance;

(3) To expand the present facilities for dissemination of information on rehabilitation and the preparation of training materials;

(4) To assist, as appropriate, in providing for the exchange of knowledge and materials for the manufacture of all types of prosthetic devices as well as information on hearing aids;

(5) To include an amount in the budget estimates of the United Nations for 1951 for employing staff to initiate this programme; and

(6) To report to the seventh session of the Social Commission the progress made in developing the programme in order that the Commission may advise the Council at its thirteenth session regarding further steps to be taken in implementing an effective international programme in this field;

Recommends to the specialized agencies concerned that every effort be made to provide Governments, in need of and requesting expert assistance, with help and advice in the field of the social rehabilitation of the physically handicapped, including the blind; and

Recommends to Member Governments that they should continue their efforts in the field of social rehabilitation of physically handicapped persons, including the blind, and in cases where they have not yet done so:

(1) That they consider establishing or encouraging appropriate governmental or other organs to take the lead in studying and solving the problems confronting physically handicapped persons; and

(2) That they consider appropriate measures including legislation for helping physically handicapped persons to solve the special problems with which they are faced.

In approving the general lines of the Social Commission's general work programme (309 G (XI)),¹⁹⁵ the Council thereby approved the projects recommended with regard to the rehabilitation of the physically handicapped, including the blind.

b. ACTIVITIES DURING 1950

A meeting of an ad hoc Technical Working Group of the Administrative Committee on Co-ordination on rehabilitation of the physically handicapped was held in Geneva from 18 to 20 December 1950 to discuss the co-ordination of existing services and programmes for implementa-

¹⁹⁵ See pp. 590-91.

tion in 1950. The group prepared a report for submission to the Commission at its seventh session in 1951.

Under the provisions of the advisory social welfare services programme, one expert visited Austria and another Yugoslavia. Twelve fellowships were awarded to eight countries and demonstration equipment, mostly for the manufacture and fitting of prosthetic appliances, was supplied to Austria, Bulgaria, Czechoslovakia, Finland; Hungary, Poland and the Philippines.

5. Housing and Town and Country Planning

In resolution 243 D (IX) adopted in August 1949¹⁹⁶ the Economic and Social Council had asked Member Governments to express their views concerning the focus of an international programme in the fields of housing and town and country planning and to specify which of the services listed in a report prepared by the Secretary-General (E/1343) would be of special interest to them. The Council also requested the Secretary-General to arrange for a meeting of experts in 1950 in an appropriate tropical area to consider technical questions relating to housing and town planning for the lower-income groups in the humid tropics (243 C (IX)).

a. CONSIDERATION BY THE SOCIAL COMMISSION AT ITS FIFTH SESSION

At the Social Commission's fifth session reference was made to the necessity for ensuring effective co-ordination between the United Nations and all other interested organizations. The specialized agencies, it was suggested, should be invited to develop their work, in the field of housing, within the framework of the integrated programme as rapidly as possible.

The attention of the Commission was also drawn to the desirability of including studies and projects on housing in the expanded programme of technical assistance when it began its operations.

The Commission felt that it was important to hold the meeting of experts on tropical housing, for which funds had been provided. However, if for organizational or other reasons that was impossible, it recommended that the Council authorize the Secretary-General to use these funds to arrange for groups of visiting experts in the tropical areas concerned.

The Commission proposed (E/1568) that:

1. The basic continuing work programme of the United Nations to which may be added special projects, should include the following items:

(a) Continuation of the Housing and Town and Country Planning Reference and Documentation Centre;

(b) Publication of the bulletin Housing and Town and Country Planning;

(c) Publication of the Legislative and Administrative Series;

(d) Provision at the request of Governments of advisory services, seminars, fellowships and technical assistance in general, particularly to under-developed and tropical areas;

(e) Assisting in developing basic studies and plans for technical assistance programmes.

2. In regard to the meeting of experts on tropical housing and town planning approved by the Economic and Social Council by its resolution 243 C (IX) adopted at its ninth session, the Secretary-General should be authorized, if necessary, to use the funds allocated for that purpose to promote groups of visiting experts in the tropical areas concerned.

3. The 1950 work programme should consist of the following items listed in order of importance:

(a) Continuation and consolidation of the Housing and Town and Country Planning Reference and Documentation Centre;

(b) Publication of the bulletin Housing and Town and Country Planning;

(c) Publication of information relating to organizations and research institutions concerned with housing and town and country planning;

(d) Publication of a study on minimum housing standards enforceable under penalty;

(e) Provision, at the request of Governments, of advisory services and fellowships;

(f) Preparation of study of financing of housing;

(g) Preparation of study of the neighbourhood unit.

4. The work programme after 1950 should include:

(a) Publication of the handbook providing summaries of housing and town and country planning legislation;

(b) Preparation of a film catalogue;

(c) A study of the social, economic and technological factors in various types of urban development.

5. The following topics, set out in the report of the Secretary-General (E/1343), should be covered in 1951 and subsequent years, with the co-operation, as appropriate, of the specialized agencies, by articles, abstracts, bibliographies and other documented information, in the bulletin or otherwise:

(a) Available housing and its condition;

(b) Income and housing costs (other than questions of financing);

(c) Land policies;

(d) Problem of urban development;

(e) Improvement in rural housing and amenities;

(f) Suggestions for improved neighbourhood and dwelling design (for areas other than tropical);

(g) Increasing productivity in construction;

(h) Housing for special categories of persons.

¹⁹⁶ See also Y.U.N., 1948-49, pp. 604-6.

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS TENTH SESSION

In view of the fact that only thirteen Governments and the Social Commission had expressed opinions on the proposed integrated work programme (E/1343), the Council's Agenda Committee, at the tenth session, decided that the final decision regarding the programme should be deferred until the Council's eleventh session. However, the Council, when examining the report of the Social Commission's fifth session (E/1568 & Add.1) at the 117th and 118th meetings of its Social Committee on 10 February and at its 354th plenary meeting on 17 February, considered those matters relating to housing and town and country planning, which the Social Commission had judged to be within its own competence and had therefore included in its proposed short-range and long-range work programmes.

During the discussion several representatives, among them the representatives of Chile and the United Kingdom, stressed the importance of the role of the expanded technical assistance programme in matters of housing. The majority supported the proposals of the Social Commission in principle and the Social Committee, at its 118th meeting on 10 February, adopted (E/1607) by 13 votes to none, with 2 abstentions, a draft resolution presented by the representative of Chile (E/AC.7/L.8), and slightly amended by France. The resolution was adopted with minor amendment by the Council (see below).

At its 354th meeting on 17 February the Council also had before it a note by the Secretary-General (E/1607/Add.1) on the financial implications which would result from the adoption of the resolution. The additional costs for carrying out the proposed programme, it was indicated, would be approximately \$10,630. It was generally agreed, however, that the Assembly would have to make the final decision on any increase of expenditure in this field. It was also agreed, on the proposal of the United Kingdom representative, that the resolution should be amended to indicate that the Council "recommends" rather than "authorizes" the Secretary-General to use the funds for visits by experts. The Council, at the same meeting, by 13 votes to none, with 2 abstentions, adopted resolution 279 B (X), as recommended by its Social Committee (E/1607). By this resolution, the Council approved the 1950 work programme in the field of housing and town and country planning as adopted by the Social Commission at its fifth session, drawing

the attention of the Commission to the Council's discussions and requesting it to establish priorities in favour of a few items from which positive results could be obtained. The Council also requested the Secretary-General to promote and intensify the co-operation already established with the specialized agencies and other international organizations. It recommended, as suggested by the Social Commission, that, in the event that it was impossible to hold the meeting of the experts on tropical housing in 1950, the Secretary-General should use the funds for organizing visits by groups of experts to the tropical areas concerned.

Following consultations with the Governments concerned, a mission of four experts on tropical housing visited India, Indonesia, Malaya, Pakistan and Thailand from November 1950 to January 1951.

c. CONSIDERATION BY THE SOCIAL COMMISSION AT ITS SIXTH SESSION

The Social Commission at its sixth session in April-May 1950 (E/1678) reviewed the continuing programme which it had recommended at its fifth session and noted that the Secretary-General had decided to organize, in 1950, visits by experts on tropical housing to advise Governments in the areas concerned. The Commission included within the work programme for succeeding years all the activities and projects indicated in the integrated programme on housing and town and country planning as falling within the responsibility of the United Nations. It also recommended that certain other projects outlined in this programme should be undertaken after 1952, i.e. problems of urban and rural settlement; collection and analysis of programmes of housing and public construction; community services and tenant co-operation; technical reports on community development and community centres with special reference to rural areas; and collection of information on increasing productivity in construction of housing.

The Commission stated the opinion that some of the studies for which the United Nations had been given prime responsibility in the integrated programme, such as the studies of housing problems of special categories of persons and the studies on housing and economic stability, should be carried out as integral parts of the general social welfare and economic programmes of the United Nations. Therefore, the Commission did not assign any special priority to these studies.

The Commission outlined the following special projects for 1950, 1951 and 1952:

Mission of experts on tropical housing (1950)

Minimum housing standards enforceable under penalty (1950)

Financing of housing (1951)

The neighbourhood unit and improvement of neighbourhood unit design for areas other than tropical (1951)

Social, economic and technological problems of urban planning and development (1951)

Methods of preparing housing programmes (1951-52)

Available housing and present and future housing needs (1951-52)

Housing costs in relation to family income (1951-52)

Improvement of rural dwellings and amenities with special reference to tropical and under-developed areas (1952)

Collection of current information on urban land policies (1952)

The Economic and Social Council at its 387th plenary meeting on 13 July 1950, in approving the general lines of the Commission's general work programme (309 G (XI)),¹⁹⁷ thereby approved the programme in the fields of housing and town and country planning.

d. ACTIVITIES DURING 1950

The Housing and Town and Country Planning Reference Centre at Headquarters during 1950 prepared for publication 1,075 abstracts. At the first General Assembly of the International Council for Building Documentation in Paris in October arrangements were made for the systematic exchange of information between the United Nations Reference Centre, and the Council and its national Documentation Centres. In addition 1,210 bibliographical references were prepared for publication.

Two issues of the Housing and Town and Country Planning bulletin were published in English in February and October 1950¹⁹⁸ and the French texts were to be published early in 1951.

A report on minimum standards enforceable under penalty¹⁹⁹ was published in March 1950, and a preliminary report on low-cost rural housing in tropical areas²⁰⁰ appeared in November 1950.

In addition to consideration of five requests from Governments for expert assistance, an expert was sent to the Fourth West Indian Conference at Curaçao to assist in the formulation of programmes and policy in the field of low-cost rural housing. Eight fellowships were granted to students in housing and town and country planning under the advisory social welfare services pro-

gramme, and training facilities were provided through the organization in Egypt, in December 1950, of a rural welfare seminar which dealt with, among other things, the problems of rural housing.

6. Social Defence

a. PREVENTION OF CRIME AND TREATMENT OF OFFENDERS

(1) Work Programme

The Social Commission at its fifth session in December 1949 (E/1568)²⁰¹ approved a programme of research and action in this field, which was provisionally endorsed by the Economic and Social Council at its tenth session (279 A (X)). The Commission listed, inter alia, those subjects on which research was in progress: the problem of juvenile delinquency in all its phases, including the study of advanced legislation on the subject; probation and related measures; criminal statistics, with a view to a report on the state of crime; and, in co-operation with the World Health Organization, medical, psychiatric and social examination of offenders, before the final disposition of the case and as a guide to treatment.

In reviewing the work programme at its sixth session, the Commission, in April-May 1950 (E/1678), noted that the final statistical report on the state of crime, 1937-46, would contain proposals for the standard classification of offences and uniform crime statistics and that the final study on probation would contain conclusions indicating internationally attainable standards.

Taking into account that negotiations were proceeding for integrating the International Penal and Penitentiary Commission into the United Nations,²⁰² the Commission recommended that as the work in progress was completed during 1951 and 1952, the Secretary-General should undertake work on the following subjects selected by him from among those which the Commission had recommended for priority at its fifth session. These were: the detention of adults prior to sen-

¹⁹⁷ See pp. 590-91.

¹⁹⁸ U.N.F., Sales No. 1949.IV.8 and 1950.IV.6, respectively.

¹⁹⁹ "Minimum Standards of Occupancy and Fitness for Habitation of Urban Dwellings Enforceable Under Penalty," E/CN.5/207Add.1, 23 Mar. 1950. in English and French.

²⁰⁰ "Survey of Problems of Low-Cost Rural Housing in Tropical Areas," ST/SOA/2, 17 Nov. 1950. In English and French.

²⁰¹ See Y.U.N., 1948-49, pp. 616-18.

²⁰² See pp. 654-56.

tence; the indeterminate sentence and other measures designed to adapt the duration of treatment in correctional or penal institutions to the need of the individual offender and to ensure the protection of society; parole and after-care; and the selection and training of personnel for penal and correctional institutions.

During the years immediately following 1952, the Commission recommended that the Secretary-General should first undertake the other studies which the Commission had recommended for high priority, namely: the use of short-term imprisonment and the payment of fines in instalments; habitual offenders; open penal and correctional institutions; and police programmes and activities positively directed at the prevention of crime.

The Economic and Social Council at its 387th plenary meeting on 13 July 1950, in approving the general lines of the Commission's general work programme (309 G (XI)),²⁰³ thereby approved the programme with regard to the prevention of crime and treatment of offenders.

(2) Activities during 1950

A meeting of representatives of specialized agencies and of international non-governmental organizations dealing with the prevention of crime and the treatment of offenders was organized by the United Nations and took place at Geneva from 16 to 18 May 1950. The meeting determined the general lines for the participation of the specialized agencies and the international organizations in the implementation of the United Nations work programme. It established a permanent committee of the interested specialized agencies and international organizations for the primary purpose of maintaining close liaison with the United Nations Secretariat and thereby avoiding duplication of work (E/CN.5/223).

In keeping with the Council's decision in July 1949 (243 F (IX)),²⁰⁴ an International Group of Experts met at Lake Success from 11 to 15 December 1950 to advise the Secretary-General and the Social Commission (E/CN.5/231) in devising and formulating certain policies and programmes. The Group considered the problems of probation and related measures, criminal statistics and detention of adults prior to sentence.

Under the advisory social welfare services programme, five experts on juvenile delinquency took part in a seminar held at Rome in December 1950. The Secretariat also advised the Technical Assistance Administration on possible action to take on fifteen requests for observers' fellowships in social defence.

b. TRAFFIC IN PERSONS

The Social Commission at its sixth session in April-May 1950 (E/1678) recommended that priority should be given to questions concerning the exploitation of the prostitution of others. The Commission recommended that summaries of reports received from Governments on traffic in persons should be published every five years instead of annually and that the Secretary-General should cease to publish the report summarizing Government reports on Traffic in Obscene Publications. The draft questionnaire, which is to serve as a basis for the five-year reports, was revised during the year in the light of government comments.

The Commission at its sixth session also had before it a report from the Secretary-General (E/CN.5/206) on the establishment of a Far Eastern Bureau for the purpose of combating traffic in persons in that area. This report had been prepared in accordance with Council resolution 43(IV) which had asked the Secretary-General to report on the possibility of implementing the League of Nations' proposal to establish a Far Eastern Bureau for this purpose and to inquire into the need for the establishment of other such regional bureaux. The Secretary-General's report was limited to the question of the establishment of a bureau in the East.

The report dealt with: the background and development of the proposal of the League of Nations; action by the United Nations; the current need for an Eastern Bureau; and suggested functions and organizations of the Far Eastern Bureau. In his conclusions, the Secretary-General suggested three possibilities:

(1) That the creation of a bureau in the Far East should be recommended as a timely and necessary measure since, in the light of existing conditions, the problem of prostitution and the traffic in persons had become more acute;

(2) That the decision as to whether or not to recommend the establishment of a Bureau should be postponed in view of the troubled situation existing in many countries of the Far East, which would greatly impede international action, and that the matter should be re-opened as soon as circumstances in that Area permitted a practical solution; or

(3) That the desirability of creating a Far Eastern Bureau should be accepted in principle by the Commission, which should, however, before recommending that the Bureau be established, suggest that an expert adviser be appointed by the Secretary-General to discuss on the spot, with the competent governmental authorities, the practical problems related to the organization and functioning of such a Bureau. The expert, it was proposed,

²⁰³ See pp. 590-91.

²⁰⁴ See Y.U.N., 1948-49, p. 617.

should visit, *inter alia*, Djakarta, Bangkok, Hong Kong, Manila, Saigon, Singapore, Shanghai and Tokyo. On the basis of a further report from the Secretary-General the Commission could then make its recommendations to the Council. If this recommendation were adopted, the Secretary-General estimated, an amount of \$14,560 would be needed for the services of an expert.

During the discussion in the Commission it was agreed that, in view of the radically changed conditions in the Far East, further investigation would be necessary before a decision could be taken in principle as to the setting up of a Far Eastern Bureau.

The Commission, therefore, (E/1678) asked the Secretary-General to consult Governments in the region with a view to the calling of a conference to examine the problem. The conference, it proposed, should be attended by governmental experts and representatives of interested non-governmental agencies and the costs should be borne by the participants. It also asked that an expert consultant in this field should be made available by the Secretary-General to Governments of the Far East which requested these services under the advisory social welfare services programme. The Secretary-General was also asked to study the feasibility of making advisers in this field available in other areas of the world and to report to a future session of the Commission.

7. Report on the World Social Situation

The Economic and Social Council at its ninth session in July-August 1949, at the request of the General Assembly (280(III)), discussed the possibility of preparing periodic surveys of social and cultural conditions throughout the world to assist the United Nations and the specialized agencies in formulating their social welfare and development programmes. The Council (244(IX)) asked the Secretary-General to report on the feasibility of drafting a general report on the world social and cultural situation.

The Secretary-General's memorandum on the subject (E/CN.5/208) was considered by the Social Commission at its sixth session in April-May 1950. The report contained replies received from specialized agencies and non-governmental organizations, as well as the results of consultations held with private scholars.

The Secretary-General reported that, on the basis of comments received from various sources, he was of the opinion that a report on the world social and cultural situation would be feasible if it was conceived as a co-ordination and synthesis of information already available in documents

which are prepared for the normal programmes of the United Nations and the specialized agencies. He suggested that the report might be presented in two parts: part I would organize the available data on a regional basis—that is, for each country or region, the various kinds of available statistical data on the country would be grouped together, together with an appropriate commentary; part II would organize the available data on a subject-matter basis—health, education, employment conditions, housing, etc.—so that a world-wide perspective of conditions in each specific subject would be presented. The Secretary-General further stated that he would be prepared to undertake a trial report during 1951. This report might then serve as a basis for a final decision on the feasibility of establishing the project on a permanent basis.

The Social Commission (E/1678) expressed the belief that a trial report along the lines outlined in the memorandum by the Secretariat should be prepared. The Commission recommended that the title of the report should be changed to indicate that it was essentially an international report on social conditions, that it should be completed by the end of 1951, if possible, and that it should serve as a basis for decision as to the feasibility and value of having such reports in the future. Finally, the Commission recommended that the Council should request the Secretary-General to submit to the eighth session of the Social Commission and to the fifteenth session of the Council such a report on the world social situation based on the information at the disposal of the United Nations and its specialized agencies and in accordance with the recommendations on this subject by the Social Commission at its sixth session.

The Council considered these recommendations of the Social Commission at its eleventh session at the 125th, 126th, and 128th meetings of its Social Committee on 5 and 6 July and at its 387th plenary meeting on 13 July 1950.

During the discussions, the representatives of Australia, Canada, Pakistan and the United Kingdom opposed the Social Commission's proposals. Among other things, they held that the subject of the proposed report was too broad and that there would be a danger of its overlapping with the work of specialized agencies. Moreover, the work and expenditure entailed could be used to better advantage elsewhere. The representative of Pakistan also stated that, in his opinion, the inquiry would be of no practical value as world conditions were changing so rapidly.

Those favouring the proposal, among them the representatives of Belgium, Brazil, India, France, Iran, Mexico, Peru and the United States, felt that the proposed inquiry would be feasible since the limits had been defined and restricted to factors which were important in solving urgent practical problems. There was a need, they held, for a synthesis of all the information available on the subject, since this information might otherwise be lost in the archives of the various agencies. The inquiry would also be useful in connexion with the technical assistance programme, since the economic and social aspects of this programme were closely inter-connected. Many international organizations, they said, favoured such an inquiry. Its cost, moreover, should not be exaggerated, and should not impede an action which clearly was in accordance with the principles laid down in the United Nations Charter.

The Social Committee at its 128th meeting on 6 July rejected the recommendations of the Social Commission by 6 votes to 6, with 2 abstentions. These recommendations, however, were approved by the Council at its 387th meeting by 10 votes to 5, without substantial modification, in resolution 309 F (XI).

Following the adoption of this resolution the Secretary-General has begun to compile and organize the relevant information available in the Secretariat. The Secretary-General has also begun discussions with the appropriate specialized agencies regarding the nature of the contributions they might make to the report.

8. Social Problems of the Aboriginal Populations and Other Under-developed Social Groups of the American Continent

At its ninth session in July-August 1949, the Council considered a report of the Secretary-General on the action taken under General Assembly resolution 275(III) and the texts of two resolutions concerning the indigenous populations of the American continent, one adopted by the fourth Labour Conference of American States members of the International Labour Organisation (Montevideo, April-May 1949), and one adopted by the second Inter-American Indigenous Congress (Cuzco, June-July 1949).²⁰⁵

The Council, in resolution 245(IX), requested the Secretary-General to report to the eleventh session of the Council on the progress being made in this field by all parties concerned, and, in particular, to report on the comments received from Governments.

In his report to the eleventh session (E/1691), the Secretary-General informed the Council that no comments nor requests to study the situation of the aboriginal populations and other under-developed social groups of the American continent had been received from any Member States. At the same time, he drew the Council's attention to the resolutions adopted by the Economic and Social Council of the Organization of American States at its session in March-April 1950, calling for the early negotiation of an agreement among the American States with large aboriginal populations for the purpose of requesting jointly from the United Nations and the specialized agencies any international help that could be rendered to improve the living conditions of those populations. Finally, the attention of the Council was called to a resolution adopted by the Population Commission at its fourth session in April 1949 requesting the Secretary-General, in consultation with the relevant specialized agencies, to consider methods for identifying such under-developed social groups, and, when requested by the Governments concerned, to investigate the inter-relationships of the demographic, economic and social characteristics of the groups concerned (E/1313).

The Council considered the matter briefly at its 397th plenary meeting on 24 July 1950. It unanimously adopted resolution 313(XI), proposed by the representatives of Chile, Peru and the United States (E/L.76), underlining the importance of raising the standard of living of the aboriginal populations of the American continent. It requested the Secretary-General to render, in this regard, with the advice and collaboration of the specialized agencies concerned, expert assistance to any governmental body, whether national or international, that might request it, and to report to the Council on this matter whenever necessary.

9. Inter-relationship of the Social and Economic Activities of the United Nations

The Social Commission at its fifth session in December 1949 discussed the question of the inter-relationship of social and economic activities, stressing the importance of co-ordination. The Commission (E/1568) expressed its confidence that the Council, in implementing its several resolutions on technical assistance and economic development and financing, would give due consideration to the desirability and feasibility of studying measures to promote and finance social

²⁰⁵ See also Y.U.N., 1948-49, pp. 621-22.

development as well as economic development. The Commission asked the Secretary-General to report periodically to the Social Commission on any measures which might be adopted to co-ordinate and integrate programmes in the social field with the application of the General Assembly resolutions on technical assistance and economic development.

The Commission also recommended that the Secretary-General undertake an analysis of the experiments carried out under varying local conditions in the establishment of necessary community social services in under-developed areas. He was to present to the sixth session of the Commission a statement outlining the projects he was prepared to provide on the request of Governments as part of technical assistance for economic development.

The Social Commission at its sixth session had before it the Secretary-General's report on "Social Projects to Be Provided by the United Nations under the Expanded Programme of Technical Assistance for Economic Development" (E/AC.5/-209). The report dealt chiefly with the social fields in which the United Nations was prepared to render services:

- I. Background Data on Social Conditions
 - a. Population characteristics and trends
 - b. Standards of living
 - c. Sociological surveys
 - d. Sample surveys of popular attitudes
- II. Housing, Community Development, Town and Country Planning
- III. Migration
- IV. Administration of Social Welfare Services
- V. Social Services for Special Groups
 - a. Aboriginal inhabitants and other unassimilated groups
 - b. Elderly people
 - c. Problems of women
 - d. Physically handicapped persons
 - e. Aliens, refugees, immigrants

- f. Narcotic addicts
- g. Delinquents
- VI. Social Reforms

The Commission was unable to discuss the subject fully but adopted a resolution calling certain aspects of the question (E/1678) to the attention of the Secretary-General. It recommended that the Secretary-General take the appropriate steps to ensure that the Technical Assistance Board give attention to the social aspects of all matters with which it deals. It also asked him to take further steps to assure that economic exploratory missions, where possible, include experts qualified: (a) to study social conditions, including basic cultural factors; (b) to advise on the social effects of proposed economic development projects and on measures to prevent the development of social problems that would interfere with economic development; and (c) to recommend projects to assist countries in dealing with social problems affecting their productive capacities.

The Commission also requested the Secretary-General to:

- (1) report on the work carried out for social development and community welfare in under-developed countries, particularly in rural areas, by indigenous voluntary organizations, noting in particular the basic principles and methods which had been found effective;
- (2) examine and ascertain the ways in which these organizations were seeking to relate social welfare to economic changes presently taking place;
- (3) suggest lines along which United Nations assistance in the social field might relate itself to such indigenous effort;
- (4) outline, from this point of view, any additional social projects he was prepared to provide to under-developed countries at their request as part of the United Nations Technical Assistance Programme;
- (5) report on the experiences of non-indigenous consultants and field workers who have been concerned with the concrete problems and methods of relating developmental programmes to the social conditions, customs and potentialities of under-developed areas.²⁰⁶

O. UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND (UNICEF) AND THE CONTINUING NEEDS OF CHILDREN

1. Activities of the Fund during 1950

In its final report (E/1908) to the Economic and Social Council, the First Executive Board of UNICEF²⁰⁷ covered the activities of the Fund from its establishment on 11 December 1946 to 31 December 1950. The following is a summary of the activities during 1950.

Total accumulated contributions and pledges to the Fund at the end of 1950 amounted to

\$152,900,000, not taking into account pledges which would become available in 1951 and in future years. Seventy-one per cent had been derived from voluntary contributions of 47 Governments and two territories, 21 per cent from the residual assets of UNRRA and 8 per cent from

²⁰⁰ At the seventh session of the Social Commission (19 Mar.—13 Apr. 1951), this resolution was consolidated with four related resolutions into a central project on "community welfare centres".

²⁰⁷ For reconstitution of the Board, see p. 621.

the United Nations Appeal for Children (UNAC) which had conducted campaigns in 45 countries and more than thirty territories. Included in the 8 per cent were donations from other private sources, almost \$100,000 of which was in the form of personal contributions from members of the United Nations and of the specialized agencies staffs.

UNICEF reported the following allocations for assistance to country child care programmes for the year 1950: \$5,700,000 to Asia, \$700,000 to Europe, \$2,500,000 to Latin America and \$2,300,000 to the Middle East and North Africa. In addition, \$7,250,000 had been allocated for international training courses and operation services, for freight for UNICEF supplies and for administration purposes. By June of 1950 the Fund had received contributions and pledges from other Governments sufficient to draw the full \$75,000,000 from the United States on the matching formula of \$72 for every \$28 equivalent. New United States legislation was enacted in June, authorizing an additional \$15,000,000, subject to appropriation and matching.

Of the total contributions to UNICEF since its inception, \$151,700,000 had been allocated, and \$119,000,000 had been spent by the end of 1950 for the benefit of children in sixty countries and territories. During 1950 the Fund's aid was extended to 22 additional countries in Asia, Europe, Latin America and the Middle East. During the year the Fund continued to devote increasing attention to countries outside Europe.

a. SUPPLEMENTARY FEEDING

In its supplementary feeding programme UNICEF continued during 1950 to supply powdered, skim and whole milk, cod liver oil, margarine, lard and butter, canned and dried meats, fish, cheese, cocoa, sugar grains, rice, dried fruits and jam. In May 1950, at the peak of its programme in Europe, 6,000,000 children, infants and nursing mothers were receiving such assistance, nearly 80 per cent of the recipients being school children. By the end of 1950, 500,000 children in Asia were participating in government feeding programmes, and plans were being undertaken in Latin America for feeding programmes to cover 547,000 school children and 74,000 infants, pre-school children, pregnant women and nursing mothers. During the early part of 1950, about 7,000,000 children and nursing and pregnant mothers were being supplied with an "extra" meal. By the end of the year, the number was somewhat less because, except for Greece, Italy

and Yugoslavia, food shipments had ceased to European countries and the UNICEF-assisted feeding programmes in Asia and Latin America were not yet in full swing. FAO advised the Governments in Central America, the Philippines and Thailand in developing these programmes. By the spring of 1951 it was expected that between five and six million would be receiving an extra meal. With regard to the Palestine refugees, the Fund continued its aid, begun in 1948, to approximately half a million mothers and children, for whom it supplied milk, meat, fats, wheat and other foods.

In the course of general aid to child feeding programmes, UNICEF took special steps to meet particular emergencies. For example, in the case of a drought in Bulgaria in the winter of 1949-50, it provided grains (a departure from its usual policy), and in the drought in Yugoslavia in 1950 it increased the number of beneficiaries. In the summer of 1950 it provided dried milk to the victims of an earthquake in Assam (India) and of a flood in West Punjab (Pakistan).

During the year UNICEF also continued its emergency feeding programmes to help those suffering from the effects of the war in Greece. Since the spring of 1950 a considerable proportion of UNICEF supplementary foods was distributed to the refugee children and nursing mothers who had gone back with their families to their home villages, mostly in the mountains.

One of UNICEF's main contributions has been the provision of vitamin-rich liver oils for feeding programmes. In the winter of 1949-50, UNICEF reported, more children benefited from cod liver oil and concentrated fish liver oil capsules than from other foodstuffs sent by UNICEF, and in some countries this was the only assistance supplied.

b. MILK CONSERVATION

To assist in improving the local supplies of milk for the benefit of children, UNICEF during 1950 supplied fluid milk equipment (pasteurizers, cooling units, bottling machines, etc.) to Austria, Finland, Greece, Italy and Malta, milk-drying plants to Bulgaria and Czechoslovakia and both fluid milk and dry milk processing plants to Poland and Yugoslavia. In November 1950 the Executive Board of UNICEF approved a request from Chile for the first UNICEF-assisted milk drying plant in Latin America, as a result of which more than 100,000 children would receive free skim milk daily as a supplementary food distributed mainly through maternal and child health centres.

c. RAW MATERIAL FOR CHILDREN'S CLOTHING AND SHOES

One form of aid furnished by UNICEF has been to supply, mainly in Europe, textile and leather raw materials to recipient countries which in turn bore the costs of manufacturing the finished product. During 1950, Austria, Finland, Germany, Greece, Italy and Poland were given such assistance. By the end of the year UNICEF reported the following products had been made in Europe with UNICEF-supplied materials: 1,850,000 pairs of shoes, 400,000 layettes and 1,300,000 diapers and infant vests, 5,770,000 square metres of cotton piece goods, 850,000 stockings, over 1,000,000 overcoats, underwear, sweaters and dresses, and 67,000 blankets.

In Japan UNICEF raw cotton was supplied in 1949 and 1950 and was used primarily for suits of clothing. The Japanese Government met all the local expenses and distributed without charge the finished products to approximately 467,000 children. UNICEF has also distributed finished or semi-finished goods to meet sudden emergencies. In the winter of 1949-50 it supplied blankets to Greece and to the Palestine refugees and in the winter of 1950-51 it sent about 300,000 for the civilian relief programme in Korea.

In the winter of 1950-51 cloth was sent to the Palestine refugees for manufacture into garments as a co-operative work relief project with the United Nations Relief and Works Agency.

d. AID TO MEDICAL PROJECTS

By the end of 1950, UNICEF had spent \$15,700,000 on its medical supply programmes and \$1,570,000 on the BCG vaccination programme. For these programmes UNICEF has provided supplies and WHO technical advice and assistance. A Joint UNICEF/WHO Committee was established in 1949 composed of representatives of the Executive Boards of the two bodies. In November 1950 WHO drew the attention of UNICEF to the basic need for large supplies of penicillin and other antibiotics and DDT and insecticides for the improvement of child health in under-developed countries, and suggested that UNICEF aid some production centres while WHO provided technical assistance.

(1) The BCG Anti-Tuberculosis Vaccination Programme

Under this programme, which had been started in March 1948 as a "Joint Enterprise" with the Danish Red Cross and its Scandinavian associates,

about 25,000,000 children and young adults had been tested by the end of 1950, and of that number nearly 12,000,000 had been vaccinated. The programme included children and young people in Europe, the Middle East, North Africa, Asia and Latin America. In all instances, these campaigns were conducted by the Governments with the assistance of UNICEF and its associates and in such a way that the countries would be able to continue the work.

In November 1949 the Scandinavian partners of the Joint Enterprise informed the Executive Board of UNICEF that they were unable to extend the services of the Enterprise to countries other than those to which commitments had already been made. After consultations between WHO, UNICEF and the Joint Enterprise, it was decided that until June 1951 the Joint Enterprise would aid the BCG programmes already started, after which WHO and UNICEF would consider all requests for aid for BCG campaigns.

In addition, by mid-1950, over 11,000 children in Europe suffering from miliary tuberculosis, meningitis, and primary tuberculosis infections in early childhood had been treated with streptomycin in specially established demonstration centres. This number included practically all the diagnosed cases of these forms of tuberculosis in the participating countries.

During 1950, aid in the control of tuberculosis through the mass vaccination programme, demonstration treatment centres, or by the provision of tuberculosis diagnostic equipment and BCG production equipment was given to seven countries or territories in Asia, ten in Europe, four in Latin America and eight in the Middle East and North Africa, as well as to the Palestine refugees.

The aid in tuberculosis control given to Latin American countries began in 1950. BCG campaigns in Ecuador and Mexico were aided by UNICEF through the Joint Enterprise. The goal of the Ecuador campaign, the first mass campaign in Latin America to test and vaccinate large numbers of children, was to test over a million children within a year. Because of the value of the campaign as a demonstration, UNICEF financed observation visits of teams of doctors and nurses from other countries. Teams, which were selected on the basis of technical background and the possibilities of working in BCG campaigns in their own countries, went to Ecuador from Costa Rica, El Salvador and Jamaica. UNICEF also helped Mexico and Ecuador to establish production centres for BCG vaccine, and assisted Ecuador in developing a general tuberculosis control pro-

ject which includes the follow-up of suspected cases and the training of tuberculosis workers from other countries.

(2) Anti-Syphilis and Anti-Yaws Campaigns

The Fund has provided penicillin and supplies to assist Governments in treating mothers and children as part of national, regional or demonstration campaigns against syphilis, yaws and bejel. During 1950 such aid was given to seven countries in Europe, four in Asia, one in Latin America and one in the Middle East as well as to the Palestine refugees.

(3) Immunization Against Diphtheria and Whooping Cough

Both Chile and Colombia started, in 1950, large-scale immunization campaigns against diphtheria and whooping cough along with intensive health education programmes. UNICEF provided vaccines, transport and educational material, and helped to equip laboratories in both countries for production of the vaccine so that within about a year they would have a sufficient supply of their own. Smaller projects involving UNICEF assistance for the production of vaccines and sera were being undertaken in Brazil, Peru, Bulgaria, Czechoslovakia, Poland and Yugoslavia.

(4) Anti-Malaria and Other Insect Control Measures

To reduce infantile mortality, UNICEF began to aid projects for the control of insect-borne diseases and later combined these with malaria control measures previously assisted by UNRRA. By the end of 1950 it had supplied 4,500,000 pounds of DDT for spraying, as well as sprayers and other equipment.

During 1950 malaria-control campaigns were carried on in Europe in Bulgaria, France (Corsica), Poland and Yugoslavia. UNICEF aid in the control of malaria in Asia was limited to three countries—India, Pakistan and Thailand. In Latin America UNICEF provided supplies and equipment for insect-control programmes in Bolivia, the Dominican Republic, Paraguay, Peru and Uruguay.

In Costa Rica, British Honduras, El Salvador, Guatemala and Nicaragua houses and barns were sprayed to destroy disease-carrying insects, particularly mosquitoes.

In Bolivia and Peru campaigns assisted by UNICEF supplies were undertaken to control the typhus-carrying louse through DDT dusting of the bodies, clothing and bedding of the inhabitants of the mountainous areas where typhus is

prevalent. In Peru a smallpox vaccination campaign was being carried out at the same time, taking advantage of the organization, staff and equipment mobilized for the typhus programme.

e. MATERNAL AND CHILD HEALTH

Increasing emphasis was placed by UNICEF during 1950 on programmes of assistance to countries for the building and expansion of their basic maternal and child welfare services. This programme has included the provision of equipment and supplies for rural health centres, clinics, laboratories, children's hospitals and wards, child-care institutions and other units of maternal and child welfare services as well as aid in the training of local child care personnel, including the provision of supplies and equipment for the development of training centres. Under this programme, UNICEF assistance in Europe included projects for expanding maternal and child health services, for controlling communicable childhood diseases, for improving specific ante-natal, maternity and post-natal services, for the care and rehabilitation of handicapped children and for the care of health of school children. All these projects were aided by UNICEF with equipment and supplies.

Assistance was also given for the training of child care staff. Following child care training courses in 1948 and 1949, a Swedish paediatric course was repeated in 1950 for 43 fellows. A Swiss contribution to this course took the form of financial aid to permit some 200 paediatricians from Europe, Asia and Latin America to attend the International Paediatric Congress held in Zurich in July 1950 and a seminar on social paediatrics sponsored by WHO in Geneva.

In Asia, UNICEF assistance in developing maternal and child health services, begun in 1949, was continued and extended in 1950. Afghanistan, Burma, Ceylon, China, India, Indonesia, Pakistan, the Philippines, Thailand and the United Kingdom territories in Asia received such assistance, which took the form of equipment for maternal and child health institutions and field centres and of aid in training medical staff at various levels. Generally speaking, both types of assistance were given simultaneously.

In India, for example, the training of nurses and midwives in the New Delhi area was assisted in association with the improvement of both urban and rural field practice areas. UNICEF also assisted three paediatric training centres and provided basic equipment and supplies for a hundred

rural maternal and child health centres in various parts of the country. It has also assisted in the establishment in Calcutta of a centre for international training of maternal and child health workers in the Asian region, to be financed equally by UNICEF and the Indian Government.

Projects begun in 1950 included assistance to Ceylon in the training of nurses and assistance to Burma in the training of nurses and midwives as well as the provision of equipment. Equipment and supplies were also sent to Pakistan and Indonesia for maternal and child health centres and to Thailand for maternal and child health demonstration areas in Bangkok.

In connexion with its various programmes in Asia, UNICEF has established 144 fellowships, about one half of which had been taken up at the end of 1950.

UNICEF's assistance for the improvement of general maternal and child health services in Latin America began in 1950. The Fund has undertaken to provide supplies and equipment for maternal and child centres as well as health education supplies in Brazil, Chile, Colombia, El Salvador, Paraguay and Peru. In La Paz, Bolivia, the Fund provided medical supplies and equipment for a 200-bed children's hospital, and in Quito, Ecuador, the complete medical equipment for a maternity hospital, scheduled to open in 1951.

f. INTERNATIONAL CHILDREN'S CENTRE IN PARIS

The group training in social paediatrics in 1948 and 1949, made possible by the contribution of the French Government, was placed on a continuing and expanded basis by the creation of the International Children's Centre in Paris. The Centre is assisted in carrying out its programme and establishing it on a permanent basis by a UNICEF allocation of \$1,000,000 for the three-year period 1950-52, to be increased by an additional \$660,000, subject to the availability of funds. Group training activities in 1950 took the form of a course in social paediatrics, one on tuberculosis in children, and another on child psychiatry. Approximately 150 paediatricians; public health officers, social workers, psychologists, and educators from 42 countries in Europe, the Middle East, Latin America and Asia participated in these courses. The Paris Centre also took over from UNICEF the operation and further development of the Pilot Station for investigations relating to BCG anti-tuberculosis vaccine.

g. CO-OPERATION WITH OTHER UNITED NATIONS BODIES

In all its health projects UNICEF has co-operated closely with WHO, which has given technical approval to medical and technical standards, plans of operations and individual supply lists and specifications of material supplied by UNICEF, and has provided experts to assist in implementing the programmes and in evaluating and reporting on them.

FAO has advised UNICEF on nutritional questions, and the United Nations Department of Social Welfare has given technical advice on child welfare and has administered UNICEF fellowships in this field.

UNICEF has also co-operated with non-governmental organizations. In addition to the Danish Red Cross, the Norwegian Help for Europe and the Swedish Red Cross, which were its partners in the Joint Enterprise to assist national health authorities in executing the BCG vaccination campaigns, the Fund has carried on combined operations with voluntary agencies engaged in international assistance in Austria, Germany, Greece, Hungary, Poland and Romania. These agencies were the Don Suisse pour les Victimes de la Guerre, its successor agency, Aide Suisse à l'Europe, and the Swedish Committee for International Relief.

International non-governmental organizations represented on an advisory committee, established in the summer of 1949, have distributed to their national affiliates information material supplied by UNICEF and have called the attention of certain Governments to the desirability of programmes for which application might be made to UNICEF, as well assisting in efforts to raise funds for UNICEF.

h. UNITED NATIONS APPEAL FOR CHILDREN

By the end of 1950, UNICEF received approximately \$1,470,000 from campaigns undertaken in ten countries during 1949 and 1950. In Afghanistan, Australia, Canada, Liechtenstein and New Zealand these campaigns were for the sole benefit of UNICEF; in Belgium, the Dominican Republic, Italy and Switzerland funds were divided between UNICEF and national welfare organizations; and in the United States an educational campaign was held with provision for acceptance of contributions from individuals and non-governmental organizations.

2. Long-Term Programmes for Children

a. CONSIDERATION BY THE SOCIAL COMMISSION AT ITS SIXTH SESSION

At its tenth session, the Council, in resolution 279 A (X),²⁰⁸ noting that the Secretary-General had been requested by the Social Commission, at its fifth session, to prepare a report concerning the organizational arrangements by which essential international long-range activities for children could be rendered by the United Nations and other appropriate inter-governmental organizations (E/1568), requested the Social Commission, at its sixth session, to give urgent attention to this report and to make specific recommendations to the eleventh session of the Council.

The Secretary-General submitted a report on this question (E/CN.5/201 & Add.1) to the Social Commission at its sixth session.

The report dealt with, *inter alia*, types of problems which lend themselves to international action on a continuing basis, previous efforts at co-ordination, types and kinds of activities now being carried on and the extent to which these could be expanded, current methods of co-ordination, and suggestions for arrangements for future international action for children and for permanent machinery.

The Social Commission recommended that the Economic and Social Council should take all necessary steps to ensure the uninterrupted continuation and development of the activities of the United Nations International Children's Emergency Fund, both with respect to (a) relief supplies for emergency needs; and (b) the provision of appropriate assistance to Governments, designed to aid them in creating or expanding their permanent child welfare programmes, with particular emphasis on the latter. The resolution enumerated the principles basic to these activities as follows:

(1) the administration of the Fund should be responsible to a United Nations Children's Board, composed of the Governments represented on the Social Commission, and of other Governments designated by the Council;

(2) a Programme Committee of members of the Board should meet as often as necessary to advise the Board;

(3) the Board should take the necessary steps to ensure close co-operation of the Fund with the specialized agencies and non-governmental organizations concerned with children, and to obtain from them the necessary advice and technical assistance;

(4) the administrative services required by the Fund should be provided by the Secretary-General;

(5) the central administrative expenses of the Fund should be covered by appropriations in the normal budget of the United Nations;

(6) operational activities of the Fund, including the costs of field missions, should be financed by voluntary contributions from public or private sources, to be placed in a special account;

(7) the General Assembly should review, at its regular sessions, the financial situation of the Fund and consider the advisability of increasing the money available from voluntary contributions by a sum of money to be shared by Member States in the same proportion as laid down in the scale of contributions to the regular United Nations budget.

The resolution further requested the Council to recommend to the General Assembly, in the light of these principles, that it should reaffirm the relevant provisions of its resolution 57(I)²⁰⁹ incorporating in them the necessary modifications, particularly with regard to the definition of priorities to cover the most urgent needs of all the regions of the world.

b. CONSIDERATION BY THE COUNCIL AT ITS ELEVENTH SESSION

The Council considered the question at the 162nd to 164th meetings of its Social Committee on 3 and 4 August and at its 406th plenary meeting on 11 August 1950. It had before it the report of the Social Commission (E/1678), together with a report by the Secretary-General (E/1725) containing statements regarding the long-term programmes for children under way or contemplated by the Department of Social Affairs as well as by ILO, FAO, UNESCO and WHO, relevant sections of the report of the Administrative Committee on Co-ordination (E/1682) and of the Secretary-General's report on particular co-ordination matters (E/1741), and communications from ILO (E/1731), FAO (E/1745) and WHO (E/1730) transmitting to the Council the texts of resolutions adopted on the question by their governing organs. The Council also considered a report by the Executive Board of UNICEF on the development and activities of the Fund (E/1738).²¹⁰

The Council also had before it a joint draft resolution (E/AC.7/L.64) by the representatives of Brazil, France, India, Iran and the United States. The joint draft resolution differed from the proposals of the Social Commission in the following principal ways:

²⁰⁸ See p. 589.

²⁰⁹ For text of resol. 57(I) establishing UNICEF, see Y.U.N., 1946-47, pp. 163-64.

²¹⁰ For activities of the Fund undertaken in 1950, see pp. 611-15.

(1) It provided for a continuation of the activities of UNICEF under the name "United Nations International Children's Endowment Fund" for the purpose of "(a) providing supplies, training services, and advisory assistance in support of the recipient countries' permanent programmes for children, and (b) meeting relief needs in cases of serious emergencies",

(2) It provided that the Social Commission as well as the Council would be concerned with determining the over-all principles of operation,

(3) It provided for development and technical approval by the specialized agencies concerned and the United Nations of all assistance programmes before presentation to the Programme Committee and Board,

(4) It provided that the administration of the Fund would form an integral part of the United Nations Secretariat,

(5) It provided for certain changes in structure and organization necessary to meet the requirement for continuing long-term operations; these included a provision for an advisory committee composed of representatives of the United Nations and the specialized agencies concerned to co-ordinate the procedures of co-operation and to exchange information,

(6) It recommended that resolution 57(I), establishing the Children's Fund, should be amended to incorporate the relevant changes.

The representative of the United States in presenting the joint draft resolution stressed that increasing emphasis should be placed on helping countries to help themselves.

The majority spoke in favour of the joint draft resolution. During the discussion the representative of Canada stated the opinion that, basically, the special problem of children should be approached through the United Nations programme for under-developed areas. Her delegation could not support the joint resolution in its present form because it placed too great an emphasis on the provision of material supplies. The main emphasis in any long-term programme, she stated, should be on training programmes. Relief activities should be confined to emergency situations and carried out at specific requests from the General Assembly, the Security Council or the Economic and Social Council.

The representative of France pointed out that material aid would have to be given to the world's children on an international basis until the United Nations technical assistance programme had borne concrete results leading to improved living standards and economic conditions.

The representative of Australia suggested that the Council should look ahead two years in determining UNICEF policies, but that it might be appropriate to re-examine the need for assistance to children after that time in the light of the economic conditions then prevailing. He opposed the setting up of a permanent organization because every aspect of such a long-range pro-

gramme was already part of either a United Nations or a specialized agency programme.

While favouring the permanent establishment of the Fund, the representative of Brazil stated that he would be willing to accept a continuation for a five-year period. Although a co-author of the joint draft resolution, he thought that there was little reason for shifting the emphasis from material supplies to technical assistance and that the provision for an advisory committee was superfluous. The United Kingdom representative was of the opinion that the draft resolution had three fundamental defects: (1) it concentrated too exclusively on UNICEF and not enough on general activities being carried out for the purpose of raising living standards; (2) the proposed terms of reference of the Endowment Fund, as the representative of Canada had pointed out, were as wide as those given to the Emergency Fund although the resources would be smaller; and (3) it envisaged too large future budgetary commitments.

The representatives of Pakistan and Iran stated that they would have preferred less complicated machinery so that more rapid and far-reaching action could be taken in cases of emergency. The former also expressed the opinion that it might be better to amend resolution 57(I) to shift the emphasis from immediate to long-term activities and leave the structure of UNICEF untouched.

The representative of Belgium thought that the proposed advisory committee should also have the advice of certain non-governmental organizations specializing in child welfare problems and that this should be indicated in the resolution. Provision should also be made for active participation of organizations concerned with the welfare of families.

These two points were incorporated in a series of joint amendments proposed by the representatives of Canada, Denmark and the United Kingdom (E/AC.7/L.67) and as such accepted by the sponsors of the joint draft resolution (E/AC.7/L.64) and incorporated in it. The sponsors of the joint draft resolution also accepted, in addition to other minor points, the proposals in the joint amendments to refer to programmes for the general improvement of economic conditions and to include some reference to the need for co-ordination with the work of the Technical Assistance Board (TAB) and the Technical Assistance Committee (TAC). In this respect they drafted a new paragraph to read: "During its review of the Technical Assistance Programme to under-developed countries, the Council should examine the

activities of UNICEF with a view to ensuring proper co-ordination". This was later adopted by 14 votes to none, with 1 abstention, while the paragraph proposed in the joint amendments which specifically called for consultation between the Advisory Committee and the TAB was rejected by 8 votes to 5, with 2 abstentions.

The Social Committee at its 164th meeting on 4 August rejected the following amendments proposed in the joint amendment (E/AC.7/L.67) to the joint draft resolution (E/AC.7/L.64):

(1) By varying votes, several amendments proposed by the representative of Australia (E/AC.7/L.65) which were based on the conception of the present International Children's Emergency Fund and were designed to continue it for two years, reviewing the question later in the light of the economic conditions then prevailing.

(2) By 8 votes to 5, with 1 abstention, a proposal to reverse the order of the purposes of the Fund to stress first its emergency functions and second its long-term activities.

(3) By 9 votes to 4, with 2 abstentions, a proposal which would continue in being the present Emergency Fund, and by 9 votes to 5, with 1 abstention, the present terms for constituting its Board.

The Committee also adopted by 13 votes to none, with 7 abstentions, an amendment by Canada, Denmark and the United Kingdom (E/AC.7/L.67) to indicate that Governments in which operational activities were being carried out would be expected to contribute to the largest possible extent to the local expenses of such activities. By 8 votes to none, with 7 abstentions, on the proposal of India, it added to this the words "due regard being had to the need of under-developed countries".

Following a paragraph-by-paragraph vote, the joint draft resolution (E/AC.7/L.64) as a whole, as amended, was adopted by 9 votes to none, with 6 abstentions, by the Social Committee (E/1811) at its 164th meeting on 4 August 1950. (See below.)

During the discussion at the Council's 406th plenary meeting on 11 August several representatives, among them those of Belgium, Brazil, the United Kingdom and Canada, reserved the position of their Governments on the question of the financing of the proposed fund.

By 7 votes to 4, with 2 abstentions, the Council then agreed to delete from the section of the draft resolution which provided that the Assembly should consider the advisability of increasing the amount of money available from voluntary contributions, the words "if necessary, by a sum of money to be shared by Member States in the same proportion as laid down in the scale of contributions to the regular United Nations budget".

The Council also adopted an Indian proposal (E/L.92) to reword, for the purposes of clarification, the paragraph dealing with the question of contributions of recipient countries.

The draft resolution, as proposed by the Social Committee (E/1811), as amended, was then adopted by 8 votes to none, with 5 abstentions.

In resolution 310(XI) the Council recommended that the General Assembly should amend its resolution 57(I) so as to incorporate the proposals in the Council's resolution, and requested the Secretary-General to prepare a draft resolution embodying these proposals for presentation to the General Assembly.

The resolution provided that:

(1) the activities of the United Nations International Children's Emergency Fund would be continued and developed by the United Nations International Children's Endowment Fund for the purpose of (a) providing supplies, training services and advisory assistance in support of the recipient countries' permanent programmes for children, and (b) meeting relief needs in cases of serious emergencies;

(2) a United Nations Children's Board would be established, composed of the Governments represented on the Social Commission and of other Governments not necessarily Members of the United Nations, designated by the Economic and Social Council; this Board, with the advice of a Programme Committee of members of the Board, would, subject to such principles as may be laid down by the Council and the Social Commission, formulate the policies—including the determination of programmes, and allocations of funds—under which the Fund would be administered;

(3) close collaboration would be ensured between the Fund and the specialized agencies pursuant to the agreements between such agencies and the United Nations, and also between the Fund and the non-governmental organizations having a special interest in child and family welfare; the specialized agency or agencies concerned, and the United Nations, would each in its respective field, in collaboration with UNICEF, develop and give technical approval to all programmes of assistance to Governments to be presented to the Programme Committee, and would provide the technical personnel required in their implementation; the administration of the Fund would be assisted by an advisory committee, composed of representatives of the United Nations and the specialized agencies concerned, in order to co-ordinate the procedures of co-operation with their organizations and to exchange information;

(4) during its review of the technical assistance programme to under-developed countries, the Council would examine the activities of UNICEF, with a view to ensuring proper co-ordination;

(5) the Executive Director would be appointed by the Secretary-General after consultation with the Board, and the staff and facilities required for the administration of the Fund would be provided by the Secretary-General;

(6) the central administrative expenses of the Fund would be covered by appropriations in the United Nations budget;

(7) the operational activities, including the costs of field missions, would be financed from the voluntary contributions;

(8) the Governments of countries in which operational activities of the Fund are being carried out would be expected to contribute to the largest possible extent to the local expenses of such activities;

(9) the Fund would consist of the assets of UNICEF as of 1 January 1951, the date on which it was proposed that these amendments should come into effect, as well as of further voluntary contributions made available by Governments, voluntary agencies, individual or other sources;

(10) the General Assembly should review at its regular sessions the financial situation of the Fund.

c. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

The General Assembly considered the question at the 278th to 287th meeting of its Third Committee from 6 to 18 October and at its 314th plenary meeting on 1 December 1950. It had before it, *inter alia*, a draft resolution (A/1411) prepared by the Secretary-General for the purpose of consolidating the provisions of Council resolution 310(XI) with those of General Assembly resolution 57(I) which, in his opinion, would remain in effect as not inconsistent with the Council's resolution.

During the debate in the Third Committee the activities and work of the Children's Fund were highly praised. There was general agreement that the activities should be continued, but opinion was divided as to the most desirable and effective method of continuing them. The majority stressed that the Fund should continue to meet emergency relief needs with material assistance. However, several representatives, including those of Belgium, Canada, Chile, Greece, Ethiopia, Lebanon, Sweden and the United States, were of the opinion that, while not ignoring emergency needs, the Fund should develop long-range programmes of technical assistance and advice. The United States representative, in this connexion, explained that by technical assistance her Government did not mean that all furnishing of supplies should be completely abolished. Rather, it was intended that while these supplies were being furnished, the Fund should survey the position with the Governments concerned to see what steps could be taken to remove the need for future supplies and effect permanent improvement. The need for supplies would continue indefinitely, she felt, unless nations were helped to help themselves.

The representatives of Burma, India, Indonesia, Iraq, Pakistan, Israel, Afghanistan and Poland wished to see the work of the Fund continued,

with particular attention being paid to the needs of under-developed areas.

There was some discussion as to the role the specialized agencies should play in determining programmes. The representatives of Brazil, Turkey and the Dominican Republic stressed that the agencies should act in an advisory capacity with regard to everything that concerned the technical aspects of assistance and pilot projects, but that they should not be consulted on the preparation of programmes. The representatives of the United States and the Union of South Africa, however, thought that the specialized agencies should be able to pass judgment on programmes that they would be called upon to aid in implementing. The representative of the World Health Organization, speaking for WHO and other agencies, felt that no specialized agency should be asked to take responsibility for the working out of a programme without being given a voice in its formulation.

Because of the number of amendments submitted to the Secretary-General's draft resolution (A/1411), the Third Committee, at its 281st meeting on 9 October, appointed a sub-committee to clarify the different points of view expressed and to reduce the amendments to the smallest number necessary to express the differences still outstanding. The sub-committee, composed of representatives of Burma, France, India, Indonesia, Iraq, Pakistan, Poland, the United Kingdom, the United States, Venezuela and Yugoslavia, held two meetings on 11 and 12 October, and reported that it had made a small reduction in the number of amendments, but that irreconcilable differences remained (A/C.3/L.58).

The different points of view which were irreconcilable were expressed in the following amendments:

(i) Several United States amendments (A/C.3/L.48) to ensure the integration of the Fund in the United Nations Secretariat, to make clear the distinction between the administrative integration and the financial separateness, and to include in the United Nations budget the administrative costs of field missions;

(ii) Joint amendments by Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49), *inter alia*, (1) to specify that UNICEF had contributed aid of lasting value, rather than to state simply that it had effectively bettered the world's situation; (2) to indicate that the needs of children in under-developed areas are among the principal needs of the world's children and that they offer scope for action which can be best met by the provision of supplies; and (3) to specify that the purpose of the Endowment Fund would be to provide supplies, training services and "related" assistance rather than "advisory" assistance, and delete the provision that assistance should be given in support of "permanent" programmes in recipient countries;

(iii) Amendments by Venezuela (A/C.3/L.50), providing for a Children's Board composed of Governments of 25 States; by France (A/C.3/L.52), which suggested that it should be composed of Governments represented on the Social Commission and eight other States; and by the Dominican Republic (A/C.3/L.53), providing for a 27-Member Board, two thirds of which would be members of the Social Commission. (The original draft resolution called for a Board composed of Governments represented on the Social Commission and of other Governments not necessarily Members of the United Nations);

(iv) Yugoslav amendment (A/C.3/L.51) to delete the reference to the role of the specialized agencies with regard to formulating programmes, and to delete the paragraph providing for coverage in the United Nations budget of the central administrative expenses of the Fund. Polish amendment (A/C.3/L.55) would have retained this latter point but added to it that this should be done by effecting savings in other items and not by increasing the total budget;

(v) United Kingdom amendment (A/C.3/L.56) (a) to rearrange the order of several phrases so that emergency action would be listed before long-term action; (b) to delete the reference to the shifting of emphasis from immediate to long-term objectives; (c) to continue the present Fund without a change in structure, except that the Executive Board would be replaced by a Children's Board which would be responsible for the allocation of money and supervision of administration; (d) to indicate that in view of limited resources many urgent long-term needs would remain to be met and to instruct the Council to explore the possibility of giving greater emphasis to children's programmes under the expanded programme of technical assistance;

(vi) Amendment by Uruguay (A/C.3/L.57) later revised (see below) which would recommend that States in making budgetary provisions for social services for their own children, set aside a special amount for UNICEF.

The Third Committee, therefore, on receiving this report, at its 283rd meeting on 13 October decided by 13 votes to 8, with 22 abstentions, to consider first a draft resolution presented by the representative of Australia (A/C.3/L.54) before considering the Secretary-General's draft resolution and the amendments to it.

The representative of Australia pointed out that his draft resolution was based mainly on the original General Assembly resolution 57(I) establishing UNICEF, with the difference that the composition of the Executive Board had been altered in recognition of the principle that the activities of UNICEF should be extended to Asia and Latin America. The draft resolution would, *inter alia*, recognize the necessity for continued emergency action, particularly in under-developed countries and countries devastated by war and other calamities; reaffirm its approval of the policy of devoting a greater share of the Fund's resources to development programmes outside Europe; express its gratitude for contributions and appeal for

further collaboration; and decide that the Board should be reconstituted as from 1 January 1951 to consist of eighteen members, having regard to geographical distribution and to the representation of the major contributing and recipient countries and to include States not Members of the United Nations. The Assembly, under the resolution, would consider the future of the Fund again in two years time.

The representatives of Mexico, Peru, Uruguay, India, Egypt, Yugoslavia, and the United Kingdom indicated that they would support the Australian proposal with some amendment. Those opposed to the resolution, among them the representatives of Canada, China, the Netherlands, Norway and the United States, stated that they could not support it since it would merely postpone for two years a decision on the fundamental issue of the permanent nature of the Fund.

The Committee adopted, *inter alia*, the following amendments to the Australian proposal (A/C.3/L.54):

(i) By 41 votes to 5, with 7 abstentions, an Indian proposal (A/C.3/L.61) to delete the word "emergency" with reference to the need for continued action;

(ii) By 40 votes to 2, with 9 abstentions, a Lebanese amendment (A/C.3/L.63) to renew the Assembly's appeal for the continuance of contributions;

(iii) By 29 votes to 12, with 9 abstentions, a proposal by the representative of Ecuador (A/C.3/L.60) to have the Council reconstitute the Executive Board to consist of Governments represented on the Social Commission and eight other Governments not necessarily Members of the United Nations;

(iv) By 36 votes to 3, with 8 abstentions, a United States amendment (A/C.3/L.65) to ensure close collaboration between the Administration of the Fund and the specialized agencies;

(v) By 30 votes to 7, with 11 abstentions, a United Kingdom amendment (A/C.3/L.66) which would have the Fund obtain, when appropriate, advice and technical assistance from inter-governmental and non-governmental organizations;

(vi) By 35 votes to 8, with 5 abstentions, an amendment by Yugoslavia which recommended that the Assembly consider in 1953 the future of the Fund with the object of continuing it on a permanent basis;

(vii) By 23 votes to 9, with 15 abstentions, a proposal by Peru (A/C.3/L.62) recommending that Member States develop their national child welfare services;

(viii) By 35 votes to 2, with 13 abstentions, a United Kingdom amendment (A/C.3/L.66) requesting the Council to give greater emphasis to the support of national children's programmes within the framework of existing United Nations activities for promoting the economic and social development of under-developed areas, and to explore the means of providing and financing supplies incidental to such programmes, especially those needed for demonstration purposes;

(ix) By 42 votes to none, with 8 abstentions, an Indian proposal (A/C.3/L.70) to entitle the resolution: "Con-

tinuing needs of children: United Nations International Children's Emergency Fund".

Among the amendments rejected by the Third Committee were the following:

- (i) By varying votes, several United States amendments (A/C.3/L.65) which were designed to make the Fund an integral part of the United Nations and establish it as a permanent organization;
- (ii) By 22 votes to 9, with 23 abstentions, a proposal by Uruguay (A/C.3/L.57/Rev.2), amended by Lebanon (A/C.3/L.63), which would recommend that States if possible make budgetary provision for UNICEF as means permit;
- (iii) By 27 votes to 4, with 16 abstentions, a proposal by the representative of Peru which would recommend that States look forward to providing funds for an organ such as the proposed Endowment Fund at the end of three years.

The Australian draft resolution, as amended (A/C.3/L.69), was adopted, as a whole, at the Committee's 287th meeting on 18 October by a roll-call vote of 43 to 8, with 1 abstention (see below). In recommending the adoption of the resolution (A/1455), the Committee proposed that the Council, which was still in session, should immediately be notified of the Assembly's decision so that it might at the current session designate the eight members of the Executive Board which are not members of the Social Commission²¹¹.

The General Assembly considered the report of the Third Committee (A/1455) at its 314th plenary meeting on 1 December 1950. Without further discussion it adopted by 33 votes to none, with 5 abstentions, an amendment (A/1581) by the representatives of Australia, Chile, Denmark, Ecuador and Yugoslavia to specify that the eight Governments elected to the Board would be designated for "appropriate terms", and by 51 votes to none, with 5 abstentions, an amendment (A/1580) concerning activities of the Executive Board. The latter amendment which was adopted as paragraph 6(b) (see below) of the resolution was proposed by the representatives of Bolivia, Canada, Ecuador and the Netherlands.

The resolution as a whole was adopted without objection. Resolution 417(V) read as follows:

The General Assembly,

Having considered resolution 310(XI) of the Economic and Social Council in the light of resolutions 57(I) and 318(IV) of the General Assembly,

Recognizing the necessity for continued action to relieve the sufferings of children, particularly in under-developed countries and countries that have been subjected to the devastation of war and to other calamities,

1. Reaffirms its approval of the policy of the Executive Board of the United Nations International Chil-

dren's Emergency Fund to devote a greater share of the Fund's resources to the development of programmes outside Europe;

2. Expresses again its gratitude to governments and individuals for their generous contributions enabling the Fund to carry out its tasks;

3. Renews its appeal to governments and private persons to continue their contributions to the Fund, and to the various officials and private international organizations interested in child welfare to collaborate with the Fund in every possible way;

4. Recommends to Member States that they develop and improve their national child welfare services, providing, if possible, the necessary funds for that important purpose under their respective budgets;

5. Requests the Economic and Social Council, in consultation with the appropriate specialized agencies:

(a) To give greater emphasis to support of national programmes designed to aid children within the framework of existing United Nations activities for promoting the economic and social development of under-developed areas;

(b) To explore the means of procuring and financing supplies incidental to such programmes, especially those needed for demonstration purposes;

6. Decides:

(a) That the Executive Board of the Fund shall be reconstituted as from 1 January 1951 to consist of the governments of the States represented on the Social Commission and the governments of eight other States, not necessarily Members of the United Nations, to be designated by the Economic and Social Council for appropriate terms, with due regard to geographical distribution and to the representation of the major contributing and recipient countries;

(b) That during the period of the Fund's existence, as provided in paragraph 6(e), the Board, in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission, shall, with due regard to the urgency of the needs and available resources, formulate the policies, determine the programmes and allocate the resources of the Fund for the purpose of meeting, through the provision of supplies, training and advice, emergency and long-range needs of children and their continuing needs particularly in under-developed countries, with a view to strengthening, wherever this may be appropriate, the permanent child health and child welfare programmes of the countries receiving assistance;

(c) That the Executive Board shall take all necessary steps to ensure close collaboration between the Administration of the Fund and the specialized agencies, pursuant to the agreements between the United Nations and the specialized agencies;

(d) That the Administration of the Fund shall, as appropriate, obtain from inter-governmental and non-governmental organizations having a special interest in child and family welfare the advice and technical assistance which it may require for the implementation of its programmes;

(e) That the General Assembly will again consider the future of the Fund at the expiration of three years, with the object of continuing the Fund on a permanent basis.

²¹¹ See p. 84.

P. POPULATION AND MIGRATION QUESTIONS

At its eleventh session, held from 3 July to 16 August 1950, the Economic and Social Council debated aspects of the problems of population and migration when it came to consider the reports of two of its Commissions—that of the fifth session of the Population Commission (E/1711), and that of the sixth session of the Social Commission (E/1678).

The report of the Population Commission was discussed by the Council's Social Committee at its 131st and 132nd meetings on 10 July and by the Council at its 388th and 389th plenary meetings on 14 and 17 July.

The report of the Social Commission, in so far as it referred to migration, was discussed by the Social Committee at its 125th and 126th meetings on 5 July, and at the 387th plenary meeting of the Council on 13 July 1950.

1. Population and Economic Development of Under-developed Countries

The Population Commission, at its fifth session, held from 22 May to 2 June 1950, was concerned primarily with problems of economic development of under-developed countries. In this connexion, the Commission paid special attention to (1) demographic aspects of technical assistance for economic development, and (2) studies of the relationships between population trends and economic and social changes.

a. DEMOGRAPHIC ASPECTS OF TECHNICAL ASSISTANCE

The Commission, in its report (E/1711), noted that demographic considerations are related to many aspects of economic development; that the size and composition of the population largely determine the needs for consumer goods and thus the objectives of economic development programmes; and that, on the other hand, population factors—notably the supply of labour—also affect the problems of developing and utilizing productive resources. The Commission considered that economic development programmes should be formulated with a view not only to the existing demographic situation, but also to expected future population changes and, in particular, to the population increases which might result from economic development itself. The Commission stated that in many countries economic develop-

ment would probably be accompanied, at least for a time, by rapid population growth, because of reductions in death rates without immediate corresponding reductions in birth rates; successful economic planning would thus depend on increasing production faster than the rate of population growth.

The Commission's report included, in an annex, a statement of the kinds of technical assistance which, in its view, could most usefully be rendered to the governments of under-developed countries in dealing with the demographic aspects of their economic development problems. Assistance might be rendered, for example, in: (1) a survey of the demographic situation of the country, as a part of a more general survey of economic and social conditions affecting development plans; (2) specific analytical studies on such subjects as the effects of changing social and economic conditions on birth and death rates, the influence of migration on population trends and on economic development, the estimation of future changes in population size and composition, and the effects of prospective population changes on labour supply, utilization of resources, capital formation, consumption, production, and the standard of living; (3) improvement of demographic statistics; and (4) the formulation of legislative and administrative measures for social and economic reform with regard to their effects on population trends.

The Social Committee had before it a draft resolution by the United States (E/AC.7/L.29), based on recommendations of the Commission, which had not been presented to the Council as draft resolutions. In respect of the demographic aspects of technical assistance, the United States draft resolution would have the Council, noting the views of the Commission on this subject, request the Secretary-General to draw the attention of Member Governments to these views and recommendations as relevant to the plans and operations of the Technical Assistance Programme,²¹² and to bring them to the attention of the Technical Assistance Committee and the Technical Assistance Board for use in the implementation of their programmes.

In the discussion, the importance for the technical assistance programme of the Commission's work on demographic aspects of technical assistance was emphasized by the representatives of

²¹² See pp. 445 ff.

Australia, Belgium, Canada, Chile, the United Kingdom and the United States. The United Kingdom representative, however, urged that great care should be exercised in the selection of experts to advise Governments on this matter, as the success of the Commission's proposals would largely depend on this. The United States representative said that the implementation of the entire technical assistance programme might be seriously hindered if it were believed that attempts to develop the economies of under-developed countries would result only in population increases and the spreading of existing poverty to still larger numbers of people.

The draft resolution was adopted unanimously both by the Committee, at its 132nd meeting on 10 July, and by the Council, without discussion, at its 388th plenary meeting on 14 July (resolution 308 B (XI)). It read as follows:

The Economic and Social Council,

Taking note of the views and recommendations of the Population Commission relating to the demographic aspects of technical assistance for economic development of under-developed areas,

Requests the Secretary-General to draw the attention of Member Governments to these views and recommendations, in the measure in which they are relevant to the plans and operations of the Technical Assistance Programme; and

Calls these views and recommendations to the attention of the Technical Assistance Committee and the Technical Assistance Board for use in the implementation of technical assistance programmes.

b. POPULATION TRENDS AND ECONOMIC AND SOCIAL FACTORS

The Commission, at its fifth session had before it a report (E/CN.9/55 & Add.1 & 2) it had requested of the Secretary-General summarizing the findings of existing scientific studies on the relationships between population trends and economic and social factors. This document showed that most of the existing knowledge concerning the inter-relationships of demographic, economic and social factors had been derived from studies relating to Western countries, and recognized the need to undertake new studies with specific reference to individual under-developed countries.

The Commission had already recommended, at its fourth session during 1949, that the Secretary-General should explore the possibilities of undertaking studies in individual under-developed countries, in collaboration with the Governments concerned. At the fifth session the Secretary-General submitted to the Commission a plan worked out in consultation with the Government

of India for a co-operative study of relationships between population trends and social and economic development in that country (E/CN.9/58; E/CN.9/L.6 & Add.1). The Commission recommended that this project should be considered as an initial step in a continuing programme of studies on inter-relationships of demographic, economic and social factors in India, and further recommended that the scope of this initial study should be expanded. In addition, the Commission requested the Secretary-General to consider the possibility of conducting similar studies in such health demonstration areas as the World Health Organization might establish as part of its technical assistance activities.

The Commission's recommendations on this matter were embodied in a draft resolution submitted by the representative of the United States (E/AC.7/L.29), who emphasized the importance of the issues with which the Population Commission was concerned and stated that too little was known of the inter-relationship between economic and social factors and growth of population. The existence in India of a variety of populations at varying stages of development made that country an ideal field for a comparative study. He urged that the pilot survey in India be completed as soon as possible, in order to ascertain facts which could also be of value to other countries.

Members of the Committee generally expressed recognition of the importance to both Member Governments and specialized agencies of the recommendations of the Commission regarding studies of the relationship between population trends and economic and social factors. Some criticism, however, was made of the report by the Secretary-General (E/CN.9/55). The representative of Belgium thought that this report seemed to set out from the idea that in order to improve the standard of living it was necessary to limit the increase of the population, and his delegation opposed this theory. The representative of Pakistan also pointed out that it would be difficult to implement any plan for the limitation of families as most of the religions in the East were opposed to this.

The representative of France felt that there were two weaknesses in the report by the Secretariat (E/CN.9/55); it was based only on "Anglo-Saxon authors" and this basis could have been widened. Another aspect which the report failed to take into account, he said, was the effect of the ageing of populations.

As for the proposed studies in India, the representative of India said that it might be wise to

postpone this for a while. The representative of Pakistan supported the suggestion of postponement.

An amendment (E/AC.7/L.34) was proposed by the representative of the United Kingdom, which sought to incorporate in the United States draft resolution a recognition that the expanded field of investigations recommended by the Commission would be of use not only to India in its programme of economic development and to other Governments facing similar problems, but "above all to the United Nations as an essential examination of the demographic aspects of the provision of technical assistance to India and similar new fields in Asia and the Far East". The United States representative accepted this amendment, and added to the draft resolution, with a view to meeting some objections raised in the Committee, a paragraph which would have the Economic and Social Council recommend that the timing of the studies in India and the selection of the areas to be studied be left to the Secretary-General, in consultation with the Government of India.

The amended draft resolution was adopted by 12 votes to none, with 2 abstentions, at the 132nd meeting of the Committee on 10 July, and by the Council (resolution 308 D (XI)) at its 389th plenary meeting on 17 July, unanimously and without discussion. The resolution read:

The Economic and Social Council,

Having in mind the relation of population growth to problems of economic development, especially in areas of dense population in relation to existing economic resources,

Noting

(1) The high priority assigned by the Population Commission to studies of the interrelationship of economic, social and population changes, and especially to the development of a field study of this question in India in co-operation with and jointly financed by the Government of India;

(2) The recommendations of the Population Commission that the field investigation should be expanded to provide adequate information on fertility and on the social and economic characteristics of households exposed to differing patterns of economic development;

(3) That such expanded field investigations will be of use to India in its programme of economic development, to other Governments facing similar problems and, above all, to the United Nations as an essential examination of the demographic aspects of the provision of technical assistance to India and similar new fields in Asia and the Far East;

Recommends

(1) That the studies of the interrelationship of demographic, economic and social factors be carried forward by the Secretary-General as recommended by the

Population Commission, and that the essential additional costs be met by the Secretary-General by

(a) Releasing funds by postponing work on projects given lower priority by the Commission,

(b) Exploring with the Government of India the possibility of developing a technical assistance project financed from the Special Account to meet part of the additional costs of the proposed expansion of the field investigation noted above; and

(2) That the timing of the studies in India and the selection of the areas to be studied be left to the Secretary-General in consultation with the Government of India.

2. Development of Population Statistics

The Population Commission and the Statistical Commission both gave further consideration to problems of population statistics at their fifth sessions (E/1696, E/1711). The two Commissions had previously paid special attention to the development of international standards relevant to the data to be obtained in censuses of populations to be undertaken in many countries during 1950 and 1951. The additional action taken by the Commissions in this connexion at their fifth sessions included:

(1) the adoption of tentative international standards for the definition and enumeration of categories of status;

(2) the adoption of standard international terminology for various types of classifications relating to economic activities of the population;

(3) the recommendation that the Secretary-General, in collaboration with the International Labour Office, should prepare a preliminary manual on the application of international standard classifications by occupation, industry and status;

(4) the adoption of recommended classifications relating to urban and rural population.

They also considered a report on comments (E/CN.9/47 & Add.1) by Governments on a set of draft recommendations for the improvement of migration statistics, which were presented to the Statistical Commission for comment at its fourth session and subsequently circulated for comment to Governments and interested international agencies. The Commissions requested the Secretary-General to continue work on this problem, calling upon Governments which had not yet done so to submit their comments on the draft recommendations; analysing the difficulties in implementing these recommendations which had been mentioned in some of the comments, with a view to the possibility of adjustments in the recommendations; examining the possibility of improving certain of the recommended classifications and definitions; and studying the possibility

of using sampling methods to obtain migration statistics.²¹³

3. Migration

a. MIGRATION STUDIES

The Economic and Social Council, in resolution 156 A (VII), had laid upon the Population Commission the responsibility for advising the Council on co-ordination of the research on international migration undertaken by the United Nations and the specialized agencies. Accordingly, the Commission, at its fifth session, examined a report on the relevant activities of various agencies (E/CN.9/59), and noted, in particular, the recommendations of the Preliminary Conference on Migration, held at Geneva in April-May 1950, concerning the possibilities of emigration from certain European countries and the relation of such emigration to the economic development of under-developed countries in other parts of the world. The Commission requested the Secretary-General, in collaboration with interested specialized agencies and other bodies, to prepare a summary statement of inter-war and recent migrations affecting various parts of Europe, as well as to analyse emigration potentials in these areas and the possible contribution of emigrants from Europe to the economic and social advancement of the countries of emigration and immigration (E/1711).

During its discussion of the report of the Population Commission, the Social Committee had before it a draft resolution by the United States (E/AC.7/L.29) referring to migration studies and embodying the recommendations of the Commission.

An amendment (E/AC.7/L.30) to the Report of the Commission was proposed by the representative of Brazil, who pointed out that the Preliminary Conference on European Migration, held under the auspices of the International Labour Organisation, had emphasized the urgency of the problem of surplus labour in Europe, and the outstanding contribution that European emigrants could make to the development of under-developed countries. The Preliminary Conference had concluded that the most serious obstacle to a solution of the problem of migration was of a financial character; countries with a labour surplus and those with a labour shortage usually lacked financial resources and technical knowledge adequate to solve the problem by bilateral agree-

ments alone. His delegation therefore thought that the possibilities of international financing of European migration to under-developed areas should be studied by the Secretary-General. Such international financing could be included among the "economic and social overhead projects" mentioned in the report of the Sub-Commission on Economic Development.²¹⁴

Support for the principle of this amendment was given by the representatives of Australia, Chile, and Mexico. The representative of Mexico, however, suggested that the Brazilian amendment to the Commission's report should be incorporated in the draft resolution of the United States referring to migration.

At its 132nd meeting on 10 July 1950, the Social Committee first adopted, by 8 votes to none, with 6 abstentions, the Brazilian amendment (E/AC.7/L.30) to the report of the Population Commission. It was then pointed out by the Chairman that the decision taken by the Committee raised some difficulty as it was not the practice of the Council generally to amend reports submitted to it. The representative of Brazil thereupon agreed to submit a draft resolution to the Council, and the Committee adopted the Mexican oral amendment to the United States draft resolution by 7 votes to 2, with 5 abstentions. The draft resolution, as amended, was adopted by 12 votes to none with 2 abstentions.

At the 389th plenary meeting of the Council, a joint amendment by Brazil, Chile and Mexico (E/L.66) to replace the draft resolution submitted by the Social Committee, was adopted unanimously by the Council (resolution 308 C (XI)). By this resolution, the Council referred not only to the work of the Preliminary Conference on Migration, but also to studies prepared by the Economic Commission for Latin America. The latter, at its third session (E/1717), had recommended the establishment of a working group in the Commission's secretariat to study and advise the Governments of Latin-American States, at their request, on questions of immigration in relation to economic development.²¹⁵

In discussing this resolution, the representative of India raised the question why it referred only to emigration from Europe. He felt it desirable to study also the migration problems of the Middle East and the Far East.

By its resolution, the Council requested the Secretary-General, in consultation with the Di-

²¹³ For action by the Council, see below.

²¹⁴ See pp. 439-40.

²¹⁵ See pp. 505, 507.

rector-General of the International Labour Office and the executive heads of other interested agencies, to press forward not only with the migration studies recommended by the Population Commission, but also with a study of methods of international financing of European emigration.

b. ASSISTANCE TO INDIGENT ALIENS

At its sixth session, held from 3 April to 5 May 1950, the Social Commission considered the report (E/CN.5/191 & Add.1-3) which the Secretary-General had been requested to prepare by Council resolution 43(IV) concerning the Model Convention and recommendations relative to the assistance of indigent aliens, and adopted a resolution recommending that the Secretary-General pursue his inquiries in this field, since sufficient time had not been available to Governments to furnish their observations on the international convention suggested by the Secretary-General for dealing with the problem.

The Social Commission further submitted to the Council, at its eleventh session, a draft resolution recommending to the Governments of Member States "that pending consideration of the possibility of an international Convention, they consider according to indigent aliens the same measures of social assistance as that accorded to their nationals, and refrain from removing them from their territories for the sole reason of indigency".

This aspect of the report of the Social Commission (E/1678) was considered by the Social Committee of the Council at its 125th and 126th meetings on 5 July 1950, and by the Council at its 387th plenary meeting on 13 July 1950.

Support for the draft resolution was expressed in the Social Committee by the representatives of Belgium, France, Mexico, the United Kingdom and the United States. The representative of Denmark, however, said that because of difficulties

resulting from large numbers of refugees pouring into his country in recent years, his Government could not undertake unconditionally to refrain from removing indigent aliens from that territory, although its attitude was a humane one. The representative of Canada said that his Government, in common with that of Denmark, felt that the moment was premature for elaborating a draft convention to protect the rights of aliens. The Government of Canada was sympathetic to consideration of the needs of indigent aliens, but Canadian immigration laws specified certain grounds for removing indigent citizens, and the Government was not prepared to amend existing legislation in that respect. The representatives of France and Belgium, who said that they would support the draft resolution, added that they felt that the conclusion of reciprocal multilateral or bilateral agreements would be preferable to the adoption of the recommendation contained in the draft resolution. The representative of Belgium orally proposed an amendment to the draft resolution which would have the Council recommend to Member Governments that they consider these measures of social assistance to indigent aliens pending consideration of the possibility of an international convention "or model agreement". The draft resolution, as amended, Was adopted by the Committee by 10 votes to none, with 4 abstentions, at its 126th meeting, and by the Council, without discussion, at its 387th meeting on 13 July (resolution 309 B (XI)). It read:

The Economic and Social Council,

Having considered the recommendation of the Social Commission and the Secretary-General's Report on Assistance to Indigent Aliens,

Recommends to Member Governments that, pending consideration of the possibility of an, international convention or model agreement, they consider according to indigent aliens the same measures of social assistance as those accorded to their nationals, and refrain from removing them from their territories for the sole reason of indigency.

Q. INTERNATIONAL CONTROL OF NARCOTIC DRUGS

1. Implementation of International Treaties on Narcotics

a. ANNUAL REPORTS OF GOVERNMENTS

The Commission on Narcotic Drugs at its fifth session from 1 to 15 December 1950 (E/1889) examined the Summary of Annual Reports of Governments for 1948 (E/NR.1948/Summary), and the annual reports for 1949 (E/NR.1949/-

Summary). After a brief discussion, it requested the Secretary-General:

(1) to obtain from the competent authorities of Kuwait, from whom annual reports had never been received, more detailed information on the alleged offer for sale in that territory of seven and one half tons of morphine;

(2) to obtain from the Union of South Africa an account of the work of a commission set up in that country to inquire into the misuse of dagga [Indian hemp];

(3) to obtain particulars from Argentina on the cultivation of the opium poppy as announced in that country's annual report for 1948;

(4) to draw the attention of the Government of Haiti to the need for amending its legislation on narcotic drugs, which dates from 1922, to apply the provisions of international treaties concluded after that year; and

(5) to draw Australia's attention to its export of diacetylmorphine in apparent breach of the provisions of the 1931 Convention.

He was also to draw the provisions of this convention to the attention of Finland, the representative of which had now explained to the Commission that that country's apparent breach of the Convention, as far as a minor export of tablets containing diacetylmorphine was concerned, had been due to an oversight.

b. ILLICIT TRAFFIC

The Commission also discussed the question of the presence of opium, diacetylmorphine and heroin in the illicit traffic and commented on the relationship between the medical use of diacetylmorphine and the presence of this drug on the illicit market in countries which authorized its use. The Commission took particular note of the increasing quantities of hashish and opium seized in Egypt. The Egyptian representative stated that a considerable quantity was being smuggled in from Syria and Lebanon, where 60,000,000 square metres were reported to be under Indian hemp cultivation with an annual production of some 300 tons in each country. The representative of Turkey also mentioned certain data which, he thought, indicated that opium was being produced in large quantities in Syria. The Commission, therefore, asked the Secretary-General to obtain information immediately from Syria concerning the export of opium and from Syria and Lebanon with regard to the cultivation of Indian hemp and the production of hashish in their countries.

There was some discussion about the increase in illicit traffic in narcotics on ships, due to smuggling by merchant vessel personnel. The representative of the United States presented a resolution in which the Council would request the Secretary-General to compile a list of merchant vessel personnel who had been convicted, during the period 1946-50, of crimes involving the smuggling of narcotics. This list would then be sent to all States with recommendations, *inter alia*, that they revoke licences of those persons on the list, or refuse to issue new ones, that they ask the maritime unions in their territories to take steps to bar such officers and seamen permanently, and that they urge all steamship companies in

their territories, engaged in international commerce, not to employ such seamen.

However, the representatives of Canada, China, France, Mexico, the Netherlands and the United Kingdom, while expressing agreement with the general intention of the resolution, pointed out that the penalties applicable to seamen were prescribed in national legislation, which, in many instances, left it to the discretion of the appropriate authorities to decide whether or not loss of licence should follow conviction. The Commission decided to include the United States draft resolution in its report and to request the Secretary-General to ask Governments for their comments on the possibilities of giving effect to it.

The Commission further expressed its appreciation of the offer of co-operation extended by the International Criminal Police Commission (ICPC).

c. INVITATION TO THE UNITED STATES OF INDONESIA TO BECOME A PARTY TO THE PROTOCOL OF 19 NOVEMBER 1948 RELATING TO NARCOTIC DRUGS

At its eleventh session, the Economic and Social Council at its 377th plenary meeting on 4 July 1950 considered the question of inviting Indonesia to become a party to the Protocol of 19 November 1948, bringing under international control drugs outside the scope of the Convention of 13 July 1931, as amended by the Protocol of 11 December 1946.

Article 5 of the Protocol provides that it "shall be open for signature or acceptance on behalf . . . of any non-member States [of the United Nations] to which an invitation has been addressed by the Economic and Social Council".

The Secretary-General pointed out (E/1689) that Indonesia had become a sovereign State after 8 October 1948, the date on which the General Assembly had invited all non-member States to sign or accept the Protocol. Indonesia had therefore not been included in the invitation. To enable it to become a Party to the Protocol, it would be necessary for the Council to issue an invitation in that sense.

The Council on 4 July unanimously adopted resolution 317(XI), inviting Indonesia to become a Party to the Protocol at an early date.²¹⁶

²¹⁶ Indonesia, which had been admitted to the United Nations as a Member State on 28 Sept. 1950, accepted the Protocol as a Member State in Feb. 1951.

2. Draft Single Convention on Narcotic Drugs

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS ELEVENTH SESSION

During its eleventh session the Council at its 377th plenary meeting on 4 July 1950 had before it a draft resolution submitted by the Secretary-General (E/1673) on the procedure to be followed with regard to the transmission to Governments, for comment, of the draft single convention on narcotic drugs. In view of the postponement of the fifth session of the Commission on Narcotic Drugs,²¹⁷ such transmission would be delayed if the usual procedure of submitting the draft text to the Council after it had been examined by the Commission and before it was sent to Governments were to be followed. The Secretary-General, therefore, proposed that the Council should authorize the Commission on Narcotic Drugs, if it should so desire, to request him to transmit the draft instrument to Governments for their comments after the Commission, at its fifth session, had examined the draft and had made such amendments as it saw fit.

The Council unanimously adopted the proposal (315(XI)) with the understanding that the draft single convention would eventually be submitted to the Council before being submitted to the General Assembly.

b. CONSIDERATION IN THE COMMISSION ON NARCOTIC DRUGS (FIFTH SESSION)

The Commission had before it a draft (E/CN.7/AC.3/3 & Corr.1) of a single convention to replace the eight existing instruments on narcotic drugs and to contain provisions for limiting the production of raw materials. The draft had been prepared by the Secretary-General, in accordance with the Commission's request, at its fourth session,²¹⁸ and was accompanied by a detailed commentary (E/CN.7/AC.3/4/Rev.1) on the provisions of the draft. The discussion was primarily an exchange of views, since it had been decided that there would not be time to reach conclusions on the many complex issues which the new proposals involved. The Commission felt, therefore, that it would be premature at the present stage to send the draft to Governments for their observations. It considered, however, that it would be advantageous to formulate the views of the Governments represented on the Commission and to make them available to its sixth session in order that these observations and

any discussion undertaken by the Commission in the light of them might be available to the Secretary-General in preparing revised drafts. The Commission at its seventh session, early in 1952, would then make a detailed study of the draft single convention.

The following were among the observations made by the Commission regarding the general principles of the draft instrument.

There was general agreement that the control of narcotics should, in principle, be carried out by national organs, although under supervision of international organs, and that, in general, indirect international administration was preferable to direct international administration. It was also agreed that direct international administration should not be excluded whenever its disadvantages were outweighed by greater effectiveness of international control of narcotic drugs. Some members, however, expressed the fear that the draft deviated in some respects unnecessarily from the principle of indirect international administration and that this might result in a considerable weakening of existing domestic control.

One member expressed the opinion that a rigid limitation of the use of drugs under control to medical and scientific needs exclusively did not sufficiently take into consideration long-established customs and traditions which persisted, in particular, in territories of the Middle and Far East and which it was impossible to abolish by a simple decree of prohibition. More elastic provisions should be adopted under which special measures, in keeping with the varying circumstances of the territories in question, could be taken for the abolition of the non-medical use of drugs in this part of the world.

Some members of the Commission held that the Single Convention placed too much emphasis on the control of the legitimate trade in narcotic drugs while not dealing very satisfactorily with the illicit traffic. For example, there was no provision for establishing international inspection. Close liaison, it was suggested, should be arrived at between national bodies concerned with the repression of the illicit traffic, as well as effective co-ordination on the international level.

Some members expressed the fear that the draft showed a tendency to grant excessive discretion-

²¹⁷ The date of the Commission's 5th session as indicated in the revised calendar of conferences for 1950 (E/1569/Rev.1), was moved forward to Aug. 1950. At the 11th session, the Council in resol. 316(XI) agreed to a further postponement to Dec. 1950.

²¹⁸ See Y.U.N., 1948-49, pp. 642-43.

ary powers to international organs and that a heavy and complicated control machinery would be established which would prove too expensive. They thought it might be preferable to define more precisely in the convention itself the powers of the international control organs.

Several members held that some provisions of the draft were too complicated and were adopted for theoretical considerations rather than for practical reasons and that they would even impede medical research.

Attention was called to the fact that the control of synthetic drugs showed several aspects which were different from those involved in the control of other narcotics and that it might be desirable to provide for a specific régime applying to synthetic drugs. Some apprehension was also expressed that the draft paid too little attention to the problems of composite States of varying constitutional structures.

Observations were also made on specific provisions of the draft Single Convention, i.e. on the international control organs provided for; the organization of national control organs; production of raw materials, manufacture and trade in drugs; penal provisions and cure of the drug habit; and general provisions, including the so-called "Colonial Clause", and reservations. Comments were also expressed regarding terminology and drafting.

In conclusion, the Commission recommended (E/1889) that the Council approve its plans for the further study and elaboration of the single convention and reaffirm its authorization that the draft instrument might be sent to Governments for comment, after the Commission had made such amendments as it had seen fit.

3. Interim Agreement to Limit the Production of Opium to Medical and Scientific Needs

The Commission on Narcotic Drugs at its fifth session had before it the report of its Ad Hoc Committee of the Principal Opium-Producing Countries (E/CN.7/188), which had met in Ankara in 1949, the report (E/CN.7/200) of the Meeting of Representatives of the Principal Drug-Manufacturing Countries held in Geneva from 7 to 15 August 1950, and the reports (E/CN.7/201 & 204) of the Joint Committee of the Principal Opium-Producing Countries and of the Principal Drug-Manufacturing Countries.

The Ad Hoc Committee,²¹⁹ among other things, had agreed to the limitation of the production of

opium to medical and scientific needs, to the shares of the world opium output which the opium-producing countries would severally produce each year under the proposed Interim Agreement and to the re-organization of the existing opium trade as an international monopoly. The Committee had further proposed a number of draft provisions for the Interim Agreement which the Secretary-General used as a basis for the first draft of this instrument (E/CN.7/199), which was presented to the Meeting of Representatives of the Drug-Manufacturing Countries. This Meeting (E/CN.7/200) accepted in principle the decisions taken at Ankara and emphasized matters of paramount interest to the drug-manufacturing countries, for which provisions should be made in the Interim Agreement.

The Joint Committee of the Principal Opium-Producing Countries and of the Principal Drug-Manufacturing Countries held its first session at Geneva in August and its second session at New York in November 1950.

At the first part of its first session (E/CN.7/201) it reviewed the work done up to August 1950 and made a number of provisional decisions on several aspects of the Interim Agreement. It particularly stressed that some form of international inspection would be essential to ensure the proper functioning and successful operation of the International Opium Monopoly under the Interim Agreement. Due to lack of time, the Joint Committee, at its first session, was unable to give full consideration to all aspects of the draft Interim Agreement. It also was unable to reach agreement on certain questions, including that of the basic price at which the International Opium Monopoly should conduct its opium transactions. It therefore continued its session in November 1950.

At the second part (E/CN.7/204) of its first session, the Committee, however, was again unable to agree on: opium prices; the precise form that international inspection of the opium trade should take under the International Monopoly; the problem of the competition which would be met by drug-manufacturing countries from exports of opium alkaloids by countries producing opium under the Interim Agreement; and the measures required to meet competition from exports of alkaloids made from poppy straw.

The Committee, therefore, gave some consideration to a proposal by the Secretary-General

²¹⁹ For further details of the report, see Y.U.N., 1948-49, p. 644.

(E/CN.7/214) which would provide for a protocol to be signed simultaneously with the Interim Agreement to bring into immediate operation such provisions of the Agreement as might be possible, pending the ratification of the latter instrument and the solution of the other outstanding problems raised by its provisions. The general opinion of the Joint Committee was, however, that the protocol would require ratification and it was therefore doubtful whether it could be brought into operation within a sufficiently short space of time to enable its primary purpose to be achieved.

The Commission at its fifth session noted (E/1889) that up to the present stage of its development only the principal opium-producing countries and the principal drug-manufacturing countries had had an opportunity to discuss the draft of the Interim Agreement, and to bring such changes to the text as they had considered necessary. It therefore decided, in addition to examining the text of the Agreement in some detail, to obtain some expression of the views of countries not in either of these categories on the proposed treaty instrument.

Among the observations made on behalf of those countries, the view was expressed that their interests did not seem to have been adequately safeguarded; the costs of running the opium trade as an international monopoly would, it appeared, have ultimately to be borne by the actual consumers of drugs made from opium, and fears were expressed that in time of international emergency the rigidity of such a system might militate against consumers obtaining their drug requirement. It was also stated that the obligation to buy opium alkaloids from parties to the Interim Agreement might discourage certain countries from acceding to the Agreement, because they would wish to reserve the right to buy alkaloids from other countries at lower prices, and for similar reasons, they might not be prepared to accept any proposal to prohibit or limit the export of alkaloids by opium-producing countries.

In reply it was, however, stated that the principal drug-manufacturing countries were themselves the principal consumers of opiates, having consumed in 1948, for example about two thirds of the total quantity of morphine manufactured and three quarters of all the codeine. Thus, it was reasonable to assume that the interests of consumers generally would be assured. It was also pointed out that the dangers of an opium shortage in any particular area of the world in an international emergency were much less likely under the International Monopoly than if the opium trade

remained unchanged, since the International Monopoly as an organ set up under the auspices of the United Nations would have the duty of ensuring to all States adequate supplies of opium for their medical and scientific requirements. The cost of operating the International Monopoly would clearly have ultimately to be distributed on a fair basis among all users of drugs made from opium. As the representative of the Secretary-General pointed out, it would be a small premium to pay for a reduction in the illicit traffic with which the Commission had been so deeply pre-occupied during its fifth session. It was mentioned, however, that the Interim Agreement would not affect illicit traffic from those opium-producing countries which remained outside it.

The Commission (E/1889) informed the Economic and Social Council that it wished, during its sixth session, to solve the problems still requiring solution before the elaboration of the proposed Interim Agreement could be completed. It therefore expressed its desire to meet for two months in the spring of 1951 at Geneva to facilitate the attendance of experts from European and Near Eastern countries.

Since Belgium, Italy and Switzerland were among the principal drug-manufacturing countries, the Commission also decided to invite them to send observers to the sixth session, which would be devoted to consideration of the proposed Interim Agreement to limit the production of opium to medical and scientific needs.

The Commission considered briefly the proposal of its Joint Committee for the establishment of an International Monopoly of Alkaloids and asked the Secretary-General to obtain from Governments represented on the Commission their views on this subject.

In connexion with the establishment of the International Monopoly, the Commission agreed with the Joint Committee that it would be desirable to establish an internationally accepted method for assaying opium, and for standardizing the packing, sampling and weighing of that substance. The Commission endorsed the Joint Committee's recommendation that one or more expert committees should subsequently be set up to study the question.

4. Abolition of Opium Smoking in the Far East

During the debate at its fifth session the Commission on Narcotic Drugs was informed of the measures taken by the French authorities in Indo-

china to close the clinics for the cure of drug addicts, to discontinue the registration of addicts and to reduce the quantity of opium allowed to each new addict. The proportion of smokers to the whole population was about 1 : 1,000, and care was being taken to prevent young people from becoming addicts.

The Commission was further informed of the efforts being made in British territories in the Far East to abolish opium smoking, which was already prohibited.

At the request of the representative of the United States, the Commission decided to ask the Secretary-General to communicate with the Republic of Indonesia to ascertain how the opium dens in that country obtained their supplies of opium since there was no longer any official source of supply.

5. Methods of Determining the Origin of Opium by Chemical and Physical Means

The Commission at its fifth session heard a report by the Secretariat on the generally satisfactory progress of the programme of research into the methods of determining the origin of opium by chemical and physical means undertaken pursuant to Economic and Social Council resolution 246 F (IX). International collaboration in the laboratory research had started early in 1950 but had developed slowly because the number of opium samples which had thus far been furnished to the Opium Distribution Centre by Governments was insufficient to enable a wide distribution to be made; and it was accordingly expected that about two years would be required before the results of the research could be finally evaluated. The Secretariat, it was stated, hoped soon to be in a position to publish a new method for determining the morphine content of opium.

The Commission debated the desirability and possibility of extending the scope of the research to include studies on methods of determining the origin of opium by physiological means and by such other scientific means as might seem desirable.

However, since this would entail additional expenditure, it was decided not to attempt any broadening of the scope of the research for the time being, especially in view of the fact that the current programme had not been completed. It was generally agreed that the Secretariat should, within the terms of reference provided by the Council's resolution, be able to continue its re-

search into methods for determining the morphine and codeine content of opium, irrespective of the use of such methods for establishing the geographical origin of opium seized in the illicit traffic. The necessary authority for this, the Commission considered, would be given if the Council approved its decision to study the commercial assay of opium (see above).

The Commission decided (E/1889) to request the Secretary-General to continue research on methods for determining the morphine and codeine content of opium within the scope of Economic and Social Council resolution 246 F (IX), and to explore the possibilities of research into the methods of determining the origin of opium by scientific means other than those referred to in that resolution.

6. Drug Addiction

Among other aspects of drug addiction, the Commission at its fifth session discussed addiction to heroin and the consequent desirability of prohibiting its use even for medical purposes, and noted that the division of opinion on this question, which had been brought to its attention in previous years, still remained. The representatives of France and the Netherlands restated the view that the prohibition of the medical use of heroin would deprive sufferers from certain diseases of an irreplaceable medicament without suppressing the sources from which addicts to the drug drew their supplies. The representatives of Mexico, Peru, Turkey, the USSR and the United States re-emphasized the opposite point of view, that heroin could well be replaced for all medical uses by other less dangerous drugs, the USSR representative suggesting the use of dicodide, dilaudide, eucodal, methadon and pethidine as possible substitutes.

The Commission noted with appreciation the work done on drug addiction at its request by the Expert Committee of the World Health Organization on Drugs Liable to Produce Addiction. It debated, in particular, the definitions of addiction-producing drugs and of habit-forming drugs which the Expert Committee of WHO had elaborated. The representatives of France and the USSR considered that it would be more satisfactory to have one definition only, in view of the fact that the characteristics of habit-forming drugs were covered by the definition of addiction-producing drugs. The representatives of Canada and the United States, however, considered that there

would be an advantage in keeping the two definitions, in view of the fact that the two classes of drugs produced different types of withdrawal symptoms. The United Kingdom representative drew attention to the fact that the definitions really left the question whether a substance fell into either category to be determined by the view of society at a given time as to the detrimental effect upon the individual and upon society of its habitual use.

The Commission decided that the problem should be studied further.

7. Question of the Exemption of "Ipécopan" from the Provisions of the International Convention on Narcotic Drugs

Article 8 of the Convention on Narcotic Drugs, of 19 February 1925, as amended by the Protocol of 11 December 1946, provides that the Convention will not apply to any preparation which the World Health Organization (WHO) finds cannot give rise to the drug habit because of the medicaments with which it is compounded and which, in practice, preclude the recovery of the drug.

In June 1949 the Swiss Government requested that the product known as "ipécopan" be exempted from international control under this provision. This request was referred to WHO for its advice and report. The Executive Board of WHO, at its fifth session from 16 January to 2 February 1950, approved the recommendation of its Expert Committee on Drugs Liable to Produce Addiction to the effect that exemption should not be granted in respect of "ipécopan" (E/1632/Rev.2). The Council at its 372nd plenary meeting on 3 March 1950 authorized the Secretary-General to transmit WHO's decision to the Swiss Government.

8. Question of the Use of Morpholyethylmorphine

During the Commission's examination of a report of the WHO Expert Committee, the representative of France questioned the findings of the Committee on morpholyethylmorphine. The French Government had proposed that the substance should be subject to the control applicable to the drugs mentioned in article 1, Group II, of the 1931 Convention, as amended by the 1946 Protocol. The Expert Committee, on the other

hand, had decided that there was insufficient evidence on the addiction-producing properties of this substance, though it was probable that it was convertible to morphine. In any case, they concluded, as an ether of morphine it belonged by definition in Sub-group (b) of Group I, for which the Convention requires a more strict control.

The French representative therefore asked that a committee of three experts be appointed to reconsider the matter.

After a brief discussion the representative of the United Kingdom proposed that the question should be referred back to WHO for consideration in the light of fresh information which the French authorities would now be in a position to make available. Since this was acceptable to the representative of France, the Commission (E/-1889) adopted this proposal.

9. Offer for Sale in China of Five Hundred Tons of Opium

The Commission at its fifth session considered the offer for sale of five hundred tons of opium which had been made in December 1950 to a British firm in Hong Kong and which had been reported to the Secretary-General by the United Kingdom (E/CN.7/211).

That this large amount of opium, equal to the world requirements of the substance for medical and scientific needs for more than a year, should suddenly be offered on the market from a country in which the production of opium had been prohibited since 1934 and at a time when the Commission was actively engaged on work to limit the production of opium, was an occurrence that the Commission viewed with concern. It accordingly discussed at some length what action could appropriately be taken in the matter, but was hampered in reaching conclusions by a lack of precise and complete information on the origin of the opium in question and on its present whereabouts. The representative of the United Kingdom had no further information. The representative of the United States informed the Commission that some three hundred tons had been offered in his country as barter in exchange for cotton. He had also had reports that one hundred and thirty tons had recently been reported at Tientsin and that a further quantity was at Peking.

The Commission proposed that the Council request the organs entrusted with the control of narcotic substances to ascertain the origin of this opium, what stocks of opium existed in China,

and whether the production and export of opium were still prohibited there.

10. Report of the United Nations Commission of Enquiry on the Coca Leaf

The Commission at its fifth session had before it the Report to the Council of the Commission of Enquiry (E/1666) which had visited Bolivia and Peru towards the end of 1949²³⁰ to investigate the effects of the chewing of the coca leaf on the inhabitants of the High Andes. The report consisted of two main parts, one dealing with medical considerations and the other with economic and social considerations. The Commission concluded that coca-leaf chewing was a dangerous habit and that since the habit is the consequence of a number of unfavourable social and economic factors, the solution of the problem involved two fundamental and parallel aspects: the need for improving the living conditions of the population among which chewing is a general habit, and the need for initiating simultaneously a governmental policy to limit the production of the coca leaf, to control its distribution, and eradicate the practice of chewing it. The Commission of Enquiry made detailed recommendations in regard to these two aspects in its report. The Commission on Narcotic Drugs (E/1889) recorded its appreciation of this report and of the co-operation given to the Commission of Enquiry by the Governments of Bolivia and Peru.

At the Commission's invitation a representative of the Government of Bolivia attended the discussion of the report. The representatives of Bolivia and Peru expressed dissatisfaction with the medical part of the report of the Commission of Enquiry on the ground that this Commission had not itself undertaken an expert scientific investigation of the medical and physiological factors involved, and that the findings upon which its conclusions and recommendations were based were not accepted by certain medical and scientific authorities in these countries who have given the question special study. The Commission on Narcotic Drugs decided (E/1889) to request the Commission of Enquiry to forward its observations on the opinions expressed by the representatives of Bolivia and Peru to the Secretary-General by 1 March 1951 for transmission to the Council. It recommended to the Council that the report and the observations of the Commission of Enquiry should be forwarded to the Governments of Bolivia and Peru with a request that they send

their observations to the Secretary-General before 15 September 1951; it proposed that the Commission on Narcotic Drugs should examine the question further at its seventh session, taking all available information into consideration, with a view to submitting recommendations to the Council as soon as possible thereafter.

11. Report of the Permanent Central Opium Board

a. CONSIDERATION IN THE ECONOMIC AND SOCIAL COUNCIL AT ITS TENTH SESSION

At its tenth session in February-March 1950, the Council examined the report of the Permanent Central Opium Board (E/OB/5 & Add.) at the 124th meeting of its Social Committee on 28 February and at its 368th plenary meeting on 1 March 1950. The report covered the Board's work in 1949 and included statistical tables covering 1936 and 1946-1948. Apart from routine questions relating to administration and the present state of the control the report contained a section on the responsibilities of exporting countries in preventing exports in excess of estimates of importing countries, a section on synthetic narcotic drugs, and sections on diacetylmorphine and the trend in the movement of narcotic drugs during 1948.

The Board concluded that a perfect control of narcotics ought to begin even before their production, so that production might be adjusted to effective lawful requirements, which are well known. The current volume of production of certain manufactured drugs, synthetic or non-synthetic, and the prevailing uncertainty as to the volume of the production and utilization of opium, coca leaf and Indian hemp made it more necessary than ever, the Board stated, that an extremely strict control over the distribution and use of these drugs should be exercised in all countries and territories in order to avoid improper consumption and increased addiction. The Board expressed particular concern that a synthetic narcotic such as demerol was being manufactured in amounts almost equal to those of morphine produced for use as such (i.e. not used for conversion), and did not yet fall under the Convention of 1931. The Board was of the opinion that the only way to fill one of the most serious gaps which still existed in the international control of narcotics was to bring the Protocol of 19 November

²³⁰ See Y.U.N., 1948-49, pp. 646-48.

1948 into force, and it therefore urged Governments which had not done so to ratify it.²²¹

In its report the Board had drawn the attention of the Council to the fact that the Government of Iran, although a party to the 1931 Convention, had not replied to the Board's communications.

The representative of Iran stated that his Government, although not a signatory to the Convention of 19 February 1925 relating to narcotic drugs, had taken appropriate measures to prevent the illicit traffic in opium and wished to co-operate fully with the Board. Among other things, the Board had referred to the "presence of Iranian opium in the illicit traffic in many parts of the world" and to "exports to countries which had prohibited import" of the drug. The Iranian representative stated that specific instances had not been quoted and the references were somewhat vague. He pointed out that it had been impossible for Iran, during its four-year occupation by foreign Powers, to take effective measures against smuggling in both directions. To strengthen control the Iranian Government had since decided to issue export permits only when the importer had secured appropriate import certificates. Furthermore, the Government was prepared to make inquiries whenever cases of smuggling were discovered, but it had requested that such charges should be accompanied by supporting evidence. Some of the delay in submitting statistics had also been due to the difficulties which had arisen following the four-year occupation, but the administrative machinery was again functioning effectively. Another reason for delay had been the Government's confusion in assuming that the annual reports containing statistics prepared for the Secretary-General might also serve the needs of the Board. However, both quarterly and annual reports for the period 1947/48 had now been sent to the Board and his Government would gladly supply additional data should this be necessary.

The representative of India congratulated the Board. While agreeing with its recommendations for a "perfect control of narcotics", he pointed out that it should be remembered that, despite good will and determination, such control was sometimes difficult to put into effect.

In addition he stressed the importance of the question of assessing those parties to the 1925 Convention which were not Members of the United Nations for a share of the Board's expenses.

The Social Committee (E/1638) and, on its recommendation, the Council at its 368th plenary

meeting on 1 March 1950 in resolution 282(X) took note of the Board's report.

b. CONSIDERATION IN THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

The General Assembly, at the 258th meeting of its Fifth Committee on 31 October and at its 305th plenary meeting on 16 November 1950, considered the question of assessment of non-members of the United Nations which had signed the Convention of 19 February 1925 relating to Narcotic Drugs. Pursuant to General Assembly resolution 353(IV),²²² the Secretary-General had submitted a report (A/1418) embodying the results of a comprehensive study of this question. Attention had been given to the total expenses incurred in connexion with the international administration of the control of narcotic drugs and of such other functions or powers, the responsibility for which is shared by non-members of the United Nations under existing treaties. In addition to the Secretary-General's report, the Fifth Committee had before it the observations of the Advisory Committee on Administrative and Budgetary Questions (A/1461) on the report.

In the case of international administration in the field of narcotic drugs the Secretary-General had expressed the view that, in addition to direct meeting and secretariat costs of the Permanent Central Opium Board, certain other costs enumerated in his report (such as meetings of the Commission, the Board and Supervisory Body, and certain salary, service and printing costs) might reasonably be deemed to comprise assessable expenditure towards which non-member States might be asked to contribute. The Advisory Committee had concurred in this recommendation, as well as in the Secretary-General's provisional recommendation that the United Nations should include in its calculations similar expenses incurred by the World Health Organization, on the understanding that, should these proposals be approved, the United Nations would turn over to WHO its share of such collections.

With regard to the scale of assessment to be applied to non-members of the United Nations, the Advisory Committee expressed the opinion that the first of the alternative methods proposed by the Secretary-General would be an equitable one, namely, that the General Assembly, on the recommendation of the Committee on Contribu-

²²¹The Protocol came into force on 1 Dec. 1949.

²²²See Y.U.N. 1948-49, p. 649.

tions, should establish the percentage contribution to be paid—this assessment being based on the same principles as those which are being used for the assessment of Member States in apportioning the expenses of the United Nations (i.e. the method presently used in assessing contributions of non-Member States to the expenses of the International Court of Justice). The Secretary-General had given the assurance that, when seeking payment of contributions from non-member States, he would be guided by the resolutions of the General Assembly regulating the relationships with those States.

The Fifth Committee approved (A/1497), without discussion, the Advisory Committee's recommendation that the draft resolution submitted by the Secretary-General should be adopted.

The General Assembly at its 305th plenary meeting on 16 November 1950, without discus-

sion, unanimously adopted resolution 455(V) as recommended by the Fifth Committee, as follows:

The General Assembly,

Taking note of the report of the Secretary-General to the fifth session of the General Assembly on the question of the assessment of signatories of international instruments relating to the control of narcotic drugs, which are non-members of the United Nations, for their fair share of expenses resulting from obligations placed on the United Nations by those instruments,

1. Approves the principle proposed by the Secretary-General for determining the expenses to be considered as assessable on such non-members;

2. Requests the Committee on Contributions to determine the rates at which such non-members should be assessed by the same method as that followed in determining the assessment of non-members which are parties to the Statute of the International Court of Justice for their share of the expenses of the Court;

3. Directs the Secretary-General to seek payment of such amounts as are determined by the method established above in respect of the 1950 expenses and those of future years.

R. CULTURAL ACTIVITIES

1. Teaching about the United Nations in the Schools of Member States

The Economic and Social Council, at its seventh and eighth sessions, had examined reports on the teaching about the United Nations prepared in response to General Assembly resolution 137(II). At its eleventh session, in July-August 1950, it had before it a report (E/1667), submitted jointly by the Secretary-General of the United Nations and the Director-General of UNESCO, as requested by Council resolution 203(VIII), on the progress achieved in teaching about the United Nations in the educational institutions of Member States.

The joint report stated that in response to this request the United Nations and UNESCO had attempted to find out what was being taught about the United Nations, what had been the main obstacles and difficulties and how they were being overcome. Although the report was based largely on information received from 19 Member States in 1949, the information included in the earlier reports to the Council had also been used. Altogether, reports from 37 Member States had been analysed. The report noted that about half of these Member States had merely stated that they did include teaching about the United Nations in the curricula of their educational institutions. In many cases it had been very difficult for States

to compile the data because of a decentralized system of education. Twenty-two Member States had never submitted any information on the subject.

The report dealt chiefly with teaching about the purposes and principles, structure and activities of the United Nations in schools, universities and adult education groups. Special attention was also given to information on teaching about the United Nations in Trust and Non-Self-Governing Territories. One section, based on reports of non-governmental organizations, gave an account of the important part the organizations had played in such teaching, and another outlined the work that the United Nations and UNESCO had been doing to encourage this teaching.

Among other things, the report stated, teaching could not be isolated from the whole question of education for international understanding. UNESCO and the United Nations regarded teaching about the United Nations as a means both of developing a world outlook and as a means of creating the public support for the work of the United Nations and the specialized agencies which was essential to their success. The report concluded that the over-all picture was not too discouraging in view of the recent establishment of the United Nations, the slowness with which educational changes take place and the preoccupation of many educators with other problems, such as

providing minimum education for all in the under-developed countries. However, the position was not entirely satisfactory in any country. One of the greatest obstacles to teaching about the United Nations at all levels was the shortage of materials, particularly in countries where the language was not one of the official languages of the Organization.

Finally, the following recommendations were suggested for improving teaching about the United Nations.

(1) In primary and elementary schools increased attention should be given to the development of skills favourable to international understanding and some direct teaching on the United Nations and the specialized agencies should be included.

(2) In secondary schools full use should be made of all subjects in the curriculum and of special activities and current events lessons to give pupils an understanding of the work of the United Nations. Some systematic teaching about the United Nations system as a whole should be given in either special courses or in appropriate school subjects.

(3) United Nations Day and Human Rights Day should be observed in schools of all types.

(4) University authorities and student organizations in each country should be consulted on how to expand teaching about the United Nations at the university level.

(5) Greater attention should be given to training prospective teachers and full use made of national, regional and international seminars to assist teachers.

(6) Non-governmental organizations should be encouraged to continue to spread information about the work of the United Nations and particular consideration given to holding courses for leaders in adult and youth organizations on education for international understanding.

(7) Serious efforts should be made by national authorities to provide more teaching materials for educational institutions, and to make wider use of the United Nations Bulletin and the UNESCO Courier.

(8) Ministries of Education should establish the necessary machinery to give official encouragement and to assist in the distribution—and where necessary the translation—of material on the United Nations.

(9) Fullest use should be made of the services of the United Nations and UNESCO.

(10) Reports on progress achieved should be submitted at two-year intervals and fuller reports prepared every four years.

The Council discussed the question at its 397th plenary meeting on 24 July 1950. The majority of members commended the report and supported its conclusions and suggestions.

The representatives of Australia, France and the United States pointed out that the crux of the problem at the present time did not lie with the young but with the adult. The effectiveness of the United Nations depended on the extent to which Governments were prepared to accept their responsibilities which in turn depended on the

support of their people. One big obstacle, several representatives stated, was the pessimism which had resulted from the failure of the League of Nations and the current disagreements among United Nations Members.

The representatives of Chile, France and the United States urged greater propaganda efforts to explain the aims and principles of the United Nations. The United Nations machinery which had been set up to implement these aims should, the United States representative stressed, also be publicized so that the principles of the Charter might seem more real. These representatives held that greater emphasis should be placed on the use of the Press, radio, cinema and television in spreading information. The need for up-to-date information to enable current United Nations activities to be defended when criticized was pointed out by the representative of France.

The representatives of Canada, Pakistan and the United Kingdom agreed with these points, but stressed that the United Nations should not be advertised along commercial lines which would lead to false emotional associations and hopes. The Organization's possibilities and achievements should not be exaggerated and information should be restrained and realistic.

The Council unanimously adopted a joint United States-France resolution (E/L.75), as amended by Mexico (E/L.78) and India. Resolution 314 (XI) read:

The Economic and Social Council,

Noting with satisfaction the report on "Teaching about the United Nations and the Specialized Agencies" submitted, in accordance with resolution 203(VIII) of the Economic and Social Council, jointly by the Secretary-General of the United Nations and the Director-General of the United Nations Educational, Scientific and Cultural Organization, and particularly the conclusions set forth in chapter IV,

Considering that teaching about the United Nations, including the specialized agencies, in order to promote understanding among all the peoples of the world concerning the purposes, and principles and activities of the United Nations, should be undertaken in schools as well as in adult education programmes in all countries and territories,

Recognizing that the attainment of these ends requires continuous effort on the part of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the other specialized agencies, the Member States, and interested non-governmental organizations,

Requests the Secretary-General, in collaboration with the United Nations Educational, Scientific and Cultural Organization:

(a) To continue the preparation of basic materials on the United Nations and to encourage educational and public information authorities of Member States,

particularly those whose native tongues are not the official languages of the United Nations, to adapt and publish these materials in the light of their particular needs;

(b) To continue to make available through Information Centres to all interested persons and to Press, radio and film services, information about the United Nations; and

(c) To study ways for increasing public awareness and understanding of United Nations policies, problems and activities;

Invites the United Nations Educational, Scientific and Cultural Organization, in consultation with the United Nations:

(a) To continue the production for use by teachers, and by adult education groups, of teaching aids on the United Nations;

(b) To evaluate, in collaboration with the educational authorities of the Member States, various methods for teaching about and stimulating interest in the United Nations;

(c) To encourage and facilitate teaching about the Universal Declaration of Human Rights in schools and adult education programmes and through the Press, radio and film services; and

(d) To continue to grant a limited number of fellowships to enable educators to study, both at the headquarters of the United Nations and of the specialized agencies, and in educational institutions, the practical problems of teaching about the United Nations;

Requests the other specialized agencies to co-operate with the United Nations and the United Nations Educational, Scientific and Cultural Organization in this programme;

Invites interested non-governmental organizations to continue their valuable co-operation in these activities;

Requests the Member States actively to encourage the dissemination of information about the purposes and principles and the structure and activities of the United Nations through all appropriate media, and to report to the Secretary-General every two years on the progress made toward achieving the ends set forth in this resolution; and

Invites the Trusteeship Council to consider this resolution in order to ensure its implementation in the Trust Territories.

2. United Nations Research Laboratories

The question of establishing international research laboratories under the auspices of the United Nations or the specialized agencies had been considered by the Economic and Social Council at its third and seventh sessions. At the third session, the Council had expressed the view that a certain number of research activities could only be carried out in a rational manner on an international scale, and had invited the Secretary-General to undertake extensive consultations on the problem (22(III)). At its seventh session, the Council had noted his report and affirmed its interest in furthering the development of research and discovery in all sciences. In view of the large

number, variety and importance of suggestions made in the report, the Council had decided that study of the question ought to be actively pursued. It, therefore, had recommended that a committee of experts in the basic sciences should consider the question of priorities. The Committee was also asked to examine the advisability of convening an international conference of scientists (160(VII)).

The Committee of Scientific Experts on International Research Laboratories met in Paris from 16 to 24 August 1949 (E/1694 & Add.1). In considering the question of priorities the Committee used as a basis for its decisions the following criteria: (1) the importance of the work to humanity; (2) its appropriateness for research on an international level; (3) existing resources available for proceeding with the project; and (4) cost. The Committee recommended that the highest priority should be given to the establishment of an international computation centre, an international institute of research on the brain and an international institute of social sciences. While the Committee was of the opinion that there were compelling reasons for beginning with these projects, it urged that funds should be made available as soon as possible to start on four other projects: an international laboratory for arid-zone research; an international astronomical laboratory; an international institute for the chemistry of living matter and an international meteorological institute.

Finally, the Committee proposed that a widely representative conference of scientists should be held in 1951 or 1952 for the purpose of examining other proposed projects and of providing the Council with an exhaustive study on the important question of international action in the field of scientific research.²²³

The Committee's report and the second report of the Secretary-General (E/1669/Rev.1) were examined by the Council at its eleventh session at its 410th and 411th plenary meetings on 14 August 1950.

The Secretary-General's report contained substantive excerpts from communications from Governments and national institutions, specialized agencies and international scientific organizations on the question of establishing such laboratories. The Secretary-General noted that by 30 April 1950, 25 Member Governments, three non-member Governments, eleven specialized agencies and

²²³ For a more detailed description of the Committee's proposals, see Y.U.N., 1948-49, pp. 664-65.

three international scientific unions had entered into correspondence with him on the subject. All communications, with the exception of one from Canada and one from Pakistan, which had been received too late, had been submitted to the Committee of Experts.

During the Council's discussions, a number of representatives, among them those of Australia, Canada, the United Kingdom and the United States, were of the opinion that the need for the establishment of international research laboratories at this time had not been proved; therefore, they doubted the feasibility and desirability of setting up these laboratories. For one thing, there were not sufficient funds available to carry out a far-reaching programme. The representatives of Canada and the United Kingdom held, in addition, that it would be wiser to strengthen research on a national level, placing the emphasis on greater collaboration.

The representative of Canada thought that one of the best ways of carrying out research would be through the technical assistance programmes of the United Nations. However, the representatives of the United States and India pointed out that it had already been established at the Council's tenth session that as a general rule technical assistance funds should not be used for the promotion of scientific research *per se*.

Those supporting the Committee of Experts' proposals, among them the representatives of Denmark, France, Chile and Mexico, considered that the creation of international research laboratories would provide scientists with increased resources and ensure better results. Such laboratories would remove obstacles to certain projects which were too costly to be undertaken by one single country. They also would obviously be of great benefit to the under-developed countries. Moreover, they would encourage the development of science itself by removing the danger that Governments would limit research in fields such as the basic sciences because of an over-concern with the added power they might gain from the development of certain branches of scientific knowledge.

The majority felt that UNESCO should study the general problem connected with the establishment of international research laboratories, and, in particular, should proceed as early as possible with details for the setting up of an international computation centre.

In view of this the majority of the Council held that it was unnecessary and undesirable to hold the proposed conference of scientists in 1952.

The Council considered a joint draft resolution (E/L.102) combining resolutions proposed by Denmark and France (E/L.100) and by the United States (E/L.101). Regarding the holding of a conference of scientists (Part C of draft resolution) two alternatives were presented: one, proposed by the representatives of Denmark and France, that a conference be convened as early as possible and not later than 1952; the other, proposed by the United States representative, that a decision on holding a conference should be postponed pending the receipt of the report requested from UNESCO. The United States proposal in part C was adopted by 6 votes to 5, with 4 abstentions. The joint draft resolution (E/L.102), with additional minor amendments, was adopted as a whole, at the Council's 411th meeting by 13 votes to 2.

In this resolution (318(XI)), the Council reaffirmed its "desire to promote the development of scientific research and discovery as an indispensable basis for the economic and social progress of mankind" and gave special consideration to the Committee's proposal for the establishment of an international computation centre. The United Nations Educational, Scientific and Cultural Organization was accordingly invited, in part B of the resolution, to propose a detailed plan for the setting up of such a centre, "including recommendations as to location, staffing, equipping and financing". As regards the other proposals made by the Committee, the Council in part A of the resolution considered that they should receive thorough technical examination before any final decisions were taken, and entrusted UNESCO, in co-operation with the United Nations and the appropriate specialized agencies, with the execution of the requested study. The study should include

- (a) "an appraisal ... of the outstanding problems of scientific research referred to in the report of the Committee";
- (b) "an evaluation of the ability of existing research centres to deal adequately with such problems and recommendations for measures which might be taken to expand such centres or to promote a greater degree of co-ordinated research" among them;
- (c) "a thorough analysis of the need for the establishment of specific regional or United Nations laboratories, and of the functions they might perform," including detailed plans for their staffing, location, equipment and operation; and
- (d) "an examination of the role of the other specialized agencies and other international organizations in assisting scientific research in their respective fields".

Finally, in part C of the resolution the Council decided to postpone a decision for convening the proposed conference of scientists until a later ses-

sion pending receipt of the report by UNESCO on the above questions.

3. Co-ordination of Cartographic Services

In pursuance of resolution 261(IX)²²⁴ of the Economic and Social Council, the Secretary-General was engaged during 1950 in consulting Governments on the following questions:

(a) The calling of regional meetings on cartography, to be attended by representatives of Governments having a common interest in a specific region;

(b) The constitution of a panel of consultants in the various fields of cartography, whom the Secretariat may call on individually for counsel on specific problems;

(c) The publication of a United Nations cartographic bulletin.

Regarding the last item, the views of the specialized agencies and international scientific organizations in the field were also obtained. The bulletin was scheduled to appear in 1951.

In accordance with the decision of the General Assembly in 1949, the establishment of the United Nations cartographic office was to be carried out in 1951.

S. RELATIONS WITH AND CO-ORDINATION OF THE SPECIALIZED AGENCIES

1. Consideration by the Economic and Social Council at Its Tenth and Eleventh Sessions

a. GENERAL CO-ORDINATION QUESTIONS

At its tenth session, the Economic and Social Council, at its 347th, 348th, 350th and 354th plenary meetings from 8 to 17 February 1950, considered general co-ordination questions and briefly reviewed the progress made since its previous session.

The first of the two documents before it, the sixth report of the Administrative Committee on Co-ordination (ACC) (E/1572) dealt mainly with the initial action taken to give effect to the decisions made at the ninth session of the Council (259(IX))²²⁵ and the fourth session of the General Assembly (310(IV), 311(IV)),²²⁶ and called attention, *inter alia*, to the problem of concentration of effort and resources, the setting up of the Technical Assistance Board and certain aspects of programme, administrative and budgetary, and regional co-ordination.

The second, a report by the Secretary-General on particular co-ordination matters (E/1573) reviewed the action taken on the following questions: the agreements between the United Nations and the specialized agencies; the headquarters arrangements with the World Health Organization; the decision of the Food and Agriculture Organization regarding its permanent headquarters; the calendar of conferences of specialized agencies; and inter-agency agreements.

The Council, at its 350th plenary meeting on 14 February, unanimously adopted, as resolution

284(X), a United States proposal (E/L.11), which read as follows:

The Economic and Social Council

Notes the sixth report of the Administrative Committee on Co-ordination,

Requests the Secretary-General to call to the attention of other organs of the United Nations the desirability of using, wherever possible, the annual reports of the specialized agencies to the Economic and Social Council rather than requesting special reports;

Requests the Secretary-General to call General Assembly resolution 309(IV) to the attention of the Administrative Committee on Co-ordination and to submit to the eleventh session of the Council any suggestions he or the Committee may wish to make on the matter; and

Recommends to Member Governments which are also members of the International Telecommunication Union that further consideration be given to the time at which meetings of the Administrative Council of the International Telecommunication Union are held.

At its eleventh session, the Council considered general co-ordination matters at the 59th-71st meetings of the Co-ordination Committee, 17-25 July and 4 August, and at its 405th plenary meeting, 9 August 1950. It gave close attention to General Assembly resolution 310(IV) in the light, more particularly, of the report on concentration of effort and resources of the United Nations and the specialized agencies (E/1683) which had been prepared by the Secretary-General in consultation with the heads of the specialized agencies in accordance with the resolution.

The report dealt primarily with programmes, organs and meetings, documentation and co-ordination of national action (see below, under sub-

²²⁴ See Y.U.N., 1948-49, pp. 663-64.

²²⁵ Ibid., 1948-49, pp. 683-84.

²²⁶ Ibid., pp. 692-93, 699-700.

ject headings). It noted that aspects of the same problem had been dealt with in the seventh report (E/1682) of the Administrative Committee on Co-ordination (ACC). This report, in general, had considered the problem of concentration of effort and resources; technical assistance for economic development; programme co-ordination; regional co-ordination; administrative and budgetary co-ordination; inter-agency agreements and agreements between agencies and other inter-governmental organizations; and Trust and Non-Self-Governing Territories. The Council found itself in close agreement with the analysis of the problem and the concrete suggestions contained in the Secretary-General's report. By resolution 324 A (XI), unanimously adopted at the 405th plenary meeting on 9 August, it referred the report to the General Assembly. In the same resolution, the Council noted the progress made in the co-ordination of activities of the United Nations and the specialized agencies and approved the report, including the specific recommendations (E/1810) of its Co-ordination Committee (see below).

The Council considered that the ACC was proving increasingly effective as a device for facilitating co-ordination among the United Nations and the specialized agencies and that its seventh report (E/1682) showed noteworthy progress along the lines recommended by previous resolutions both of the Council and of the General Assembly.

The Council considered a number of aspects of the question of co-ordination in which improvements could be made on existing practice. It endorsed the view, put forward in the Secretary-General's report (E/1683), that the co-ordination of national action was of paramount importance to the concentration of international effort, and that consistency in briefings of national delegations for international conferences and the co-ordination of requests made by Governments to international agencies for technical advice and services were an indispensable prerequisite to the success of other measures designed to achieve co-ordinated action.

(1) Programme Co-ordination

On questions of programme co-ordination the Council, at its eleventh session, underlined the importance of co-ordinating programmes while they were still in the planning stage, and to this end, at its 405th plenary meeting on 9 August, it unanimously adopted resolution 324 B (XI) requesting the Secretary-General, through the ACC,

to make arrangements to ensure that all proposals which concern more than one organization should be the subject of inter-agency consultation prior to their adoption by the organ concerned, and that the results of this consultation should be put before the competent organs of the United Nations and specialized agencies when they were considering new projects. It further recommended that the United Nations, specialized agencies and States members thereof should insist on a deadline for the submission of new projects of at least six weeks prior to the opening of the conferences at which the substance of these projects was to be discussed.

The Co-ordination Committee of the Council made particular recommendations on two items of programme co-ordination, namely:

(a) on the co-ordination of United Nations activities for the development of arid zones,²²⁷ concerning which the Council unanimously adopted resolution 324 D (XI) urging closely co-ordinated action in defining and meeting the inter-related problems of the development of the arid zones;

(b) on activities in the field of freedom of information, concerning which the Council on 9 August unanimously adopted resolution 331 B (XI) calling for an examination of the fields of responsibility of UNESCO and of the United Nations.

(2) Priorities

At its eleventh session, the Council gave careful consideration to the problem of establishing priorities, with particular reference to the request of the General Assembly in resolution 310(IV) that it review the Catalogue of Economic and Social Projects in terms of categories of priorities and report thereon to the fifth regular session of the Assembly. The Council agreed with the conclusion of the Co-ordination Committee that it was not possible at that time to meet this request fully in view of the difficulties both of defining priorities and of introducing any standard procedure for establishing them. The Council, however, endorsed the Committee's suggestion that the establishment of criteria, which might provide for the organs of the United Nations and the specialized agencies a common approach to the evaluation of priorities between programmes within a particular field of work and between projects within those programmes, might represent at this stage a more constructive and practical, if less direct, approach to the problem than an effort to review, in terms of categories of priorities, the manifold and diverse activities of the United Nations and the specialized agencies.

²²⁷ See also p. 646.

The Co-ordination Committee had recommended that the criteria should be taken as a whole and subject to two overriding principles: (a) that international action would be justified only in cases where the desired results could not be achieved by unassisted national action with some degree of certainty and within a reasonable time; and (b) that the proposed action must be technically sound and adapted to its purpose. It suggested that the criteria for priorities should be: urgency, feasibility, scope, preparation and co-ordination, and results. In recommending that these criteria should be employed both by itself and by the specialized agencies, the Council agreed that their effectiveness would largely depend upon the extent to which Governments, through their representatives, were prepared to apply them to proposals submitted at the various international conferences. The Council also recognized that these criteria were of an experimental nature and that they would probably require further elaboration and development.

(3) Meetings of International Bodies

At its tenth session, in connexion with its plan for a balanced calendar of international meetings under which the annual conferences of the specialized agencies would, wherever possible, take place within the first six months of the year, the Council, on 14 February, in resolution 284(X), recommended that further consideration be given by the Governments of those members which are also members of the International Telecommunication Union to the time of meeting of the Administrative Council of ITU. At its eleventh session, the Council agreed with the opinion expressed by the Co-ordination Committee that the arrangements under which the annual conferences of most of the specialized agencies met during the first half of 1950 represented a substantial improvement over previous practice, but, unanimously adopted resolution 324 E (XI), urging that so far as possible these annual conferences should be arranged so as not to overlap.

The Council endorsed the conclusions contained in the Secretary-General's report on concentration of effort and resources (E/1683) and emphasized the importance of avoiding the establishment of new inter-governmental organizations and the convening of ad hoc conferences without due consideration of the adequacy of existing organizations and facilities. It recommended the wider use, where appropriate, of existing inter-governmental and non-governmental organizations for tasks within their recognized competence, and

urged further examination of the possibility of greater use of joint inter-agency committees.

The Council also discussed possible methods of avoiding duplication of debate between itself and its subsidiary organs, and agreed on the desirability of any re-organization of work which might lead to the Secretariat spending less of its time in servicing meetings and more of its time in carrying out substantive tasks.

(4) Documentation

At its tenth session the Council on 14 February (284(X)) requested the Secretary-General to call to the attention of other organs of the United Nations the desirability of using, wherever possible, the annual reports of the specialized agencies to the Council rather than requesting special reports.

At its eleventh session, the Council approved (324 A (XI)), in general, the recommendations contained in the Secretary-General's report (E/1683) on this subject, and in particular recommended that the Council, its subsidiary organs and the organs of the specialized agencies, before requesting further reports and studies from the Secretariat, should weigh very carefully the urgency and usefulness of such further reports. Among the other recommendations stressed were the need for limiting background material and categories of documents produced in several languages and the desirability of Governments assisting in the reduction of distribution lists and copies required by ensuring proper and rapid distribution of documents received among the Government departments and offices concerned. It further recommended that ACC should continue to examine the possibility of further co-ordinating sales of the publications of the specialized agencies with those of the United Nations so that these publications might be disseminated in the most efficient and economical manner.

The Council considered that the documents on co-ordination which were before it showed that a basis had now been laid for the economical use of the efforts and resources of the United Nations and the specialized agencies, and made various recommendations as to the nature of the documentation on co-ordination matters which should be prepared for its thirteenth session.

(5) Catalogue of Economic and Social Projects

The Council expressed its appreciation of the Catalogue as a comprehensive work of reference. It considered that Governments should be asked by the Secretary-General to submit, by 1 March

1951, their comments on its form, presentation and usefulness, and that, pending the receipt of these comments, a supplement to the current issue would adequately meet the needs of the Council at its thirteenth session. It adopted resolution 324 C (XI) to this effect, by 13 votes to none, with 2 abstentions.

(6) Regional Co-ordination

In connexion with problems of regional co-ordination, the Council had before it at its eleventh session a report by the Secretary-General on regional co-ordination of programmes of the United Nations and specialized agencies (E/1684). The Council noted that particular attention had been paid to co-ordination and co-operative arrangements between the regional economic commissions and several specialized agencies, which were considerably developed during the period under review. The Co-ordination Committee of the Council expressed the hope (E/1810) that the ACC would continue to report to the Council on the development of techniques for co-ordination and avoidance of duplication at the regional level.

(7) Administrative Co-ordination

At its eleventh session, the Council noted the section of the report of the ACC (E/1682), which dealt with administrative and budgetary co-ordination, and expressed general satisfaction with the progress made. It particularly urged further consideration of the possibilities of the use of common staffs and of the pooling of administrative services, and specifically recommended that the specialized agencies should make as full use as possible of the services of the United Nations Department of Public Information and its Information Centres throughout the world. The Council, while expressing the hope that the studies already undertaken under General Assembly resolution 311(IV) in regard to the methods of increasing the utilization of soft currencies by the United Nations and specialized agencies would lead to positive results, also considered that further studies should be made of the possibilities of granting to all member States the opportunity of paying an equitable proportion of their contribution to the budgets of the organizations concerned in soft currencies usable by those organizations.

(8) Agreements between the United Nations and the Specialized Agencies²²⁸

At its eleventh session the Council considered the reports of the Secretary-General (E/1741) and of the ACC on the question of agreements

between the United Nations and specialized agencies requested by the Council in resolution 284(X)²²⁹ in connexion with General Assembly resolution 309(IV). The latter resolution asked the Council to report to the next session of the General Assembly on the possible revision of the agreements. The Council decided that it was unnecessary at this stage to recommend to the General Assembly any measures for the revision of the agreements, and recommended that, unless the matter was raised by the General Assembly, by the Council itself, by the Secretary-General or by one of the specialized agencies, it would be unnecessary for the Council to consider further the question of a possible revision of the agreements until more experience in their working had been obtained.

The Council considered the question of the negotiation of an agreement between the United Nations and the World Meteorological Organization (WMO). It noted that the Convention of WMO had come into force on 23 March 1950 and that the first quadrennial congress of WMO would take place at Paris on 15 March 1951. It agreed with the Secretary-General's suggestion that the negotiations between its Committee on Negotiations with Inter-Governmental Agencies and the negotiating representatives of WMO should take place in the latter part of March 1951 so that the draft agreement reached could be considered for approval by the WMO Congress before the end of its session and by the Council at its thirteenth session.

(9) Applications for Membership in UNESCO

The Council at its 347th, 348th and 354th plenary meetings on 8, 13 and 17 February considered the applications for membership in UNESCO of the Republic of Korea, the Republic of the United States of Indonesia and the Hashemite Kingdom of Jordan, transmitted by UNESCO to the Council in accordance with article II of the Agreement between the United Nations and that organization. It had before it three draft resolutions submitted by Australia (E/L.2), India (E/L.3) and Iran (E/L.10) concerning, respectively, the admission of the Republic of Korea, the Republic of the United States of Indonesia and the Hashemite Kingdom of Jordan. The Council unanimously adopted them at its 347th and 354th plenary meetings on 8 and 17 February 1950 as resolution 285(X), by which it informed

²²⁸ For agreements in full force and effect at the end of 1950, see p. 66.

²²⁹ See above, p. 639.

UNESCO that it had no objection to the admission of these States to the organization.

b. REPORTS OF THE SPECIALIZED AGENCIES

At its 352nd and 353rd plenary meetings on 16 February and 53rd-58th and 66th-68th meetings of its Co-ordination Committee, 11 to 24 July and at its 396th, 403rd and 405th plenary meetings from 20 July to 9 August 1950, the Council considered the following reports:

International Labour Organisation: Fourth report to the United Nations (E/1719) covering the period from March 1949 to March 1950.

Food and Agriculture Organization: Annual report to the United Nations (E/1676 & Add.1-4), including the report of the Director-General on the work of FAO, 1948/1949, the draft programme of work for 1950, the report of the fifth session of the Annual Conference of FAO, and the report of the Joint Food and Agriculture Organization—International Office of Epizootics Veterinary Committee.

International Bank for Reconstruction and Development: Fourth annual report of the Bank to the Board of Governors for the period 1 September 1948 to 20 August 1949, incorporating financial statements covering the fiscal year ended 30 June 1949 (E/1557). Financial statements as of 30 September 1949 (E/1557/Add.1), quarterly financial statements as of 31 December 1949 (E/1557/Add.2) and a statement of the principal activities since 1 September 1949 (E/1557/Add.3).

International Monetary Fund: Annual report of the Executive Directors of the Fund for the fiscal year ended 30 April 1949 (E/1556). Quarterly financial statement dated 31 July 1949 (E/1556/Add.1/Rev.1), quarterly financial statement as of 31 October 1949, and summary of activities of the Fund for the period 1 May 1949 to 1 February 1950. (E/1556/Add.2/Rev.1 & Add.3.)

International Civil Aviation Organization: Report of the Council to the fourth session of the Assembly of the organization on activities in 1949 and budget estimates, 1951 (E/1713 & Add.1).

Universal Postal Union: Annual report on the work of the Union in 1949 (E/1664).

International Telecommunication Union: Summary of the work of the general secretariat of the International Telecommunication Union during 1949 (E/1679).

United Nations Educational, Scientific and Cultural Organization: Second annual report of UNESCO to the United Nations on activities in 1949 and covering a programme of work for 1950 as approved by the fourth session of UNESCO's General Conference (E/1688). A supplementary report containing an outline of the decisions of the fifth session of the General Conference held in Florence between 22 May and 17 June 1950 (E/1688/Add.1).

World Health Organization: Annual report of the Director-General of the organization to the World Health Assembly and to the United Nations, 1949 (E/1677), the proposed programme and budget estimates for the financial year 1 January—31 December 1951 (E/1677/Add.1), and a copy of a resolution adopted by the Executive Board of WHO at its sixth session in June 1950 on the expenditure level for 1951 (E/1677/Add.2).

International Refugee Organization: Second annual report of the organization to the United Nations covering activities for 1949, and the programme for 1 January 1950-31 March 1951 (E/1675 & Corr.1/Rev.1).

(1) International Labour Organisation

The Council considered the fourth report of ILO to the United Nations (E/1719) at the 53rd and 54th meetings of its Co-ordination Committee on 11 and 12 July and at its 396th plenary meeting on 20 July 1950. A representative of ILO supplemented the information contained in the report.

In the course of the discussion, warm appreciation was generally expressed of the success of ILO in concentrating its efforts on urgent problems and in effective fields, in intensifying its operational programmes of practical assistance to Governments, and in co-ordinating its activities with the United Nations and other specialized agencies on various common problems. Certain members, among them Belgium and the United Kingdom, noted with special satisfaction the achievements of ILO in the fields of vocational guidance, unemployment, migration and the protection of trade union rights.

The representative of Pakistan expressed the hope that ILO would direct greater attention in the future to improving the conditions of agricultural workers. The United States representative felt that further effort should be made towards rendering ILO's budget more comparable with those of other international organizations. He and the representative of India also suggested that future reports might contain a chapter summarizing the situation with regard to the adoption and the ratification by Governments of various international labour conventions and recommendations.

The Co-ordination Committee on 12 July (E/1766) and the Council on 20 July (resolution 325(XI)) expressed appreciation of the report of ILO and requested the Secretary-General to transmit to that organization the records of its discussion on the report.

(2) Food and Agriculture Organization

The Council, at the 58th meeting of its Co-ordination Committee on 14 July and at its 396th plenary meeting on 20 July 1950, considered the annual report of FAO to the United Nations (E/1676 & Add.1-4) and heard a supplementary statement by the representative of that organization.

During the discussion, members expressed general satisfaction with the report of FAO, which gave a comprehensive picture of the organization's activities during the past year as well as its programme for 1950. The importance of its role under the expanded programme of technical assistance was generally recognized, and confidence was expressed that under this programme FAO's high technical competence would be translated into effective action for the benefit of economically under-developed countries. Certain members, among them India and Pakistan, saw the danger of increased mechanization of agriculture in an over-populated area, which might give rise to agricultural unemployment. Several members, including Canada and the United States, pointed out that the success of FAO's work was dependent on the fullest co-operation of the Governments of its members. The United States representative suggested that doubling the budget of FAO would produce less result than doubling the efforts of members to implement, in their own countries, the recommendations of the organization.

Among others, the representatives of Australia and the United States expressed satisfaction with FAO's activities in the commodity field and hoped that the Committee on Commodity Problems of the FAO Council could be allowed to play a more active part, working in close relation with the United Nations and specialized commodity bodies. Members were also generally satisfied with the co-operation in the field of agriculture between FAO and the Economic Commission for Europe, through their joint secretariat in Geneva.

Certain members, including India and the United Kingdom, commended FAO for having been able to restrict its expenditure to the limits of a foreseen income. The representative of the United States expressed the hope that it would endeavour to frame a concentrated and integrated programme and eliminate unrelated projects.

The Co-ordination Committee on 14 July (E/1779) and the Council, on 20 July 1950, unanimously adopted resolution 326(XI) expressing appreciation of the report and requesting the Secretary-General to transmit to the organization the records of the discussion thereon.

(3) International Bank for Reconstruction and Development

The Council at its 353rd plenary meeting on 16 February 1950 considered the report of the Bank (E/1557 & Add.1-3) and heard a supple-

mentary statement by its President on behalf of the Bank.

In the course of the debate, certain members, among them India and Peru, urged the Bank to adopt a more liberal attitude in regard to extending loans to under-developed countries. The representative of the United Kingdom, however, defended it for having followed a cautious loan policy. The President of the Bank pointed out that the volume of loans had been limited by the lack of properly prepared projects rather than by the lack of funds, that these loans tended more and more to be granted for the purposes of economic development rather than for reconstruction, and that the technical assistance activities of the Bank in connexion with the planning and preparation of projects had become an important part of its programme.²³⁰

The Council at the same meeting adopted resolution 273(X) which took note of the report of the Bank.

(4) International Monetary Fund

The Council considered the report of the Fund (E/1556, Add.1/Rev.1, Add.2/Rev.1 & Add.3) at its 352nd plenary meeting on 16 February 1950. The Managing Director, on behalf of the Fund, made a statement emphasizing the important points covered in the report and, at the request of Canada, made a supplementary statement on the effects of the currency devaluation by certain countries on the world economy.

The United Kingdom representative commended the Fund for its ability to undertake speedily and smoothly a complex operation of financial adjustment following the devaluation. Certain other representatives, among them the representative of Brazil, hoped that the Fund would devote more attention to the adverse effects of the devaluations on trade in countries which, for reasons of their economic structure, had not been able to take that measure.

Members generally acknowledged that the nature and scope of the Fund's activities had changed as a result of the profound changes in the world economic situation, and looked to the Fund to continue exerting its influence for establishment of sound monetary practices which would contribute to the restoration of stability in world trade and finance, and to international economic equilibrium.

The Council at the same meeting adopted resolution 274(X) which took note of the report of the Fund.

²³⁰ See also pp. 438 S.

(5) International Civil Aviation Organization

The Council at the 54th and 55th meetings of its Co-ordination Committee on 12 July and at its 396th plenary meeting on 20 July 1950 considered the report (E/1713 & Add.1) of ICAO on its activities in 1949 and heard a supplementary statement by the representative of that organization.

General appreciation of ICAO's report was expressed both in regard to its form and its content. Chapter I, which contained a summary of outstanding events in the field of civil aviation during 1949, was found to be of particular interest. Members were particularly satisfied with the concrete achievements of ICAO on a relatively modest budget, and with its success in co-ordinating its work with that of other specialized agencies, especially in the transport and communications field.

With regard to administrative matters, members expressed satisfaction with the efforts of ICAO in promoting administrative and budgetary practices in common with the United Nations and the other specialized agencies. The representatives of Canada and India, however, expressed the hope that ICAO would take early steps to participate in the system of joint external audit of the United Nations.

The Co-ordination Committee on 12 July (E/1768) and the Council on 20 July (327(XI)) unanimously adopted a resolution expressing appreciation of the report and requesting the Secretary-General to transmit to the organization the record of the discussions thereon.

(6) Universal Postal Union

After having considered the annual report (E/1664) of UPU on its work in 1949, and having heard a supplementary statement by a representative of the organization, the Council, at the 55th meeting of the Co-ordination Committee on 12 July (E/1769) and at its 396th plenary meeting on 20 July 1950, unanimously adopted a resolution (329(XI)) expressing appreciation of the report of UPU and requesting the Secretary-General to transmit to the organization the records of its discussion.

(7) International Telecommunication Union

The Council, at the 68th meeting of its Co-ordination Committee on 24 July and at its 403rd plenary meeting on 9 August 1950 considered the report (E/1679) of ITU on the work of that organization in 1949. The Secretary-General of

ITU made a supplementary statement on behalf of that organization.

During the discussion, certain criticisms were made on the form and content of the report as well as on the work of the organization. The representatives of the United States and the United Kingdom pointed out that the report did not indicate the purposes of ITU as an integral part of international co-operative efforts in the interests of peace, or its accomplishments during the past year in relation to the difficulties it had encountered; nor did it contain sufficient information on the relations developed between ITU and other international organizations. They also expressed the hope that the next report of ITU would contain some information on developments in the field of telecommunications. The representatives of Australia, France and the United States further expressed the desire that the next report would contain information on the financial situation of the organization.

Reference was made to the difficulties encountered by ITU in the allocation of radio frequencies, which was dealt with separately under Council resolution 298 J (XI)²³¹ and to the date of the future sessions of the Administrative Council, on which recommendations had been made to members by the Council at its tenth session in resolution 284(X) (see above). The Secretary-General of ITU indicated that if, as was proposed, the annual sessions of the Administrative Council were henceforth held in the first half of the year, it should be possible to meet the recommendations made in this resolution and also give the information required by the Council.

The Co-ordination Committee (E/1804) unanimously adopted a draft resolution which was subsequently unanimously adopted by the Council on 9 August as resolution 328(XI). By this resolution the Council took note of the report; invited ITU, in its next report, to include a general statement containing an appraisal of its work during the year, and an account of its relations with other international organizations and of steps taken under its Agreement of Relationships with the United Nations; and requested the Secretary-General to transmit to the organization the record of the discussions of the report.

(8) United Nations Educational, Scientific and Cultural Organization

The Council at the 66th and 67th meetings of its Co-ordination Committee on 21 July and at its

²³¹ See p. 487.

405th plenary meeting on 9 August 1950 considered the annual report (E/1688 & Add.1) of UNESCO to the United Nations and heard a statement by its Director-General.

During the debate, members expressed general satisfaction on the work of UNESCO during the past year. Two recent activities of the organization were especially praised, namely, the Brussels meeting of experts to improve history textbooks and the publication of the scientific report on the question of race. Considerable emphasis was laid by some members, among them Australia, India and Mexico, on the work of UNESCO's national commissions, which played an important part in the promotion of the organization's programmes at the national level.

Members expressed general appreciation of the progress made by UNESCO in systematizing its programmes and establishing priorities. In the meantime, they expressed the hope that the organization would achieve a greater concentration of effort to promote peace and security in the world, as well as to give special attention to assisting under-developed countries. The representative of Belgium stressed the need for UNESCO to stabilize its budget and to lower its administrative costs.

Members also commended the organization on the manner in which it had carried out the various requests of the Council and other main bodies of the United Nations, particularly in such activities as the teaching of the purposes and principles of the United Nations and the dissemination of information on the Universal Declaration of Human Rights. Attention was drawn, however, to the need for better co-ordination between the work of UNESCO and of other organizations in the field of freedom of information and in the problems of arid zones.²³²

The Co-ordination Committee (E/1800) on 21 July and the Council (331(XI)) on 9 August, by varying votes, adopted a resolution which consisted of three parts. Part A of the resolution expressed its appreciation of the report; commended the efforts of UNESCO to establish priorities in its work programmes; invited members of UNESCO to seek greater concentration of future programmes in terms of priorities of major projects designed to advance UNESCO's contribution to peace and security; expressed the hope that this concentration of effort would result in a reduction of the number of expert meetings and conferences held under the auspices of UNESCO in order to allow adequate preparations for such meetings and proper implementation of their findings and

recommendations, both nationally and internationally; requested UNESCO to continue to give special attention to assistance to under-developed countries in the improvement of their educational systems and to the promotion of effective methods of teaching international understanding; and requested the Secretary-General to transmit to the organization the records of the discussions on the report.

Part B of the resolution requested the Secretary-General to prepare for the Council, in collaboration with the Director-General of UNESCO, a report delimiting the respective activities of the United Nations and of UNESCO with a view to their co-ordination, in particular comparing the terms of reference and programme of the Sub-Commission on Freedom of Information and of the Press with the constitution and programme of UNESCO.

Part C of resolution 331(XI), which was submitted by the representatives of Chile, Iran, Mexico and Peru (E/L.86) at the 405th plenary meeting on 9 August and unanimously adopted with minor amendments, noted that the Agreement on the importation of educational, scientific and cultural materials adopted at the fifth session of the General Conference of UNESCO had been deposited with the Secretary-General of the United Nations, and drew the attention of member States to the practical importance of this agreement.

(9) World Health Organization

The Council considered the annual report (E/1677 & Add.1 & 2) submitted by WHO to the United Nations at the 57th meeting of its Co-ordination Committee on 13 July and at its 396th plenary meeting on 20 July 1950. The Director-General presented the report with a supplementary statement.

During the discussion members generally paid tribute to WHO for its contribution towards meeting some of the most critical health needs of the world and for its realistic and regional approach to the world health problems. Approval was particularly given to the achievement of the organization in its campaign against epidemic diseases, its advisory social services and its training and fellowship programme. The organization's capacity for co-operation with other international organizations—in particular, its co-operation with UNICEF in improving the health of children, with FAO on nutrition problems and combating malaria, and with UNESCO on the development

²³² See also p. 640.

of primary education—was also commented on favourably.

Several members expressed satisfaction with the performance of WHO in concentrating its resources and personnel on a limited number of priority fields. The representative of France, however, felt that further concentration of activities in greater depth on a narrower front would be desirable, and that the organization should plan its programme according to financial resources which were likely to be at its disposal.

The Co-ordination Committee (E/1780) and the Council (330(XI)) unanimously adopted a resolution expressing appreciation of the report and requesting the Secretary-General to transmit to the organization the records of its discussions.

(10) International Refugee Organization

The Council at the 55th and 56th meetings of its Co-ordination Committee on 12 and 13 July and its 396th plenary meeting on 20 July considered the second annual report (E/1675) of IRO. The Deputy Director-General made a supplementary statement bringing up to date the information contained in the report.

Members praised the achievements of IRO, which, within a limited time, had done so much to produce a constructive solution of the refugee problem, as well as its preparations for bringing its activities to an orderly close. Certain members, among them Australia, India, Canada, the United Kingdom and the United States, expressed particular satisfaction with the accelerated effort of the organization in the resettlement of refugees during the past year.

The Co-ordination Committee on 13 July (E/1770) and the Council on 20 July (332(XI)) unanimously adopted a resolution taking note of the report of IRO and expressing highest praise for the efficient manner in which the organization had performed the great humanitarian task entrusted to it. The resolution also appealed to the goodwill of Governments and asked them to assist IRO in achieving its task by the adoption of the broadest possible criteria for the admission of refugees. The Secretary-General was requested to transmit to the organization the record of the Council's discussions thereon.

c. INTER-GOVERNMENTAL ORGANIZATIONS

The Council, during its tenth and eleventh sessions, considered reports of the Secretary-General on the termination, absorption and integration of certain inter-governmental organizations and the establishment of relationships between certain

others with the United Nations or the specialized agencies (E/1574 & Add.1, E/1686, E/1735, E/1687). They were discussed at the tenth session at its 347th plenary meeting on 8 February and at the eleventh session at the 48th-52nd meetings of its Co-ordination Committee from 6-11 July and at its 396th plenary meeting on 20 July 1950. At its eleventh session the Council also considered sections of reports of FAO and UNESCO which dealt with this subject (E/1676/-Add.4; E/1688). At these sessions, the Council unanimously adopted resolutions 286(X) and 333 A-H (XI). Following is a summary of the action taken under these resolutions:

(1) POSSIBLE TERMINATION, ABSORPTION OR INTEGRATION

International Relief Union: The Council recommended (286(X)) to Members of the United Nations which are also members of the Union to take steps to terminate that organization.

International Commission for the Scientific Exploration of the Mediterranean Sea: The Council at its tenth session recommended to Members of the United Nations which are also members of the Commission to take steps to terminate that organization (286(X)). At its eleventh session, the Council (333 F (XI)) requested FAO to report on the progress of the negotiations being held on the termination.

International Penal and Penitentiary Commission: The Council, in resolution 333 H (XI), approved a draft plan prepared by the Secretary-General in consultation with IPPC as an acceptable basis for the integration of IPPC within the United Nations and decided to transmit this draft plan to the fifth session of the General Assembly (see below).

(2) CLOSER CO-ORDINATION WITH SPECIALIZED AGENCIES CONCERNED

International Office of Epizootics: The Council, after having noted a progress report submitted by FAO on its negotiations with the International Office of Epizootics (E/1676/Add.4), recommended (333 D (XI)) that Members of the United Nations which are members of both organizations should give further consideration to the possibility of establishing an international system satisfactory to the Governments concerned for the collection and dissemination of information and for the co-ordination of activities in the control of animal diseases, and expressed the hope that the next report of FAO to the Council would register definite results in this respect.

International Seed Testing Association: The Council noted with satisfaction (333 E (XI)) the action taken by the General Assembly of the Association suggesting to the countries participating in the work of that organization that they examine the possibilities of close co-operation between the Association and FAO, including the possibility of the Association eventually becoming a technical commission of FAO, and requested FAO to report to the thirteenth session of the Council on the progress in its negotiations with the Association.

International Union for the Protection of Rights of Authors and their Literary and Artistic Works: The Council noted with satisfaction (333 A (XI)) the

action taken by the Executive Board of UNESCO at its ninth session in instructing its Director-General to strengthen the existing working relations with the Union and to define the procedure to be followed in these relations by an exchange of letters with the Director of the Office of the Union. It requested UNESCO to include in its next report to the Council a further account of the developments in this regard.

(3) CONSIDERATION POSTPONED PENDING FURTHER STUDY

Permanent Committee of International Congresses on Military Medicine and Pharmacy: The Council, after having noted the decision of the Executive Board of WHO to postpone consideration of the establishment of official relations with the Committee pending further clarification of the structural basis of the organization, decided (333 B (XI)) to postpone consideration of this matter until the thirteenth session of the Council. The Council requested WHO to report to the Council at its thirteenth session on the progress made, and further requested the Secretary-General to report to the same session on the feasibility of closer relations between the Committee and the Council for Co-ordination of International Congresses of Medical Sciences.

International Central Office for the Control of Liquor Traffic in Africa: The Council invited (333 G (XI)) the Belgian Government to consult with the parties to the Convention relating to liquor traffic in Africa signed at St. Germain-en-Laye on 10 September 1919 concerning the present value of this Office and their interest in maintaining it.

(4) DISSOLUTION

International Co-ordination Committee for European Migratory Movements: The Council noted with satisfaction (333 C (XI)) the action taken by the members of the International Co-ordination Committee for European Migratory Movements leading to the dissolution of that organization, and the steps taken by the International Labour Organisation in taking over the functions formerly discharged by that Com-

(5) INTEGRATION OF INTER-AMERICAN SPECIALIZED ORGANIZATIONS

The Council noted with satisfaction (286(X)) the progress made by the Organization of American States in integrating and simplifying the structure of Inter-American organizations with the United Nations and the specialized agencies. It requested the Secretary-General, in consultation with the Secretary-General of the Organization of American States, to provide the Council, as appropriate, with further information on this subject.

Of the above organizations, the case of IPPC was a subject of detailed discussion. The Council considered a report prepared by the Secretary-General in consultation with IPPC (E/1735 & Add.1) concerning the transfer of functions of IPPC to the United Nations pursuant to resolution 262 B (IX).²³³ After considerable discussion, the Council resolved (333 H (XI)) to approve the draft plan contained in the above-mentioned report as an acceptable basis for the integration of

IPPC within the United Nations; to transmit the draft plan to the fifth session of the General Assembly; to express the hope that IPPC would give favourable consideration to the draft plan as early as possible and to recommend that, as soon as approval is given, the Secretary-General of the United Nations, in consultation with the Secretary-General of IPPC, make appropriate arrangements for the transfer of functions and assets on a mutually satisfactory date, prior to 31 December 1951. In the course of discussion the majority of members expressed general support of the objectives of integrating IPPC into the United Nations. While most members approved in general the draft plan²³⁴ contained in the Secretary-General's report, certain reservations were made on the detailed points in that plan, including the financial implications of proposed bodies and meetings and the transfer of IPPC staff to the United Nations Secretariat.

2. Consideration by the General Assembly at Its fifth Session

The General Assembly considered the question of co-ordination between the United Nations and the specialized agencies at the 48th-51st meetings of the Joint Second and Third Committee and 253rd-255th and 260th meetings of its Fifth Committee, from 23 October to 4 November, and at its 314th plenary meeting on 1 December 1950.

It had before it the following reports: (1) Report of the Economic and Social Council (A/1345); (2) Report of the Advisory Committee on Administrative and Budgetary Questions (A/1441) on Administrative Budgets for the Specialized Agencies; and (3) Report of the Secretary-General (A/1352) on Administrative and Budgetary Co-ordination between the United Nations and the Specialized Agencies.

a. GENERAL DEBATE

In the course of the general debate on co-ordination in the Joint Second and Third Committee and Fifth Committee, meeting jointly, satisfaction was expressed with the progress that had been made in co-ordinating the work of the international organizations and in promoting the concentration of effort and resources in accordance with resolution 310(IV) adopted by the General

²³³ See Y.U.N., 1948-49, p. 618.

²³⁴ For plan of integration, see below.

Assembly at its fourth session. In regard to priorities, a subject which had received especial emphasis in that resolution, appreciation was expressed of the work accomplished by the Economic and Social Council. The Council, as a first practical step towards achieving the ends which the General Assembly had in mind, had suggested various criteria by which priorities might be established within a given field and had recommended that these criteria should be applied by all bodies concerned.²³⁵ However, some members, among them Australia and Brazil, still felt it desirable that early consideration should be given to the question of priorities between particular fields of activity and the proportion of international resources allotted to the work of each of the international organizations.

It was generally considered that caution should be shown in embarking on new projects, and several representatives, among them those of Australia and the United Kingdom, expressed concern at the continued expansion of agency budgets. They felt that an increasing number of members of agencies might be unable to meet their obligations and that, if the budgets became too large, some States might even have to withdraw from membership.

In the matter of administrative and budgetary co-ordination, it was agreed that considerable improvement had occurred since the fourth session of the General Assembly, though further development of uniform practices was urged. The use of common administrative services by agencies situated in the same area was advocated as a means of economizing both personnel and resources. The Committees were informed that the Administrative Committee on Co-ordination had already considered this and had arranged for a survey to be made.

The representatives of Australia, Canada, France and the United Kingdom, among others, drew the attention of the Committee to the increased resources available to the United Nations and to specialized agencies under the technical assistance plan. Since these funds were not incorporated in the regular budgets they commented favourably on the recommendation of the Advisory Committee on Administrative and Budgetary Questions that the agencies should be requested to include, as annexes to their annual reports, information on the manner in which these funds were being used.

With regard to the general problem of co-ordination, the representative of France warned against attempts to seek solutions of a purely

administrative or financial character. He felt that the aim should be to encourage all efforts that would promote the development of international action by ensuring not only the necessary co-ordination but also the maintenance of the impetus essential to the success of that action. The representative of the USSR felt that a greater degree of independence should be given to the agencies in order to reduce to a minimum the exercise of authority over them by the United Nations for which there was no provision in the Charter.

Some doubt was expressed during the discussion as to whether sufficient study had been given by the Economic and Social Council to the reports of the specialized agencies. Several members, among them those of Brazil, France, Mexico and the United Kingdom, emphasized that really effective co-ordination could only be achieved if there were a greater degree of national co-ordination to ensure that policies advocated by the delegation of a member State in one organization would be followed by that member's delegation attending the meetings of other organizations.

At the conclusion of the general debate, the Committees proceeded to a detailed discussion of the draft resolutions before them and amendments thereto. These are described under the headings following.

b. ADMINISTRATIVE BUDGETS OF THE SPECIALIZED AGENCIES

In reviewing administrative and budgetary co-ordination with the specialized agencies, the Committees considered the report of the Advisory Committee on Administrative and Budgetary Questions (A/1441) and the draft resolution contained therein. The Committees also had before them the report of the Secretary-General (A/1352) on the progress that had been made in co-ordination on administrative and financial questions.

(1) Sixth Report of the Advisory Committee for 1950

The Advisory Committee on Administrative and Budgetary Questions reported that it had examined on behalf of the General Assembly the administrative budgets of those specialized agencies which have formal agreements with the United Nations providing for the transmittal of their budgets for examination by the Assembly.

The following agencies had submitted their budgets or budgetary estimates for 1951 to the

²³⁵ See above, p. 641.

United Nations: International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization, Food and Agriculture Organization, International Civil Aviation Organization, International Refugee Organization (for the supplementary period 1 July 1950-31 March 1951) and Universal Postal Union.

The budget estimates for 1951 of the International Telecommunication Union had not been available to the United Nations in time for consideration by the Advisory Committee. The Committee had therefore limited its review to the relevant parts of the annual report presented by ITU to the United Nations (E/1675), together with the amended budget for 1950.

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

Following are the gross totals of the 1951 budgets or budget estimates,²³⁶ together with the corresponding figures for the preceding fiscal year:

	1950	1951
ILO	\$ 6,023,526	\$ 6,269,506
UNESCO	8,010,000	8,210,000
FAO	5,000,000	5,000,000*
ICAO	2,670,552	2,727,273
WHO	7,501,500	7,300,000
IRO	4,500,000	2,506,893†
UPU	322,964	291,305
<hr/>		
SUB-TOTAL (Specialized agencies) . . .	34,028,542	32,304,977
United Nations	49,641,773	45,450,800
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GRAND TOTAL	\$83,670,315	\$77,755,777

* Estimate. † For 1 June 1950-31 Mar. 1951.

Contributions from States members of ITU to its 1951 budget were expected to add a figure of about \$1,500,000 to the above total, while the operational budget of IRO had been approved at a figure of \$52,658,533 for the period 1 June 1950-31 March 1951.

Of the problems common to most or all of the agencies, the Advisory Committee stated that

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

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

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

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

A second problem to which the Advisory Committee directed attention concerned the collection of contributions, which appeared to be causing serious financial difficulties in most of the specialized agencies. Default or delay in the payment of contributions assessed against States members of the specialized agencies, it held, might result in a severe drain on the Working Capital Funds of those agencies, and hamper the execution of programmes approved in the budgets. The General Assembly might wish to invite the specialized agencies to give special consideration to this problem.

It was this problem which had led the General Assembly to recommend to each specialized agency

²³⁶ For 1951 budget estimates finally accepted by the individual organizations, see under organizations concerned.

that it keep its expenditure each year from its regular budget within the amount of funds reasonably expected to be received in respect of that year (resolution 311 C (IV)). Furthermore, several agencies could never expect to receive the full amount of the assessments on their members, inasmuch as their scale of contributions includes States which have not joined, or have given notice of withdrawal from, the organization, as well as States which for other reasons are in arrears or have defaulted in their contributions. In so far as the latter group is concerned, the Committee had noted in the past that any plan of expenditure which was based on the assumption of non-payment of contributions might have undesirable effects. An examination of the 1951 estimates of those agencies which had found it necessary to adopt a plan of expenditure substantially below the approved budget raises some doubt concerning this technique of financial control. In such circumstances, the budget estimates become a theoretical target, and the Advisory Committee therefore suggested that the Secretary-General, in consultation with the administrative heads of the agencies and the Advisory Committee, might also study and report on alternative procedures for attaining the objectives of the General Assembly.

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

The Advisory Committee suggested that consideration should also be given to the question of uniformity in the presentation of resolutions adopted by the main legislative bodies of the specialized agencies and the General Assembly of the United Nations, as a means of facilitating the review of budgets in relation to programmes both by the specialized agencies and by the General Assembly. This question might, in the opinion of the Committee, appropriately be studied by

the Consultative Committee on Administrative Questions. Further progress might also be made in developing a standard terminology and a common form of presentation of the budgets of the several agencies.

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

The General Assembly had, at its third session, invited the specialized agencies to review their programmes of meetings with a view to reducing the number of formal meetings of governmental representatives and, in particular, to consider whether a full-scale conference is necessary. It would, in the opinion of the Advisory Committee, be desirable to call further attention to this matter.

The Joint Second and Third and Fifth Committees noted that progress had been made in the implementation of resolution 311 A (IV) adopted by the General Assembly at its fourth session. The Joint Panel of Auditors had been established, the United Nations Joint Staff Pension Board was holding its first meeting, and the organizations had taken some steps to increase the proportion of their expenditures made in soft currencies. A model set of financial regulations had been developed by the Administrative Committee on Co-ordination, and there had been a co-ordinated approach by the organizations in respect of the proposed salary and allowances scheme and in the development of a common pattern of staff regulations.

On the other hand, several members, among them Australia and Brazil, noted that much remained to be done. The Committees' attention was drawn to the fact that a least one large agency had not yet adhered to the Joint System of Audit, and that several agencies had not found it possible to join the Joint Staff Pension Scheme. The action which had so far been taken to give member States a degree of relief from contributions in hard currencies was still not as substantial as might be hoped, and it was suggested by the representatives of Canada, France and the United Kingdom that further attention should be given to effecting contractual procurement and printing in soft currency areas.

Attention was drawn by the representatives of Australia and Canada to the provisions of General Assembly resolution 311 B (IV) making the services of the United Nations Committee on Contributions available to the specialized agencies. This resolution had been adopted in the hope that such action would result in more uniformity in scales of assessments among the various organizations. It was noted that this service would be available to the World Meteorological Organization, which would be adopting a scale of assessments at its first congress, to be held in 1951.

A further step towards achieving a greater degree of common services was suggested by a joint Australian and Canadian draft resolution (A/C.2&3/L.20—A/C.5/L.53) making available to the agencies the services of the United Nations Investments Committee (see below, section c).

The representative of Australia commended those agencies which, in accordance with General Assembly resolution 311 C (IV), had planned their expenditure on the basis of their probable receipts. He noted that, in their reports, the Advisory Committee and the Secretary-General had pointed out that this meant the setting up of second budgets and would encourage defaults in payments. He did not agree with this although he recognized that the preparation of two budgets involved administrative difficulties. He felt that a more realistic method of assessing member States and collecting their contributions was the remedy for the budgetary difficulties of the agencies. It was somewhat unrealistic to assess countries which had formally declared that they were not members of an agency. Secondly, there was need for strict measures against defaulters. He drew the attention of the Committees to the fact that one agency had suspended the voting power of six of its members which had failed to discharge completely their financial obligations to the agency. Lastly, he stressed the need for economy in the budgets of the various international organizations.

The representative of France also stressed the importance of the agencies drawing up their programmes in accordance with receipts actually anticipated. Attention was drawn to the difficulties resulting from the fact that member States did not receive the annual accounts and the related audit reports of the specialized agencies in sufficient time to allow careful consideration prior to the meeting of the Assembly or Conference.

Several members suggested that it would be useful to have more information from the various organizations on the actual number of their staff and the distribution of their staff by grades.

The Committees expressed general support of the Advisory Committee's report and the draft resolution contained therein.

The representative of Canada, with a view to strengthening paragraph 1 of the draft resolution dealing with the stabilization of the budgets of the specialized agencies and emphasizing the desire of the Committees to avoid duplication of administrative expenses of the international organizations, proposed an amendment (A/C.2&3/L.24—A/C.5/L.51) to that effect to the draft resolution.

It was recognized that events in Korea had created additional demands on the United Nations and the specialized agencies which they would probably be unable to meet from their present resources. The representative of the United Kingdom therefore introduced an amendment (A/C.2&3/L.22—A/C.5/L.55) urging that every effort should be made in 1951 to meet the new demands by the deferment of less urgent projects. The Chairman of the Advisory Committee accepted these amendments and the Committees adopted the former in paragraph-by-paragraph vote and the latter unanimously. The draft resolution as proposed by the Advisory Committee was adopted unanimously, as amended, at the 49th meeting of the Committees on 23 October (A/1547) and at the 314th plenary meeting of the General Assembly as resolution 411(V). It read as follows:

The General Assembly,

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

1. Urges the specialized agencies to intensify their efforts to stabilize their regular budgets by the elimination or deferment of less urgent projects;

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

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

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

5. Requests the Secretary-General, in consultation with the heads of the specialized agencies, to pay particular attention, in 1951, to the further development of

satisfactory arrangements for the provision of common services, particularly in respect of regional and branch offices of the United Nations and specialized agencies, with a view to achieving greater efficiency and economy;

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

7. Requests the specialized agencies and the United Nations to make every effort, during 1951, to meet as fully as possible demands for expert assistance in Korea and other operational programmes where the need is urgent, by deferment of less urgent projects.

c. INVESTMENTS COMMITTEE

In the course of the general discussion, an Australian and Canadian joint draft resolution (A/C.2&3/L.20—A/C.5/L.53) was introduced. This resolution proposed that the United Nations Investments Committee should be authorized to provide advice to a specialized agency at the request of that agency, and requested the Secretary-General to inform the specialized agencies that the Committee was available for that purpose.

The draft resolution was adopted by 46 votes to none, with 2 abstentions, at the 419th meeting of the Committees on 23 October (A/1547). The General Assembly, at its 314th plenary meeting on 1 December, unanimously adopted the proposed resolution as resolution 412(V), which read as follows:

The General Assembly,

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

1. Authorizes the United Nations Investments Committee to provide advice to a specialized agency at the request of that agency;

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

d. CONCENTRATION OF EFFORT AND RESOURCES

A draft resolution (A/C.2&3/L.21—A/C.5/L.54) submitted by Australia formed the basis of discussion on this matter. The resolution was proposed with a view to the consideration of the present division of the available resources among the major fields of action of the United Nations. It called for the establishment of a fifteen-member committee to consider the programmes and bud-

gets of the specialized agencies and of the United Nations in the economic and social fields. It recommended that, pending the review of the report of this committee at the sixth session of the General Assembly, each specialized agency should keep its estimated expenditure from its regular budget for 1952 within the regular budget for 1951 approved by its conference.

In the general debate, several members, among them Brazil, China, Mexico, the USSR and the United Kingdom, expressed disagreement with the suggestion that another body should be created to undertake the functions which should properly be performed by the existing co-ordinating machinery. The representatives of Mexico, Netherlands and the United States jointly presented a draft amendment (A/C.2&3/L.29—A/C.5/L.67) proposing substantial changes to the Australian draft resolution. The joint amendment requested the Economic and Social Council to review, during 1951, the 1952 programmes of the United Nations and the specialized agencies, and requested the agencies themselves to review their own programmes, with the aid of the criteria for priorities established by the Council at its eleventh session. Before adopting new projects, the Council and the agencies would indicate which current projects might be deferred, modified or eliminated, to ensure that the economic and social work of the United Nations and the specialized agencies would be carried on most effectively.

In the course of the discussion, the representative of Brazil requested that the President of the Council should be asked to examine the possibility of convening the Co-ordination Committee some time before the opening of the Council sessions to enable the Committee to submit co-ordinated programmes of work to the Council. Various technical oral amendments were accepted by the representative of Australia and the sponsors of the joint amendment. The Australian representative accepted the joint amendment, but reserved the right to re-open the question at the next session of the General Assembly.

The Australian draft resolution, as amended, was adopted unanimously at the 51st meeting of the Committees on 4 November (A/1547) and at the Assembly's 314th plenary meeting on 1 December 1950, as resolution 413(V). It read as follows:

The General Assembly,

Recalling its responsibilities under Article 17, paragraph 3, and Article 58 of the Charter,

Recalling its resolution 310(IV) declaring that the resources devoted to the economic and social work of

the United Nations and the specialized agencies should be concentrated on tasks of primary importance.

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

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

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

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

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

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

3. Requests the Economic and Social Council:

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

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

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

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

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

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

e. MEMBERSHIP IN SPECIALIZED AGENCIES

The representative of Israel introduced a draft resolution (A/C.2 & 3/L.25/Rev.1—A/C.5/-L.58/Rev.1), expressing the hope that those members not participating at the present time in the work of the specialized agencies might resume full participation as soon as possible. In introducing the resolution, the Israeli representative referred to the seventh report of the Administra-

tive Committee on Co-ordination to the Council (E/1682)²³⁷ which contained a statement reaffirming the validity of the principle of universality of membership. Two oral amendments were introduced, one by the representative of Mexico and one by the representative of Lebanon. The former would have the resolution refer to "international co-operation" as an important condition for successful action, rather than "universal participation". The latter would have the resolution call on all members to participate, not merely those who had ceased to take part. The representative of Israel accepted the amendments, and the draft resolution was adopted by 36 votes to none, with 9 abstentions, at the 50th meeting of the Committees on 25 October (A/1547). The General Assembly, at its 314th plenary meeting on 1 December 1950, adopted the proposal by 49 votes to none, with 5 abstentions, as resolution 414(V). It read as follows:

The General Assembly,

Considering the principle of international co-operation as an important condition for the full success of the activities of the specialized agencies,

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

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

f. TRANSFER OF FUNCTIONS OF THE INTERNATIONAL PENAL AND PENITENTIARY COMMISSION

The Committees had before them a report of the Secretary-General on the proposed integration of the functions of the International Penal and Penitentiary Commission (IPPC) within the United Nations (A/C.2 & 3/93—A/C.5/375), prepared under resolution 333 H (XI) of the Economic and Social Council.

In supporting the plan, which was subsequently adopted (see below), several representatives, including those of Denmark, the United States and the Union of South Africa, pointed out that interest in the question of the prevention of crime and the treatment of offenders was common both to the IPPC and to the Economic and Social Council and that the proposed integration would avoid duplication and concentrate the action which could be taken in that field.

The representative of Yugoslavia raised the question whether the proposed plan was in con-

²³⁷ See above, p. 640.

formity with the practices of the United Nations, and suggested that it might be advisable to defer a final decision until further studies had been made. The question was also raised as to whether by the terms of the proposed transfer the IPPC was being treated in a privileged manner compared with other inter-governmental organizations. It was, however, the understanding of the Committees that arrangements proposed would be subject to review, in the light of experience, at any time by the appropriate organs of the United Nations.

Several members, among them Canada, Lebanon and Yugoslavia, asked for additional information, particularly concerning the financial implications of the plan, and the representative of Canada submitted a list of questions (A/C.2 & 3/L.26—A/C.5/L.59). In reply, the representative of the Secretary-General circulated a statement (A/C.2 & 3/L.28—A/C.5/L.65).

The draft resolution contained in the Secretary-General's report was adopted by the Committees at the 51st meeting on 4 November by 37 votes to 4, with 1 abstention (A/1547). The General Assembly, at its 314th plenary meeting, adopted the resolution as resolution 415(V) by 48 votes to 5, with 2 abstentions. It read as follows:

The General Assembly,

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

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

2. Notes the decision of the Commission with respect to its residual assets;

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

4. Notes that these arrangements do not involve the assumption by the United Nations of responsibility for any liabilities of the Commission;

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

6. Pays tribute to the accomplishments of the Commission, during the long period of its existence, in the field of the prevention of crime and the treatment of offenders.

ANNEX

PLAN PREPARED BY THE SECRETARY-GENERAL OF THE UNITED NATIONS IN CONSULTATION WITH THE INTERNATIONAL PENAL AND PENITENTIARY COMMISSION:

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

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

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

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

(e) The expenses of attendance of the international Ad Hoc Advisory Committee of Experts at meetings convened at the Headquarters of the United Nations will be borne by the United Nations. The expenses of

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

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

(g) The United Nations welcomes the transfer of the library of the IPPC to the Library of the United Nations in Geneva. Suitable measures will be taken to indicate that the volumes donated originated from the IPPC, by arranging for appropriate markers to be used, and the preservation of the library as an entity so far as practicable. The archives of the IPPC shall also be transferred to the archives of the United Nations and shall be available to delegations and to other interested parties.

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

(i) While it is for the IPPC to decide as to the disposition of its residual assets, the United Nations would welcome a decision to transfer those assets to the United Nations. Such a decision would not, however, involve the assumption by the United Nations of responsibility for any liabilities of the IPPC. In the event of the transfer of the assets or proceeds realized, all such funds would become part of the general revenue of the United Nations unless the IPPC would prefer that they be added to the capital of the Library Endowment Fund. The resulting increase in the income of the Library Endowment Fund would make it possible for the United Nations Library to become one of the most complete and up-to-date libraries in the field of social defence. The setting aside of the residual assets of the IPPC in a

special fund in the United Nations is not desirable from the point of view of United Nations policy and practice, nor is such a fund necessary to ensure the continuation within the United Nations of the objectives and purposes described in article I of the constitutional regulations of the IPPC.

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

g. AGREEMENTS BETWEEN THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

The Committees took note of a paragraph in the report of the Economic and Social Council (A/1345) which contained the Council's recommendation that unless the matter was raised by the General Assembly, by the Council itself, by the Secretary-General or by one of the specialized agencies, it would be unnecessary for the Council to consider further the question of a possible revision of the agreements until more experience in their working had been obtained.

h. REPORT OF THE ECONOMIC AND SOCIAL COUNCIL: CHAPTER IX

Following the practice of previous sessions, the Committees decided to recommend to the General Assembly that it should "take note" of Chapter IX ("Questions of Co-ordination and Relations with Specialized Agencies") of the report of the Council (A/1345), on the understanding that this action would, in due course, be incorporated with similar action by other Committees to which parts of the report had been referred, in order to form a single resolution "taking note" of the report as a whole.

The report of the Economic and Social Council, as a whole, was noted by the General Assembly on 14 December 1950, as resolution 416(V).

T. RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS²³⁸

1. Review of Consultative Arrangements with Non-Governmental Organizations

On 16 February 1949 the Economic and Social Council requested (214 E (VIII)) the Secretary-General to prepare a report on the activities undertaken by the non-governmental organizations up to 1 June 1949 in implementation of the consultative arrangements made with them and on their work in support of the activities of the Council with special regard to those organizations

which were brought into consultative relationship not later than the sixth session of the Council. The Council by the same resolution directed the Council Committee on Non-Governmental Organizations, on the basis of the report of the Secretary-General, to make recommendations to the Council taking into account "(a) the use made by organizations of the facilities provided

²³⁸ For rules for the calling of conferences of representatives of non-governmental organizations, see pp. 82-83.

for non-governmental organizations brought into consultative relationship; and (b) any improvements in the existing arrangements for consultation which the Committee may deem desirable".

The report of the Secretary-General (E/C.2/231, & Corr.1 & Add.1-4) included specific comments and suggestions of the non-governmental organizations on the consultative arrangements. The Committee also examined a document containing accounts of the structure, objects and activities of the non-governmental organizations in consultative status (E/C.2/224) and studied a number of papers submitted by the organizations. Representatives of fourteen organizations were heard by the Committee, which held hearings on this subject on 23 January and 8, 9 and 10 February 1950.

The Council considered the Committee's report (E/1619 & Corr.1 & 2 & Add.1 & 2) and heard the representatives of five category A organizations at the 362nd-365th plenary meetings, on 24 and 27 February 1950.

Much of the discussion in the Council centred upon the submission of items for the Council's provisional agenda and upon the limitations of length of documents to be circulated.

The NGO Committee had recommended unanimously that the right to submit items for the Council agenda be withdrawn entirely. But in submitting the Committee's report (E/1619 & Corr.1 & 2 & Add.1 & 2), the representative of the United States, who was the acting chairman, simultaneously offered a United States amendment (E/L.23) to this, retaining the right, but shifting to the NGO Committee responsibility for first screening the NGO proposals. At the same time he stated that the members of the NGO Committee believed that the agenda right had been abused for propaganda purposes, that items had been proposed to sow dissension among members rather than to promote the Council's work and that items had been offered without adequate documentation. However, the NGO's were so attached to the right that the United States now proposed its retention with regulations to prevent abuse.

The shift of NGO focus would require additional Secretariat staff facilities, which must be budgeted for, and the size of the NGO Committee, he considered, should be increased, though, he said, Committee members were equally divided on the latter point.

Further, after considering the problem resulting from the circulation of documents presenting an incorrect picture of conditions in Member States,

the Committee had concluded that any remedy proposed would constitute a censorship more objectionable than the ill it sought to cure. This was one reason why the Committee proposed a statutory provision that the Secretary-General consult with NGO's before circulating their communications.

Withdrawal of the right to submit agenda items was opposed by representatives of the five non-governmental organizations heard by the Council: the American Federation of Labor (AFL), the International Co-operative Alliance (ICA), the International Federation of Christian Trade Unions (IFCTU), the World Federation of Trade Unions (WFTU) and the World Federation of United Nations Associations (WFUNA). All except the WFTU said that the United States amendment was an acceptable compromise.

Among the views expressed by the organizations were: that withdrawal of the right to submit agenda items would be a weakening of the democratic process; that this right was now known throughout the world as one of the major privileges of responsible organizations and was of great significance; that to charge all NGO's with an abuse of the privilege was unfair. It was also stated that the NGO's were not responsible for dissensions between members of the Council, and that their work with the subsidiary organs of the Council had been underestimated. The limitation proposed by the Council NGO Committee of 2,000 words on written statements by NGO's was criticized as likely to lead to inadequate documentation and discourage the submission of views. The representative of the International Federation of Christian Trade Unions criticized the proposal that both majority and minority views of the components of a group of organizations should be presented. The representative of the World Federation of Trade Unions stated that the proposed change in the right of NGO's to submit agenda items was aimed at his organization, which had initiated this right and gained it against the opposition of the United States and United Kingdom. His organization, he said, had given indispensable support to the work of the Council and had popularized it throughout the world. Its growing membership (which was now 75,000,000 plus eleven associated trade union internationals), he stated, displeased reactionary Governments, which, also, disliked having their policies unmasked at the very heart of the United Nations.

All members of the Council who took part in the discussion agreed that the consultation between NGO's and the Council was beneficial on the

whole. Most felt, however, that the existing arrangements had not worked out as satisfactorily as had been hoped. The representative of Belgium believed that the fault was in the Charter which had not made the NGO's an organic part of the Council, as they were of the International Labour Organisation; the arrangement under which the rights granted to NGO's were not matched by corresponding obligations was, he stated, bound to lead to irresponsibility. Various representatives, including those of Mexico, India and Chile, considered that some abuse of the privilege of introducing agenda items did not justify its withdrawal.

Several representatives, including those of the United States, the United Kingdom, France, Canada, India and Australia, put forward the view that most of the NGO work should be on the preparatory working level, rather than directed to the Council. The representative of the United States considered that Council members could reasonably be expected to submit all the items which the Council could usefully discuss. The United Kingdom representative stated that the NGO's had neglected other channels of consultation, citing in this connexion a WFTU request to discuss before the Council the report of the Economic and Employment Commission although the organization had not been represented at the Commission's recent meetings. He proposed an amendment (E/L.24) to enable NGO's having the required special knowledge to participate fully in the NGO Committee's preparatory discussion of items for its report. The representative of Canada favoured the Agenda Committee, rather than the NGO Committee, for reviewing all questions relating to the Council's preliminary agenda. He also considered that the Secretary-General should be empowered to refer NGO items directly to the Council's functional commissions. The representative of India agreed that NGO's should deal first with the specialized agencies and the commissions; if successful with the specialized agencies, the NGO's would have no reason to appeal to the Council. He proposed an amendment (E/L.27) under which NGO's would be required to serve advance notice to commissions of their intention to propose agenda items to them, to give due attention to Secretariat comments, and to submit the items a certain time before the commission sessions. The representatives of France and Australia emphasized the value of NGO consultation at the working level.

The representative of Australia introduced an amendment (E/L.26), differentiating between na-

tional and international organizations, by which national organizations could be placed on the register only by vote of the Council or by its NGO Committee. The representative of Canada stated that it was important for the Council to know whether an agenda item was being proposed on an NGO representative's own initiative, at the behest of its executive board, or, which would be preferable, by the membership of the NGO in question.

At its 365th plenary meeting on 27 February the Council unanimously adopted draft resolution I recommended by the NGO Committee, taking note of the report of the Secretary-General (E/C231 & Corr.1 & Add.1-4) and of the NGO Committee (E/1619).

After adopting, for the most part unanimously, the amendments proposed by the United States, United Kingdom, India and Australia, the Council unanimously adopted the amended draft resolution II proposed by the Committee (E/1619) containing the draft statute on Arrangements for Consultations with Non-Governmental Organizations. It also unanimously adopted draft resolution III (E/1619/Add.1) repealing the previous arrangements, with the exception of resolution 214 C (VIII)²³⁹ on international non-governmental organizations having members in Spain.

The NGO Committee reported that it had been evenly divided as to whether to recommend that the membership of the Committee should be retained at five or whether, as had been proposed by the United States, its numbers should be increased to seven. In the Council, certain representatives, including those of France and China, considered that the Committee would be better able to fulfil its technical task with the smaller membership; others, including the representatives of Australia, Mexico and Denmark, were in favour of increasing the membership to seven in view of the more important role assigned to the Committee. An Australian oral proposal to increase the members to seven was adopted by 13 votes to 2.

The main changes made by the Council in the arrangements for consultative status under resolution 288 B (X) may be summarized as follows:

(1) Increased emphasis was placed on consultation with the commissions in order that business coming from non-governmental organizations should reach the Council only after careful preliminary consideration in

²³⁹ See p. 66, footnote 61.

a commission (or by a specialized agency) and after having been brought into proper relationship with other matters under consideration in the same field.

(2) An increased role in consultations, it was provided, should be played by the United Nations Secretariat:

(a) The Secretariat is encouraged to take the initiative in seeking advice from competent organizations;

(b) It is actively to assist the organizations to make the most effective use of the consultative arrangements. For example, consultation is to take place with the organizations before their written statements are circulated; an organization may accordingly be advised on the content of its statement and as to the body to which it could most appropriately be presented;

(c) The Secretary-General may request non-governmental organizations to prepare specific studies or papers, subject to the relevant financial regulations.

(3) The membership of the NGO Committee was increased from five to seven.²⁴⁰

(4) Changes were made regarding the submission of agenda items by NGO's:

(a) Category A organizations may, as before, propose items for the provisional agenda of the Council. These proposals are first submitted to the NGO Committee which considers the adequacy of the documentation, whether the item lends itself to early and constructive action, and the possibility that it might be more appropriately dealt with elsewhere (for example, by a commission or a specialized agency). A refusal of the Committee to request that the item be put on the provisional agenda is final.

(b) Category A organizations may also, as before, submit items for the provisional agenda of commissions. Under the new arrangements, however, the organizations before formally proposing an item are to give due consideration to any comments the Secretary-General may make, and inclusion of the item will require a two-thirds vote of the commission.

(5) Changes were also made regarding the written statements submitted by the organizations for circulation.

(a) Under the new arrangements, statements, when submitted to the Council, are limited to 2,000 words for category A organizations and 500 words for category B; both categories are, however, on an equal basis in regard to statements submitted to commissions, where the limit is 2,000 words. An organization may submit a summary of longer statements, and, under certain conditions, statements of greater length may be circulated in full. In all cases, it is provided, such statements must be relevant to the work of the body concerned and not obsolete. (Before the adoption of the revised arrangements, the statements of category A organizations were automatically circulated in full while those of category B were summarized by the Secretariat and were distributed in full only by request of a member of the Council.)

(6) Category C consultative status was abolished.

(7) A "register" was established, to be kept by the Secretary-General, of organizations not in full continuous consultative relationship (that is, in category A or B) but which might be consulted from time to time as appropriate by the Council, the commissions or the Secretariat. The register, it was provided, was to include organizations recommended by the Council or its NGO Committee: international organizations in consultative

or similar status with a specialized agency, when the organization is not in category A or B; and other international organizations which apply to the Secretary-General and which, in his opinion, have a significant contribution to make to the Council or one of its subsidiary organs. The register, it was envisaged, would be primarily concerned with organizations of a more specialized character for which forms of ad hoc consultation would be more appropriate than a continuing consultative status.

The provisions previously in force for attendance of observers at sessions of the Council, its commissions and committees, and for hearings by the Council, its commissions and committees, and by the NGO Committee, were incorporated in the statute, with only minor changes. It was provided in the rules of the functional commissions that, on the recommendation of the Secretary-General, and at the request of a commission or sub-commission, organizations on the register may also be heard by that body.

The revised arrangements incorporated many other past provisions with relatively minor or no changes including:

(a) criteria for eligibility to consultative relationship;

(b) the principles governing the nature of the consultative arrangements;

(c) the definitions of categories A and B;

(d) hearings of non-governmental organizations by the NGO Committee, even on matters not on the agenda of the Council;

(e) hearings of organizations in category A by the Council on the recommendations of the NGO Committee or in connexion with an agenda item proposed by an organization and accepted by the Council;

(f) hearings of non-governmental organizations by the commissions;

(g) facilities to be offered by the Secretary-General to the organizations such as supplying them with appropriate documents.

The revised arrangements did not, however, apply to the regional economic commissions as their arrangements for consultation were to be reviewed in 1951 as part of the general review of regional economic commissions.²⁴¹ It was also decided that Council resolution 214 C (VIII) on international non-governmental organizations having members in Spain would remain in force.²⁴²

At its 365th plenary meeting on 27 February, the Council also considered a note from the Secretary-General (E/1619/Add.2) on the financial implications of putting the arrangements into effect. It was pointed out by a representative of the Secretary-General that it would be impossible at that stage to foresee whether or not the addi-

²⁴⁰ For election of members, see p. 84.

²⁴¹ See p. 76.

²⁴² See Y.U.N., 1948-49, p. 710.

tional expenditures involved could be covered by the existing budget. The Chairman of the NGO Committee and the representative of France considered that the new arrangements should be brought into operation immediately. The Council, however, by 11 votes to 2, with 1 abstention, adopted an Australian draft resolution (E/L.28) providing that in so far as the cost could not be absorbed within the existing budget, the implementation of the revised statute on arrangements should begin on 1 January 1951.

2. Admission into the United States of Representatives of Non-Governmental Organizations with Consultative Status

At the fifth session of the General Assembly, at the 118th meeting of the Second Committee on 2 October and the 273rd meeting of the Third Committee on 28 September, the question of the attendance of the representative of the World Federation of Trade Unions (WFTU) at the Assembly's fifth session was raised.

The representatives of Poland in the Third Committee and of Czechoslovakia in the Second Committee protested against the action of the United States authorities in detaining Georges Fischer, the WFTU representative, at the Immigration and Naturalization Service Detention Station, Ellis Island, New York, and then deporting him to France, despite the fact that he had obtained an entry visa from the United States Embassy in Paris to attend the sessions of the General Assembly. These representatives and the representative of the USSR stated that this was a violation of the Headquarters Agreement, which, they stated, specified that the United States authorities would not impose any impediments to transmit to or from the Headquarters district upon any persons authorized to participate in the work of the United Nations, including representatives of non-governmental organizations with consultative status.²⁴³ In the opinion of the USSR representative, the result of United States intervention in such a question was to give a privileged position to organizations with headquarters in the United States. It was also stated that such action interfered with the work of the United Nations, since questions on the agenda of the two Committees had first been considered by the Economic and Social Council at the request of the WFTU.

The three representatives asked that the Secretary-General should be requested to approach

the United States authorities with a view to the revocation of the expulsion order against the WFTU representative, and that a report should be submitted on the question.

At the 121st meeting of the Second Committee on 11 October, the Chairman reported that he had forwarded the protests of Czechoslovakia, Poland and the USSR to the Secretary-General. He read a letter from the Secretary-General, in reply, stating that the Secretariat was giving every attention to the principle involved "namely the interest which non-governmental organizations with consultative status have in meetings of the General Assembly dealing with economic and social questions". Discussions on the legal questions involved, under the relevant clauses of the Headquarters Agreement, were taking place between the Secretariat and the United States Government.

The question was further considered by the Economic and Social Council at its resumed eleventh session, at the 421st, 428th, 429th, 432nd and 435th plenary meetings on 20, 28 and 30 October and 6 and 14 November, respectively. The Council discussed the question as "to whether Article IV, Section 11 (4), of the Headquarters Agreement should be interpreted as applying to the representatives of non-governmental organizations in consultative relationship who wished to attend public meetings of the General Assembly.

It was pointed out by the Assistant Secretary-General for Economic Affairs that in the view of the United States authorities the special clause in the Headquarters Agreement relating to non-governmental organizations referred exclusively to consultations between the Council and the non-governmental organizations under Article 71 of the Charter. Concerning Mr. Fischer's attendance at the current session of the Council, he reported that, following communications between the Secretariat and the WFTU, the Secretariat had been informed on 18 October that a visa had been requested in Paris for Mr. Fischer to attend the meetings of the Council, and this information had been communicated to the United States Mission.

During the discussions in the Council, several representatives, including those of France, Poland, Mexico and Australia, expressed a desire for fuller information on the question and on the working

²⁴³ Art. IV Sec. 11 (4) of the Headquarters Agreement states: "The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of ... representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter . . ."

of the Headquarters Agreement, as well as a legal opinion on the legal position. A joint draft resolution, submitted by France, Mexico and Poland (E/L.118), with slight modifications suggested orally by Denmark and accepted by the sponsors, was adopted by the Council at its 428th plenary meeting on 28 October by 15 votes to none, with 3 abstentions. The representative of China opposed the clause in the resolution asking the Secretariat to give a legal opinion on the matter.

In the resolution (340(XI)), the Council asked the Secretary-General:

- (a) To publish immediately all documents relating to this matter for the use of the Council members;
- (b) To have prepared as soon as possible and before the end of this session of the Council, a report on the implications of the legislation and administrative measures recently adopted in the United States governing the admission of aliens with respect to the application of the Headquarters Agreement concerning the admission of experts or representatives of non-governmental organizations enjoying consultative status;
- (c) To have prepared as soon as possible and before the end of this session of the Council, a legal opinion on the difficulties encountered by the representative of the WFTU in attending this session of the Council.

At the 429th meeting of the Council on 31 October 1950, the President stated that he had been informed by the United States delegation that the United States Government had decided to grant a visa to the representative of WFTU for attendance at the Council session, and had sent the necessary instructions to the United States Embassy in Paris.

In accordance with Council resolution 340 A (XI), the Secretary-General issued a communication from the WFTU (E/1862), the text of cables which had been received from that organization together with the replies (E/1863) and a memorandum (E/L.123) prepared in response to paragraphs (b) and (c) of the Council's resolution. This document concluded by stating that "The Secretary-General has accordingly continued to take the view, in negotiating with the United States the question of the interpretation of Section 11 (4) of the Headquarters Agreement, that the Council has itself determined, under the authority of the Charter, that representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation are entitled to access to the United Nations Headquarters, on the initiative of the organization concerned, for consultation with the Secretariat—including attendance at General Assembly meetings dealing with matters in the economic and social fields".

During the Council's consideration of the memorandum, the United States representative said that his Government agreed on the right of representatives of non-governmental organizations to enter the United States to attend Council meetings, to consult with the Secretary-General by common agreement and to attend sessions of the General Assembly when invited by that body. He and the representative of France pointed out that the only question remaining was whether visas should be granted to representatives of non-governmental organizations so that they might attend sessions of the General Assembly without a specific invitation. Further, the United States representative said, the question of what authority was competent to issue such an invitation was under consideration. Both representatives were in favour of postponing further consideration of the question pending the current negotiations.

The USSR representative stated that the Headquarters Agreement did not specifically mention the Council or the General Assembly meetings and implied that representatives of non-governmental organizations had the right to attend any meeting at Headquarters. He urged that any further study of the question should be based on existing documents and resolutions, in particular Article 71 of the Charter and General Assembly resolution 49(I).²⁴⁴

On the proposal of the representative of India, the Council unanimously adopted resolution 340 B (XI) taking note of the Secretary-General memorandum and requesting him to submit a further report to the Council at its twelfth session on the conclusion of his negotiations with the United States Government regarding the application of the Headquarters Agreement.

3. Granting of Consultative Status

a. ORGANIZATIONS ADMITTED AT THE TENTH SESSION OF THE COUNCIL

On the basis of a report from the Council Committee on Non-Governmental Organizations (E/1643 & Corr.1) on applications for consultative relationship submitted by non-governmental organizations, the Council at its 372nd plenary meeting on 3 March 1950 unanimously decided

²⁴⁴ This resolution recommended that the Economic and Social Council grant the WFTU the right to submit items for insertion in the Council's provisional agenda, and endorsed the principle that all non-governmental organizations in category A should receive equal treatment in respect of consultative arrangements.

to place in category A the International Confederation of Free Trade Unions.²⁴⁵

The Council at the same time (287(X)) decided by varying votes that the following organizations be placed in category B:

International Association of Independent Enterprises,
Trades and Crafts
International Federation of Newspaper Publishers (Proprietors) and Editors
International Society for the Welfare for Cripples
International Union for the Scientific Study of Population
Nouvelles équipes internationales
World Assembly of Youth
Anti-Slavery Society (United Kingdom)
Society of Comparative Legislation (France)

It requested the Secretary-General to place the following organizations on the register of non-governmental organizations to be established in accordance with Council resolution 288 B (X):²⁴⁶

Engineers Joint Council
International Council of Commerce Employers
International Federation of the Building Trade Employers
International Music Council
South American Petroleum Institute (pending consideration at the twelfth session of the Council of the views of the Economic Commission for Latin America)
The following four organizations, formerly in category C, were placed on the register, pending the review of the organizations in consultative status at the eleventh session of the Council:
International Federation of Secondary Teachers
Lions International—International Association of Lions Clubs
Rotary International
World Organization of the Teaching Profession

The Council noted that the following organizations would automatically be on the register, since they were in consultative status or similar relationship with one or more of the specialized agencies:

International Youth Hostel Federation
World Federation for Mental Health
World Federation of Scientific Workers
Young Christian Workers

Prior to the voting, representatives of India, United Kingdom, Chile, Belgium, France, Denmark and the United States expressed full support for the proposal to grant category A consultative status to the International Confederation of Free Trade Unions. Most of these representatives and the President also paid tribute to the valuable co-operation given by the American Federation of Labor in the past.

The Acting Chairman of the Council Committee on Non-Governmental Organizations explained, in answer to various questions, that the Committee recommended postponement of a de-

cision on the International Federation of Free Journalists, since a larger and more comprehensive international federation of journalists was in the process of formation. It also recommended that the applications of Caritas Internationalis and the Auxilium Catholicum Internationale should be postponed in order to ascertain the exact relationship existing between the two organizations and which of the two was the more representative.

He also explained that the Committee had recommended that action be postponed on the application of the International Union of Socialist Youth since that organization seemed to be affiliated with another organization already enjoying consultative status.

The Committee had recommended that the International Music Council be placed on the register, since it would in any case be placed on the register once it had been granted consultative status by UNESCO, which might be soon.

It was further explained that certain organizations formerly in category C, which had been abolished by resolution 288 B (X), should be placed on the register pending the general review of organizations in consultative relationship to take place at the eleventh session.

The representative of Denmark considered that the World Federation for Mental Health and the World Federation of Scientific Workers should be placed in category B rather than on the register, as was recommended by the NGO Committee, and he suggested that a decision be deferred to the eleventh session. He accepted an Indian proposal that these applications be reconsidered at the twelfth session. This proposal, when put to the vote, was rejected by 4 votes in favour to 6 against, with 4 abstentions.

b. APPLICATIONS POSTPONED FOR LATER CONSIDERATION

On recommendation of the NGO Committee, the Economic and Social Council, at its 372nd plenary meeting on 3 March 1950, decided unanimously that the applications of the following organizations would be reconsidered at the twelfth session of the Council:

Arab Union
Auxilium Catholicum Internationale
Caritas Internationalis
Engineers Joint Council
Hansard Society
International Conference on Large Electric Systems

²⁴⁵ The American Federation of Labor, formerly in category A consultative status, withdrew from status as it is a member of the ICFTU.

²⁴⁶ See pp. 658-59.

International Federation of Free Journalists
 International Union of Socialist Youth
 Young Christian Workers

The Council decided that the application of the South American Petroleum Institute would also be reconsidered at its twelfth session, when the Council would have the comments of the Economic Commission for Latin America.

In accordance with resolution 288 B (X), which provided that applications for consultative status received from non-governmental organizations would be considered only at the first session of the Council each year, no further grants of consultative status were made during 1950.

4. Review of Consultative Status of Non-Governmental Organizations

a. ACTION TAKEN AT THE TENTH SESSION OF THE COUNCIL

The Women's International Democratic Federation, an organization in category B consultative status, had requested that it be placed in category A. On recommendation of the NGO Committee, the Council at its tenth session unanimously decided (287 B (X)) that it would remain in category B.

b. ACTION TAKEN AT THE ELEVENTH SESSION OF THE COUNCIL

The question of the review of non-governmental organizations in consultative status, which had been postponed from the tenth session, was considered by the Council during its eleventh session at its 395th plenary meeting on 20 July 1950. The Council considered the report of the NGO Committee (E/1697 & Add.1 & E/1775) and unanimously adopted resolution 334 A (XI). In this resolution, it decided:

(1) That the following organizations, formerly in category B, should be placed on the register of the Secretary-General:

Associated Countrywomen of the World
 Boy Scouts International Bureau
 Econometric Society
 International Student Service
 International Union of Producers and Distributors of Electric Power
 World Power Conference
 Service Civil International
 World Association of Girl Guides and Girl Scouts
 World Federation of Democratic Youth

(2) That the following organizations, formerly in category C, which had been placed on the register when category C was abolished, pending the review of the organizations in consultative status, should be placed in category B:

Lions International—International Association of Lions Clubs

Rotary International

World Organization of the Teaching Profession

(3) That the International Federation of Secondary Teachers, formerly in category C and placed on the register pending the review of organizations in consultative status, should remain on the register.

(4) That the International Association of Penal Law and the International Bureau for the Unification of Penal Law should remain in category B, but be jointly represented.

(5) That consultative status should be withdrawn from the following organizations:

International Association of Democratic Lawyers

International Organization of Journalists

5. Handbook of Non-Governmental Organizations

On 3 March 1950 the Council considered the report of the Secretary-General (E/1635) and the report of the NGO Committee (E/1644, Part I) on the question of the publication of a non-governmental organizations handbook and decided to postpone this question until the eleventh session.

The Council on 20 July 1950 at its 395th plenary meeting considered the report of the NGO Committee (E/1776) and by resolution 334 B (XI), unanimously adopted, noted that the Union of International Associations had published a Yearbook of International Organizations, which included information regarding a comprehensive number of international non-governmental organizations, and that the Union was willing to take into account in future editions the suggestions offered and information made available by the United Nations. The Council expressed the hope that the Secretary-General would offer the Union as much information and co-operation as possible. In these circumstances it decided not to consider further, at that time, the publication of a handbook by the United Nations.

6. Items Submitted by Non-Governmental Organizations in Category A

During 1950 the following items submitted by non-governmental organizations in category A were accepted by the Economic and Social Council:

Tenth Session

1. Study of the economic situation of Africa; reformulated to read: "Studies and data relating to the economic situation of Africa"—proposed by the World Federation of United Nations Associations (E/1555 & Add.1-3)

2. International reduction of working hours as a consequence of rising labour productivity (referred to the International Labour Organisation)—proposed by the American Federation of Labor (E/1564 & Corr.1)

3. Procedure for a study of world oil resources (deferred to the twelfth session)—proposed by the International Co-operative Alliance (E/1565, see also E/1366/Add.1)

4. Abolition of discriminatory measures of an economic and social character from which workers suffer on grounds of race or colour (referred to the International Labour Organisation)—proposed by the World Federation of Trade Unions (E/1563 & Corr.1 & 2 & Add.1 & 2)

Eleventh Session

None

7. Written Statements from Consultative Non-Governmental Organizations

In the period under review, 76 written statements from 28 non-governmental organizations were circulated as documents (E/C.2/263 & Add.1). The greater part of these communications were directed primarily to Commissions (in particular the Human Rights, Social, Status of Women and Transport and Communications Commissions), many were related to items on the Council's agenda, and some brought particular matters to the attention of the members of the Council.

In accordance with the recommendation of the Council Committee, the Secretary-General circulated lists (E/C.2/263 & Add.1) of the communications.

8. Hearings of Non-Governmental Organizations

The following organizations were heard by the Economic and Social Council at its tenth session under rule 80 of its rules of procedure (E/1606, II):

Organization	Subject
American Federation of Labor	Full employment Non-governmental organizations: review of consultative arrangements Survey of forced labour and measures for its abolition
International Chamber of Commerce	Economic development of under-developed countries Methods of financing economic development of under-developed countries General Assembly resolution 307 (IV) of 16 November 1949 on economic development and international economic and commercial policy

International Co-operative Alliance	Non-governmental organizations: review of consultative arrangements
International Federation of Christian Trade Unions	Survey of forced labour and measures for its abolition Non-governmental organizations: review of consultative arrangements
World Federation of Trade Unions	Report of the Economic and Employment Commission (fifth session) Survey of forced labour and measures for its abolition Non-governmental organizations: review of consultative arrangements Full employment
World Federation of United Nations Associations	Studies and data relating to the economic situation of Africa Report by the Secretary-General on the United Nations Scientific Conference on Conservation and Utilization of Resources Non-governmental organizations: review of consultative arrangements

The following organization was heard by the Economic Committee at the tenth session under rule 80:

Organization	Subject
World Federation of United Nations Associations	Economic Commission for Asia and the Far East: action arising out of resolutions of the fifth session of the Commission

The following organizations were heard by the Social Committee at the tenth session under rule 80:

Organization	Subject
American Federation of Labor	Trade union rights (freedom of association)
International Federation of Christian Trade Unions	Trade union rights (freedom of association)
World Federation of Trade Unions	Trade union rights (freedom of association)

The following organizations were heard by the Council Committee on Non-Governmental Organizations at the tenth session under rules 79, 80 and 81 (E/1606, I, III, IV and Add.1-2; E/1609):

Organization	Subject
American Federation of Labor	Full employment; survey of forced labour and measures for its abolition Trade union rights (freedom of association) Non-governmental organizations: review of consultative arrangements
Co-ordinating Board of Jewish Organizations	Observance of human rights

Organization	Subject
International Chamber of Commerce	Economic development of under-developed countries: (c) methods of financing development of under-developed countries: (d) General Assembly resolution 307(IV) of 16 November 1949 on economic development and international economic and commercial policy
International Co-operative Alliance	Non-governmental organizations: review of consultative arrangements
International Council of Women	Report of the United Nations International Children's Emergency Fund Non-governmental organizations: review of consultative arrangements
International Federation of Christian Trade Unions	Survey of forced labour and measures for its abolition Trade union rights (freedom of association) Non-governmental organizations: review of consultative arrangements
International Federation of University Women	Non-governmental organizations: review of consultative arrangements
International Union of Catholic Women's Leagues	Non-governmental organizations: review of consultative arrangements
International Union for Child Welfare	Report of the United Nations International Children's Emergency Fund Non-governmental organizations: review of consultative arrangements
National Association of Manufacturers	Report of the Economic and Employment Commission (fifth session)
Women's International League for Peace and Freedom	Non-governmental organizations: review of consultative arrangements
World Federation of Democratic Youth	Non-governmental organizations: review of consultative arrangements
World Federation of Trade Unions	Report of the Economic and Employment Commission (fifth commission) and full employment Survey of forced labour and measures for its abolition Trade union rights (freedom of association) Non-governmental organizations: review of consultative arrangements
World Federation of United Nations Associations	Economic Commission for Asia and the Far East: action arising out of resolutions of the fifth session of the Commission Report by the Secretary-General on the United Nations Scientific

Organization	Subject
	Conference on Conservation and Utilization of Resources Report of the United Nations International Children's Emergency Fund Non-governmental organizations: review of consultative arrangements
World Jewish Congress	Report of the Commission on Human Rights (fifth session); completion of the consideration of the report, begun at the ninth session Situation of Jews in Moslem lands

The following organizations were heard by the Economic and Social Council or its Committees at the eleventh session under rule 82 (E/1749 & Add.1):

Organization	Subject
International Chamber of Commerce	Methods of financing economic development of under-developed countries
International Confederation of Free Trade Unions	Full employment Technical assistance for economic development Report of the Commission on Human Rights
International Co-operative Alliance	Full employment Methods of financing economic development of under-developed countries
International Federation of Agricultural Producers	Full employment
World Federation of Trade Unions	Full employment

The following organizations were heard by the Council Committee on Non-Governmental Organizations during the eleventh session under rules 80 and 81 (E/1749 & Add.2):

Organization	Subject
Agudas Israel World Organization	Statement concerning the "situation of Jewish orphans, children of deported persons, at present in non-Jewish institutions"
Catholic International Union for Social Service	Technical assistance for economic development General Assembly resolution 331(IV): international collaboration Report of the Social Commission Refugees and stateless persons
Consultative Council of Jewish Organizations	Report of the Commission on Human Rights Refugees and stateless persons Report of IRO
Friends World Committee for Consultation	Report of the Commission on Human Rights
International Confederation of Free Trade Unions	Assistance for the civil population of Korea

Organization	Subject
International Council of Women	Long-range activities for children Teaching of the purposes and principles of the United Nations Question of NGO handbook
International League for the Rights of Man	Report of the Commission on Human Rights
International Union for Child Welfare	Report of the Commission on the Status of Women Long-range activities for children Refugees and stateless persons
International Union of Catholic Women's Leagues	Report of the Population Commission
Pax Romana — Intellectual Catholic Movement for Intellectual and Cultural Affairs	Report of the Commission on Human Rights
Pax Romana — Intellectual Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students	Refugees and stateless persons Report of WHO
World Federation of Democratic Youth	Non-governmental organizations: review of consultative arrangements
World Federation of Trade Unions	Non-governmental organizations: review of consultative arrangements Assistance for the civil population of Korea
World Jewish Congress	Report of the Commission on Human Rights

The following organizations were heard by the Council at the resumed eleventh session under rule 82 of its rules of procedure (E/1857):

Organization	Subject
World Federation of Trade Unions	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea
International Confederation of Free Trade Unions	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea

The following organizations were heard by the Council Committee on Non-Governmental Organizations at the resumed eleventh session under rules 80 and 82 (E/1857):

Organization	Subject
World Federation of Trade Unions	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea

Organization	Subject
International Confederation of Free Trade Unions	Assistance for the civil population of Korea
Catholic International Union for Social Service	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea
Commission of the Churches on International Affairs	Assistance for the civil population of Korea
Co-ordinating Board of Jewish Organizations	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea
Friends World Committee for Consultation	Assistance for the civil population of Korea
International Council of Women	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea
International League for the Rights of Man	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea
International Union for Child Welfare	Assistance for the civil population of Korea
International Union of Catholic Women's Leagues	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea
World's Alliance of Young Men's Christian Associations	Assistance for the civil population of Korea
World's Young Women's Christian Association	Plans for relief and rehabilitation of Korea, and study of long-term measures to promote the economic development and social progress of Korea

Many non-governmental organizations were heard by the Commissions of the Council, in particular by the Commissions on Human Rights and the Status of Women, and the Social, the Transport and Communications Commissions and the Economic, Employment and Development Commission.

9. List of Non-Governmental Organizations with Consultative Status (as of 31 December 1950)

ORGANIZATIONS IN CATEGORY A CONSULTATIVE STATUS

World Federation of Trade Unions
International Co-operative Alliance

International Confederation of Free Trade Unions²⁴⁷
 International Chamber of Commerce
 International Federation of Agricultural Producers
 International Federation of Christian Trade Unions
 Inter-Parliamentary Union
 International Organization of Employers
 World Federation of United Nations Associations

ORGANIZATIONS IN

CATEGORY B CONSULTATIVE STATUS

Agudas Israel World Organization
 All-India Women's Conference (India)
 Anti-Slavery Society, The (United Kingdom)
 Carnegie Endowment for International Peace (United States)
 Catholic International Union for Social Service
 Commission of the Churches on International Affairs
 Consultative Council of Jewish Organizations
 Co-ordinating Board of Jewish Organizations
 Friends' World Committee for Consultation
 Howard League for Penal Reform, The (United Kingdom)
 Indian Council of World Affairs (India)
 Inter-American Council of Commerce and Production
 International Abolitionist Federation
 International African Institute
 International Alliance of Women—Equal Rights, Equal Responsibilities
 International Association of Independent Enterprises, Trades and Crafts
 International Association of Penal Law²⁴⁸
 International Automobile Federation²⁴⁹
 International Bureau for the Suppression of Traffic in Women and Children
 International Bureau for the Unification of Penal Law²⁵⁰
 International Carnage and Van Union (Regolamento Internazionale Carozze)²⁵¹
 International Committee of the Red Cross
 International Committee of Schools of Social Work
 International Committee of Scientific Management
 International Conference of Social Work
 International Co-operative Women's Guild
 International Council of Women
 International Criminal Police Commission
 International Federation for Housing and Town Planning
 International Federation of Business and Professional Women
 International Federation of Friends of Young Women
 International Federation of Newspaper Publishers (Proprietors) and Editors
 International Federation of Unions of Employees in Public and Civil Services
 International Federation of University Women
 International Fiscal Association
 International Institute of Administrative Sciences
 International Institute of Public Finance
 International Institute of Public Law
 International Law Association
 International League for the Rights of Man
 International Organization for Standardization
 International Road Transport Union
 International Social Service
 International Society of Criminology
 International Society for the Welfare of Cripples
 International Statistical Institute
 International Temperance Union

International Touring Alliance²⁵²
 International Transport Workers' Federation
 International Union of Architects
 International Union of Catholic Women's Leagues
 International Union for Child Welfare
 International Union of Family Organizations
 International Union of Local Authorities
 International Union of Official Travel Organizations
 International Union of Railways²⁵³
 International Union for the Scientific Study of Population
 International Wagon Union (Regolamento Internazionale Veicoli)²⁵⁴
 Liaison Committee of Women's International Organizations
 Lions International—International Association of Lions Clubs
 National Association of Manufacturers (United States)
 Nouvelles Equipes Internationales
 Pax Romana—International Catholic Movement for Intellectual and Cultural Affairs²⁵⁵
 Pax Romana—International Movement of Catholic Students²⁵⁵
 Rotary International
 Salvation Army
 Society of Comparative Legislation (France)
 Women's International Democratic Federation
 Women's International League for Peace and Freedom
 World Assembly of Youth
 World Engineering Conference
 World Jewish Congress
 World Movement of Mothers
 World Organization of the Teaching Profession
 World Union for Progressive Judaism
 World's Alliance of Young Men's Christian Associations
 World's Women's Christian Temperance Union
 World's Young Women's Christian Association

The total number of organizations listed above is 87; of these nine are in category A and 78 in category B. All these organizations are international organizations except the seven organizations that are followed by the name of a State.

Over 100 additional organizations were placed on the register for ad hoc consultations, in accordance with paragraph 17 of Council resolution 288 B (X).

²⁴⁷ The American Federation of Labor, which was previously in category A, withdrew from consultative status when the ICFTU, of which it is a member, was admitted.

²⁴⁸ To be jointly represented with the International Bureau for the Unification of Penal Law.

²⁴⁹ To be jointly represented with the International Touring Alliance.

²⁵⁰ To be jointly represented with the International Association of Penal Law.

²⁵¹ To be jointly represented with the International Wagon Union.

²⁵² To be jointly represented with the International Automobile Federation.

²⁵³ Admitted to consultative status on 11 Apr. 1950 by action of the Secretary-General, in accordance with Council resol. 214 D (VIII) (see E/C.2/253).

²⁵⁴ To be jointly represented with the International Carriage and Van Union.

²⁵⁵ Both Pax Romana Movements to be jointly represented.

U. IMPLEMENTATION OF RECOMMENDATIONS ON ECONOMIC AND SOCIAL MATTERS

The General Assembly, by resolution 119(II) of 31 October 1947, recommended that in fulfilment of Article 64 of the Charter, the Secretary-General report annually to the Economic and Social Council (and that the latter report to the General Assembly) on steps taken by Members to give effect to the recommendations of the Council as well as to those of the Assembly on matters falling within the Council's competence.

The Economic and Social Council, at its ninth session,²⁵⁶ established an ad hoc Committee (resolution 255(IX)), whose task, as outlined by this resolution, was to meet and report to the Council at its tenth session on the replies received from Governments in this connexion and to make certain procedural recommendations. The Committee held twelve meetings from 7 to 22 December 1949, and its report (E/1585 & Add.1) was examined by the Council at its tenth session.

The Council, in resolution 283(X), decided that it would follow the procedures recommended with a slight modification (see below), and amended resolution 210(VIII) which dealt with requests for information from Members in 1950. The Council requested the Secretary-General to discharge his functions in accordance with the recommendations of the Committee, and transmitted the Committee's report, together with the records of the discussion on this subject, to the General Assembly.

The principal recommendations and considerations of the Committee are given below.

The Committee considered that the primary concern of the United Nations, in studying the implementation of recommendations on economic matters, was to improve its methods of work and the effectiveness of its decisions. A regular study of this subject should help to show the extent to which recommendations were being carried out, and might also draw attention to resolutions requiring consideration because they had proved ineffective, or had become out of date.

The fact that Governments in different stages of economic and social development encountered different problems in trying to carry out recommendations was appreciated by the Committee, which stated that the objective in making the study was not to pillory Governments which had thus far been unable fully to carry out recommendations, or to report adequately upon them, but rather to assist them in reporting and carry-

ing out the recommendations of the United Nations.

The Committee noted that many of the replies which had been given by Governments seemed inadequate or unsatisfactory, often because the requests and recommendations were too many and not sufficiently precise. Further, some Governments found that they had not been given sufficient time, and could not spare skilled staff for preparing the replies. Furthermore, some of the resolutions of the Assembly and the Council were too vague in language to constitute guides for precise action, and others covered wide fields, making it difficult for Governments to report on their implementation. Declaratory statements, or exhortations, might have a place in the Council's work but their implementation needed different methods of study, such as detailed studies from time to time in particular fields of activity.

It was believed by the Committee that the Assembly and the Council should endeavour, so far as is consistent with the real needs of the United Nations, to reduce the number of resolutions adopted by them containing recommendations and requiring replies by Governments upon their implementation. It also felt that recommendations should be as clear and precise as possible, leaving no doubt as to exactly what action Members were expected to take. Furthermore, the Committee felt that the Secretary-General should not ask Governments for information which he received officially in other ways, or had received in response to earlier questions.

The Committee recommended that further reporting by Governments on recommendations on economic and social matters made by the Assembly or by the Council should follow a regular two-year cycle, beginning with the recommendations adopted in 1948 and 1949. Accordingly, the following time-table was recommended by the Committee:

The Secretary-General should, as at present, circulate to Governments all resolutions of the Assembly and of the Council as soon as possible after they have been adopted.

April 1950. The Secretary-General would circulate a list of recommendations involving reports on their implementation, adopted by the General Assembly and by the Economic and Social Council in 1948 and 1949, and invite Governments to state, by October 1951, what they have done to carry them out. This

²⁵⁶ See Y.U.N., 1948-49, pp. 717-18.

list would be in a form similar to E/AC.31/1, with an index.

April 1951. The Secretary-General would circulate to Governments a note reminding them that answers are expected on the foregoing by October 1951.

October 1951. Replies would be received from Governments. The Secretary-General would thereafter circulate a report to the Council.

February 1952. The Council would consider the implementation of the foregoing resolutions and conventions. The Council would also consider which resolutions adopted in 1950 and 1951 would be sent to Governments for report.

Action in subsequent years would follow a similar pattern.

The Committee recognized that some resolutions might have to be treated differently, or more quickly, but these cases should be made clear in the resolution itself. The Committee also considered that, when the Secretary-General circulated to Governments, every two years, a list of recommendations with requests for information on their implementation, he should not include the following:

- (a) Resolutions which are general statements of principle or make recommendations in such wide or general terms that they are not suitable for specific report.
- (b) Resolutions asking for information which the Secretary-General or a specialized agency has since obtained or taken steps to obtain. These would include requests for specific information, such as statistics and regular reports, and for replies to specific questions.
- (c) Resolutions which fall within the procedure of reporting to the General Assembly by some organ of the United Nations other than the Economic and Social Council (including, for this purpose, the International Children's Emergency Fund).

The report of the Committee also included, in appendix I, a list of recommendations which the Committee felt should not be included in further lists sent to Governments by the Secretary-General, because they represented general statements of principle, or were no longer relevant or in force, or because adequate information had already been obtained.

It was considered by the Committee that the Secretary-General should ask Governments to state in their replies:

- (a) whether the recommendations were put into effect by provisions contained in the Constitution, or by legislative or administrative enactment;
- (b) whether the action taken was governmental (and if so, whether central or local), or voluntary and non-governmental;
- (c) in a case in which no action has been taken, for what reasons implementation has been found unnecessary or impossible.

In regard to treaties, conventions and protocols on economic and social matters, the Committee recommended that the Secretary-General should

ask Members which had not ratified or adhered to them what steps they had taken to do so.

With respect to the form of the Secretary-General's report to the Council, the Committee considered that the Secretary-General should:

- (1) circulate the full texts of replies received from Governments immediately upon receipt;
- (2) transmit to the Council a report containing: (a) a fully annotated list to serve as an index to all reports received that year, and indicating in what other context information had been supplied in addition to that appearing in the reports; (b) a factual statement regarding the extent to which Governments had not reported on the implementation of recommendations transmitted to them. The Committee further believed that the Secretary-General might, where possible and appropriate, give a fuller indication of Members' replies than that contained in document E/1325, but it stated that the Secretary-General should not have to evaluate the substance of the replies submitted to him.

The Committee also considered that a separate section of the report should be devoted to treaties, conventions and protocols, and that a separate section should contain a list of requests for specific information made during the two years under review, and should indicate those countries which had, or had not, supplied the desired material.

It was pointed out by the Committee that, if the Council decided that it was necessary to take action on any particular recommendation, it would have the following courses open to it:

- (1) to call for fuller or additional reports;
- (2) to revise or interpret a resolution adopted earlier;
- (3) to recommend the revision of a convention or protocol adopted earlier;
- (4) to place the question involved on the agenda of a subsequent session of the Council or of the General Assembly;
- (5) to refer it to a specialized agency or to a functional or regional commission;
- (6) to adopt some other means of studying the question involved, for example by referring it to an ad hoc committee or asking the Secretary-General to prepare a report.

The Committee considered that the Council should periodically select a particular field for more detailed study as to how far resolutions adopted have been carried out, and have proved adequate. The Council could, for instance, refer a recommendation to a specialized agency, a functional or regional commission, or a group of experts for study. The Council should also consider, every two years, the list of recommendations adopted, and should indicate which resolutions should not be circulated to Member Governments.

In accordance with the Committee's recommendation, the Council's report on implementation to the General Assembly will normally be part

of the annual report of the Council, and not a separate report under a special General Assembly agenda item, unless particular circumstances justify it.

The Committee discussed a proposal that the Council should establish an ad hoc committee to carry out the Council's functions as outlined in the paragraph above, empowered to meet between sessions of the Council, and with terms of reference similar to those of the Ad Hoc Committee on the Implementation of Recommendations on Economic and Social Matters established by resolution 255(IX).

This item was discussed at the 346th plenary meeting of the Council on 8 February 1950. At this meeting, the representatives of Australia, Belgium and France voiced the opinion that there was no need to establish an ad hoc committee of such a nature, for its functions could be fulfilled by the Co-ordination Committee of the Council or by one of the other committees during the Council's sessions.

It was pointed out by the representative of Australia that those in favour of the creation of the proposed committee had remarked that the success of the Ad Hoc Committee's work spoke for the establishment of a committee of the same kind. They had stressed that the question of implementation of resolutions was a purely technical one; an ad hoc committee meeting between sessions of the Council would be in a better position to deal with it than the Council itself. They had also pointed out that the creation of such a committee would greatly ease the Secretariat's task.

The main argument advanced against the creation of the proposed committee, the representative of Australia further stated, was that it would add to the already considerable number of subsidiary organs of the Council, thus leading to an undue dispersal of the Council's duties. Although opposed to the formation of such a committee, the Australian delegate did not believe that it was essential to take a decision on the matter at the current session, but that it would be more advisable to await the results of the application of the procedure advocated by the Ad Hoc Committee.

The representative of China suggested that decision on the creation of the proposed ad hoc committee should be deferred to a later session of the Council. This was so decided by the Council.

The Committee drew the attention of the Council to resolution 125(II) of the General Assembly on relations with and co-ordination of

specialized agencies and work programmes of the United Nations and specialized agencies, and considered that the Secretary-General should circulate this resolution again to all Governments and seek the most recent and detailed information. In an addendum to the report of the committee (E/1585/Add.2), the Secretary-General drew the attention of the Council to the fact that UNESCO had undertaken a study involving a detailed inquiry into the measures and machinery of Governments for co-ordinating national policies and international bodies. The Secretary-General wished to know whether, in view of such action by UNESCO, the Council still deemed it necessary again to circulate the text of resolution 125(II) of the General Assembly to all Member States or only to those not participating in the UNESCO study, or whether it would prefer to postpone any decision until the results of that study were available.

The Council discussed this item at its 346th and 347th plenary meetings on 8 February 1950. The representatives of Australia, Belgium, Denmark, France and India expressed the view during the discussion that resolution 125(II) should not be circulated again to Governments until the results of the UNESCO study were available. These representatives felt that UNESCO had gone somewhat beyond its field of competence in initiating the study in question, but they nevertheless appreciated the important work done by that organization.

The representative of the United States said he believed that the study in question was being carried out by experts and that the requests for information had not been formally addressed to Governments. He held the view that a study of such a nature should not deter the Council, which had the main responsibility for the implementation of the General Assembly's recommendation contained in resolution 125(II), from drawing the attention of Governments once again to that resolution and asking them for detailed and recent information.

The representative of Australia stated in concurrence that he did not think UNESCO was the competent organ to deal with the question of co-ordination as a whole, but rather that co-ordination was one of the Council's specific functions under the Charter. He therefore proposed that the Ad Hoc Committee's recommendation be adopted but that resolution 125(II) should not be circulated until April 1951, by which time the Secretary-General would have received the report from UNESCO and would be able to take

it into account when framing his request for information. In addition, Governments would be able to take account of the UNESCO report in making their replies.

He further suggested that the lack of clear agreement between UNESCO and the United Nations as to fields of work revealed by the initiation of that study should not be overlooked by the Council during its debate on co-ordination between the United Nations and the specialized agencies, and that the Administrative Committee on Co-ordination should, at that time, be asked to study action to prevent overlapping and conflict in requests to Governments for information on the part of the United Nations and specialized agencies, and report to the following session of the Council.

The proposal made by the representative of Australia was adopted by the Council at its 347th plenary meeting on 8 February.

The Committee further called the attention of the Council to its resolution 203(VIII) on teaching of the purposes and principles, the structure and activities of the United Nations in the schools of Member States, and suggested that this resolution, which calls for annual reports, should be amended to require two-yearly reports, to fit in with the Council's cycle of action on implementation. Accordingly section B of resolution 283(X) amended resolution 203(VIII) to read as follows:

Recommends that Member States report every two years to the Secretary-General on the progress achieved in carrying out the above resolution.

The recommendation that the Council should consider whether it should recommend to the General Assembly an amendment of resolution 119(II) requiring the Secretary-General to report annually to the Council was made by the Committee. This matter is, therefore, brought to the attention of the General Assembly through resolution 283(X), which transmits the resolution, together with the report of the Ad Hoc Committee and the records of the discussions at the tenth session of the Council.

During the discussion at the 346th meeting of the Council on 8 February 1950, the attention of that body was also called to the fact that the Economic Commission for Asia and the Far East (ECAFE), in October 1949, had adopted a resolution requesting its secretariat to make an inquiry among the Governments of the members of the Commission to determine to what extent they had implemented the resolutions adopted by the Commission. The Council was informed by

the Assistant Secretary-General for Economic Affairs that the Secretary-General had asked the Secretary of ECAFE to postpone the implementation of the Commission's resolution until it had been informed of the Council's views on the matter.

The representatives of Australia, China, India and the United States were of the opinion that all inquiries of a general nature, such as that undertaken by ECAFE, should be undertaken by the Council itself, since a regional commission could ask governments for information on specific measures only. It was pointed out by the representative of the United States that ECAFE's resolution was not clear, since it did not state whether ECAFE's secretariat should send special questionnaires to the members of the Commission or whether it should make use of the replies sent to the Secretariat at Headquarters. The representative of India held the view that it was for the Secretariat of the United Nations to ask for information relating to the implementation of recommendations, it being only logical for that body to centralize the activities of subsidiary United Nations organs in that field.

The representative of Australia felt that it was clear from Article 64 of the Charter that the Council itself should come to an understanding with Member States and specialized agencies in regard to obtaining reports on steps taken to implement recommendations of the Economic and Social Council and the General Assembly on economic and social questions.

This question of possible overlapping in the study of implementation by the Council and by the regional economic commissions was, upon the suggestion of the representative of the United States, taken up in connexion with the discussion of the report of ECAFE at the 349th plenary meeting on 13 February 1950. At this meeting the Council unanimously adopted resolution 270(X) which requested the Secretary-General to transmit to ECAFE the records of its discussion at its tenth session on implementation, and to take all possible steps to obviate unnecessary duplication in requesting information from Governments. This resolution also invited the attention of ECAFE to the arrangements which had been approved by the Council for a continuing review of the implementation of recommendations on economic and social matters.

ECAFE, in its report (E/1710) to the Council at its eleventh session, pointed out that there was general agreement that the Commission's study

of implementation should be limited to those resolutions on which inquiries addressed to Governments might be expected to yield specific and useful information, and that the secretariat should act in close consultation with Headquarters.

A note by the Executive Secretary of the Commission (E/CN.11/244) called attention to the fact that the ECAFE resolution (E/CN.11/234) provided for a single report, in contrast to the continuing review contemplated by the Council in resolution 283(X). The Commission appointed an ad hoc Committee to consider the matter. That Committee scrutinized the resolutions that had been adopted by the Commission and listed them in three categories: (1) resolutions requiring an inquiry from the Governments of members and associate members; (2) resolutions on which information was required from the secretariat as to action taken; and (3) resolutions which, though containing ostensible recommendations to Members, did not warrant further inquiry.

The Committee recommended that the Executive Secretary should, as a matter of routine, report to each session of the Commission as to how far previous resolutions had been implemented. While appreciating the need for giving Governments adequate time to give information as to their implementation of resolutions, it considered, nevertheless, in view of the review to be undertaken in mid-1951 by the Council of the functions of the regional commissions, that a report on implementation should be made to the seventh session of the Commission so that a statement on the subject might be included in the next annual report to be submitted to the Council. The Commission adopted the report of the Committee, and it was, therefore, understood that the secretariat of ECAFE would make its own independent requests for information from Governments on the resolutions listed by the ad hoc Committee in category (1) for the specific purpose of the next annual report in view.

V. Questions Concerning Non-Self-Governing Territories

In accordance with General Assembly resolution 218(III) of 3 November 1948, Members responsible for the administration of Non-Self-Governing Territories transmitted during 1950 information under Article 73 e of the Charter¹ with respect to the following Non-Self-Governing Territories:

Australia:	
Papua	
Belgium:	
Belgian Congo	
Denmark:	
Greenland	
France:	
Comoro Archipelago	Morocco
French Equatorial Africa	New Hebrides
French Somaliland	(under Anglo-French
French West Africa	Condominium)
Madagascar	Tunisia
Netherlands:	
Netherlands West Indies	Netherlands New Guinea
Surinam	
New Zealand:	
Cook Islands	Tokelau Islands
Niue Island	
United Kingdom:	
Aden Colony and	Hong Kong
Protectorate	Jamaica
Bahamas	Kenya Colony and
Barbados	Protectorate
Basutoland	Leeward Islands Colony
Bechuanaland Protectorate	Malaya, Federation of
Bermuda	Mauritius
British Guiana	New Hebrides
British Honduras	(under Anglo-French
British Solomon Islands	Condominium)
Protectorate	Nigeria
British Somaliland	North Borneo
Protectorate	Northern Rhodesia
Brunei	Nyasaland Protectorate
Cyprus	Pitcairn Island
Dominica	St. Helena
Falkland Islands and	St. Lucia
Dependencies	St. Vincent
Fiji	Sarawak
Gambia	Seychelles
Gibraltar	Sierra Leone Colony
Gilbert and Ellice	and Protectorate
Islands Colony	Singapore
Gold Coast Colony	Swaziland
and Protectorate	Trinidad and Tobago
Grenada	Uganda Protectorate
	Zanzibar Protectorate
United States:	
Alaska	Hawaii
American Samoa	Puerto Rico
Guam	Virgin Islands

The Secretary-General had been asked by the Assembly to prepare full summaries and analyses of the information transmitted during 1949 and thereafter at three-year intervals, and to prepare annual supplements in the intervening years. In 1950, he accordingly prepared, on the basis of the information transmitted with respect to individual territories: (1) summaries of statistical data to supplement the full summaries published during 1949; and (2) summaries of the progress achieved under development programmes. These summaries were included in the following documents: with respect to information transmitted by Australia, A/1275 & A/1283; by Denmark, A/1272 & A/1280; by France, A/1270, A/1269/Add.2 (with reference to New Hebrides) & A/1278; by the Netherlands, A/1273 & Add.1 & A/1281; by the United States, A/1268 & A/1276; by the United Kingdom, A/1269 & Add.1-3, with corrigenda, & A/1277 & Add.1 & 2.

Since for the first time information was transmitted on Netherlands New Guinea—which had formed part of the former territories of Indonesia—as a separate Non-Self-Governing Territory, a full summary of this information was prepared (A/1273/Add.1). The Secretary-General's analyses of the information transmitted related to agricultural and economic conditions (A/1297), public health (A/1299), labour (A/1298 & Corr.1) and social welfare (A/1300).²

These summaries and analyses, in addition to numerous documents on education,³ were discussed in the Special Committee on Information Transmitted under Article 73 e of the Charter, which met from 18 August to 12 September 1950, and in the Fourth Committee during its general debate on Non-Self-Governing Territories, from its 180th to 185th meetings, 16 to 22 November.

¹ For Charter provisions, see p. 100.

² United Nations, Non-Self-Governing Territories: Summaries and Analyses of Information Transmitted to the Secretary-General during 1950: Vol. I, "General Survey and Analyses of Information Transmitted during 1950"; Vol. II, "Summaries of Information Transmitted during 1950" (U.N.P., Sales No. 1951.VI.B.1).

³ Ibid., Vol. III, "Special Study on Education".

Several reservations were made in the Fourth Committee concerning United Kingdom sovereignty with respect to certain territories on which it had transmitted information during 1950. The representatives of Argentina, Guatemala and Yemen made formal reservations regarding the sovereignty of their Governments over the Islas

Malvinas (Falkland Islands), Belize (British Honduras) and Aden, respectively. In reply, the representative of the United Kingdom in each case formally reserved the position of his Government, which, he stated, had no doubts as to its sovereignty over the Falkland Islands, British Honduras and Aden.

A. CESSATION OF THE TRANSMISSION OF INFORMATION

The Non-Self-Governing Territories on which Members had transmitted or undertaken to transmit information under Article 73 e of the Charter were enumerated in resolution 66(I) adopted by the General Assembly on 14 December 1946. As enumerated, these territories numbered 74. Subsequently, information ceased to be transmitted with respect to a number of these territories. In compliance with a later Assembly resolution (222(III)), the administering Members concerned informed the Assembly of the constitutional changes which had led to their action.⁴ After noting the reasons given, the Assembly declared, by resolution 334(IV) of 2 December 1949, that it could express its opinion on the principles which should guide Members in determining the territories on which they were obliged to transmit information and it invited the Special Committee to examine the factors which should be taken into account in deciding whether or not a territory was non-self-governing.

In 1950, the permanent representative of the Netherlands to the United Nations informed the Secretary-General, by letter of 29 June (A/1302/Rev.1), that his Government was no longer transmitting information on Indonesia. Sovereignty over Indonesia, with the exception of Netherlands New Guinea, had been transferred on 27 December 1949 to the Republic of the United States of Indonesia, the letter explained, and, as a result, Chapter XI of the Charter had ceased to apply in this case. The letter further stated that in all probability no further reports would be submitted on the Netherlands West Indies and Surinam after 1950, since both these territories would then have acquired an autonomous status and a full measure of self-government. In that event, the Netherlands Government intended to inform the United Nations of the changes in the constitutional position and status of these territories, pursuant to resolution 222(III).

Background data on the factors relating to the application of Chapter XI of the Charter

(A/AC.35/L.8 & Corr.1) were compiled by the Secretariat to aid the Special Committee in its task under resolution 334(IV). In view of the complexity of the problem and the limited time available at the 1950 session of the Special Committee, however, the representative of Egypt proposed that the question be deferred until 1951. The Committee accepted this suggestion.

The question was again raised during the 183rd, 184th and 185th meetings of the Fourth Committee, on 20 and 22 November. The representatives of Cuba and Yugoslavia expressed regret that the Special Committee had been unable to deal with resolution 334(IV). It was suggested by the Cuban representative that, in view of the importance of the principle and practical policy involved, the matter might be discussed by the Fourth Committee itself. Commenting on the statement that the Netherlands might cease to transmit information on the Netherlands West Indies and Surinam (see above), he stated that the Committee might note the Netherlands communication in a formal resolution. Reference was also made by the representative of Yugoslavia to the earlier discontinuance of the transmission of information by the United Kingdom with respect to Malta, and by France on a number of territories, including Guadeloupe, Martinique, Guiana, New Caledonia, and certain French possessions in the Pacific. While he would like to see the number of Non-Self-Governing Territories reduced as soon as possible, he considered that only after the factors referred to in resolution 334(IV) had been defined could the United Nations determine whether an administering Power had acted correctly in ceasing to transmit information on a Non-Self-Governing Territory. The representative of the Dominican Republic believed it essential that Non-Self-Governing Territories not lose their

⁴ For further information, see Y.U.N., 1948-49, pp. 730-32.

special position and become incorporated into the Metropolitan country.

A draft resolution (A/C.4/L.115) on the development of self-government in Non-Self-Governing Territories, later introduced by the representative of India, was considered and approved (see text below) by the Fourth Committee at its 190th meeting on 29 November. The representatives of the USSR and the United Kingdom indicated that they could not support the resolution although they welcomed the admission of Indonesia to membership in the United Nations. The United Kingdom was prepared to transmit information in accordance with resolution 222(III), but could not agree to the discussion of such information by either the Special Committee or the Assembly. The USSR representative explained that he would abstain since the status of Netherlands New Guinea and its relationship to Indonesia was not clear to his delegation.

The preamble and paragraph 1 of the operative part of the draft resolution received 35 votes to none, with 5 abstentions, and the final paragraph 29 votes to none, with 13 abstentions. The Committee then approved the resolution as a whole by 30 votes to none, with 12 abstentions. The resolution (448(V)) was adopted without change at the 320th plenary meeting of the As-

sembly, on 12 December 1950, by 41 votes to none, with 8 abstentions. It read:

The General Assembly,

Considering that resolution 222(III) adopted by the General Assembly on 3 November 1948, while welcoming any development of self-government in Non-Self-Governing Territories, considers that it is essential that the United Nations be informed of any change in the constitutional position and status of any such Territory as a result of which the responsible government concerned thinks it unnecessary to transmit information in respect of that Territory under Article 73 e of the Charter,

Noting the communication dated 29 June 1950 from the Government of the Netherlands in which it is stated that the Netherlands will no longer present a report pursuant to Article 73 e on Indonesia with the exception of West New Guinea,

Noting that the full independence of the Republic of Indonesia has been followed by the admission of that State to membership in the United Nations,

1. Takes note with satisfaction of the communication of the Government of the Netherlands with reference to the cessation of the transmission of information on Indonesia;

2. Requests the Special Committee on Information transmitted under Article 73 e of the Charter to examine such information as may be transmitted in future to the Secretary-General in pursuance of General Assembly resolution 222(III), and to report thereon to the General Assembly.

B. PARTICIPATION IN THE SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER⁵

On 1 and 2 December 1949, the representatives of Belgium, France and the United Kingdom in the General Assembly had expressed the reservations of their Governments with respect to resolution 332(IV) establishing the Special Committee. At the opening meeting of the Committee on 18 August 1950, the representatives of these States announced that they would nevertheless participate in its work in a spirit of conciliation and co-operation.

The Belgian Government, in a letter read by its representative to the Committee, reiterated its conviction that "the Special Committee, by reason of the powers conferred upon it and the manner in which it conducts its work, exceeds the limits of the competence conferred by the Charter on United Nations bodies", and emphasized that Belgium's participation in the Committee's work did "not imply any agreement, express or tacit, which might restrict its rights and affect its full

freedom of action, whatever the circumstances". The Committee was also informed that the reservations of a constitutional nature made by the French Government remained in force. The United Kingdom representative stated that, while his Government intended to participate fully in the work of the Committee, its participation was subject to the general reservation that there was nothing in Chapter XI of the Charter to justify the claims of those Members who held that the Charter gave the United Nations the right to supervise the administration of Non-Self-Governing Territories or to make Metropolitan Governments accountable to the United Nations in respect of such territories.

Commenting on these statements, the representatives of India, the Philippines and the United States observed that the position of the adminis-

⁵ For list of members of the Special Committee, see p. 101.

tering Members was fully safeguarded by the terms of Chapter XI of the Charter.

During the general discussion of the Special Committee's report in the Fourth Committee, several representatives, including those of Egypt, Haiti and Yugoslavia, expressed their gratification that Belgium, France and the United Kingdom had participated in the work of the Special Committee. Other members, in particular, Cuba, Lebanon and Syria, considered the reservations of those administering Members unfortunate and the

representative of Lebanon indicated that he hoped they would soon be able to give the Special Committee their unreserved support. It was argued by the representative of Pakistan, however, that the views of the three administering Members concerning their legal rights in relation to Non-Self-Governing Territories were not in accordance with the spirit and principles of the Charter. He appealed to the administering Powers to be more generous and prepare the people of the territories for self-government.

C. VISITS TO NON-SELF-GOVERNING TERRITORIES

At the invitation of the Government of Denmark, two Secretariat officials—Dr. Victor Hoo, Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories, and Mr. Wilfrid Benson, Director of the Division of Information from Non-Self-Governing Territories—visited Greenland, from 15 June to 8 July 1950.

The representative of Egypt in the Special Committee commended the Danish Government's action and expressed the hope that other administering Members would follow its example. During the general debate on the Special Committee's report at the 180th to 185th meetings of the Fourth Committee, from 16 to 22 November, this view was also expressed by the representatives of Cuba, the Dominican Republic, Lebanon and Pakistan. The representative of Cuba felt that a report on the visit should be published under resolution 335(IV) of 2 December 1949, which authorized the Secretary-General to periodically publish data on special aspects of the progress achieved in Non-Self-Governing Territories. The Committee was informed by the representative of the Secretary-General that the Secretariat had had no opportunity to publish any data under this resolution and might still be unable to do so in 1951 due to its work load. With respect to the Greenland report, he stated, there was some doubt as to whether it fell under the resolution.

A draft resolution (A/C.4/L.113/Rev.1) introduced by Cuba was discussed in the Committee during its 189th and 190th meetings, on 28 and 29 November. By adopting this draft, the Assembly would propose that information transmitted under Article 73 e might be supplemented by visits made to Non-Self-Governing Territories, at the invitation of the administering Member,

and that reports on such visits be made available to the Assembly. It would express its gratification at the invitation extended by Denmark and call this Government's action to the attention of the other administering Members. Finally, it would request the Secretary-General to publish the report on the visit to Greenland.

The representative of Denmark explained that his Government had issued the invitation in the belief that Secretariat officials should be given an opportunity to become familiar at first hand with conditions in a territory with which their duties required them to deal, and he was convinced that the visit had produced the favourable results expected. His Government had no objections to the publication, in a suitable manner, of the report prepared by these officials. His delegation could not, however, endorse the Cuban draft resolution, primarily because the Danish Government did not want its invitation to be used as the basis of a resolution indirectly calling upon other administering Powers to issue similar invitations, which should be absolutely free and spontaneous. The purpose of such visits, the representative of Denmark emphasized, was to encourage contacts and the exchange of useful experience between United Nations officials and the officials of the countries administering Non-Self-Governing Territories, but the resulting reports should not be placed on the same footing as information transmitted by the responsible Governments.

Owing to the limited time available for discussion, the representative of Cuba withdrew his draft resolution, reserving the right to re-open the question at a later session of the Assembly. At his request, the full statement of the representative of Denmark was circulated to the Committee (A/C.4/L.127).

D. REVISION OF THE STANDARD FORM

To guide administering Members in preparing information transmitted annually under Article 73 e of the Charter, the Assembly adopted, on 3 November 1946, a Standard Form⁶ covering information of an optional nature, i.e. geography, history, people, government, and human rights, and information on social, educational and economic conditions. The revision of the Standard Form, which had been postponed by the Special Committee in 1949, was again discussed during 1950. The Secretariat had prepared a document (A/AC.35/L.4 & Add.1) containing all the changes suggested and comments made earlier, as well as detailed suggestions submitted during 1950 by the Food and Agriculture Organization, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, and relevant comments by the International Labour Organisation.

Because of the heavy work during the 1950 session, members of the Special Committee agreed to postpone the revision until 1951. This would be particularly convenient, it was felt, since the revised Form could be used as a guide for preparing information transmitted in 1952, on which the Secretary-General would base his next full summaries and analyses.

The representative of the United Kingdom stated that it would be inadvisable to make the Standard Form over-elaborate because it would be impossible for colonial secretariats to prepare detailed information covering a very large number of points within the time limit prescribed by the General Assembly (218(III))—i.e. six months from the close of the administrative year. While agreeing that it was not desirable to overload the Standard Form, the representative of India considered that the Special Committee must nevertheless have sufficient information at its disposal to enable it to draw conclusions as to the fundamental policy followed by the administering Members. He was aware, as the representative of the United Kingdom later observed, that there was no obligation on the part of the administering Members to adhere to the Standard Form.

The representative of the United States introduced a draft resolution (A/AC.35/L.23), proposing, *inter alia*, that a sub-committee be appointed to meet during 1951 to prepare a revised text for consideration by the Special Committee.

The Special Committee unanimously adopted an amendment submitted by Australia that the revision be made in time to guide administering Members in preparing information to be transmitted in 1952 and subsequent years; the United States draft referred only to 1952.

A Belgian proposal that the sub-committee's meeting be held in the week immediately preceding the meeting of the Special Committee was accepted by the United States.

The representative of India felt that the sub-committee should meet early enough to permit all the Members of the Special Committee to consider its recommendations before the Special Committee itself met and suggested an amendment to that effect. He also pointed out that the discussion of economic problems and of important items deferred at the current session indicated that the 1952 session of the Special Committee would necessarily be long. The Indian amendment was rejected by a vote of 6 in favour and 6 against.

After deciding on the membership of the sub-committee, the Special Committee unanimously adopted the United States draft resolution, as amended:

The Special Committee,

Having decided that a revision of the Standard Form should be made in time to be used as a guide for the preparation by the Administering Members of the information to be transmitted under Article 73 e of the Charter in respect of 1952 and subsequent years,

Considering that such revision, while taking account of suggestions made by the Committee and various specialized agencies, should be drawn up in a manner which will facilitate the preparation of papers by the Secretary-General, based on this information, showing the broad economic, social and educational trends of development in the territories concerned,

Considering also that an undue elaboration of the Standard Form would not facilitate the purposes of the Special Committee and the General Assembly and should therefore be avoided,

1. Appoints a Sub-Committee consisting of the following six members: Brazil, France, India, the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America, to meet in 1951 in the week immediately preceding the meeting of the Special Committee, in order to undertake the task of revision in time for the consideration of the Committee at its 1951 session; and

2. Requests the Secretary-General for this purpose to prepare a working paper for the use of the Sub-Committee, taking into account the wishes of the Committee as expressed in this resolution.

⁶ For text, see Y.U.N., 1947-48, pp. 721-24.

1. Information Transmitted under the Optional Category of the Standard form

By resolution 327(IV) of 2 December 1949,⁷ the General Assembly recommended that in the proposed revision of the Standard Form, information on geography, history, people and human rights should cease to be classified under the optional category of that Form. It also expressed the hope that Members which had not already done so would voluntarily transmit details on the government of Non-Self-Governing Territories.

In 1950, information under the optional category was transmitted by the Governments of Australia, Denmark, the Netherlands, New Zealand and the United States and summarized by the Secretary-General (A/1295). During the discussion of these summaries, members of the Special Committee expressed their appreciation of the action taken by the five Governments and the hope that all administering Members would find it possible to supply information under the optional category. While sharing in this expression of appreciation, the representative of the Philippines considered that, since the revision of the Standard Form had been postponed, the Committee should encourage those Members transmitting information under the optional category to submit even more detailed data and should request the other three administering Members to furnish such information for discussion by the Committee in 1951. He further suggested that information on the observance of human rights in the Non-Self-Governing Territories should be treated under the heading of social conditions instead of under the optional category with information of a political nature and that the administering Members might transmit data concerning the teaching and dissemination of information about the United Nations in Non-Self-Governing Territories.

The representative of France said that his Government was prepared to submit in 1951 the fullest possible information, in particular on the teaching of United Nations activities and on human rights. He nevertheless pointed out that the submission of political information had in the past led to unjustified attacks on the administering Members concerned. The French Administration was under no obligation to submit information on political conditions under Article 73 e and, since questions of sovereignty were involved, it no longer transmitted such information. The representative of the United Kingdom pointed out that some data invited in

the optional part had been included by his Government in the remaining parts when it had considered it necessary for a proper understanding of the other information transmitted. Furthermore, additional information relating to economic, social and educational conditions in Non-Self-Governing Territories under the British administration, including data on the observance of human rights and the teaching of United Nations activities, could be found in various reports to the United Nations.

The representative of Belgium stated that, as in the past, his Government would continue to consider the Standard Form as a document intended to serve it as a guide in transmitting information. The solution of the problems relative to subjects listed under the optional category, he felt, should be sought on a universal basis; this would require a study of the position of all peoples who in fact were not fully self-governing.

The representative of India considered that the distinction between the optional part of the Standard Form and the remainder was illogical and arbitrary. He urged the administering Powers which still insisted on this distinction not to deny the Committee the documentation it needed to obtain a clear and complete picture of the situation in the Non-Self-Governing Territories.

2. Information on Human Rights

During the examination of the Special Committee's report (A/1303) in the Fourth Committee, a joint draft resolution (A/C.4/L.108) was introduced by Haiti, Mexico, the Philippines and Syria; it invited the administering Powers to transmit in 1951 a summary of the extent to which the Universal Declaration of Human Rights⁸ was implemented in the respective Non-Self-Governing Territories and asked the Special Committee to include in its report to the Assembly such recommendations as it thought desirable regarding the application of the principles contained in the Declaration. There was considerable discussion of this draft, at the 186th and 187th meetings of the Fourth Committee, on 24 and 25 November.

A number of members, including Argentina, Australia, Belgium, Canada, Denmark, the Dominican Republic, the Netherlands and Norway, considered the draft resolution premature. Before

⁷ See Y.U.N., 1948-49, p. 734.

⁸ For text, see Y.U.N., 1948-49, pp. 535-37.

adopting such a resolution, it was argued, it would be advisable to await the final drafting and adoption of the Covenant on Human Rights, which was to provide measures for implementing the aims and principles set forth in the Declaration. Moreover, the sub-committee on the Standard Form would consider in 1951 the form in which information on the application of human rights in the Non-Self-Governing Territories should be submitted. The representatives of Argentina, Australia and Canada, stressing the importance of the question, urged that consideration of the draft resolution be postponed to permit a more thorough study. A formal proposal to this effect, moved by the representative of Canada, was rejected by a roll-call vote of 24 to 14, with 4 abstentions.

The representative of the United Kingdom objected to the draft resolution. Referring to the fact that the Universal Declaration of Human Rights did not require Members of the United Nations to report to the Assembly on the extent to which they had been able to attain the objectives set forth in the Declaration, he did not see why only Members responsible for the administration of Non-Self-Governing Territories should be required to do so. This argument was supported by Australia, Belgium, Greece, New Zealand, Peru and the United States. The representative of the United Kingdom also considered that it was neither desirable nor proper to vest in the Special Committee the functions proposed for it in the matter. Observing that the United Kingdom had decided to participate fully in the Special Committee's work in spite of its reservations, he appealed to members of the Fourth Committee to show the same spirit of co-operation and to abstain from proposing further extensions of the Special Committee's functions every year.

All members opposing the draft resolution made it clear that their opposition was based on legal and procedural considerations, as they upheld the principle that human rights should be respected both in Non-Self-Governing Territories and independent countries. The representatives of the United Kingdom and Belgium observed that they had already undertaken to supply information with respect to territories under their administration for inclusion in the Yearbook on Human Rights, and they would abide by any further obligations incurred under the proposed Covenant on Human Rights, which, it had already been decided in the Third Committee, would make no distinction between Non-Self-Governing Territories and independent States.⁹ The repre-

sentative of Belgium added that his Government would in the meantime incur no other obligations. Other administering Members, including Australia, Denmark, the Netherlands, New Zealand and the United States, pointed out that, as suggested in the optional part of the Standard Form, they were supplying data on human rights in the information transmitted under Article 73 e of the Charter in addition to that provided for the Yearbook on Human Rights. The representative of the United States further stated that, should the draft resolution be adopted despite the objections to it, his Government would comply with its provisions.

The representative of France spoke in favour of the draft resolution. He indicated that in the territories administered by France the fundamental principles of the Universal Declaration of Human Rights and the dignity of the human person were fully respected. These principles were also embodied in the French Constitution, which was applied in all these territories. His delegation therefore did not consider that the adoption of the draft resolution would mean an unjustified distinction with regard to Non-Self-Governing Territories. However, he proposed the deletion of paragraph 2 of the operative part of the draft, requesting the Special Committee to make recommendations on the application in Non-Self-Governing Territories of the principles set forth in the Declaration; this he considered a legal task more within the competence of the Third Committee. This proposal was supported by India and Peru.

Other arguments in favour of the draft resolution were advanced by its sponsors and by the representatives of Brazil, Cuba, Ecuador, Egypt, Guatemala, Haiti and the USSR, all of whom considered it realistic and timely. It was contended that the draft was a further expression of the general tendency shown by the Third Committee's decision to delete the colonial clause from the draft Covenant on human rights on the ground that no distinction should be made with respect to Non-Self-Governing Territories, a principle also recognized in article 2 of the Declaration. In view of the special Charter obligation undertaken by the administering Powers to promote to the utmost the well-being of the people of the Non-Self-Governing Territories, the supporters of the draft resolution held that an analogy between measures applied in these territories and in sovereign States was out of place. As to postponing

⁹ For consideration of this question in the Third Committee, see pp. 524 ff.

a decision until the adoption of the Covenant on Human Rights, it was pointed out that the draft resolution sought information on the extent to which the principles of the Declaration, not the provisions of the Covenant, were applied in the territories. Due to the importance of the question, it was felt that the communication of the information requested should not be postponed until the Standard Form had been revised. In any case, it was stated, the Assembly had already approved the principle contained in the draft resolution when it adopted resolution 327(IV), recommending that, in the revised version of the Standard Form, information on human rights cease to be classified as optional. Moreover, there was no reason to fear any increase in the powers of the Special Committee, a subsidiary organ of the Assembly, as the latter would not call upon it to do anything which the Assembly itself could not do.

Drafting amendments to the preamble were proposed by the representatives of Ecuador and the USSR. After the sponsors had accepted these amendments, the draft resolution (see below) was put to the vote, at the 187th meeting of the Fourth Committee. The preamble, as amended, and operative paragraph 1 of the draft resolution were adopted by a roll-call vote of 29 to 10, with 4 abstentions. Operative paragraph 2 was also adopted, by a roll-call vote of 25 to 11, with 7 abstentions. The Committee then adopted the resolution as a whole by a roll-call vote of 26 to 10, with 7 abstentions, and included it in its report to the Assembly (A/1638).

Following the vote in the Fourth Committee, the representative of France expressed regret that paragraph 2 of the operative part had been retained. Because of this, he stated, his delegation had been forced to abstain from voting on the resolution as a whole.

The position of their Governments with respect to the implementation of the resolution were ex-

pressly reserved by the representatives of Australia and the United Kingdom, the latter because of the procedure embodied in the resolution, and the former because it would impose on the administering Powers obligations for the transmission of information on the observance of human rights which, he said, were not laid down in the Charter or in any other United Nations instrument, and which no Government represented in the Fourth Committee had assumed with respect to its own country.

The draft resolution was considered by the General Assembly at the 320th plenary meeting on 12 December 1950. It was adopted, as resolution 446(V), by a roll-call vote of 37 to 10, with 9 abstentions. The text read:

The General Assembly,

Recalling the recommendation contained in resolution 327(IV) adopted by the General Assembly on 2 December 1949,

Noting the provision contained in article 2 of the Universal Declaration of Human Rights that no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, Trust, Non-Self-Governing or under any other limitation of sovereignty,

Having regard to the mission which has been given by the General Assembly to the Commission on Human Rights with a view to the drafting of an International Covenant on Human Rights which will also be applicable to Non-Self-Governing Territories,

1. Invites the Members responsible for the administration of Non-Self-Governing Territories to include, in the information to be transmitted to the Secretary-General in 1951 under Article 73 e of the Charter, a summary of the extent to which the Universal Declaration of Human Rights is implemented in the Non-Self-Governing Territories under their administration;

2. Requests the Special Committee on Information transmitted under Article 73 e of the Charter to include in its report to the General Assembly at its sixth session such recommendations as it may deem desirable relating to the application in Non-Self-Governing Territories of the principles contained in the Universal Declaration of Human Rights.

E. EDUCATION IN NON-SELF-GOVERNING TERRITORIES

The General Assembly, by resolution 333(IV) of 2 December 1949, invited the Special Committee on Information transmitted under Article 73 e of the Charter to give special attention in 1950 to the problems of education in the Non-Self-Governing Territories. In four other resolutions, adopted on the same day, the Assembly dealt further with the question of education. It

drew attention to the principle of equal treatment among the inhabitants of the Non-Self-Governing Territories in matters relating to education (328(IV)), invited UNESCO to undertake **an** over-all study of the question of the language **of** instruction in Non-Self-Governing Territories (329(IV)); asked UNESCO to inform administering Members of measures for suppressing

illiteracy and recommended that the administering Members continue to co-operate with UNESCO with a view to the eradication of illiteracy in Non-Self-Governing Territories (330(IV)); drew attention to the importance of promoting the technical training of the peoples of the Non-Self-Governing Territories and referred, among other problems, to the question of higher education (331(IV)).¹⁰

To assist the Special Committee in its task the Secretariat prepared documents dealing with the eradication of illiteracy (A/AC.35/L.11), equal treatment in matters relating to education (A/AC.35/L.17), participation of the inhabitants in the formulation of educational policy and in the administration of education (A/AC.35/L.18), higher education (A/AC.35/L.7 & Corr.1) and teacher training (A/AC.35/L.13) and UNESCO prepared papers on the eradication of illiteracy (A/AC.35/L.16) and on the language of instruction (A/AC.35/L.15). This information was discussed in the Special Committee from its third to eleventh meetings, 21-25 August. The representatives of the administering Members provided further information on the development of education in the territories under their administration. The representatives of a number of the non-administering Members outlined the manner in which problems of education were being treated in their own countries in cases where these problems were similar to those arising in the Non-Self-Governing Territories. Apart from this interchange of experience, there was a substantial interchange of ideas on problems and objectives, in which most of the members of the Committee took part.

Educational advisers attached to the delegations of Australia, the Netherlands, the United Kingdom and the United States also took part in the discussions on education; after the conclusion of these discussions, the Committee unanimously adopted a resolution, introduced by the representative of the Philippines, expressing its appreciation of the valuable contribution to the work of the Special Committee made by these educational experts.

On 24 August, the Special Committee established an Education Sub-Committee with broad terms of reference to prepare a special report on education for the consideration of the full Committee.

The representatives of Australia, Brazil, India, the Philippines, the United Kingdom and the United States constituted the Sub-Committee, which held seven meetings, from 28 to 31 August,

under the Chairmanship of the representative of the Netherlands. Its report (A/AC.35/L.21) was considered by the Special Committee at its 21st to 25th meetings, 5-7 September. The text, revised in some particulars by the Special Committee, formed the second part of its report to the Assembly (A/1303/Add.1). Comments on the various educational problems considered by the Special Committee were prefaced in its report by a statement of the Committee's general view, that:

(a) A realization of the need for education is widespread and strong. Even though there are resistances to be overcome and the content and purposes of education are not always well understood, the peoples of the Non-Self-Governing Territories require assurance that all practical steps are being taken as rapidly as possible to provide them with adequate means of education.

(b) Education in its broadest sense is a necessary basis for progress in economic, social, cultural and political knowledge and responsibility.

(c) There would be an inadequacy and even a folly in regarding general literacy or universal school attendance or any other fundamental objective of programmes of instruction as an end in itself.

(d) Nevertheless, the extension of schooling and the raising both of literacy rates and of the standard expressed by the term "literacy" are pre-requisites for the raising of general conditions in all fields.

(e) The administrative solution of the problems of education in Non-Self-Governing Territories, as elsewhere, must be solidly based on the economic resources, cultural aspirations and general conditions of the peoples.

(f) The existence of limitations imposed by reasons of finance on necessary developments in all aspects of economic and social life is recognized. Yet, it is hoped that a still wider recognition of the essential importance of education will result in devoting the maximum available resources to its furtherance.

The Committee also indicated that the separate problems of education considered were closely inter-related. It was aware that, in the final analysis, the solution of these problems was the responsibility of the administering Members.

1. Eradication of Illiteracy

The information before the Special Committee showed a wide range of literacy levels in Non-Self-Governing Territories. In some territories with a small population, there was almost complete literacy; in others, such as Alaska, Guam and some of the Caribbean territories, over 70 per cent of the population was literate; in Cyprus, Fiji, the Federation of Malaya and Singapore, Jamaica, Puerto Rico and Trinidad, literacy had increased by 10 per cent or more over the last

¹⁰ These resolutions are reproduced in Y.U.N., 1948-49, pp. 745-48.

ten or fifteen years. Nevertheless, in the majority of Non-Self-Governing Territories and in the world as a whole, literacy levels and the rates of increase had been far lower.

In considering the general problem of "literacy" or "illiteracy", however, it was recognized that the meaning of the terms and the statistics dealing with them were not adequately standardized. With respect to the information on Non-Self-Governing Territories, it was suggested in the Special Committee that a greater degree of uniformity might be possible if the total population over ten years of age were taken as the basic figure for any calculation of literacy percentage of those able to read and write.

One of the principal means for the eradication of illiteracy, in the Committee's opinion, was the extension of primary education. In many territories the number of children receiving some school education had increased substantially over the last few years, although in some instances these increases had been balanced by an increased child population. But even if primary education could rapidly become general, free and compulsory, illiteracy would not be eradicated. Experience had demonstrated that children who had had a long and regular period of schooling could relapse into illiteracy. The ability to read and write should be considered only a means by which, given the proper incentives, knowledge may be acquired and put to use.

As a means of creating those incentives, the Committee stated, two examples illustrated that it sometimes was essential to do some preliminary work before the usual school programme was introduced. In Netherlands New Guinea, an educational centre was established, which has no age-limit for the pupils and which gives particular attention to agriculture, the Malay language and indigenous arts, rather than to reading and writing. In the case of Papua, it was found necessary to train Australian teachers in local requirements and special techniques before they started to teach. Another approach in Papua was to set up an Area Education Centre where an educationist with training in social anthropology and linguistics determined the type of instruction most useful to the population, as touching on every facet of the life of the people. The Committee considered such experiments important and expressed the hope that detailed information on their progress would be supplied in the future. However, it was agreed that the development of schools, of teachers and of school instruction remained the basis for the eradication of illiteracy.

In the documents before the Committee, it was shown that some territories were considering a reduction in the primary school period in order to make elementary school teaching available to more children. UNESCO urged caution in regard to such a programme. However, it was thought that information on experiments of this nature would be of value to other countries faced with similar problems. UNESCO commented on the success of an experiment among the American Indians whereby it was found that special schools organized for children of the twelve to eighteen year age group would give quicker results than normal school instruction for young children. This, it was stated, merited further consideration. Nevertheless, account must be taken of economic and social factors: in many countries of an agricultural or pastoral character, it might be difficult for parents to spare children the time to attend school.

In a number of territories plans had been made for providing, within a set period of years, either for an elementary course for all children of certain age groups or for a substantial increase in the number of schools. The Committee hoped that information would continue to be provided on the progress of these scheduled school expansions.

The Special Committee was also informed of a number of examples of mass literacy campaigns. In some cases, the success of these campaigns had been spectacular, especially when they formed part of a wider communal social betterment project. The Committee expressed high appreciation of the purpose and value of literacy campaigns and suggested that UNESCO make available to those interested, information on particular methods of instruction, such as the global method and the project for literacy education undertaken in the United States in 1949. However, it cautioned against using these projects for adult learning as a substitute for a school programme. During the course of its discussions, the Special Committee reached the following conclusions:

(a) The eradication of illiteracy is a problem of the utmost urgency in the majority of the Non-Self-Governing Territories.

(b) UNESCO should, in order that the campaign against illiteracy may be pursued effectively, seek to define the term "literacy" and suggest a uniform method for presenting statistics of percentages of illiteracy.

(c) In order to eradicate illiteracy, facilities for primary education should be developed as rapidly as possible, so that all children of all races will receive sufficient schooling to endow them with a desire for further education and to equip them with the means of satisfying that desire.

(d) The content and methods of education—the school curricula, the character of text books and all other aids

to education—should be designed to achieve the above end and be planned in the light of the cultural heritage, the economic and social circumstances, and the progressive development of the free political institutions of the peoples concerned.

(e) The greatest effort should be made to ensure that girls, as well as boys, receive the full benefit of education, and that any inequalities at present existing in the development of educational facilities should be corrected.

(f) The speedy provision of an adequate supply of suitable reading material for school children and newly literate adults is of the greatest urgency.

(g) The eradication of illiteracy should also be pursued through special schemes for the teaching of adults and, in general, it should be recognized that the education of children themselves will be hindered so long as the adult population is not fully converted to a belief in the need for and the purposes of education.

2. Language of Instruction

As requested in General Assembly resolution 329(IV), the General Conference of UNESCO held in Florence in 1950 adopted a resolution authorizing the Director-General to undertake an over-all study of the use of the language of instruction in Non-Self-Governing Territories. A meeting of experts was to be convened by UNESCO in November 1951 to study the use of vernacular or national languages and that of a second language for teaching purposes as well as the psychological and social aspects of bilingualism and multilingualism in education. The Special Committee was of the opinion that the preliminary survey on the problem prepared by UNESCO (A/AC.35/L.15) contained a number of valuable considerations. Nevertheless, it stated, the progress of the study in the international field of this important and difficult question since the adoption of General Assembly resolution 329(IV) had not enabled the Special Committee to do more than exchange preliminary observations and general ideas.

In the view of the Special Committee, the choice of the basic language of instruction in Non-Self-Governing Territories should take into account the following two considerations which, it stated, were not always compatible: (a) the necessity of ensuring that the populations of the territories shall have access to world culture and civilization; and (b) the necessity of not depriving them of their own cultural heritage. In most cases, the Committee realized, traditions had already been established and basic decisions taken. It was no longer a question of initiating a new

policy, but of deciding in what manner a policy may have to be adapted to new circumstances.

In the experience of the administering Members, some difference had been noted on the extent to which early education in the indigenous language placed the student at a disadvantage if he proceeded later to studies in a language with wider currency. In some cases it was thought to be slight, while in others the disadvantages were considered substantial. It was suggested that the experts to be convened by UNESCO might be asked to give the results of their experiences on this question. It was also felt that the technical and psychological problems, on which there was much national experience, provided material for international discussion among experts. Accordingly, the Committee considered that, in general, for a full interchange of ideas and experience on the problem of the language of instruction, it should await further progress in the studies which UNESCO could undertake with the collaboration both of the Members responsible for administering Non-Self-Governing Territories and of its own Members with similar problems within their national frontiers.

Meanwhile, the Special Committee recorded its view that:

(a) The first approach to the inculcation of literacy should wherever possible be through the mother tongue.

(b) The peoples of the Non-Self-Governing Territories whose languages differ from those of the authorities responsible for their administration, should neither be deprived of their own cultural heritage nor denied access to world culture.

(c) In cases where an indigenous language is already sufficiently developed to be a vehicle of world culture, there is a strong presumption that by the use of that language at all levels of instruction the cultural heritage and the world needs of the people concerned may be satisfied.

(d) In cases where an indigenous language has local currency only, a language of wider currency should be introduced in instruction by means which will keep psychological strains to a minimum but provide the opportunity for students eventually to take their place in any educational course for which their capacities would normally qualify them.

(e) The views of the qualified leaders of the peoples should be of predominating importance in deciding particular problems relating to the use of languages in instruction.

3. Equal Treatment in Education

General Assembly resolution 328(IV) on this subject invited administering Members, in cases where for exceptional reasons separate groups of

educational facilities were provided for the different communities, to transmit full data on their costs and methods of financing. The Secretariat accordingly outlined the general education organization and the financial systems in territories where different school organizations were provided for different sections of the population (A/AC.35/L.17). This situation, it was stated, existed in relatively few territories, mainly, but not only in Africa.

Representatives of the administering Members pointed out that for various reasons the figures on the per capita cost of African and European education, for example, were often misleading. Even so, some of the other representatives on the Special Committee expressed the opinion that the financial data showed that wide disparities still existed in some territories between the opportunities made available to pupils of different groups. There was, however, a strong belief that the principle of equal treatment in education had so many ramifications that its consideration could be adequate only within a picture of the whole cultural organization and the complete social context of any territory. While it recognized that the costs of educational institutions may not always give a complete picture, the Committee felt that such data provided some guide to the extent to which equality of opportunity was being promoted. It therefore considered this information of real importance and expressed the hope that it would be supplied in all necessary detail in future years. After completing its study of the question of equal treatment in education, the Special Committee made the following observations:

- (a) In the field of education no principle is more important than that of equality of opportunity for all racial, religious and cultural groups of the population.
- (b) Respect should be paid to the wishes of any group desiring to establish particular educational facilities for its members, but this should be subject to the overriding consideration that the general welfare of the whole community is not thereby prejudiced and that the practical operation of any system of differentiation does not lead to discrimination against any group.
- (c) While the programmes and organization of different types of schools may properly be designed to meet the needs of different groups of pupils, it should be accepted as a general principle that no school should exclude pupils on grounds of race, religion, or social status.
- (d) Differentiation in school facilities and programmes should not militate against the development of mutual sympathy and a feeling of common citizenship among the inhabitants of a Territory.
- (e) Where separate systems exist, each group in the community should be given a fair share of the public funds used for educational purposes.

4. Participation of the Inhabitants

Referring to the principle that the interests of the inhabitants of the Non-Self-Governing Territories are paramount, as recognized in Chapter XI of the Charter, the Special Committee adduced that this principle would be made effective in the educational field only if the inhabitants were fully associated, first, in the formulation of educational policy and, secondly, in the administration of the educational systems. The development of central educational councils, the exercise of executive or advisory authority by district or school boards, the work of parent-teacher associations, and the control of local legislative bodies over educational expenditure and programmes, in the Committee's opinion, were important factors not only in the growth of the school system, but also in the expansion of general interest in the problems of education. Certain of the administering Members felt that the participation of the inhabitants in formulating educational policy in certain territories would be premature; these Members held that this would not be practicable at the present level of education. On the other hand, it appears that in many of the Territories administered by other Members provision for such participation had been made, often in great detail.

The Special Committee considered that:

- (a) The indigenous population is directly concerned in all questions affecting education.
- (b) No educational system can be completely effective unless the people have control over educational policies.
- (c) The form of this participation is less important than its spirit and effectiveness.
- (d) While the Administering Member has a responsibility to put its experience at the service of the makers of educational policy in the Non-Self-Governing Territories, it is, in general, local representative opinion, constitutionally and regularly expressed, which should determine all decisions taken in respect of educational policies and programmes.

5. Higher Education

Because of the interdependence of education at all levels, the Special Committee considered that the vicious circle of educational inadequacies could be broken only by the development of higher educational facilities simultaneously with those for primary and secondary schools.

From the Secretariat's brief survey of higher education in Non-Self-Governing Territories (A/AC.35/L.7), the Committee observed that the older institutions of higher education in

Alaska, Hawaii, Hong Kong, Morocco, Puerto Rico and Tunisia had grown both in enrolment and in the scope of the courses offered. In the Gold Coast, Nigeria, French West Africa, Uganda, Madagascar, Singapore and Jamaica, either new institutions of higher education had been established or existing institutions had reached or were approaching university standard. These institutions were designed to serve the needs of the regions in which they were situated.

Plans were being completed for the establishment of two such institutions in the Belgian Congo. In addition, in recent years, a rapidly increasing number of students from some of the Non-Self-Governing Territories had entered institutions of higher education in the metropolitan countries or in foreign countries. The Committee found these developments commendable and expressed the hope that they would continue. It considered significant the fact that a substantial number of the students seeking higher education in the metropolitan countries were self-supporting. This, the Committee felt, was indicative both of a widening desire among the peoples of the Non-Self-Governing Territories for higher education and of a lack of adequate facilities in the territories. The Committee suggested that existing institutions of higher education in Non-Self-Governing Territories should be encouraged to a greater extent to direct their attention to the development of those studies which are most basic to conditions in the territories; it cited agriculture and animal husbandry as two particularly important examples but also drew attention to other subjects, such as medicine, technology, business administration, law and journalism. It also suggested that every effort should be made to extend the provision of higher education for women and that consideration should be given to the manner in which institutions of higher education should provide services to other than residential students. In this connexion it had been pointed out in the Secretariat survey that enrolment in certain institutions was limited by the number of residential buildings available.

The Special Committee recorded its view that:

- (a) While the pressing need of education at all levels is apparent, both the principles of the Charter and the practical problems of the implementation of educational programmes make of outstanding importance the expansion of opportunities for higher education.
- (b) Consideration should be given to the provision of education programmes of an intermediate level such as the community college.
- (c) Of great significance are the expanding institutions of higher education within the Non-Self-Governing Territories, since, apart from the immediate services

they can provide, it is through them that local needs and aspirations may be translated into practical and responsible citizenship.

(d) These institutions should be given every liberty to develop within their local circumstances; and while they should not be required to follow precedents suited to circumstances other than those of the Territories, care should be taken that the highest possible standards are maintained.

(e) Yet isolation would be a grievous evil; it is to be hoped that some students, especially qualified graduate students of sufficient maturity, will continue to go to metropolitan and foreign institutions.

(f) Advantage should be taken of fellowship and scholarship programmes sponsored by the United Nations and the specialized agencies, not only in order to provide practical experience to people of the Non-Self-Governing Territories but also to foster broad contacts with the modern world which the Territories will require for their progressive development.

6. Teacher Training

The information before the Special Committee showed that many teachers would have to be added in the Non-Self-Governing Territories and their professional skills substantially improved for the educational programme of the administering Members to be pursued successfully.

It was estimated under the French plan for Overseas Territories that the primary teaching staff alone would have to be increased from about 12,500 teachers in 1949 to 50,000 by 1956; and in the single United Kingdom territory of Kenya, it was estimated that the 1949 figure of 3,148 teachers would have to be increased to 8,905 by 1957. It was apparent from information before the Committee that in many cases the quality of teachers would have to be improved.

Teaching, however, was a career as well as a vocation, the Committee pointed out. As a career, teaching needed to be made more attractive. Remuneration had in some cases been improved, and in some cases it was reported that the profession attracted a sufficiency of recruits. But, in general, in the Non-Self-Governing Territories as elsewhere, the salaries of teachers were low. Every effort should be made, the Committee considered, to enhance the status of the profession. The development of teachers' associations, not only for negotiations on the service conditions of teachers but also for the discussion of general educational problems, would encourage among the whole community an informed interest in and a feeling of responsibility for educational advancement and respect for the teaching profession. Vacation and extension courses for teachers would also serve

to prevent intellectual stagnation. The parent-teacher association could help to establish the teacher as an effective influence in the local community and to widen his own interests. All these methods were being used. But they should be intensified, the Committee suggested, with particular attention to the position of the regular working teacher in the field. The conclusions of the Special Committee were stated as follows:

- (a) The development of the technically skilled and socially conscious teacher is essential to the educational advancement of the Non-Self-Governing Territories.
- (b) Teacher-training institutions should be of high

quality and directed by those having deep sympathy with and knowledge of indigenous life.

(c) Such training institutions should have a wider aim than the mere inculcation of routines of instructional methods; they should endeavour to produce teachers with a basic knowledge of the purpose of their teaching.

(d) Teacher-training institutions should therefore be in close and fruitful contact with the general life of the communities, with other institutions of higher education and with practising teachers.

(e) Even so, the teaching profession cannot attract candidates of the type required unless more attention is given to the needs of the profession, in terms of conditions of service and of the place given to its members in public life.

F. TRAINING IN THE ECONOMIC AND SOCIAL FIELDS

General Assembly resolution 333(IV), in inviting the Special Committee to give special attention to the problems of education in the Non-Self-Governing Territories, requested that particular attention should be given to the development of training in the economic and social fields. Accordingly, the Secretary-General placed before the Committee documents relating to the training of indigenous medical personnel (A/AC.35/L.5 & Corr.1), of social workers (A/AC.35/L.3 & Corr.1), of agricultural technicians (A/AC.35/L.6), and of labour and trade union officers (A/AC.35/L.2). An extended general debate took place on these documents.

With respect to the training of medical personnel, the representative of the World Health Organization (WHO) stated that the information before the Committee showed that, in the majority of Non-Self-Governing Territories, existing training facilities were limited and inadequate in comparison to the immensity of the need. He suggested that it might be possible to pool the resources of several territories, or of several administering Members, and promised WHO's co-operation in any co-ordinated action designed to solve this problem. He also called attention to a conclusion reached by an Expert Committee of WHO to the effect that professional and technical personnel should receive training under conditions similar to those in which they would have to work.

The representative of India felt discouraged by the assessment of available training facilities as it appeared impossible to provide, within the foreseeable future, the required number of medical personnel for the territories. He suggested that

the administering Members should make greater efforts to train medical personnel, and should place more stress on preventive medicine. It was contended by the representative of France that far greater progress had been made than had been indicated and that the situation should be appraised in terms of the efforts made and the results achieved. The representative of the United Kingdom stated that the development of the medical facilities in the colonial university colleges would lead in the near future to a considerable increase in the supply of doctors. He described the measures being taken in the teaching of hygiene and in malaria control as evidence of the great concern of his Government with preventive medicine.

In any programme for the training of social workers, the representative of the United States stated, indigenous inhabitants should participate to a considerable extent in order to ensure that the conditions peculiar to the territories and to the needs of the people receive adequate attention. The representative of the United Kingdom explained that in the territories under British administration this type of work was performed largely by missions and voluntary organizations; it was a policy of his Government to encourage and assist them without encroaching on their activities. The United Kingdom was, however, training all available candidates from the indigenous inhabitants to fill senior posts in this field, and many territories now had separate departments of social welfare. In territories under French administration, social and sanitation services were often closely linked and sometimes completely merged; many of the medical institutions also trained social workers.

Without considering these and similar official and private services, the representative of France observed, the efforts of his Government could not be fully appreciated. The representative of India was pleased that the information showed that administering Members attached much importance to the training of social workers and had accepted the principle that it was better to train indigenous social workers than to wait until European candidates could be found; he expressed the hope that they would give more attention to training indigenous personnel. He suggested that consideration be given to employing war veterans in this field, indicating that his Government had found that they made valuable social workers.

The representative of the Philippines thought a certain number of United Nations fellowships should be made available to enable young people who had completed their studies to supplement their training and to acquire wider experience in social work. He indicated, however, that the administering Members should not lessen their own efforts to train social workers by reason of such fellowships.

On the question of training agricultural technicians, the representative of the Food and Agriculture Organization confirmed the conclusions set forth in the document presented by the Secretary-General (A/AC.35/L.6). He agreed that the vital role played by agriculture in the economic life of the Non-Self-Governing Territories, and the importance of agricultural education to the masses of the peoples should be stressed. To combine elementary agricultural education with general elementary education was one way to reduce the gap in knowledge and outlook between the technician and the non-technician. The test of the success of any agricultural training would be provided by evidence of a desire on the part of the trainee to return to agriculture. This could be achieved by locating and organizing training in such a way that the trainee spent part of each year in field work in contact with farmers.

The representative of the United States stated that the training of agricultural technicians was vital in the task of increasing food production. He described the agricultural extension work carried out in certain of the Non-Self-Governing Territories administered by the United States, such as the adult demonstration work, the work of the boys' and girls' clubs known as the 4-H Clubs, and school garden programmes.

The representative of India observed that there was a real shortage of staff, schools and training centres which hampered the development of agri-

culture in the French and United Kingdom territories and it appeared as though many of the new institutions of higher education did not sufficiently recognize the need for an expansion in agricultural training. One reason for the small number of students attracted to agriculture was the fact that government service was their only prospect, with a future financially much less rewarding than that offered in other fields.

It was pointed out by the representative of France that the shortage of staff referred to in the ten-year plan of development for the French Overseas Territories must be considered in relation to existing conditions. The plan provided for an expansion in all fields of education and would be continuously adjusted with due regard for the rapid population growth.

The representative of the Philippines suggested that FAO should study the problem of the lack of balance in agricultural production in the territories to see whether it arose from pressure exerted on the agricultural patterns by the predominant economic interests of the administering Members. He was also interested in the effects of land tenure systems on agricultural development in the territories.

The representative of the United Kingdom agreed with the principle that training should be given not only to government agricultural technicians but also to the people who lived on the land in order to preserve and stimulate their interest in agriculture. He doubted whether the influence of the ordinary village primary school could be sufficiently strong to keep the children on the land in the face of other influences drawing them away from it. The need for an expansion in agricultural training facilities was fully recognized but the fact was that there was a lack of candidates to fill vacancies in the existing agricultural training schools. It was difficult to persuade the indigenous inhabitants to remain on the land or to influence their children to take up a farming career. The migration from the land to the towns was serious even where a good land tenure system existed. Health, education, agriculture and world economics were all inter-dependent factors. As regards any lack of balance in agricultural production, while private interests in certain cases might exercise considerable influence, the Metropolitan country as such could not correctly be charged with retarding more diversified developments.

During the discussion on the subject of the training of labour and trade union officers, the representative of the International Labour Organ-

isation stated that ILO was giving high priority to the problem of training skilled labour, foremen and supervisors in industry and agriculture. In respect of the training of labour officers, ILO attached the greatest importance to the establishment, whether in Metropolitan countries or in Non-Self-Governing Territories, of labour inspection services staffed by adequately trained personnel. The functions of those services and the standards required of their staffs had been defined by international labour conventions in 1947. He informed the Committee that the United Kingdom had ratified the convention concerning labour inspectorates in non-metropolitan territories, and Belgium, France, the Netherlands and the United Kingdom had announced that they accepted in principle the ideas underlying this and other related conventions.

The representative of the United Kingdom stated that, although there were not many official programmes for training experts in the territories administered by the United Kingdom, labour officers from those territories were in fact receiving training in the United Kingdom. The representative of India welcomed the assistance which the Trade Union Congress of the United Kingdom had given in the development of trade unions in certain of the Non-Self-Governing

Territories. He drew attention to the conclusions of the 1950 Asian Regional Conference of ILO which had recommended that the fullest consideration should be given to establishing one or more regional centres for the training of labour inspectors. The Philippine representative felt that the administering Members should encourage the training of trade union officers for Non-Self-Governing Territories.

The representative of France observed that trade union and Government action were closely linked in the territories of the French Union, particularly in the field of labour inspection. The trade union movement was highly developed in those territories. He pointed out that the Governments of Belgium, France and the United Kingdom had exchanged information on labour conditions in the territories which they administered, and that two African conferences had recently been held to study questions of that kind.

The representative of Belgium referred to the fact that in the Belgian Congo the Labour Inspection Service had recently been reorganized and the staff increased on the principles laid down in the international labour conventions. The information to be transmitted with respect to 1950 would make it possible to assess the progress made.

G. ECONOMIC AND SOCIAL CONDITIONS IN NON-SELF-GOVERNING TERRITORIES

The Special Committee considered together the Secretary-General's summaries of information on the progress achieved in accordance with development programmes and his analyses of information relating to agricultural and economic conditions (A/1297), public health (A/1299), labour (A/1298 & Corr.1) and social welfare (A/1300).

The representative of FAO informed the Committee that in 1949, in order to assist and encourage Governments in planning and carrying out agricultural development programmes, a series of regional conferences had been organized, and representatives of Non-Self-Governing Territories had occasionally attended. The question of agricultural prices, he stated, was of primary importance for the agricultural production and economic position of the Non-Self-Governing Territories in relation to the world.

The representative of India cited several questions which deserved consideration and on which further information was desirable. Among these he listed land tenure and its relation to the standard of living of rural populations; the allocation of crops, since prices varied for each crop and the growers' profit depended on the choice; and agricultural debt and credit associations. He also wanted to know what benefits the people of the Non-Self-Governing Territories had derived from the participation of colonial territories in the European Recovery Programme. He was glad to note that the administering Members had taken measures to improve health conditions, water supply, and housing. He stressed the need for improvement in vital statistics, and inquired whether WHO had made any estimates of errors affecting the figures compiled. He emphasized the need for studies on malnutrition and occupational

diseases. He thought that WHO might supply information on the results of studies on preventive action against blindness. He would like to see steps taken in the various territories to provide employment for seasonal workers who were regularly unemployed for prolonged periods, particularly in the agricultural areas. The speedy development of a system of rural industrial co-operatives would be useful.

It was stated by the representative of the United Kingdom that much of the information transmitted under Article 73 e of the Charter answered the questions raised by the representative of India. However, the Secretariat had to be selective in the information which was summarized in order to keep the papers prepared for the Committee within reasonable limits. He also referred to the measures being taken to improve working conditions, to deal with malnutrition, with occupational diseases and with blindness.

The representative of France drew attention to an example of collective ownership of agricultural land in some of the territories administered by France. Under it, companies had made agreements with the Government to furnish to a specific region all the materials necessary for the cultivation of a particular crop. The companies were responsible for transporting and exporting the crops. He thought it would be advantageous to extend the system to other parts of Africa. The French programme of development was ambitious but the present state of insecurity throughout the world affected the pace of the development programmes. With regard to preventive medicine, excellent results had been obtained in the territories under French administration; he referred in particular to French Equatorial Africa, where sleeping sickness, malaria and other diseases were being brought under control. Substantial progress had also been made in providing housing. The Committee should study more closely the information before it for the purpose of determining to what extent the administering Members were fulfilling the responsibilities which they had undertaken.

The action of the administering Members in developing integrated plans for the promotion of the welfare of the inhabitants, as evidenced by the documents before the Committee, constituted, in the view of the representative of the United States, a most impressive record. The old idea according to which each territory must pay for itself had been abandoned; the Metropolitan Powers were now contributing funds to help the peoples of the Non-Self-Governing Territories to

obtain schools, scholarships, doctors, roads, aid for agriculture and industry, and many other benefits. He drew the attention of the Committee to the information relating to research work on the fisheries resources of the South Pacific.

Referring to the Asian Regional Conference of 1950, the representative of ILO stated that the Conference had invited ILO to prepare a study of unemployment and under-employment in agriculture in Asia.

The representative of WHO stated that that organization was prepared to assist any of the Non-Self-Governing Territories when requested by the responsible Members. As had been pointed out by the representative of India, it was most important to expand the application of preventive medicine in the territories. WHO was giving continuous attention to the problem of preventive treatment of blindness.

The representative of the Philippines drew attention to the problems arising out of the system of small land holdings which prevented the introduction of modern methods of agriculture, and of the practice of bringing large tracts of land under cultivation through the system of land grants to private individuals or corporations leading to a maldistribution of the land. He was also interested in information indicating the presence or absence of private financing of development plans. It was desirable that the profits of private firms should be ploughed back for the further development of the territories. In regard to labour conditions, the question whether discrimination in wages was practised against Native workers was of fundamental importance. He hoped that, despite all difficulties, social welfare services in the territories would be extended.

Economic conditions in the African territories under the administration of Belgium, France and the United Kingdom were reviewed by the representative of Brazil. He noted that, with regard to the Belgian Congo, the proposed development plan emphasized the economic aspects. He paid a tribute to the sense of duty shown by the Belgian senators in the report of the Senatorial Commission on the Belgian Congo. The broad outlines of the ten-year plan were designed to improve conditions and were proof that Belgium would spare no effort in executing its mission. He noted with great satisfaction that penal sanctions for breaches of labour contracts had been abolished in the Non-Self-Governing Territories under French administration. In the French development programmes, more than half of the total of \$1,000,000,000 would be available for Tunisia

and Morocco. That was a tremendous sum considering the resources of France. In the economic and social development programmes, an appreciable share of available funds had been set aside for public health, education and housing. With respect to the territories administered by the United Kingdom, he referred to the document entitled "The Colonial Territories 1949-1950", which made it clear that the central purpose of United Kingdom colonial policy was to guide the territories to responsible self-government under conditions that assured a fair standard of living. He referred to the accomplishments in public health and education, and noted that capital was being provided for roads and railroads, for power for new industries, and for the development of agriculture and mineral resources. Private enterprise, as well as the Metropolitan and the territorial Governments, were providing the necessary funds. He realized that progress could be achieved only by taking steps in the economic, social and political fields simultaneously and concluded that it was an error to subordinate the

development of the Non-Self-Governing Territories to the commercial and industrial needs of the Metropolitan country and that any effort to achieve progress would encounter grave difficulties and might fail altogether unless the support of the local population were enlisted. The administering Members should prove to the indigenous people that they were working for their welfare. Reforms with respect to racial and labour discrimination, he stated, would be required to achieve this.

The representative of Belgium pointed out that some of the suggestions of the Senatorial Mission to which reference had been made had already been acted upon and that others were being considered by the Administration.

The representative of the United Kingdom emphasized that his Government was fully aware of the need for diversifying the economies of its Non-Self-Governing Territories, always having regard to climatic and other physical circumstances. He also recalled that it was the declared policy of his Government to remove any vestiges of racial discrimination.

H. DISCUSSION IN THE FOURTH COMMITTEE OF CONDITIONS IN NON-SELF-GOVERNING TERRITORIES

During the general debate which took place in the Fourth Committee, from the 280th to 285th meetings, 16-22 November, most members affirmed their support of the Special Committee's report on education (A/1303/Add.1) and the conclusions reached by that Committee. Some members, however, expressed certain reservations or made additional comments and suggestions.

In the opinion of the Byelorussian SSR, the Special Committee had adopted a purely academic attitude in its special study on education. The representative of Poland expressed his doubts that the administering Members would make the suggested improvements in educational facilities and conditions.

It was generally agreed that the specialized agencies could offer valuable assistance in the work of the Special Committee. The representatives of Cuba, India and Syria cautioned, however, that the Committee must not allow itself to be dominated by experts. The specialized agencies were primarily interested in promoting measures which would improve conditions in the world as a whole, it was pointed out, whereas the Special

Committee was bound to ensure the strict application of the principle that the interests of the people of the Non-Self-Governing Territories were paramount. In conformity with its responsibility, the representative of Egypt stated, the Committee had laid down the general principles which should govern the solution of technical problems in the territories; these problems, such as the preparation of suitable textbooks and the training of teachers, should receive the urgent attention of UNESCO.

The representative of Peru considered the Special Committee's report on education acceptable on the whole, but thought it might be amended in some instances. He questioned the reliance on public opinion for the formulation of educational policy in the territories, as this might be dangerous at the present stage of social evolution. In his opinion, the Committee's recommendations on teacher-training merely repeated well-known generalities without shedding any new light on the solution of the problem. With respect to the use of indigenous languages in teaching, he felt that it was not enough to ask UNESCO experts

the results of their experience. Experimental schools should be established to compare the progress made by pupils receiving their early education in indigenous languages with those being taught in the more widely used languages. He thought the best solution would be to institute a bilingual system of education.

The use of indigenous languages for teaching purposes was supported by a number of other members, including China, Egypt, Lebanon, Syria and Yugoslavia. The representative of Yugoslavia regretted that, as pointed out by the Special Committee, little progress had been made in the international study of the use of indigenous languages for instruction since the previous session of the Assembly. He suggested that the experience of European countries with many indigenous languages and dialects might be drawn from with benefit to the Non-Self-Governing Territories. The representative of Lebanon complained that in Morocco Arabic took second place. It was charged by the representative of Iraq that France neglected Arabic, the language of the entire population, in both Morocco and Tunisia. He also contended that there was inequality of opportunity between French nationals and indigenous inhabitants and that France did not ensure the observance of human rights and freedom of information.

In reply, the representative of France described the educational progress in these territories and stated that Arabic was widely used in both, being almost on the same footing as French in education. Inequality of opportunity he denied, pointing out that the wealth of the indigenous population was increasing at the same time as that of foreigners.

The representative of Haiti thought the transmission of information on the total number of school children inadequate. He thought the data on primary education should include details as to the length of school attendance and the percentage of pupils admitted to advanced classes.

The Special Committee's conclusions regarding equal treatment in education, it was stated by the representative of Cuba, should have been drafted in more specific terms since the laudable principles listed were not always observed in practice. He, as well as the representatives of China and Egypt, considered it one of the most important future functions of the Special Committee to see that the general principles were translated into law and practice in the educational policies of the administering Powers.

Commenting on the information transmitted under Article 73 e, the representatives of Czechoslovakia, Poland, the Ukrainian SSR and the USSR found this information inadequate and stated that it did not reflect the situation existing in the territories. They charged that the administering Powers, in particular France and the United Kingdom, were systematically exploiting the inhabitants and natural resources and completely disregarding the interests of the inhabitants in all fields. They alleged the existence of racial discrimination and cited, in particular, the difference in wage rates paid to indigenous and European inhabitants. The representative of the Byelorussian SSR considered that the Assembly should take effective steps to ensure progressive development in the territories and should call upon the administering Powers to comply strictly with their Charter obligations. The representative of Pakistan expressed the hope that the United Kingdom would implement its declared policy of removing any vestiges of racial discrimination in the territories under its administration.

An appeal to the administering Powers to interpret Chapter XI in a liberal and broad spirit was made by the representatives of Egypt and Syria. The peoples of the Non-Self-Governing Territories, they indicated, should not receive treatment inferior to that extended to the peoples of the Trust Territories. The representative of Syria, referring to the fact that Somaliland under Italian administration had been promised its independence after ten years, raised the question of the future of more advanced countries like Morocco and Tunisia. The representative of France replied that, although these two territories were developing rapidly, they were still at the initial stage of their evolution.

Referring to the shortage of trained personnel in the territories, the representative of Pakistan considered that greater efforts should be made to train persons from among the indigenous population. It was suggested by the representative of the Dominican Republic that the status of women, particularly the equal treatment of men and women, should be studied more thoroughly than in the past. While there was much to be desired in certain fields, he observed that encouraging improvements had been made, especially by France in connexion with social insurance and agricultural policy. The representative of Pakistan also considered that the people would be helped immensely if the measures taken by France for

the collective ownership of agricultural land, for example, were continued. He praised the United States for introducing legislation to enable Puerto Rico to draft its own constitution. Signs of increased co-operation between the administering

Powers and the people in some of the territories were noted by the representative of Iraq, who expressed the hope that the people would play, an ever-increasing role in the development of their countries.

I. RESOLUTION ON THE WORK OF THE SPECIAL COMMITTEE

Following its examination of its special report on education (A/1303/Add.1), the Special Committee considered a joint draft resolution (A/AC.35/L.22) proposed by the representatives of India, the Netherlands, the Philippines and the United States. The draft resolution provided that the Assembly take note of the Special Committee's report (A/1303), approve its special report on education and invite the Secretary-General to communicate the latter to the administering Members and to UNESCO. An Australian amendment was accepted, inviting the Assembly to approve the special report "as a brief but considered indication of the importance of educational advancement and the problems still to be faced in the Non-Self-Governing Territories", and the Committee unanimously adopted the amended text. The Special Committee later unanimously agreed that the discussion of its report by the Assembly would be facilitated if the resolution adopted were expanded to cover the general work performed by the Special Committee in 1950. It accordingly invited the Assembly, in addition to taking note of its general report and approving its special report, to approve the arrangements proposed by the Special Committee for its work in 1951.¹¹

The Special Committee's draft resolution (A/1303, Annex II) was considered by the Fourth Committee at its 186th meeting on 24 November.

The representative of the USSR observed that the proposed resolution placed emphasis on the special report on education (A/1303/Add.1), but it was on the progress actually made in education that emphasis should be placed. He therefore submitted an oral amendment in that sense. An objection to this amendment was made by the representative of Australia, who thought it would imply that the Assembly did not approve the special report. The Fourth Committee rejected the proposed amendment by 11 votes to 9, with 25 abstentions.

The addition of three paragraphs was suggested by the representative of India (A/C.4/L107). The purpose of these amendments, he stated, was to strengthen the Special Committee's position with regard to information transmitted under Article 73 e and to ensure the widest possible collaboration by the specialized agencies in the economic and social field. The suggested additions, which became paragraphs 2, 6 and 8 of the final resolution (see below), were respectively accepted by the Committee by votes of: 46 to none, with 2 abstentions; 48 to none, with no abstentions; and 45 to none, with 2 abstentions.

Another amendment, submitted jointly by Chile and Peru (A/C.4/L.114), was adopted by 43 votes to none, with 5 abstentions, and became paragraph 5 of the final text.

Paragraph 1 was adopted without vote, paragraph 3 by 41 votes to none, with 5 abstentions, paragraph 4 unanimously, and paragraph 7 by 43 votes to none, with 5 abstentions. Together, these four paragraphs formed the text of the original draft resolution as submitted by the Special Committee.

The Fourth Committee approved the amended draft resolution as a whole by 43 votes to none, with 6 abstentions. It was later adopted in the Assembly, at the 320th plenary meeting on 12 December, by 49 votes to none, with 4 abstentions, as resolution 445(V):

The General Assembly,

1. Takes note of the report of the Special Committee on Information transmitted under Article 73 e of the Charter on the work of its 1950 session;

2. Confirms its recognition of the importance of international collaboration in regard to economic, social and educational conditions in Non-Self-Governing Territories as expressed in resolution 331(IV) adopted by the General Assembly on 2 December 1949;

3. Approves the special report on education as a brief but considered indication of the importance of educational advancement and the problems still to be faced in the Non-Self-Governing Territories;

¹¹ See pp. 697-98.

4. Invites the Secretary-General to communicate this special report to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories and to the United Nations Educational, Scientific and Cultural Organization for their consideration;

5. Notes with interest the special studies carried out by the United Nations Educational, Scientific and Cultural Organization for the education and training of teachers, and expresses the hope that full account will be taken of such studies in the formulation of policies on this matter in the Non-Self-Governing Territories;

6. Notes the intention of the United Nations Educational, Scientific and Cultural Organization to place before the Special Committee for its consideration at its

1951 session documents relating to the use of the indigenous or national languages for teaching purposes and the eradication of illiteracy;

7. Approves the arrangements¹² proposed by the Special Committee for its work in 1951;

8. Invites the specialized agencies concerned, with a view to the preparation of studies, based on the information transmitted under Article 73 e of the Charter and relevant supplemental information, in respect of economic conditions and development to be considered by the Special Committee in 1951, to collaborate with the Secretary-General in the study of problems of the prices of tropical export crops and arrangements for their marketing, migrant labour in Africa, the development of co-operative societies in peasant communities and the economic value of preventive medicine.

J. USE OF COMPARABLE STATISTICAL INFORMATION

In 1947, the General Assembly, by resolution 143(II), authorized the Secretary-General to include in his summaries and analyses, for purposes of comparison, all relevant and comparable official statistical information which was available in the statistical services of the Secretariat and which might be agreed upon between the Secretary-General and the Member concerned. The following year, the Assembly stated, in resolution 218(III), that it considered that the previous resolution required adaptation and amplification. It therefore invited the Secretary-General to extend the use of supplemental information, including all relevant and comparable information communicated to the United Nations or the specialized agencies, in order to provide a means of assessing the information transmitted under Article 73 e.

In the course of the discussions in the Special Committee in 1950, members expressed satisfaction with the documentation prepared by the Secretary-General, as well as the increased volume of information transmitted by the administering Members. The extended use of supplemental information and the improvement in the use of relevant and comparable statistical information were noted. Some members observed that the availability of comparable information enabled the Committee to approach its task of objectively and scientifically assessing the information before it. In this connexion, the Committee noted that the Dominican Republic had supplied information concerning the operations of the University of Santo Domingo in the belief that it would be useful to the Committee in its consideration of the question of education. This was regarded as a commendable response to resolution 218(III). It

was hoped that other delegations would follow this constructive example.

The representative of the Philippines indicated that comparisons could be made between conditions in (1) different Non-Self-Governing Territories; (2) the Non-Self-Governing Territories and the Metropolitan country; and (3) Non-Self-Governing Territories and non-administering Member States. In his view, the peoples of the Non-Self-Governing Territories, as well as the administering Members, would benefit from the three types of comparison.

The representative of Egypt noted that although the function of the Committee was to examine information from Non-Self-Governing Territories the document prepared by the Secretariat on the training of indigenous medical personnel (A/AC.35/L.5) contained information on a number of sovereign States and some of the information cited was out of date. It had never been the intention of the General Assembly that the internal affairs of sovereign States should be discussed, he stated. Such information should not be included without the consent of the Member concerned. Accordingly, he introduced a resolution which would have invited the Secretary-General to secure, before using comparable information on sovereign States, the consent of the Member to which the information related. He later withdrew his proposal in view of the short time available for the completion of the Special Committee's work, but reserved the right to re-introduce it on another occasion. This he did in the Fourth Committee.

¹² See pp. 697-98.

The Egyptian draft resolution (A/C.4/L.110/Rev.1) was considered by the Fourth Committee from its 187th to 189th meetings, 25-28 November. After referring in its preamble to resolution 218(III), the draft resolution provided that the Assembly

Desirous of arriving at correct conclusions from the use of such information,

1. Invites the Secretary-General to secure from each Member State concerned any official statistical information which he considers necessary in so far as it relates to conditions within that State, informing it of the purpose thereof;

2. Invites the Secretary-General in making use of such information to take into account all elements necessary for scientific and objective comparison.

In introducing his draft resolution, the representative of Egypt contended that, although resolution 218(III) did not repeat the conditions laid down in resolution 143(II), those conditions were still valid. Furthermore, he thought the two resolutions put the Secretariat in an embarrassing position by exposing it to criticism, on the one hand, from certain administering Powers which wished to extend the use of information from independent countries, and, on the other, from non-administering Members which insisted that the use of such information should be strictly limited. While he was in favour of scientific and objective comparisons and recognized that information supplied by sovereign States could in some instances facilitate the study of the situation in Non-Self-Governing Territories, he believed that comparisons made under the two resolutions would lead to unsound conclusions. The statistical information available was not comparable. He cited, for example, document A/1271, which stated that in the Belgian Congo approximately one third of the population was able to read. Yet, according to document A/AC.35/L.11, the Belgian Government had explained that every child who had been baptized was considered able to read; the Secretariat itself had indicated in that document that the figures given for literacy or illiteracy were not comparable. Moreover, it was unjust to make comparisons between old and recent statistics, and, unlike the administering Powers, other Members were not compelled to promptly transmit to the Secretary-General or the specialized agencies the most recent statistics at their disposal.

The draft resolution, and the arguments advanced by the representative of Egypt were supported by Brazil, China, Cuba, Iraq, Pakistan, the Philippines and Syria.

The representative of China introduced amendments (A/C.4/L.111) to the draft resolution to add a reference to resolution 143(II) in the preamble and a statement in paragraph 2 of the operative part to make it clear that the Secretary-General, in using comparable information, was required to obtain the consent of the Member concerned.

The representative of the Secretary-General on the Fourth Committee, pointing out that neither resolution 143(II) nor 218(III) contained a reference to prior consent of the countries concerned, stated that it would be most difficult for the Secretariat to do its work if it could not use the statistical material at its disposal without prior authorization.

The representatives of Denmark, the Dominican Republic, France, India, Poland, the USSR, the United Kingdom and the United States, among others, were opposed to the draft resolution. It was considered impracticable, restrictive and retrogressive, and it was felt that it implied criticism of the work of the Secretariat, although the representative of Egypt had stated that he intended no such criticism. The representatives of Denmark, the United States and the United Kingdom held that resolution 143(II) had been superseded when the Assembly had adopted resolution 218(III). Under the terms of the latter resolution, it was stated, all Members were safeguarded against the use of extraneous material since any data used must already have been submitted by the Government concerned to the United Nations or a specialized agency. If the Secretary-General were required to communicate with Members to secure additional or up-to-date data, it could not prepare the documents necessary in time to be of any use to the Special Committee. A proposal by the representative of Denmark, that the question of the implications and practical application of resolutions 143(II) and 218(III) be referred to the Special Committee for further study was supported by the representatives of the Dominican Republic, France, India and the United Kingdom.

The representatives of Cuba, Egypt and the Philippines denied that the draft resolution was restrictive. They argued that, on the contrary, it extended the scope of the Secretary-General's functions by enabling him to request from Members any statistical information he thought necessary for the preparation of the summaries and analyses.

Following further debate, during which the Egyptian representative remarked that the Secretary-General would not have to obtain the con-

sent of his Government before using information regarding Egypt, several delegations asked for a clearer interpretation of the draft resolution.

According to a statement then made by the representative of Egypt, the Secretary-General, under the terms of the draft resolution, could make use of the information transmitted to the United Nations or to the specialized agencies without first having to approach the Government concerned and obtaining its permission to use the information. The representative of Egypt further stated that, in a spirit of conciliation, he was willing to delete paragraph 1 of the operative part of his draft (see above). In view of this amendment, the representative of Denmark indicated that he could now support the draft resolution.

The Chinese amendments (see above) to the preamble and the operative part of the draft resolution were put to the vote and approved by 22 votes to 10, with 13 abstentions, and by 19 votes to 12, with 13 abstentions, respectively.

An amendment submitted by the representative of the Union of South Africa, to add a final paragraph to the draft resolution, was adopted by 20 votes to none, with 24 abstentions.

The amended draft resolution was adopted by the Committee by a roll-call vote of 25 to 18,

with 6 abstentions. The representative of the Philippines explained that he had withdrawn his support of the resolution because of the amendments to which it had been subjected. Other representatives again stated their objections to the resolution, especially as a result of the adoption of the Chinese amendment requiring the Secretary-General in using comparable information to obtain the consent of the Member concerned.

There was no further discussion of the draft resolution in the Assembly, which considered it at the 320th plenary meeting on 12 December. The Assembly adopted the resolution (447(V)) by 32 votes to 13, with 13 abstentions, as follows:

The General Assembly,

Having regard to paragraph 6 of resolution 143(II) adopted by the General Assembly on 3 November 1947 and paragraph 3 of resolution 218(III) adopted by the General Assembly on 3 November 1948 and relating to the use of comparable statistical information,

Desirous of arriving at correct conclusions from the use of such information,

1. Invites the Secretary-General, in making use of such information, to obtain the consent of the Member State concerned and to take into account all elements necessary for scientific and objective comparison;

2. Invites the Secretary-General to bear in mind that an objective comparison can be made only if the comparable information is representative of the whole region concerned.

K. INTERNATIONAL COLLABORATION AND TECHNICAL ASSISTANCE

1. Action in the Economic and Social Council

At the 413th meeting of its eleventh session, on 15 August 1950, the Council considered General Assembly resolution 331(IV)¹³ recommending measures for closer international collaboration with regard to economic, social and educational conditions in Non-Self-Governing Territories. An account of the action taken under the terms of this and other relevant Assembly resolutions (220 and 221(III), and 336(IV)) was furnished by the Secretary-General (E/1714), who also proposed a draft resolution for adoption by the Council. Amendments to this draft were introduced by the United States (E/L.85).

During the debate which followed, the representative of Canada expressed concern that only two administering Powers, the Netherlands and the United Kingdom, had availed themselves of

the technical assistance facilities offered by the United Nations and the specialized agencies. He hoped that others would follow this example. These observations were supported by the Chilean delegation. Both were in favour of the Secretary-General's draft resolution and the United States amendment. A reservation concerning these proposals on the ground that they made a distinction in the economic and social field between non-self-governing and self-governing territories (see below) was voiced by the representative of France, who indicated that he would therefore have to abstain from voting. The representative of Belgium stated that he would also have to abstain since legal and political arguments had been introduced into the discussion.

Put to the vote, the United States amendment was adopted by 14 votes to none, with 1 absten-

¹³ See Y.U.N., 1948-49, p. 748.

tion, and the amended resolution as a whole by 13 votes to none, with 2 abstentions.

By this resolution (321(XI)), the Council noted, as had been recommended by the Secretary-General, that the Non-Self-Governing Territories were eligible to receive assistance under the Expanded Programme of Technical Assistance for Economic Development established under Council resolution 222 A (IX) and drew the attention of the administering Members to the technical assistance facilities available for economic development and social welfare services. It further decided that social and economic conditions in Non-Self-Governing Territories should be included wherever possible in all relevant studies undertaken under its authority. As proposed in the United States amendment, the Council also drew the attention of the Technical Assistance Board (TAB) and the Technical Assistance Committee (TAC) to General Assembly resolution 331(IV) as a guide in examining the annual programmes of the participating organizations and in the allocation of funds by TAB.

2. Action in the Special Committee on Information Transmitted under Article 73 e

In September, the Special Committee considered the Council's resolution, together with relevant documents prepared by the Secretary-General (A/AC.35/L.14 & Add.1 & 2; A/AC.35/L.19) and special reports prepared by FAO (A/AC.35/L.10), UNESCO (A/AC.35/L.12) and WHO (A/AC.35/L.9).

Members of the Committee agreed on the importance of the fullest possible collaboration of the inhabitants of the Non-Self-Governing Territories in the meetings of the specialized agencies and their participation in the fellowship and scholarship programmes of the United Nations and the specialized agencies and representatives of the administering Members indicated that the people of the territories were given much encouragement in both respects. The representative of the United Kingdom explained that, since his Government offered a large number of scholarships and fellowships for which suitably qualified persons were not always available, it had considered it inappropriate to apply for too great a proportion of the fellowships and scholarships offered by the United Nations and the specialized agencies, as this would have been to the detriment of other under-developed countries less fortunately placed. The representative of Brazil considered

that, while the number had increased, a still greater proportion of fellowships and scholarships should be granted to the people of Non-Self-Governing Territories by the United Nations and the specialized agencies.

The importance of collaboration between the specialized agencies and the United Nations on the basis of a complete exchange of all relevant information and of frequent consultations was emphasized by the representative of the Philippines. In particular, it was suggested by the representative of India, information on the recommendations of the Conference of Soil Scientists of the Caribbean Area, and the plans for the world Census of Agriculture, as well as further details on fellowships and scholarships, the Press and the import of books, newspapers and other educational materials, would be of value to the Special Committee.

With respect to the Economic and Social Council resolution, the representative of India introduced a draft resolution (A/AC.35/L.24) noting the Council's action with approval and inviting the administering Members which "need technical assistance for the educational advancement of Non-Self-Governing Territories to submit their requests. Reference was also made in the draft to the Economic and Social Council's resolution (320(XI)) on higher education in Trust Territories in Africa.¹⁴

The representative of Belgium expressed doubts regarding the need for an additional resolution on technical assistance, in view of the series of resolutions on this subject adopted by various organs of the United Nations. Moreover both he and the representative of the United Kingdom thought reference to higher education in the Trust Territories inappropriate in a draft on technical assistance for Non-Self-Governing Territories. Deletion of this reference was proposed by the representative of the United States, who also suggested that the text cover technical assistance for economic and social, as well as educational advancement. Further changes, to bring the text into closer harmony with the Council's resolution, were introduced by New Zealand.

The representative of India accepted the United States and New Zealand amendments and the Special Committee adopted the amended draft resolution by 12 votes to none, with 2 abstentions (A/1303, Annex II) and submitted it to the General Assembly for consideration.

¹⁴ See pp. 788-89.

3. Action in the General Assembly

This draft resolution was discussed in the General Assembly during the 185th and 186th meetings of the Fourth Committee, on 22 and 24 November, at which time the representative of the Philippines introduced an amendment (A/C.4/L.109) to replace the Special Committee's draft. By this amendment, the Assembly would not only draw the attention of the administering Powers to the facilities available under the expanded programme of technical assistance but would also invite those needing such assistance for the advancement of territories under their administration to submit requests to that effect. In addition, the amendment recommended that the administering Powers supply information on all applications made on behalf of their respective territories and the manner in which the assistance received was integrated into the long-range territorial development programmes.

Preference for this amendment was expressed by the representative of the USSR, who found it more complete and specific than the Special Committee's draft resolution. The Special Committee's text, on the other hand, was favoured by the representatives of Australia and the United Kingdom, the former adding, however, that he had no formal objections to the Philippine amendment. The Belgian representative, stating that his delegation could not in any event accept the Philippine amendment, questioned the usefulness of inviting the administering Powers to submit their requests for technical assistance as they would surely do so without an invitation and pointed out that in resolution 336(IV) the Assembly had already asked the Secretary-General to keep the Special Committee informed regarding technical assistance accorded to Non-Self-Governing Territories by international organizations. The representative of

Brazil, maintaining the position earlier taken by his delegation in the Special Committee, indicated that he would abstain from voting on either text. While it hoped that the administering Members would take full advantage of all facilities available under the technical assistance programme, his delegation still considered that the administering Powers themselves had the primary responsibility for providing such assistance to the Non-Self-Governing Territories.

After the debate, the Committee, on 24 November, approved the Philippine amendment by 30 votes to 3, with 12 abstentions, thereby automatically rejecting the Special Committee's draft resolution.

At the 320th plenary meeting on 12 December, the Assembly, without further discussion, approved the resolution as recommended by the Fourth Committee (A/1638). The text follows (444(V)).

The General Assembly,

Considering that, under the expanded programme of technical assistance for economic development of under-developed countries (resolution 222(IX) of the Economic and Social Council), the Non-Self-Governing Territories are eligible to receive technical assistance on the request of the Administering Members concerned,

Noting with appreciation that resolution 321(XI) of the Economic and Social Council draws the attention of the Administering Members to the facilities available under the expanded programme of technical assistance,

1. Invites the Administering Members which need technical assistance for the economic, social and educational advancement of their Non-Self-Governing Territories to submit their requests;

2. Recommends that the Administering Members include yearly in the statistical information transmitted under Article 73 e of the Charter as full a report as possible on all applications made in behalf of their respective Non-Self-Governing Territories and on the manner in which technical assistance received from the United Nations and the specialized agencies has been integrated into long-range development programmes in such Territories.

L. FUTURE WORK OF THE SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER

At its twenty-second meeting, the Special Committee decided that at its 1951 session it should pay special attention to economic conditions and development in the Non-Self-Governing Territories, without prejudice to the consideration of the other two functional fields. After discussing the treatment to be given to its special study, the Committee instructed the Secretariat to prepare a

list of subjects on the basis of the points made during its discussion. At its twenty-eighth meeting on 12 September, the Committee examined the resulting list. It was accompanied by an explanatory statement referring in particular to the assistance which should be sought in the prosecution of the necessary studies and the possibility that extra expenditure would be incurred.

The representatives of Brazil, France and the United States found the list satisfactory, while the representative of the United Kingdom thought it somewhat long. They were agreed that the programme of work need not call for any additional expenditure. The representative of Egypt, however, did not think the Committee should be too restrictive on this question.

It was observed by the representatives of Brazil and France that the list did not include anything on labour conditions. At the suggestion of the representative of the United States the Committee added an item on programmes for training workers in agriculture and industry; items on handicrafts and research programmes were included at the suggestion of the Philippines and Australia, respectively. The representative of the Philippines suggested that fisheries should be presumed to be included in the topics and a similar statement was made by the representative of India with respect to forestry, irrigation and hydro-electric production.

The following list was then agreed on by the Committee and recommended for approval by the Assembly:¹⁵

1. Major economic problems of Non-Self-Governing Territories: (a) economic objectives as declared by the

administering Members; (b) development programmes and their progress; (c) difficulties encountered in the execution of development programmes.

2. Rural economy: (a) export and subsistence production; (b) credit facilities; (c) co-operative organization; (d) other forms of assistance for marketing, the use of equipment, the provision of seeds and fertilisers, the improvement of stock; (e) rural health and welfare; (f) general aspects of land distribution; (g) international programmes for the exchange of information, technical assistance and economic aid: (i) United Nations and the specialized agencies, (ii) regional organizations, (iii) bilateral arrangements; (h) research programmes.

3. General programmes of industrial development: (a) processing of agricultural products; (b) handicrafts and other rural industries; (c) mines; (d) manufactures.

4. Transport and communications: (a) roads; (b) railways; (c) maritime and inland waterways; (d) air.

5. Social factors in economic development: (a) relationship of health and social services to economic development; (b) general organization of public health services; (c) collaboration of the inhabitants; (d) indications given by the administering Members of improvements in standards of living resulting from economic development; (e) problems of social adjustment consequent upon economic change; (f) programmes for the training of workers in agriculture and industry.

¹⁵ See pp. 692-93.

VI. Questions Concerning the International Trusteeship System

A. CONDITIONS IN TRUST TERRITORIES IN WEST AFRICA

Annual reports submitted by the Administering Authorities on the administration of the two Cameroons and the two Togolands during 1948 were examined during the Trusteeship Council's sixth and seventh sessions.¹ The United Nations Educational, Scientific and Cultural Organization presented to the Council its observations on these reports (T/439); these were considered by the Council in connexion with its examination of educational conditions in the Territories.

A total of 331 petitions concerning these Territories, 254 of them received by the Visiting Mission, were examined by the Council in 1950.² The Council's ad hoc Committee on Petitions in its fourth and fifth reports (T/L.101 & 103) drew attention to the fact that the Mission, presumably for lack of time, had been unable to make a study of these petitions. It considered that its own task and the Council's would have been easier if the Mission had found it possible to comment specifically on the communications received, and it felt that the Council should bear this in mind in drafting the terms of reference of future Visiting Missions. With regard to petitions raising general questions, the Council informed the petitioners that the questions raised in their petitions had already been and would continue to be examined in connexion with the examination of the annual reports of the Administering Authority, and, in cases where a specific related recommendation had already been adopted by the Council, the Council drew it to the attention of the petitioner.

The Visiting Mission to Trust Territories in West Africa, the second regular Visiting Mission sent out by the Council, was composed of Awni Khalidy (Iraq) as Chairman, Alfred Claeys-Bouúaert (Belgium), Benjamin Gerig (United States) and Antonio Ramos Pedrueza (Mexico). Accompanied by six members of the Secretariat, the Mission left New York on 28 October 1949, arriving in West Africa on 31 October. It visited the Cameroons under British administration from 1 to 11 November and from 22 to 24 November;

the Cameroons under French administration from 12 to 21 and 25 to 26 November; Lagos, Nigeria, the seat of government of the Cameroons under British administration, from 27 to 29 November; Togoland under French administration from 30 November to 8 December; Togoland under British administration from 9 to 16 December; and Accra, Gold Coast, the seat of government of the latter Trust Territory, on 17 and 18 December. Leaving Accra on 19 December, the Mission proceeded to Geneva, where it prepared its reports to the Council. On 6, 8 and 10 February 1950, the Mission unanimously adopted five separate reports: on the Cameroons under British administration (T/461), the Cameroons under French administration (T/462), Togoland under British administration (T/465), Togoland under French administration (T/464), and a special report on the Ewe problem, relating to both Togolands (T/463). Everywhere it went in the four Trust Territories, the Mission found the extent of freedom of speech worthy of commendation. Whether in public meetings or private interviews, it reported, people expressed themselves with the utmost freedom, many times in the presence of members of the Administration concerned.

The United Kingdom, in submitting to the Council its observations on the Mission's reports on the Cameroons (T/522) and Togoland (T/638 & Corr.1) under its administration, praised the Mission for its balanced and objective survey of the conditions in these Territories and of the steps being taken by the United Kingdom to further the development of the Territories. The Council also had before it the observations of the French Government with respect to Togoland under French administration (T/673).

By resolution 298(VII), adopted without objection on 20 July 1950, the Council took note of the reports of the Mission and the observations of the Administering Authorities. The Council stated that

¹ See chart on Examination of Annual Reports, pp. 784-85.

² For list of petitions examined during 1950, see table, pp. 822-36.

it had taken these reports and observations into account in formulating its own conclusions and recommendations on the annual reports and petitions relating to the four Territories, and that it would continue to take them into account in the future when it considered matters relating to these Territories. It expressed its appreciation of the work accomplished by the Mission, and invited the Administering Authorities to give the most careful consideration to the Mission's conclusions and the related comments made by members of the Council. On the same day, the Council decided (299(VII)) that the Mission's reports, together with the observations submitted by the Administering Authorities and the action taken by the Council, should be printed in a single volume in each of the working languages.³

A brief description of the situation in each Territory,⁴ the observations of the Visiting Mission, the conclusions and recommendations of the Council with respect to petitions and the annual reports of the Administering Authority, as well as its special study of the administrative arrangements affecting the Cameroons and Togoland under British administration, are summarized below in connexion with the individual Territories. The Ewe problem is dealt with separately, following the sections on the two Togoland Territories.

1. Cameroons, Administered by the United Kingdom⁵

This Territory, which covers an area of 34,081 square miles, had an estimated indigenous population of about 1,027,100 according to the Administering Authority's annual report.⁶

a. ADMINISTRATIVE ARRANGEMENTS

This Territory is administered as an integral part of the neighbouring British Protectorate of Nigeria. The Governor of Nigeria is responsible for the administration of the Territory; the seat of government is at Lagos, Nigeria. The Territory shares with Nigeria a common legislative, judicial, customs and budgetary system.

Within this framework, the Cameroons is divided for administrative purposes into four parts. In the south, the Cameroons and Bamenda Provinces, which were placed early in 1949 under the administrative control of a Commissioner who is to direct their joint development, form part of the Eastern Provinces of Nigeria. The other units

of the Cameroons form part of the Northern Provinces of Nigeria: the small Tigon-Ndoro-Kentu area, administered as part of a division of Benue Province; two areas further north and physically divided by Nigerian territory, administered as part of the Adamawa Division of Adamawa Province; finally the Dikwa Emirate, forming a division of the Bornu Province.

No indigenous inhabitant of the Cameroons, the Administering Authority's annual report indicated, served on either the Executive or Legislative Council, but the Cameroons was represented on two regional councils, which exercise financial and deliberative functions.

A full review of the Constitution of Nigeria to be undertaken in 1950 was recommended by the Governor in August 1948. A Select Committee, established in 1949 to investigate how best the Constitution might be adjusted, recommended a comprehensive procedure by which the deliberations and recommendations of the people at every level from the village upwards would be taken into full consideration.

The effect on the Territory of its administrative integration with Nigeria was examined by the Visiting Mission, which reported its findings to the Council (T/465). It had been pointed out by the Administering Authority (T/AC.14/24), the Mission recalled, that the people of the Territory possessed no ethnic, social or political homogeneity, but were more closely related ethnically to the inhabitants of adjoining parts of Nigeria and of the Cameroons under French administration. The differences between the component parts of the Trust Territory and the geography of the Territory made it virtually impossible, the Administering Authority stated, to administer it as a

³ Published as Supplement No. 2 (T/798) to the Official Records of the Seventh Session of the Trusteeship Council.

⁴ Unless otherwise indicated, this material is based on the Council's report to the General Assembly (A/1306 & Corr.1), which includes with respect to each Territory, in addition to its conclusions and recommendations on the Territory and the observations of individual Council members, an outline of conditions as stated in the Administering Authority's annual report and by representatives of the Administering Authority in the Council.

⁵ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

⁶ Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Administration of the Cameroons under United Kingdom Trusteeship for the Year 1948 (London: H.M.S.O., 1949; Colonial No. 244).

single homogeneous unit; furthermore, separate administrative, judicial and technical departments would have imposed an unjustifiable burden on the limited resources of the Territory. On the other hand, petitions about the effects of the present form of integration were received by the Mission from the Cameroons National Federation (T/Pet.4/16-5/7), the Cameroons Federal Union (T/Pet.4/61-5/66), Mr. F. T. Tambe (T/Pet.-4/41), the Douala Branch of the Bakweri Land Committee (T/Pet.4/59) and Mr. F. E. Burnley (T/Pet.4/11-5/5). The development of the Territory had been hindered, it was claimed, by its administration as a number of integral portions of Nigeria. The petitions contained requests for the unification of the Cameroons as a region within the framework of the Nigerian Constitution, direct representation in the Legislative Council, and a separate territorial budget.

While leaving to the Council the problem of evaluating the principles of the administrative association, the Mission found that the sharp differences between the north and south of the Territory and the affinities between the north and the Northern Provinces of Nigeria did not support the argument of a total separation from Nigeria; it considered that the north might be more smoothly administered under the present arrangement than in conjunction with the south. The economic and financial aspects of the question were of somewhat different character, the Mission felt. It observed that the integration of the economy and finances of the Cameroons with those of Nigeria should have no disadvantageous effect on the Trust Territory. The Mission found no reason to think that the absence of a separate budget for the Cameroons was in itself a hindrance to the economic development of the Territory, but it observed that evaluation of the situation was difficult since the figures and statistics in the Nigerian budget could not be adequately separated to give full knowledge of the extent of expenditure on development within the Trust Territory. The Mission believed that the present administrative integration with Nigeria had reached its maximum and was being modified in the opposite direction to some extent through the proposed constitutional reforms and by recent administrative changes, such as the appointment of a Commissioner for the two Southern Provinces. In its opinion, however, the way should be left open, irrespective of the constitutional reforms being formulated in Nigeria, for a careful and separate examination by the people of the Cameroons and the Administering Authority of

the practicability of establishing some administrative, legislative and budgetary autonomy in the Territory.

The observations of the Mission were welcomed by the Administering Authority (T/522) which supplied the Council with additional comments on the reasons for integration and gave the steps taken to preserve the political identity of the southern Cameroons. The Administering Authority also explained the present status of the review of the Constitution, stating that the stage of public discussion had been completed, with the adoption of recommendations by a general conference, at which the Cameroons had been represented. These recommendations, as they affected the Cameroons, proposed increased representation of the northern and southern sections of the Territory in the Regional Legislative Councils and in addition, representation of the Cameroons and Bamenda Provinces of the southern section in other Councils as follows: one unofficial member of the Central Executive Council, at least one unofficial member of the proposed Eastern Regional Executive Council, and, from each Division, at least one unofficial member of the Central Legislative Council.

The Council, in its report on the Territory, indicated satisfaction at the appointment of a Commissioner for the Cameroons and noted an assurance by the Administering Authority that further efforts were being made to provide the Council with separate and more precise data and statistics concerning the Territory. The Council postponed its consideration of the question of the administrative integration with Nigeria, since this question was still being reviewed by its Committee on Administrative Unions. It recommended, however, that the Administering Authority give due attention, when adopting proposals for constitutional reform, to representation of the Cameroons on the various Legislative and Executive Councils concerned with the government of the Territory. By resolution 168(VI) of 3 April 1950, the Council decided to draw this recommendation to the attention of the five petitioners referred to above.

On the same date, the Council took similar action (137(VI)) with respect to a petition from the Dikwa Literary Society (T/Pet.4/20), which requested that the Dikwa Division have its own representative in the Nigerian Northern Regional House of Assembly and in the Central Legislative Council. The Council noted at the same time a statement by the special representative of the Administering Authority that the proposed con-

stitutional reforms met the wishes of the Dikwa people for representation in the Regional House of Assembly and that their representation in the Central Legislature was under consideration.

Observations concerning the various aspects of the problem of the administrative relationship between the Cameroons and Nigeria were later made by the Committee on Administrative Unions (T/L.96). This Committee noted that since 1922, when the Territory was placed under League of Nations Mandate, it had been administered as part of the adjacent territory of Nigeria and that the Permanent Mandates Commission had stated that the "measure of administrative incorporation adopted . . . might be the best calculated to ensure good administration and consequently the well-being of the population". The Committee further noted that the administrative integration, constitutionally deriving from the Nigeria (Protectorate and Cameroons) Order in Council, 1946, (T/AC.14/4) represented a complete amalgamation and had the character of a political union.

In its observations and conclusions with respect to General Assembly resolution 326(IV) on administrative unions, the Committee stated its opinion that the part of this resolution relating to the establishment of separate judicial and legislative systems with headquarters in the Trust Territory was inapplicable to the Cameroons under British administration. It felt that the existing arrangements were not disadvantageous to the Territory, but that they nevertheless deserved the constant attention of the Council. It expressed the hope that the Administering Authority would inform the Council of any contemplated change with regard to the existing administrative arrangements, would continue to co-operate fully with the Council, in particular by furnishing clear and precise separate financial, statistical and other data relating to the Territory, and, finally, would continue to take into account the freely expressed wishes of the inhabitants of the Cameroons on matters pertaining to administrative arrangements affecting the Territory. These observations by the Committee were called to the Assembly's attention by the Trusteeship Council, in its resolution 293(VII) on administrative unions.⁷

b. POLITICAL DEVELOPMENT

The Visiting Mission which went to the Territory in November 1949 reported (T/461) that progress towards self-government seemed to be retarded principally by the difficulty of creating an adequate basis for political organization among

the broad mass of the population. Under the British method of local administration, the objective was to develop the traditional organization into a system which would ultimately be able to meet the demands and responsibilities of self-government. The general tendency in the traditional system was for the ruler to come to power on the basis of inheritance rather than merit. Progress therefore seemed dependent, the Mission observed, on the calibre of these rulers, on the improvement of the traditional system, on education, and on the number of European officials available to advise and teach. The encouragement of the younger educated Africans, and of their acceptance by the rulers, it felt, could also contribute much to this end.

The Trusteeship Council in its report on the Territory recommended that modern democratic processes, particularly an elective system, be introduced in the Territory as soon as practicable, and that all possible steps be taken to increase the number of administrators and technical officers to advise and train the indigenous inhabitants to assume increasing responsibilities in the administration.

In applying its principles of Native administration in the southern section of the Cameroons, the Administering Authority reported that it had been confronted with the fact that inherent authority, beyond the village level, was almost non-existent. The replacement of the existing system of Native Authorities in the south by a system of local government, with county, district and local councils, based on the elective principle and composed predominantly of educated and progressive Africans, had been recommended, it reported, by a Select Committee of the Eastern House of Assembly, established in 1948 to review local government in the region.

These proposed reforms were reviewed by the Visiting Mission, which regarded them as evidence of a desire to improve the local administration. It was of the opinion that by introducing the elective principle and restricting the term of office of each council, the proposals would place traditional rulers on an equal footing with others in each community as candidates for local leadership, making competence and the will of the people the new criteria for office. It felt that greater advances in education and training were required to create qualified African personnel and to establish an informed public opinion on a wider scale. The need for care in the transition from

⁷ See p. 795.

theory to practice, should the reforms be adopted, was stressed by the Mission. This view was shared by the Administering Authority, which stated that the reforms would be applied only when conditions had become suitable and public opinion generally favourable to their introduction; energetic steps in this respect were being taken in the meantime.

The Trusteeship Council, after noting the report and recommendations of the Select Committee, recommended in its report on the Territory that the Administering Authority, in consultation with the inhabitants of the Territory, introduce basic reforms in the system of Native administration in order to accelerate the development of local government units along democratic and progressive lines. By resolution 169(VI) of 3 April 1950, the Council decided to draw this recommendation to the attention of petitioners⁸ who had criticized the existing system of Native administration and its results, in some cases alleging that the inclusion of educated young men in the Native Authorities was opposed both by the old chiefs and their councillors.

After examining a petition from the Assumbo Native Authority (T/Pet.4/44) asking for the establishment of a government station in Assumbo, which is in the Mamfe Division of the southern Cameroons, the Council at its sixth session expressed the hope that, in accordance with the Administering Authority's assurance, all possible steps would be taken for the general development of this area (171(VI)).

The Fon of Bali and the Bali Native Authority (T/Pet.4/43) alleged that they were politically undermined by the neighbouring areas of the Bamenda Province and requested stronger protection from the Government. The Council, on 3 April, noted the assurance of the Administering Authority that no discrimination among various tribal groups was allowed by the local administration and expressed its hope that this policy of equal treatment would continue (159(VI)).

In the less developed northern part of the Territory, the Mission found that the political situation differed from that in the south. In the north, the organization of the Emirates was rigid and highly centralized. The Mission indicated that the Administration recognized the need to develop representation of wider elements in political affairs and commended its efforts as an approach to the objective of broadening the popular basis of the Emirate governments and absorbing into their service the progressive-minded younger element.

The Council requested the Administering Authority to intensify its efforts for the rapid development of the northern section of the Cameroons, with a view to reducing the difference in levels of development between the north and south. It also suggested that, in examining the budgets of the Native Authorities in the north, the Administering Authority should keep in mind the desirability of maintaining a proper balance between the cost of administration, which was the largest budget item, and expenditure on social and other essential services.

Two petitions concerning the system of indigenous law and Native courts in the Territory were examined by the Council. In one of these, the Cameroons National Federation (T/Pet.4/16—5/7) asked for the codification of traditional laws and customs; in the other, Mr. Godlove Ndangbe and Chief M. M. Gaforgbe alleged (T/Pet. 4/50—5/64) that the chiefs presiding over Native courts were prejudiced and stated their preference for magistrates' courts with European judges. The Administering Authority informed the Council (T/486) that a commission had recently been appointed to inquire into the operation of the Native court system. By resolution 170(VI) of 3 April 1950, the Council decided to inform the petitioners that no action on its part was called for until the results of this investigation were made known.

c. ECONOMIC DEVELOPMENT

The Administering Authority reported that no significant changes occurred during 1948 in the acreages devoted to the principal agricultural products. Except for the plantation enterprises of the Cameroons Development Corporation in the south (see below), agricultural production is primarily for local consumption. Primitive methods of farming are used by the peasant farmers, who, together with herdsmen, form the majority of the inhabitants of the Territory. A considerable increase over 1947 in the Territory's stock population, which, in 1948, included 13,412 horses, 274,934 sheep, 571,112 cattle and 589,220 goats, was shown in the annual report. Bananas, palm kernels, palm oil, cocoa and rubber from the south and groundnuts, hides and skins from the north comprise the main exports. The Nigerian Cocoa Marketing Board continued to control cocoa marketing and export and to fix a guaranteed

⁸ See T/Pet.4/7, 4/9, 4/14, 4/15-5/6, 4/35, 4/36, 4/52-5/65, 4/57, 4/61-5/66, as listed in Annex at end of this Chapter, pp. 824 ff.

annual price to the producer, the Administering Authority reported. Legislation being drawn up for the establishment of similar marketing boards to protect the producers of palm oil, groundnuts and certain other oil seeds, and cotton was scheduled to become effective early in 1949. The formation of co-operatives has been encouraged by the Administration as a means of enabling the indigenous inhabitants to participate in trade and commerce. The number of co-operative cocoa marketing societies increased during 1948 to 38, with a membership of 2,287, as against 35, with 1,442 members, the year before. There were also six co-operative thrift and loan societies and two co-operative coffee marketing societies.

Total foreign trade in 1948 consisted of exports valued at £542,781 (including re-exports of £1,527) and imports valued at £383,307, showing an increase of £142,430 and £238,369, respectively, over 1947. According to the Administering Authority's report, 99-65 per cent of the Territory's exports went to the United Kingdom, which supplied 75.15 per cent of the imports, smaller amounts coming from the United States, Germany and Belgium. Territorial revenue and expenditure was estimated at £272,800 and £541,080, respectively, for 1947-48, an increase of £95,700 and £69,630 over the previous financial year. Additional estimated expenditure to be made available during 1947-48 from the Colonial Development and Welfare Funds was cited at £87,083. Actual expenditure for the various schemes under the development plan amounted to £74,035, the Administering Authority reported, an increase of £26,130 over the year 1946-47. Of the total, £47,850 was spent on road development.

By virtue of the Ex-Enemy Lands (Cameroons) Ordinance, 1946, and the Cameroons Development Corporation Ordinance, 1946, approximately 395 square miles of land alienated in the southern Cameroons during the period of German administration were declared to be Native lands and leased to the Cameroons Development Corporation for development for the common benefit of the inhabitants of the Territory. The purchase of these lands by the Nigerian Government at a total cost of £845,000, to be repaid in the form of annual rental by the Corporation, was completed in 1948. The Corporation's main products—bananas, palm products and rubber—are all marketed in the United Kingdom. Its exports of bananas, the most profitable product, increased from over 1,000,000 stems in 1947 to about 4,000,000 in 1948. The Corporation's annual re-

port, made available by the Administering Authority, showed a profit of £343,397 in 1948, £165,122 more than in 1947. Of this amount, £209,000 was appropriated for future payment of income tax. Of the balance, in accordance with the Corporation's statute, £100,000 was set aside as reserve for hospitals, dispensaries, medical equipment, educational facilities, rehousing, replanting and hurricane risk, and the surplus profits, amounting to £54,352, was made available for the benefit of the Territory as a whole.

A major portion of the observations of the Visiting Mission in the economic field (T/461) related to the Cameroons Development Corporation, which it described as the largest productive and export enterprise in the Territory. A study of the Corporation's financial operations in its first two years of existence, the Mission found, showed that a much greater share of the returns from the plantations had been retained in the Cameroons and Nigeria than at any time during their operation by private companies. The Mission pointed out, however, that the amount of surplus profits set aside for the Cameroons itself had been small compared with the amounts payable to the Nigerian treasury, including, through 1948, £367,000 in income tax alone.

Among other suggestions, it recommended that an experiment be made in posting suitable Africans as assistants to the more senior officers, and that it should be the publicly stated objective of the Administration to reduce by half the period of 40 years considered as the minimum period in which transfer of control to African management could be expected. The Mission emphasized the importance of showing the people tangible results in the disposition of surplus corporate profits, and it welcomed the Corporation's policy of opening its schools, medical and welfare facilities to persons other than employees as one means of showing the people the extent to which they benefited from the operations of the Corporation.

The Administering Authority stated (T/522) that the progressively increasing participation of the people in the affairs of the Corporation and their eventual control of the Corporation was an objective of government policy. In view of the over-riding consideration of efficient management, the Administering Authority observed, it would not be practicable to introduce the elective principle, as suggested by the Mission, into the selection of Corporation members, nor would any useful purpose be served by stating a conjectural target date for the transfer of control of the Corporation to African management.

In its report on the Territory, the Council recommended that the Administering Authority continue to consider the possibility of increasing the membership of indigenous inhabitants in the Corporation with a view to transferring its management and control to the inhabitants of the Territory at the earliest practicable date. The formation of small committees of indigenous inhabitants to consult with the Corporation on a local level was noted with satisfaction by the Council; it expressed the hope that a similar committee be set up at a higher level to enable the Corporation's management to maintain closer contact with the population.

The Council further suggested that the Administering Authority review the tax position of the Corporation to determine whether it was possible to increase the proportion of profits made available for the direct benefit of the Trust Territory.

By resolution 175(VI) of 3 April 1950, the Council decided to draw these recommendations to the attention of the Bakweri Land Committee (T/Pet.4/3/Add.3), Mr. F. E. Burnley (T/Pet.-4/11-5/5), the Cameroons National Federation (T/Pet.4/16-5/7), and the Cameroons Federal Union (T/Pet.4/61-5/66), who had asked for measures to bring about an early transfer of control of the Corporation to the people of the Cameroons.

The question of ownership of lands alienated in the Southern Cameroons during the German régime and now for the most part reclassified as Native lands and operated by the Cameroons Development Corporation formed the subject of a number of petitions examined by the Trusteeship Council.⁹ The first of these, submitted in 1946 by the Bakweri Land Committee (T/Pet.4/3), claimed that the alienated lands were taken illegally by the Germans from the Bakweri people. This situation, they alleged, had been perpetuated by the British administration and the Bakweri people, deprived of their most fertile lands, had had to resort to difficult and uneconomical farming on rocky mountain slopes and were suffering malnutrition and other hardships. In subsequent petitions, sent after the establishment of the Cameroons Development Corporation, the Bakweri people insisted on their rights of ownership of the land and asked for greater control over the operation of the plantations than that afforded to them through the Corporation. In March 1949, the Trusteeship Council had instructed its Visiting Mission to make a special study of the problem (80(IV)). In the meantime, the Administering Authority undertook an investigation which revealed the extent of the difficulties of the Bakweri people and it informed the Council

of the measures it would take to alleviate the situation. It announced that some 25,000 acres of land would be taken from the Corporation to the extent that each indigenous family might have at least fifteen acres, and that a community development programme aiming at the social regeneration of the inhabitants and the spreading of new interest in agricultural advances would be undertaken (T/182 & Add.1, 2 & 3).

After an investigation on the spot, the Visiting Mission stated that it fully concurred in principle with the measures taken and proposed by the Administering Authority. It stressed the importance of explaining more clearly to the people the significance of the establishment of the Corporation and suggested means of accelerating their participation in its operations and control. The Mission also reported at length on the historical background of the problem and indicated that the standards of sanitation, housing, health, nutrition and general moral well-being of the Bakweri were at such a level that active and positive assistance must immediately be given by the Administration or the Cameroons Development Corporation or both. This view was endorsed by the Council in its report on the Territory. The Council expressed the hope that the Bakweri and other peoples living in the neighbourhood would co-operate fully in the implementation of the commendable plans of the Administration and the Corporation for the solution of their problems by means of a policy of controlled and assisted resettlement on a maximum of 25,000 acres of land to be taken from those now leased to the Corporation. Accepting the conclusions and recommendations of its Mission, the Council recommended to the Administering Authority that further steps be taken: that increased efforts be made to explain to the Bakweri that the ex-enemy-owned lands have in fact reverted to the people of the Trust Territory and that ownership is now legally vested in them; that increased emphasis be given to the adequate training of the indigenous inhabitants to enable them to participate increasingly in the Corporation's affairs; that a constant programme of public relations be developed to demonstrate to the people the extent to which the operations of the Corporation are of real benefit to them; that special attention be given to the rehabilitation of the Bakweri by means of special contributions from the Corporation's earnings; and that the policy of controlled and assisted resettlement be put into effect as quickly as possible and extended whenever appropriate to all people living

⁹ See T/Pet.4/3 & Add.1-5, 4/12, 4/13, 4/15-5/6, 4/16-5/7, 4/59.

in the neighbourhood of the plantations or in other areas where similar conditions exist. By resolution 174(VI), of 3 April 1950, the Council decided to inform the interested petitioners of these recommendations.

The Council adopted a separate resolution with regard to a petition from the Bonjongo Group of the Bakweri Land Committee (T/Pet.4/3/Add.5). In this petition, the Bonjongo people asked for the recognition of their right to ownership of all the land which they had given to a Roman Catholic Mission for ecclesiastical purposes and which, they alleged, the mission had later commercialized. The Council was informed by the Administering Authority (T/182/Add.3 & T/486) that the Roman Catholic mission was willing to consider exchanging the land held at Bonjongo for parcels of land in other parts of the Territory, provided the Bonjongo land would be included in the Bakweri resettlement programme. By resolution 138(VI) of 3 April, the Council invited the Administering Authority to consult with representatives of the mission in order to devise a scheme which might lead to the amelioration of the land situation in the Bonjongo area.

The Council was of the opinion that the merits of the claims made in several other petitions¹⁰ concerning land disputes could be determined in local courts and it considered that no action on its part was therefore necessary (resolutions 132, 135, 136, 176 and 185(VI), of 3 April 1950).

In its comments on economic conditions in general, the Visiting Mission observed that simple, primitive agricultural methods existed, with few exceptions, throughout the Territory. It noted the efforts of the Administration to improve the basic economy by teaching more efficient methods, but felt that the facilities available thus far were incapable of more than touching on the problem. Both the Administering Authority and the Mission emphasized the importance of more and better roads. The Mission remarked on the dependence of the people, even where roads existed, on travel and transportation of foodstuffs by foot and felt that an excessive amount of time and energy which might otherwise be devoted to actual production was spent in the slow and laborious carrying of head-loads to sometimes distant markets.

The Administering Authority, in its observations on the Mission's report, as well as on various petitions¹¹ which asked for improvements in the territorial economy (T/522, T/486), described its large-scale plans, some of which were already being implemented, for the development of the Territory. In spite of the excessive costs of road

construction through difficult terrain, it explained, a motor road now extends the whole length of the Territory. It assured the Council that the development of communications facilities, which it considered the first essential for material and social progress, would continue as fast as money and man-power would permit. With the improvement in communications and the progress in education, the problem of developing the African economic system became mainly one of providing technical education. The Administering Authority reviewed the measures taken in this direction, including the work of the Government's 1,500-acre experimental and training farm at Bambui and the establishment of a trade training centre at Ombe.

From the information before it, the Council recognized that much remained to be done in developing the Territory's economy. In its report on the Territory, it recommended to the Administering Authority that a special effort be made to accelerate the rate of progress in this sphere. By resolution 173(VI) of 3 April 1950, the Council decided to inform the interested petitioners of this recommendation, noting at the same time the Administering Authority's assurance (T/486) that particular attention would be paid to the economic development of the Bamenda Province and the Mamfe District.

The Council suggested in its report that the Administering Authority expand and develop diversified training facilities for young people in the Territory. It noted with satisfaction that a technical training centre had already been established in the Southern Cameroons. The Council also urged the Administering Authority to intensify its programme of introducing modern agricultural methods in the Territory and to improve and develop the Territory's road system. Since the subject of inadequate communications had been raised in petitions,¹² the Council, by resolution 180(VI) of 3 April 1950, drew the petitioners' attention to its recommendation on the subject.

Several petitioners^{12a} alleged that the establishment of forest reserves reduced the amount of available farmland and was regarded by some Africans as a means of alienating land. It was maintained by the Administering Authority (T/486) that forest reserves were in the interest of economic development, that their creation in-

¹⁰ See T/Pet.4/3/Add.4, 4/5 & Add.1-3, 4/7, 4/14, 4/15-5/6, 4/16-5/7, 4/17, 4/33, 4/57, 4/61-5/66.

¹¹ See T/Pet.4/16-5/7, 4/41, 4/43, 4/47-5/63, 4/61-5/66.

¹² See T/Pet.4/11-5/5, 4/14, 4/16-5/7, 4/35, 4/41, 4/44, 4/46, 4/61-5/66.

^{12a} See T/Pet.4/8, 4/12, 4/15-5/6, 4/16-5/7, 4/51, 4/52-5/65, 4/61-5/66.

volved no land alienation and that all resulting profits remained in the ownership of the Native community. The protection of the Territory's forest resources was regarded by the Council as a duty of the Administering Authority; it approved the steps already taken in this direction by the Administration and recommended that more energetic measures be undertaken. The Council decided, by resolution 177(VI) of 3 April 1950, to inform the petitioners of this recommendation, which was included in its annual report on the Territory.

Comments with respect to commerce and trade and the alleged monopoly of the United Africa Company in the Mamfe Division and the Bamenda Province were made in several petitions examined by the Council.¹³

In reply to the various allegations in these petitions, the Administering Authority assured the Council that companies other than the United Africa Company were free to establish themselves in the area in question, that the practice of "conditional" or "tie-in" sales was illegal, and that every effort was being made to develop consumer co-operatives (T/486). The Council, in resolution 182(VI) of 3 April, informed the petitioners of the comments of the Administering Authority and expressed the hope that all possible steps would be taken to encourage the establishment of consumer co-operatives.

After noting the following observations of the Administering Authority on two other questions, the Council, on 3 April, found that no action on its part was necessary. The Administering Authority had adduced, with respect to an allegation by the Cameroons Federal Union (T/Pet.4/61-5/66) concerning the construction of an airfield at Besongabang, that compensation had been paid as the result of a freely negotiated agreement and further, that the petitioners were not the persons directly concerned; this statement was recorded by the Council in resolution 178(VI). The Council informed the Bamenda Improvement Association (T/Pet.4/52-5/65) of the Administering Authority's assurance that there were no obstacles to the production and free sale of coffee (179(VI)).

d. SOCIAL DEVELOPMENT

The Administering Authority indicated in its annual report that no cost-of-living surveys had been carried out in the Territory owing to lack of trained staff. In the Cameroons Province, however, records of prices of essential foodstuffs were maintained. While there were no serious fluctuations

of market prices, successive rises in the prices of foodstuffs and slight changes in the prices of manufactured goods occurred as a result of the irregularity of supplies. Increased imports, the report stated, helped to check the inflationary pressure.

In the Cameroons Province, there were in 1948 approximately 28,399 wage earners, including some 16,000 in the plantations. Monthly wage rates, according to the report, ranged from 30 shillings to 42 shillings, 6 pence, for unskilled labour, 40 shillings to 112 shillings for semi-skilled and from 118 shillings to 211 shillings for skilled. With reference to the situation in the northern section, it was stated that no labour statistics or comparable data on wages were available for 1948. The Administering Authority considered that the principal labour problem was still the proper development of a trade union organization for the plantation workers. It reported an increase in the number of trade unions from three with 11,126 members in 1947 to six with 17,351 members in 1948.

The Visiting Mission to the Territory observed (T/461) that, although the majority of inhabitants were subsistence farmers and traders, wage earners formed an important element of the economic structure in the southern plantation areas. On the whole, it found the standard of living low and considered wage rates inadequate in comparison with the cost of consumer goods.

Improved living conditions and increased wages for plantation workers, as well as lower prices, were requested by the Cameroons National Federation (T/Pet.4/16-5/7), the Kom Improvement Association (T/Pet.4/35) and the Cameroons Federal Union (T/Pet.4/61-5/66). In its observations (T/506, T/486, T/513) on these petitions, the Administering Authority explained that, following a noticeable increase in the cost of living during the first half of 1949, the Cameroons Development Corporation workers had gone on strike for higher wages in November. The settlement of this dispute included a general rise in the basic wage, the setting up of a worker-management consultative committee, establishment of plantation shops for the sale of essential commodities at controlled prices, the building of modern labour accommodations and other measures.

The Trusteeship Council, in its report on the Territory, urged the Administering Authority to intensify its efforts to increase real wages and raise the standard of living of the indigenous inhabitants

¹³ See T/Pet.4/10-5/4, 4/14, 4/15-5/6, 4/41, 4/42, 4/43, 4/46, 4/52-5/65, 4/61-5/66.

and recommended that it adopt measures to ensure that essential consumer goods be priced within the range of the average wage earner. On 3 April 1950, by resolution 184(VI), the Council called these recommendations to the attention of the above petitioners; it noted at the same time the Administering Authority's statement of the measures taken by the Cameroons Development Corporation to improve living conditions. The Council also drew its recommendation concerning the standard of living to the attention of the Domestic Servants' Union, Bamenda (T/Pet.4/55), which sought higher pay and fixed working hours for domestic servants 161(VI). According to the Administering Authority's annual report, total trained medical and public health personnel in the Territory rose from 137 in 1947 to 187 in 1948. This total included seven government physicians, six of whom were stationed in the Cameroons Province and one in the northern areas. Nineteen dispensaries were established during 1948, bringing the total to 59. There were also two new government medical field units, two new maternity homes and one additional mission leprosy treatment centre. In addition, a new nurses' training school was established. The two medical field units carried out a survey in the Territory, but this was not entirely satisfactory, the Administering Authority indicated, because a high percentage of the population in the areas under survey failed to present themselves for examination. Total expenditure on public health in 1947-48 amounted to £40,800, an increase of £3,500 over the previous fiscal year.

Requests for more medical officers and hospitals, more and better-equipped dispensaries and clinics, leper settlements, ambulance services, and touring medical officers for rural areas were made in a number of petitions¹⁴ examined by the Council.

The Administering Authority, in its observations on these petitions (T/486), stated its constant concern with the expansion of health facilities. It recognized the need for further expansion in the Bamenda Province and Mamfe District, and indicated that new proposals for leprosy control were under consideration. Charges for medical services, it assured the Council, were only nominal and were waived if necessary.

In its report on the Territory, the Council expressed concern at the inadequacy of medical and health facilities and reiterated its previous recommendation on the subject. It asked the Administering Authority to take immediate steps to improve and expand medical services in order to provide fully for the needs of the population. This decision and the statements of the Administering Authority

were called to the attention of the petitioners by resolution 183(VI) of 3 April.

The Administering Authority, commenting (T/495) on requests by the Bafaw and Banyang Improvement Unions (T/Pet.4/14 & 42) for a better water supply in the Mamfe Division, pointed out that the rural areas of this Division had fairly good water supplies; however, improvements in those villages where shortages occur were contemplated after the completion of more urgent tasks elsewhere. The Council, by resolution 181(VI) of 3 April, expressed the hope that the Administering Authority would take all possible steps to improve the water supply whenever necessary.

Two further recommendations concerning social conditions were included in the Council's report on the Territory. It again recommended the abolition of whipping;¹⁵ the Administering Authority's report had indicated that certain offenders were still being punished in this manner. After noting that prospective newspaper publishers had to post a bond of £250, the Council asked the Administering Authority to ensure that this did not act as a restraint on the freedom of the Press and to bear in mind the desirability of modifying this provision.

The practice of polygamy was investigated by the Mission as directed by the Council in 1948, following the latter's examination of a petition from the St. Joan's Social and Political Alliance (T/Pet.2/4); this petition quoted from a newspaper article describing the alleged taking by force of a young girl to be the wife of the Fon of Bikom. From inquiries made after the receipt of the petition, according to information supplied by the Administering Authority, it had been ascertained that the Fon had 110 wives within his compound. The Mission visited the Fon, one of the chiefs of the Tikar communities of the Bemenda Province. The Fon presented a petition (T/Pet.-4/36) stating that he strongly resented the libellous charges made and intended to seek redress through litigation. He affirmed that his wives were there of their own free will and had full opportunity to leave his compound if they wished, and that some forty women had in fact left. The Fon's statement was supported by the Kom Improvement Association (T/Pet.4/35) and the women of Kom (T/Pet.4/38), among them some of the

¹⁴ See T/Pet.4/8, 4/16-5/7, 4/35, 4/41, 4/42, 4/44, 4/50-5/64, 4/52-5/65, 4/57, 4/59, 4/61-5/66.

¹⁵ For the Assembly's resolution on this subject, see p. 791.

Fon's wives. The Mission found (T/461) that this marriage custom was not peculiar to the Fon and other Tikar chiefs. It was common practice in other parts of the Territory as in many parts of Africa, for any man to take as many wives as he could afford to maintain his household and his fields, and that it was often the wives themselves who asked their husbands to take additional wives to lighten the burden of their work. It did not appear advisable to the Mission for the Administration to prohibit polygamy as long as most of the people remained attached to the custom; the desired change should come about through education. The Mission suggested that the right of women and girls to refuse to take part in any forced union and to release themselves from such unions should be proclaimed and protected and that the wives of polygamists should be allowed to withdraw from their marriages if they no longer wished to accept their position as additional wives. Full agreement with the Mission's conclusions was voiced by the Administering Authority (T/522), which stated that the specific measures suggested were already part of its policy. The Council itself, by resolution 186(VI) of 3 April 1950, noted that the misunderstanding with regard to the question of the alleged libellous nature of the petition from St. Joan's Social and Political Alliance had arisen out of factors over which it had no control and decided that no action on its part was called for in the circumstances.

In connexion with a request by the Bamenda Improvement Association (T/Pet.4/53—5/65) for the removal of liquor restrictions in the Bamenda Province, the Administering Authority explained that it was bound by the Convention of St. Germain-en-Laye of 1919, which governed liquor control in this area. The Association also alleged that petitions are often withheld by local authorities. This was stated by the Administering Authority to be without foundation in fact; it (T/513) assured the Council that administrative officers were meticulous in respecting the right of petition. The Council, by resolutions 187(VI) and 188(VI) of 3 April, respectively decided to inform the petitioners that no action on its part was called for with respect to either question.

On the same date, after it received the assurance of the Administering Authority that immigrants enjoy equal privileges with the local inhabitants of the Territory, the Council also decided to take no action on allegations of the French Cameroons Welfare Union (T/Pet.4/19-5/8) concerning the status of immigrants from the Cameroons under French Administration (172(VI)).

e. EDUCATIONAL DEVELOPMENT

A detailed account of the educational situation in the Territory contained in the Administering Authority's annual report indicated, *inter alia*, that increases had been made in 1948 over the previous year in educational expenditure, Government grants-in-aid to voluntary agencies, and the number of teachers, schools and students. Primary schools, most of which are run by missions, increased by 21 during 1948; this brought the number to 245 in the Southern Provinces and 25 in the northern areas. In addition, there were in the south four teacher-training schools, one government vocational school and one aided mission secondary school; another secondary school was later established. Of the school-age children in the Territory, 21.6 per cent were enrolled in schools in the Southern Provinces and 1 per cent in the primary schools in the northern areas.

The Visiting Mission gained the impression that popular demand for education was far outstripping the rate at which facilities could be provided. It received petitions¹⁶ asking for expansion in every field—the development of free and compulsory primary education; the establishment of secondary schools to serve the whole Territory; expansion of vocational and trade training; provision of higher educational facilities for girls; allocation of more scholarships tenable in Nigeria and overseas. The Mission suggested (T/461) that ways should be considered to attract more European teachers to the Territory and to train more teachers from among the indigenous population. The efforts and surplus funds of the Cameroons Development Corporation, the Mission stated, could be spent with advantage for education.

The Administering Authority, among other observations (T/522), pointed out that there was still a long way to go before the demand for education became general; until such improvement occurred, the two secondary schools were quite adequate to deal with that part of the primary school output suitable for secondary education.

The Council in its report on the Territory noted with approval the expansion in the financial appropriations for education, the progress in vocational training, the number of pupils preparing to become teachers, and the Administering Authority's willingness and efforts to maintain instruction in the local languages. It recognized nevertheless the general inadequacy of educational facilities, especially in the north of the Territory, where

¹⁶ See T/Pet.4/8, 4/16-5/7, 4/22-5/10, 4/35, 4/41, 4/42, 4/47-5/63, 4/52-5/65, 4/61-5/66.

between 95 and 100 per cent of the people were illiterate, and the need for increased grants to the Native Authorities in this area. It recommended that the Administering Authority make a vigorous effort in the immediate future to overcome existing deficiencies, and participate more directly if necessary in developing education in that area.

Although the work being done in primary and secondary education by voluntary agencies, assisted by government subsidies, was noted with approval by the Council, it considered that the Administering Authority should give further attention to the desirability of establishing more government schools, especially in areas where no schools existed.

The Council noted that a commission of inquiry, set up by the Governor of Nigeria, to report on measures to accelerate the appointment of Africans to senior posts in the Government, considered that special attention should be given to the award of scholarships to backward areas such as the Cameroons. This was being done by the Cameroons Development Corporation, the Council observed. It recommended, however, that the Administering Authority adopt measures to increase the number of scholarships to students from the Territory and accelerate the appointment of indigenous inhabitants to responsible positions in the Government.

By resolution 190(VI) of 3 April, the Council drew these recommendations, as well as those adopted at its fourth session in 1949, to the attention of the interested petitioners; at the same time, it expressed the hope that the further extension of educational facilities for girls would be seriously considered by the Administering Authority and the Native Authorities and that the former would take all measures to develop secondary and technical education.

The Council decided to take no action with regard to an allegation made by the Cameroons Federal Union (T/Pet.4/61-5/66) that religious missions did not train Africans to replace the European missionaries, since it considered that this was the responsibility of voluntary agencies (189(VI)).

f. OTHER QUESTIONS

(1) General Conclusion of the Council

With respect to the measure of progress in the Territory during 1948, the Council commended the Administering Authority.

(2) Relationship between the Territory and the United Nations

This question was raised in three petitions examined by the Council. The Cameroons Federal Union (T/Pet.4/61-5/66) considered that the Council should have a resident minister in the Territory, who could check the facts given in the official reports, attend the Nigeria Legislative Council as an observer and receive petitions for transmission to the Trusteeship Council. The Fon of Bikom (T/Pet.4/36) suggested that the Cameroons should have its own member in the Trusteeship Council, and Mr. Godlove Ndangbe and Chief Gaforgebe (T/Pet.4/50-5/64) asked that a United Nations mission visit the Territory every year.

The Council decided, by resolution 163(VI) of 3 April, that no action on its part was called for, since the Trusteeship Agreement for the Territory contained no provision either for the direct representation of the people of the Cameroons in the Trusteeship Council or for the appointment by the Council of a resident minister. It informed the petitioners, however, that oral presentations could be made before the Council in support of petitions and that Visiting Missions were being sent to each Trust Territory every three years.

(3) Problems Arising from the Division of the Two Cameroons

Various difficulties arising from the existence of customs and exchange controls between the two Cameroons, which had been under one administration prior to the First World War, and requests for the unification of the Territories, in part or in their entirety, were brought to the Council's attention by the Visiting Mission (T/461, T/462). While stating that it did not wish to exaggerate the importance of the problem as it now appeared to exist, the Mission described the complaints it had heard, which were included in petitions¹⁷ before the Council.

On the level of political and social development, it was said that population groups having the same origin or similar customs and traditions had been arbitrarily split by the division of the old German Kamerun Protectorate; that different political policies, educational systems, cultures and languages introduced by the British on one side of the frontier and the French on the other were accentuating this division and obstructing what

¹⁷ See pp. 824 ff. for petitions dealt with in resol. 164 relating to both Cameroons.

should be the natural emergence of the Cameroons into a single territory; and that the frontier controls militated against freedom of inter-marriage and other social contacts. On the economic level, especially among people living close to the frontier, complaints were made about the rigour of customs and exchange controls and their interference with what were said to have been traditionally the normal channels of local trade.

The Administering Authorities, commenting on this question (T/486, T/517, T/AC.15/SR.15), were agreed that the issue of unification was not an active problem at the present time and that the frontier did not seriously interfere with the relations between members of the frontier tribes. They assured the Council that, within the framework of existing exchange regulations, all possible steps for the amelioration of frontier difficulties were taken.

A recommendation of the Visiting Mission that frontier regulations be eased was endorsed by the Council. In its report on the Cameroons under British administration, the Council asked the Administering Authority to simplify as far as possible the requirements for passports and similar formalities not only by means of a tolerant attitude in the application of existing regulations, but by the adoption of less strict regulations. It further recommended that the two Administering Authorities consult whenever necessary to that end. By resolution 164(VI), adopted on 3 April 1950, the Council informed the interested petitioners of this recommendation and at the same time expressed the hope that the Administering Authorities would continue to take all possible steps to ameliorate frontier difficulties.

On the same date, the Council adopted separate resolutions on three specific issues. The Lamido of Adamawa in the Cameroons under British administration asked (T/Pet.4/21-5/9) for the unification of the Adamawa Emirate, over which he claims traditional jurisdiction, and which is now divided between Nigeria and the two Cameroons, and for the abolition of Trusteeship for this area. His claims were opposed by the Lamidos of the Benue Region in the Cameroons under French administration (T/Pet.5/76-4/64). The Trusteeship Council decided that no action on its part was called for with respect to either the question of unification (165(VI)) or the question of the dissolution of Trusteeship for the Adamawa area (166(VI)). The Council took a similar decision with respect to a petition from the Dikwa Native Authority in the Cameroons under British administration (T/Pet.4/-

22-5/10) requesting the merger with the Dikwa Emirate of the Shuwa Arab peoples, who are divided between the two Cameroons (167(VI)).

(4) Petitions Containing Personal Requests

In addition to petitions concerning political, economic, social and educational conditions in the Territory, the Council, during 1950, examined petitions of a more personal nature. With one exception, specified below, the Council's decisions on these petitions were taken during its sixth session, on 3 April 1950. In each case, it unanimously adopted the recommendations of its ad hoc Committee on Petitions.

The Ex-Servicemen's Union (T/Pet.4/18) made a series of requests on behalf of ex-servicemen, alleging that promises, made to them by the British Government during the Second World War had not been carried out. After noting a detailed account by the Administering Authority (T/489) of the measures taken to aid in the rehabilitation of ex-servicemen, the Council expressed the hope that such efforts would be continued and if necessary increased so that any legitimate grievance might eventually be met (133(VI)).

Chief M. M. Gaforgbe requested the payment of £100 awarded to him by the Provincial Council of Bamenda for his services (T/Pet.4/53). Having received the assurance of the Administering Authority (T/516) that the petitioner was under a misapprehension since his gratuity had already been paid in full, the Council referred the matter to the Administering Authority with a request that the misunderstanding be explained to the petitioner (143(VI)). Another petition (T/Pet.4/45) from Chief Gaforgbe was declared inadmissible by the ad hoc Committee on Petitions (T/L.74), since it dealt with a land claim which was sub judice.

Two petitioners, the Fondefru of Bande (T/Pet.4/39) and Chief V. Vuga (T/Pet.4/58), who laid claim to the headship of their respective clans and requested that a chief's salary be paid them, were advised by the Council to submit their cases to the Native Authorities of their respective Federations (141 and 144(VI)).

After examining the request (T/Pet.4/60) of Mr. John E. Talbot for compensation for his house, which, he said, was destroyed on instructions of the District Officer, the Council invited the Administering Authority to examine the petitioner's case further and report on its conclusions (145(VI)).

The Council advised several petitioners whose claims were within the competence of the courts that, if they wished to seek redress, they should do so in the local courts. The petitioners concerned were: Mr. Joseph Mosenja, who requested (T/Pet.4/6) compensation for a leg lost in an accident while he was allegedly on duty (130-(VI)); Mr. G. P. Malafa, who requested (T/Pet.4/62) repayment of a loan (146(VI)); Chief Fonjengo Mbakurewan (T/Pet.4/40), Mr. Joseph L. Fokum (T/Pet.4/54) and Mr. Tita Nyambi (T/Pet.4/56), who set forth in three separate petitions grievances against the Fon of Bali (134(VI)); and Mr. James Toe, who complained (T/Pet.4/65) of the non-payment of allotment money to his wife (resolution 236(VII)), of 29 June 1950.

The Council decided, after noting the observations of the Administering Authority (T/510, T/492, T/501, T/511), that no action on its part was called for on four petitions. These involved requests by Mr. V. Loko (T/Pet.4/34) for payment of an annual allowance as, he stated, was the practice for retired Native Administration employees (139(VI)) and by Mr. S. E. Arreneke (T/Pet.4/48) for re-engagement as a government teacher (142(VI)), and complaints from Mr. Sama C. Ndi (T/Pet.4/37) against the allegedly distrustful attitude of the Administering Authority towards educated Natives (140(VI)) and from Mr. R. N. Ayuk (T/Pet.4/49) that the Government refused to elevate his African school to standard III level (160(VI)).

2. Cameroons, Administered by France¹⁸

This Territory, which covers an area of 432,000 square kilometres (approx. 166,800 square miles), had an estimated indigenous population of about 2,902,400 in 1948, according to the Administering Authority's annual report.¹⁹ The non-indigenous population numbered 5,800, of whom 1,971 were French.

a. POLITICAL DEVELOPMENT

Since 1946, the Cameroons has been administered as an "Associated Territory" within the French Union and French legislation is applied to it. It is accordingly granted the right of representation in the central organs of the French Union in which legislative powers and the right of political discussion with respect to the Territory's affairs are vested. As indicated in the Adminis-

tering Authority's annual report, the Cameroons elects three deputies to the French National Assembly, three representatives to the Council of the Republic, five to the Assembly of the French Union and two to the Economic Council. The chief of local administration is the Haut Commissaire de la République, who represents the French Government and is directly responsible to the Minister for Overseas Territories.

The local Representative Assembly, comprising sixteen representatives elected by an electoral college composed of French citizens and 24 elected by an electoral college composed of certain categories of Africans, deliberates and takes decisions on various territorial administrative matters, including road construction, tax assessment, etc. The territorial budget requires the approval of the Representative Assembly, which must also be consulted on other subjects. The Assembly is not authorized to initiate legislation or to discuss political questions.

The Administering Authority reported that it had contemplated making the Douala municipal elections a first test of universal suffrage, but the experiment had been rejected by the Representative Assembly as premature. The question of establishing in the main urban centres communes mixtes similar to those at Douala and Yaoundé was under study. Under this system of municipal government, the mayor-administrator is assisted by an advisory municipal commission of six appointed members, two of whom are required to be indigenous notables who are French subjects. It was planned to replace the municipal commissions by elective municipal councils with wide powers of deliberation and decision. The Administering Authority also described its plan of reorganizing the Councils of Notables, as from January 1949, to provide broader participation of the population in the management of public affairs.

The Mission to the territory reported (T/462) that there had been a considerable development of political activities in the Territory during the past three years. There could be no doubt, it stated, that the Administering Authority was engaged in a process of political transformation which, if continued, was destined to perfect a

¹⁸ For general discussion in the General Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

¹⁹ Rapport annuel du Gouvernement français à l'Assemblée générale des Nations Unies sur l'administration du Cameroun placé sous la tutelle de la France, année 1948.

modern system of central government superseding the system of tribal chiefs.

While visiting the Territory, the Mission stated, it heard many comments, some critical, some commendatory, as to whether a central government was being developed too rapidly at the expense of local and tribal institutions or whether, on the contrary, feudalistic and traditional institutions were permitted to retard the development of a central government.

In its report on the Territory, the Council noted with approval the Administering Authority's practice regarding traditional indigenous institutions; these, although accorded due respect, it noted, are not permitted to hinder the development of more modern and progressive forms of government.

By resolutions 156 and 198(VI), adopted on 3 April, the Council informed interested petitioners²⁰ of this statement and, in resolution 198(VI), expressed the hope that the Administering Authority would take all possible steps to place Native administration on a more representative basis.

The Visiting Mission was of the opinion that the Representative Assembly, in spite of its limited powers, was an excellent school in self-government, bringing together Africans drawn from the most varied spheres to study problems from the standpoint of the Territory as a whole. It recognized a desire among the inhabitants, as evidenced in several petitions,²¹ to see the powers and competence of the Assembly extended.

The Trusteeship Council in its report on the Territory took note of this situation and recommended that the Administering Authority progressively extend the powers of the Representative Assembly, particularly in the legislative field. In conducting its policy in the Territory, the Administering Authority was asked to be guided by the following conclusion of the Visiting Mission, which the Council endorsed:

The Cameroons is rapidly approaching the time when a sufficient number of its nationals will have reached the stage of maturity required to enable the country to be given a broadly independent Legislative Assembly elected by a single college on an electoral basis gradually approaching universal suffrage. While it is impossible to predict exactly when this stage of maturity will be reached, the Mission has the impression that the establishment and functioning of the Assembly have enabled the country to take a big step forward in this direction. The problem now is to adjust the development of that organ to a rate of progress which meets the desires of an increasingly better educated population, while remaining within reasonable limits of the possibilities of a country which, after all, is still at the beginning of the modern phase of its development.

By resolutions 194(VI) and 242(VII) of 3 April and 29 June, the Council called to the attention of the petitioners the above recommendations, as well as the decision of its fourth session welcoming the progressive introduction of universal suffrage.²²

The need for further political development below the level of the Representative Assembly was noted by the Council in its report. It commended the Administering Authority for the steps already taken to reorganize the Councils of Notables by increasing the number of members in each and broadening their representative character, and urged the Administering Authority to consider vesting the Councils with power to make decisions on certain matters as well as to give advice.

The Council, by resolution 195(VI) of 3 April, drew these conclusions to the attention of several petitioners,²³ who had asked that the Councils of Notables be replaced by deliberative councils elected by the people.

The Council, by resolution 196(VI) of 3 April, noted that the creation of mixed communes for every municipality, as requested in three petitions,²⁴ was in full accordance with the established policy of the Administering Authority (see above) and expressed the hope that the latter could carry out its plans with regard to the communes mixtes as soon as possible.

The Administering Authority reported increases during 1948 in the number of both African and European officials in the common civil service, established in 1947, and stated that African officials of the higher grades had been appointed to certain posts formerly held by Europeans. In connexion with several petitions²⁵ asking that indigenous inhabitants be placed in responsible posts in public services, the Council referred the petitioners to a recommendation along these lines made at its fourth session²⁶ and noted at the same time the Administering Authority's assurance that its policy was to encourage access of Africans to responsible administrative posts (199(VI) of 3 April).

²⁰ See T/Pet.5/13, 5/17, 5/29-4/25, 5/44, 5/70, 5/73, as listed in Annex at end of this chapter, pp. 825 ff.

²¹ See T/Pet.5/12-4/23, 5/29-4/25, 5/42-4/29, 5/53-4/30, 5/56-4/31, 5/72-4/63, 5/82.

²² See Y.U.N., 1948-49, p. 792.

²³ See T/Pet.5/29-4/25, 5/42-4/29, 5/53-4/30, 5/32-4/26, 5/44, 5/72-4/63.

²⁴ See T/Pet.5/20, 5/32-4/26, 5/62.

²⁵ See T/Pet.5/12-4/23, 5/28, 5/53-4/30, 5/56-4/31.

²⁶ See Y.U.N., 1948-49, p. 972.

In its annual report, the Administering Authority described the improved judicial system which was replacing the indigent system. Under the new system, it stated, all penal cases are brought before a single type of tribunal; civil cases are brought before Courts of French law unless they are exclusively concerned with Africans, in which case they are judged by African judges in accordance with customary law and local custom. Eight petitions,²⁷ stating that in practice, administrative officials continued to serve as magistrates as under the indigénat system, asked for the complete separation of administrative and judicial powers. Four petitions²⁸ alleged that, in the administration of justice, Europeans and Africans were not treated equally; others²⁹ indicated that the same laws should not be applied to Europeans and Africans in view of the differences in their ways of life and asked that customary law be codified. Four petitions³⁰ alleged abuses by the militarized police, and asked that it be dissolved and replaced by civil police. The Visiting Mission reported (T/462) that the Administering Authority was anxious to transfer judicial powers from administrative officers to career magistrates, but this had not yet been possible owing to the shortage of magistrates. Noting this desire, and the substance of the relevant petitions, the Council in its report urged the Administering Authority to intensify its efforts to appoint more career magistrates. It informed the petitioners concerned of this recommendation (197(VI) of 3 April and 238(VII) of 29 June). By resolution 201(VI) of 3 April, the Council noted the Administering Authority's assurance that there was no discrimination in the administration of justice and drew the attention of the interested petitioners to its recommendation commending the Administering Authority on the measures it had taken to eliminate racial discrimination in the Territory (see below).

On the question of the codification of customary laws, the diversity of such laws and the need for constant revision of such a code, should it be established, was pointed out by the Administering Authority; after noting this statement, the Council in a resolution (202(VI)), adopted at its sixth session, invited the Administering Authority to make a general study of the most significant aspects of customary law and to report its findings to the Council.

In another resolution, adopted at the same session (200(VI)), the Council expressed the hope that the Administering Authority would continue to pursue its stated policy of punishing police abuses when discovered and of making every

effort to ensure correct behaviour on the part of the police towards the inhabitants.

After noting the Administering Authority's statement that the dispatch of gendarmes to Mbouroukou, mentioned by the Union des populations du Cameroun, Comité directeur (T/Pet.5/-81), was aimed purely at maintaining order in the region, the Council decided on 29 June that no action on its part was called for on this question (241(VII)).

The Visiting Mission reported that, while in the Territory, it heard statements regarding the relationship between the Cameroons and the French Union, a question also raised in petitions³¹ examined by the Council. Allegations were made that, despite its special status as a Trust Territory, the Cameroons was treated as if it were a French colony even though special legislation might be required on such questions as land tenure, immigration, exchange controls or international trade and commerce. It was further stated that the Territory's evolution toward self-government or independence should not be retarded by general legislation covering other territories which might not have the same goal. On the other hand, the Mission heard certain notables speak of the advantages of representation in the French National Assembly and the Council of the Republic, in that it enabled Cameroonians to participate in providing legislation for the Territory and gave them experience in the functioning of representative government.

After noting the Administering Authority's assurance that at the appropriate time the inhabitants could choose for themselves whether they should remain in the French Union or have independence outside the Union, the Council informed the petitioners that it reviewed this question regularly (193(VI) of 3 April and 242(VII) of 29 June).

Suggested revisions of the Trusteeship Agreement, especially the clauses relating to the Territory being governed "as an integral part of French territory", were included in eleven petitions³² presented to the Mission. Several of these claimed that the population had not been consulted before the Agreement was concluded. The Council de-

²⁷ See T/Pet.5/12-4/23, 5/13, 5/33-4/27, 5/36, 5/42-4/29, 5/52, 5/60-4/32, 5/78.

²⁸ See T/Pet.5/20, 5/29-4/25, 5/37, 5/54.

²⁹ See T/Pet.5/12-4/23, 5/16, 5/21.

³⁰ See T/Pet.5/13, 5/29-4/25, 5/54, 5/60-4/32.

³¹ See T/Pet.5/17 & Add.1, 5/30, 5/56-4/31, 5/82.

³² See T/Pet.5/12-4/23, 5/17 & Add.1, 5/26, 5/27, 5/29-4/25, 5/33-4/27, 5/35, 5/39, 5/42-4/29, 5/53-4/30, 5/72-4/63.

cided on 3 April that no action on its part was required with regard to this question (191(VI)); a copy of this resolution was later sent to Mr. Daniel Kemajou (T/Pet.5/82), whose petition the Council examined at its seventh session (242-(VII), of 29 June). In seven petitions³³ the related question of the Territory's relationship with the United Nations was raised. The petitioners asked for the right to submit comments on the annual reports, the establishment of a permanent supervisory commission of the Trusteeship Council and for representation of the people of the Territory in the Council or the General Assembly. The Council informed the petitioners that the inhabitants of the Territory had the right to submit petitions to the United Nations (192(VII)). In view of the terms of the Charter and the Trusteeship Agreement, however, the Council took no action on the specific requests made by the petitioners.

In connexion with a petition from the Union des populations du Cameroun, Comité directeur (T/Pet.5/81), relating, *inter alia*, to supervision of the administration of Trust Territories by the United Nations, the Council on 29 June invited the Secretary-General to inform the petitioners that United Nations publications were available in libraries, many administrative offices in the Territory, and through designated sales agencies (241(VII)).

b. ECONOMIC DEVELOPMENT

In agriculture, the Administering Authority aduced in its annual report, 87.8 per cent of the acreage cultivated was devoted to local needs, and 12.2 per cent for export. During 1948, specialized departments were added to the Central Agricultural Service to study methods of intensifying the cultivation of food crops and supplying food to urban centres and to promote rice production; heavy tractors and other equipment were ordered for pilot projects to foster the cultivation of food crops near large urban areas. Work was started on two experimental stations to cultivate groundnuts by mechanized methods and the erection of a disinfection-disinsectization plant to improve the quality of export products was ordered. Efforts were also being made to improve stock-breeding and fisheries.

With respect to industrial development, the Administering Authority reported, metropolitan France gave the Cameroons two pilot plants for processing oils and oil-seeds; 50 per cent of the shares of the company administering these plants

were reserved for African investors. The establishment of a modern tobacco factory at Yaoundé, and the construction of an important hydro-electric plant, begun at Edéa, on the Sanaga River, were among other industrial improvements described in the annual report.

Imports and exports during 1948 amounted to 4,995,000,000 francs^{33a} and 4,121,000,000 francs, respectively, more than four times the amount in 1946. A compensation fund, established in 1948 to counteract the effects of the devaluation of the French franc in January 1948, had collected, by 31 July, more than 310,000,000 francs in duties and utilized 170,000,000 francs for the stabilization of import prices. Its operation accomplished, the fund ceased to operate in April 1949. The revision in October 1948 of the par value of the CFA (Colonies françaises d'Afrique) franc in relation to the metropolitan franc, the Administering Authority reported, compensated to a large degree for the inflation which might otherwise have followed the devaluation of the French franc.

Territorial revenue and expenditure were estimated at over 1,193,000,000 francs in 1948, a 59 per cent increase over the previous year. In addition, by the end of 1948, the Territory had drawn 624,000,000 francs (75 per cent for economic expenditure and 25 per cent for social expenditure) from the ten-year FIDES (Fonds d'Investissement pour le Développement économique et social des Territoires d'Outre-mer) plan.

The Visiting Mission was impressed (T/462) by the vigorous economic activity it found in the Territory, including the development of towns, construction of buildings, establishment of industries, new plantations, electrification, road building, equipment of harbours, schemes to extend the railway system and prospecting for minerals. The FIDES plan and a favourable economic situation, the Mission stated, were among the factors contributing to this development. The establishment of co-operatives, more than a hundred of which had been formed since 1946, was also an important factor in the Territory's development, the Mission indicated. The measures taken by the Administering Authority to improve agricultural methods in order to increase yields and quality of produce and concurrently to maintain or improve soil fertility and prevent soil erosion were

³³ See T/Pet.5/12-4/23, 5/17 & Add.1, 5/22-4/24, 5/32-4/26, 5/29-4/25, 5/42-4/29, 5/53-4/30.

^{33a} Throughout this account of Cameroons under French Administration, francs = CFA (Colonies françaises d'Afrique) francs.

described in the annual report and noted with satisfaction by the Council. The Council, in a resolution adopted at its sixth session, drew this statement to the attention of Mr. Gaston Medou (T/Pet.5/21) and the Comité féminin de l'Union des populations du Cameroun (T/Pet.5/60-4/32) who had asked for agricultural extension services (205(VI)). The Comité féminin, as well as the Comité régional de Moundou, l'Union des populations du Cameroun (T/Pet.5/42/4/29) and the Union des Syndicats confédérés du Cameroun (T/Pet.5/52) also requested freedom of cultivation and, in particular, the annulment of the Order of 10 May 1937 regulating coffee cultivation. Informed by the Administering Authority that this order had been introduced to reserve land for the cultivation of essential foodstuffs, the Council decided on 3 April to take no action on this question (206(VI)).

The Council, in its report, commended the Administering Authority for establishing these producing, processing, marketing and consumer co-operatives among the indigenous inhabitants as a means of bringing about their more effective participation in the Territory's economy. The value of the co-operatives was also recognized in several petitions³⁴ examined by the Council. The petitioners ask that financial assistance be given the co-operatives by the Administering Authority and that indigenous inhabitants be trained in the working of the co-operative system. The Administering Authority had described in its annual report the steps taken to assist the co-operatives. It contemplated sending suitable persons to France to study co-operative organization, and stated that chiefs from the Territory had already visited co-operative societies in France. With respect to financial assistance, the Administering Authority indicated that the Representative Assembly had refused to make further loans to co-operatives since 70 per cent of the past loans had not been repaid; but the Crédit du Cameroun^{34a} would make loans to any co-operatives offering some guarantee of competent management. On a request, in one of the petitions (T/Pet.5/56-4/31), that production co-operatives be given an equitable quota for the export of bananas, the Administering Authority explained that transport limitations made banana exports dependent on quotas, and the quota for indigenous planters had risen from 24 per cent in 1947 to 34 per cent in 1949. Noting these statements, the Council, in a resolution adopted at its sixth session, expressed the hope that the Administering Authority would continue to foster the development of co-operatives by

education and all other means, and that indigenous producers would receive an adequate quota for bananas and have such shipping as practicable made available to them (225(VI)).

Two of the above petitions (T/Pet.5/52 & 5/62), as four others,³⁵ sought the abolition of the sociétés indigènes de prévoyance as being superfluous. These sociétés, the petitioners stated, had become purely administrative bodies and constituted an unjustifiable burden on the indigenous planters. The sociétés, as described by the Mission, are strictly controlled by the Administration; unlike co-operatives, membership is obligatory for indigenous farmers and stock-breeders in each administrative district. The Administering Authority considered their abolition desirable only when independent co-operatives became more stable. By resolution 226(VI) of 3 April, the Council asked that its resolution 225(VI) concerning co-operatives be sent to these petitioners and urged the Administering Authority to increase the participation by Africans in the management of the sociétés.

On requests, made in three petitions,³⁶ for the revaluation of agricultural products, the Council expressed the hope that the Administering Authority would continue its policy of ensuring payment of fair prices to indigenous planters and would foster in every way the development of producer co-operatives (204(VI)).

The Union des Syndicats confédérés du Cameroun (T/Pet.5/52) protested, *inter alia*, against the policy of giving Europeans preferential treatment in buying goods. This situation, which had existed for certain goods in short supply, mostly imported from Europe, the Administering Authority informed the Council, had disappeared now that there was an abundance of the goods in question. Noting this, the Council decided on 3 April that no action on its part was called for (214(VI)).

The establishment of economic organizations with an indigenous majority or equal representation in the existing organization was sought in three petitions.³⁷ Explaining that the petitioners were asking for wider participation in the three-fold Chamber of Commerce, Agriculture and Industry, the Administering Authority stated that the members were elected by all registered traders

³⁴ See T/Pet.5/15, 5/21, 5/52, 5/56-4/31, 5/62.

^{34a} See p. 718.

³⁵ See T/Pet.5/29-4/25, 5/53-4/30, 5/33-4/27, 5/74.

³⁶ See T/Pet.5/13, 5/21, 5/75.

³⁷ See T/Pet.5/12-4/23, 5/19, 5/53-4/30.

and producers, who inevitably chose Europeans, since their enterprises were on a larger scale; in view of the system of free election, however, it would be difficult to impose wider representation of indigenous concerns. Noting this statement, and that the Chamber of Commerce, Agriculture and Industry was a private concern, the Council decided that no action on its part was called for (215(VI)).

The Administering Authority stated that the requests, made by the Union des populations du Cameroun, Comité directeur (T/Pet.5/53-4/30) and the Union régionale des Syndicats confédérés de Bamiléké (T/Pet.5/33-4/27), for the progressive industrialization of the Cameroons, with indigenous participation, corresponded to the actual policy of the Administration. The Council noted this statement and drew the attention of the petitioners to a decision of its fourth session³⁸ recommending that the Administering Authority do everything in its power, by making grants and loans or other forms of assistance available, to encourage and enable indigenous inhabitants to take a full part in the industrial development of the Territory (207(VI) of 3 April). It made a similar recommendation after examining petitions from the Ngondo, Assemblée traditionnelle du peuple, Douala (T/Pet.5/56-4/31) and the Union des Syndicats confédérés du Cameroun (T/Pet.5/52) asking that loans and subsidies be granted most generously to indigenous undertakings (216(VI)). After examining requests from Mr. Michael Nguéguim (T/Pet.5/34 and the Artisans de Dschang (T/Pet.5/-41) for the development and improvement of handicrafts, the Council invited the Administering Authority to give all possible assistance to the indigenous inhabitants to this end (210(VI) of 3 April). The Artisans de Dschang, as well as several other petitioners,³⁹ asked that indigenous traders be exempted from paying licence fees. By resolutions 210 and 217 (VI) of 3 April, the Council recommended that the Administering Authority consider the possibility of reducing existing licence fees for small traders.

Liquor trade in the Territory is governed by the Convention of St. Germain-en-Laye of 1919. Commenting on several petitions,⁴⁰ which claimed that the most lucrative activities, in particular the liquor trade, were conducted by Europeans, the Administering Authority assured the Council that its policy was to permit no discrimination. It found it difficult, however, to carry out this policy with regard to the liquor trade, since the sale of liquor to Africans was forbidden by the

Convention. The Administration had therefore imposed high licence fees on the sale of strong alcohol, but allowed African restaurants to obtain licences to sell alcoholic beverages with a low alcoholic content. In general, however, there was complete freedom of trade and no discrimination of any kind. After noting the Administering Authority's statement, the Council, in resolutions adopted at its sixth and seventh sessions, expressed the hope that it would continue to take all possible steps to demonstrate to the local population that equality of commercial opportunity exists (213(VI) and 242(VII)).

The Administering Authority reported that gold, tin and alluvial titanium were the only mineral deposits being worked. During 1948, it established the Bureau of Mines of Overseas France. The Bureau is to draw up an inventory of the mineral resources of the Territory and to further their exploitation. The building of a chemical and mineralogical laboratory at Yaoundé was completed at the beginning of 1949 and European technicians were training an African staff which will specialize in mineralogical problems and mining production. With respect to the alleged European monopoly of mining activities, referred to in four petitions,⁴¹ the Council in a resolution adopted at its sixth session informed the petitioners of its statement at its fourth session,⁴² when it expressed the hope that the share of the indigenous inhabitants in the Territory's mineral wealth would be greatly increased through the progressive expansion of the activities of the newly created Bureau of Mines of Overseas France (209(VI)).

The replacement of the poll tax by a proportional tax was requested in three petitions.⁴³ Because of the impossibility of identifying a large proportion of the indigenous inhabitants and the difficulty of ascertaining all incomes, the Administering Authority explained, it had so far been impossible to make such a reform. The Council, by resolution 217(VI) of 3 April, expressed the hope that the Administering Authority would study further the possibility of replacing the poll tax by a tax based on the principle of ability to pay.

³⁸ See Y.U.N., 1948-49, pp. 793-94.

³⁹ See T/Pet.5/12-4/23, 5/53-4/30, 5/56-4/31, 5/60-4/32.

⁴⁰ See T/Pet.5/12-4/23, 5/53-4/30, 5/56-4/31, 5/60-4/32, 5/62, 5/82.

⁴¹ T/Pet.5/52, 5/53-4/30, 5/54, 5/72-4/63.

⁴² See Y.U.N., 1948-49, p. 793.

⁴³ See T/Pet.5/12-4/23, 5/33-4/27, 5/53-4/30.

In describing transport and communications in the Territory, the Administering Authority reported that a programme for the construction of 4,600 kilometres (approx. 2,850 miles) of roads was started in 1948, and plans were drawn up and other measures taken to improve river-crossings, ports and railways.

In its annual report on the Territory, the Council commended the Administering Authority for its zeal in improving the road system.

Commenting on petitions⁴⁴ alleging a grave lack of communications, the Administering Authority stated that its efforts could be gauged by the fact that in 30 years the Territory's road network had been expanded from 360 to 100,000 kilometres (approx. 225 to approx. 62,000 miles) and that the ten-year economic and social development plan provided for the further development of roads, railways, ports and bridges. Special appropriations, it stated, had been made in the 1950 budget for the river network of the Sanaga-Maritime region, requested in another petition, from *Cri de la Sanaga côtière* (Edéa), Yaoundé Delegation (T/Pet.5/46). A high priority could not be given, however, to the contemplated development of roads in the Subdivisions of Edéa, Eséka and Balimbi, urged in an eighth petition, from the *Association amicale de la Sanaga maritime* (T/Pet.5/61). These statements were noted by the Council, which, in resolution 212(VI), adopted on 3 April, expressed the hope that the planned improvements would be made as soon as possible.

Commenting on petitions, from the *Solidarité Babimbi* (T/Pet.5/70) and Messrs. Frédéric Makanda and Gilbert Bilong (T/Pet.5/49), alleging the slow development of the Babimbi Subdivision, the Administering Authority stated that this was mainly due to the community's isolated position, but that three schools and a post office had recently been opened, and a new road into the area was planned. The Council, in two resolutions adopted on 3 April, invited the Administering Authority to continue its efforts to develop this Subdivision (156 & 157(VI)).

The Administering Authority indicated in its annual report that Africans, especially in the south of the Territory, were growing more and more conscious of the value of land. The administrative staff, it was stated, was overwhelmed by an increasing flow of applications for recognition of land rights. This was due, among other causes, to land speculation in urban areas and to the requirement of a land title to obtain a mortgage from the newly established *Crédit du Cameroun*, a banking corporation which makes loans on favour-

able terms to small enterprises for the development of trade and the building of houses. The Administration intended to recruit more surveyors in 1949 to ensure the prompt settlement of land claims. During 1948, the report showed, 93 final concessions were granted, mainly to indigenous inhabitants, compared with 21 concessions in 1947.

The Mission reported that the whole problem was complicated by widely different conceptions of ownership and land practices reflected in customary laws and French law. It reported that the Administering Authority had set up fourteen commissions on which the Representative Assembly, indigenous notables, merchants and planters were represented, to study ways of reconciling these different concepts, with a view to effecting a general reorganization of the land tenure system. A number of Africans, the Mission indicated, claimed that they had difficulties in obtaining recognition of their land rights and alleged that land concessions were made to private persons, companies and missions. The Mission also heard objections to the classification of "vacant and ownerless land", which under French law becomes the property of the Territory. As in the case of all public property, the Africans maintained that all lands have owners. This was equally true of forest lands. Consequently, the Mission reported, there was much opposition to the Administration's apparently reasonable programme for the classification of forests; this programme, it was stated by the Administering Authority, was intended to ensure the preservation and improvement of a certain area of forests for the benefit of the whole Territory. The Administering Authority hoped to convince the people of the long-term benefits, but, if this failed, it felt that its duty nevertheless was to ensure the protection of the Territory's resources. Dissatisfaction at the size of cutting concessions granted to Europeans was also expressed in several petitions. The Administering Authority explained that no discrimination was exercised in forest management, but few Africans had the necessary technical competence and financial resources.

The Mission's report, the numerous petitions, and the statements of the Administering Authority on the questions of land and forests were noted by the Council. In its report on the Territory, the Council asked the Administering Authority, in enacting land legislation and classifying forests, to take into account, on the one hand, the tradi-

⁴⁴ See T/Pet.5/12-4/23, 5/13, 5/32-4/26, 5/44, 5/54, 5/56-4/31.

tional rights of all kinds which the indigenous communities may exercise and, on the other hand, the future economic requirements of the Territory. In order to accelerate the procedures open to indigenous inhabitants for recognition of their land rights, the Council asked the Administering Authority to recruit a sufficient number of surveyors. It also requested a more precise definition of the conception of "vacant and ownerless lands". The Council further requested the Administering Authority, in granting land concessions for agricultural purposes, to give preference as a matter of principle to settlement projects undertaken by indigenous inhabitants themselves; and, in granting forest concessions, to be guided by consideration of the economic benefits accruing to the Territory, without neglecting the traditional communal rights of the indigenous inhabitants. By resolutions 154 and 211(VI) of 3 April and 242(VII) of 29 June, the Council drew these recommendations to the attention of twenty⁴⁵ petitioners and its recommendation concerning forest concessions to the attention of four petitioners⁴⁶ (208(VI)). In resolution 154(VI) the Council further expressed the hope that, in the classification of forest reserves, the Administering Authority would ensure that no injustice was done to the Mbartsog-Owontsog Community, which had alleged, as stated in a petition from the Union des populations du Cameroun, M'Balmayo (T/Pet.5/55), the expropriation of some 4,500 hectares (approx. 11,250 acres) of land, constituting its sole patrimony.

Several other specific land disputes were brought before the Council. The Union des populations du Cameroun, Comité central du groupement de Bafou, alleged (T/Pet.5/38), *inter alia*, that the "Pastorale" Company had expropriated land from the people of Bafou. After noting the Administering Authority's assurance (T/518) that this land problem was being considered by the Council of Notables and would later be dealt with by the Representative Assembly, the Council, in a resolution adopted at its sixth session, on 3 April, urged the Administering Authority to intensify its efforts to settle the problem and to report on any action taken (149(VI)). With regard to a land dispute between two indigenous communities, described in a petition (T/Pet.5/59) from the Collectivité de Bonamikengue-Akwa-Douala, the Council expressed the hope that the Administering Authority would do everything in its power to hasten a satisfactory solution (158(VI)). Mr. Mathias Mbongue Minyangadou, who described (T/Pet.5/77) a long-standing dispute with the Administra-

tion over the title to certain land, was advised by the Council in a resolution adopted at its seventh session, on 29 June, that he could have the question decided by following the normal legal procedure for establishing title to land (237(VII)). The Council on 3 April informed two other petitioners, Messrs. Paul Ndzana Ntsama (T/Pet.5/18) and Jean Nyoungou Ngua (T/Pet.5/47), that their land disputes could be settled in the competent courts (148 and 150(VI) of 3 April), and, noting that a third petitioner, Mr. Carl Peter Albrechtsen (T/Pet.5/3 & Add.1), had already been so advised by the Administering Authority, the Council decided that no further action on its part was required (131(VI)).

c. SOCIAL DEVELOPMENT

Describing the general situation in the Territory, the Administering Authority stated in its annual report that the urban population was increasing at the expense of the rural population; from 1946 to 1948, the number of workers employed at Douala rose from 10,370 to 20,084. The construction of 280 dwellings, undertaken to meet the growing need for dwellings in Douala and Yaoundé, was almost completed and the construction of a number of model villages throughout the Territory was provided for under the FIDES ten-year plan. The installation of a water supply system, started in 1946 in the three main urban centres, was also nearing completion; the work at Yaoundé was expected to be finished by the end of 1949 and that at Douala and N'Kongsamba somewhat later. A Social Welfare Committee, which includes indigenous members, was set up in 1948 to co-ordinate the various social welfare activities and promote action in new fields. The Administering Authority also reported, *inter alia*, that the circulation of the principal newspapers had increased during the year.

The number of medical centres rose from fifteen in 1947 to 25 in 1948 and consultation centres increased from 57 to 75, according to the annual report. Medical staff in the government health services rose from 69 Europeans and 932 Africans in 1947 to 87 Europeans and 1038 Africans in 1948. The total staff in 1948 included 34 European doctors and 58 African doctors, apart from eighteen private practitioners or mission

⁴⁵ See T/Pet.5/12-4/23, 5/13, 5/14, 5/16, 5/17, 5/19, 5/21, 5/29-4/25, 5/32-4/26, 5/33-4/27, 5/39, 5/42-4/29, 5/44, 5/52, 5/53-4/30, 5/55, 5/60-4/32, 5/74, 5/75, 5/82.

⁴⁶ See T/Pet.5/52, 5/53-4/30, 5/54, 5/72-4/63.

doctors and other non-government auxiliary personnel. The medical services of the Administration were provided free of charge to all indigenous inhabitants. During 1948, the Administering Authority reported, health activities on behalf of school children increased, medical inspections for detecting endemo-epidemic diseases and treatment were made compulsory and a Commission on Nutritional Hygiene was appointed to organize health propaganda throughout the Territory.

The Visiting Mission (T/462) was very favourably impressed by the efforts of the Administering Authority in the field of public health. It stated that the African population showed great confidence in the medical services. The Mission was aware, however, that much remained to be done, and it had received a number of petitions requesting the extension of medical and public health facilities.

The Council, in its report, expressed the hope that the Administering Authority would do its utmost to increase the number of African medical personnel, and recommended more intensive efforts to bring adequate medical care within the reach of all. By resolutions 227(VI) and 242-(VII), the Council called this recommendation to the attention of the petitioners concerned.⁴⁷

The Mission felt (T/462) that the relationship between wages and the cost of living in the Territory could not be appreciated objectively in the absence of adequate studies of living standards. Noting this statement, as well as allegations made in petitions⁴⁸ to the effect that wages were low in terms of purchasing power, the Council in its report on the Territory reiterated the recommendation adopted at its fourth session in 1949.⁴⁹ It expressed the hope that the results of the study of standards of living recommended at that time would be laid before it in 1951. Indicating that it did not underestimate the complexity of the problem, the Council suggested that the Administering Authority consider taking all adequate measures to increase real wages and improve the standard of living in terms of housing, clothing and medical and social services. By resolution 222(VI), the Council informed the interested petitioners of these recommendations. In another resolution (228(VI)) the Council dealt specifically with living conditions in the workers' township of New Bell, described in one of the petitions (T/Pet.5/71); the Council expressed the hope that all possible steps would be taken to improve housing and living conditions in the area and to improve water supplies, the scarcity of which, the Administering Authority indicated, was

due to an unexpected and rapid rise in the population.

The Administering Authority indicated in its annual report that the recruitment of labour was still a problem in the Territory. It considered the rapid growth of industrial undertakings responsible for the big demand for skilled workers, and stated that apprentices were being engaged before they had even finished their apprenticeship. The promulgation of a labour code for the Territory, under consideration since 1947, was anticipated in 1950. The Visiting Mission was informed by the Administration that this code, as drafted, would apply to all workers in the Territory, without any racial distinction whatsoever. Freedom of work, equality of pay, total payment of wages in cash, prohibition of fines or stoppages of pay, and freedom to organize in trade unions and to strike constituted the basic principles underlying the proposed legislation. These principles, the Administering Authority asserted, were already being applied in the Territory and were guaranteed by law.

Requests for a genuine labour code and allegations of violations of trade union rights were included in thirteen petitions⁵⁰ examined by the Council.

In a resolution adopted on 3 April, the Council expressed the hope that the Administering Authority would continue to foster trade unionism in the Territory and that a labour code applicable to the Territory and embodying the principles of the appropriate International Labour Conventions would soon be adopted (221(VI)). One trade union, the *Confédération générale du travail—Force ouvrière du Cameroun*, alleged (T/Pet.5/-50) that it was not receiving assistance from the French Administration, which had not made available the premises in Douala as promised and which, it stated, favoured the *Confédération Générale du Travail (CGT)*. The Administering Authority explained that, to encourage the trade union movement, it had placed a house at Douala at the disposal of the local trade unions, at that time united to the CGT. After the separation of the petitioners and the Confederation of Christian Workers from the CGT, the Administration had agreed to provide new quarters for the two new

⁴⁷ See T/Pet.5/12-4/23, 5/19, 5/20, 5/21, 5/23, 5/24, 5/29-4/25, 5/32-4/26, 5/33-4/27, 5/39, 5/40-4/28, 5/42-4/29, 5/44, 5/46, 5/52, 5/53-4/30, 5/54, 5/56-4/31, 5/60-4/32, 5/61, 5/62, 5/72-4/63, 5/75, 5/82.

⁴⁸ See T/Pet.5/13, 5/16, 5/24, 5/43, 5/52, 5/53-4/30, 5/68, 5/71.

⁴⁹ See Y.U.N., 1948-49, p. 794.

⁵⁰ See T/Pet.5/19, 5/21, 5/24, 5/25, 5/33-4/27, 5/43, 5/52, 5/53-4/30, 5/56-4/31, 5/62, 5/68, 5/72-4/63, 5/74.

unions, but, owing to the budgetary position, this had not yet been done.

The Council recommended that the Administering Authority continue to take steps to ensure that all forms of trade unionism be allowed to develop freely and expressed the hope that all possible steps would be taken to provide the buildings required by the unions in the area (153(VI)).

One of the above petitioners alleged (T/Pet.5/43) that indigenous workers in Abong Mbang were obliged to work long hours seven days a week. In this area, according to the Administering Authority, local trade employees having a share in the profits had asked that the regulations governing hours of work be waived as they wished to keep open their shops. In a resolution adopted at its sixth session, on 3 April, the Council asked the Administering Authority to take appropriate action on this question after consultation with the persons concerned (223(VI)).

The Visiting Mission, in describing the complexities of the labour problem in the Territory, reported that the abolition of forced or compulsory labour by the Law of 11 April 1946, in the opinion of some elements of the population, had been interpreted by many Cameroonians to mean that it was no longer necessary to work in order to live; others alleged that the law was ignored and that forced labour practices had never ceased to exist and submitted petitions⁵¹ to that effect. The Administering Authority vigorously denied the existence of forced labour and stated that penalties had been applied whenever abuses had come to the notice of the authorities. The Trusteeship Council, after noting the petitions and the Administering Authority's statement, suggested in its annual report that the administrative officers concerned should guard against any practices that the people might construe as meaning that forced labour had not been eradicated.

It was alleged in one of the petitions (T/Pet.5/58) that the Chief in the subdivision of M'Balmayo forced several persons to work without pay on a road and had several times requisitioned sheep from the villages by fraud. The Administering Authority stated that these measures conformed to indigenous custom and that the livestock contributed by this community toward provisioning the district had been quite moderate. By resolution 155(VI) of 3 April, the Council referred to the Administering Authority the charges regarding the arbitrary requisitioning of sheep. By this resolution and resolutions 224-(VI) and 238(VII), the Council informed the

petitioners concerned of its recommendation concerning forced labour. Related allegations that forced labour without pay was imposed on African prisoners and even on persons awaiting trial were made by the Comité directeur de Kumzse (T/Pet.5/32-4/26) and Mr. Gustave Ekotto (T/Pet.5/39). The Administering Authority denied that accused persons awaiting trial were forced to work. After noting this statement, the Council, by resolution 229(VI) of 3 April, notified the petitioners of recommendations adopted at its fourth session⁵² concerning, inter alia, the establishment of prison conditions no less favourable to indigenous prisoners than to Europeans.

The Administering Authority outlined the measures taken to overcome what it described as the low output and productivity of indigenous labour. These included increased mechanization, replacement of local labour by European personnel; and improvement of African labour, which it considered the most practicable and desirable solution.

The Council, in its report on the Territory, recognized that the Administering Authority had had to bring in European skilled workers, and that their assistance, within limits and with proper safeguards, could be beneficial to the Territory at its present stage of development. At the same time, the Council urged the Administering Authority to accelerate the training of the indigenous inhabitants in the same technical skills. By resolution 203(VI) of 3 April, the Council called this recommendation to the attention of petitioners⁵³ who had protested against the increasing European population, which rose from 3,875 in 1946 to 5,800 in 1948; it also expressed the hope that European immigration would not be allowed to prejudice the economic development of the indigenous inhabitants.

On the question of racial discrimination, the Council noted in its annual report that positive measures had been taken by the Administering Authority towards the elimination of discriminatory practices by individuals. Commending it for these measures, the Council urged it to continue its efforts to eliminate all forms of racial discrimination in the Territory. By resolution 220(VI), of 3 April, the Council drew this recommendation to the attention of petitioners⁵⁴ who had alleged the existence of various forms of racial discrimi-

⁵¹ See T/Pet.5/12-4/23, 5/13, 5/19, 5/33-4/27, 5/36, 5/42-4/29, 5/52, 5/58, 5/60-4/32, 5/74, 5/78.

⁵² See Y.U.N., 1948-49, p. 794.

⁵³ See T/Pet.5/17 & Add.1, 5/68, 5/71, 5/72-4/63.

⁵⁴ See T/Pet.5/12-4/23, 5/13, 5/16, 5/20, 5/21, 5/22-4/24, 5/28, 5/32-4/26, 5/52, 5/53-4/30, 5/56-4/31, 5/60-4/32, 5/68, 5/74.

nation; it later directed (239(VII)), on 29 June, that this resolution be sent to Mr. J. E. Albert Tognéy (T/Pet.5/79). Seven petitions⁵⁵ also urged full implementation of the Universal Declaration of Human Rights and three⁵⁶ asked for the liberation of women. In two resolutions, both adopted at its sixth session, the Council expressed the hope that the Administering Authority would continue to take all possible steps to ensure the observance of human rights (218(VI)), and would attempt to improve the social status of women in the Territory (219(VI)).

d. EDUCATIONAL DEVELOPMENT

According to the annual report of the Administering Authority, educational expenditure had increased from 6.6 per cent of the territorial budget in 1947 to 9 per cent in 1948. Twenty public primary schools were opened during 1948, making a total of 157, and attendance rose from 18,600 in 1947 to 19,067 in 1948. The staff of public secondary and technical schools had increased from three in 1944 to nineteen in 1946 and 60 in 1948, and 194 scholarships for study in France were granted in 1948.

The Mission endorsed (T/462) the Council's previous commendation⁵⁷ of the Administering Authority for having established free education on its own initiative. While much had to be done before elementary education could be extended to the entire population of school age, the Mission stated, remarkable efforts were being made in this direction and appreciable results had been obtained. The Mission further considered that opportunities for secondary education and teacher and technical training were still too limited. Many petitions received by the Mission asked for more schools and better facilities for secondary education; the satisfaction of these demands was regarded by the Mission as worthy of the highest consideration.

The Council, in its report on the Territory, commended the Administering Authority for the progress made in the field of education. In view of the Mission's observations and the petitions, however, the Council recommended that the Administering Authority intensify its efforts to develop secondary education and technical and teachers' training in the Territory. Recalling its resolution 110(V) on higher education in Trust Territories, which recommended, *inter alia*, that the Administering Authority consider establishing higher educational facilities in the Cameroons, the Council expressed the hope that future annual

reports would indicate the steps taken towards implementing this resolution.

These recommendations, as well as the statements made by the Council at its fourth session, were brought to the attention of 24 petitioners⁵⁸ by resolution 230(VI) adopted by the Council on 3 April. In this resolution, the Council further invited the Administering Authority to adapt textbooks and educational facilities as far as possible to local needs, and to consider consulting the indigenous inhabitants to this end.

e. OTHER QUESTIONS⁵⁹

(1) General Conclusion of the Council

The Council, in its report, commended the Administering Authority on the sense of drive and energy apparent in the development of the Territory, and expressed the hope that this development would be progressively continued.

(2) Petitions Containing Personal Requests

In addition to petitions which raised questions concerning political, economic, social and educational conditions in the Territory, the Council, during 1950, examined petitions containing personal requests or complaints. Its decisions were taken in each instance by resolutions recommended by its *ad hoc* Committee on Petitions and unanimously adopted by the Council on 3 April 1950, during its sixth session, and on 29 June, during its seventh session.

On five of these petitions, the Council, after noting the observations of the Administering Authority, decided by separate resolutions that no action on its part was required. These involved a protest from Mr. Manuel María Do Rio (T/Pet.5/11) against his expulsion from the Territory (147(VI)); a complaint from Mr. Nsangou Moussa (T/Pet.5/31) against the Commander of the Gendarmerie Brigade at Fouban (152(VI)); a request from Mr. Yerima Abbo Mouhamadou (T/Pet.5/57), in enforced residence at Doua, for permission to return to Meiganga (151(VI)); a protest from Mr. Ernest Eyoum (T/Pet.5/48) against a fine imposed on

⁵⁵ See T/Pet.5/22-4/24, 5/28, 5/32-4/26, 5/33-4/27, 5/60-4/32, 5/74, 5/72-4/63.

⁵⁶ See T/Pet.5/45, 5/54, 5/60-4/32.

⁵⁷ See Y.U.N., 1948-49, p. 796.

⁵⁸ See T/Pet.5/12-4/23, 5/13, 5/19, 5/20, 5/21, 5/24, 5/28, 5/29-4/25, 5/32-4/26, 5/40-4/28, 5/41, 5/42-4/29, 5/45, 5/46, 5/52, 5/53-4/30, 5/54, 5/56-4/31, 5/60-4/32, 5/61, 5/68, 5/72-4/63, 5/74, 5/75.

⁵⁹ Problems arising from the division of the two Cameroons are dealt with on pp. 710-11.

him by the Administrative Council (243(VII)); and a petition from Mr. Njaillou Ousmanon (T/Pet.5/80), who challenged his conviction of a criminal offence and asked to be restored to his post (240(VII)).

Two petitions⁶⁰ were declared inadmissible under rule 81 of the Council's rules of procedure since they were directed against judgments of competent courts. The petitioners complained of their unlawful arrest in 1941 for pro-German, anti-French propaganda, and asked that they be compensated.

(3) Anonymous Petitions

By resolution 162(VI) of 3 April 1950, the Council decided that four communications (T/Pet.5/R.1 to 3 relating to the Cameroons under French administration and T/Pet.5/R.4-4/R.1 relating to both Cameroons), being anonymous, called for no action as petitions. It merely took note of these communications for all useful purposes.

3. Togoland, Administered by the United Kingdom⁶¹

This Trust Territory, according to the Administering Authority's annual report,⁶² had a total indigenous population of 382,564 in 1948. The Territory, which has a total area of 13,040 square miles, consists of a strip of land about 320 miles long and, on an average, about 40 miles wide.

a. POLITICAL DEVELOPMENT

Togoland is administered as an integral part of the Gold Coast. Responsibility for its administration is vested in the Governor of the Gold Coast, who is assisted by an Executive Council on which there are no members from Togoland. As in the case of the Cameroons under British administration, Togoland is divided into two sections. According to the annual report, the northern section is further sub-divided to form one district and parts of three other districts of the Northern Territories of the Gold Coast Protectorate. The Governor is the sole legislative authority for the Northern Territories of the Gold Coast (including the northern section of Togoland); a Territorial Council for the unified area, composed of representatives of Native Authorities of the Protectorate and the Trust Territory, functions as an advisory body. The more advanced southern section forms part of a district of the Eastern

Province of the Gold Coast Colony; the 31-member Gold Coast Legislative Council enacts legislation for the unified administration.

In addition to common administrative and technical services and legislative machinery, the Trust Territory shares with the Gold Coast a common budget, revenues accruing in Togoland being included without distinction in the Gold Coast budgets, and expenditures being allocated not on the basis of the over-all needs of the Trust Territory but on the basis of the needs of the joint administrative parts of the Gold Coast and Togoland.

Proposals^{62a} for reform of the Constitution of the Gold Coast and Togoland, the Trusteeship Council was informed, had been made in 1949 by an all-African committee, the Coussey Committee, set up by the Gold Coast Government. The Committee proposed the establishment of local authorities, regional administrations and a central legislature; the majority of members of each body would be elected. It considered that the northern section of Togoland had such strong ties with the Northern Territories of the Gold Coast Protectorate that it should be included in a proposed regional organization of the Protectorate, with the possible exception of the Krachi District in northern Togoland, the population of which had indicated by plebiscite that it wished to be transferred to the southern section of Togoland. The southern section, the Coussey Committee proposed, should be merged in a Trans-Volta-Southern Togoland administrative region with the Gold Coast Native Authority areas east of the River Volta.

The Visiting Mission to the Territory observed (T/465) that these proposals would have the effect of strengthening the integration of the two sections of Togoland with the neighbouring parts of the Gold Coast. Opposition to the creation of a unified Trans-Volta-Southern Togoland region was expressed in petitions from the Natural Rulers of Togoland under United Kingdom

⁶⁰ From Messrs. Lea Bilong, Mongwan Ndemba and Ekall Pidi (T/Pet.5/51) and the Notables Doualas (T/Pet.5/67).

⁶¹ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

⁶² Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Administration of Togoland under United Kingdom Trusteeship for the year 1948 (London: H.M.S.O., 1949; Colonial No. 243).

^{62a} H.M.S.O., Colonial No. 248.

Trusteeship (T/Pet.6/18, T/Pet.6/78-7/78) and the Togoland Council (T/Pet.6/151), both petitions emanating from the southern section of the Trust Territory. These petitioners desired primarily unification of the Territory with Togoland under French Administration.⁶³ But they asked that, so long as Togoland under British administration continued to be administered as part of the Gold Coast, it should be governed as an administrative unit, having a northern and a southern council and a joint legislative assembly. The Administering Authority was of the opinion, as stated in its observations on the Mission's report (T/638), that the present local authorities still had too little experience to undertake the full measure of political responsibility suggested in these petitions. It further indicated that the northern peoples had not expressed any desire for a council.

In a dispatch to the Governor of the Gold Coast (Colonial No. 250), the United Kingdom Secretary of State for the Colonies commented on the opposition from certain parts of southern Togoland to the establishment of the Trans-Volta-Southern Togoland region. Because of this opposition and the special position of Togoland as a Trust Territory, he felt that he must examine the proposal of the Coussey Committee with particular attention and stated that the decision to be taken on it must clearly depend on the interests of the people in the area. He suggested that arrangements be made in the meantime for the representation of southern Togoland on the Gold Coast Legislative Council.

Select Committees had been appointed, the Administering Authority informed the Trusteeship Council, to work out the details of constitutional reform. This step was welcomed by the Trusteeship Council, which also expressed satisfaction at the assurance that the wishes of the people would be carefully considered before any decisions were taken on the proposed regional arrangements for the Territory.

The measures taken in response to complaints from leaders in the southern section were described by the Administering Authority and the Mission, the latter indicating that they did not seem to satisfy the wishes of most of the Native Authorities concerned. A Southern Territorial Council, composed of persons chosen by Native Authorities from among their own members, was formed to meet the popular desire for a regional body. It had elected a Togoland member to the Gold Coast Legislative Council, increasing total membership in that body to 32, and appointed

in each case one Togolander to represent the southern section on the Gold Coast Cocoa Marketing Board and on the other Gold Coast bodies affecting the southern section.

These measures were noted with satisfaction by the Trusteeship Council in its report on the Territory. But it urged the Administering Authority to take any steps necessary to ensure that Togoland representation on such Gold Coast bodies was proportionate to the Territory's population or interests and to continue to develop as rapidly as possible local and sectional representative organs in the Trust Territory. It expressed the hope that the Southern Territorial Council would provide increasing opportunities to develop the people's capacities for self-government.

A petition from the Secretary, Togoland United Nations Association (T/Pet.6/152), stating that the farmers, unions and the general population of Togoland protested the unconstitutionality of the election of the Togoland representative on the Gold Coast Legislative Council, was examined by the Trusteeship Council. On one of the complaints, the Administering Authority observed (T/697) that the three states of Nkonya, Anfoega and Santrokofi had been left out of the elections because of their refusal to amalgamate to form one Native Authority or to join existing Native Authorities under the system of local government introduced by the Administering Authority in 1933 for the federation of the smaller Native Authorities. Furthermore, the petitioners had not availed themselves of their right under the electoral regulations to protest against the election procedure to the competent court. In the circumstances, the Council decided, on 10 July 1950, to take no action on this petition (248-(VII)). It took a similar decision (261-(VII)) with respect to an allegation by the Nkonya State Council (T/Pet.6/147), concerning the status of chiefs; in this case the Administering Authority stated that the petitioners had not been deprived of their traditional titles and that when Nkonya decided to amalgamate it would be granted full rights of legislation and jurisdiction vested in Native Authorities. Hodo VI, Fiaga of Anfoega Division, alleged (T/Pet.6/19) that the ordinance governing local government was undemocratic, unconstitutional and foreign to Native tradition. Because his Division had refused to amalgamate, he maintained, the Administering Authority had wilfully retarded its progress. This was denied by the

⁶³ See pp. 752-53.

Administering Authority, which explained (T/478) that it had made constant efforts to educate the people on the advantages of amalgamation; they would in any case be incorporated under some local authority under the projected Coussey proposals. The Council, in resolution 282(VII) of 17 July, called these observations to the petitioner's attention and asked the Administering Authority to continue its efforts to convince the people of the advantages of amalgamation or other reforms envisaged.

Another petition, from Samuel Walter Atsri-dom IV, Divisional Chief of Kpedze (T/Pet.6/74-7/77), complaining of the whole system of amalgamated divisions, was dealt with by the Council in a resolution (272(VII)) covering political, economic, social and educational questions.⁶⁴ In this resolution, the Council also dealt with the question of the operation of the Trusteeship System, raised in petitions from the Buem Native Authority (T/Pet.6/116-7/107) and the Togoland United Nations Association (T/Pet.6/118). The former expressed the hope that although the Trusteeship Agreement did not mention the termination of Trusteeship, this termination "would be early considered for a change into self-government". The latter alleged that the Council's earlier recommendations for measures to hasten the political advancement of the Trust Territories, as well as its resolution 36(III)⁶⁵ on the provision of information concerning the United Nations to the peoples of Trust Territories, were not being implemented.

Allegations to the effect that the selection of non-chiefs as members of Native Authority Councils was undemocratic were made by the youth of Krachi, Buem, Atando, Akpini, Avatime, Aso-gli, Nkonya, Anfoega and Santrokofi (T/Pet.6/88) and the Togoland United Nations Association Youth Section (T/Pet.6/121). The petitioners also asked that the members of the Southern Togoland Council be elected by public vote. In reply, the Administering Authority indicated (T/685 and 693) that the non-chiefs, who formed about one third of each Native Authority, were at present nominated in consultation with the people, but would in future be elected. Describing the modifications introduced by the Native Authority Ordinance, 1949, the Administering Authority indicated that the composition of the Native Authorities had been made more rather than less democratic. The more advanced pattern of Native administration provided by this Ordinance was noted with approval by the Council in its annual report. The proposals of the Coussey Com-

mittee for the introduction of limited suffrage at all levels of government were also noted with satisfaction. While it appreciated the difficulty of introducing at once a modern system of suffrage, the Council recommended that all necessary educative measures be taken to prepare the people for the adoption of universal suffrage with the least delay possible. By resolution 262(VII) of 17 July 1950, the Council notified the petitioners of this recommendation.

In reply to another petition, from the Convention Peoples' Party, Upper Trans-Volta Region (T/Pet.6/115), alleging that District Commissioners exercised judicial as well as executive powers in Togoland and in fact had more power than the traditional chiefs, the Administering Authority stated (T/679) that its policy was to build up Native Authorities into local government bodies. It assured the Council that the powers of District Commissioners were becoming increasingly advisory and would become almost entirely so under the reforms proposed by the Coussey Committee. Noting this statement, the Council, by resolution 260(VII) of 17 July, expressed the hope that the Administering Authority would pursue its policy of progressively increasing the responsibilities entrusted to the indigenous inhabitants.

With regard to the northern section of the Territory, the Administering Authority had described in its annual report the changes made in the system of local government in the Dagomba District. These changes, *inter alia*, provided that sub-chiefs be elected by secret ballot instead of appointed. Noting this progress with satisfaction, the Council, in its report on the Territory, urged the Administering Authority to push forward as rapidly as possible with the political education of the inhabitants so that they could participate fully in the political advancement of the Territory.

The question of the administrative integration of the Territory with the Gold Coast was examined by the Visiting Mission and by the Council's Committee on Administrative Unions.⁶⁶

The Mission considered that an appraisal of the future political development of the Territory depended to a large extent on the solution of the problems raised by the demand for unification of the two Togolands.⁶⁷ In view of the small size and population of the Territory under British

⁶⁴ See p. 738.

⁶⁵ See Y.U.N., 1948-49, pp. 733-34.

⁶⁶ See pp. 794-95.

⁶⁷ This question is dealt with in connexion with the Ewe problem; see pp. 749 ff.

administration and its largely artificial boundaries, the Mission stated, it was difficult to contemplate its future except in association with Togoland under French administration or with the Gold Coast. The choice between these alternatives depended on whether unification of all or part of the two Togolands was to take place. The proposed revisions of the Gold Coast Constitution, the Mission noted, revealed that the Territory was being directed as an indistinguishable part of the Gold Coast and also revealed that the joint administration was making rapid strides toward some form of autonomy.

Public opinion in the Territory was divided. In the south, the Mission stated, the administrative unification of the northern and southern parts of the Territory was sought, as a step toward the unification of the two Togolands. There were many objections⁶⁸ to the administration of the Territory as part of the Gold Coast and to the powers exercised over Togoland by the executive and legislative organs of the Gold Coast. In the north, as indicated in four petitions⁶⁹ received by the Mission, most of the chiefs asked that Trusteeship over their area be abolished and that their people be absorbed completely as part of the population of the Gold Coast; if the views of these chiefs could be taken as representing the views of their people, the Mission adduced, nearly half of the people of the Trust Territory shared this desire.

Other territorial adjustments were requested in four additional petitions from the northern section. In one, the transfer of the Krachi District from the northern to the southern section of the Territory was sought by the State Council of the Krachi Native Authority (T/Pet.6/14) on the grounds that the people of Krachi were more closely related to those of the south. Certain tribes in the Gonja state, as indicated in petitions from the Head Men of Nawuli (T/Pet.6/69) and the Nana Kojo Kuma of Nanjoro (T/Pet.6/70), did not share the common desire of the Gonjas for annexation to the Gold Coast; these petitioners asked to be administered as part of the Krachi District, where, they said, their people really belonged. Another petition, from Chief Tabi Nambiema and other chiefs in the name of the population of Mango (T/Pet.6/65-7/74), requested the unification, under a single administration, of the Tchocossi tribe, which was divided between the two Togolands.

The Mission concluded that four points should be borne in mind in connexion with the over-all question of integration with the Gold Coast:

- (1) the difference between the north and south;
- (2) if the Trust Territory is not economically viable, its total separation would be a blessing of doubtful value;
- (3) the political movement of unification was so advanced that for the Togoland under British administration to stand alone appeared to be neither desirable nor practical; and
- (4) the Territory, which was being directed constitutionally along the same lines as the Gold Coast, should be able to derive from this association the same benefits that accrue to the Gold Coast.

The Administering Authority observed (T/638) that it fully appreciated these four points, which it had itself emphasized in the past.

The Council's Committee on Administrative Unions reviewed the existing laws governing the administrative integration of Togoland with the Gold Coast and the proposed constitutional reforms. As in the case of the Cameroons under British administration, the Committee was informed that the character of the administrative arrangements was affected by the fragmentary nature of the Territory, the configuration of the land and the ethnic affinities of the people, and that the establishment of a separate administration would have imposed an unjustifiable burden on the Territory's limited resources. The administrative arrangements for the whole of the Trust Territory, the representative of the United Kingdom further informed the Committee, would be studied by the enlarged Anglo-French Standing Consultative Commission for Togoland Affairs, which the two Administering Authorities had decided to establish in connexion with the Ewe problem. The requests from the northern section for territorial adjustments, both Administering Authorities agreed, would also be considered by this Commission.

The Committee concluded (T/L.96) that because of the various proposals under consideration, further examination of the administrative union of the Territory with the Gold Coast could not usefully be undertaken at that time. This conclusion was accepted by the Council and included in its resolution 293(VII) of 17 July 1950 on the question of administrative unions.

With respect to the petitions from the northern section described above, the Council, by resolution 295(VII) of 20 July 1950, drew the petitioners' attention to the statements of the Administering Authority and asked the latter to keep it informed on future developments. The

⁶⁸ See T/Pet.6/15 & Add.1, 6/78-7/78, 6/81-7/79, 6/92-7/85, 6/115, 6/132-7/110, 6/144-7/117, 6/145 in Annex to this chapter, pp. 829 ff.

⁶⁹ See T/Pet.6/66, 6/67, 6/68, 6/71 & Add.1.

Council also informed the petitioners that their requests would be further examined at the same time as future annual reports and explained that the question of altering the boundary between the Gold Coast and the Trust Territory was outside the Council's competence.

The other questions raised in petitions, including the status of the Territory and its integration with the Gold Coast, were dealt with by the Council in a comprehensive resolution (272-(VII)), covering economic, social and educational, as well as political questions.⁷⁰

b. ECONOMIC DEVELOPMENT

The economic basis of the Territory, according to the Administering Authority's annual report, is almost wholly agricultural and pastoral, approximately 95 per cent of the people being full-time peasant farmers, living slightly above subsistence level. Under normal conditions, no serious deficiency in food supplies exists, it was stated, except in the north. During 1948, food crops were grown on all cultivated land, with the exception of a small proportion devoted to cocoa and coffee, for local consumption and export. Cocoa, coffee and palm kernels were the Territory's chief exports. The Territory's cocoa production during 1948, according to the annual report, amounted to 19,072 tons, an increase of 3,519 tons over 1947, and about 500 tons of coffee and 450 tons of palm kernels were marketed during the year.

In its annual report on the Territory, the Administering Authority stated that, as in 1947, no separate trade or financial figures were available for the Trust Territory. It was estimated, however, that for the financial year ended 31 March 1948, the proportion of Gold Coast public revenue and expenditure figures relating to Togoland totalled £363,900 for revenue and £625,540 for expenditure. The Trust Territory's proportion of Administering Authority grants could not be given, it was explained, until the revision of the ten-year development plan of the Gold Coast, including Togoland, was completed. The Economic and Social Commission of the Togoland Association for the United Nations (T/Pet.6/81-7/79) and the Togoland United Nations Association (T/Pet.6/119) requested that the total revenue of Togoland be separately determined, the latter Association suggesting that the estimates of revenue and expenditure given in the annual report should not be taken seriously. The Administering Authority observed (T/709) that the figures

given in the 1948 report were provisional estimates and it was expected that the 1949 report would contain more accurate estimates. But there was no doubt, it stated, that the expenditure on Togoland greatly exceeded the revenue from the Territory.

The Trusteeship Council, in its report on the Territory, noted with appreciation the Administering Authority's efforts to provide more accurate accounts for Togoland and welcomed the assurance that methods of providing separate and detailed import and export statistics would be studied. It recommended that the Administering Authority make a further thorough study of possible methods of providing the Council annually with separate and precise figures relating to the Trust Territory.

With respect to requests from Mr. E. A. Anthonio and nine others (T/Pet.6/103-7/95) and Mr. E. K. Akotia (T/Pet.6/126) that a progressive tax should replace the poll tax, the Administering Authority stated (T/651) that everyone in the Territory could afford the tax payments, which varied from 4 to 6 shillings per year for men and half those amounts for women.

Cocoa, which is produced in the southern section of Togoland, is the principal cash crop of the Trust Territory. All the cocoa produced in Togoland, as in the Gold Coast, is purchased (through agents, established firms and co-operatives) and marketed by the Gold Coast Cocoa Marketing Board, which began operating in 1947. During 1948, according to the Administering Authority's annual report, the Board continued to fix a guaranteed annual price to the producers. In 1947-48, the mean price c.i.f. New York was £207 per ton and that paid to the Togoland producers at Ho was £73. No separate account was kept of surplus funds derived from the sale of Togoland cocoa. For the year ending 30 September 1948, the Board realized a net surplus on operations of £24,069,380, bringing net available funds to £36,236,885. Of this amount, some £20,000,000 was set aside for stabilization reserve; some £9,000,000 for the rehabilitation of areas affected by the swollen shoot disease, which had infected about 60,000,000 cacao trees in the Gold Coast; and smaller amounts for development purposes, including £1,000,000 to the Gold Coast University College, for agricultural research. In 1948-49, the Cocoa Marketing Board increased the producers' price to £121; this price had to be met in part from the stabilization reserve,

⁷⁰ See p. 738.

since the New York price had dropped to £105 by April 1949. The Board incurred a net deficit of £134,000 for the year. Complaints that the Board was set up without consultation with the Togoland cocoa producers and that the latter were not represented on the Board had been made by the Conference of Farmers of Togoland under United Kingdom Trusteeship (T/Pet.6/15). It demanded the immediate return to the Togoland farmers of their proportionate share of the accumulated profits and the re-establishment of free marketing. These complaints were referred by the Trusteeship Council in 1949 (94(V)) to the Visiting Mission for investigation.

The Mission reported (T/465) on the development of cocoa marketing in the Gold Coast and in Togoland, and gave its views on the operations of the twelve-member Cocoa Marketing Board and the complaints of the petitioner. Although there had been no direct representation of the Togoland farmers on the Board, it noted that, according to the Administering Authority, each member of the Board has had the interests of the whole industry at heart but that it was intended, nevertheless, to increase the membership by one Togoland member selected by the Southern Togoland Council. With respect to the Board's first two years of operations, the Mission noted that except for part of the 1948/49 season, the price paid to the farmer was considerably below the world price, even allowing for freight and other costs, and the Board was therefore able to put substantial profits into reserve. Quoting the prices for the first part of 1949/50, the Mission adduced that the Board could be expected to make a further large profit for that season, unless there was a serious drop in the world price. The Mission indicated that the Board Chairman, in his annual report for 1947/48, had stated that it was essential that some £30,000,000 should eventually be devoted to the stabilization reserve fund to protect the farmer against the vagaries of the world market. However, in discussions with members of the Board, the Mission was informed that the future outlook seemed good and that no difficulty in disposing of the crops could be foreseen for several years to come. With its stabilization reserve at £20,000,000, the Mission stated, the Board felt that it was in a position to spend for development projects. Its policy, it was explained, would be to make allocations on the basis of the whole area, without distinguishing between Togoland and the Gold Coast.

Commenting on the petition (T/Pet.6/15), the Mission considered that, in general, in view

of the chaotic state of the cocoa industry in the past as a result of violent price fluctuations, the present stabilized marketing policy was sound in principle. It also believed that the policy was basically in the interests of the producers. On the other hand, the Mission considered that the Togoland farmers' desire to see concrete benefits brought to the Trust Territory from the surplus profits was worthy of consideration, especially if, as seemed the case, they were prepared to see these benefits applied to the community as a whole and not exclusively to the farmers.

The Administering Authority, in its observations (T/638) on the Mission's report, noted the Mission's agreement with the principle of stabilization in the interests of the producers. It explained, however, that the stabilization fund of £20,000,000 was not regarded by the Chairman and the General Manager of the Cocoa Marketing Board as a safe figure; it represented only about 40 shillings a load on one year's average crop and the range in selling prices during 1947/48 was 43 shillings a load. The Administering Authority further stated that the desire of certain Togoland farmers to see concrete benefits brought to the Territory from the surplus funds would be kept in mind by the Board when it was in a position to devote funds for development.

The petition from the Conference of Farmers of Togoland under United Kingdom Trusteeship (T/Pet.6/15) as well as similar views expressed in additional petitions⁷¹ received by the Mission, were considered by the Council at its seventh session, together with the relevant observations of the Mission and of the Administering Authority (T/358, 656, 666, 679, 683, 689, 690, 706, 709). The latter informed the Council, *inter alia*, that Togoland was now represented on the Cocoa Marketing Board by a divisional chief of Buem. With respect to the disposition of funds, it was of the opinion that these were being spent in the interests of all the inhabitants of the Territory. It further stated that in the absence any constructive suggestions, no changes in the cocoa-marketing organization were contemplated.

In its report on the Territory, the Trusteeship Council welcomed the appointment of a representative of the Togoland farmers to the Board and expressed the hope that this appointment would prove to be a successful means of bringing the farmers and people of the cocoa areas of

⁷¹ See T/Pet.6/15/Add.1, 6/81-7/79, 6/86-7/82, 6/115, 6/116-7/107, 6/119, 6/133-7/111, 6/145, 6/147.

Togoland into consultation with regard to the allocation of funds from the Board's reserves for developments in Togoland.

A request from representatives of the Conference of Farmers of Togoland under United Kingdom Trusteeship to speak in support of their written petition was granted by the Council. Accordingly, Messrs. F. Y. Asare and S. G. Antor were heard in the Council on 10 July and in the ad hoc Committee on Petitions on 14 July. They stated that Togoland had to supply a high percentage of West African cocoa, owing to the cocoa disease and the cutting down of cacao trees in the Gold Coast. Yet the figures issued by the Cocoa Marketing Board had credited all of the profits, which were substantial, to the Gold Coast, leaving Togoland out of account. When the farmers had inquired as to the tonnage of Togoland cocoa, in order to estimate the Territory's share in the profits, the answer had been that no separate accounts were kept for Togoland. It was not possible to get the figures on the amounts sold from individual cocoa farmers, as they sold their cocoa in small amounts throughout the season and, being unable to read or write, could not keep records of their transactions. Neither were they able to determine whether any of the profits were being used in the interest of the Trust Territory. It was later estimated, according to local newspapers, that Togoland had produced over 21,000 tons of cocoa per year, but the Togoland farmers had refused to accept this figure, which they felt fell far short of the truth. The petitioners demanded a separate cocoa marketing board for southern Togoland. Togoland representation on the Gold Coast Board, Mr. Antor stated, was entirely inadequate, and, as a result of the method of election of the one Togoland member on the Board, the member elected did not adequately represent the cocoa farmers of Togoland and was not in any way responsible to them.

The special representative of the Administering Authority disputed this statement, stating that the Togoland member had been elected by the Southern Togoland Council, a representative and constitutionally elected body, and that he was truly representative of the Togoland farmers. Should the Board decide to allocate funds from the reserves for development, he assured the Council, it would take fully into account the interests of the cocoa areas in Togoland. The establishment of a separate board for Togoland, however, was considered impracticable. Referring to the estimate of 19,000 tons given in the 1948

annual report as the total cocoa production of Togoland (see above), the special representative thought that, in the light of more recent information, the figure could be put at 24,000 tons for that year, and that of the Gold Coast for the same period at some 268,000 tons. The Council was further informed that the Administering Authority was prepared to ask the Cocoa Marketing Board to make public, and in particular to make known to the petitioners, as soon as possible, the figures for cocoa produced in the Trust Territory both during the current year and in subsequent years.

The Council, on 20 July, adopted a draft resolution proposed by its ad hoc Committee on Petitions (T/L.106). By this resolution (294-(VII)), the Council called the petitioners' attention to the statement in its report with respect to the appointment of a Togoland member to the Cocoa Marketing Board (see above). It expressed the hope that the Administering Authority would, in accordance with its assurance, obtain from the Board separate figures on the tonnage of cocoa produced in Togoland and that such figures would be made available annually. It recommended that the Administering Authority invite the Board to consider setting aside a fair and adequate proportion of its surplus funds—over and above reasonable stabilization reserves—for developments in Togoland or for other benefits of the inhabitants. The Council further recommended that the Administering Authority keep under constant review the representation of Togoland interests on the Board and continue to bear in mind the principle that the Trust Territory be adequately represented.

Commenting on an allegation by Mr. Winfried K. Etsi Tettey (T/Pet.6/133-7/111) that, in spite of existing laws, large fractions of land had been bought by non-indigenous Africans, mostly from the Gold Coast, the Administering Authority explained (T/690) that the alienation of land to a foreigner without the consent of the Governor was prohibited by law. Existing laws governed only transfer by purchase, however; consequently, some land might be leased to foreigners, but no sales of land had been permitted. Moreover, enforcement of the observance of the land tenure system was left to the people and the chiefs were responsible for ensuring that the land was preserved for the people's benefit. These statements were referred to Mr. Tettey by the Council, which decided on 17 July that no action on its part was called for in the circumstances (263(VII)).

About 40 square miles of new forest reserves were demarcated in southern Togoland during 1948, the Administering Authority reported, bringing the total of reserved hill areas to 230 square miles; a further 67 square miles in the northern section were examined for possible reservation. The Chiefs, Councillors, Elders and people of Luvudo asked in a petition to the Council (T/Pet.6/89) that the law relating to the forest reserve in the Dodome District be modified to allow the people to earn a living. After noting the Administering Authority's observations (T/647) that forest reserves were essential to the welfare of the people, and that ownership of the land involved did not change, the Council expressed the hope (267(VII)) that the Administering Authority would keep trying to make the petitioners understand their own interest in the establishment of the reserves.

Three other petitions relating to land problems were examined by the Council. In one of these, from Mr. Weto Klu and others, for the people of Awudome (T/Pet.6/97), the petitioners objected to a court decision on their land dispute with the Abuties and asked for a reconsideration of their case. It was explained by the Administering Authority (T/687) that the time-limit for appeals had long since expired and that the case was therefore *res judicata* and could not be reopened. Claiming to be the natural ruler of Nawuri Division, Adewamena, Blagyaehene, stated (T/Pet.6/113) that he and his followers had been driven off their lands by the Government and that, in his attempt to save his land and people, he had been arrested, beaten and imprisoned for four months without trial. On behalf of the Administering Authority, it was stated that the petitioners and some others, to escape direct taxation, had voluntarily left Nawuri to go to Krachi before 1932, that there was no Nawuri Division and Adewamena had no claim or right to represent the Nawuris or to use the title Blagyaehene, and that he had been arrested, tried and convicted by a competent court for a criminal offence. In both instances, by resolutions 244 and 291(VII) of 10 and 17 July, the Council referred the petitioners to the statements of the Administering Authority and decided that no action on its part was required. Chief Gazari III of Aveme Gbohome, Head of Aveme and President of the Ewe Union, complained (T/Pet.6/87) that the boundary between the Gold Coast and Togoland had divided the Ewe community and created land problems between the Ewes and the Twis. The Council, on 20 July, decided to

take no action on this petition since the question of proposed changes in the boundaries was outside its competence and the land disputes could be dealt with by local courts (296(VII)).

With reference to a recommendation made by the Trusteeship Council in 1948 that measures be taken to develop rapidly the northern section of Togoland, the Administering Authority gave in its report a comprehensive description of the situation in this area. The northern section, it explained, was relatively undeveloped because of its natural handicaps, chiefly climate, soil, water shortage and transport problems. The urgent need to overcome these handicaps was fully realized, as well as the necessity to risk undertaking certain types of development without fully adequate basic data in order that the northern section might reach a stage of economic advancement on a level with that of the south. To minimize the risks, a preliminary economic survey of the Northern Territories of the Gold Coast, including the northern section of the Trust Territory, was being conducted, and it was anticipated that more detailed surveys into particular subjects might be required. A soil fertility survey had been undertaken in the Gold Coast under the direction of a specialist in this field, but there were difficulties in getting the staff for all the surveys required and there was no immediate prospect of a full reconnaissance soil survey in the northern section of Togoland. Plans had been completed for a large-scale scheme of mechanized farming—farming with bullock-drawn ploughs—on a co-operative basis in the Northern Territories and the Administering Authority considered that the results obtained in the first five years might provide data for a similar scheme in the northern section of Togoland if suitable soils could be found. Meanwhile, farmers were being encouraged to grow cash crops as a result of a government guarantee to buy surpluses of a number of the principal food crops at fixed minimum prices.

A full programme to develop adequate water supplies had been drawn up and was being executed as fast as available finance, staff and equipment permitted. Transport and marketing problems were also being reviewed. Experts were examining the question of establishing a hydro-electric project at Ejena in the Gold Coast, which would make the Volta River navigable beyond Yeji in the northern section of Togoland and would be combined with a scheme of river transportation. The exploitation of the Volta was considered by the Visiting Mission as the most important single item of development under ex-

amination. In describing the project, however, the Administering Authority estimated that it would not be possible, under the most favourable circumstances, to operate any scheme of river transportation before 1955.

The Administering Authority emphasized in its report that the utmost potential economic development of northern Togoland might still prove extremely limited. Furthermore, it was stated, it was necessary first of all to stress the provision of essential needs, such as an uncontaminated and regular water supply near every village and agricultural area, the eradication of debilitating diseases, improvement of nutritional standards and replacement of apathy with a genuine enthusiasm for education and advance in all fields.

The Visiting Mission, in its observations on the economic development of Togoland under British administration (T/465), noted the frankness with which the Administering Authority revealed the problems and difficulties inherent in a land poor in natural resources and showing little evidence of development in the modern sense. It found the people equally frank in expressing their impatience at the relatively slow rate of progress. The Mission was particularly impressed with the inadequacy of road communications. The maintenance of privately owned ferries over rivers where bridges might normally be expected it considered obsolete and inefficient. Two of these ferries, over the Oti and Asukawkaw rivers in Togoland, were described by the Mission. Commenting on the Mission's report, the Administering Authority stated (T/638) that the policy was to replace ferries by bridges, where practicable. With regard to road communications, the Administering Authority adduced that in actual mileage as related to area and economic requirements, the Territory had a close network of roads. These were constantly being improved and extended, it stated, but over-all requirements and priorities had to be taken into account.

A number of petitions from the Territory⁷² complained of the limited number of roads, the poor conditions of existing roads and the complete lack of railways and the resulting hardships suffered by the people both commercially and otherwise. Commenting on these petitions, the Administering Authority (T/358, 365, 647, 656, 664, 669, 683, 684) referred to its observations on the Mission's report. It also stated that hold-ups were bound to occur after torrential rain until the roads were tarmetted, but that the money available for road maintenance had been greatly increased during 1948-49 and the results would

soon become apparent. It considered, however, that there was no economic justification for a railway.

The lack of postal, telephone, telegraph and radio facilities and the limited contact of large areas of the Territory with the outside world were referred to in ten petitions.⁷³ It was observed by the Administering Authority (T/647, 649, 669, 683, 709) that these facilities were being developed in accordance with a comprehensive ten-year plan and the services were extended to different areas as priorities and shortages of materials permitted.

The Mission considered that the Administering Authority should propose a satisfactory and long-term solution for the problem of providing adequate water supplies. This problem, especially in the middle of the Territory, impressed the Mission as being one of the most important aspects of the social well-being of the people, apart from its economic importance. Describing the situation during its visit, when the rainy season was past, the Mission reported that streams and wells were drying up and the people were beginning to face their annual problem of finding and carrying water to their homes. It was confronted with many complaints of hardship, fears of illness and infection from polluted water sources, and pleas for help in securing adequate supplies. These complaints were also contained in petitions,⁷⁴ some of which also referred to the absence of electricity.

The Administering Authority, in its observations on the Mission's report (T/638) and on the petitions (T/657, 664, 670, 677, 679) indicated that it fully appreciated the urgency and importance of the problem of water supplies, and provided details on their development, which was being hampered by the shortage of staff and serious delays in the delivery of materials. Nevertheless, improvements had been made in the piped water supply at Ho, and a second piped supply in the Territory, for Yendi, was being put into operation by the end of 1949. Elsewhere, among other measures taken or planned, wells were being dug, and dams and some cisterns were being

⁷² See T/Pet.6/14 & Add.1, 6/15 & Add.1, 6/74-7/77, 6/81-7/79, 6/83-7/81, 6/85, 6/86-7/82, 6/89, 6/92-7/85, 6/103-7/95, 6/116-7/107, 6/101-7/93, 6/131, 6/132-7/110, 6/135-7/112.

⁷³ See T/Pet.6/15 & Add.1, 6/74-7/77, 6/83-7/81, 6/89, 6/92-7/85, 6/101-7/93, 6/114-7/106, 6/116-7/107, 6/117, 6/119.

⁷⁴ See T/Pet.6/15 & Add.1, 6/83-7/81, 6/90-7/83, 6/92-7/85, 6/101-7/93, 6/114-7/106, 6/115, 6/132-7/110, 6/135-7/112, 6/139.

constructed. In its report on the Territory, the Council recommended that the Administering Authority devote the closest attention to securing as rapidly as possible an adequate water supply for the inhabitants of Togoland.

It noted with appreciation the Administering Authority's full account of the difficulties it was trying to overcome in order to develop the backward northern section of Togoland, as previously recommended by the Council. It expressed the hope that the Administering Authority would accelerate its efforts to develop this area more rapidly, that the soil fertility survey being made could be extended to the northern section soon, and, further, that the Administering Authority would consider providing the services of an agricultural officer for the area.

The inadequacy of roads and river-crossings as reported by the Mission was noted by the Council, which concurred with the Mission's observations on the importance of better communications for the general economic development of the Territory. The Council accordingly recommended that the Administering Authority intensify its programme of road communications in order to provide more adequate communication facilities in the Territory. Recognizing the need to introduce new methods to improve communications and increase agricultural production in order to raise the Territory's economic level and the standard of living of the people, the Council recommended that the Administering Authority explore and use every possible means of securing the necessary technical equipment and advice. It also suggested that the Administering Authority examine the possibility of securing aid under the United Nations Expanded Programme of Technical Assistance for Economic Development.

By resolution 265(VII) of 17 July, the Council called its recommendations on technical equipment and assistance to the attention of a number of petitioners⁷⁵ who had asked that modern methods of farming be introduced in the Territory. It noted the assurances of the Administering Authority (T/365, 648, 656, 677, 684, 689, 690, 692) that farmers are given every encouragement to improve their agricultural methods and that the Government's advice and assistance is always available. The Council expressed the hope that the Administering Authority would increase its efforts to assist farmers in developing their farms and improving agricultural methods and to instruct them in ways of counteracting problems of terrain and soil erosion, and that it would con-

tinue to develop scientific research on these matters.

General improvements in the Vakpo and Liat Divisions of the Akpini State were asked for by Togbui Gbogbolulu, Divisional Head Chief of Vakpo (T/Pet.6/84), and the Liat Literate Union (T/Pet.6/77). The former complained about the medical facilities, economic development, water supply, town planning and postal and telecommunication services in Vakpo; the latter requested the establishment of a post office and a medical dispensary and the provision of sanitary officers in Liat. The Administering Authority stated (T/688, T/642) that there were 23 divisions in the Akpini State, with a total population of less than 34,000. Since improvements were dependent on available funds and personnel, it suggested that the people of Vakpo and Liat, if they wished, could pay higher taxes to obtain better facilities. Neither division had a volume of mail sufficient to justify the establishment of a post office. The people of Vakpo, the Administering Authority stated, could probably obtain assistance from Government funds if they undertook to build a dispensary for themselves, and they could apply to the Rural Development Committee, established in the Southern Section in 1949, for financial assistance for road repairs. The Council noted with sympathy the desire of the Divisional Head Chief of Vakpo for the economic and social improvement of his division and expressed the hope that the Administering Authority would try to encourage by all means at its disposal the development of this division (251(VII) of 17 July). In a separate resolution (253(VII)), the Council decided that no action on its part was called for regarding the establishment of a post office at Liat; it expressed the hope, however, that the Administering Authority would develop the medical facilities in that division to the utmost within the limits of available funds and personnel.

In its annual report, the Administering Authority stated that there were 12 registered primary co-operative societies in Togoland in 1948, all in the southern section of the Territory. Ten of these, it was reported, were engaged primarily in marketing agricultural products and were handling approximately 18 per cent of the Territory's cocoa production.

The establishment of an indigenous controlled farmers' co-operative society to enable farmers to

⁷⁵ See T/Pet.6/14 & Add.1, 6/15 & Add.1, 6/79, 6/81-7/79, 6/101-7/93, 6/103-7/95, 6/114-7/106, 6/116-7/107, 6/122, 6/131, 6/147, 6/133-7/111.

get higher prices for their products was sought by the Convention Peoples' Party, Upper Trans-Volta Region (T/Pet.6/115) and the establishment of consumer stores was requested by the Conference of Farmers of Togoland under United Kingdom Trusteeship (T/Pet.6/15 & Add.1).

Commenting on the petitions, the Administering Authority assured the Council that there was nothing to prevent the inhabitants from forming co-operative societies and that their creation had been encouraged for years. Noting this assurance, the Council, by resolution 269(VII) of 17 July, expressed the hope that the Administering Authority would continue to foster the creation and development of such societies.

The Conference of Farmers of Togoland (T/Pet.6/15 & Add.1), as well as the Communal Development Commission, Kpandu (T/Pet.6/76) and the Youth of Krachi, Buem, Atando, Akpini, Avatime, Asogli, Nkonya, Anfoega and Santrokofi (T/Pet.6/88) petitioned for the development of community centres. In its observations on these petitions, the Administering Authority stated (T/693) that, although increased provision had been made for mass education and communal development schemes, the ultimate success of the community development drive depended on local initiative. The Rural Development Committee was prepared to aid applicants in meritorious cases, the Council was further informed. By resolution 264(VII) of 17 July, the Council drew the petitioners' attention to the statement of the Administering Authority and expressed the hope that the latter would continue taking all possible steps to foster communal development and that the indigenous inhabitants would fully co-operate in this work.

Most of the complaints raised in the following petitions, as well as those concerning water supplies, roads, communications, taxation and finance described above, were dealt with by the Council in a comprehensive resolution covering political, economic, social and educational questions (272(VII)).⁷⁶

The establishment of a national bank was requested by the Economic and Social Commission of the Togoland Association for the United Nations (T/Pet.6/81-7/79), and a credit society to act as a medium for the sale of agricultural produce was considered desirable by the Conference of Farmers of Togoland under United Kingdom Trusteeship (T/Pet.6/15 & Add.1). These petitioners and Nana Yao Buakah IV, Sub-Divisional Chief of Baglo, Buem State (Pet.6/86-7/82), also asked for the removal of trade restrictions.

On this question, the Administering Authority stated (T/358, T/365) that the import licensing system was the same as in most parts of the sterling area, and that there were no restrictions on the marketing of produce other than those imposed for health reasons and the laws restricting the time period for selling the cocoa crops. Other petitioners⁷⁷ considered that local industries such as the weaving industry at Avatime and the brick and tile industries at Dzokpe, should be re-established and developed. It was stated by the Administering Authority (T/649, 669, 684, 690, 693) that the Government was willing to assist local industrial enterprise wherever it showed itself. One petition concerning the Avatime weaving industry, from the Weavers of Amedzofe (T/Pet.6/130), was dealt with in a separate Council resolution. The petitioners sought help in procuring weaving machines, looms and other material. The Administering Authority explained (T/661) that subsidies for this industry had been considerable during the war but were not thought justified after that time and the industry failed. After the Rural Development Committee was inaugurated, however, attempts were made to revive the Avatime weaving industry and the aid of the Gold Coast Industrial Development Corporation, set up in 1948, had been obtained. After noting the Administering Authority's statements, the Council, by resolution 252(VII) of 17 July, expressed the hope that the Administering Authority would continue to encourage the weavers of Amedzofe.

In response to a query from Mr. W. K. E. Tettey (T/Pet.6/133-7/111) as to whether the iron ore mines could be developed, the Administering Authority declared (T/690) that there was no prospect of the economic utilization of the Territory's mineral resources, which were practically non-existent. The Convention Peoples' Party, Upper Trans-Volta Region (T/Pet.6/115), Mr. E. K. Akotia (T/Pet.6/126), Mr. A. A. Abaye (T/Pet.6/128) and the Togoland Council (T/Pet.6/151) alleged that the Territory as a whole had a backward economy and they sought improvements in the general economic situation. The Administering Authority, in its observations on this question (T/663), described its efforts to foster the economic advancement of the Territory. It would continue these efforts, it stated, but indicated that there was little hope of economic progress apart from cocoa growing.

⁷⁶ See p. 738.

⁷⁷ See T/Pet.6/74-7/77, 6/81-7/79, 6/88, 6/103-7/95, 6/117, 6/133-7/111, 5/147.

c. SOCIAL DEVELOPMENT

In describing social conditions in the Territory, the Administering Authority reported that the availability of consumer goods had improved in 1948 as against the year before, and the further increase in cocoa prices had resulted in increased purchasing power in the cocoa areas. However, it stated, the average level of market prices in the southern section rose slightly during the year, as did working-class monthly rents and the prices of most imported goods. While no cost-of-living indices were currently kept for the Territory, an extensive survey of the Territory, including cost-of-living studies, was planned as soon as qualified staff became available. The Administering Authority pointed out the problems attendant upon sociological research in the area in view of the complexities of the existing social structure; as an example, it referred to the difficulty of obtaining reliable figures for the cost of any particular goods to an average family, given the elaborate system of petty trading which was prevalent.

According to the Administering Authority's annual report, approximately 20,000 to 25,000 workers were employed in cocoa farming, 700 by the Government and 1,200 by the Native Authorities during 1948. Wage rates remained the same as in 1947. Wages in the southern section varied from 2 shillings, 6 pence, per day for labourers to a maximum for overseers of 200 shillings per month and were lower in the northern section. There was little opportunity for the absorption of skilled labour in the southern section; in the northern section, the supply of unskilled labour exceeded the demand.

In a petition examined by the Trusteeship Council, the Togo Political Road Labourers' Union claimed (T/Pet.6/136) that their wages of 2 shillings, 6 pence, per day were low in relation to the high cost of living. The Council was informed by the Administering Authority that increased cost-of-living allowances had come into force on 1 April 1950 and there had been no further complaints on the subject. The measures taken to meet the demands of the petitioners were noted with satisfaction by the Council, which expressed the hope that the Administering Authority would continue its efforts to improve the living and working conditions of all indigenous labourers (256(VII) of 17 July).

The Ex-Servicemen's Union of Togoland (T/Pet.6/138) alleged that the promises made to them during the Second World War had not been fulfilled and that their needs and welfare

were being ignored by the Administering Authority. This was denied by the Administering Authority which stated (T/655) that the Labour Department continued to watch over the needs of ex-servicemen, most of whom had been resettled without difficulty. The few applicants for whom employment could not be found had either left the Territory or found posts themselves. By resolution 257(VII), the Council, on 17 July, expressed the hope that the Administering Authority would increase its efforts, if necessary, so that any legitimate grievance on the part of the ex-servicemen might eventually be met.

Allegations that persons from the Gold Coast were occupying most of the important positions in Togoland while Togolandese were paid low wages were contained in a petition from Mr. W. K. E. Tettey (T/Pet.6/133-7/111). Serious unemployment was cited as one of the social problems facing the Territory by the Youth of Krachi, Buem, Atando, Akpini, Avatime, Asogli, Nkonya, Anfoega and Santrokofi (T/Pet.6/88) and the Convention Peoples' Party, Upper Trans-Volta Region (T/Pet.6/115); the latter also claimed that housing accommodations were inadequate. These petitions, as well as petitions alleging the slow rate of social advancement in general⁷⁸ and eighteen petitions, referred to below, concerning the Territory's medical and health facilities, were dealt with by the Council in the comprehensive resolution (272(VII)) mentioned above.

The Administering Authority informed the Council that all kinds of services, including social welfare, were dealt with by the Rural Development Committee and by the Southern Togoland Council, which had recently been set up to advise on matters affecting the interests and welfare of the people in that area. The Administering Authority further indicated, in its observations (T/638) on the Visiting Mission's report, that a social development team was working in the southern section to train leaders who would be able to stimulate village life generally; this team had so far concentrated on mass and adult education.⁷⁹

The Council, in its report on the Territory, noted with approval the operations of this team. It further noted that the Administering Authority planned to have eight such teams in the field during the course of a four-year period and expressed the hope that the experiment would be extended to the northern section.

⁷⁸ See T/Pet.6/81-7/79, 6/94-7/87, 6/147.

⁷⁹ See p. 737.

In 1948, according to the Administering Authority's report, there were two medical officers in the Territory, both stationed in the southern section, one licensed midwife, sixteen qualified nurses, four sanitary inspectors and 34 others engaged in health work. There were three government hospitals, ten government and Native Authority dispensaries and clinics and two mission dispensaries, two leper settlements and five ante-natal and child welfare clinics.

The Visiting Mission referred to the allegations it had heard concerning the inadequacy of medical personnel and facilities in the Territory. Petitioners⁸⁰ asked for more hospitals, dispensaries, doctors, nurses, etc. They stated that patients in some cases had to travel 30 to 60 miles before reaching the nearest medical facilities and that the mortality rate in the Territory was high. The Mission was impressed, however, by the work being carried out at Ho at the larger of the two leper settlements. The Administering Authority stated (T/358, 365, 638, 649, 651, 656, 657, 664, 669, 670, 677, 679, 683, 689, 691) that medical facilities were admittedly inadequate but that it was doing its best to recruit the staff necessary to improve them. Plans were being considered for the provision of one hospital bed for every 2,000 inhabitants as against the present ratio of one for every 3,000, and hospital facilities were being increased to achieve this aim.

The Council, in its report, commended the Administering Authority for the excellent work being done at Ho, as reported by the Mission, and emphasized the pressing need for an increase in medical officers and health services, particularly in the northern section.

After examining a petition from the Women Teachers of Togoland (T/Pet.6/123) alleging the inadequacy of medical care for pregnant women, nursing mothers and infants, the Council, by resolution 254(VII) of 17 July, expressed the hope that the Administering Authority would redouble its efforts to improve the medical facilities in the Territory and devote special attention to developing medical care for pregnant women and nursing mothers. The Council also called the petitioners' attention to the statement in its annual report and to its earlier recommendation, in 1947, asking the Administering Authority to provide for the medical and health needs of the people of Togoland.

By resolution 270(VII), the Council also drew these recommendations to the attention of the Traditional Native Herbalists, Rulers and Subjects of Togoland under British Trusteeship (T/Pet.6/-

80) and the Avatime Native Authority (T/Pet.6/117). The former suggested that, in view of existing health facilities, the Administering Authority should allow the establishment of Native herbal medicine dispensaries and aid them with grants; the latter considered that training the best of the herbalists would benefit the country. The Administering Authority (T/646) informed the Council that the activities of Native herbalists were not regulated by the authorities, though occasional prosecutions took place when treatment was considered dangerous. There was nothing to prevent the establishment of herbal medicine dispensaries, however, but the Government was not prepared to assist them.

An inmate of the leper settlement at Ho, Mr. S. A. Azuma, alleged (T/Pet.6/148) that lepers were forced to do heavy work despite bi-weekly injections and their resulting discomfort. The petitioner, it was stated by the Administering Authority (T/698), was one of the few who disagreed with the recent reconstitution of the settlement into a self-supporting community which had proved of benefit to most patients, who now lived as nearly normal lives as possible. The Council decided (255(VII)) to take no action on this petition other than to refer the petitioner to its statement commending the Administering Authority for the work being done at Ho.

Appeals were made in several petitions⁸¹ for assistance from the Food and Agriculture Organization of the United Nations and the World Health Organization to study the Territory's nutrition and health needs. The Council noted with satisfaction the interest shown in the activities of the specialized agencies and expressed the hope that the Administering Authority would call upon the agencies whenever appropriate (266(VII)). The Council also drew the petitioners' attention to a resolution of its fourth session (47(IV)) concerning the collaboration of the specialized agencies with respect to the Trusteeship System.⁸²

The repeal of all laws and ordinances restricting the import and sale of liquor was sought by the State Council of the Krachi Native Authority (T/Pet.6/14 & Add.1). The Council decided (268(VII)) to take no action on this question,

⁸⁰ See T/Pet.6/14 & Add.1, 6/15 & Add.1, 6/74-7/77, 6/83-7/81, 6/89, 6/101-7/93, 6/114-7/106, 6/115, 6/116-7/107, 6/117, 6/126, 6/128, 6/129-7/109, 6/131, 6/132-7/110, 6/135-7/112, 6/139, 6/147.

⁸¹ See T/Pet.6/79, 6/81-7/79, 6/92-7/85, 6/126, 6/114-7/106, 6/154.

⁸² See Y.U.N., 1948-49, p. 141.

after noting the observations of the Administering Authority (T/365) to the effect that it was bound by the Convention of Saint-Germain-en-Laye of 1919 which had been adopted to prevent the spread of the liquor trade.

Referring to a previous recommendation of the Trusteeship Council for the abolition of corporal punishment, the Administering Authority indicated that the laws permit sentencing adults to flogging only for such serious offences as rape or robbery with violence and that elaborate safeguards exist with respect to carrying out the sentence. No sentences of flogging had been awarded for many years, it stated. For boys under sixteen, whipping with a light cane might be ordered in all serious crimes, but this punishment was decreasing; 28 juveniles, or 9 per cent of those appearing before the magistrates' courts, were sentenced to whipping in 1948, as against 80 per cent in 1946. The Administering Authority maintained that it was not considered desirable to abolish as yet the power to award corporal punishment; the policy aimed "at the gradual reduction of the use of corporal punishment with the object of abolition as soon as may be practicable". The decrease in the imposition of sentences of corporal punishment and the Administering Authority's statement of policy were noted by the Trusteeship Council. It expressed regret that the Administering Authority had not yet seen its way clear to the complete and immediate elimination of corporal punishment, and reiterated its previous recommendation "that the Administering Authority immediately abolish this practice".⁸³

d. EDUCATIONAL DEVELOPMENT

The Administering Authority reported that there were 372 primary schools in the Trust Territory in 1948, an increase of two over the previous year. Most of the schools were managed by churches and missions; all were subject to Government inspection and were non-profit-making. With the exception of two two-year post-primary teacher training schools, there were no secondary schools, technical schools or institutions of higher learning in the Territory. However, excellent school facilities in the Gold Coast, the Administering Authority stated, were available and used by Togoland. The University College of the Gold Coast, it stated, opened in October 1948 with 30 students, among them a Togolander.

The school age population for 1948 was estimated at 76,500. Of the total enrolment in primary schools, most of which was in infant-junior

schools, 25,030 were in the southern section and 762 in the northern section, showing an increase of 3,045 and 171, respectively, over the previous year. In 1948, there were 145 students attending the two teacher-training colleges in the southern section. In addition, there were 119 students from Togoland studying in institutions for secondary and higher education in the Gold Coast, and five in the United Kingdom. Eight scholarships were awarded during the year to Togoland students.

Education was free only at the non-mission day schools in the northern section, school fees in southern Togoland being 15 shillings a year for infant classes, 30 shillings for junior classes and 42 shillings for senior classes.

The Visiting Mission reported to the Council (T/465) that the opinions expressed by Togoland, together with its own observations, tended to confirm the views expressed in 1949 by the Trusteeship Council. The Council had noted, *inter alia*, that education was still backward and almost entirely being carried on by private initiative, that it was not available free of charge and that generally the fees payable were too high, and had urged improvements. Petitioners,⁸⁴ mainly from the south, where education was nevertheless further advanced than the north, stated that educational facilities in general were inadequate and demanded more and better education in all its forms.

They asked for improvements in the administration of education, for more and better facilities for elementary and secondary education, teacher training, technical and vocational training, mass education, for the granting of more scholarships, and for assistance to youth clubs.

The Mission observed that, apart from requests for general improvements, the petitions raised two aspects of education which appeared important: the provision of free education, and the control of schools by religious missions. The Mission observed that it was surprising to note how many people, particularly among the younger generation, were familiar with the views of the General Assembly and the Trusteeship Council on the question of free education. In discussing the question of free elementary schooling with the local authorities, the Mission was informed that

⁸³ For the Assembly's resolution on this subject, see pp. 791.

⁸⁴ See T/Pet.6/14 & Add.1, 6/15 & Add.1, 6/74-7/77, 6/75, 6/76, 6/78-7/78, 6/79, 6/80, 6/81-7/79, 6/83-7/81, 6/85, 6/86-7/82, 6/88, 6/89, 6/90-7/83, 6/101-7/93, 6/103-7/95, 6/105, 6/108-7/99, 6/114-7/106, 6/115, 6/116-7/107, 6/117, 6/119, 6/120, 6/124, 6/126, 6/129-7/109, 6/131, 6/132-7/110, 6/135-7/112, 6/147.

it would be unfair for children to attend school entirely at the community's expense, since there were not enough schools for all. School fees collected amounted to about one third of the total expenditure on schools. Existing fees were not too high in the opinion of the Administration; as evidence of this, it was pointed out that most schools were full and places in many had to be reserved in advance. The complaints it heard, the Mission stated, also reflected an uneasiness at the absence of Government schools even as an alternative to mission schools; and some petitioners asked that the entire school system be taken over by the State.

The Mission was particularly impressed with the extensive experiment in mass education being carried out in southern Togoland by the social development team. It witnessed classrooms filled with adults learning to read and write, other groups busy with crafts and knitting and still others learning organized games. Present indications, the Mission stated, showed that the objective of the experiment was proving successful in that those who had attended courses were making a genuine attempt to impart what they had learned to others in their villages. The people were responding with enthusiasm and many asked that full-time teachers be appointed and other forms of assistance provided.

The Administering Authority, in its observations on the Mission's report (T/638), and on the petitions (T/358, 365, 643, 645, 646, 651-653, 656, 664, 671, 672, 679, 682-684, 689, 691, 693, 709) stated that, while education was still backward, progress was being made according to a plan which provided for the maximum practicable progress. It described the improvements made and planned in both the southern and northern sections of the Territory. The training of more teachers, cited as the controlling factor in educational progress, was being undertaken and more schools would be opened.

The Council, in its report on the Territory, noted the progress achieved, particularly in the increased school enrolment, the increase in teachers, the moderate expansion of teacher-training facilities and the opening of the University College. Referring to the fact that the management of schools was left largely to religious missions and the Native Authorities, the Council considered that the Administering Authority itself had the primary responsibility of ensuring adequate educational opportunities for all the people of the Territory and should therefore take more initiative

in this respect. It urged the Administering Authority to give every possible encouragement to continued expansion of teacher-training facilities and to increasing opportunities for secondary and higher education. Because of the difficulties impeding educational advancement in northern Togoland, the Council considered that special attention and vigorous efforts should be devoted to the educational needs of that area.

Commending the Administering Authority for the notable progress in adult education as reported by the Mission, the Council expressed the hope that the start which had been made would lead to adult education programmes on the widest possible scale.

The problems relating to education raised in the 32 petitions referred to above the Council dealt with in a comprehensive resolution (272-(VII)) covering political, economic and social as well as educational questions (see below). With respect to some petitions, however, it adopted separate resolutions.

The Women Teachers of Togoland alleged (T/Pet.6/123) that girls completing their primary education had no chance to continue their education or learn a trade, and suggested that, in view of health conditions in the Territory, scholarships for training in nursing and midwifery be given to girls with primary education. It was stated by the Administering Authority (T/653) that, apart from the two teacher-training colleges in Togoland, there were available in the Gold Coast four secondary schools for girls and adequate facilities for training in nursing. Noting this statement, the Council expressed the hope that the Administering Authority would provide in the Trust Territory further educational facilities for girls (254(VII)).

The Chiefs, Elders and Councillors of Worawora petitioned (T/Pet.6/185 and Add.1) for the Council's assistance in obtaining better secondary educational facilities in their division. A request for an oral hearing, made on behalf of the petitioners by Mr. Theodore O. Asare, attorney, was denied on the ground that full information on secondary education was already available. On the substance of the petition, the Administering Authority explained that the existing secondary school at Ho, which was being expanded, was expected to meet the requirements of southern Togoland for some years, and the Council decided that under the circumstances no action by it was called for (297(VII), of 20 July). It referred the petitioners, however, to the recommendations concerning education which it had

included in its report on the Territory (see above).

A request that Togoland scholarships be awarded through the Togoland Union was made by Mr. G. K. Noamesi (T/Pet.6/120), who stated that scholarships intended for Togoland teachers had been awarded to non-indigenous teachers. It was explained by the Administering Authority (T/672) that two scholarships had erroneously been awarded to non-indigenous persons but that members of the Scholarship Committee would be instructed to base their awards on a more accurate interpretation of nationality and there was no danger that similar mistakes would be repeated; the Administering Authority could not accept the suggestion regarding the Togoland Union, since the latter was a political party and scholarships were awarded irrespective of party or creed. These statements were noted by the Council, which decided (271(VII)) that in the circumstances no action by it was called for.

The Chief, Elders and People of Biakpa requested (T/Pet.6/20) that only the Ewe Presbyterian school be retained in their village, which, they stated, was not large enough to support two schools; the petitioners claimed that the presence of the second school, a Roman Catholic school, was creating dissidence in the village. After explaining the background of the two schools, the Administering Authority stated (T/480; T/AC.20/L.4) that it was not the Government's policy to close down schools to suit denominational convenience and that, in its opinion, both schools were necessary to satisfy the educational needs of the area. By resolution 258(VII), the Council expressed the hope that the Administering Authority would continue its policy of religious tolerance in education, particularly in areas where schools of different denominations existed.

The Boy Scouts' Association of Togoland (T/Pet.6/127) asked that the Government protect the legal status of the Association and that the educational authorities give more attention to scouting; the petitioners also requested financial help from the United Nations to aid in their various scouting activities. The Administering Authority indicated (T/650) that the Government's interest in the Association was demonstrated by its grants in the last two years. This was noted with satisfaction by the Council (259(VII)), which expressed the hope that the Administering Authority would continue to support and encourage the activities of this and similar associations by all suitable means.

e. GENERAL DEVELOPMENT

(1) General Conclusion of the Council

With respect to the administration of Togoland in general, the Council in its report noted with appreciation evidences of progress during 1948. However, after noting further the need for more improvement and that the deficiencies were recognized by the Administering Authority, the Council reiterated the recommendations made at its fourth session in 1949 in the course of its examination of the 1947 annual report on the Territory.⁸⁵

(2) Questions of a General Nature Raised in Petitions

The Council, on 17 July, adopted a comprehensive resolution (272(VII)) dealing with some of the questions of a general nature, as described above, raised in 42 petitions. These included questions relating to the political advancement of Togoland, such as the operation of the Trusteeship System, the status of the Trust Territory, administrative integration with the Gold Coast, and amalgamated divisions; the economic advancement of Togoland, such as industrial development, mining, trade, banking facilities, water supply and electricity, roads and railways, postal services, telegraph, telephone and radio, and taxation and finance; the social advancement of Togoland, such as medical and health facilities, housing, employment of Natives and wages; and the educational advancement of the Territory. The Council decided to inform the petitioners that the general questions raised in their petitions had been and would continue to be examined by the Council in connexion with its annual examination of the conditions in the Territory. It invited the Secretary-General to provide the petitioners with the text of its report on Togoland, the report of the Visiting Mission, the observations of the Administering Authority on the Mission's report and on the relevant petitions, and the records of the discussions in the Council during its examination of the annual report for 1948.

(3) Petitions Containing Personal Complaints or Requests

In addition to the many petitions of a general nature, the Council examined petitions of a personal nature from the following persons.

Mr. Godfried K. Dzasimatu charged (T/Pet.6/140-7/113) that although he had been employed in 1915 by the British Authorities to do post office work in West Africa, he was not given the war bonus allegedly received by other employees at the end of the First World War. He stated

⁸⁵ See Y.U.N., 1948-49, pp. 774-81.

that the British Authorities had refused to grant him a pension and had suggested that he approach the French Authorities with his claim. The Administering Authority indicated that no record of the petitioner's service with the Gold Coast post office had been found; it again suggested that the petitioner submit his claims to the French Authorities, but pointed out that the time-limit for such claims had probably lapsed. These comments were called to the petitioner's attention by the Council (285(VII)), which decided that under the circumstances no action on its part was called for.

Mr. Joh. A. Agboka, on behalf of the German-trained employees in Togoland, claimed, *inter alia*, that, following the outbreak of the Second World War, he and other members of his organization were arrested and the association's property as well as his personal belongings confiscated (T/Pet.6/28-7/26). It was stated by the Administering Authority (T/644) that the organization was considered during the war as subversive and that none of the petitioner's property, other than documents of a security nature, was confiscated. After noting this statement, the Council decided that no action on its part was called for on the petition (283(VII)).

Several persons asked for assistance in continuing their own education or that of members of their family. Acting on a petition from Mr. Sam Kwasi Asase (T/Pet.6/137), who asked that a scholarship for medical studies be given to his son, the Council referred the petitioner to the Administering Authority's suggestion (T/654) that he apply to the Director of Education in the Gold Coast, and expressed the hope that Mr. Asase's son would be enabled to continue his studies (246(VII)). With respect to three other requests for scholarships, however, the Council, after noting the observations of the Administering Authority, decided to take no action (284, 247 and 292(VII), respectively). On one of these requests, a petition from Mr. Doji Lartey Tychs-Lawson (T/Pet.6/108-7/99), for a scholarship to study in the United States, the Administering Authority suggested (T/682) that the petitioner might obtain information concerning such scholarships from an advisory committee in Accra, but felt that since the petitioner had failed to obtain a scholarship in the United Kingdom, it was unlikely that his qualifications were sufficient. Mr. Moses Donya (T/Pet.6/149) asked to be allowed to complete his studies, which had been discontinued due to illness from which he had recovered. It was stated by the Administering

Authority (T/668), however, that the Director of Medical Services, who examined the case personally, had advised that the petitioner was unfit to pursue the course which he had begun with promise. Mr. A. Y. Kpeglo (T/Pet.6/157) asked that he be given a further scholarship to specialize in gynaecology. The Administering Authority pointed out (T/713) that this question was not within the Council's competence, since the petitioner was a Native of the Gold Coast Colony; moreover, he was studying with scholarship aid and would not be eligible for a scholarship for special medical studies until he had practised medicine in the Gold Coast and demonstrated his special qualifications.

Anthonio K. Agbale, an orphan school boy, stated in a petition (T/Pet.6/134) that excessive school fees and other expenses had forced him to discontinue his education. It was stated by the Administering Authority (T/662) that in appropriate cases students were wholly or partly exempted from paying school fees and, further, that there was ample provision of scholarships. It assured the Council that the educational Mission concerned would inquire into the circumstances and make a decision. The Council, by resolution 245(VII), asked the Administering Authority to refer this case to the competent educational authorities for their sympathetic consideration in the hope that they would enable the petitioner to continue his studies. By another resolution (249-(VII)), the Council asked that the attention of the competent educational authorities be drawn to the difficulties claimed by Mr. Siegfried Kwami Etse (T/Pet.6/153) with regard to the education of his children. On this petitioner's request for the issuance of a druggist's licence, the Council decided to take no action, after noting the Administering Authority's statement that he did not fulfil the conditions imposed under the Pharmacy and Poisons Ordinance, No. 46, and could therefore not be registered as a pharmacist.

4. Togoland, Administered by France⁸⁶

This Territory, which covers an area of 55,000 square kilometres (approx. 21,250 square miles), had an estimated indigenous population of 970,983 at the end of 1948, according to the Administer-

⁸⁶ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

ing Authority's annual report for that year.⁸⁷ The European population numbered 841, as against 1,082 in 1947.

There were 43 civil registry centres in the Territory, but civil registration was not compulsory. Noting this, the Trusteeship Council recommended in its report on the Territory that the Administering Authority inaugurate a system of compulsory registration in certain communities or districts where facilities already existed. This, it suggested, should be a first step toward the eventual extension of the civil registry throughout the Territory.

a. POLITICAL DEVELOPMENT

Since 1946, Togoland has been administered as an "Associated Territory" within the French Union and French legislation is applied to it. The Territory is accordingly granted the right of representation in each of the organs of the French Union, in which legislative powers and right of political discussion with respect to Togoland affairs are vested; it elects one deputy to the French National Assembly, two representatives to the Council of the Republic, and one to the Assembly of the French Union. Responsibility for local administration of the Territory is vested in the Commissaire de la République, who represents the French Government and is directly responsible to the Minister for Overseas France.

The local Representative Assembly (*Assemblée Représentative du Togo*), according to the Administering Authority's annual report, participates in association with the Administration in the exercise of administrative and financial responsibilities affecting Togoland. Consultation with the Assembly on local regulations in certain specified fields is required and the territorial budget requires the approval of the Assembly. The Assembly has no power of initiating legislation or of discussing political matters, however. Qualifications for election to the Assembly include the ability to read, write and speak French fluently. The Assembly has 30 members, six elected by an electoral college consisting mainly of French citizens, and 24 by a second electoral college consisting of qualified indigenous inhabitants. This second college, the Administering Authority reported, is limited to chiefs, notables, persons who have been members of trade unions, co-operatives and indigenous provident society councils, permanent employees, persons able to read French or Arabic, and a number of other groups. Eligible voters in this college increased from 7,563 in

1947 to 12,793 in 1948. Further increases, the Council was informed, had been made in 1949 and 1950, and, on 1 January 1951, the right to vote would be given to all heads of families. The Administering Authority contemplated the eventual introduction of universal suffrage.

These steps, as well as the steps taken by the Administering Authority to encourage the registration of eligible indigenous inhabitants, to explain their rights to them, and to promote their exercise of these rights, were welcomed by the Council in its report on the Territory. It recommended that the Administering Authority continue its efforts to bring about universal suffrage and conditions in which a single electoral college could be established.

The *Assemblée Représentative du Togo* (T/Pet.6/23-7/21) and Mr. Max Ahtson (T/Pet.6/143-7/116) suggested that membership in the French Union was incompatible with the status of Togoland as a Trust Territory. The former alleged that 90 per cent of the laws enacted for the Territory by the French Parliament took no account of the real interests of the Territory and stated that they had only agreed to send representatives to the French organs after a formal assurance by the Minister for Overseas France that this would not affect the status of the Territory; they indicated that they would be more interested in having a permanent representative in the Trusteeship Council. The *Parti Togolais du Progrès*, *Anécho Togo Section* (T/Pet.6/44-7/51), sought wider prerogatives for the Togoland representatives in France. It was pointed out by the Administering Authority that membership of the Territory in the French Union conformed to the provisions of the Trusteeship Agreement; in any case, the people of the Territory would have the right, at the appropriate time, to determine for themselves whether they should remain in the French Union or assume a status of independence outside the Union. Noting this assurance, the Trusteeship Council, by resolution 274-(VII) of 17 July, informed the petitioners that it had and would continue to examine the question in connexion with its examination of annual reports on the Territory.

Another petitioner, Mr. J. Tuleasi (T/Pet.7/-69), also raised the question of sending a permanent representative from Togoland to the Trusteeship Council, and asked whether the United Nations could establish a consulate in the Territory.

⁸⁷ Rapport annuel du Gouvernement français à l'Assemblée Générale des Nations Unies sur l'administration du Togo place sous la tutelle de la France, année 1948.

He also asked whether the practice of sending visiting missions to the Territory would be continued. The Council decided (273(VII)) on 17 July to inform Mr. Tuleasi that on the first two questions no Council action was called for in view of the terms of the Charter and the Trusteeship Agreement. It referred to the right of the inhabitants to submit petitions concerning territorial affairs, and informed the petitioner that the present practice is to send visiting missions to each of the Trust Territories once every three years.

Members of the Representative Assembly claimed (T/Pet.6/23-7/21) that this body was in all respects similar to the conseils généraux in France and French Overseas Territories. Its members were elected under a dual electoral college system and its functions were far from appropriate to the real needs of a Trust Territory. The Assembly, the petitioners stated, was a superstructure without a foundation, since there were no local councils with any real powers. Apart from its power of decision in budgetary matters and in the administration of movable and immovable public property, the Assembly had a purely advisory role; moreover, the budget was largely composed of items of compulsory expenditure and the Assembly had no right of supervision over the budget it had voted. The petitioners stated that they had consistently called upon the French Government to grant the Representative Assembly of Togoland legislative powers. They felt that a legislative assembly empowered to discuss all public questions, including political questions, would further the Territory's attainment of the aim of the Trusteeship System, namely self-government or independence. They also asked for the creation of an executive organ, with broad indigenous participation, responsible to the Legislative Assembly. Two other petitions, from the Parti Togolais du Progrès (T/Pet.6/44-51) and Mr. Messan Komédja (T/Pet.6/22-17), also requested that more powers be granted to the Representative Assembly.

The question of the status and powers of the representative Assembly was examined by the visiting Mission to the Territory. It reported (T/464) that the Administering Authority considered the powers of the Assembly quite extensive and that it had been informed by the Administering Authority that it would be premature to grant legislative powers or power to deal with political questions to a people under Trusteeship, the Administering Authority claimed that the complete autonomy demanded by the Representative Assembly closely resembled absolute inde-

pendence and would be contrary to the Trusteeship Agreement. Stating its own views on the question, the Visiting Mission reiterated the recommendation adopted at the fourth session of the Trusteeship Council in 1949: that the Administering Authority, irrespective of the present or future relationship of the Territory to the French Union, should progressively extend the powers of the Representative Assembly, particularly in the field of legislation. In this connexion, the Mission noted that a bill to modify and extend the powers of the Representative Assembly had been presented to the Assembly of the French Union by the deputy from Togoland. The Council was further informed, by the Administering Authority, that the reservation concerning political questions was omitted from this bill, which also provided for reforms in the election and composition of the Representative Assembly. It was up to the Parliament to pass judgment on the differences between this bill and Government bills on the same subject. Both the Government and Parliament, the Administering Authority stated, favoured a progressive extension of the powers of the Representative Assembly. This stated policy was endorsed by the Trusteeship Council in its report on the Territory. At the same time, the Council expressed the hope that the Administering Authority's policy also contemplated widening the scope of debate and granting the Representative Assembly that part of the legislative power currently being exercised by the French executive agencies.

As instructed by the Council in 1949, the Visiting Mission examined the question of the status of chiefs, which had been the subject of a petition (T/Pet.7/14) from Mr. Augustino de Souza. Other petitions⁸⁸ later received also alleged that, under Order No. 113/APA of 1 March 1945, chiefs had been transformed into agents of the Administration, being appointed, paid, promoted, suspended or dismissed by the Administration. The petitioners asked that traditional rules be restored to allow the people to choose their chiefs, who should be vested with real authority according to custom. The Mission ascertained that in 1949 a draft law to replace Order No. 113 had been submitted to the Togoland Representative Assembly by the Ministry of French Overseas Territories and accepted with minor changes by that Assembly. Pending enactment of the new

⁸⁸ See T/Pet.7/18, 6/22-7/17, 6/23-7/21, 6/33-7/32, 6/45-7/52, 6/46-7/53, 6/48-7/55, 6/54-7/61, 6/55-7/62, 6/56-7/63, 6/57-7/64, 6/61-7/70, 6/64-7/73, 6/111-7/103, 6/112-7/104, as listed in Annex at end of this chapter, pp. 830 ff.

law by the French National Assembly, Order No. 113 was declared obsolete, and, according to the Administering Authority, traditional rules for the appointment of chiefs were again observed.⁸⁹ The enactment of the new law governing the status of chiefs was noted with interest by the Trusteeship Council, which expressed the hope that the indigenous inhabitants would thereby be permitted a greater degree of initiative and responsibility in the conduct of local affairs.

A ruling by the United Nations to solve a dispute concerning the succession to the traditional chieftainship of Afagnagan was requested by Mr. Voudou-Adjonon Aglamey and eight other petitioners from Afagnagan (T/Pet.7/43). The Administering Authority informed the Council that this matter was in the process of settlement by dividing the canton of Afagnagan into two parts. Another dispute, arising from the desire of Les Originaires de Voudou-Atakpamé (T/Pet.7/65) to be separated from the Gnagna Tribe and to be given their own regional chief, was also being settled, the Administering Authority stated. After noting the Administering Authority's statements, the Council decided on 17 July that no action on its part was called for with respect to either petition (288 and 289(VII)).

In its report on the Territory, the Council noted with satisfaction that the Representative Assembly had adopted an Order to replace the Councils of Notables by elected district councils (Conseils de Circonscription). It considered the proposed councils an effective medium of political education and recommended that the Administering Authority implement its plans for their early establishment and give them progressively increasing powers.

Existing district or regional councils, three petitioners⁹⁰ alleged, did not possess a democratic character. Two of these petitions (T/Pet.6/23-7/21 & 6/45-7/52) also made the same complaint with respect to municipal councils. The petitioners demanded that the members of these councils should be elected by universal suffrage rather than appointed by the Government, and that the councils should possess broader powers. The Administering Authority assured the Trusteeship Council that it aimed at the ultimate establishment of regional representative bodies and at granting full deliberative powers to local bodies. It pointed out that the status of both the regional and municipal councils had been changed subsequent to the petitions and that the towns of Lomé and Aného now elected their own councils.

The question of regional and municipal councils, as well as many other questions of a general nature raised in 26 petitions, were dealt with by the Trusteeship Council in a comprehensive resolution (281(VII)) adopted on 17 July. Other questions covered by this resolution related to: political conditions, such as the status of chiefs, executive organs, the powers of the Representative Assembly, and justice; economic conditions, such as agricultural development, forests, co-operatives and indigenous provident societies, trade and commerce, taxation, roads and bridges, and water supply; social conditions, such as housing and urban development; and educational conditions, such as local school needs, subsidies for mission schools, mass education, use of the vernacular, and scholarships. The Council noted that the Visiting Mission, which had received most of these petitions, had made no specific observations on the majority of them. By resolution 281(VII), the Council decided to inform the petitioners that it had and would continue to examine, in connexion with its annual examination of conditions in the Territory, the questions they had raised. It asked the Secretary-General to provide the petitioners with the texts of the Council's report on the Territory to the General Assembly in 1950, the Mission's report and the observations of the Administering Authority and the official records of the public meetings of the Council during which the Administering Authority's annual report had been examined.

Describing the judicial system in the Territory, the Administering Authority reported that in civil cases involving only Africans, customary law is applied as far as possible; in other cases, including all criminal cases, French law is applied. Most civil cases involving indigenous inhabitants do not go beyond the stage of chiefs' conciliation tribunals; if conciliation fails, they are brought before higher courts, comprising tribunals of the first and second degree, presided over by senior administrative officers, assisted by indigenous assessors, and courts of first and final appeal. In December 1948, it was stated, an indigenous court of the first instance presided over by an educated indigenous inhabitant assisted by two Togolese assessors was established at Palimé. This experiment with a court composed of indigenous inhabitants and its proposed extension to other parts of Togoland were noted with approval by the Council in its report on the Territory. Since it

⁸⁹ See also p. 755.

⁹⁰ See T/Pet.6/23-7/21, 6/45-7/52, 6/54-7/61.

considered the separation of administrative and judicial functions essential to the proper administration of justice, however, the Council expressed the hope that, to eliminate the need of assigning judicial functions to administrative officials, the Administering Authority would intensify its efforts to recruit more career magistrates. In one petition examined by the Council, the Canton and Village Chiefs, members of *Unité Togolaise* (Akposso Section), District of Atakpamé, requested (T/Pet.6/111-7/103) that preliminary judgment be rendered by the traditional chiefs following the proper customary procedures of each group of the Ewe tribe. This question was dealt with by the Council in the comprehensive resolution referred to above.

Apart from the many petitions examined by the Council relating to the unification of the Ewe people or the unification of the two Togolands,⁹¹ the Council examined two other requests which could involve changes in the boundaries of Togoland. Mr. Foligbo Loko-Ahoussan sought (T/Pet.7/20 & Add.1) the unification of the Kingdom of the Plas and Mr. I. Sanvee Ahlonkor de Kartraya (T/Pet.7/29) the incorporation of Agoué with Togoland under French administration. Since both of these petitions related to the boundary between Dahomey, which is not under the Trusteeship System, and the Trust Territory, the Council informed the petitioners that their requests did not fall within its competence (286 and 287(VII) of 17 July).

b. ECONOMIC DEVELOPMENT

The Territory's economy is essentially agricultural, and most of the indigenous inhabitants are engaged in subsistence farming. The Territory's industry is limited mainly to processing agricultural products; local industries include oil and soap works, rope and esparto works, fisheries and fish-drying yards. According to the Administering Authority's report, total production of food crops amounted to 556,275 tons in 1948 and industrial crops to 79,113. Agricultural exports rose from 31,169 tons in 1947 to 39,314 tons in 1948. Apart from foodstuffs, the most important agricultural products are palm oil and kernels, copra, cotton, cocoa, coffee, peanuts, tapioca and karite (a vegetable butter).

The quantity and quality of agricultural production is limited by the rainfall distribution, lack of transport facilities and the primitive agricultural techniques. The land is not very fertile, and in the densely populated Lama-Kara subdi-

vision it is almost exhausted. The Visiting Mission to the Territory was particularly concerned (T/464) with the threat of famine implied by the conditions in this area. It noted that the Administering Authority was alive to the dangers of population pressure and famine in Lama-Kara and had sought to alleviate the situation by moving the inhabitants to more sparsely-occupied sections. Some 30,000 persons had been resettled between Atakpamé and Sokodé since 1926. Transport expenses and costs of small equipment to resettle an additional 500 families during 1948-49 were covered by a credit of 3,500,000 francs^{91a} under the FIDES (Fonds d'investissement pour le développement économique et social) plan. These measures were also described by the Administering Authority in its annual report and referred to in its observations (T/673) on the Mission's report. The Administering Authority further stated that all necessary precautions had been taken against the possible danger of famine, which, in fact, had never been seriously threatening. The establishment of a soil conservation office was also planned as soon as sufficient technical staff was available. Endorsing the conclusions of its Visiting Mission, the Council recommended that the Administering Authority continue to keep the problem under review and to consider ways and means of attracting the population to other parts of the Territory and exploiting the latter's resources, should a dangerous saturation point be reached in the Lama-Kara area of Togoland under French administration.

In its report, the Administering Authority described the measures taken to improve agricultural methods in the Territory, including the establishment of four training farms for demonstration purposes. Seven indigenous provident societies, comprising 249,300 members in 1948, continued to provide farmers with credits for the purchase of seed and equipment, the establishment of nurseries, the purchase of bulls and boars for breeding purposes, etc. Each member contributed ten francs to the societies in 1948 and the Government continued to subsidize the societies by assuming their debit accounts up to 3,830,000 francs. Although the Administration favoured the progressive replacement of the indigenous provident societies by producers' co-operatives, the report indicated, several attempts to set up co-operatives had failed.

⁹¹ See p. 749 ff.

^{91a} Throughout this account of Togoland under French Administration, francs = CFA (Colonies françaises d'Afrique) francs.

Commenting on requests for the mechanization of agriculture from the Committee of the Unité Togolaise, (Sokodé Section) (T/Pet.6/61-7/70) and Messrs. Georges Komotane and Awanou Nambiema in the name of the population of Mango (T/Pet.6/64-7/73), the Administering Authority stated that its policy was to proceed with agricultural development, which was covered under its ten-year agricultural plan. Similar requests were also made in four other petitions,⁹² which alleged that the provident societies were not fulfilling their purposes and that their members, whose subscriptions maintain the societies, had no voice in the investment of the funds or the operation of the societies, these powers being exercised by the Commandant de Cercle. Three of these petitions (T/Pet.6/22-7/17, 6/46-7/53 and 6/54-7/61) also complained of the difficulties in marketing produce due to the poor condition of such roads and bridges as existed and the lack of transportation facilities.

It was pointed out by the Visiting Mission that the production of foodstuffs throughout the Territory in 1948 suffered as a result of drought. The lack of water was also referred to in several petitions,⁹³ which sought particularly the provision of drinking water. It was stated that water sometimes had to be obtained from a distance of several kilometres, that public latrines did not exist and that polluted drinking water resulted in a high incidence of disease. The Administering Authority stated that it was making great efforts to improve the water supply by constructing new wells, boreholes and reservoirs. In its annual report, it said that it planned a vast modernization programme in both urban and rural areas in order to arrange for the distribution of drinking water and to provide water supply works and an electrification system. Improvements had already begun in several towns and appropriations of approximately 200,000,000 and 100,000,000 francs for water supplies in urban and rural areas, respectively, had been allocated under the ten-year economic and social development plan (FIDES). In addition, a territorial grant of 8,000,000 francs in 1948 made it possible for the first of a series of urban sanitation projects to be carried out.

The various questions raised by the petitioners were dealt with by the Council in the comprehensive resolution described above, covering political, social and educational questions as well as problems of an economic nature.

In its report on the Territory, the Council expressed the hope that the programme undertaken by the Administering Authority to increase the

water supply would be carried forward as rapidly as possible. It recommended that intensive programmes for land reclamation and conservation be instituted as soon as possible to prevent further exhaustion of the land's fertility, particularly in Lama-Kara, and to ensure adequate food resources for both the densely populated and newly settled areas. It also expressed the hope that the Administering Authority would press forward with its plans to encourage the formation of agricultural co-operatives, and that the people would be given a real opportunity for responsible participation in these co-operatives so that they might have further experience in managing their own economic affairs. Noting the existence of an active fishing industry in the coastal area, the Council recommended that the Administering Authority increase its efforts both to encourage fisheries development by financial and technical assistance, and to facilitate the marketing of fish.

Several petitions⁹⁴ examined by the Council complained that, under the present system of exchange control, the export of certain commodities (coffee, peanuts and cotton) was permitted only to France. The petitioners asked that a free price system for their products be provided and that the provisions of Article 76 of the Charter requiring absolute freedom of trade and equal treatment in commercial matters for all Members of the United Nations be implemented in the Territory. To make this possible, two of the petitioners (T/Pet.6/22-7/17; T/Pet.6/23-7/21) stated, free convertibility of foreign exchange in the Territory was necessary. The Visiting Mission inquired into this situation and was informed by the Administration that the restrictions, which were a consequence of exchange control resulting from the Second World War, had been relaxed in large part during 1949. They now applied only to the three above commodities, which represented only 10 per cent of total exports. Nor could they be regarded as discriminatory as they applied to everyone, regardless of nationality. The Administering Authority further stated, in its observations on the petitions, that there was no discrimination against any Member of the United Nations having commercial relations with Togoland, as the same regulations and tariffs applied in all cases. With regard to the question of foreign currency and exchange, the Administering Authority pointed

⁹² See T/Pet.6/22-7/17, 6/45-7/52, 6/46-7/53, 6/54-7/61.

⁹³ See T/Pet.6/22-7/17, 6/23-7/21, 6/33-7/32, 6/46-7/53, 6/54-7/61.

⁹⁴ See T/Pet.6/22-7/17, 6/23-7/21, 6/29-7/27, 6/46-7/53, 6/61-7/70.

out that the question was a matter of international concern outside the control of the Council; in so far as it related to the frontier between the two Togolands, however, the problem would be dealt with by the enlarged Standing Consultative Commission.⁹⁵ In the circumstances, the Council decided, by resolution 276(VII) of 17 July, to take no action on the question of exchange control. The other questions it dealt with in the comprehensive resolution referred to above.⁹⁶

Commenting on the establishment of forest reserves in the Territory, the Visiting Mission stated that 22 forests comprising 31,230 hectares (approx. 78,075 acres) had been classified between 1939 and 1947 and another 22,000 hectares (approx. 55,000 acres) were in the process of classification in 1947. The people of the Territory, however, were unable to understand the general aim of forest classification and felt that it was a restriction of their liberties. Most of the indigenous members of the Representative Assembly, which had direct jurisdiction in the matter, had also declared against the establishment of forest reserves, the Mission observed. It was informed by the Administration that because of this opposition no forests had been classified in 1948 and 1949. The restitution of classified forests to the owners of the land was requested by Mr. Mensah Komedja (T/Pet.6/22-7/17) and Yawovi Kossi Ganou, Chief of Amakpapé, and four chiefs of Nuatja (T/Pet.7/41). The Administering Authority explained in this connexion that forest classification had been carried out in the general interest of the Territory, but it was experiencing difficulty in finding a satisfactory compromise between local desires and the interests of the Territory as a whole. Acting on these petitions, the Council, by resolution 275(VII) of 17 July, recommended that the Administering Authority intensify its efforts to convince the people that forest classification was in the general interest of the Territory. It also drew the attention of the Representative Assembly to the necessity of co-operating actively with the local administration in this matter.

Mr. Komedja also alleged that bush fires caused by persons unknown were always falsely ascribed to the people of Nuatja; he asked that forest wardens refrain from catechizing an entire village which had nothing whatever to do with the outbreak of these fires. On this question, which was dealt with in the Council's comprehensive resolution, the Administering Authority explained that there was no proper system of fire control in the area, and the chief was subject to fine when forest

fires broke out as it was felt he was responsible for supervision.

c.SOCIALDEVELOPMENT

According to the Administering Authority's annual report, basic human rights to all sections of the population are guaranteed by the French Constitution of 1946. Press privileges recognized in France are extended to the Territory, where eight newspapers are published. Freedom of association is guaranteed, and all persons are protected by law against arbitrary arrest and are guaranteed individual liberty. The report also indicated that slavery and practices akin to slavery have been suppressed.

In addition to the extensive programme to modernize the water supply system, as described above, the Administering Authority reported that for 1948-49 further credits for town planning and housing were provided in the ten-year plan.

Four trade unions with a total membership of 725 were formed during 1948, making a total of 25 unions with 3,076 members. The Administering Authority indicated that the Advisory Labour Board met twice during the year to adjust wage scales to the cost of living.

The Visiting Mission was informed by the Administering Authority that 9,065 persons were gainfully employed, showing a low proportion of wage earners to the total population. It reported that wages, which are fixed periodically to correspond with cost-of-living increases, ranged from an average of 50 francs per day for unskilled labourers in industry to 14,350 francs per month for highest-paid employees in commerce, industry and banks. Workers also received seniority bonuses, and in some cases other gratuities. According to a statement by the Administering Authority, workers above unskilled labourers are classified into categories, each of which has a minimum wage. On the basis of an agreement reached at the end of 1948 between employers' and workers' organizations, the minimum basic wage rate for employees and workmen in the lowest category, comprising skilled labourers, watchmen, illiterate orderlies, illiterate sales assistants, carters and assistant labourers, was fixed at 2,835 francs per month. This minimum subsistence wage level was based chiefly on the staple diet of the indigenous inhabitant and his minimum requirements, the Administering Authority indicated. A draft labour code, presented in 1947 to the French Na-

⁹⁵ See pp. 751-52.

⁹⁶ See p.742.

tional Assembly, was being examined by the appropriate committees of the Assembly. The Government was anxious to conclude the matter as soon as possible and was urging debate on the draft.

The Council, which had referred to this draft at its fourth session in 1948, noted with regret in its report on the Territory at its seventh session that the labour code had not yet become law. It expressed the hope that the legislation would soon be enacted and that its provisions would fully safeguard the rights and interests of labour. It further considered that, in determining a scale of minimum wages, labourers should be ensured a decent standard of living, that they should be protected with respect to illness and accidents arising from employment, and that labour unions should be allowed to participate in studies on such questions as illness and old age.

A petition from Mr. Stephan L. Combey (T/Pet.7/102) alleging that he had been unable to find steady employment because of his ignorance of the French language was examined by the Council. Mr. Combey stated that he had had to resort to the "perilous" occupation of a black market dealer and had consequently been subjected to a number of arrests and fines. He appealed for assistance in finding employment. The Council, by resolution 290(VII) of 17 July, noted the Administering Authority's statement that Mr. Combey was not barred from employment because of his ignorance of French and decided that in the circumstances no action on its part was called for.

At its fourth session in 1949, the Council had noted the Administering Authority's assurance that all vestiges of racial discrimination had been eliminated and expressed the hope that it would be furnished an account of the effective implementation of this policy. With reference to this statement, the Administering Authority informed the Council, at its seventh session, that no legislation containing racial discrimination existed in the Territory and that any act implying racial discrimination would be the object of legal prosecution.

Two petitions, from the Committee of the Unité Togolaise (Sokodé Section) (T/Pet.6/61-7/70) and the Assemblée Representative du Togo (T/Pet.6/23-7/21), alleged the existence of racial discrimination. The latter stated that no indigenous inhabitant of Togoland could be a member of the jury of the Cour d'Assise unless he was a French citizen. Commenting on this question, the Administering Authority explained that the re-

quirement of French citizenship was not evidence of racial discrimination, which did not exist in the Territory, but was merely intended to ensure that jurors were able to read and write French. Nevertheless, it had recognized the validity of the complaint, and had altered the requirements to include all inhabitants of the Territory who could read and write French. This decision was noted with satisfaction by the Council, which decided to inform the petitioners that it periodically examined the question of racial discrimination. The Council also drew the petitioners' attention to its abovementioned statement at its fourth session.

The need for improving deficient housing conditions was referred to by the Assemblée Representative du Togo (T/Pet.6/23-7/21). The Committee of the Unité Togolaise (Sokodé Section) (T/Pet.6/61-7/70) alleged that Sokodé, a large trading centre, was nothing but a large village of thatched huts without streets or lighting; only the European quarter was illuminated, while the indigenous quarter revealed the very low standard of living of Africans. These questions were dealt with by the Council in resolution 281(VII), which also covered political, economic and educational problems raised in petitions.⁹⁷

These petitioners, as well as Mr. D. A. Kumadi (T/Pet.6/39-7/40), complained of the devastating effects of alcohol on the indigenous inhabitants and asked that measures be taken to control its importation. Commenting on this situation, the Administering Authority stated that it was trying to reduce the consumption of alcoholic beverages in the Territory, but was meeting with difficulties, particularly the opposition of large commercial firms and the refusal of the Representative Assembly to take action restricting imports of alcoholic beverages. Moreover, it added, restrictions alone would not solve the problem, since the indigenous inhabitants manufactured liquor locally if they were unable to get imported liquor. The Administering Authority's efforts to control excessive alcoholic consumption were noted with satisfaction by the Council, which recommended that it energetically continue taking control measures in the interests of the inhabitants (279-(VII)).

Budget credits for public health, according to the Administering Authority's report, increased from 44,767,000 francs in 1947 to 66,321,200, or over 16 per cent of the total territorial budget, in 1948; at the same time, FIDES credits for the financial years 1947-48 and 1948-49 rose from

⁹⁷ See p. 742.

33,200,000 to 87,400,000 francs. In addition, a subsidy of 8,000,000 francs was granted by metropolitan France to continue and intensify the campaign against endemic and epidemic diseases, the most common of the former being yaws, malaria and syphilis. The personnel of the Medical and Public Health Department consisted in 1948 of the Director of Medical Services, 28 medical officers, one dental surgeon, 22 midwives, 28 sanitary assistants and 270 nurses. The Territory had one hospital, at Lomé, with 149 beds, and one polyclinic, nine medical centres, 43 dispensaries, four sleeping sickness camps, one dental clinic, one mental hospital, eleven maternity centres and two leprosaria. A total of 13,282 in-patients and 2,521,517 out-patients were treated during the year. All indigenous inhabitants are provided with free medical attention. A mobile medical and prophylactic service engaged largely in preventive medicine, operated in such a way that the total population of the Territory was checked once a year.

A new hospital, capable of accommodating 550 in-patients, was under construction near Lomé to replace the existing hospital, which was no longer considered adequate. The Visiting Mission was impressed by the plans as well as by the vastness and modernity of the project, which was scheduled for completion by the end of 1951.

The Mission noted that an epidemic of cerebro-spinal meningitis had occurred in the subdivision of Lama-Kara during 1949. It was informed by the Administering Authority that prior to 1948 such epidemics were restricted to the subdivision of Mango. In 1948, however, there was an outbreak in Lama-Kara; 512 cases and 56 deaths were recorded. The epidemic of 1949 reached greater proportions. At its peak in February, 4,030 cases were recorded; by July, the number of cases had declined to 24 cases. For the period from January to July, there were 7,655 cases and 405 deaths. The Administering Authority described conditions in the subdivision as propitious for epidemics of cerebro-spinal meningitis, i.e. the high density of population, the large markets held every six days in each canton, and proximity to Dahomey, where epidemics had occurred in previous years. On the other hand, it stated, the road system and the presence in each canton of a sleeping-sickness camp facilitated the task of combating the epidemic. This situation was noted by the Trusteeship Council in its annual report on the Territory. It urged the Administering Authority to intensify its efforts to control the spread of the disease by all means possible, including an

increased staff of doctors serving centres established to treat the disease.

In general, the Council commended the Administering Authority for the steps taken in the field of public health, particularly with respect to increased expenditures, the new hospital, and the opening during 1948 of eight rural dispensaries. It considered, however, that the Administering Authority should give particular attention to training African medical personnel in greater numbers. The Council endorsed a tribute paid by the Mission to the zeal of the French women who, with the aid and guidance of the Administering Authority, devoted themselves to the thankless task of providing help and attention to the lepers at the isolation and treatment centre at Abota.

Several petitions⁹⁸ examined by the Council asked for more and better equipped hospitals and dispensaries in specific areas; the petitioners complained that maternity and infant care was inadequate and that there was a shortage of medicines. By resolution 278(VII) of 17 July, the Council referred the petitioners to the recommendations on medical services and public health included in its annual report and notified them that it examined the question annually. It also expressed the hope that the Administering Authority would continue to give special attention to improving the conditions for pregnant women, nursing mothers and infants.

d. EDUCATIONAL DEVELOPMENT

According to the Administering Authority's report, budget credits for education in 1948 amounted to 57,245,492 francs as against 32,592,425 francs in 1947. In addition, credits allocated for 1948-49 under the FIDES ten-year plan amounted to 57,100,000 francs, compared to 13,900,000 for the previous financial year.

Primary education in 1948-49 was given in 81 government and 83 private schools, eleven more than the previous year. School attendance increased from 18,693 in 1947 to 24,601 in 1948. Secondary schools, attended by 507 students in 1948, included five colleges, three of which were private, one a trade school and one a teacher-training school. The Administering Authority expected to have provided accommodation, as a result of its school building programme, for almost the whole school-age population before the end of 1957.

Public education throughout the Territory is provided free of charge, the Administering Au-

⁹⁸ See T/Pet.6/22-7/17, 6/23-7/21, 6/46-7/53, 6/54-7/61, 6/61-7/70, 6/64-7/73.

thority reported, and the curricula in both Government and private schools are identical. Teaching in all schools is in French. In 1948, the staff of the primary and secondary schools consisted of 56 Europeans and 488 Africans. Most of the latter are pupil-teachers (*moniteurs*), who are deficient in training. Training courses were organized to give them further instruction and competitive examinations for recruiting pupil-teachers were introduced in 1948, the Administering Authority stated. A teachers' training institute was scheduled to open at Lomé in the near future.

In addition to the educational facilities provided in the Territory, scholarships for study in France were made available to indigenous students. During 1948, 39 indigenous students attended secondary schools in France, sixteen attended special schools and nineteen held scholarships to higher educational institutions.

The Administering Authority described the increased emphasis being placed on mass education. Instruction in the vernacular was also under consideration with respect to adult education groups; in this connexion, informal talks in the vernacular on personal hygiene, domestic and food hygiene, and child welfare were planned.

The Visiting Mission to the Territory found (T/464) that the indigenous inhabitants were much interested in educational development. Satisfaction was expressed with the advances made by the Administering Authority and the religious missions and with the results of the initial scheme in the field of mass education. Nevertheless, the need for further development was recognized and stressed in many petitions.⁹⁹ Among other requests, petitioners asked for: the expansion and improvement of local school facilities, particularly in the northern section of the Territory, where, it was stated, illiteracy was universal; the greater development of mass education; the provision of higher educational facilities; and the introduction of a mass scholarship system. It was pointed out in a number of petitions that the education of girls lagged far behind that of boys. Some referred to the lack of instruction in the vernacular, particularly in the Ewe language, which, it was proposed, should be adopted and officially recognized as the national language of the Territory. The Mission considered the requests for the further extension and development of education worthy of the Administering Authority's most sympathetic consideration. The Mission reported that an estimated 20 per cent of the African population could read or write French or English and that 5 per cent were literate in an indigenous language.

The Administering Authority drew the Mission's attention to certain difficulties with regard to the use of the vernacular as well as French as a medium of instruction, but indicated that, beginning in 1950, the Ewe language would be taught a few hours each day in primary schools. The Mission was of the opinion that the question of teaching in the vernacular was a matter for the Council's consideration.

Three petitioners, la delegation pour le "Jeune Togo", Association Culturelle, Lomé (T/Pet.7/-19), the Assemblée Représentative du Togo (T/Pet.6/23-7/21) and Mr. Kodjo Emmanuel Gagli, African doctor, and four others (T/Pet.7/105) considered that technical and financial assistance from the United Nations Educational, Scientific and Cultural Organization would be desirable to help meet the educational needs of the Territory. This evidence of interest in the activities of specialized agencies was noted with satisfaction by the Trusteeship Council in resolution 280(VII) of 17 July. It expressed the hope that the Administering Authority would call upon the specialized agencies for assistance whenever appropriate.

The other complaints and requests concerning education were dealt with by the Council in resolution 281(VII),¹⁰⁰ which also covered questions of a political, economic and social nature raised in petitions.

In its report on the Territory, the Council commended the Administering Authority for the progress it had made in developing education, particularly the increase in the number of schools, students and teachers and in the budgetary allocation for education. It noted the interest on the part of Africans in educational development. The Council also recognized the great need for further development and therefore recommended that the Administering Authority afford broader, more complete and widespread education to the inhabitants, particularly in the northern areas of the Territory. The retarded development of this area as compared with the southern section was partly due, it felt, to the lack of adequate educational facilities. It also recommended that teacher-training facilities in the Territory be expanded. Noting the limited number of girls attending schools, the Council suggested that the Administering Authority continue its efforts to increase their enrolment.

⁹⁹ See T/Pet.7/14, 6/22-7/17, 6/23-7/21, 6/29-7/27, 6/33-7/32, 6/36-7/35, 6/37-7/36, 7/37, 7/39, 6/39-7/40, 7/50, 6/44-7/51, 6/46-7/53, 6/48-7/55, 6/50-7/57, 6/54-7/61, 6/56-7/63, 6/61-7/70, 6/64-7/73, 6/108-7/99, 6/111-7/103, 6/112-7/104.

¹⁰⁰ See p. 742.

The use of pilot farms to provide training in the field of agriculture¹⁰¹ was noted by the Council with satisfaction. The Council repeated the recommendation made at its fourth session that the Administering Authority carry out its plan for extending facilities for technical education with the utmost vigour.

The Council also recommended that the Administering Authority increase its efforts to enable persons to continue their education after leaving school and that it pursue a vigorous programme to reduce illiteracy. It considered that libraries played an important part in maintaining permanent literacy among both the graduates of primary schools and those reached by the literacy programmes. It found existing library facilities insufficient for the ever-increasing needs of the inhabitants and recommended that libraries be established in as many communities as possible and that they be integrated with the programmes of adult and mass education. Noting with approval the steps taken to preserve indigenous cultures, as it had earlier recommended, the Council expressed the hope that the Administering Authority would continue to give increasing attention to this matter.

5. The Ewe Problem

The Ewe people were estimated in 1947 to number 800,000, of whom 330,000 lived in the British Gold Coast Colony, 126,000 in Togoland under British administration and 290,000 in Togoland under French administration. According to these estimates, they represent between one third and one half of the population of Togoland under British administration and more than one third of that of Togoland under French administration. The Ewes themselves claim to number about one million.

Their separation under these three administrations had resulted from Anglo-German conventions of 1890 and 1900 establishing the boundaries between Togoland and the Gold Coast and the partition of German Togoland after its military occupation in 1914 into the two Togoland Territories, one under French and one under British administration. The Ewe people had petitioned¹⁰² the Trusteeship Council in 1947 for the unification of "Eweland" on the grounds that its division was unjust and that its development was impeded by its being placed under two different administrations with completely different policies. As a result of their separation by frontiers, arbitrarily established, the Ewe people alleged to have

suffered many hardships in every field—social, cultural, economic, political and educational. The two Administering Authorities, the United Kingdom and France, submitted a joint memorandum outlining the economic, fiscal and cultural measures they proposed to take to alleviate the frontier difficulties. To implement these proposals, the two Governments established in 1948 a joint Standing Consultative Commission for Togoland Affairs, composed of the Governor of the Gold Coast and the Commissioner of the Republic of Togoland under French administration as Co-Chairmen, and two representatives of the inhabitants of each Trust Territory. The Council welcomed these measures and invited the Administering Authorities to consult with each other and with the Ewe representatives with a view to evolving further steps to fulfil the wishes of the Ewe people. It directed its first Visiting Mission to West Africa to devote special attention to the problems complained of by the Ewes and agreed to re-examine the whole question after receiving the Mission's report. The Council postponed its examination of eight additional petitions on the same question until it had received the Mission's report.

By its sixth session, the Council had before it a total of 140 petitions, most of them received by the Visiting Mission, relating to the Ewe question, frontier difficulties and the unification of the two Togolands.¹⁰³ Opinion as to the kind of unification desired by the petitioners was divided. One group demanded the immediate unification under one administration of the area inhabited by the Ewe people in the southern sections of the two Togolands and in the Gold Coast Colony. Another sought the unification of the two Trust Territories, but apparently did not support the inclusion of the Ewe-inhabited territory of the Gold Coast unless it should be placed under Trusteeship. A third group opposed the unification of either "Eweland" or the two Trust Territories, favouring the maintenance of the status quo.

a. REPORT OF THE VISITING MISSION

The Visiting Mission made a special report to the Council concerning this question (T/463).

¹⁰¹ See p. 743.

¹⁰² Petitions from the All-Ewe Conference (T/Pet.6/1-7/1, 6/3-7/4, 6/4-7/5, 6/5-7/6 & Add.1), Mr. Augustino de Souza (T/Pet.6/2-7/3), the Council of African Affairs, Inc., New York (T/Pet.6/6-7/8, and the African Academy of Arts and Research, New York (T/Pet.6/7-7/9). For further information see Y.U.N., 1947-48, pp. 764-67, and Y.U.N., 1948-49, pp. 841-42.

¹⁰³ For list of these petitions, see pp. 822 and 829 ff.

It reviewed the background of the problem, the work of the Anglo-French Standing Consultative Commission, the organizations concerned with the question of unification and the scope of unification requested in the various demands.

The Mission considered that the idea of unification, which was now supported in principle by large sections of the population, had gained strength and impetus by the sudden aggravation in 1940 of the frontier restrictions between the two Trust Territories, one administered by a nation at war, the other by France under the Vichy régime. Neighbouring and related populations were separated by almost impassable barriers. As a result, relations between families had been hampered, and considerable material privations had been imposed, mainly on the inhabitants of Togoland under French administration. The efforts of the Consultative Commission, in the Mission's opinion a most valuable institution which might be further developed, had to some extent reduced the inconveniences caused by the frontier, but the different economic systems, exchange control, customs difficulties, etc., still imposed constraints upon the frontier population which it found difficult to bear. The Mission suggested that the Trusteeship Council should ask the Administering Authorities not only to continue the efforts they were making to reduce or even abolish the customs barriers, but also to increase their collaboration with a view to unifying and co-ordinating the legislation and practice in both territories with respect to fiscal, economic, cultural, educational, health, transport and public service matters in such a way as to eliminate at least the non-political aspects of the problem. However, these measures would not solve the whole problem.

The problem was no longer only an economic one, the Mission stated. Many Togolandese, citing frontier difficulties as merely one argument among others, were claiming that unification was an essential stage in their advancement towards self-government or independence. The Mission considered that unification might not be the only solution and suggested three ways in which the problem might be solved: a political solution within the framework of the two existing Trust Territories, an economic solution within the same framework, or a general solution within a wider political and economic framework embracing both Territories. It felt that the details of an overall plan should be left to experts and, above all, should await knowledge of the attitude of the two Administering Authorities. Whatever opinion might be held as to the ultimate objective, the

Mission indicated, it was nevertheless certain that the desire for unification, which was quite legitimate in itself, was now widespread in the south of both Territories and must be regarded as a deeply rooted political force.

The Mission found that four organizations were actively interested in the unification movement. Two supported the unification under one administration of all the Ewe people: the All-Ewe Conference, composed of traditional chiefs, elders, representatives of several Ewe Unions and other people of Ewe-inhabited territory in the two Togolands and the Gold Coast; and the Comité de l'Unité Togolaise, a political party of considerable influence among the population of Togoland under French administration, claiming in 1947 a membership of 18,600. The Togoland Union, a political organization in Togoland under British administration, including among its members most of the natural rulers and an apparently large section of the people, sought the unification of the two Togolands. The fourth organization, Parti Togolais du Progrès, said to comprise 14,500 members in 1947, opposed the unification aims of the other three parties.

The Mission stressed that the problem had attained the force and dimensions of a nationalistic movement and that a solution should be sought with urgency in the interest of peace and stability in that part of the world. It urged that the following factors which had emerged from an objective study of the problem should be taken into account in seeking a solution:

The unification movement in the southern sections of the two Togolands, and apparently in the Keta District of the Gold Coast Colony, had assumed the character of a popular nationalistic movement;

The population of the Keta and Peki Districts of the Gold Coast Colony was a prominent segment of the unification movement;

If the unification movement were not satisfied to some appreciable degree, the danger of an intensification of local nationalism, perhaps stimulated by nationalistic forces in the neighbouring territories or by outside forces of a different character, seemed unavoidable;

The Ewe groups were not the only tribal groups advocating unification, and, even among the Ewe, the territorial scope of unification sought was not identical;

The unification movement, as a popular movement, was not prominent in the northern section of either of the two Togolands;

In northern Togoland under British administration, some chiefs desired unification with the Northern Territories of the Gold Coast;¹⁰⁴

The existing frontiers were a hardship, economically, socially and culturally, to the inhabitants of the southern sections of both Togolands and also, to some extent, to the inhabitants of the other sections;

¹⁰⁴ See p. 726.

The removal of the economic disabilities resulting from the existing frontiers did not fully meet the objectives of the unification movement.

b. CONSIDERATION IN THE TRUSTEESHIP COUNCIL

At the 53rd meeting of the sixth session of the Trusteeship Council on 13 March 1950, the representatives of France and the United Kingdom suggested that the whole question be deferred until the Council's seventh session, on the understanding that the two Administering Authorities would be able at that time to give a final reply on the political aspects of the question. The two Governments agreed to make every effort to eliminate the difficulties of a non-political character pointed out by the unification movement and to seek a solution which, within the limits of their responsibility, would enable them to take fully into account all the aspirations and desires of the population of the two Trust Territories (T/PV.255). The Council accepted this suggestion, and postponed its examination of all petitions and reports relating to both Territories.

Since representatives of the All-Ewe Conference, invited earlier to present their views before the Council, were already en route, the Council decided to hear them but to postpone any further discussion. Messrs. Sylvanus Olympio, E. Amu and A. M. Simpson, named to represent the All-Ewe Conference, took their seats at the Council table on 20 March, at the 63rd meeting.

Mr. Olympio, who was also a member of the Anglo-French Consultative Commission and President of the Representative Assembly of Togoland under French administration, made a statement and replied to questions put to him by members of the Council. He reviewed the history of the Ewe unification movement, and stated the conviction of the All-Ewe Conference that an orderly solution to the problem could be found. Although it would prefer that a unification plan be presented by the Administering Authorities, the Conference wished to suggest that a five-year plan might be drawn up providing for measures to bring all aspects of the two administrations into harmony, to increase the participation of Africans in the administration and to make possible the self-government of the Ewes at the end of the five-year period. The All-Ewe Conference did not demand the creation of a completely independent Ewe State, but hoped rather that the Ewe people might take a logical place in whatever system of federated States might eventually be devised for West Africa or for Africa as a whole. It hoped

that the Council would be in favour of a solution along those lines. The fact that there were difficulties in the way of reaching a simple solution of the problem and that much must be left to the joint attitude and action of the Administering Authorities was appreciated by the All-Ewe Conference. It hoped that the two Administering Authorities concerned would work out an appropriate plan so that the Council could arrive at a final decision at its next session, thus bringing about the realization of the desires of the All-Ewe Conference.

(1) Proposals of the Administering Authorities

The two Administering Authorities presented to the Council at its seventh session a joint memorandum (T/702) in the form of joint observations on the Mission's report on the Ewe problem, outlining the decisions they had taken. They stated that the Ewe and other inhabitants of the two Trust Territories were far from being agreed among themselves upon a political and administrative solution, as had been pointed out in the Mission's report. Since the publication of that report, they continued, representatives of the inhabitants of the northern sections of both Togolands had expressed very decided views against the unification of the two Trust Territories. Moreover, even among those who favoured unification, there were not only differences of view as to the areas to be united, but there was little evidence in their petitions as to how unification could be brought about and how the many intricate economic and social problems involved could be dealt with. They noted that the Mission itself had not felt able to propose any concrete solution and they themselves remained of the opinion that there was no one political solution which readily offered itself as being clearly preferable to the present state of affairs. They considered that no further progress could be made towards a solution of the problem until the real wishes and interests of all the peoples of the two Trust Territories had been ascertained. As the instrument to accomplish this, they had decided to expand both the composition and the functions of the Standing Consultative Commission on Togoland Affairs. The Commission was to continue its previous functions of considering economic, social and other measures designed to ameliorate the frontier difficulties, and in addition was to make a detailed study of the representations made and any further investigations necessary to enable it to ascertain the real wishes of the whole population. It was to submit to the two Governments its conclusions concerning

practical means whereby the various points of view could be satisfied within the framework of British and French administration. Provisionally, the enlarged Commission would be composed of the Governor of the Gold Coast and the Commissioner of the Republic of Togoland under French administration as co-chairmen; two other officials as vice-chairmen; seventeen representatives of the people of Togoland under British administration (fifteen elected and two nominated—one each by the All-Ewe Conference and the Togoland Union); and 28 representatives of the people of Togoland under French administration (26 elected and two nominated—one by the Parti Togolais du Progrès and one by the Comité de l'Unité Togolaise).

(2) Views of the Petitioners

The Council granted requests from the following petitioners, permitting their representatives to be heard at the seventh session in support of their written petitions: the All-Ewe Conference, which designated Mr. Sylvanus Olympio; the Togoland Union, the Natural Rulers of Western Togoland and the Togoland Farmers' Association, which designated Mr. S. G. Antor and Mr. F. Y. Asare; the Parti Togolais du Progrès, which designated Mr. Pedro Olympio; and the Chiefs and People of Northern Togoland, which designated Mr. Dermann Ayéva. These representatives presented their views at the 20th to 22nd meetings from 5 to 7 July 1950, and the Council held a general discussion on the Ewe and related questions at its 24th to 27th meetings from 11 to 14 July.

The representative of the All-Ewe Conference stated that the Ewe people had been deeply disappointed by the joint proposals of the Administering Authorities. These proposals were based on the opposition in the Territories to the demands of the Ewes, an echo of which the Visiting Mission had caught. They were retrogressive, in that they provided for the establishment of yet another body to determine the aspirations of the Ewe people as if these were not well known. That the great majority of the Ewe people wanted unification had been recognized by the Trusteeship Council at its second session in 1947 and by the Mission in 1949. The All-Ewe Conférence was most anxious that the unification of the Ewe people and the unification of the two Territories of Togoland should be treated as two separate questions. The proposals of the Administering Authorities confused the question by assuming that the issue was whether the two Territories should be united. The Ewe people sought only their own unification; whether or not their unified

administration formed part of a larger federation did not matter. As to the Administering Authorities' statement regarding the solution of economic and social problems resulting from unification, the Ewe people were aware of these problems, which were merely matters of detail, and were prepared to discuss them with representatives of the Administering Authorities. The All-Ewe Conference had no alternative but to reject the joint proposals as a solution of the Ewe problem, nor did it intend to take part in the establishment of the new Consultative Commission as it was convinced that this body would not be permitted to study the question of the unification of the Ewe people as it ought to be studied. The Ewe people would not consent to being allowed only a minority representation on a body which was to determine their future. With regard to the reduction of frontier difficulties by the new Commission, Mr. S. Olympio adduced that the present Commission had already taken all measures possible under existing circumstances and had outlived its usefulness.

In the name of the All-Ewe Conference, he appealed to the Council for the following measures:

- (1) it should be definitely decided that the Ewe people should be unified under one and the same administration;
- (2) the northern tribes should decide, through the Consultative Commission or by plebiscite, whether they wished to form a union of their own or unite with the Ewe people;
- (3) if they decided to unite with the Ewe people, they should consult with the Ewes concerning the form of such unification;
- (4) the manner of unification and the relationship with neighbouring territories should be worked out by the Ewe people.

Messrs. Asare and Antor, speaking on behalf of the Togoland Union, the Natural Rulers of Western Togoland and the Togoland Farmers' Association, described the difficulties resulting from the arbitrary partition of German Togoland. The Anglo-French frontier had made it practically impossible for the peoples of Togoland to advance politically, economically, socially or educationally. The problem of Togoland was a human problem which needed both a social and a moral solution. The partition of the Territory prevented members of the same family from taking part in indigenous customs, funeral ceremonies, marriages and yearly festivals. Members of the same family living on different sides of the frontier could not attend together any of the ceremonies held between 6 P.M. and 8 A.M. Moreover, written communication between the Ewe people was becoming impossible. While the Ewe language was taught in

schools in Togoland under British administration, only French was taught in schools across the frontier.

The petitioners felt that the Administering Authorities, by stressing the diversity of views regarding unification, were attempting to confuse world opinion. The people of Togoland, Messrs. Asare and Antor maintained, were unanimous in demanding unification under a single government. They felt that the Administering Authorities sought to delay the solution of the problem by proposing to increase the number of members of the Consultative Commission, which, they stated, should be dissolved since it was in fact instrumental in maintaining the barrier dividing Togoland. The petitioners sought the removal of the frontier and the establishment of a representative assembly with both legislative and executive powers as the nucleus of the Togoland central government.

The Administering Authority of the unified Togoland, they suggested, should be determined by a plebiscite conducted under the supervision of a United Nations commission. Prior to the assumption of authority by the new administration, a new constitution for the united Togoland should be drawn up by its inhabitants, assisted in an advisory capacity by this commission. The petitioners also felt that the Trusteeship Council might initiate a programme of development which would enable Togoland to attain self-government within five years. The petitioners would have no objection, Mr. Asare stated, if the area of the Gold Coast inhabited by the Ewe people were also included in this unified administration.

The representative of the Parti Togolais du Progrès, Mr. Pedro Olympio, stated that the primary objective of his organization was to achieve self-government for the people in Togoland under French administration. It felt that it was its duty to work in close and loyal co-operation with France so as to attain this goal. It was categorically opposed to the unification of the Ewe people as this implied a change of administration and any such change could only retard the progressive development of the people towards self-government. Nor did it feel that unification met a real need of the Ewe people. Their unification would separate them from the other peoples of the north with which they had formed a single administration for two generations; it would result in similar demands by other tribes for unification under an administration of their choice, and Togoland would be split up into small tribes. The Ewe movement would disappear of its own accord,

the Parti Togolais du Progrès believed, once the customs difficulties were solved.

Speaking on behalf of the Chiefs and People of Northern Togoland under French administration, Mr. Ayéva also opposed unification of the Ewe people or of the two Togolands because this would interrupt the course of development under the current administration, but mainly because unification implied the subjugation of the northern tribes to the unified Ewe people. Domination of other tribes, these petitioners felt, was the aim of the Ewe movement. The people of the north expressed confidence in France to supply their needs and improve their position and in the United Nations concerning their attainment of self-government in due course.

(3) Discussion in the Council

During the general discussion which followed, several members of the Council indicated that the joint proposals of the two Administering Authorities concerned, by directing the proposed Consultative Commission to submit conclusions concerning practical means whereby various points of view could be satisfied "within the framework of the British and French administration", did not seem to permit it to consider the question of unification. To clarify their intentions, the representatives of France and the United Kingdom added to the Commission's terms of reference the words "and not precluding the unification of any parts of the two Trust Territories".

Asked whether the All-Ewe Conference would participate in the work of the Commission in view of this amendment, Mr. S. Olympio indicated that the text excluded all the Ewes living in the Gold Coast Colony, and included elements which did not share his concern for the unification of the Ewe people. While he could not accept the proposals, he would nevertheless inform the Ewe people of the concession which had been made.

The representative of the United Kingdom indicated that his Government had no intention of placing any part of the Gold Coast Colony under the International Trusteeship System. Since it was not a Trust Territory, this area was outside the competence of the Trusteeship Council. With regard to the problem concerning Togoland, the representatives of the United Kingdom and France affirmed the duty of the Administering Authorities to all the peoples of both Trust Territories, and again stated that it was impossible to reach substantive decisions before all views had been examined by the Consultative Commission. While the final decisions might prove disappoint-

ing to the Ewes and to some others in the two Trust Territories, the Administering Authorities would continue to do everything in their power to reach a solution of the problem which would give the maximum satisfaction to the maximum number of the people concerned.

The proposals of the Administering Authorities were supported by a majority of the Council members, who stressed the complexity of the problem. Pending a final solution, however, it was recognized that steps should be taken to alleviate some of the more pressing difficulties caused by the division of Togoland. For example, as suggested by the representative of Belgium, rigid and inflexible frontier regulations should be avoided and the Ewe language should be used in education in both Territories to help the Ewes maintain a common link among themselves while perfecting their European culture.

A draft resolution, in which the Council would express the hope that the Administering Authorities would proceed along the lines of their joint proposals, was put forward by the representatives of Argentina and the United States (T/L.100).

Opposition to the joint proposals of the Administering Authorities was expressed by the representatives of China, Iraq and the Philippines, who fully supported the demands of the All-Ewe Conference and urged that concrete steps be taken to satisfy the legitimate demand of the Ewes for unification. They proposed amendments (T/L.102) to the draft resolution of Argentina and the United States. The amended draft would, *inter alia*, have the Council recall its earlier affirmation, in 1947, that the petition of the All-Ewe Conference represented the wishes of the majority of the Ewe people and note various conclusions of the Visiting Mission. The Council would note that the wishes of the Togoland Union and the All-Ewe Conference were not mutually exclusive. It would also note that the attitude of the people in the northern parts of the Territories towards unification was not clearly established, and suggest that their wishes might be determined by plebiscite; however, the Council would affirm that whatever their attitude, it should not be allowed to prejudice the question of the unification of the Ewes.

These amendments were rejected by the Council on 14 July 1950, by a roll-call vote of 3 in favour to 8 against. By a roll-call vote of 8 to 2, with one abstention, the Council then adopted the resolution proposed by Argentina and the United States (250(VII)).

By this resolution, the Council noted the joint proposals of the Administering Authorities, in particular that the Consultative Commission was required to make a "detailed study of the representations which have been or may be made" and that it was not precluded from recommending the "unification of any parts of the two Trust Territories". The Council expressed the hope that the Commission would equitably represent the different sections and groups of the two Territories. It asked the Administering Authorities to report to its next session on the progress made and recommended that they take all the necessary and appropriate measures to ensure that, until a definitive settlement was reached, the common traits and traditions of the Ewe people should be preserved.

c. CONSIDERATION IN THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

The Ewe question came before the 147th to 150th, 153rd, 161st and 162nd meetings of the Fourth Committee, on 9, 11, 12, 18 and 31 October 1950 and the 316th plenary meeting on 2 December.

During the general discussion in the Fourth Committee on the report of the Trusteeship Council, the representative of the Philippines called the Committee's attention on 9 October to petitions recently received from Mr. Augustino de Souza, President of the Comité de l'Unité Togolaise (T/Pet.6/194-T/Pet.7/160 & Add.1-5). These petitions concerned the election of members of the Consultative Commission in Togoland under French administration. Since the Trusteeship Council was not to meet again until January 1951, the representative of the Philippines considered it essential that these petitions should be considered in the Committee.

(1) Petitions from l'Unité Togolaise

The petitioner transmitted extracts from the journal *Le Togo Français* and communications and correspondence concerning the election procedure. According to the announced procedure, grand electors would be chosen in the villages and would in turn elect the members of the Commission.

Although the Comité de l'Unité Togolaise had objections and proposals to make on a number of points, its chief concern was the method of appointment of the grand electors. The first detailed announcement of the procedure, as published in *Le Togo Français* on 7 September, stated: "The people of the villages will appoint a certain num-

ber of grand electors according to customary methods and without the intervention of the Administration. By 'customary methods' it is meant that the choice of the grand electors will be made by the chiefs in council in accordance with the rules established by custom." The election procedure had been disclosed by the Commissioner of the Republic to representatives of l'Unité Togolaise and of the Parti Togolais du Progrès at a meeting on 4 September. This meeting gave rise to a considerable exchange of correspondence between l'Unité Togolaise and the Commissioner. L'Unité Togolaise felt that it was impossible to reconcile the assurance that there would be no intervention by the Administration with the announced method of choosing the grand electors "by the chiefs in council", since the chiefs in Togoland under French administration were in effect officials appointed by the Administration before the application of a new decree restoring customary methods of appointment, and chiefs' councils of the customary kind did not exist; therefore, the persons selected as grand electors would inevitably be those who faithfully reflected the views of the Administration-appointed chiefs and accordingly of the Administration itself. L'Unité Togolaise indicated that it had notified the Commissioner on 18 September that it would not participate in the elections if he was unable to modify the election procedure to give effect to the "real customs" of the people; under traditional customs, among the Ewe people at any rate, no traditional chief could take an important decision without consulting and obtaining the consent of his people as a whole.

L'Unité Togolaise informed the United Nations that when, in an official notice of 16 September, the description of the procedure was altered to read that "the population of each village" should appoint the grand electors "under the aegis of the village chiefs," it took this change to mean that the villages themselves could now elect their grand electors in the customary manner. It stated, however, that in actual practice this was not the case. It had found cause to complain to the Commissioner, in a letter dated 6 October, at which time the grand electors were already being appointed, that several of the district administrative officers had issued formal instructions to the effect that only chiefs and their immediate supporters were entitled to appoint grand electors. It had further pointed out to the Commissioner that in the northern part of the Territory not only the

grand electors but also the delegates to the Commission had already been appointed by the village chiefs and higher chiefs. In the southern regions of Aného and Atakpamé there had been cases where village chiefs, who had appointed grand electors in accordance with the wishes of the villagers, had found that their choice had been invalidated by higher cantonal chiefs and district administrative officers. Many of the grand electors thus far appointed, it added, were the chiefs themselves and their ward chiefs.

L'Unité Togolaise also protested to the United Nations against the arrest of several persons, among them members of l'Unité Togolaise, who objected to the designation of the grand electors in a manner contrary to local customs. While asserting that the purpose of the arrests was to intimidate the people, l'Unité Togolaise stated that its technical basis was the strict application of a metropolitan decree applied for the first time in Togoland. The law in question required, *inter alia*, the prior notification of public meetings to the authorities. L'Unité Togolaise complained that, since Administration officials were widely scattered and notification would often require travel on foot for many miles and in any case 99 per cent of the population was entirely ignorant of the decree, a district officer "seeking a pretext for mischief" could easily have the inhabitants of a village arrested and imprisoned for convening a meeting without prior notification.

(2) Observations by the Administering Authority

Observations concerning these petitions were made by the representative of France at the 153rd and 162nd meetings of the Fourth Committee on 18 and 31 October 1950. He stated that the electoral system previously in use limited the suffrage to only a few thousand privileged persons, favouring the towns much more than the rural areas, and a new election procedure which was far more democratic and gave the vote to several hundred thousand persons had therefore been adopted for elections to the Consultative Commission. He denied that the grand electors were not really elected but merely appointed by the local chief, asserting that no chief had the power to impose his choice upon the people. He stated further that under the decree of 2 December 1949 the practice of appointing chiefs had been abolished; and under the previous practice the Administration had selected one of three candidates nominated by the villages themselves. L'Unité Togolaise had raised no objection to the election procedure at the meeting of 4 September, he

stated, and, moreover, had taken part in the first stage of the elections. It was only after the party had seen that the results of the voting were not what it had anticipated that it had changed its mind and had put pressure on the electors by every available means. He denied the allegations of interference by the Administration in the elections. As to the arrests, he explained that the Administering Authority had felt it a duty to apply the regulations for the holding of meetings to protect the inhabitants against interference by other parties and to ensure that all points of view should be freely and publicly heard. The representative of France dealt with two incidents that had led to arrests. In the first, at Afagnan, the local chief had received from the local committee of l'Unité Togolaise a summons to attend a meeting, and on the same day three village chiefs had complained to the local court that the local head of the party had called a meeting without the required prior notification. This, the representative of France adduced, was a clear violation of the law, committed for the purpose of intimidating the voters, and the two offenders had been sentenced to imprisonment for two months and one month respectively. In the other case, a meeting at Attitongon had taken place without notification but no arrests had been made until the local head of l'Unité Togolaise, who was conducting the meeting, had uttered threats of armed violence.

(3) Other Petitions

The views of l'Unité Togolaise were challenged, in two additional petitions before the Fourth Committee, by the principal groups opposed to the unification of the Ewes or of Togoland. Mr. Dermann Ayéva, in the name of the Chiefs and People of Northern Togoland (T/Pet.6/197-T/Pet.7/163) protested against the false representation of their chiefs as administration officials and vigorously affirmed that the elections of grand electors was in conformity with local traditions and customs and calculated to reflect the wishes of the people. The Parti Togolais du Progres also objected to the accusations of l'Unité Togolaise (T/Pet.6/199-T/Pet.7/165); in a cablegram sent after the elections of 22 October of members of the Consultative Commission, the Parti Togolais du Progres stated that these elections confirmed the success of that Party, the anticipation of which had made l'Unité Togolaise "afraid to face popular suffrage" (T/Pet.6/199-T/Pet.7/165/Add.1).

In the meantime, the Togoland Union, in Togoland under British administration, notified the

United Nations that the chiefs of political parties in that Territory had unanimously resolved that the Consultative Commission would not sit pending the rectification of the irregularities complained of (T/Pet.6/198-T/Pet.7/164).

(4) Discussion in the Fourth Committee

At the 161st meeting of the Fourth Committee, on 31 October, the representatives of India, Indonesia, Iraq, the Philippines and Yugoslavia presented a joint draft resolution designed to meet the situation which had arisen in Togoland under French administration (A/C.4/L.82/Rev.1). By this draft resolution, the Assembly would, *inter alia*, note the complaints of l'Unité Togolaise and comments contained in other related petitions, and recommend that the Administering Authority investigate the practices complained of and report to the Council. These representatives did not feel that the representative of France had satisfactorily answered the charges made.

The draft resolution received wide support. Several of its supporters, including Brazil, Burma, China, Poland and three sponsors of the draft resolution—Indonesia, the Philippines and Yugoslavia—felt that it did not go far enough. With regard to the formation of the Consultative Commission, it was suggested by the representative of the Philippines that other measures might be taken: an emergency session of the Trusteeship Council might be held to study and report on the problem; a special mission might be sent to investigate the complaints on the spot; or elections might be held under United Nations supervision. The representative of Yugoslavia asserted that a plebiscite rather than the Consultative Commission might have been a more satisfactory method of ascertaining the real wishes of the people. It was also indicated that the draft resolution offered no solution to the main problem—the unification of the Ewe people.

The divergence of views with respect to the question of unification was stressed by the representatives of Belgium and the Netherlands. These members, as well as Argentina, Cuba, and the United States, also spoke in support of the draft resolution which, they stated, did not prejudice the issues raised in the petitions.

The representative of France stated that, while the draft resolution quite rightly stressed the importance of the petitions from l'Unité Togolaise, it did not refer adequately to other petitions.

An amendment suggested by the representative of Argentina giving documentary references to the other petitions and indicating that they contained comments "to the contrary" was accepted by the sponsors of the draft resolution. A proposal by the Ukrainian SSR to re-introduce the original text, which merely noted "the comments contained in other related petitions", was defeated by 23 votes to 5, with 14 abstentions.

Several other amendments were introduced during the discussions in the Fourth Committee.

The Committee rejected, by 22 votes to 16, with 4 abstentions, a Belgian proposal to alter a reference to the importance of finding "an adequate solution" to the Ewe problem "as soon as possible and in full accordance with" the real wishes and interests of the people concerned, by substituting for the quoted words the following: "the most satisfactory solution possible in fullest possible conformity with".

The representative of India proposed an addition to the end of the draft resolution, suggesting that the Trusteeship Council take such action as it may consider appropriate in the light of the discussions in the Fourth Committee and the results of the Administering Authority's investigations. By 32 votes to none, with 11 abstentions, the Committee adopted this amendment. As a result, an amendment by China was automatically rejected; this would have asked the Council to examine the methods and results of the election and, if necessary, to send a special mission to investigate on the spot, and to report to the Assembly.

With the adoption by 26 votes to 8, with 9 abstentions, of a proposal by Cuba, the Council was asked to report on the Ewe question in "a special chapter or sub-chapter of its annual report" to the Assembly; an amendment by Poland that the Council make a "special report" on the question was automatically rejected.

The draft resolution as a whole, as amended, was then adopted by a roll-call vote of 40 to none, with 3 abstentions, at the 162nd meeting of the Fourth Committee on 31 October 1950.

(5) Resolution Adopted by the Assembly

It was adopted without further discussion at the 316th plenary meeting of the General Assembly on 2 December 1950, by 48 votes to none, with 6 abstentions (resolution 441 (V)). The text read:

The General Assembly,

Noting the action taken by the Trusteeship Council in respect of the Ewe unification movement and related questions in the Trust Territories of Togoland under French administration and Togoland under British administration,

Noting, in particular, the endorsement by the Trusteeship Council of the decision of the Administering Authorities concerned to establish an expanded Standing Consultative Commission for the purpose of ascertaining the real wishes and interests of the peoples concerned, and the expression by the Council of the hope that the Administering Authorities would take all appropriate steps to ensure that the Commission would equitably represent the different sections and groups,

Noting the complaints made by the President of the Comité de l'Unité togolaise in a petition to the Secretary-General (T/Pet.7/160-T/Pet.6/194; T/Pet.7/160-T/Pet.6/194/Add.1; T/Pet.7/160-T/Pet.6/194/Add.2; T/Pet.7/160-T/Pet.6/194/Add.3; T/Pet.7/160-T/Pet.6/194/Add.4; T/Pet.7/160-T/Pet.6/194/Add.5) against the methods of election prescribed by the Administering Authority of Togoland under French administration and the allegation that persons have been arrested and imprisoned because they wished to have indigenous customs observed in the elections,

Noting the comments to the contrary contained in other related petitions (T/Pet.7/163-T/Pet.6/197; T/Pet.7/165-T/Pet.6/199; T/Pet.7/165-T/Pet.6/199/Add.1),

Noting the declarations made on these matters by the representative of France in the Fourth Committee on 18 and 31 October 1950,

1. Recognizes the great importance of the Ewe problem, and impresses upon the Trusteeship Council and the Administering Authorities concerned the importance of finding an adequate solution as soon as possible and in full accordance with the real wishes and interests of the people concerned;

2. Impresses, in particular, upon the Administering Authorities the necessity of conducting elections to the Standing Consultative Commission in a democratic manner that will ensure a true representation of the people;

3. Recommends that the Administering Authority of Togoland under French administration investigate promptly the practices complained of in the petition of the President of the Comité de l'Unité togolaise and in other petitions on the subject with a view to ascertaining whether the methods of election which have been applied ensure that the views of all sections of the population are faithfully reflected, and report thereon to the next session of the Trusteeship Council for such action as the Council may consider appropriate in the light of the relevant discussions in the Fourth Committee and of the results of the investigations of the Administering Authority of Togoland under French administration;

4. Requests that the Trusteeship Council devote a special chapter or sub-chapter of its annual report to the next session of the General Assembly to setting forth all the steps undertaken in connexion with the Ewe question.

B. TRUST TERRITORIES IN EAST AFRICA

Annual reports submitted by the Administering Authorities on the administration of Ruanda-Urundi and Tanganyika during 1948 were examined by the Council at its sixth session, held from 19 January to 4 April 1950.¹⁰⁵ In examining these reports, the Council took into consideration the observations made by its first regular Visiting Mission (T/217 & Add.1; T/218 & Add.1),¹⁰⁶ sent to these Territories in 1948, and, in connexion with educational conditions, the observations of the United Nations Educational, Scientific and Cultural Organization on the annual reports (T/439).

During 1950, the Council also examined, at its sixth session, two petitions concerning Ruanda-Urundi, four concerning Tanganyika, and twenty-two concerning both Territories.¹⁰⁷

On 20 July 1950, during its seventh session, the Council decided that its next Visiting Mission should again visit Tanganyika and Ruanda-Urundi, and, in addition, the Territory of Somaliland under provisional Italian administration, for which a Trusteeship Agreement was later approved in 1950 by the General Assembly.¹⁰⁸ The four-member Mission should spend a total of three months in the Territories, and a month at Headquarters for writing its report. The Council agreed that it would appoint the members of the Mission at its next session, in 1951.

A brief description of conditions in Ruanda-Urundi and Tanganyika is given below,¹⁰⁹ together with the relevant decisions taken by the Council in connexion with its examination of annual reports and petitions and its special study of the administrative arrangements involving each of the two Trust Territories.

1. Ruanda-Urundi, Administered by Belgium¹¹⁰

Ruanda-Urundi, the most densely populated Trust Territory in Africa, covers an area of 54,172 square kilometres (approx. 20,900 square miles). In 1948, according to the Administering Authority's report,¹¹¹ African inhabitants numbered 3,793,922, Europeans 2,805 and Asians 2,504.

a. STATUS OF THE TERRITORY

The Territory remains united administratively with the Belgian Congo Colony, as provided for by the Law of 21 August 1925, which made Ruanda-Urundi a Vice-Government-General. The

Territory retains its distinct juridical personality and its own finances and assets. It is administered by the Vice-Governor-General, who is administratively subordinated to the Governor-General of the Belgian Congo, but acts independently with regard to legislative texts and regulations. Laws of the Belgian Congo are applied to Ruanda-Urundi with his concurrence. Furthermore, under the Law of 21 August 1925, no legislation of the Congo which is contrary to the terms of the former Mandate is to be made applicable to Ruanda-Urundi.

A twenty-two member advisory body, the Council of the Vice-Government-General, established in 1947, considers, *inter alia*, budgetary proposals and all questions submitted to it by the Vice-Governor-General.

During its examination of the various aspects of the administrative union (T/L.96), the Council's Committee on Administrative Unions noted the observations (T/217) of the Visiting Mission which went to the Territory in 1948. It appeared to the Mission that Ruanda-Urundi had a distinct personality which did not seem to be threatened by the union. The Territory in fact derived some advantages from the union; it was enabled, for example, to benefit from the skilled technical services of the Government-General and to participate in the Native Welfare Fund. On the other hand, the Territory under the present system was

¹⁰⁵ See chart on Examination of Annual Reports, p. 784.

¹⁰⁶ At the 24th meeting of the 6th session, on 15 Feb., the Council decided, by a vote of 9 to 1, with 1 abstention, that the reports of the Visiting Mission should be printed together with the observations of the Administering Authorities concerned (T/361 & Add.1; T/333) and the related resolution 107(V), adopted by the Council on 15 July 1949.

¹⁰⁷ For list of petitions examined during 1950, see table, pp. 822 ff.

¹⁰⁸ See p. 802.

¹⁰⁹ Unless otherwise indicated, this material is based on the Council's report to the General Assembly (A/1306 & Add.1), which includes with respect to each Territory, in addition to its conclusions and recommendations on the Territory and the observations of individual Council members, an outline of conditions as stated in the Administering Authority's annual report and by representatives of the Administering Authority in the Council.

¹¹⁰ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of the individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

¹¹¹ Government of Belgium, Rapport soumis par le Gouvernement Belge à l'Assemblée Générale des Nations Unies au sujet de l'Administration du Ruanda-Urundi pendant l'année 1948 (Brussels: Etablissements Généraux d'imprimerie S.A., 1949).

placed on the same footing as a province of the Belgian Congo and the Mission consequently felt justified in recommending that the Belgian Government render the administrative union more flexible in order to give Ruanda-Urundi a more independent character.

The Committee found the present operation of the administrative union well within the framework of the Charter and the Trusteeship Agreement. It agreed that there was no evidence to indicate that the separate legal status of the Trust Territory was endangered or likely to be endangered in the foreseeable future by the administrative union. But it felt that the Administering Authority should consider reviewing the legal form of the administrative arrangements with a view to bringing it more fully into accord with existing practices.

The Committee took special note of the assurance by the representative of Belgium (T/AC.14/28) that his Government was prepared to envisage modifications of the present arrangements should the Council come to the opinion that the existing union had become detrimental to the interests of the inhabitants of Ruanda-Urundi. Moreover, the whole scheme would be reviewed if there were substantial opposition to it on the part of the indigenous population.

In its observations regarding resolution 326-IV of the General Assembly concerning administrative unions, the Committee noted the statements of the representative of Belgium to the effect that his Government did not intend to extend the scope of the existing union, but that it would be reviewed if there were substantial opposition to it. It agreed that the Administering Authority was furnishing clear and precise separate data relating to the Trust Territory as required by the Council for the effective discharge of its responsibilities. The Committee observed that a separate judicial organization existed in Ruanda-Urundi and that no legislative body with headquarters in the Belgian Congo has authority over the Trust Territory. It noted further that the Vice-Government-General's Council, which may in future be developed into a legislative body, has its headquarters inside Ruanda-Urundi. These observations were called to the attention of the General Assembly by the Trusteeship Council, in its resolution 293(VII).¹¹²

b. POLITICAL DEVELOPMENT

The Trust Territory is divided into two Native states, Ruanda and Urundi, each headed by an hereditary Mwami. These states are further divided

into chiefdoms and sub-chiefdoms. The Bami (plural of Mwami), the chiefs and the sub-chiefs are responsible for indigenous administration and for numerous functions prescribed by law. The Administering Authority indicated that proposed reforms involved the creation of sub-chiefdom councils and a Territorial council in addition to existing chiefdom and state councils. Members of the various councils, it stated, would be elected according to a procedure corresponding to the stage of development of the people concerned.

In its conclusions with respect to the Territory's political development, the Trusteeship Council noted with satisfaction that the two Bami had been appointed as permanent members on the Council of the Vice-Government-General. It favoured the Administering Authority's plan to increase the number of Africans on this Council in the near future and expressed the hope that the Council would be given some legislative powers. Observing with regret that an election experiment in Usumbura in 1949 had not met with the expected success, the Council expressed its hope that such experiments would be more successful in the future; it asked the Administering Authority to keep it informed of developments in this matter and of the reforms contemplated in the indigenous political structure.

The Council commended the Administering Authority for the progress already achieved in the political field and expressed the hope that it would carefully consider all the recommendations of the Council and the suggestions of the Visiting Mission.

c. ECONOMIC DEVELOPMENT

Ruanda-Urundi is primarily an agricultural country. The Administering Authority reported that approximately 20.3 per cent of the total land area was under cultivation, principally for indigenous foodstuffs. Other crops included Arabian coffee and cotton seed, of which, respectively, 11,000 and 3,656 tons were produced in 1948 by the indigenous population. It was stated that the Administration was attempting to reduce the number and improve the quality of cattle, which numbered 965,884 head, all belonging to the indigenous inhabitants. Although of indifferent quality, cattle were considered as a sign of wealth in Ruanda-Urundi, but, as indicated by the Administering Authority, pasture land was encroaching to a dangerous extent on land available for cultivation.

¹¹² See p. 795.

Although mining was entirely in the hands of mining companies and settlers, the Administering Authority stated, the Territory was guaranteed the right of control, supervision and participation in profits through the allocation to the Government of a certain number of mining company shares.

Imports in 1948 totalled 50,503 tons, valued at 671,000,000 francs,¹¹³ as against 46,200 tons at 647,000,000 francs in 1947; exports totalled 73,489 tons, valued at 713,000,000 francs, as against 57,622 tons at 624,000,000 francs in 1947. Principal imports were cotton goods, salt, cement, petrol, industrial machinery, vehicles, etc., and the principal exports were coffee, cattle, skins, tin ore, gold and cotton; the main suppliers and customers were the Belgian Congo, Belgium and the United States.

National income of the Territory was estimated at 2,830,018,000 francs. For 1948, estimated revenue was 200,458,000 francs, derived from indigenous taxes (poll, polygamy and cattle), customs duties, etc.; estimated expenditure was 230,464,000 francs for the ordinary budget and 28,365,000 francs for the extraordinary budget.

The efforts of the Administering Authority to overcome the danger of famine, which remained a major problem in the Territory, were considered praiseworthy by the Council. These efforts included the compulsory production of food crops by the indigenous population, the introduction of improved production methods, the bringing of new land under cultivation, and the provision of food storage facilities. The Council drew the Administering Authority's attention to the need for further measures to deal with this problem and recommended the continued use of the services of the Food and Agriculture Organization and the United Nations Educational, Scientific and Cultural Organization. It also urged the Administering Authority to maintain its restrictions on the settlement of agricultural land by non-indigenous persons and to continue to study the possibility of persuading the excess population to migrate to less-populated neighbouring territories.

d. SOCIAL DEVELOPMENT

The Administering Authority reported that there were no unemployment and no industrial disputes during 1948. The total number of workers in permanent employment rose from 51,948 in 1947 to 59,515 in 1948; in the latter year, 21,656 were employed in industry, 7,289 in agriculture, 5,869 in commerce, 14,215 in the missions, 7,178 in the administration and the rest in

various other jobs. Although wages had showed a steady increase, they had not kept pace with rising prices. As a result, the standard-of-living index was going down. Indicating its conviction that lowering the cost of living was what was needed rather than a sharp increase in wages by legislative action, the Administering Authority stated that it was trying to resolve the problem by controlling prices and establishing "fair-price shops" supplied through Government channels.

In 1948, 330 convictions were recorded in the courts for breaking the labour contract by quitting work, and 503 for other derelictions of duty. The local Administration considered that the abolition of these penal sanctions, as previously recommended by the Council, would immediately give rise to social unrest; it was explained that the labour force as yet showed little sense of duty in the observance of contracts and the need to work had not yet become essential. The Government was nevertheless considering what improvements could be made in the law.

The Council found that the existing scale of wages was low in comparison with prices and recommended that the Administering Authority consider raising real wages, which it believed to be a strong incentive to more efficient labour. It also suggested that penal sanctions for breach of labour contract be abolished as soon as practicable. The Administering Authority was commended, however, for its efforts to enable recruited workers to be accompanied by their families.

In its report, the Administering Authority indicated that certain types of compulsory labour without pay, such as work in connexion with afforestation or famine prevention, are required under the Ordinance of 4 October 1943. The Ordinance also provides for certain types of paid compulsory labour, such as the construction of medical establishments and schools. Unpaid compulsory labour for the upkeep of roads, however, was completely abolished, as had been recommended by the Visiting Mission, and was replaced as from December 1948 by an annual tax of 7 francs per taxpayer. The Belgian administration also had succeeded during the year in abolishing completely the compulsory tributes in kind or in labour formerly payable by the indigenous inhabitants to the Bami, the chiefs and sub-chiefs, and all tribal dues were accordingly replaced by taxes payable in cash; for this action the Administering Authority was commended by the Council.

¹¹³ Throughout this account of the Trust Territory of Ruanda-Urundi, francs=Belgian francs.

Referring to earlier General Assembly and Council resolutions concerning discrimination and corporal punishment, the Council asked the Administering Authority to continue reviewing all legislation involving social discrimination, particularly the laws on immigration, residence, alcoholic beverages, fire-arms and the penitentiary system. It again recommended that the Administering Authority consider the abolition of whipping and its replacement by other forms of penalties more in keeping with the Charter and the Universal Declaration on Human Rights.¹¹⁴ It further recommended that solitary confinement be limited in duration and be applied only in serious and exceptional cases.

Many improvements in the field of public health during 1948 were recorded by the Administering Authority, including, among others, an increase of almost fifty per cent in the medical staff, increases in the number of search teams for finding and treating victims of sleeping sickness and in the number of child welfare clinics, and the establishment of a medical research laboratory. While commending the Administering Authority on its achievements and on the steps taken to train African medical personnel for higher posts, the Council recommended that such services be improved and expanded.

e. EDUCATIONAL DEVELOPMENT

Except for the official Astrida school group, all schools in the Territory, the Administering Authority reported, continued to be run by missions. The number of government subsidized elementary mission schools increased during 1948 by 312 to a total of 1,589, and non-subsidized by 1,772 to a total of 4,953. A teachers' training school, a student teachers' school, six domestic science sections and three technical training schools were also established during the year.

The total number of pupils rose from 326,550 in 1947 to 420,000 in 1948. About 72 per cent of the total of 315,000 boys between seven and fourteen years of age and 42 per cent of the total of 320,000 girls attended elementary schools; of the estimated total of 370,000 young people between fourteen and eighteen years of age, 4.4 per cent received some form of education.

The Administering Authority stated that a new set of regulations and curricula had been prepared for application as from January 1949. These regulations, *inter alia*, extended the scope of education for young girls, provided for adult education classes, and reorganized secondary and technical

education to permit the introduction of a selective system for higher studies. Subsidies to missions were increased to meet the expenditure involved in reorganizing the schools. Pending the establishment, in the near future, of non-specialized secondary schools in Ruanda-Urundi, the Administering Authority observed, twenty students were, beginning in 1948, attending a classical secondary school in the Belgian Congo.

The Council indicated its satisfaction at the progress made by the Administering Authority in the educational field, particularly during 1948, and expressed the hope that improvements would continue to be vigorously pursued. It noted the increase in the budget for education and increases in the number of primary schools, teacher-training schools and trade schools, as well as in school attendance. Noting that all primary schools were run by religious missions, however, the Council recommended that the Administering Authority consider establishing official secular schools as well. It also suggested that studies be made of measures to establish a system of scholarships for secondary and higher education.

The Council considered that the indigenous inhabitants would benefit from a uniform system of notation and spelling of the vernacular; it accordingly invited the Administering Authority to consult with the Administering Authority of Tanganyika and study such standardization with respect to Kiswahili, and recommended that UNESCO be called upon to assist in this study, in so far as this might be useful.

f. OTHER QUESTIONS

(1) General Conclusion of the Council

The Council found that the Administering Authority's annual report showed a record of steady development and expressed the hope that continuing progress would be made in all fields of administration.

It further commended the Administering Authority for its constructive co-operation in having put into effect some of the suggestions made in 1948 by the Visiting Mission.

(2) Petition Containing a Personal Request

One petition of this nature was examined by the Council during 1950.

Mr. Mussa Kackesset bin Kalimba, whose previous petition (T/Pet.3/10) concerning his expulsion from Ruanda-Urundi had been dealt with by the Council in March 1949, complained (T/-

¹¹⁴ For action by the General Assembly on this question see p. 791.

Pet.3/25) that his wife's health had been impaired by the climate of their present location in the Belgian Congo. He again asked the Administering Authority to authorize his return to Ruanda-Urundi. The Council noted that the Administering Authority had re-examined the petitioner's case as requested in its earlier resolution (64-IV)) and had agreed to permit him to return to Ruanda-Urundi. It therefore decided, by resolution 125(VI) of 27 February 1950, that no further action on its part was required.

(3) Anonymous Petition

The Council merely took note of another petition (T/Pet.3/16), relating to Ruanda-Urundi, since it was informed by the Administering Authority that the signature Augustin Ndababara was a pseudonym and that the petition was therefore anonymous (resolution 126(VI) of 28 February 1950).

2. Tanganyika, Administered by the United Kingdom¹¹⁵

Tanganyika, with a total land area of 342,706 square miles, is the largest of the Trust Territories. As stated in the Administering Authority's annual report,¹¹⁶ a census in 1948 showed that Europeans (excluding Polish refugees) numbered 10,648, Asians 59,512 and Africans, according to preliminary figures, numbered approximately 7,004,000; these figures marked increases since the 1931 census of approximately 30, 82 and 28 per cent, respectively, in these three groups.

a. INTER-TERRITORIAL ORGANIZATION

The East Africa Order in Council, 1947 (T/AC.14/1), created an administrative union—the East Africa Inter-Territorial Organization—between the Protectorate and Colony of Kenya, the Trust Territory of Tanganyika and the Protectorate of Uganda. Common services listed in the Schedules of the Order in Council are administered by the East Africa High Commission, a permanent body consisting of the Governors of Kenya, Tanganyika and Uganda. The East Africa Central Legislative Assembly, subject to the assent of the three members of the High Commission, makes laws concerning these common services, which include defence, civil aviation, posts, telegraphs, telephones and radio-communication, railways and ports, administrative and general customs, excise and income tax provisions, Makerere College in Uganda, meteorological services, etc. The High Commission, with the approval of the

Legislative Councils of the three territories and with the consent of a Secretary of State of the United Kingdom, may add to the established list of common services. In 1948 the three Legislative Councils agreed upon the amalgamation of their railway, port and customs services to form the East African Railways and Harbours Administration and the East Africa Customs and Excise Department. The High Commission may also make laws for the peace, order and good government of Kenya, Uganda and the Trust Territory, with the consent of the Legislative Assembly and of the three Legislative Councils. The High Commission is obliged, under the Instructions to the East Africa High Commission (T/AC.14/1) not to assent to any bill affecting Tanganyika which may appear to be inconsistent with the Trusteeship Agreement.

All provisions concerning the duration of the Central Legislative Assembly will cease to have effect on 1 January 1952, according to the Order in Council.

The Visiting Mission which went to the Territory in 1948 had observed (T/218) that, to the extent that the common services were transferred to the East Africa Inter-Territorial Organization, this organization might be considered as the Government of Tanganyika. It concluded that the Inter-Territorial Organization was more than a mere administrative organization, but fell short of a complete political union. The Administering Authority considered it improbable that the organization would have any effect upon the development of free political institutions suited to Tanganyika, or the progressively increasing participation of the inhabitants in advisory and legislative bodies and in the territorial government.

After examining all aspects of the question, the Trusteeship Council's Committee on Administrative Unions came to the conclusion (T/L.96) that continual examination by the Trusteeship Council would be required, both of the legal aspects of the Inter-Territorial Organization and of its probable and potential effect on the distinct status and independent development of the Trust Territory.

¹¹⁵ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of the individual members of the Trusteeship Council are included in the Council's report to the Assembly.

¹¹⁶ Great Britain: Colonial Office, Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Administration of Tanganyika for the Year 1948 (London: H.M.S.O., 1949; Colonial No. 242).

With regard to the supervisory functions of the United Nations, the Administering Authority undertook to continue to furnish full information concerning Tanganyika's participation in the inter-territorial arrangements, indicating at the same time that this did not imply that the United Nations had any function of supervision with respect to the High Commission and its organs. Moreover, the Administering Authority could not accept the "right" of a visiting mission to have access, in matters relating to Tanganyika, to establishments or common services situated outside the Trust Territory; but the members of visiting missions would be welcomed in London and would be received with pleasure should they be passing through Nairobi, the seat of the High Commission and most of the common services, if they cared to call on the Chairman or Administrator of the High Commission and make the acquaintance of its principal officers. In this connexion, the Committee noted that, in practice, the Administering Authority had fully co-operated with the Council in the past and expressed the hope that it would continue to do so in the future.

The Committee on Administrative Unions was of the opinion that consideration should be given to a number of basic problems connected with the employment of Tanganyikans in the High Commission and its different organs, as it felt that the High Commission's administrative policy, which affected many public employees of Tanganyika, might influence the development of the Territory. The employees of the amalgamated railway, posts and telegraphs services alone, the Committee noted, included almost two thirds of the total number of public servants of Tanganyika.

A number of comments were made concerning the economic implications of the Inter-Territorial Organization on the development of Tanganyika.¹¹⁷ The Committee referred to the Visiting Mission's report, which described the opposition of certain sections of the Tanganyika population to the Organization, owing to fear of too great economic influence on the part of Kenya Colony. The Committee also noted that the East African Industrial Council, which serves as an advisory body to the High Commission, has the power to decide in certain cases what industries are to be established in each area. Although the three territories were equally represented on the Industrial Council, the Committee observed, industrial incentive might be stronger in Kenya, where the major part of secondary industry is already located, where Europeans are more numerous and their influence is greater and where industrial

development has in fact been stronger and more rapid. It felt that the Administering Authority should keep very careful watch over the matter, especially in the granting of licences, to ensure that the economic development of Tanganyika is not hindered. The special representative of the Administering Authority indicated that, in his opinion, commercial enterprises operating in the three territories tended to establish their main headquarters in Kenya rather than in Tanganyika or Uganda because British enterprise had been established there before the First World War. Nevertheless, there were Tanganyika companies operating in Tanganyika; for example, the largest African co-operative society in East Africa engaged in dealing with coffee was entirely a Tanganyika concern.

The Committee on Administrative Unions also referred to a conclusion of the Central Development Commission of Tanganyika to the effect that the existence of customs agreements had tended to hinder the development of secondary industries in the Territory and that it had also lost much revenue because of existing customs unions. The Committee observed that the Trusteeship Council should be informed as to the measures the Administering Authority proposed to take to safeguard to an appropriate degree the development of existing and potential secondary industries in Tanganyika.

In connexion with the General Assembly resolution on administrative unions, the Committee made a number of observations which the Council, by resolution 293(VII), called to the attention of the Assembly.¹¹⁸ The Committee noted that the provisions of the Order in Council, 1947, concerning the East Africa Central Legislative Assembly would cease to have effect on 1 January 1952, and considered that, in reviewing this Assembly's composition and functions, the Administering Authority should take all possible steps to ensure that the interests of Tanganyika were adequately safeguarded. It also referred to a resolution of the Trusteeship Council's third session, in which the Council expressed the hope that the Administering Authority would consult it before undertaking any extension or modification of the present arrangement which might affect Tanganyika's status.

Although a separate Legislative Council existed in Tanganyika with legislative and budgetary competence, subject to the Governor's right not

¹¹⁷ See section on economic development of Tanganyika, pp. 764-65.

¹¹⁸ See p. 795.

to assent to any bills submitted to him, the Committee noted that laws affecting Tanganyika could also be enacted, subject to certain conditions, by the East Africa Central Legislative Assembly and the High Commission. It accordingly suggested that the Administering Authority periodically consider whether the allocation of legislative powers between the two legislatures was conducive to the advancement of the inhabitants of Tanganyika and to the attainment of the objectives of the Trusteeship System.

The Committee referred to a statement by the representative of the United Kingdom that any addition to the list of scheduled common services was most unlikely if there were substantial opposition to it in the Legislative Council of any of the three territories, and that the High Commission could not, in any case, make an addition in the face of such opposition until the matter had again been debated by the opposing Legislative Council and the subsequent consent of a Secretary of State had been obtained. It noted the United Kingdom representative's assurance that fullest consideration would be given to the wishes of the people in this as in other matters.

With respect to the judiciary, the Committee observed that a separate judicial organization existed in Tanganyika and that local appellate jurisdiction, and then only under specific provisions, lay to the Court of Appeal for Eastern Africa, which has jurisdiction over Kenya, Uganda, Zanzibar and the Trust Territory.

The Committee agreed that the Administering Authority was furnishing clear and precise separate financial, statistical and other data concerning Tanganyika which the Council considered necessary for the effective discharge of its responsibilities.

b. POLITICAL DEVELOPMENT

In connexion with its examination of the Administering Authority's annual report on Tanganyika for the year 1948, the Council noted with approval the establishment by the Administering Authority of a Constitutional Development Committee, which included four African members, to review the constitutional structure of the Territory. It suggested that the measures envisaged by the Administering Authority for consultation with the people of the Territory be so carried out as to obtain the views of African political associations, tribal councils, trade unions and other representative groups. It recommended that the Committee take into account the suggestions on political advancement made by the Council and the

Visiting Mission which went to the Territory in 1948. The possibility of introducing an electoral law should also be considered by the Committee, as well as measures for increasing African representation on the Executive Council, the Legislative Council and the proposed Provincial Councils.

The Council noted that a fourth African unofficial member had already been appointed to the Legislative Council and that the Administering Authority intended to increase the number of African unofficial members to eight, but recommended that the Administering Authority consider selecting such members on an electoral basis rather than by appointment.

The plans for setting up Provincial Councils representative of officials and non-officials of all communities and the establishment in one of the eight provinces of the first Provincial Council were noted with approval by the Trusteeship Council. It also commended the Administering Authority for its efforts to introduce into the Native Administrative Councils representatives nominated by the people and expressed its hope that these efforts would be continued.

Among other recommendations, the Council suggested that the Administering Authority foster the development of national consciousness through a sense of unity and common identity, which it felt essential for the evolution of the Territory into a distinct political entity.

c. ECONOMIC DEVELOPMENT

The principal agricultural products, as stated in the Administering Authority's report, are sisal, coffee and cotton. About 88 per cent of the total area under cultivation, estimated at 5,996,000 acres in 1948, was devoted to non-export crops for local consumption. Gold, diamonds, tin ore, salt and mica continued in 1948 to be the chief minerals exploited; there were 1,485 titles registered authorizing prospecting or mining over a total area of about 1,361 square miles, as against 1,113 registered titles covering an area of about 468 square miles in 1947. Few secondary industries had been established in the Territory and such local industries as existed in 1948 were generally concerned with producing and processing primary produce.

It was reported by the Administering Authority that progress in connexion with the broad scheme undertaken by the Overseas Food Corporation for the production of groundnuts was slower than expected. Of the three areas taken over for the scheme, extensive agricultural operations had only been undertaken in the Central Province, where

some 45,000 acres had been brought under cultivation, work in the other two being limited to bush clearing and the building of communications and essential buildings.

Estimated revenue for 1948 on the territorial account amounted to £5,042,730, and on the development plan account to £1,796,464; estimated expenditure on the territorial account amounted to £5,025,875. As in 1947, the Administering Authority indicated, no reliable estimates of national income in 1948 were available, nor were particulars available on outside capital invested in the Territory.

The Council asked the Administering Authority to consider providing in its annual reports more comprehensive figures concerning the amount of national revenue, currency in circulation, capital investments and the Territory's economy generally.

With respect to the general economic development of the Territory, the Council considered that measures should be taken to increase substantially the participation of the inhabitants, particularly in the exploitation of minerals and other natural resources and the production of basic raw materials and consumer goods. It also considered the establishment of additional secondary industries as essential to the development of Tanganyika.

The Council indicated its satisfaction at the substantial subsidies allocated for the development of the Territory by the Administering Authority from the Colonial Development and Welfare Fund. This included £110,014 for soil conservation and £140,000 for forestry development. Several other steps taken by the Administering Authority during 1948 were also noted with approval by the Council—the enactment of a Natural Resources Ordinance providing for the conservation and development of the natural resources of the Territory, the establishment of a Land Bank to facilitate loans to farmers, co-operative societies and Native Authorities for agricultural purposes, and the establishment of a special soil conservation service.

Reference was made by the Council to the importance of the problem of land usage and land alienation in the Territory, and the Administering Authority's declared intention to re-alienate a number of ex-enemy-owned (i.e. German) estates to non-indigenous inhabitants. Observations concerning this question had been made in 1948 by the first Visiting Mission to the Territory (T/218); it had reached the conclusion that former enemy-owned land should come under African ownership, preferably on a co-operative basis. But the Admin-

istering Authority, in reply (T/333), had explained that this suggestion was impractical since the Africans did not yet sufficiently understand co-operative principles and practice to apply them to estate management, and that such a procedure would be "economically disastrous". The Council itself noted the desirability of training Africans in modern methods of agricultural production and of increasing their responsibility in the management and ownership of modern agricultural enterprises. It recommended in its report on the Territory that the Administering Authority consider establishing a public corporation or adopting other appropriate measures for the operation of ex-enemy estates and for applying the profits for the common benefit of the inhabitants of the Territory, with the purpose of eventually turning over such enterprises entirely to the indigenous inhabitants, probably as co-operative enterprises.

Related to this question was a petition from the Chagga Council complaining of the acute shortage of land suffered by the Chagga people and asking for the return of all alienated land in their tribal area and the reclamation and development of new lands (T/Pet.2/59). The Council had previously considered this petition at its fourth and fifth sessions in 1949, but had postponed action until further information had been received from the Administering Authority. At the sixth session, the Administering Authority informed the Council that it had made ex-German estates available to the Chagga people and had made plans for the reclamation of new lands. The Chagga people, it assured the Council, were satisfied with these measures. By resolution 119(VI) of 20 February 1950, the Council took note of these statements and recommended that the Administering Authority make available additional ex-German estates, press forward with its land reclamation and development programme and take such other measures as it might deem necessary for the speediest possible solution of the problem of land shortage. The Council invited the Administering Authority to keep it informed of the progress of this programme and of its effects on the development of the Chagga people.

d. SOCIAL DEVELOPMENT

On examining the information supplied by the Administering Authority in this field, the Council noted with approval the appointment of a Commissioner for Social Development and the enlargement of the Tanganyika Social Welfare Department. While it was satisfied that there had

been a general improvement in the standard of living in the Territory in 1948, it suggested, in view of the low wage level, that efforts be made to establish wage rates which would not only enable workers to meet the costs of everyday living but would also progressively raise their standard of living.

Referring to an Ordinance which provides that any person wishing to establish a newspaper may be called upon to post a bond of up to 3,000 shillings, the Council asked the Administering Authority to consider modifying this provision as soon as practicable and to ensure in the meantime that it did not operate as a restraint upon the freedom of the Press.

The Council recommended the abolition of corporal punishment,¹¹⁹ the elimination of all discriminatory laws and practices and, as soon as practicable, the abolition of penal sanctions for breach of labour contracts. The removal of penal sanctions for the use of abusive or insulting language by an employee to an employer was noted by the Council with approval.

At the end of 1948, according to the Administering Authority's report, workers in paid manual employment numbered 365,500, an increase of 38,500 over 1947. The provision of skilled and semi-skilled workers, however, continued to be a major problem and the Government made additions to its training programmes and the Overseas Food Corporation established its own training centre. In an effort toward securing a rational utilization and distribution of the Territory's labour resources, legislation was adopted to establish a Labour Supply Corporation, whose functions would cover recruitment of labour, and its allocation and distribution to the various industries. In the meantime, recruiting continued to be undertaken by both professional and private recruiters. Labour migration continued during 1948; workers left Tanganyika for employment in Northern and Southern Rhodesia, the Union of South Africa and Kenya, and an arrangement with Belgian authorities for the recruitment of workers from Ruanda-Urundi for employment in Tanganyika remained in force. The Administering Authority reported a further acceleration of immigration during 1948 due to expanding development, in particular to meet the personnel requirements of the groundnut scheme.

A petition from one immigrant worker was examined by the Council at its sixth session. Mr. G. H. Wakefield, a Mauritian labourer recruited

by the Overseas Food Corporation for work in Tanganyika, complained of personal ill-treatment and of poor living and working conditions in the camp used by himself and other Mauritian labourers (T/Pet.2/74 & Add.1 & 2). The Council decided, by resolution 120(VI) of 20 February 1950, that it could not deal with the personal aspect of the petition since this was a question which the courts could settle. As to the general grievances allegedly suffered by the Mauritian community, the Council decided to take no action in view of the assurances given by the Administering Authority (T/459) that Mauritian workers received equitable treatment and that a new form of contract was to be introduced.

With respect to medical and health services in Tanganyika, the Council noted in its report that there was still room for improvement, despite the tripling of the budgetary appropriation since the end of the war. It observed with approval that the Administering Authority had accepted the report of the Chief Medical Officer of the Colonial Office as a basis for a complete review of medical policy and that a vigorous campaign against leprosy was being conducted. Reiterating its previous recommendations, however, the Council expressed the hope that a great expansion and development of medical and health services would be undertaken without delay.

The Administering Authority had indicated in its report that, although considerable expansion of some branches of the Medical Department had been approved, the Administration had difficulty in recruiting the necessary staff, particularly medical officers and health inspectors. This was noted with concern by the Council. Nevertheless, the figures in the report showed that the personnel engaged in private practice or employed by non-governmental agencies had increased in a much larger proportion. Observing this, the Council suggested that the Administering Authority continue to recruit suitably qualified medical personnel from among the displaced persons in Europe.

e. EDUCATIONAL DEVELOPMENT

The Administering Authority observed that separate authorities exist to deal with African, European, and Indian-Goan education in Tanganyika. There were approximately 1,405 schools in the Territory in 1948, including primary schools run by the Government, voluntary agencies, and Native Authorities, and secondary, teacher-train-

¹¹⁹ For action by the Assembly on this question, see p. 791.

ing and industrial and vocational schools run by the Government and voluntary agencies. Of the total, 1,304 (an increase of 128 over the previous year) were for Africans. No reliable figures on the number of school-age children were available, the Administering Authority indicated. The number of African pupils attending school in 1948 it reported as 149,317, as against 126,982 in 1947. Facilities for higher education did not exist in the Territory. In 1948, thirty-one students were attending Makerere College in Uganda and ten were attending institutions in the United Kingdom.

With regard to adult and mass education, the Administering Authority stated that its main efforts continued to be concentrated on the establishment of social welfare centres. During 1948, financial provision was made for social development pilot schemes in two areas; the first intensive experiment in the Territory in mass literacy was planned in connexion with one of these schemes. To stimulate the production and distribution of literature for African use and to train Africans in this kind of work in Tanganyika, Kenya and Uganda, a new inter-territorial service, the East African Literature Bureau, was established. It is administered by the East Africa High Commission.

The Council noted with concern the need for greatly expanded educational facilities, although it appreciated the achievements of the Administering Authority within the limited financial resources available. It suggested that the Administering Authority continue its efforts by adopting more vigorous measures to expand primary and full secondary education, by establishing institutions of higher learning in Tanganyika, by increasing provisions for students to attend overseas universities and colleges, by improving the teacher-training facilities of the Territory and by giving special attention to the education of girls.

It observed with satisfaction the steps taken to implement its previous recommendations on mass education, the prevention of relapse into illiteracy and the development of indigenous languages and culture.

Indicating that the segregation of European, Asian and African children in different schools might perpetuate feelings of racial discrimination, the Council endorsed the Visiting Mission's suggestion that the Administering Authority consider establishing in urban centres a system of inter-racial primary and secondary education whenever teaching is given in a common language.

f. OTHER QUESTIONS

(1) General Conclusion of the Council

The Council expressed its satisfaction that steady progress had been made in all aspects of the administration of the Territory. It congratulated the Administering Authority on its record during the year 1948, at the same time recognizing the need for further advancement.

(2) Petitions Containing Personal Complaints

The Council examined during 1950 two petitions of a personal nature relating to Tanganyika.

With respect to a petition from Mr. Josef Ganzenhuber (T/Pet.2/83 & Add.1), the Council decided, by resolution 121(VI) of 20 February, to take no action since the petition related to the Administering Authority's policy, previously approved by the Council, regarding ex-enemy aliens. This policy aimed at excluding from the Territory all Germans and Italians who had at any time held Nazi or Fascist sympathies or who would be personally undesirable residents.

In the other petition (T/Pet.2/92), Mr. D. M. Anjaria objected to the implication, in a statement made in 1949 by the special representative of the Administering Authority, that his action in filing an earlier petition (T/Pet.2/57)¹²⁰ bordered on contempt of court. The Council, by resolution 122(VI) of 20 February 1950, noted the special representative's apologies with respect to his previous incorrect statement and his affirmation that there was no intention of suggesting that the petitioner was trying to circumvent the normal proceedings of the courts.

3. Question of the Boundary between Ruanda-Urundi and Tanganyika

At its sixth session, the Council examined a petition from Mwambutsa, the Mwami of Urundi, who claimed the return to his kingdom of the Bugufi area, which had been included in Tanganyika Territory by the 1923 Boundary Commission (T/Pet.2/49-T/Pet.3/5). This petition had previously been considered by the Council, but decision had been postponed pending the results of consultations between the two Administering Authorities concerned.

Meanwhile, the Council received twenty-one other petitions from individuals or groups of in-

¹²⁰ See Y.U.N., 1948-49, p. 837.

dividuals in the Bugufi area. Three supported Mwambutsa's petition¹²¹ and eighteen opposed it.¹²²

The conclusions arrived at by representatives of the two Administering Authorities (T/454; 460), on a visit to the Bugufi area, that any altera-

tion of the status quo would be contrary to the express wishes of the overwhelming majority of the people of Bugufi, met with the concurrence of the Council, which accordingly decided, by resolution 116(VI) of 9 February 1950, that no action by it was called for.

C. TRUST TERRITORIES IN THE PACIFIC

During its seventh session, held in June and July 1950, the Council examined annual reports submitted by the Administering Authorities on the administration during the year 1948-49 of each of the four Trust Territories in the Pacific: Nauru, New Guinea, Western Samoa and the Trust Territory of the Pacific Islands.¹²³

The United Nations Educational, Scientific and Cultural Organization submitted observations on the reports concerning Western Samoa and the Pacific Islands (T/680); these observations were taken into consideration by the Council in its examination of educational conditions in these Territories.

Only two petitions, one relating to Western Samoa and one relating to New Guinea, were examined by the Council, at its sixth and seventh sessions, respectively.¹²⁴

The third regular Visiting Mission, as already decided by the Council in 1949, was sent to the Trust Territories in the Pacific. In the course of its sixth session, the Council appointed the members of the Mission: Sir Alan Burns (United Kingdom) as Chairman, Victorio D. Carpio (Philippines), T. K. Chang (China) and Jacques Tallec (France). It decided that the Mission should leave by 10 April 1950. On 31 January 1950, the Council adopted resolution 115(VI), directing the Mission to investigate and to report as fully as possible on the steps taken in the four Trust Territories towards the realization of the objectives set forth in Article 76 b of the Charter and resolution 321(V) of the General Assembly regarding the promotion of the political, economic, social and educational advancement of the inhabitants; to give attention, as might be appropriate in the light of discussions and resolutions by the Council and the General Assembly, to issues raised in connexion with the annual reports and petitions concerning the four Territories; to accept or receive petitions and to investigate on the spot, after consultation with the local representa-

tive of the Administering Authority concerned, such petitions dealing with the conditions of the indigenous inhabitants as were, in its opinion, sufficiently important to warrant special investigation; and to report to the Council as soon as possible.

After holding its first meeting at Lake Success on 3 April 1950, the Mission, accompanied by six members of the Secretariat, left New York on 5 April. Following a brief stay in Guam, the Mission visited the Trust Territory of the Pacific Islands from 25 April to 2 May, Nauru from 5 to 10 May and New Guinea from 10 May to 14 June; proceeded to Australia until 27 June; and then visited New Zealand and Western Samoa from 2 to 15 July. Returning to Headquarters on 26 July, the Mission, on 14 August, adopted its four separate reports on the Trust Territory of the Pacific Islands (T/789), Nauru (T/790), New Guinea (T/791) and Western Samoa (T/792).¹²⁵

A brief description of the conditions in each of the four Trust Territories in the Pacific is given below,¹²⁶ together with the relevant decisions taken by the Council in connexion with its examination of annual reports and petitions and its special study of the administrative arrangements involving New Guinea.

¹²¹ T/Pet.2/69-3/17 to 2/71-3/19.

¹²² T/Pet.2/72-3/20, 2/73-3/21, 2/75-3/22 to 2/82-3/30, 2/84-3/31 to 2/91-3/38.

¹²³ See chart on Examination of Annual Reports, p. 785.

¹²⁴ For list of petitions examined during 1950, see table, pp. 822 ff.

¹²⁵ The reports of the Mission, which were not considered by the Council in 1950, will be dealt with in the next volume of this Yearbook.

¹²⁶ Unless otherwise indicated, this material is based on the Council's report to the General Assembly (A/1306 & Add.1), which includes with respect to each Territory, in addition to its conclusions and recommendations on the Territory and the observations of individual Council members, an outline of conditions as stated in the Administering Authority's annual report and by representatives of the Administering Authority in the Council.

1. Nauru, Administered by Australia on behalf of Australia, New Zealand and the United Kingdom¹²⁷

As stated in the Administering Authority's report,¹²⁸ Nauru is an isolated island with a total area of 5,263 acres, 4,116 of which contain the phosphate deposits which give the island its importance. As of 30 June 1949, Nauru had a population of 3,269, of whom 1,524 were Nauruan, 58 Gilbertese, 247 European and 1,440 Chinese.

a. POLITICAL DEVELOPMENT

Full powers of legislation, administration and jurisdiction are vested in an Administrator appointed by Australia. In Nauruan matters, he is advised by the Nauruan Council of Chiefs, consisting of fourteen chiefs elected for life; the Council of Chiefs has advisory powers only. Following recommendations by the Trusteeship Council at its fifth session in 1949 for measures to afford the Nauruans a greater degree of self-government, the Administering Authority informed the Council at its seventh session that a basic plan for the reconstitution of the Council of Chiefs had been agreed upon with the Nauruans. The new body would be elected every four years and would be granted additional powers, both administrative and financial. Furthermore, the Head Chief had assumed the duties of Native Affairs Officer; he was the first Nauruan to hold such a responsible position. Other Nauruans were receiving training and guidance to fit them for higher positions.

The Council, in its report on the Territory, commended the Administering Authority for its intention to reconstitute the Council of Chiefs and invited it to transform that body into a real organ of self-government and to give it not only consultative and advisory powers, but also increasing legislative power. Noting with interest the appointment of the Head Chief as Native Affairs Officer, the Council expressed the hope that this experiment, which had already proved successful, would lead to the granting of increased administrative responsibilities to other indigenous inhabitants.

According to the Administering Authority's report, the Territory's judicial system provides for a Court of Appeal (the Administrator), and a Central and a District Court, each possessing civil and criminal jurisdiction. The judges and magistrates are appointed or removed by the Adminis-

trator. Commenting on this situation, the Trusteeship Council invited the Administering Authority to study the judicial organization with a view to ensuring to the judiciary all the independence compatible with the circumstances; it considered it desirable that judicial authority be independent from executive authority.

b. ECONOMIC DEVELOPMENT

According to the Administering Authority's report, the economy of Nauru is entirely dependent on the mining and export of phosphate deposits, which constitutes the only natural resource of the island. Efforts were made during 1948-49 to re-establish the copra industry. The land is not suitable for agriculture, and, except for local fishing, the Territory relies upon outside sources for its food supply. A co-operative society, operated by Nauruans under the direction of the Council of Chiefs, engages in general trading and conducts a piggery, poultry farm, bakery, etc.

The Trusteeship Council noted with appreciation the increased participation of Nauruans in the economic life of the Territory, particularly through the Nauru Co-operative Society, and expressed the hope that the Administering Authority would continue to give this enterprise every facility for development.

During the year 1948-49, the Administering Authority reported, the economic position of the Territory improved owing to increased exports of phosphate, which reached a total of 680,746 tons, more than double that of the previous year.

The phosphate remaining on the island has been assessed at about 70,000,000 tons and, it is estimated, will be exhausted in approximately seventy years. Concern at the fate of the Nauruans after that time had been expressed by the Council at its fifth session, when it had asked the Administering Authority to plan a sound future economic foundation for the Nauruans.

The Administering Authority informed the Council at its seventh session that it was aware that the island might not provide sufficient space or opportunity for the Nauruans after the phosphates were exhausted, and it was taking that possibility into consideration in planning for their

¹²⁷ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

¹²⁸ Commonwealth of Australia, Report to the General Assembly of the United Nations on the administration of the Territory of Nauru from 1st July 1948 to 30th June 1949 (Sydney, 1950).

future economic development. It further indicated that the two long-term trust funds created to meet the economic needs of later generations of Nauruans would together contain an estimated £3,000,000¹²⁹ by the year 2000. The Council recommended that the Administering Authority undertake studies to determine whether the island would remain habitable or whether the whole population would have to be removed. In particular, it recommended that the Administering Authority explore the possibility of expanding the copra industry, of establishing an indigenous commercial fishing industry and of promoting food production. The Council asked to be kept informed of the progress of these studies.

The phosphate industry is under the exclusive control of three British Phosphate Commissioners, appointed, respectively, by the Governments of Australia, New Zealand and the United Kingdom. Virtually all of the phosphate-bearing land is owned by indigenous inhabitants. Under a revised agreement reached in 1947 between the landowners, the Administration and the British Phosphate Commissioners, the Commissioners have the right to lease any phosphate-bearing land on the island, to mine it to any depth desired and to use or export the phosphate. They are required to pay, under the agreement, a lump sum of £45 per acre for such land as well as royalties of 13 pence on each ton of phosphate exported. This royalty is payable as follows: 6 pence to the owner of the land, 2 pence to a long term trust fund for the benefit of landowners, 3 pence to the Nauru Royalty Trust Fund created exclusively for the benefit of Nauruans, and 2 pence to the Nauruan Community Long Term Investment Fund; this last royalty was increased, by decision of the Commissioner, to five pence per ton effective 1 July 1950, bringing to a total of 8 pence each royalties for land owners and the Nauruans as a whole. Royalties are also payable to the Administration.

The total tonnage of phosphate exported in 1948-49, all of which went to Australia and New Zealand, was valued at £1,174,287; of this amount, £73,430 was payable in royalties and £12,000 was paid in commutation of payments due with respect to customs duties and other charges of the Administration.

The only direct taxation applicable in the Territory is an annual capitation tax on all men other than permanent employees of the Administration; this is levied at the rate of 15 shillings for Nauruans (paid into the Royalty Trust Fund), 20 shillings for Chinese and 40 shillings for

Europeans. Except for this small revenue, the proceeds of the phosphate industry defray all expenses of the Administration either through direct royalties, special advances, the annual commuted payment of £12,000 (see above) or the Royalty Trust Fund.

The Council considered that the restoration of the phosphate industry to full production had been of general benefit to the Territory. It noted with satisfaction the decision to increase the royalty payments, especially since this increase would be devoted to community benefits, thus bringing the payments for this purpose equal to payments for individual landowners.

The Council had previously asked for full information on the operations of the Phosphate Commissioners with respect to Nauru, but the reports and financial accounts it received in this connexion covered both Ocean Island and Nauru. The Council noted, as a result, that it remained handicapped in its appraisal of the economic conditions because of the absence of information which would show, in particular, the separate financial operations of the Commissioners in respect of Nauru and the actual prices received for phosphate as compared with world market prices.

c. SOCIAL DEVELOPMENT

According to the Administering Authority's report, there are separate settlements for Chinese and Europeans. Immigrant communities are not permitted to settle in areas other than those prepared for them. There is a statutory provision, which, the Administering Authority stated, is liberally interpreted, to control the movement of indigenous inhabitants between 10:00 P.M. and sunrise and to control the movements of Chinese outside their location at all times. Movement of the indigenous inhabitants outside the Territory is discouraged but not forbidden. The Administering Authority informed the Council that it was reviewing existing legislation, as previously suggested by the Council, with a view to removing all discriminatory provisions.

The Council, at its seventh session, asked to be informed of the progress of this review and any steps taken as a result; it also asked that the regulations providing for a double censorship of films, first for Europeans and secondly for the indigenous inhabitants, be included in the review. After noting that the indigenous inhabitants were

¹²⁹ Throughout this account of the Trust Territory of Nauru, £ = Australian pounds.

required to seek special permission to leave the Territory to visit relatives on other Pacific islands and that transport facilities were inadequate for this purpose, the Council further suggested that the Administering Authority should study the possibility of facilitating the movement of such persons.

As a result of a cost-of-living survey made in January 1948, the Administering Authority indicated, the wages and allowances of Nauruans employed by both the Administration and the British Phosphate Commissioners were increased, and a pension scheme for Nauruan widows was introduced. The Council observed at its seventh session that these increases had improved the economic situation of the Nauruans, but urged a continued study of the situation so that the Nauruan standard of living might be maintained, and, where possible, raised.

In reply to an earlier Council recommendation concerning disparities in wages paid to indigenous, Chinese and European workers, the Administering Authority explained that Nauruans were employed in all tasks for which they were qualified, and immigrant labour was employed only where indigenous labour was inadequate or insufficiently qualified. It indicated that Chinese employees, who formed the bulk of the semi-skilled and unskilled labour in the phosphate industry, worked 44 hours a week and were given six Chinese holidays a year. Gilbertese employees also worked 44 hours a week and received ten public holidays a year. Nauruans worked from 34½ to 44 hours and received, in addition to ten public holidays a year, fourteen days of recreational leave. European employees of the Administration worked 36 or 44 hours, depending on whether they were clerical or manual workers; European employees of the Phosphate Commissioners worked 44 hours and were granted three months' leave after 21 months of service. In its report on the Territory, the Trusteeship Council recalled its previous recommendation for a review of wages to the end that they be based on the principle of equal pay for equal work, and recommended that the Administering Authority take steps to increase the wages and assure to the Chinese, Gilbertese and Nauruan workers the most favourable system of holidays.

The practice of bringing Chinese workers to Nauru without their families had earlier been noted by the Council, which had considered that this practice might lead to serious consequences; at its fifth session in 1949, the Council had recommended, in its report on the Territory, that

the Administering Authority try to find some humane solution for this problem. Informed at its seventh session that a solution had not yet been found but that the period of engagement had been reduced from two years to one year, the Council again urged the Administering Authority to take steps to comply with its previous recommendation.

In April 1949, arrangements were made for the construction of 250 European-style houses, at an estimated cost of £200,000, for rental by Nauruans at 5 shillings a week, based, the Administering Authority stated, not on the cost of the dwelling but rather on the capacity of the individual to pay, as had earlier been suggested by the Council. Informed that by May 1950 approximately 100 of these houses had been practically completed, the Council commended the Administering Authority for this progress.

In the field of public health, the Council commended the Administering Authority for increasing the facilities for medical treatment and hospitalization, for improving the provisions for maternity cases and infants and for the steps taken to train Nauruans as Native Medical Practitioners. The annual report indicated, however, that 32 Nauruans were employed in the Health Department as against 37 in the previous year, and the Council recommended that steps be taken to bring the number of personnel up to strength.

d. EDUCATIONAL DEVELOPMENT

Education is compulsory for Nauruan children between the ages of six and sixteen. According to the annual report, there are six Government primary schools for Nauruans, one denominational school and a primary school for European children. Except for the teachers in the European school, all teachers in the Government schools are Nauruans, none of whom possess professional qualifications. Secondary schools which existed before the Second World War had not yet been re-established in the Territory, it was stated, but several students were studying abroad.

The Council urged the Administering Authority to take appropriate measures to increase educational facilities since political progress could not be achieved without education. With regard to secondary education in particular, it noted that while six Nauruan boys and one girl were receiving secondary education in Australian schools and two male students were being trained at the Central Medical School in Suva, Fiji, some parents were reluctant to send their children abroad

for higher education. It accordingly urged the Administering Authority to re-establish the secondary schools as soon as possible and to report to its ninth session on the steps taken to this end.

e. GENERAL

The Council considered that the information submitted by the special representative during the Council's examination of the annual report on Nauru for the year ending 30 June 1949 indicated a sincere attempt on the part of the Administering Authority to implement its previous recommendations, which, it recognized, had been adopted after the close of the period covered in the annual report.

2. New Guinea, Administered by Australia¹³⁰

The Trust Territory of New Guinea consists of more than 600 islands, with an aggregate land area of about 93,000 square miles. Its total population is estimated at one million. According to a census taken in 1947, Europeans numbered 3,412, Chinese 2,043, and other non-indigenous inhabitants 745.

The national status of the indigenous inhabitants, according to the Administering Authority's report,¹³¹ has not been given statutory definition; for travel purposes they are issued a document of identity. Noting these facts, the Council urged the Administering Authority to consider adopting measures to grant the people a distinct national status and to facilitate the issue of passports.

To bring areas of the Territory under its control, it was stated, the Administration followed a method of "peaceful penetration" by patrols. By 1949, 56,682 square miles were under the Administration's control, as against 38,790 in 1941; 10,051 were under its influence, as against 11,070 in 1941, and 2,240 were under partial influence, as against 9,220 in 1941. The Administering Authority stated that a large number of patrol officers had been recruited and trained and that the task of extending the authority of the Administration throughout the Territory was scheduled for completion within five years. It also stated that there was no civil register in the Territory, a point noted by the Trusteeship Council in its report on the Territory. Although the Council recognized the difficulty of compiling a complete register under existing conditions, in-

cluding the remoteness of large parts of the Territory, it recommended that preparations be made for introducing one.

a. POLITICAL DEVELOPMENT

The Papua and New Guinea Act, 1949, providing for the joint administration of the Trust Territory and the adjoining territory of Papua, came into force on 1 July 1949. This Act provided that the two territories would have joint Executive and Legislative Councils, Advisory Councils for Native Matters, Native Village Councils and the Australian School of Pacific Administration. The administration of both territories was entrusted under the Act to the Administrator, and the headquarters of the joint administration were established at Port Moresby, in Papua.

A number of departments, it was stated, functioned under the authority of the Administrator, in the executive branch of the government. Some gains had been made in securing the necessary administrative staff, the Administering Authority reported, but there were still difficulties in obtaining professional and skilled staff. Training schemes had been inaugurated, however, to provide for the future. In this connexion, the Council drew the Administering Authority's attention to the desirability of training an increasing number of indigenous inhabitants to assume increasingly responsible positions and thus to participate to a greater extent in the Territory's administration.

New Guinea has no suffrage laws or regulations and there is no elected legislative body. Under the Papua and New Guinea Act, however, provision had been made for the appointment by the territories of three non-official indigenous members to the proposed joint 29-member Legislative Council, but legislation to make this provision effective had not yet been drafted. The Act required the Administrator to ensure that at least five of the appointed non-official members are residents of New Guinea, but does not specify how many of these should be indigenous residents. At its fifth session, in 1948, the Trusteeship Council had recommended that the Administering Authority study the possibility of increasing the number of indigenous members

¹³⁰ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

¹³¹ Commonwealth of Australia, Report to the General Assembly of the United Nations on the Administration of the Trust Territory of New Guinea from 1st July 1948 to 30th June 1949 (Sydney, 1950).

in the joint legislature and of establishing a separate legislature for New Guinea; it had also suggested that an indigenous majority in the Council should eventually be established. At its seventh session, the Council was informed that the Administering Authority would further examine the composition of the joint Legislative Council, including the question of increasing the number of indigenous members, before bringing it into being, and that no decision had been reached concerning the establishment of a separate legislature for the Trust Territory. Representation of the indigenous inhabitants, the Administering Authority assured the Trusteeship Council, would be progressively increased when they became equal to the responsibility. The Council at its seventh session, in its report on the Territory, expressed the hope that the Administering Authority, in re-examining the composition of the joint legislature, would take into account the recommendations made at the fifth session of the Council and asked to be informed of the results of the examination.

Considering the absence of democratic elective processes in New Guinea, the Council recommended that the Administering Authority initiate the introduction of methods of suffrage designed ultimately to bring about the establishment of a modern electoral system based on universal suffrage.

The Administering Authority reported that the Native Village Councils Ordinance became effective on 30 December 1949, empowering the Administrator to establish village councils. The first of these councils began operating during the first half of 1950. Under the Ordinance, village councils are authorized, *inter alia*, to organize or engage in any business or enterprise, to carry out works for the benefit of the community, and to make rules for the peace, order and welfare of the people, with the approval of the Administration. The Council commended the Administering Authority for enacting the Ordinance and urged it to increase as far as possible the number of village councils during the coming year (1950-51), to establish them progressively throughout the Trust Territory and gradually to give them increasing responsibilities. It indicated that it would await with interest reports on the functioning of this system as well as on the establishment of the proposed Advisory Council for Native Matters.

Replying to a recommendation of the Council's fifth session, the Administering Authority stated that it placed emphasis on the tribal system, and

made no effort to alter it except in the case of customs repugnant to humanity. At its seventh session, the Council, in its report on the Territory, again recommended that the Administering Authority consider modifying this system by taking practicable steps towards introducing modern democratic institutions.

As provided by the Papua and New Guinea Act, 1949, the Supreme Court is the highest judicial authority of the joint administration. Appeals from the decisions of the lower courts, which include district courts and Native village courts and other indigenous tribunals, lie to the Supreme Court and appeals from the decisions of the latter lie to the High Court of Australia. The Administering Authority indicated that the Native village courts had as yet no statutory authority, but only the authority of local Native law and custom. However, an ordinance had been prepared, which, when promulgated, would give existing indigenous tribunals the necessary statutory authority to enable them to become a part of the judicial system of the Territory. This was noted with satisfaction by the Trusteeship Council, which considered that confusion might result from the fact that official recognition had not yet been given to traditional indigenous jurisdictions.

b. ADMINISTRATIVE UNION

This question was the subject of a special study by the Council's Committee on Administrative Unions (T/L.96).

In reviewing the historical background of the union, the Committee noted the conclusions of a committee appointed by Australia in 1939 to survey the possibility of establishing a combined administration of Papua and New Guinea. Although this committee found that the two territories should, theoretically, be governed as one unit in view of the similarities in natural resources, population and physical characteristics, and geographical conditions, it pointed out that the two territories were acquired at different times and under different titles and that their later history as separate entities made a combined administration difficult under existing circumstances.

An entirely new set of circumstances, the Administering Authority maintained, was created by the Japanese invasion of New Guinea and part of Papua and the subsequent suspension of civil administration in February 1942. The Committee on Administrative Unions was informed by the Administering Authority that the consequences of the war and the resulting devastation created

problems common to the whole area and, since it was imperative that the manpower and material resources of both territories be used in common for reconstruction and rehabilitation, it would have been unwise to have attempted to reconstitute two separate administrations.

Although it had not considered itself under any obligation to do so, the Administering Authority pointed out, it had submitted to the Trusteeship Council a copy of the proposed bill to provide for the joint administration of the two territories. The Council, during its third session in 1948, made many observations and recommendations concerning the bill and suggested that the Administering Authority review the matter on the basis of the points made during the Council's session. This the Administering Authority did, and amended the bill to meet some of the recommendations made. These amendments were incorporated in the Papua and New Guinea Act, 1949.

The representative of Australia informed the Committee that, while this Act did not provide for a fixed period for the duration of the administrative union, it was possible to amend the text. He also stated that the Australian Government had repeatedly pointed out that when the inhabitants of the two territories had attained a certain degree of development they would be free to choose the form of government they desired and to decide whether or not they wished the administrative union to continue.

The Committee, in its report (T/L.96), noted that the separate status and identity of the Trust Territory were recognized in the Papua and New Guinea Act, but was of the opinion that the Council must continue to examine the operation of the union in order to ensure its operation in the interests of the inhabitants.

It made a number of observations, summarized below, concerning General Assembly resolution 326(IV) on administrative unions.

The Committee noted that Australia, although not recognizing any obligation to consult the Council before establishing an administrative union, had in fact informed the Council of its intention to do so and had made certain changes in response to the Council's request. It further noted the statement that there was no substantial opposition to the existing administrative union and that no extension of the union was contemplated.

With respect to the supervisory functions of the United Nations, the Committee noted that the Administering Authority had undertaken to

continue furnishing separate financial, statistical and other data on the Trust Territory, as well as on the unified administration in so far as it pertained to the Trust Territory; that the Visiting Mission had been invited to visit the headquarters of the central administration of Papua and New Guinea situated outside the Trust Territory; and that Australia had stated that it would continue to co-operate fully with the Council in the discharge of its responsibilities.

The Committee considered that the existing judicial system, in view of the present circumstances in New Guinea, sufficiently safeguarded the interests of its inhabitants, but was of the opinion that the Council should keep the matter under review.

The joint Legislative Council envisaged by the Papua-New Guinea Act, 1949, the Committee noted, had not yet been constituted. In this connexion, it also noted the statement that Australia had carefully studied the question raised in General Assembly resolution 326(IV) of the desirability of establishing a separate legislative body within each Trust Territory, but had come to no decision on the matter thus far. The Committee called attention to the recommendations made at the fifth and seventh sessions of the Council concerning the composition of the Legislative Council (see above).

The Council incorporated these observations in its resolution 293(VII) on the question of administrative unions.¹³²

c. ECONOMIC DEVELOPMENT

The economy of the Territory is mainly agricultural. General agriculture of the indigenous inhabitants is confined to the production of food-stuffs for local consumption. Copra is the main produce for export and its production is largely in the hands of Europeans, according to the Administering Authority's report. Copra production increased considerably during the year 1948/49 to a total of 36,925 tons.

As stated by the Administering Authority, the Administration's policy is to encourage indigenous production with the object of improving living standards and cultivating marketable and exportable crops. Experiments have been carried out to determine feasible ways to improve indigenous agricultural methods and new methods of cultivation have been introduced. The possibilities of developing rice, cocoa, jute and tea, of manufacturing paper from kunai grass, and of making

¹³² See p. 795.

wood pulp were being examined and experimental projects were being undertaken. Efforts were made to re-establish the dried-coconut industry, the only manufacturing industry in New Guinea before the war, and one factory resumed operations during 1948/49. Otherwise, indigenous industry was limited for the most part to small copra-drying units, the drying and smoking of fish, and Native handicrafts. A survey of the Territory's fisheries resources and a preliminary survey of animal husbandry were completed, and preparations were made for a survey of agriculture and for a full-scale resources survey.

The Council in its report on the Territory noted with satisfaction the Administering Authority's assurance that it fully realized the importance of economic development and its bearing on social and educational progress, and that it intended to apply skill and capital to the development of the Territory's natural resources and the establishment of new industries, and in so doing enable the indigenous inhabitants to participate increasingly in developing the Territory's wealth. Referring to the experimental work undertaken in agriculture, forestry and commercial fishing, the Council expressed the hope that such work would contribute to the sound diversification of the territorial economy. It stated that it awaited with interest the results of the survey of the Territory's economic resources. With respect to the lack of local manufacturing industries, the Council recommended that the Administering Authority encourage the utilization of New Guinea's many resources through local industries designed to raise the standard of living of the people and to make the Territory as far as possible self-sustaining.

Under the Native Administration Ordinance, 1921-38, the indigenous inhabitants can be compelled to plant foodstuffs for their own benefit. This, the Council considered, implied the possible limitation of individual freedom. Noting the Administering Authority's assurance that the provision had not been applied in recent years, however, the Council recommended that steps be taken to remove it formally from the legislation, provided the Administering Authority felt assured that the people are protected from any risk of famine.

Gold, which constitutes an important feature of the economic life of New Guinea, and silver in association with gold, are the only mineral resources commercially developed, the Administering Authority reported. Mining is principally in the hands of non-indigenous enterprises. A

royalty of 5 per cent on all gold mined is payable to the Administration for the use and benefit of the Territory. During 1948/49, 91,295 fine ounces of gold, valued at £982,572,¹³³ were exported, as against 126,092 ounces valued at £851,570 the year before. Gold is exported only to Australia.

The Administration derives revenue from indirect taxation—import and export duties, licences, fees, royalty on gold, indenture fees, etc. During 1948/49, internal receipts, together with grants of £1,588,840 from the Australian Government, totalled £2,438,840. There was no direct taxation. Referring to a previous recommendation of the Trusteeship Council, the Administering Authority indicated that the introduction of business and income taxes was under consideration. It further stated that the question of increasing the royalty on gold, as earlier recommended by the Council, was dependent on its decision with respect to introducing an income tax.

After noting that gold accounted for more than one third of the value of all exports from the Territory, the Council again urged the Administering Authority seriously to consider increasing the territorial revenues from gold production either by increasing the present 5 per cent royalty, as previously recommended, or by introducing income, business enterprise or other taxes on the gold industry.

The Council commended the Administering Authority for its very considerable contribution to the territorial finances. It considered, however, that the wealth of the Territory in natural resources and raw materials should be reflected to a greater degree in the budgetary receipts. In this connexion, it welcomed the Administering Authority's stated intention of introducing new forms of taxation and asked to be informed of the steps taken.

Finding itself hampered in its attempt to evaluate over-all economic conditions in the Territory by the lack of information as to capital investment, the Council recommended that the Administering Authority compile and maintain statistical data on capital investment and include this information in its future reports.

d. SOCIAL DEVELOPMENT

According to the Administering Authority's report, 30,252 indigenous inhabitants were employed in New Guinea at the end of June 1949,

¹³³ Throughout this account of New Guinea under Australian administration, £ = Australian pounds.

including 8,344 employed by the Administration. The shortage of labour for all purposes was estimated at about 7,900. Difficulties in transporting workers to and from work, shortage of skilled labour and of building accommodations were listed as the main problems with respect to labour. There were 10,677 indentured labourers in private employment. Referring to an earlier recommendation of the Council for the abolition of the system of indentured labour, the Administering Authority stated that no new contracts under this system would be possible after the end of 1950.

A new wage scale for administration servants was introduced as from 1 January 1950, the Administering Authority reported. Noting this, the Council urged the Administering Authority to continue studying the possibility of increasing the minimum wage for indigenous workers, as recommended by the Council in 1949.

In response to another recommendation made by the Council in 1949, the Administering Authority stated that steps would be taken to provide some typical cost-of-living figures for urban areas and the Council asked, at its seventh session, that it be informed of the result of this survey in time for examination with the next annual report on the Territory.

There was no legislation relating to freedom of association, conciliation and arbitration. The Council, at its third and fifth sessions, in 1948 and 1949, had recommended that the establishment of trade unions be encouraged. At its seventh session, it was informed that nothing had been done either to encourage or discourage their establishment, but that the matter had been under constant consideration. The Council made no further recommendation on this subject at its seventh session. It did, however, in its report on the Territory, urge the Administering Authority to speed up the ratification and application to New Guinea of international conventions, particularly those affecting labour and other social questions.

Referring to a provision of the Immigration Ordinance, 1932-40, prohibiting entry into New Guinea of any person failing to pass a dictation test in any language, the Council recommended that the Administering Authority consider removing this provision from the legislation. It asked to be informed of the action taken in time for consideration at its June 1951 session.

Pursuant to recommendations of the Council's fifth session, the Administering Authority reported, a review of all territorial legislation was being made to determine whether there were any dis-

criminatory provisions contrary to the Charter or the Trusteeship Agreement; laws and practices relating to the powers of arrest and curfew were also being reviewed. A review had already been completed of relevant legislation with a view to providing for the judicial declaration of an habitual criminal and for fixing a minimum and maximum period of further punishment, and action was to be taken.

The expansion of health services, the Administering Authority observed, had been hampered by the shortage of buildings, personnel and material. Nevertheless, considerable improvement had been made during the year 1948/49. Expenditure totalled £466,979, more than double that of the year before. The number of official hospitals increased from 41 to 44, and official aid posts from six to 42. Additional medical personnel, nurses and technicians had been appointed, including 38 fully qualified medical practitioners from among European displaced persons, of whom 24 had taken up duty in New Guinea by the end of May 1950, and indigenous inhabitants were being trained for medical work. Medical patrols were carried out in all areas, and a malaria survey of the Central Highlands had been continued. A long-term health programme under consideration by the Australian Government, it was stated, includes provision for 76 additional hospitals in the Territory.

The Council, in its report on the Territory, indicated its satisfaction at the increased expenditure on medical and health services and the accelerated recruitment of medical personnel. It considered that the medical services were still inadequate, however, and drew attention to the remaining needs in the medical field, recommending that the Administering Authority take further steps to extend the services. It also suggested that the Administering Authority study the possibility of extending the medical patrol facilities.

e. EDUCATIONAL DEVELOPMENT

The Administering Authority recognized the importance of expanding educational services in the Territory, and reported that particular attention had been paid to this during 1948/49. Expenditure on education was increased and a building programme was planned to expand schools and other educational facilities. Six new indigenous administration schools were opened during the year, bringing the total to 34. Among the new schools was a higher training institution, in which 85 students had been enrolled in a

two-year teacher-training course. In addition to administration schools for indigenous inhabitants, there were five European and four Chinese primary schools and one part-Malayan primary school. Enrolment in administration schools increased from 2,561 to 2,869, including 155 Europeans, 350 Chinese, 55 part-Malay and 2,309 indigenous children; the number of teachers increased from 88 to 119, of whom 24 were Europeans, eight Chinese and 87 indigenous.

An incomplete survey of mission schools, the Administering Authority reported, showed a total of 1,746 village, intermediate and higher training schools, an increase of 283 over the previous year. Students were estimated to total 64,516 as against 60,000 in 1947/48 and the schools were estimated to have 71 European teachers and 2,350 indigenous teachers as against 60 and 1,500, respectively, the year before.

Education is free in both administration and mission schools. Pending the establishment of facilities for higher education, the Administering Authority stated, arrangements would be made for higher education to be available at institutions in Australia.

The Council noted the increase in expenditure on education with satisfaction. Nevertheless, it considered that the facilities provided were insufficient to meet the needs of the Territory. It recommended that the Administering Authority, in reviewing the educational programme for the indigenous inhabitants, place appropriate emphasis on their preparation for the responsibilities of representative government and eventual independence. It considered that sound educational programmes among large populations were necessarily dependent on the training of indigenous teachers and urged the Administering Authority to press forward with the development of the newly established higher training institution.

f. GENERAL

The Council, in its report on the Territory, stated its opinion that much remained to be accomplished in the general development of the Territory and recommended that the Administering Authority try to quicken the pace of political, economic, social and educational advancement. In arriving at this conclusion, the Council submitted that it had taken fully into account the difficulties confronted by the Administering Authority owing to the general backwardness of the Territory, the devastation caused by the war, and the climate and terrain, and, further that it had

noted the progress made in all fields as reported by the Administering Authority and its special representative and the assurances that such progress would continue to be promoted as rapidly as possible.

Complaints concerning the treatment of indigenous inhabitants assigned to clear up explosives, the use of certain of their lands, the levying of the head tax, the prices paid them for their produce, and education were contained in a petition from Mrs. Jane T. Wallace (T/Pet.8/2).

After examining this petition, at its seventh session, the Council decided, by resolution 235(VII) of 29 June 1950, that no action was called for on the question of clearing the explosives. The general questions of taxation, prices and education, the Council informed the petitioner, would continue to be examined in connexion with the examination of annual reports on the Territory. It also drew the petitioner's attention to its recommendations on taxation and educational advancement (see above), which were included in its report on New Guinea.

3. Western Samoa, Administered by New Zealand¹³⁴

Western Samoa, which comprises two large islands (Upolu and Savai'i) and seven small islands and islets, has an area of 1,133 square miles. Its total population, according to the Administering Authority's annual report,¹³⁵ was estimated in 1949 at 75,381, of whom 69,426 were Samoans, 5,406 part-Samoan possessing "European" status, 297 full Europeans, 180 Chinese and 72 Melanesians.

The national status of Samoans is that of British protected persons; the Administering Authority stated its intention of changing this status to New Zealand protected persons, as desired by Samoan representatives.

According to the Administering Authority's report, the people of the Territory enjoy the same guarantees as New Zealand citizens with regard to the protection of their persons and property; differing legal rights, however, principally in the

¹³⁴ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

¹³⁵ Report by the New Zealand Government to the Trusteeship Council of the United Nations on the Administration of Western Samoa for the Year ending 31st March, 1949 (Wellington: Department of Island Territories, 1949).

matter of trade debts, incorporation and partnership, elections, land rights and acquisition of Samoan titles, are conferred by municipal law upon "Samoans" and "Europeans". Referring to the possible undesirable tensions that might result from this differentiation in legal and social rights, the Trusteeship Council recommended, in its report, that the Administering Authority intensify its efforts to solve this problem.

a. POLITICAL DEVELOPMENT

The legal and political structure of the Territory is based on the Samoa Amendment Act, 1947, which embodies most of the recommendations made by a special visiting mission sent to the Territory in 1947 by the Trusteeship Council. The Act came into force on 10 March 1948 and both the Council of State and the Legislative Assembly provided for in the Act began functioning during that year. Executive authority in the Territory is entrusted to a High Commissioner. He, together with the Fautua (highest chiefs) form the Council of State, which acts as an advisory body to the High Commissioner on all proposed legislation and questions involving Samoan customs.

Legislative power, except on a few subjects, including defence, external affairs, Crown land and the Territory's Constitution, is conferred on the Legislative Assembly which is composed of fourteen Samoans (the Fautua and elected members), five elected Europeans and six unofficial members. Following the death of one of the three Fautua, the Samoans indicated that they did not wish the appointment of another Fautua. They asked instead that a fourteenth Samoan member of the Assembly be elected by the Fono of Faipule.¹³⁶ The Administering Authority complied with this request and the Fono of Faipule, in electing the new member, employed for the first time a secret ballot.

The Fono of Faipule are elected by the matai (heads of families), who constitute about 20 per cent of the males over fourteen years of age. Proposed ordinances affecting the Samoan people are submitted, among other matters, to the Fono for their views.

Referring to a recommendation made by the Trusteeship Council in 1949, that the introduction of universal suffrage be considered, the Administering Authority indicated that it had considered this question but was convinced that it would be wrong to force any radical change in the customs of the Samoan people, who still regarded

the matai as their proper representatives in matters outside the family. It was felt, however, that the situation was gradually changing and that the franchise would inevitably become more general by choice of the Samoan people themselves.

The Trusteeship Council at its seventh session, while noting with satisfaction that an additional Samoan member of the Legislative Assembly had been elected by secret ballot, expressed the hope that further reforms would be introduced with a view to bringing about in due course a system of universal suffrage in the election of the Fono of Faipule.

The question of local government in villages and districts, the Administering Authority stated, was being studied by a Commission of Inquiry set up as a result of a recommendation of the Legislative Assembly. The Council expressed the hope that this Commission's work would contribute towards furthering opportunities for Samoans to acquire the political experience necessary for self-government.

The Council was informed by the Administering Authority that a review of the organization of the public service in Western Samoa was being conducted in 1950 by a newly appointed Public Service Commissioner, who would, as far as possible, implement the policy of providing Samoans with duties of increasing responsibility in the public service. This policy was considered commendable by the Council, which expressed the hope that the Administering Authority would progressively make use of Samoans in the higher posts of the administration.

The judicial organization in the Territory, as described in the annual report, comprises a chief judge, four commissioners of the High Court, three Samoan associate judges and fourteen Samoan judges in charge of district courts. In cases involving Samoan defendants, the Samoan associate judges take an active part in examining witnesses and helping to frame just verdicts. A first step has been made towards giving associate judges a fuller share in court work; in civil disputes, the whole case is being handed over to an associate judge, who conducts the hearing and reports his findings to the chief judge. The further development of increased responsibility for associate judges will be assisted, the Administering Authority pointed out, if the judges are given more precise legal standing in the court and if the Fono of Faipule is willing more often to permit

¹³⁶ The Fono is a traditional body of mainly advisory function, consisting of 41 members, called Faipule. For a more detailed account, see Y.U.N., 1948-49, p. 798.

a judge to hold office for more than one term at a time.

Offences against Samoan custom which are not offences against written law are handled in village councils presided over by village title holders.

The Trusteeship Council, in its report on the Territory, asked to be informed as to the results of the various inquiries into the status and jurisdiction of Samoan judges, particularly with respect to permanence of tenure.

b. ECONOMIC DEVELOPMENT

The economy of Western Samoa is almost entirely agricultural, involving mainly the production of foodstuffs for local consumption and of crops for export. The principal export crops are copra, cocoa and bananas.

The year ending 31 March 1949, the period covered by the annual report, was described as one of continued prosperity; at the end of that period, the Territory had an accumulated cash surplus of £642,973.¹³⁷

The Administering Authority outlined the measures taken, in accordance with a previous Trusteeship Council recommendation, to broaden the base of the economy and to diversify production as a cushion against the possible fall of world copra and cocoa prices. The Department of Agriculture was re-established, after a lapse of twenty years. A Copra Board was set up to replace the New Zealand Government in negotiating contracts for marketing Samoan copra and to establish a stabilization fund to provide some degree of protection for merchants and producers against price fluctuations. The New Zealand Reparation Estates, the most important plantation enterprise in the Territory, was, among other activities, expanding the new and successful dried-coconut industry, for which a new factory had been established, developing a dairy farm, and considering the possibility of meat canning.

The profits derived from these and other activities of the Reparation Estates are paid into the New Zealand Consolidated Fund, but the Administering Authority explained that, in practice, grants equivalent to these profits are made to the Samoan Government for social and economic development schemes.

Other efforts towards development and diversification had also been made, such as parasite control and the opening up of new land through road construction. Some measures, however, including the production of rubber and of dried bananas, had been found uneconomical. Plans

were being made for a survey to determine the economic potential of the Territory and practical possibilities for further diversification; the work of the South Pacific Commission in its economic branches, it was indicated, might be regarded as the preliminary steps for over-all plans for the economic development of the Territory.

The Trusteeship Council, in its report on the Territory, noted with satisfaction the favourable economic and financial conditions in the Territory and congratulated the Administering Authority on the re-establishment of the Department of Agriculture, the attention given to the problem of the diversification of the economy, and the formation of the Copra Board. The co-operation between the Government of Western Samoa and the South Pacific Commission was also noted with satisfaction by the Council, as it felt this might beneficially affect the Territory's development.

With regard to the profits of the Reparation Estates, the Council recommended that the Administering Authority consider giving statutory form to the practice of using all its surpluses for the benefit of the people of the Territory.

The public revenue of the Territory is derived from direct and indirect taxes. The former include store, salary, building and amusement taxes, water rates and stamp duties. The Administration was studying the question of replacing the store tax by an income tax. Import and export duties constitute the indirect taxes. While there is no special tariff relationship between the Territory and New Zealand, a preferential treatment of 11 per cent has been given since 1920 to British goods imported into the Territory. A Select Committee was created by the Legislative Assembly to investigate this situation.

The Council expressed the wish to be informed of the outcome of the inquiry into the preferential duty rate on British imports and of any taxation reforms that may result from the study of the question of income tax.

c. SOCIAL DEVELOPMENT

The Samoan social structure is based on a broad family unit which includes persons in one or more villages who are related by blood or marriage and may even include some who are not related; all acknowledge as the chosen head of the family the matai, who directs the family's affairs and represents it in the village council.

¹³⁷ Throughout this account of Western Samoa, £ = Samoan or New Zealand pounds, which are equal.

In its annual report, the Administering Authority indicated that the population of Western Samoa was increasing at the rate of 2.5 per cent annually, one of the highest recorded rates in the world. This increase was being taken into account in all plans for economic and social advancement, as the necessity of expanding production and services to permit a steady rise in living standards was recognized by the Administration.

Only 3 per cent of the Samoans were regular wage earners. Following an inquiry into wage rates and hours of work of casual labour, the Government announced a new wage scale which it would pay and which it felt other employers throughout the Territory would therefore find it necessary to pay.

Although the Territory has no newspapers, the Administration issues daily news-sheets and operates a broadcasting service which carries reports of official bodies, addresses on health, cultural matters, general education and current affairs. The Council found this development in the use of radio commendable and expressed the hope that it would be kept informed of the Administering Authority's experience in this field.

It noted with satisfaction that the Administering Authority was alive to the problems resulting from the rapid population increase. The Council asked the Administering Authority, however, to make a study of the standard of living in the Territory as soon as possible and to include this information in its subsequent annual reports. It also recommended that elementary social and labour legislation be introduced, taking into account local conditions.

The Administering Authority's efforts towards eliminating any differentiation between the rights of men and women were commended by the Council, which recommended continued action to ensure that Samoan women would gain full opportunities to participate in political life.

The progress made in the reorganization and development of public health services was described in the annual report. The difficulty of recruiting health officers posed a serious problem, since the health plan for the Territory required a substantial increase in both European and Samoan personnel. Nevertheless, hospitals were being built, and the first of a fleet of mobile clinics had been put into operation. The activities of this team of Samoan medical and dental practitioners and their assistants, the Administering Authority stated, had had a marked effect on the health of the villages visited.

d. EDUCATIONAL DEVELOPMENT

Education in Western Samoa is carried out by the Administration and by religious missions, whose schools are not subject to government control. The great majority of children receiving education attend either primary village schools, which numbered 101 of the 109 schools run by the Administration, or mission primary schools, numbering 357 out of a total of 391 mission schools. A total of 13,359 students were enrolled in Administration schools and 21,417 in mission schools; these figures included considerable duplication, it was explained, since many children attended both types of schools. Education is not compulsory, and the Administering Authority stated in its report that it did not consider it practicable to introduce compulsory education until there were enough trained teachers and Administration schools for the increasing population. In an effort toward meeting this need, the one teacher-training college, which prepares primary school teachers, was expanded during the year 1948/49.

Apart from a small post-primary school, four mission schools, a newly established night school for adult education and the teacher training college, Western Samoa depends for secondary and higher education on facilities outside the Territory, primarily in New Zealand.

The standard of work in village schools run by the Administration was improving, the Administering Authority stated, attendance was better and many villages had asked that government schools be opened.

After examining the educational conditions in the Territory, the Trusteeship Council recommended that steps be taken to bring about closer co-ordination between government and mission schools with regard to organization, staffing, and curricula. It also asked that more complete statistics regarding both Administration and other schools be included in future annual reports.

e. OTHER QUESTIONS

(1) General Conclusion of the Council

With regard to the general situation in the Territory, the Council commended the Administering Authority for the progress it had made and for fulfilling its obligations under the Trusteeship Agreement during the year under review.

(2) Petition Containing Personal Complaints

Only one petition concerning Western Samoa was examined by the Council during 1950. In this

petition, Mr. Charles Pelman complained of alleged personal injustices which he had suffered (T/Pet.1/2). The Council considered that the local courts were competent to deal with the petitioner's complaints and, by resolution 124(VI) of 27 February, it advised him that if he wished to seek redress he should do so in the local courts.

4. Trust Territory of the Pacific Islands, Administered by the United States¹³⁸

This Territory consists of three island groups: the Marshalls, Carolines and Marianas (except Guam). It contains 96 distinct island units, with a combined land area of about 687 square miles, spread over some 3,000,000 square miles. According to the Administering Authority's annual report,¹³⁹ the people, numbering approximately 54,000 in 1949, differ widely as to physical characteristics and cultures and speak ten mutually unintelligible languages.

a. POLITICAL DEVELOPMENT

All powers of government and jurisdiction in the Territory are vested in a High Commissioner, who is subject to the direction of the United States Secretary of the Navy. The headquarters of the High Commissioner were transferred during 1949 from Guam to Hawaii, and a field headquarters was established on Truk Atoll in the Trust Territory. The Administering Authority stated that it did not believe it practicable as yet to transfer the seat of government to a site within the Trust Territory, as suggested in 1949 by the Trusteeship Council, explaining that suitable headquarters would cost at least \$25,000,000 and would require four or five years for construction.

In its report on the Territory at its seventh session, the Council commended the establishment of a field headquarters on Truk, but asked the Administering Authority to continue considering the possibility of establishing the seat of government within the Territory itself. Informed that a revised draft of the organic legislation for the Territory, including a definition of the status of the inhabitants, was being reviewed, the Council expressed the hope that such legislation would soon be enacted. It noted that the Administering Authority was also studying the question of applying to the Territory international treaties, agreements and conventions, including International Labour Conventions and Recommendations,

and expressed the hope that the results of this study would soon be made available to the Council.

The measures taken to further self-government in the Territory through education and civic guidance were described by the Administering Authority. Beginning on the local level, the Administering Authority planned to organize on each inhabited atoll at least one municipality; 116 had already been set up. Depending on local preference, municipal officers were either the traditional chief, persons appointed by the Administration, or, increasingly, persons elected by popular vote. On the regional level, legislative advisory organs of representatives of the indigenous inhabitants had been or were being established in each of the five administrative districts. Ultimately, according to the long-range plans of the Administration, a Territory-wide legislative body would be created.

The Trusteeship Council commended the Administering Authority for its progressive development of regional and local organs of self-government. At the same time, it recommended that the Administering Authority progressively democratize the municipalities and press forward with its long-range plans.

b. ECONOMIC DEVELOPMENT

As described in the annual report, the economic resources of the Territory are meagre; little more than a subsistence economy exists. During 1949, the principal commodities exported were phosphate (\$1,202,000), copra (\$757,000), handicraft (\$88,000), trochus shell (\$69,000) and other products (\$33,000). Imports during the year were valued at \$1,112,000.

The phosphate deposits on Angaur Island continued to be mined during 1949 by the Japanese Government for export to Japan. A royalty of 25 cents per ton of phosphate extracted was paid during the year into a trust fund. The Council had, *inter alia*, expressed concern at its fifth session in 1949 that the Territory derived no benefit from the phosphates other than this royalty. For

¹³⁸ For general discussion in the Assembly concerning conditions in Trust Territories, see pp. 789-90. Observations of individual members of the Trusteeship Council are included in the Council's report to the Assembly (A/1306).

¹³⁹ United States: Navy Department, Report on the Administration of the Trust Territory of the Pacific Islands for the period July 1, 1948 to June 30, 1949, transmitted by the United States to the Secretary-General of the United Nations pursuant to Article 88 of the United Nations Charter (Washington, July 1949; OpNav-P22-100H).

some time before this, the Administering Authority indicated, the arrangements for mining phosphate had been under review and were being changed as a result of an agreement of 21 December 1949. Under this new agreement, the Territory is to receive a processing tax of 15 per cent of the value of the phosphate removed, and a severance fee of \$2 a ton is to be paid into a trust fund set up to compensate the Angaurese for the removal of the phosphate. From this fund annual payments of \$15,000 or over are to be made, two thirds to the clans owning the mined land and one third to the municipality of Angaur.

For its economic maintenance, the Territory has depended primarily on copra exports. The expanding production of copra resulting from the various efforts of the Administering Authority, it was stated, had been to a large extent responsible for the improved economic conditions existing in the Territory in 1949.

Copra is purchased by a Government agency, the Island Trading Company, which pays a 15-per-cent processing tax to the Territory on all copra exported. The Council was informed, in connexion with a recommendation made in 1949 for safeguarding the interests of the copra producers, that the Island Trading Company had set up a Copra Stabilization Fund for this purpose.

The Island Trading Company also provides essential commodities to the indigenous inhabitants and facilitates the export, in addition to copra, of their other products; it fosters the establishment of trading enterprises and the development of industries and new sources of income for the inhabitants. All its profits and its entire net worth, the Administering Authority assured the Council, are for the benefit of the people of the Territory.

A programme of small-boat building had been undertaken in order to assist the local fishing industry and improve local water transportation; although the territorial waters were opened early in 1949 to outside commercial fishing companies, none had applied for fishing permits. Other attempts to diversify the island economy included projects for manufacture of soap and production of cacao, papain (a pharmaceutical derivative of papaya) and ramie (a plant yielding a textile product).

After noting the steps taken to foster indigenous fishing and shipping, the Trusteeship Council recommended that the Administering Authority continue its efforts to diversify the Territory's economy.

Public expenditure in the Territory, including

administration expenses, is financed by funds appropriated by the United States Congress and local revenues which the Congress approves for spending. The principal territorial taxes include internal revenue taxes on cosmetics and tobaccos and the copra processing tax; there is also a head tax of \$2 payable annually by each adult male. The head tax is collected and expended by the municipalities, which also levy a variety of fees and luxury and property taxes.

The Administering Authority explained, with reference to a recommendation made in 1949 by the Trusteeship Council, that it was reviewing the existing taxation system, but did not believe that the time was ripe for the abolition of the head tax. It assured the Council, however, that it fully appreciated the desirability of introducing, as soon as practicable, taxes based on the ability to pay. The Council took note of these statements and reiterated its earlier recommendation that the Administering Authority consider the ultimate abolition of the head tax and its replacement by a more progressive system of taxation. It also expressed the hope that, to the extent possible, steps would be taken to ensure that there was no abuse of existing customs involving payments in cash or in kind to indigenous chiefs or headmen.

c. SOCIAL DEVELOPMENT

The Administering Authority stated that its policy in the social field has been to reduce interference with local customs to a minimum and to assist in the preservation and healthy development of prevailing cultures. In most of the Territory, according to the Administering Authority's report, the characteristic settlement is a close, hamlet-like cluster of homes or farmsteads, the inhabitants of which are linked by kinship and by neighbourhood relationships. A scattered group of such hamlets may have traditional ties approximating those of a village community; and larger, more diversified settlements may form organizations covering a whole atoll or a large part of one of the higher islands. Within this framework, there exists a complex pattern of individual and group relationships in which social distinctions based on age, seniority, family, clan or achieved positions are observed. The people, except for about 3,000 regular wage earners, are engaged in subsistence farming and fishing.

Discrimination on account of sex is prohibited in the Territory. Women enjoy equal voting and educational rights and have been encouraged, the Administering Authority reported, to take part in

the processes of government. Two indigenous women were elected to the Palau Congress, a fact noted with satisfaction by the Trusteeship Council, which expressed the hope that the Administering Authority would encourage the women of the Territory to participate increasingly in the discussion and management of island affairs.

In describing public health in the Territory, the Administering Authority stated that substantial reductions had been made in the incidence of the more common diseases. Active yaws, for example, which, it was estimated, had been present in 90 per cent of the population, was now rarely seen. There were dispensaries at each civil administration centre, 90 sub-dispensaries at other locations, and health aides were located on outlying islands, which were visited by medical officers and dentists every few months. A ship, the U.S.S. Whidbey, specially fitted out as a floating clinic and laboratory, sailed from island to island to make physical examinations, from which individual health records were being set up for virtually the entire population; it was estimated that this health survey would be completed in another year. The Trusteeship Council considered that the resulting statistical information would be of great value; it commended the Administering Authority on the great progress achieved in the field of public health.

d. EDUCATIONAL DEVELOPMENT

A free public school system has been established in the Territory and almost universal elementary school attendance for children of school age has been attained except at a few outlying points, the Administering Authority stated. As of

31 March 1949, a total of 7,689 students, both boys and girls in approximately equal numbers, attended the 127 elementary public schools, and 1,123 attended the fifteen elementary mission schools.

Intermediate school education was offered at each civil administration centre and at Yap. To meet the need for a larger number of professionally and technically trained indigenous leaders, a school for medical assistants, a school for dental assistants, and a school for nursing had been established on Guam and the Pacific Island Teacher Training School on Truk. The Administering Authority stated that, after carefully considering the question of establishing secondary schools within the Territory, it began broadening the scope of the Teacher Training School to provide secondary education for those not interested in teaching. For higher education, a few promising students continued to be sent to Hawaii and the continental United States.

The Trusteeship Council found the progress in education commendable; it suggested that the Administering Authority consider the possibility of using radio to a greater extent for mass education.

e. GENERAL

With respect to the Territory's development in all fields, the Council congratulated the Administering Authority for the progress it had made during the year 1948/49. It considered this progress all the more notable because of the scattered nature of the islands comprising the Territory and the relatively short time they had been under United States administration.

D. QUESTIONS CONCERNING THE DEVELOPMENT OF TRUST TERRITORIES

1. Action in the Trusteeship Council

a. CONSIDERATION OF GENERAL ASSEMBLY RESOLUTIONS

At the 73rd meeting of its sixth session, on 28 March 1950, the Council considered five separate resolutions adopted by the General Assembly on 15 November 1949.¹⁴⁰

By resolution 320(IV), the Assembly supported the Council's earlier recommendations asking that

the Administering Authorities take measures to hasten the development of the Trust Territories toward self-government or independence.

By resolution 322 (IV), the Assembly reaffirmed the principle that the interests of the indigenous inhabitants must be paramount in all economic plans or policies in the Trust Territories and, inter alia, expressed concern that the lack of budgetary autonomy in some cases and the scarcity of

¹⁴⁰ For texts, see Y.U.N., 1948-49, pp. 856-58.

TRUSTEESHIP COUNCIL'S EXAMINATION OF ANNUAL REPORTS FROM ADMINISTERING AUTHORITIES

	ANNUAL REPORTS EXAMINED DURING SIXTH SESSION			
	Tanganyika	Ruanda-Urundi	Cameroons under British Administration	Cameroons under French Administration
Period covered by annual report	1948	1948	1948	1948
Date transmitted by the Secretary-General to Council members	30 June 1949 (T/356 & Add.1 & 2)	5 July 1949 (T/361 & Add.1)	12 Aug. 1949 (T/413)	12 July 1949 (T/368 & Add.1)
Opening statement by the special representative of the Administering Authority	12th meeting 1 Feb. 1950	22nd meeting 13 Feb. 1950	42nd meeting 6 Mar. 1950	54th meeting 14 Mar. 1950
Written questions by Council members and answers by special representative	T/L.10	T/L.19 & Corr.1	T/L.47 & Add.1	T/L.56 & Add.1
Oral questions and answers	12th-15th meetings 1-4 Feb. 1950	22nd, 24th meetings 13, 15 Feb. 1950	42nd, 44th, 46th, 48th, 50th meetings 6-10 Mar. 1950	54th, 55th, 57th, 59th meetings 14-16 Mar. 1950
General discussion by the Council on the annual report	17th, 19th meetings 7, 9 Feb. 1950	25th, 26th meetings 16, 17 Feb. 1950	51st, 53rd meetings 11, 13 Mar. 1950	59th meeting 16 Mar. 1950
	(Committee on the Whole) 15th meeting 4 Feb. 1950		53rd meeting 13 Mar. 1950	59th meeting 16 Mar. 1950
Appointment of a drafting committee* Report of the drafting committee	T/L.21 & Add.1 & Add. 1/- Rev.1	T/L.31 & Rev.1	T/L.62 & Add.1	T/L.68 & Add.1
Discussion of draft report by the Council	27th, 29th, 31st, 33rd, 37th meetings 20-23, 28 Feb. 1950	36th, 37th meetings 27, 28 Feb. 1950	66th, 68th, 79th meetings 22, 23, 31 Mar. 1950	70th, 79th meetings 24, 31 Mar. 1950
Adoption of report	37th meeting 28 Feb. 1950	37th meeting 28 Feb. 1950	79th meeting 31 Mar. 1950	79th meeting 31 Mar. 1950

* Members of the drafting committees were as follows: Tanganyika—Belgium, France, Iraq, Philippines (drafting sub-committee appointed by the Committee on the Whole); Ruanda-Urundi—Dominican Republic, France, Philippines, United Kingdom (drafting sub-committee appointed by the Committee on the Whole); Cameroons under British Administration—Argentina, Australia, Iraq, United States; Cameroons under French Administration—Belgium, Dominican Republic, Philippines, United States; Western Samoa—Argentina, Australia, France, Dominican Republic;

TRUSTEESHIP COUNCIL'S EXAMINATION OF ANNUAL REPORTS FROM ADMINISTERING AUTHORITIES

ANNUAL REPORTS EXAMINED DURING SEVENTH SESSION					
Western Samoa	New Guinea	Trust Territory of the Pacific Islands	Togoland under British Administration	Togoland under French Administration	Nauru
1 Apr. 1948-31 Mar. 1949	1 July 1948-30 June 1949	1 July 1948-30 June 1949	1948	1948	1 July 1948-30 June 1949
24 Oct. 1949 (T/417 & Add.1)	15 Mar. 1950 (T/471 & Add.1 & 2)	27 Feb. 1950 (T/470)	30 June 1949 (T/357)	12 July 1949 (T/367)	27 Mar. 1950 (T/472 & Add.1 & 2)
2nd meeting 2 June 1950	6th meeting 8 June 1950	12th meeting 19 June 1950	15th meeting 23 June 1950	17th meeting 27 June 1950	22nd meeting 7 July 1950
T/L.82	T/L.83	T/L.89	T/L.61	T/L.69	T/L.94 & Corr.1
2nd, 3rd, 4th, 5th meetings 2, 5-7 June 1950	6th, 7th meetings 8, 9 June 1950	12th, 13th meetings 19-20 June 1950	15th, 16th meetings 23, 26 June 1950	17th meeting 27 June 1950	22nd-24th meetings 7, 10, 11 July 1950
5th meeting 7 June 1950	7th, 9th meetings 9, 13 June 1950	13th, 14th meetings 20, 22 June 1950	16th, 18th, 19th meetings 26, 28, 29 June 1950	17th-19th meetings 27-29 June 1950	25th, 26th meetings 12, 13 July 1950
5th meeting 7 June 1950	9th meeting 13 June 1950	14th meeting 22 June 1950	19th meeting 29 June 1950	19th meeting 29 June 1950	26th meeting 13 July 1950
T/L.86; T/L.87 & Corr.1, Add.1 & Add.1/Rev.1	T/L.90 & Corr.1 & Add.1	T/L.92 & Add.1	T/L.97 & Add.1	T/L.109 & Add.1	T/L.108 & Add.1
11th, 14th, 19th meetings 15, 22, 29 June 1950	17th, 18th, 21st meetings 27, 28 June and 6 July 1950	21st meeting 6 July 1950	28th, 29th meetings 17, 20 July 1950	29th, 30th meetings 20, 21 July 1950	29th, 30th meetings 20, 21 July 1950
19th meeting 29 June 1950	21st meeting 6 July 1950	27th meeting 14 July 1950	29th meeting 20 July 1950	30th meeting 21 July 1950	30th meeting 21 July 1950

New Guinea—Iraq, Philippines, United Kingdom, United States; Trust Territory of the Pacific Islands—Australia, China, Dominican Republic, United Kingdom; Togoland under British Administration—Belgium, Iraq, Philippines, United States; Togoland under French Administration—Belgium, Iraq, Philippines, United States; Nauru—Argentina, Belgium, China, France.

data in others did not allow the Council to make a thorough examination of the financial situation of certain Territories.

By resolution 323(IV), the Assembly recommended the adoption of strong and effective measures to abolish immediately the corporal punishment of whipping in Ruanda-Urundi and endorsed the Council's earlier recommendations for the immediate abolition of corporal punishment in the Cameroons and Togoland under British administration and its formal abolition in New Guinea. It asked the Council to adopt suitable measures for the solution of such important social problems as migrant labour and penal sanctions for breach of labour contracts by indigenous inhabitants. With a view to the abolition of discriminatory laws and practices the Assembly further asked the Council to examine all laws, statutes and ordinances and their application in the Trust Territories and to make positive recommendations to the Administering Authorities concerned.

By resolution 324(IV), the Assembly, *inter alia*, endorsed previous Council recommendations concerning education in Trust Territories; called the Council's attention to the necessity of asking the Administering Authorities to study the possibility of including in the school curricula of the Territories instruction on the United Nations, the Trusteeship System and the special status of Trust Territories; recommended that the Council call upon the Administering Authorities concerned to intensify or adopt measures for the establishment in Africa of educational institutions of university standard and systems of scholarships allowing indigenous students to complete their university training in other countries.

In each of these resolutions, the Assembly asked the Council to include in its annual reports to the Assembly special sections outlining the measures adopted by the Administering Authorities to carry out its recommendations, and, in particular, to report on the action taken with respect to the abolition of discriminatory practices.

By resolution 321(IV), the Assembly made recommendations to the Council concerning the examination of petitions and the terms of reference of Visiting Missions.¹⁴¹

The representatives of Iraq and the United States presented a draft resolution (T/L.7) suggesting that the Council take note of the recommendations contained in these Assembly resolutions, state that steps had been or were being taken by the Council to carry out their provisions and bring the resolutions to the attention of the

Administering Authorities, urging the latter to take the necessary steps to implement them. In particular, the Administering Authorities would be asked to abolish corporal punishment, including whipping, in all Trust Territories and to ensure that no discriminatory laws or practices existed in these Territories. The problems of migrant labour and penal sanctions for breach of labour contracts by indigenous inhabitants would be referred to the International Labour Organisation (ILO) and the Council would defer further action on these problems until it had received the advice of ILO.

It was argued by the representatives of Argentina and the Philippines that such an omnibus resolution was inadequate to deal with the Assembly resolutions. Jointly, they introduced amendments (T/L.40) to the Iraqi-United States resolution proposing specific action to be taken with respect to each recommendation made by the Assembly. According to these amendments, which were supported by the representative of China, the Council would note that it had taken or was taking steps to carry out some of the Assembly recommendations, but would resolve to give effect to all of them. The Administering Authorities would be asked to assure the budgetary autonomy of the Trust Territories. With respect to discrimination, the amendments proposed, as a first step, the establishment of a Council committee to make a preliminary study of all laws, statutes and ordinances, as well as their application, in the Trust Territories. With respect to migrant labour and penal sanctions for breach of labour contracts, the sponsors of the amendments suggested that, to avoid any delay, the Council ask the Secretariat, with the co-operation of ILO, to submit available information to the Council's seventh session. With respect to the Assembly's recommendations concerning teaching about the United Nations, the Trusteeship System and the special status of Trust Territories, the establishment in Africa of educational institutions of university standard and systems of scholarships, the joint amendments proposed that the Council address specific requests to the Administering Authorities concerned.

These amendments were opposed by the representatives of France, Belgium, the United Kingdom and New Zealand.

Quoting from the amendments, the representative of France stated that "to assure to the Trust Territories budgetary autonomy", apart from not following the Assembly resolution in question

¹⁴¹ See pp. 112-13.

(322 (IV)), meant, literally, that the Trust Territories would have to meet all their expenditure out of their own resources without subsidies from the Administering Authority.

This interpretation was reiterated by the representatives of Belgium and the United Kingdom, who referred to previous Council recommendations that larger subsidies be granted to certain Territories.

Other objections to the amendments were also made. The ILO was considered as more competent than the Secretariat to examine the problem of penal sanctions and breach of labour contracts. The immensity of the task and the length of time required to study all laws, statutes, ordinances and decrees in force in the Trust Territories was also referred to.

In this connexion, the representative of Belgium stated that when the General Assembly called upon the Trusteeship Council to take specific action, its instructions sometimes lacked a sense of reality. He questioned whether the Assembly was not going beyond its normal functions in asking the Council to take such action.

A statement of principle concerning the relationship between the Council and the Assembly was made by the President of the Council. He contended that resolutions of the Assembly recommending the Council to take any particular action could in no case limit the Council's rights. The Council could not be regarded as an executive office for carrying out resolutions adopted by the Assembly. As the Council could only apply Assembly resolutions by a majority of its members, it was possible that a recommendation by the Assembly might not pass in the Council. Since this would cause a regrettable conflict between the two organs, he considered that the Assembly should exercise the greatest prudence in passing resolutions encroaching upon the sphere of activity allotted to the Council under the Charter. He also thought that the Council, in acting on Assembly resolutions, had the power to interpret them in such a way as to make the Assembly recommendations applicable in practice.

These statements were endorsed by the representatives of Belgium, France, the United Kingdom and New Zealand.

Disagreement with these views was expressed by the representatives of China and the Philippines. The former referred to Articles 85 and 87 of the Charter which, he said, expressly stated that the Council carried out its functions (with respect to non-strategic areas under Trusteeship) "under the authority of the General Assembly"

(Article 85). He adduced as the only possible interpretation of this statement that the Council was an executive organ of the Assembly. He therefore felt that it would be extremely remiss of the Council to fail to take action on the Assembly's instructions.

With reference to the Iraqi-United States draft resolution, the representatives of New Zealand and Australia suggested that the text should make it clear that corporal punishment did not exist in all Trust Territories. This suggestion was accepted by the sponsors.

The joint amendments proposed by Argentina and the Philippines were defeated by a paragraph-by-paragraph vote, ranging from 3 to 5 votes for and 5 to 6 votes against.

The joint draft resolution, as amended by the addition of the words "where they still exist" in paragraph 3 of the operative part, was then adopted on 28 March 1950 by 7 votes to none, with 4 abstentions, as follows (127 (VI)):

Whereas the General Assembly of the United Nations at its fourth regular session considered the report of the Trusteeship Council covering its fourth and fifth regular sessions,

Whereas the General Assembly as a result of such consideration adopted, on 15 November 1949, resolution 320 (IV) concerning political advancement in Trust Territories, resolution 321 (IV) concerning petitions and visiting missions, resolution 322 (IV) concerning economic advancement in Trust Territories, resolution 323 (IV) concerning social advancement in Trust Territories, and resolution 324 (IV) concerning educational advancement in Trust Territories,

Now, therefore, the Trusteeship Council

Takes note of the recommendations of the General Assembly contained in the aforesaid resolutions;

Notes that steps have already been taken or are being taken by the Council to carry out the provisions of these recommendations;

Recommends to the respective Administering Authorities concerned, with regard to paragraph 2 of resolution 323 (IV), the abolition of corporal punishment and whipping in all Trust Territories where they still exist and the initiation of a programme to this effect as soon as possible;

Requests- the Secretariat to bring to the attention of the International Labour Organisation the General Assembly's interest in the problems of migrant labour and penal sanctions for breach of labour contracts by indigenous inhabitants, as explained in paragraph 3 of resolution 323 (IV), and to request the expert advice of the International Labour Organisation on these problems, and decides to defer further action until such expert advice can be obtained from the International Labour Organisation or other sources;

Urges all Administering Authorities to take the necessary measures, with regard to paragraphs 4 and 5 of resolution 323 (IV), to ensure that no discriminatory laws or practices contrary to the principles of the Charter and the Trusteeship Agreements shall exist in any Trust Territory, and calls upon the Administering

Authorities who may be concerned to include in the next annual reports all data needed to enable the Council to make any further positive recommendations on this subject which it may deem necessary in order to give effect to the recommendation of the General Assembly;

Decides further to bring to the attention of each of the Administering Authorities the aforesaid resolutions as adopted by the General Assembly, together with a copy of this resolution, and urges the Administering Authorities to take such steps as may seem necessary to give them effect.

Following its request to ILO for expert advice on the problems of migrant labour and penal sanctions for breach of labour contracts by indigenous inhabitants of Trust Territories, the Council was informed (T/712) that in June 1950 the ILO Governing Body had noted the resolutions of the General Assembly and the Council, and also the arrangements made by the Director-General concerning ILO's activities in these matters.

In regard to penal sanctions the Director-General proposed to approach the ILO member States concerned to secure details of their current law and practice, together with indications of the difficulties preventing the ratification of the Penal Sanctions (Indigenous Workers) Convention, 1939. This Convention had been ratified by only two countries—New Zealand and the United Kingdom. As regards migrant labour, the Director-General proposed to carry further the organization's studies of the matter in the course of an ILO mission to various territories in Africa and to report on the subject during 1951 to the ILO Committee of Experts on Social Policy in Non-Metropolitan Territories. It was stated that the Council would be kept fully informed of future developments in these fields.

b. IMPROVEMENT OF NUTRITION IN TRUST TERRITORIES

At the 29th meeting of the Trusteeship Council's seventh session, on 20 July 1950, the representative of Argentina presented a draft resolution (T/L.III) relating to the improvement of nutrition in the Territories. He stressed the importance of this question, which had occasioned numerous comments by members of the Council during its examination of annual reports.

The draft resolution was considered by the Council at its 30th meeting on 21 July. The representatives of France, Belgium, the United Kingdom, New Zealand, the United States and Iraq spoke in favour of the proposed resolution and each suggested drafting amendments which were accepted by the representative of Argentina. The

revised text was then adopted without objection as follows (300(VII)):

The Trusteeship Council,

Recognizing that dietary deficiencies constitute a serious obstacle to the social and economic development of the inhabitants of the Trust Territories,

Sharing the desire of the Administering Authorities to bring about improvement in existing nutritional standards,

Noting that scientific research concerning nutrition has recently undergone considerable changes, and

Noting in particular that studies have been undertaken regarding new and economical methods of ameliorating or eliminating such deficiencies in the dietary conditions in tropical areas,

Invites the Administering Authorities to continue to explore, in co-operation with the specialized agencies of the United Nations, and also with competent scientific bodies, the possibility of utilizing and expanding the latest scientific methods in the improvement of nutritional standards among the inhabitants of Trust Territories.

2. Action in the Economic and Social Council

Following its consideration of General Assembly resolution 225(III) concerning higher education in Trust Territories in Africa, the Trusteeship Council, at its fifth session, on 19 July 1949, had adopted a resolution (110(V))¹⁴² which, *inter alia*, invited the Economic and Social Council to take into account the higher educational needs of the Trust Territories in its study of programmes of technical assistance to under-developed areas.

This request was considered by the Economic and Social Council at the 413th meeting of its eleventh session on 15 August 1950. The Secretary-General submitted a note on the problem (E/1707) containing a suggested draft resolution, to which the United States delegation proposed certain additions (E/L.84). Both drafts found approval among the members of the Council and were unanimously adopted as resolution 320(XI).

As had been proposed by the Secretary-General, this resolution drew the attention of the Administering Authorities of the Trust Territories in Africa, i.e. Belgium, France and the United Kingdom, to the expanded programme of technical assistance for the economic development of under-developed countries established under Council resolution 222 A (IX)¹⁴³ as well as to the regular United Nations and specialized agency programmes of technical assistance for economic de-

¹⁴² For text, see Y.U.N., 1948-49, pp. 845-47.

¹⁴³ For text, see Y.U.N., 1948-49, pp. 443-46.

velopment and social progress; it invited the Administering Authorities to submit their requests to the appropriate organizations if such assistance were needed. It also drew the attention of the Technical Assistance Board (TAB) and the Technical Assistance Committee (TAC), as had been recommended by the United States delegation, to the Trusteeship Council's resolution 110(V) as a guide in examining the annual programmes of the participating organizations and in the allocation of funds by TAB; finally, the Council requested its President to consult with the President of the Trusteeship Council with regard to any further action designed to advance higher education in the Trust Territories in Africa.

3. Action in the General Assembly

a. GENERAL DISCUSSION IN THE FOURTH COMMITTEE

A general discussion of the conditions in the Trust Territories and of their administration took place during the fifth session of the General Assembly from the 144th to 152nd meetings of the Fourth Committee, from 2 to 16 October 1950.

The representative of Poland stated that a careful study of the annual reports and petitions and of the reports of the Visiting Missions indicated that the Administering Authorities were attempting to prevent or retard the attainment of self-government. In general, he continued, universal suffrage did not exist; legislative power was never vested in the indigenous people; advisory bodies were composed mainly of nominated members. Progress was equally slow in other fields, and the Trust Territories were being exploited for the benefit of the Administering Authorities. He criticized particularly British and French administration. Similar views were expressed by the representatives of the Byelorussian SSR, Czechoslovakia, the Ukrainian SSR and the USSR. The USSR representative suggested that the General Assembly should require strict compliance by the Administering Authorities with the requirements of the Charter and should make it obligatory for the Administering Authorities to provide the Trusteeship Council with detailed plans for the political, economic, social and educational development of each Trust Territory. Reference was made by the representative of Czechoslovakia to a statement by the French Minister for Overseas Territories to the effect that autonomy or independence of the Trust Territories was unthinkable and that the overseas territories were to be integrated into the French Union.

The policies of their Governments with respect to Trust Territories were defended by the representatives of France and the United Kingdom. The latter stated that his Government was continuing to do everything in its power, within its financial and other limits, to improve conditions and hasten self-government in the Territories under its administration. The representative of France outlined the measures taken to improve the political, economic, social and educational conditions in Trust Territories under French administration. He explained that the people of these Territories cared more for specific freedoms than for freedom as a principle, and more for real and practical independence than for theoretical independence. Moreover, in the government bodies in metropolitan France, there were over eighty representatives from French overseas territories; if they were persistent in their efforts, he stated, they never failed to get what they wanted.

The statement by the representative of France was questioned by the representative of the Philippines, who stated that independence without qualification was envisaged by the Charter for the peoples of the Trust Territories.

Colonialism, now as before, it was contended by the representative of Guatemala, was not aimed at leading dependent peoples towards independence, and the Powers responsible would never freely admit that the people of the dependent territories had attained sufficient political maturity for independence.

The risks involved in granting independence before the people were economically and politically prepared for it were emphasized by the representative of the Netherlands, whose arguments were challenged by the representatives of Liberia, the Ukrainian SSR, Czechoslovakia and Israel. These, as well as other representatives, including those of Argentina, Egypt, India, Indonesia, Iraq, Mexico and Pakistan, held that independence should not be delayed until perfection was reached. They referred to the strong reaction against colonialism and the growing movement towards independence in Asia and Africa, as witnessed by the achievement of independence by Indonesia, India and Pakistan, among others.

No comparison was possible, it was maintained by the representative of Belgium, between the peoples of these independent States with ancient civilizations, and those of certain of the Trust Territories in central Africa. The Administering Authorities could not abandon these people at their present stage of development—a ward was not emancipated from his guardian before he had

attained his majority. The Administering Authorities, he said, should be judged by their acts, by the progress they had achieved in the Territories under their administration, not on the basis of regrettable prejudices.

The representative of Norway, supported by the representative of Denmark, observed that it was necessary for the Administering Authorities to adopt a policy which, while leading the peoples of the Territories towards self-government, would respect the good in the traditional systems and institutions; they must be careful not to consider their own political systems as the only pattern to be applied in the Territories under their administration.

Reference was made by the representative of the Philippines to the view expressed by several Administering Authorities to the effect that they were not bound by the recommendations of the General Assembly and the Trusteeship Council. He called the Committee's attention in particular to such a statement contained in a pamphlet circulated by the United Kingdom in Togoland, as a summary of the annual report on the Territory to the United Nations.¹⁴⁴ He took exception to this statement, which he considered an incorrect interpretation of the role of the United Nations under the Trusteeship System, as undermining the prestige and authority of the Organization and as tending to discourage appeals to it from the peoples of the Territories. A number of other representatives also held that, as agents of the United Nations in the Territories, the Administering Authorities were bound by its decisions.

The relationship between the General Assembly and the Council was also the subject of some controversy. Several members expressed regret that the Council, at its sixth session, had rejected the Assembly's recommendation concerning the use of the United Nations flag¹⁴⁵ and had taken inadequate action with respect to other Assembly recommendations. They held that, since the Council operated under the authority of the Assembly with respect to non-strategic areas under Trusteeship, it was obliged to carry out the Assembly's recommendations. It was argued by the representative of Belgium, on the other hand, that if a Member voted against a resolution in the Assembly, it obviously could do the same in the Council.

Many observations were made in the Committee with respect to the economic and social conditions in the various Trust Territories.

The importance of building roads, of developing health services and of creating and expanding

educational establishments was emphasized by the representative of Iraq.

The continued existence of racial discrimination, corporal punishment and forced labour was deplored by a number of representatives, including those of Brazil, China, Indonesia and Pakistan. The representative of Pakistan also regretted the existence of feudal and tribal institutions in most of the Trust Territories.

The representative of Denmark observed with pleasure the Trusteeship Council's interest in the status of women in the Trust Territories and suggested that it co-operate with the Commission on the Status of Women in this respect. The question of child marriage, the representative of the Netherlands remarked, also deserved full attention.

During the course of the Fourth Committee's discussions, draft resolutions dealing with corporal punishment, rural economic development, educational advancement and technical assistance were introduced (see below).

b. CORPORAL PUNISHMENT IN TRUST TERRITORIES

On 9 November 1950, at its 172nd meeting, the Fourth Committee considered a joint draft resolution submitted by Cuba and the Philippines (A/C4/L.87/Rev.1), endorsing the Council's recommendation that corporal punishment be immediately abolished in all Trust Territories where it still existed. Members of the Committee held that this form of punishment was inhumane and contrary to the modern conception of human dignity and the Universal Declaration of Human Rights and deplored the continuation of this practice in spite of the previous recommendations of both the Assembly and the Council.

The Committee heard statements by the representatives of the three Administering Authorities concerned. The representative of the United Kingdom, after emphasizing that corporal punishment was not a widespread practice in the Territories under British administration and its award was subject to very strict conditions and limitations, assured the Committee of his Government's determination to press ahead with its policy of abolishing this form of punishment as a sanction of the courts as rapidly as was humanly possible. The

¹⁴⁴ A Summary of the Report by his Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Administration of Togoland under United Kingdom Trusteeship for the Year 1948 (Accra, Gold Coast: Government Printing Department, 1950).

¹⁴⁵ See pp. 796-97.

representative of Belgium explained that his Government was doing its utmost to alter conditions in Ruanda-Urundi and would abolish corporal punishment as early as practicable. In New Guinea, the representative of Australia stated, corporal punishment had not been used since the war and the formalities for its legal abolition were being considered.

Oral amendments to the last paragraph of the draft resolution were proposed. The Netherlands representative, pointing out that the Administering Authorities must introduce legal reforms and establish probation services before corporal punishment could be abolished, suggested that the Assembly recommend "that measures be taken immediately to bring about" its complete abolition; and the representative of Cuba proposed that the Administering Authorities be asked to report on the measures taken.

These amendments, which were considered by the Committee as a single joint amendment, were opposed by Burma, Haiti, the USSR and the United States. The joint amendment was adopted, however, by 25 votes to 3, with 10 abstentions after separate votes of 22 to 11, with 5 abstentions, on the Netherlands proposal, and 34 to 2, with 5 abstentions, on the Cuban proposal.

The Committee approved the draft resolution as a whole, as thus modified, by a roll-call vote of 37 to none, with 3 abstentions.

It was adopted by the Assembly at the 316th plenary meeting on 2 December 1950, by a roll-call vote of 55 to none, with 2 abstentions, as resolution 440 (V), and read as follows:

The General Assembly,

Recalling its resolution 323 (IV) endorsing the recommendation of the Trusteeship Council for the immediate abolition of corporal punishment in the Trust Territories,

Noting the several statements contained in the report of the Trusteeship Council to the present session of the General Assembly to the effect that such punishment is still being applied,

Recommends that measures be taken immediately to bring about the complete abolition of corporal punishment in all Trust Territories where it still exists, and requests the Administering Authorities of those Territories to report on this matter to the General Assembly at its next regular session.

c. RURAL ECONOMIC DEVELOPMENT IN TRUST TERRITORIES

A joint draft resolution designed to ensure the fair distribution and proper utilization of land in the Trust Territories was presented by Denmark, Mexico, the Philippines, Syria and the United States (A/C.4/L.78) and considered by the

Fourth Committee at its 154th and 155th meetings on 19 and 20 October 1950. The representative of the United States stated his belief that real progress could be achieved in the Territories if the terms of the resolution were faithfully followed and led to recommendations which were implemented by the Administering Authorities.

The draft resolution, which, *inter alia*, recommended that the Council study the prevailing policies, laws and practices relating to land, land utilization and the alienation of land, was warmly supported, and it was recalled that the Council had considered at length land problems in individual Territories during its examination of annual reports and petitions.

Several amendments to the proposed text were suggested by representatives of the USSR (A/C.4/L.83) and India (A/C.4/L.84), who explained, however, that they supported the draft resolution. The USSR proposed that the study take into account "the need for prohibiting the alienation of land of the indigenous inhabitants". Many representatives agreed in principle with this amendment, but felt that it might prejudice the study to be undertaken by the Council. The USSR withdrew the amendment.

Various changes proposed by India were adopted by the Committee, among them the insertion of a reference in the first paragraph of the preamble (see below) to the advancement of "the inhabitants of Trust Territories" in place of "under-developed areas", adopted by 29 votes to 17, with 3 abstentions, and the insertion in the first paragraph of the operative text of a reference to the basic objectives of the Trusteeship System, adopted by 30 votes to none, with 20 abstentions.

After a paragraph-by-paragraph vote, the amended draft resolution was adopted by 48 votes to none, with 2 abstentions, by the Fourth Committee. The Assembly adopted the resolution (438(V)) at its 316th plenary meeting on 2 December 1950, by 54 votes to none, with 1 abstention, as follows:

The General Assembly,

Recognizing that the equitable distribution and the proper utilization of the land together constitute one of the essential conditions in ensuring, maintaining and promoting the economic and social advancement of inhabitants of Trust Territories,

Recognizing that all Trust Territories are among the under-developed areas of the world,

1. Recommends the Trusteeship Council:

(a) To study the prevailing policies, laws and practices which in the Trust Territories relate to land, land utilization and the alienation of land, taking into account the present and future needs of the indigenous

inhabitants from the standpoint of the basic objectives of the International Trusteeship System, as set forth in Article 76 of the Charter, and the future economic requirements of the said Territories, as well as the social and economic consequences of the transfer of land to non-indigenous inhabitants;

(b) To make such recommendations to the Administering Authorities concerning the prevailing policies, laws and practices referred to above as may be conducive to the economic and social development of the indigenous inhabitants of the said Territories and as the Council may see fit to make in the light of the study undertaken in pursuance of sub-paragraph (a) above;

2. Requests the Trusteeship Council to report to the next regular session of the General Assembly on the work done in this connexion.

d. EDUCATIONAL ADVANCEMENT IN TRUST TERRITORIES

A joint draft resolution on this subject was proposed by Indonesia and Pakistan (A/C.4/L.75/Rev.2), and considered by the Fourth Committee at its 160th meeting on 30 October 1950.

In presenting their draft to the Committee, the sponsors stated that it was designed to provide a further incentive to educational development in the Trust Territories. The Trusteeship Council's report, they observed, revealed that budgetary appropriations for education were insufficient in relation to the size of the indigenous populations and educational conditions were unsatisfactory in several Territories, especially those under British administration and in Ruanda-Urundi and New Guinea; in Western Samoa, the situation was somewhat better, and in the Trust Territories under French administration educational problems were being attacked vigorously and wisely. They proposed in their resolution the establishment of long-range plans for educational advancement. They stated that they were not, however, suggesting a time-limit for such plans, which, in view of the different local conditions prevailing in individual Trust Territories, could be better worked out by the Administering Authorities, assisted by the specialized agencies.

An oral amendment by the USSR, proposing five to ten year plans was rejected by the Committee by 11 votes to 5, with 25 abstentions.

The draft resolution was supported by France, the United Kingdom and Australia, among others. The representatives of these countries, as well as the representative of Belgium, described the more recent progress made in the field of education in the respective Territories. They objected to an amendment proposed orally by India and accepted by the sponsors, to state that "considerably greater efforts are still required" in the educational field,

since they felt that this implied a criticism of the efforts already made by the Administering Authorities. A subsequent proposal made orally by the representative of the USSR to state specifically that past efforts were insufficient, was defeated by 18 votes to 8, with 15 abstentions.

The wording of the original proposal, to the effect that considerable efforts were still required, was re-introduced by the representative of France, and adopted by the Committee by 16 votes to 12, with 13 abstentions.

The draft resolution as a whole was adopted, with a few minor modifications, by 37 votes to none, with 6 abstentions.

At the 316th plenary meeting of the Assembly, on 2 December 1950, it was approved without change as follows (resolution 437(V)):

The General Assembly,

Considering that the promotion of educational advancement of the inhabitants of Trust Territories is essential for their progressive development as early as possible towards self-government or independence,

Recognizing that, while notable progress has already been achieved in the educational development of the Trust Territories, considerable efforts are still required in this field,

Considering that the establishment, in so far as is practicable, of comprehensive and long-range plans to achieve such educational development is desirable,

1. Recommends that the Trusteeship Council continue to devote particular attention, in consultation with the Administering Authorities and the specialized agencies, to long-range programmes of educational development in the Trust Territories, with a view to enabling the inhabitants of those Territories to take over the responsibilities of complete self-government at the earliest possible date;

2. Requests that the Trusteeship Council include in its annual reports to the General Assembly its observations on the various long-range educational programmes undertaken in the Trust Territories, and the progress made in respect thereof.

e. TECHNICAL ASSISTANCE FOR TRUST TERRITORIES

The representatives of Denmark and Syria presented a joint draft resolution (A/C.4/L.80) calling the attention of the Administering Authorities to the facilities available under the United Nations Expanded Programme of Technical Assistance. They considered, as was pointed out by the representative of Denmark during the general discussion of the Trusteeship Council's report, that political progress in the Trust Territories was dependent upon their economic development. They accepted a proposal by the Representative of Saudi Arabia (A/C.4/L.81) to add to their draft a final paragraph, drawing the attention of the

Economic and Social Council, the specialized agencies and the Secretary-General to the need to extend technical assistance to the Trust Territories.

The representatives of Saudi Arabia, Iraq, the United Kingdom, Haiti and India spoke in support of the draft resolution.

The representative of Brazil, however, although agreeing that the Trust Territories should receive more technical assistance, was of the opinion that the Administering Authorities held the chief responsibility for providing such assistance. He pointed out that \$20,000,000 had been set aside under the Marshall Plan for the development of territories administered by certain European Powers; if they were provided in addition with assistance under the United Nations Programme, they would be receiving almost all of the international assistance available. Then little would remain to meet similar needs, affecting a far greater number of people, in the many under-developed independent countries.

In this view he was supported by the representatives of Belgium, France and Venezuela; the representatives of Belgium and France were agreed that it was questionable whether the Administering Authorities were entitled to draw on the already limited resources of international organizations which could be used for the development of areas unable to appeal to a protecting Power. They stated that Trust Territories were receiving more assistance than any independent country.

The representatives of the United Kingdom, Belgium and France described the technical assistance being provided by the Administering Authorities in the Non-Self-Governing and Trust Territories in Africa. Land utilization, soil erosion, plant and animal diseases, stock-breeding, fisheries, meteorology, water resources and the eradication of the tsetse fly and sleeping sickness were among the problems being dealt with in the Territories. Much of the work was undertaken through research institutions and other organizations, and through pan-African conferences. In an effort to fill the need for trained technicians in the Trust Territories, students from the Territories under British and French administration were being trained in Metropolitan and other institutions.

With reference to the provision of technical assistance under the terms of the draft resolution, the representative of India stated that the funds provided should be used effectively and that the specialized agencies should employ personnel familiar with the conditions in the under-developed areas. He also suggested that a single resolution might be prepared dealing with technical

assistance in both Trust and Non-Self-Governing Territories.

This last suggestion was opposed by the representative of France, who stated that the two cases were quite different: the premise that the Administering Authorities have responsibility for their economic and social development was even more true for Non-Self-Governing Territories than for Trust Territories.

Referring to the joint draft resolution before the Committee, he suggested the deletion of the second paragraph as inaccurate because it noted that economic under-development in Trust Territories was to a considerable extent due to the lack of adequate technical assistance. To meet this objection, the representative of Argentina proposed a rewording of that paragraph which was accepted by the sponsors. The draft resolution as a whole was then adopted by the Committee by 40 votes to none, with 7 abstentions.

It was also adopted by the Assembly at the 316th plenary meeting on 2 December, by 51 votes to none, with 2 abstentions, as follows (resolution 439(V)):

The General Assembly,

Considering that, in pursuance of the objectives of the Trusteeship System as set forth in the Charter, it is indispensable that Trust Territories be developed in the interests of the indigenous inhabitants,

Noting that the development of the Trust Territories might be improved by additional technical assistance,

Noting that, under the expanded programme of technical assistance for economic development of under-developed countries (resolution 222 (IX) of the Economic and Social Council), the Trust Territories are eligible to receive technical assistance upon the request of the Administering Authorities concerned.

1. Draws the attention of the Administering Authorities to the facilities available under the expanded programme of technical assistance, as well as to the regular programmes of technical assistance of the United Nations and the specialized agencies for economic development, social welfare services and training for public administration;

2. Draws the attention of the Economic and Social Council, the specialized agencies and the Secretary-General to the need to extend to the Trust Territories such technical assistance as they may be in a position to render, in order to establish a sound basis for the progressive development of the inhabitants towards self-government or independence;

3. Recommends that the Administering Authorities, on behalf of the Trust Territories, make full use of these sources of technical assistance and make appropriate applications to the agencies involved;

4. Recommends that the Administering Authorities submit to the Trusteeship Council information on all applications made in implementation of the present resolution, and on the manner in which technical assistance received from the United Nations or the specialized agencies has been integrated into the long-range programmes for the development of the Trust Territories.

E. SPECIAL QUESTIONS AFFECTING TRUST TERRITORIES

1. Administrative Unions Affecting Trust Territories

Several of the Trusteeship Agreements contain provisions authorizing the Administering Authority to administer the Trust Territory as an integral part of its own territory or to form customs, fiscal or administrative unions between the Trust Territory and adjacent territories under its control and to establish common services between these territories. At the time of the approval of these Agreements, the Administering Authorities concerned gave their assurances in each instance that they did not consider these provisions as giving them powers to establish any form of political association between the Trust Territories and adjacent territories which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories.

On 15 November 1949, in resolution 326(IV), the Assembly asked the Trusteeship Council to complete its investigation of the question of administrative unions begun in response to Assembly resolution 224(III) of 18 November 1948.¹⁴⁶ The Council was asked to pay particular attention to the desirability of: obtaining from the Administering Authorities prior information of their intention to create new administrative unions or extend the scope of existing unions; the Administering Authority concerned accepting such supervision by the Council over any unified administration as the Council might consider necessary; establishing a separate judicial organization and legislature in each Trust Territory and eliminating any type of legislative action originating in any other legislative body with headquarters in a neighbouring territory; taking into account the freely expressed wishes of the inhabitants concerned before any administrative union is formed or extended.

a. ACTION TAKEN IN THE TRUSTEESHIP COUNCIL

At the 79th meeting of its sixth session, on 31 March 1950, the Council decided, by resolution 129(VI), that its Committee on Administrative Unions should continue its study of questions concerning customs, fiscal and administrative unions or federations and common services involving Trust Territories, so that the Council might complete its investigation in accordance

with the terms of the two General Assembly resolutions.

Meanwhile, in formulating its conclusions and recommendations in connexion with its examination of annual reports on the Territories concerned, the Council in each case deferred its decision concerning the effects of the administrative arrangements on the Territories until it had received the report of the Committee on Administrative Unions.

The Committee was composed of the following members of the Council: Argentina (appointed to replace Mexico, which was no longer a member of the Council), China, France, New Zealand, the Philippines (appointed to serve during the absence of the USSR) and the United States. The Committee held fifteen meetings, from 5 June to 11 July, during the course of which it studied the various aspects of the administrative unions affecting the Trust Territories of Tanganyika, the Cameroons and Togoland under British administration, Ruanda-Urundi under Belgian administration and New Guinea under Australian administration.¹⁴⁷ At the invitation of the Committee, special representatives of the Administering Authorities concerned attended certain meetings to answer questions relating to the administrative arrangements involving the respective Territories. The Committee did not re-examine the question of the administrative relationship of the Cameroons and Togoland under French administration with the French Union, which it had examined during 1949.

All documents submitted by the Administering Authorities, including the relevant legal instruments,¹⁴⁸ and the provisions of the respective Trusteeship Agreements concerning administrative unions, were considered by the Committee, as well as the various aspects of the question raised during the discussions of the Trusteeship Council, the Fourth Committee and plenary meetings of the General Assembly and the Permanent Mandates Commission of the League of Nations.

The Committee unanimously adopted a draft resolution introduced by Argentina, the Philippines and the United States containing the prin-

¹⁴⁶ For texts of the two Assembly resolutions and the work of the Council following resol. 224(III), see Y.U.N., 1948-49, pp. 858-63.

¹⁴⁷ For the Committee's observations and conclusions with respect to these Territories, see under the individual Territories.

¹⁴⁸ For list of these documents, see Committee's report (T/L.96).

cial observations and conclusions formulated by the Committee after a thorough study of the problem based on General Assembly resolution 326 (IV). This draft resolution and separate studies with respect to each Trust Territory concerned, were included in its report to the Council (T/L.96).

The Council considered this report at the 28th meeting of its seventh session on 17 July. During the discussions, both in the Committee and in the Council, the representatives of Argentina, China and the Philippines expressed their view that, for the United Nations to carry out its supervisory functions over the administration of the Trust Territories, Visiting Missions must of necessity have free access to the establishments, institutions, common organs and amalgamated services of administrative unions in so far as they related to the administration of Trust Territories.

The draft resolution recommended by the Committee was adopted by the Council, as resolution 293 (VII). By this resolution, the Council transmitted the Committee's report to the General Assembly and called the Assembly's attention to the Committee's principal observations and conclusions with respect to General Assembly resolution 326 (IV) as applied to the administrative unions affecting the Cameroons under British administration, New Guinea, Ruanda-Urundi and Tanganyika.

The following safeguards, considered necessary to assist the Council in discharging its functions and to avoid the possibility of any administrative union operating in such a manner as to prejudice the attainment of the objectives of the Trusteeship System, were included in the resolution and drawn to the attention of the Administering Authorities concerned:

- (a) That the Administering Authorities furnish clear and precise separate financial, statistical and other data relating to Trust Territories participating in administrative unions;
- (b) That the Administering Authority facilitate the access of visiting missions to such information on an administrative union as may be necessary to enable the mission to report fully on the Trust Territory concerned;
- (c) That the Administering Authorities continue to maintain the boundaries, separate status, and identity of Trust Territories participating in administrative unions;
- (d) That the Administering Authorities ensure, with regard to Trust Territories participating in administrative unions, that expenditures on the administration, welfare, and development of any such Trust Territory for a given year be not less than the total amount of public revenue derived from the Territory in that year.

Finally, the Council decided, on the Committee's recommendation, to establish a standing commit-

tee to examine regularly the operation of administrative unions and report to the Council at each session on any union involving a Trust Territory under review. On 21 July, the Council named Argentina, the Philippines, New Zealand and the United States as members of the Standing Committee on Administrative Unions.

This Committee met twice during 1950, on 18 and 23 August. At its second meeting, it requested the Administering Authorities concerned to provide it from time to time, when possible before each Council session, with such information as would, in their opinion, aid the Committee in carrying out its work.

b. ACTION TAKEN IN THE GENERAL ASSEMBLY

Although the Fourth Committee of the General Assembly did not take up the question of administrative unions affecting Trust Territories until its 198th meeting on 5 December, several related arguments were advanced during the Committee's general discussion in October of the report of the Trusteeship Council.

Administrative unions were opposed by the representative of Pakistan, who held that they resulted in the absorption of Trust Territories. The representative of Liberia, on the other hand, stated that he did not object to the amalgamation of a Trust Territory with a Non-Self-Governing Territory not under Trusteeship, since he felt that conditions in both types of territories were virtually the same and an administrative union would only strengthen the people's desire for political freedom. Three conditions which needed to be met to guard against any adverse effect upon a Trust Territory were put forward by the representative of Brazil, and supported by the representative of Argentina: the political identity of the Trust Territory must be respected and the seat of government should therefore remain within the Territory; no measures should be taken to retard the Territory's progress towards self-government; and the United Nations should not be hindered in exercising its supervisory functions.

At the Committee's 198th meeting, the representative of Denmark proposed that, since the fifth session of the Assembly was drawing to a close, discussion of the question of administrative unions should be postponed until the next regular Assembly session. He introduced a draft resolution to this effect (A/C.4/L.131), which also noted the interim report of the Council on administrative unions (A/1306, pp. 180-83, 185-215) and the fact that a special standing committee was

continuing its work on the subject. The deletion of these references was suggested by the representative of Brazil, supported by the representatives of the Philippines, Cuba and Yugoslavia, who believed that to insert the references would convey the impression that the report had already been discussed and considered by the Fourth Committee. This amendment was accepted by Denmark. The representative of Yugoslavia stated that he had certain objections to the establishment and functions of the Standing Committee, but would support the draft resolution as amended.

Both in the Committee and again in plenary session, the representative of the USSR argued against postponing the discussion of the problem. He contended that by uniting the Trust Territories with adjacent colonies by means of so-called administrative unions, the Administering Authorities concerned were depriving the Trust Territories of their special status and, in fact, annexing them. Such a policy was contrary to the Charter and to the previous decisions of the Assembly on the subject of administrative unions. He referred to the unsuccessful efforts of his delegation during the Assembly's fourth session to secure the adoption of a recommendation to the Administering Authorities to establish in Trust Territories legislative and executive organs which would not be subordinate to any organs established as a result of unification with adjacent colonies, and to that end to take the necessary measures to secure the participation of the indigenous population in the legislative, executive and judicial organs of the Trust Territories. He urged that the Assembly adopt at its current session the decisions necessary to ensure strict compliance by the Administering Authorities with the Charter provisions concerning the Trusteeship System.

By 34 votes to 4, with 5 abstentions, the Fourth Committee adopted the Danish draft resolution as amended, including it in its report to the Assembly on the question of administrative unions (A/1642).

At the 320th plenary meeting on 12 December, the General Assembly also approved the resolution (443 (V)), by which it decided to carry over the item relating to administrative unions affecting Trust Territories for consideration at its next regular session.

2. Use of the United Nations Flag in Trust Territories

By resolution 325 (IV)¹⁴⁹ of 15 November 1949, the General Assembly had asked the Trusteeship

Council to recommend to the Administering Authorities that the flag of the United Nations be flown over all Trust Territories, side by side with the flag of the Administering Authority concerned and with the territorial flag, if there were one.

A joint draft resolution to implement this recommendation was submitted by China and the Philippines (T/L.9) and considered by the Council at its 76th and 77th meetings on 30 March 1950.

Opposition to the proposal was voiced by Australia, Belgium, France, New Zealand and the United Kingdom, on the grounds that it was based on a misconception of the respective functions of the United Nations and the Administering Authorities. Ultimate authority in the Territories, they held, rested with the Administering Authorities; and they stated that they would not recognize any obligation on their part to implement the resolution should it be adopted. While they did not mind displaying the United Nations flag on certain special occasions, they felt that to fly it continually side by side with the flag of the Administering Authority might create confusion in the minds of the peoples of the Territories.

The draft resolution was not adopted. In two successive votes, it received a tie vote of 5 to 5, with 1 abstention (Argentina).

At the 30th meeting of the seventh session of the Council, on 21 July 1950, the matter was again considered. The representatives of China, Iraq and the Philippines presented a draft resolution (T/L.112) similar to the one previously rejected by the Council at its sixth session. A United States amendment was also introduced (T/L.113), to ensure to the Administering Authorities the latitude necessary to handle any practical administrative difficulties which might arise from the recommendation to fly the United Nations flag side by side with the flag of the Administering Authorities and the territorial flag, if any.

This resolution, together with the United States amendment, was adopted by the Council by 6 votes to 2, with 3 abstentions (301 (VII)). Following the vote, the representatives of New Zealand and Belgium explained their negative votes. The representative of New Zealand stated that the New Zealand flag and the territorial flag, which would one day be the only flag, were already being flown in Western Samoa, and although his Government wished to display the United Nations flag

¹⁴⁹ See Y.U.N., 1948-49, p. 858.

on occasion, it did not wish to increase the number of flags flying over the Territory. The representative of Belgium stated that his Government

would accord due recognition to the official status of the United Nations in Trust Territories, even though it had opposed the resolution.

F. SOMALILAND UNDER ITALIAN ADMINISTRATION

By General Assembly resolution 289(IV) of 21 November 1949, it was provided" that the former Italian colony of Somaliland, temporarily placed under British military administration as a result of the Second World War, was to become an independent sovereign State ten years after the approval of a Trusteeship Agreement by the Assembly. During this ten-year period, the Territory was to be placed under the International Trusteeship System with Italy as the Administering Authority, assisted and advised by an Advisory Council composed of representatives of Colombia, Egypt and the Philippines. The Assembly requested the Trusteeship Council to negotiate with Italy a draft Trusteeship Agreement, after which Italy, by arrangement with the United Kingdom, was to take over the provisional administration of Somaliland provided that it first agree to administer the territory in accordance with the Charter and the draft Trusteeship Agreement, pending approval by the Assembly of the final Agreement.

1. Drafting of Trusteeship Agreement by the Trusteeship Council

The Trusteeship Council, meeting in special session from 8 to 20 December 1949 to consider its responsibilities under this Assembly resolution, appointed a drafting committee to seek assent to a text of a Trusteeship Agreement.

a. WORK OF THE COMMITTEE FOR ITALIAN SOMALILAND

The Committee for Italian Somaliland was composed of representatives of the Dominican Republic, France, Iraq, the Philippines, the United Kingdom and the United States. At its first meeting, held at Lake Success on 13 December 1949, the Committee elected Max Henriquez-Ureña (Dominican Republic) as Chairman and Teodoro Evangelista (Philippines), later replaced by Jose D. Ingles, as Rapporteur. The Committee subsequently met in Geneva, from 9 to 19 January and again on 26 January. Representatives of the following countries took part, without the

right to vote, in its deliberations: Italy, the Administering Authority; Ethiopia, which had common boundaries with Somaliland; and Colombia and Egypt, which, with the Philippines, formed the Advisory Council. The International Labour Organisation was also represented at the meetings. Although the Committee had been authorized by the Council to permit representatives of political parties or organizations in Somaliland to express their views in the Committee, it received no requests for such permission.

Drafts of a Trusteeship Agreement and Declaration of Constitutional Principles for the Territory were proposed by Italy (T/429) and the Philippines (T/440 & Corr.1 & Corr.1/Add.1 & 2), and a paper containing basic proposals and suggestions for the Agreement was submitted by the Dominican Republic (T/AG18/L.3). After a detailed examination of these drafts, which contained almost identical provisions, the Committee agreed on the text of a draft Agreement. It also included in this text certain provisions of a suggested annex on education proposed by the Iraqi delegation (T/AC.18/L.6). In drawing up a Declaration of Constitutional Principles, to be annexed to the Trusteeship Agreement, the Committee was guided by a text proposed in 1949 by the delegation of India and annexed to General Assembly resolution 289(IV). Both the draft Agreement and the Declaration were unanimously adopted by the Committee at its 17th meeting on 19 January 1950 and included in its report to the Trusteeship Council (T/449).

b. CONSIDERATION IN THE COUNCIL

The report of the Committee was considered by the Trusteeship Council at the 3rd to 8th meetings of its sixth session, from 23 to 27 January 1950. General approval of the substance of the draft Agreement was expressed by members of the Council. Several representatives stressed, in particular, the advantages of certain features not included in Trusteeship Agreements previously adopted: the draft Agreement provided that the Territory should receive its independence at the end of a fixed period of time and that the Admin-

istering Authority should be assisted by an Advisory Council; the annexed draft Declaration, which was an integral part of the draft Agreement, expressly guaranteed the rights and liberties of the population and proclaimed that the sovereignty of the Territory was vested in its people, who must be given a status of citizenship of the Territory.

Certain reservations were, however, expressed both in the Committee and in the Council.

In the view of the Ethiopian Government, there existed no delimited frontiers defining Somaliland and the primary and essential basis for any Trusteeship Agreement for the area was therefore lacking. Moreover, it was maintained, Ethiopia was a "state directly concerned" within the meaning of Article 79 of the Charter¹⁵⁰ and its consent to the terms of any Trusteeship Agreement for the Territory was therefore required. In the absence of these prerequisites, the Ethiopian Government could not recognize the validity of any Agreement prepared or agreed to by the Council (T/430, T/445). The representatives of Italy and the United Kingdom held that, as indicated in article 1 of the draft Agreement, some boundaries had been delimited; both reserved their right to revert again to this matter if necessary.

Declaring that the economic and financial provisions of the Treaty of Peace with Italy did not apply to the former Italian colonies, the representative of France observed that such provisions should be included in the Agreement. On this question, the United Kingdom proposed that Italy should report, when it assumed provisional administration, on the war damage or confiscation of property of nationals of Members of the United Nations. Stating that no such cases existed in Somaliland, the representative of Italy agreed to include in its first annual report to the Council a statement on the position of property belonging to nationals of Members. These proposals had not been resolved in the Committee, and the Council decided to include this Italian undertaking as article 18 of the draft Agreement.

The Council considered and voted on the draft Agreement and the Declaration article by article making drafting changes in a number of articles. Following considerable debate as to whether the provisions of article 14—relating to legislation on land tenure and the alienation of land or other natural resources—applied to improved urban land, the Council, on 26 January, referred this article back to the Committee for clarification. The Committee drafted an additional paragraph indicating that the provisions of article 14 did not

apply to building land within the metropolitan area of Mogadiscio (T/1449/Add.1). This was accepted by the Council.

At the 8th meeting of its sixth session on 27 January, the Council unanimously adopted the draft Agreement and the Declaration of Constitutional Principles.¹⁵¹ These it included in a special report (A/1294), which it later adopted, on 14 July 1950 during its seventh session, for transmission to the General Assembly. The draft Agreement had 25 articles. Article 1 defined the geographical boundaries of the Territory; articles 2 to 8 and 12 to 20 set forth the powers and obligations of the Administering Authority; articles 9 to 11 and part of articles 6 and 8 defined the functions of the Advisory Council; articles 21 to 24 dealt with amendments to the Agreement, the interpretation of its provisions, its entry into force and its expiration. The draft Declaration of Constitutional Principles consisted of a preamble and ten articles.

2. The Transfer of Provisional Administration to Italy

Meanwhile, arrangements for the transfer of provisional administration from the United Kingdom to Italy were being negotiated by these two Governments.

On 9 February, the Minister for Foreign Affairs of Italy notified the Council that the Italian Parliament had authorized the Government to undertake the provisional administration of the Territory (T/468). On 22 February, he informed the Secretary-General that, subject to ratification of the Trusteeship Agreement, his Government had undertaken to assume administration of the Territory in accordance with the General Assembly resolution of 21 November 1949 (289 (IV)) and article 23, paragraph 2, of the draft Trusteeship Agreement, on a date to be agreed upon with the United Kingdom (T/488).

The boundaries of the Territory which Italy was to administer had not yet been finally delimited. The Assembly, in resolution 289 (IV), had asked the Interim Committee to study the procedure to be adopted to delimit those boundaries not already fixed by international agreement.¹⁵² For immediate administrative purposes,

¹⁵⁰ Art. 79 of the Charter states: "The terms of trusteeship for each territory to be placed under the trusteeship system. . . shall be agreed upon by the states directly concerned . . ."

¹⁵¹ For text, see pp. 802-6.

¹⁵² See pp. 370-72.

however, the United Kingdom had agreed on 26 January to furnish the Council with a description of the provisional frontier line up to which Italy would occupy the Territory (T/PV.208). This line was to be determined by agreement between Ethiopia, Italy and the United Kingdom.

In a letter to the Council dated 1 March, the United Kingdom representative defined the proposed frontier line, indicating that this arrangement had of necessity been arrived at unilaterally by his Government and stressing that it was provisional and without prejudice to the final settlement of the question (T/484). The Italian Minister for Foreign Affairs informed the Council, on 15 March, that Italy had no intention of questioning the procedure adopted by the United Kingdom, but wished to point out that the provisional line was fixed without its being consulted. As protector of the rights of Somaliland, it reserved its position with regard not only to the legal aspects of the question, but also to certain practical difficulties, such as the separation of tribes and problems of pasturage and water holes, which might arise along this provisional frontier (T/527).

By letters dated 5 and 25 April, respectively, the Council was informed that Italy and the United Kingdom had agreed on 1 April 1950 as the date upon which British authority in Somaliland would terminate and Italy would assume responsibility for the administration of the Territory (T/704, T/705).

3. Consideration in the General Assembly

The special report of the Trusteeship Council was referred by the Assembly to its Fourth Committee, which considered it from 10 to 16 November at its 174th to 180th meetings. At its 174th meeting, the Fourth Committee invited the representatives of Italy and the Chairman of the United Nations Advisory Council for the Trust Territory of Somaliland to participate without the right to vote in the Committee's deliberations.

a. REPORT OF THE ADVISORY COUNCIL

An outline of the situation in the Territory and of the activities of the Advisory Council from its inception until the end of July was included in a progress report before the Fourth Committee (A/C.4/178), and supplemented by a statement by the Chairman of that Council. The report adduced that Somaliland, which is situated along

the Indian Ocean between the Equator and the Gulf of Aden, had a population of about one million, the majority of whom were nomads organized on a tribal basis. The Advisory Council described the climate of the Territory as unhealthy and its economy rudimentary. A large part of the Territory was uncultivated and it had no mineral resources. The main occupations of the population were stock-raising and agriculture, which barely provided a livelihood. Through the efforts of European settlers, particularly the Italians, the production of cane sugar, bananas and cotton for export had been developed during the earlier Italian occupation. But the standard of living was still very low and educational facilities were limited.

The Advisory Council had held its first meeting in Cairo on 27 March 1950, its second in Alexandria on 29 March, and had proceeded to its headquarters in Mogadiscio (Mogadishu), where it witnessed the ceremony of transfer on 1 April. Members of the Council had had many official and unofficial interviews with members of the Italian administration and of the Government in Rome on the problems affecting the Territory. They had visited a large part of the interior of Somaliland, the report stated, to obtain personal impressions of prevailing conditions and had established cordial and friendly relations with the population during the course of these visits. Relations between the Advisory Council and the Administering Authority had been marked by a desire for mutual understanding, the Council indicated. It was convinced that the Administering Authority was resolved to fulfil its task in accordance with the letter and spirit of the draft Trusteeship Agreement. However, the Council stressed the need for the Administering Authority to consult it on all questions specified in the Agreement. Complaining that during the initial period it had not been kept adequately informed, the Council stated that the situation had rapidly improved and had already become entirely satisfactory. During the first six months of the Council's existence, its advice had been sought on two important questions: the composition of the territorial council provided for in the Declaration of Constitutional Principles, and the vernacular language of the Territory. Since it thought the first question particularly delicate and complex, the Council had decided, rather than give the Administering Authority precise instructions, to define the general principles to be followed in establishing the territorial council. It had considered that no more than three fourths of the members of the territorial council should represent the tribes, and that a

large place should be given to representatives of political parties because they represented dynamic groups which gave the younger elements of the population an opportunity to share in managing the country's affairs. While the territorial council might usefully call upon officials of the Italian administration as advisers, they should not be members of the council. With regard to the vernacular language of the Territory, the Advisory Council recommended the adoption of Arabic, for technical and, more importantly, for political reasons; it was the language of economic relations, culture and religion in Somaliland.

A considerable improvement in public order, particularly at Mogadiscio, was noted by the Council during its stay in the Territory, and the tension prevailing at the time of the transfer of administration had decreased. This was largely due, the Council stated, to the efforts of the Italian Under-Secretary of State, who had travelled throughout the Territory explaining to the indigenous population, Italian officials and members of the Italian colony the nature of the task entrusted to the Italian Government and had appealed for their co-operation in carrying out this task.

b. COMMUNICATIONS FROM ORGANIZATIONS

In addition to the reports of the Trusteeship Council and the Advisory Council, the Fourth Committee had before it communications from two organizations, both of which claimed to represent the great majority of the Somali people: the Somali Youth League (A/C.4/179 & Add.1, A/C.4/182 & 183), and the Conferenza della Somalia (A/C.4/180). The Committee granted their requests for representation, without the right to vote, during the Committee's discussion of the draft Trusteeship Agreement.

The Somali Youth League complained of the oppressive rule imposed upon Somaliland by the Italian administration, which it alleged had been returned to the Territory against the wishes of the people. It charged that ruthless measures were used to suppress political opposition and complained that persons in high positions under the Fascist regime had been appointed to official posts in the Territory. With respect to the Trusteeship Agreement, the Somali Youth League asked that it provide for: the unification of all of Somaliland, including the portions under British, Ethiopian and French rule; protection against the large-scale immigration into the Territory planned by Italy as an outlet for its surplus and jobless popu-

lation; better protection than that provided in article 14 of the draft Agreement against the alienation of land and other natural resources; and the use of Somali as the language of instruction.

The Conferenza della Somalia, on the other hand, testified that the people of Somaliland were satisfied with the draft Agreement, with the only exception that it did not provide for the return to Somaliland of the territory ceded by the United Kingdom administration to Ethiopia. It considered that the dominant theme of the Italian administration's policy was "Somaliland for the Somalis" and gave an account of the benefits which the people had already derived from this administration since the transfer of power.

C. DISCUSSIONS IN THE FOURTH COMMITTEE

In the course of the discussions in the Fourth Committee, several points of view emerged with respect to the draft Agreement.

The representative of Ethiopia restated the position of his Government, again maintaining that, as a State directly concerned, its approval of the terms of the Agreement was required under Article 79 of the Charter. He submitted a draft resolution proposing that the Assembly refuse to consider the Agreement since it had not been prepared in accordance with the terms of the Charter (A/C.4/L.102). Following the defeat of this draft resolution in the Committee, by a roll-call vote of 34 to 6, with 7 abstentions, he proposed a second resolution requesting the International Court of Justice for an interpretation of Article 79 of the Charter (A/C.4/L.105). At the request of the Chairman of the Fourth Committee, this draft resolution was later withdrawn by the representative of Ethiopia, who reserved the right to bring the matter up again in plenary session.

Strong opposition to both the naming of Italy as Administering Authority and to the draft Agreement was expressed by the representatives of the Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR and the USSR. These members held that the Territory would deteriorate under Italian administration. They objected to General Assembly resolution 289 (IV), which, instead of ensuring the early independence of the Territory and its interim administration in the interests of the Somalis by placing it under direct administration by the United Nations, had named Italy the Administering Authority so that the Territory could be used as a base for strategic military preparations by the United Kingdom and the United

States. An examination of the draft Agreement and the Declaration of Constitutional Principles, they stated, revealed that neither document assured participation of the Somalis in political, economic, social and educational administration. Nor did these documents contain provisions which would enable the United Nations effectively to supervise developments in the Territory or provide sufficient guarantees of its independence at the end of ten years. On the contrary, it was charged, they permitted the exploitation of the Territory's resources by Italy.

All other members of the Committee supported the draft Agreement, with the exception of Liberia, which indicated that it did not approve of all its provisions, particularly those concerning the sale of land and European immigration.

Few representatives, however, were completely satisfied with all the provisions of the draft Agreement. But a delay in its adoption, it was pointed out, would result in a consequent delay in the independence of Somaliland. Since much depended on the implementation of the Agreement, the Administering Authority was asked to state its intentions in this respect, particularly as regards its relations with the Advisory Council, the method of forming the territorial council, immigration, and other specific questions.

The representative of Italy assured members that his Government was fully conscious of its responsibilities. It was determined to prepare Somaliland for independence in a spirit of justice, peace, liberty and progress and to interpret the provisions of the Agreement in accordance with the principles, spirit and letter of the Charter. It would adopt the same attitude towards any relevant resolutions of the Assembly. To symbolize that attitude, United Nations Day had been declared a holiday in Somaliland and the United Nations flag was flying in the Territory alongside the Italian flag. During its six months of provisional administration, Italy had encouraged the indigenous inhabitants to share in the public life of their country. It had set up District Councils throughout the Territory and had consulted the people by referenda concerning the language to be used in teaching and the organization of the territorial council. Nearly 4,000 Somalis were employed in civil administration.

Continuing, the representative of Italy indicated that the improved situation in Somaliland had made possible reductions in the troops which Italy, under agreements with the United Kingdom, had had to send to the Territory to ensure order

at the time of the transfer of administration. The first contingents had already been sent home and others would follow until, by 30 June 1951, only such troops as were necessary for the organization of the Somali defence forces would remain. The police would be composed exclusively of indigenous inhabitants and the army would soon have four indigenous battalions. In order to promote general understanding and reconciliation, Italy had at the end of July declared an amnesty. With reference to charges of political persecution, the representative of Italy stated that not a single Somali was now in prison for a political offence.

The creation of ample reserves to guarantee the national currency, the increase in the number of classes in schools, the establishment of special courses for adults, a craft school, a teachers' training school and a school of administration, and the substantial increase in allocations for teaching and for medical and hospital treatment were described as further evidence of Italy's policy in Somaliland. Italy had already sought the assistance of the International Labour Organisation and UNESCO in studying social problems in the Territory and had contacted the United Nations Technical Assistance Administration for aid in economic development. Further, it planned to facilitate the recruitment of technicians and the investment of capital to promote the economic development of the Territory. But it did not intend to encourage immigration into the Territory, which, principally for climatic reasons, was in any case unsuitable for Europeans.

Members of the Fourth Committee supporting the draft Agreement expressed great confidence in its implementation by Italy. The representatives of Argentina, Colombia, Denmark, Iraq, Norway, Pakistan, the Philippines and the United States submitted a joint draft resolution (A/C.4/L.104) recommending that the Assembly approve the draft Agreement and calling its attention to the declarations made by the representative of the Administering Authority. Subsequently, the representative of India joined the sponsors of the proposal after it was revised to call the Assembly's attention in particular to the Administering Authority's undertaking "to prepare Somaliland for independence in a spirit of justice, peace, liberty and progress, and to implement the terms of the Agreement in the spirit and the letter of the provisions of the Charter of the United Nations" (A/C.4/L. 104/Rev.1).

The Fourth Committee adopted this proposal at its 180th meeting on 16 November by a roll-

call vote of 44 to 5, with 1 abstention, and included it in its report to the Assembly, which it approved by 39 votes to 5 at its 186th meeting on 24 November (A/1550).

d. TRUSTEESHIP AGREEMENT APPROVED BY THE ASSEMBLY

The General Assembly considered this report at its 316th plenary meeting on 2 December 1950. It also had before it a report of the Fifth Committee indicating that the adoption of the Fourth Committee's proposal would require a budgetary provision of \$175,000 during 1951 to cover the expenses of the Advisory Council (A/1573). Proceeding immediately to a vote, the Assembly, by 44 votes to 6, adopted a resolution (442 (V)) approving the Trusteeship Agreement and the annexed Declaration of Constitutional Principles as contained in the special report of the Trusteeship Council (A/1294).

The text read:

TRUSTEESHIP AGREEMENT FOR THE
TERRITORY OF SOMALILAND UNDER
ITALIAN ADMINISTRATION

Preamble

Whereas Chapters XII and XIII of the Charter of the United Nations provide for an International Trusteeship System,

Whereas, by article 23 of the Treaty of Peace between the Allied and Associated Powers and Italy, signed in Paris on 10 February 1947, Italy renounced all right and title to the Italian territorial possessions in Africa,

Whereas, under paragraph 3 of Annex XI of this Treaty, the General Assembly of the United Nations was requested to make recommendations regarding the future status of the territories referred to in article 23 thereof,

Whereas, under paragraph 3 of Annex XI of this Treaty, the Governments of France, of the Union of Soviet Socialist Republics, of the United Kingdom of Great Britain and Northern Ireland, and of the United States of America agreed to accept the recommendation made by the General Assembly of the United Nations in this matter,

Whereas the General Assembly, after having examined the question at its third and fourth sessions, adopted, at its 250th plenary meeting on 21 November 1949, a resolution recommending, with respect to the territory formerly known as Italian Somaliland, that the Territory shall be an independent and sovereign State; that its independence shall become effective at the end of ten years from the date of approval of the Trusteeship Agreement by the General Assembly and that, during this period of ten years, the Territory shall be placed under the International Trusteeship System with Italy as the Administering Authority, aided and advised by an Advisory Council composed of representatives of Colombia, Egypt and the Philippines,

Whereas the Trusteeship Council, as requested by the General Assembly, has negotiated the draft of a Trustee-

ship Agreement with Italy and approved it at the eighth meeting of its sixth session on 27 January 1950,

Whereas the Government of Italy has accepted responsibility as the Administering Authority of this Territory,

Whereas the Governments of Colombia, Egypt and the Philippines have accepted the responsibility of aiding and advising the Administering Authority in their capacity as members of the Advisory Council,

Now, therefore, the General Assembly of the United Nations approves the following terms of trusteeship for the territory formerly known as Italian Somaliland:

Article 1

The territory to which this Agreement applies is the territory formerly known as Italian Somaliland, hereinafter called the Territory, bounded by the Somaliland Protectorate, Ethiopia, Kenya, the Gulf of Aden and the Indian Ocean. Its boundaries shall be those fixed by international agreement and, in so far as they are not already delimited, shall be delimited in accordance with a procedure approved by the General Assembly.

Article 2

Italy shall be entrusted with the administration of the Territory, and the Government of Italy (designated in this Agreement as the Administering Authority) shall be represented therein by an Administrator. The Administering Authority shall be responsible to the United Nations for the peace, order and good government of the Territory in accordance with the terms of this Agreement.

The Administering Authority shall be aided and advised by an Advisory Council composed of representatives, of Colombia, Egypt and the Philippines.

The headquarters of the Administrator and of the Advisory Council shall be in Mogadishu.

Article 3

The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter of the United Nations relating to the International Trusteeship System as set out in Chapters XII and XIII thereof, the relevant parts of the resolution 289 (IV) of 21 November 1949 of the General Assembly, and this Agreement (which includes an annex containing a Declaration of Constitutional Principles), with a view to making the independence of the Territory effective at the end of ten years from the date of the approval of this Agreement by the General Assembly.

The Administering Authority shall:

1. Foster the development of free political institutions and promote the development of the inhabitants of the Territory towards independence; and to this end shall give to the inhabitants of the Territory a progressively increasing participation in the various organs of Government;

2. Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, trade and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

3. Promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect and improve the health of the

inhabitants by the development of adequate health and hospital services for all sections of the population; control the traffic in arms and ammunition, opium and other dangerous drugs, alcohol and other spirituous liquors; prohibit all forms of slavery, slave trade and child marriage; apply existing international conventions concerning prostitution; prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in time of public emergency with adequate remuneration and adequate protection of the welfare of the workers; and institute such other regulations as may be necessary to protect the inhabitants against any social abuses.

Article 4

The Administering Authority, recognizing the fact that education in its broadest sense is the only sure foundation on which any moral, social, political and economic advancement of the inhabitants of the Territory can be based, and believing that national independence with due respect for freedom and democracy can be established only on this basis, undertakes to establish a sound and effective system of education, with due regard for Islamic culture and religion.

The Administering Authority therefore undertakes to promote the educational advancement of the inhabitants, and to this end undertakes to establish as rapidly as possible a system of public education which shall include elementary, secondary, vocational (including institutions for the training of teachers) and technical schools, to provide free of charge at least elementary education, and to facilitate higher and professional education and cultural advancement in every possible way.

In particular, the Administering Authority shall take all appropriate steps:

- (a) To provide that an adequate number of qualified students from among the indigenous population receive university or professional education outside the Territory, so as to ensure that sufficient qualified personnel will be available when the Territory becomes a sovereign independent State;
- (b) To combat illiteracy by all possible means; and
- (c) To ensure that instruction is given in schools and other educational institutions regarding the activities of the United Nations and its organs, the basic objectives of the International Trusteeship System and the Universal Declaration of Human Rights.

Article 5

The Administering Authority shall collaborate fully with the General Assembly of the United Nations and with the Trusteeship Council in the discharge of all their functions as defined in Articles 87 and 88 of the Charter of the United Nations.

Accordingly, the Administering Authority undertakes:

1. To make to the General Assembly of the United Nations an annual report on the basis of the questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the Charter of the United Nations, and to include in this report information relating to the measures taken to give effect to the suggestions and recommendations of the General Assembly and of the Trusteeship Council;
2. To designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority and petitions relating to conditions in the Territory are considered;

3. To facilitate periodic visits to the Territory as provided for in Article 87 of the Charter of the United Nations at times and in accordance with arrangements to be agreed upon with the Administering Authority;

4. To render assistance to the General Assembly or the Trusteeship Council in the application of these arrangements and of such other arrangements as those organs of the United Nations may make in accordance with the terms of this Agreement.

Article 6

The Administering Authority may maintain police forces and raise volunteer contingents for the maintenance of peace and good order in the Territory.

The Administering Authority, after consultation with the Advisory Council, may establish installations and take all measures in the Territory, including the progressive development of Somali defence forces, which may be necessary, within the limits laid down in the Charter of the United Nations, for the defence of the Territory and for the maintenance of international peace and security.

Article 7

The Administering Authority shall have full powers of legislation, administration and jurisdiction in the Territory, subject to the provisions of the Charter of the United Nations, of this Agreement and of the annex attached hereto, and shall have power to apply to the Territory, temporarily and with such modifications as are considered necessary, such Italian laws as are appropriate to the conditions and needs of the Territory and as are not incompatible with the attainment of its independence.

Article 8

The Advisory Council shall be fully informed by the Administering Authority on all matters relating to the political, economic, social and educational advancement of the inhabitants of the Territory, including legislation appertaining thereto, and may make to the Administering Authority such observations and recommendations as it may consider will be conducive to the attainment of the objectives of this Agreement.

The Administering Authority shall seek the advice of the Advisory Council on all measures envisaged for the inauguration, development and subsequent establishment of full self-government for the Territory; in particular, it shall consult the Advisory Council regarding plans for:

- (a) The establishment and development of organs of self-government;
- (b) Economic and financial development;
- (c) Educational advancement;
- (d) Labour and social advancement; and
- (e) The transfer of the functions of government to a duly constituted independent government of the Territory.

The Administering Authority shall seek the advice of the Advisory Council on ordinances which, in accordance with article 5 of the annex to this Agreement, the Administrator of the Territory may make and promulgate in exceptional circumstances.

Article 9

The Advisory Council shall be accorded such facilities and shall have free access to such sources of information as it may require for the performance of its functions.

Article 10

In the Territory, members of the Advisory Council shall enjoy full diplomatic privileges and immunities, and their staff shall enjoy the privileges and immunities which they would enjoy if the Convention on the Privileges and Immunities of the United Nations were applicable to the Territory.

Article 11

States members of the Advisory Council, if they are not members of the Trusteeship Council, shall be entitled to participate without vote in the debates of the Trusteeship Council on any question specifically relating to the Territory.

In the course of such debates, members of the Advisory Council or the majority of the members, acting in the name of the Advisory Council, or each of the members acting separately, may make to the Trusteeship Council such oral statements or may submit such written reports or memoranda as they may deem necessary for the Council's proper consideration of any question specifically relating to the Territory.

Article 12

The Administering Authority undertakes to maintain the application of the international agreements and conventions which are at present in force in the Territory, and to apply therein any conventions and recommendations made by the United Nations or by the specialized agencies referred to in Article 57 of the Charter of the United Nations, the application of which would be in the interests of the population and consistent with the basic objectives of the Trusteeship System, the provisions of resolution 289 (IV) of 21 November 1949 of the General Assembly, and the terms of this Agreement.

Article 13

The Administering Authority shall take all the necessary steps to enable the Territory to co-operate with the specialized agencies referred to in Article 57 of the Charter of the United Nations and with other international agencies and regional organizations, and to participate in their activities.

Article 14

In order to promote the economic and social advancement of the indigenous population, the Administering Authority shall, in framing laws relating to the holding or alienation of land or other natural resources, take into consideration the laws and customs of the indigenous population and respect their rights and safeguard their interests, both present and future.

The Administering Authority shall not, without the consent in each case of a two-thirds majority of the members of the Territorial Council (provided for in article 4 of the annex to this Agreement), permit the acquisition by non-indigenous persons or by companies or associations controlled by such persons of any rights over land in the Territory save on lease for a period to be determined by law. In cases involving the alienation to non-indigenous persons or to companies or associations controlled by such persons of areas of agricultural lands in excess of one thousand acres, the Administering Authority shall also request in advance the advice of the Advisory Council. The Administering Authority shall include in its annual report to the Trusteeship Council a detailed account of such alienations.

• The Administering Authority shall prohibit the acquisition by non-indigenous persons or by companies or associations controlled by such persons of any rights over any other natural resources in the Territory, save on lease or grant of concession for a period to be determined by law.

Nothing in this article shall apply to building land within the municipal area of Mogadishu which may be disposed of in accordance with regulations prescribed by law.

Article 15

Subject to the provisions of articles 14, 16 and 17 of this Agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all States Members of the United Nations and their nationals and for its own nationals, and to this end:

(a) Shall grant to all nationals of Members of the United Nations and to its own nationals freedom of transit and navigation, including freedom of transit and navigation by air, and the protection of person and property, subject to the requirements of public order and on condition of compliance with the local law;

(b) Shall ensure the same rights to all nationals of Members of the United Nations as to its own nationals in respect of entry into and residence in the Territory, acquisition of property, both movable and immovable, and the exercise of professions and trades;

(c) Shall not discriminate on grounds of nationality against nationals of any Member of the United Nations or its own nationals in matters relating to the grant of concessions for the development of the natural resources of the Territory and shall not grant concessions having the character of a general monopoly; and

(d) Shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations and to its own nationals.

The rights conferred by this article on nationals of Members of the United Nations or on the Administering Authority's own nationals apply equally to companies and associations controlled by such nationals and organized in accordance with the law of any Member of the United Nations or with the law of the Administering Authority.

Article 16

Measures taken to give effect to article 15 of this Agreement shall be subject always to the overriding duty of the Administering Authority, in accordance with Article 76 of the Charter of the United Nations, to promote the political, economic, social and educational advancement of the inhabitants of the Territory, to carry out the other basic objectives of the International Trusteeship System and the provisions of resolution 289 (IV) of the General Assembly of 21 November 1949, and to maintain peace, order and good government. In particular, the Administering Authority, shall be free:

(a) To organize essential public services and works on such terms and conditions as it thinks just;

(b) To create monopolies of a purely fiscal character in order to provide the Territory with the fiscal resources which seem best suited to local requirements, or otherwise to serve the interests of the inhabitants;

(c) Where the interests of the economic advancement of the inhabitants may require it, to establish, or permit to be established, for specific purposes, other monopolies or undertakings having in them an element

of monopoly, under conditions of proper public control; provided that, in the selection of agencies to carry out the purposes of this paragraph, other than agencies controlled by the Government of the Territory or those in which that Government participates, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

Article 17

Nothing in this Agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies and associations the benefits of article 15 of this Agreement in any respect in which it does not give to the inhabitants, companies and associations of the Territory equality of treatment with the nationals, companies and associations of the State which it treats most favourably.

Article 18

The Administering Authority shall include in its first annual report to the Trusteeship Council a report on the position in the Territory of property belonging to nationals, associations and companies of Members of the United Nations.

Article 19

The Administering Authority shall, in a spirit of religious tolerance, ensure in the Territory complete freedom of conscience and religion and shall guarantee freedom of religious teaching and the free exercise of all forms of worship.

Missionaries of any faith shall be free to enter, travel and reside in the Territory; to acquire and possess property therein, subject to the conditions laid down in article 14 of this Agreement; to erect religious buildings and hospitals therein; and to open schools subject to such regulations as may be prescribed by law for the educational advancement of the inhabitants of the Territory.

The provisions of this article shall be subject only to such limitations as may be necessary for the maintenance of public order and morality.

Article 20

The Administering Authority shall guarantee to the inhabitants of the Territory complete freedom of speech, of the Press, of assembly and of petition, without distinction as to race, sex, language, political opinion or religion, subject only to the requirements of public order.

Article 21

Nothing in this Agreement shall affect the right of the Administering Authority or the Trusteeship Council to propose, at any future date, the alteration or amendment of this Agreement in the interests of the Territory or for reasons not inconsistent with the basic objectives of the International Trusteeship System.

The provisions of this Agreement shall not be altered or amended except as provided in Articles 79 and 85 of the Charter of the United Nations.

Article 22

If any dispute whatever should arise between the Administering Authority and a State Member of the United Nations relating to the interpretation or the application of the provisions of this Agreement, such dispute, if it cannot be settled by direct negotiation or other means, shall be submitted to the International Court of Justice.

Article 23

The present Agreement, of which the Declaration of Constitutional Principles attached hereto as an annex is an integral part, shall enter into force as soon as it is approved by the General Assembly of the United Nations and ratified by Italy.

Nevertheless, after the Trusteeship Council and Italy have agreed upon the terms of trusteeship and pending approval of this Agreement by the General Assembly, the Administering Authority shall provisionally administer the Territory in accordance with the provisions of the Charter of the United Nations and of this Agreement and shall assume this provisional administration, at a time and pursuant to arrangements for the orderly transfer of administration agreed upon between Italy and the United Kingdom of Great Britain and Northern Ireland.

Article 24

The present Agreement shall cease to be in force ten years after the date of the approval of the Trusteeship Agreement by the General Assembly, at the conclusion of which the Territory shall become an independent sovereign State.

Article 25

The Administering Authority shall submit to the Trusteeship Council, at least eighteen months before the expiration of the present Agreement, a plan for the orderly transfer of all the functions of government to a duly constituted independent Government of the Territory.

ANNEX

DECLARATION OF CONSTITUTIONAL PRINCIPLES

Preamble

In view of the recommendation made by the General Assembly of the United Nations at its fourth regular session with respect to placing the territory formerly-known as Italian Somaliland under the International Trusteeship System with Italy as the Administering Authority,

Considering the provisions of the Charter of the United Nations which establish an International Trusteeship System, the terms of this Trusteeship Agreement, of which this Declaration is an integral part, and in accordance with the provision of resolution 289 (IV) of the General Assembly,

For the purpose of solemnly guaranteeing the rights of the inhabitants of the Territory and of providing, in accordance with democratic principles, for the gradual development of institutions designed to ensure the establishment of full self-government and independence, and the attainment of the basic objectives of the International Trusteeship System in conformity with the Charter of the United Nations,

It is hereby declared:

Article 1

The sovereignty of the Territory is vested in its people and shall be exercised by the Administering Authority on their behalf and in the manner prescribed herein by decision of the United Nations.

Article 2

The Administering Authority shall take the necessary steps to provide for the population of the Territory a status of citizenship of the Territory and to ensure their diplomatic and consular protection when outside the

limits of the Territory and of the territory of the Administering Authority.

Article 3

The Administrator shall be the chief executive officer of the Territory.

Article 4

The Administrator shall appoint a Territorial Council, composed of inhabitants of the Territory and representative of its people.

In all matters other than defence and foreign affairs, the Administrator shall consult the Territorial Council.

The legislative authority shall normally be exercised by the Administrator, after consultation with the Territorial Council, until such time as an elective legislature has been established.

Article 5

In exceptional circumstances the Administrator may, after consultation with the Advisory Council, make and promulgate such ordinances as in his opinion the circumstances demand.

These ordinances shall be laid before the Territorial Council as soon as may be practicable and the Administering Authority shall include an account of all such ordinances in its annual report to the Trusteeship Council.

Article 6

In matters relating to defence and foreign affairs as in other matters, the Administering Authority shall be accountable to the Trusteeship Council, and shall take into account any recommendations which the Council may see fit to make.

Article 7

The Administering Authority shall establish a judicial system and shall ensure the absolute independence of the judiciary. The Administering Authority shall also ensure that representatives of the indigenous population be progressively entrusted with judicial functions and that the jurisdiction of courts of first instance be progressively increased.

As may be appropriate in each case, the Administering Authority shall apply territorial legislation, Islamic law and customary law.

Article 8

The Administering Authority, in accordance with the principles laid down in its own Constitution and legislation, shall guarantee to all inhabitants of the Territory

human rights and fundamental freedoms and full equality before, the law without distinction as to race, sex, language, political opinion or religion.

Article 9

The Administering Authority shall guarantee to all the inhabitants of the Territory full civic rights, and also such political rights as are consistent with the progressive political, social, economic and educational development of the inhabitants and with the development of a democratic representative system, due regard being paid to traditional institutions.

In particular, it shall guarantee:

1. The preservation of their personal and successional status with due regard to its evolutionary development;

2. The inviolability of personal liberty, which may not be restricted except by warrant of judicial authority and only in cases and in accordance with regulations prescribed by law;

3. The inviolability of domicile, to which the competent authority may have access only by due legal process and in a manner prescribed in accordance with local customs and subject to the guarantees for the protection of personal liberty;

4. The inviolability of freedom and secrecy of communication and correspondence, which may be limited only by means of a warrant of judicial authority stating the reasons and subject to the guarantees prescribed by law;

5. The rights of property, subject to expropriation carried out for a public purpose, after payment of fair compensation, and in accordance with regulations prescribed by law;

6. The free exercise of professions and occupations in accordance with local customs and with regulations prescribed by law;

7. The right to compete for public employment in accordance with regulations prescribed by law; and

8. The right to emigrate and to travel, subject to such regulations as may be prescribed by law for health and security reasons.

Article 10

The Administering Authority accepts as a standard of achievement for the Territory the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948.

G. QUESTION OF SOUTH WEST AFRICA

At its first session, the General Assembly of the United Nations invited all States administering territories then held under Mandate to undertake the steps necessary for the implementation of Article 79 of the Charter, which provides for the conclusion of agreements placing such territories under the United Nations International Trusteeship System. In the interval between the first and second parts of the Assembly's first session, the Union of South Africa requested the General Assembly to approve the incorporation of the

Mandated Territory of South West Africa into the Union of South Africa. In resolution 65(I)¹⁵³ of 14 December 1946, the General Assembly expressed its inability to accede to this proposal. It recommended instead that South West Africa be placed under the International Trusteeship System, and invited the South African Government to propose for its consideration a Trusteeship Agreement for the territory.

¹⁵³ See Y.U.N., 1946-47, p. 208.

In 1947 and again in 1948 (resolutions 141 (II)¹⁵⁴ and 227 (III)),¹⁵⁵ the General Assembly reaffirmed its recommendation that South West Africa be placed under the Trusteeship System and that a Trusteeship Agreement be submitted.

In resolution 111 (V) adopted on 21 July 1949 the Trusteeship Council called the General Assembly's attention to the fact that the Government of the Union of South Africa had, according to its letter of 11 July 1949, given effect to its intention to bring about a form of closer association between South West Africa and the Union and that it had decided not to transmit any further reports on the territory to the Council.

1. Advisory Opinion of the Court

a. REQUEST FOR AN OPINION

On 6 December 1949, the General Assembly bly after considering the matter in resolution 338 (IV)¹⁵⁶ requested the International Court of Justice to give an advisory opinion, if possible, before the Assembly's Fifth Session on the following questions:

What is the international status of the Territory of South West Africa and what are the international obligations of the Union of South Africa arising therefrom, in particular:

(a) Does the Union of South Africa continue to have international obligations under the Mandate for South West Africa and, if so, what are those obligations?

(b) Are the provisions of Chapter XII of the Charter applicable and, if so, in what manner, to the Territory of South West Africa?

(c) Has the Union of South Africa the competence to modify the international status of the Territory of South West Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the Territory?

This resolution was transmitted to the Registry of the Court on 19 December 1949.

b. PROCEEDINGS BEFORE THE COURT

On 30 December 1949 the Registrar of the Court gave notice of the request to all States entitled to appear before the Court. He also informed all Members of the United Nations that the Court was prepared to receive from them written statements on the question. By an order of the same date the President, the Court not being in session, designated 20 March 1950 as the date of expiry of the time-limit for the submission of written statements.

Written statements were received within the prescribed time-limit from Egypt, India, Poland, the Union of South Africa and the United States.¹⁵⁷

By telegrams dated 15 March and 29 April, the Government of the Philippines announced its intention to present an oral statement. The Government of the Union of South Africa announced the same intention by letter of 28 March.

At public sittings held from 16 to 23 May 1950, the Court heard oral statements submitted on behalf of: (1) the Secretary-General of the United Nations by Dr. Ivan Kerno, Assistant Secretary-General in charge of the Legal Department; (2) the Government of the Philippines by Judge Jose D. Ingles, member of the Philippine Permanent Delegation to the United Nations; and (3) the Government of the Union of South Africa by Dr. Lucas Steyn, Senior Legal Adviser of the Ministry of Justice of the South-African Government.

c. THE COURT'S OPINION

(1) Statement of the Facts of the Case

The Court, on 11 July 1950, gave its advisory opinion¹⁵⁸ on the questions before it.

The Court recalled that after the First World War, in virtue of Article 119 of the Treaty of Versailles, Germany renounced all her rights over all her overseas possessions, including the territory of South West Africa. Two principles were then considered of paramount importance: the principle of non-annexation and the principle that the well-being and development of such peoples form "a sacred trust of civilization". In virtue of these principles, South West Africa was then placed under a mandate conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Union of South Africa. His Majesty, speaking for the Union Government, undertook to exercise it on behalf of the League of Nations. On 17 December 1920, the Council of the League of Nations confirmed the Mandate and defined its terms. In accordance with these terms, the Union of South Africa (the "Mandatory") was to have full power of administration

¹⁵⁴ See Y.U.N., 1947-48, p. 147.

¹⁵⁵ Ibid., 1948-49, pp. 866-67.

¹⁵⁶ Ibid., 1948-49, P. 875.

¹⁵⁷ The International League for the Rights of Man was given permission by the Court to present a written statement but did not file a statement within the prescribed time-limit, i.e. by 10 Apr. 1950.

¹⁵⁸ International Court of Justice, Reports of Judgments, Advisory Opinions and Orders. International Status of South West Africa. Advisory Opinion of July 11th, 1950.

and legislation over the Territory as an integral portion of the Union and could apply the laws of the Union to the Territory subject to such local modifications as circumstances might require. On the other hand, the Mandatory had to observe a number of obligations, and the Council of the League supervised the administration and saw that these obligations were fulfilled. The terms of this Mandate, the Court explained, did not involve any cession of territory or transfer of sovereignty to the Union of South Africa. The Union Government was to exercise an international function of administration on behalf of the League.

The Union, in statements submitted on its behalf, contended that the Mandate had lapsed because the League had ceased to exist. This contention, the Court held, was based on a misconception of the legal situation created by Article 22 of the Covenant¹⁵⁹ and by the Mandate itself.

Stating that the Mandate had only the name in common with the several conceptions of mandate in national law, the Court pointed out that no conclusion by analogy could therefore be drawn from such conceptions. The functions of the Union had an essentially international character, and were subject to the supervision of the Council of the League. The authority exercised by the

Union Government over the Territory was based on the Mandate, and if the Mandate had lapsed, the Union Government's authority would equally have lapsed. To retain the rights derived from the Mandate and to repudiate the obligations thereunder could not be justified.

(2) International Status of South West Africa

With respect to the general question put to it, the Court, in its opinion, unanimously stated that South Africa was still to be considered a territory held under the Mandate of 17 December 1920. The degree of supervision by the General Assembly, the Court held, should therefore not exceed that which applied before and should conform as far as possible to the procedure followed by the Council of the League. These obligations applied especially to annual reports and petitions.

According to Article 7 of the Mandate, disputes between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, if not settled by negotiation, should be submitted to the Permanent Court of International Justice. By virtue of Article 37 of the Statute of the International Court of Justice¹⁶⁰ and of Article 80, paragraph 1, of the Charter,¹⁶¹ the Court held

¹⁵⁹ Which reads as follows:

"1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

"2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reasons of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

"3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

"4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

"5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave

trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

"6. There are territories, such as South West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

"7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

"8. The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

"9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates."

¹⁶⁰ This Article states that whenever a treaty or convention in force provides for reference of a matter to the Permanent Court of International Justice, the matter is to be referred to the International Court of Justice.

¹⁶¹ This Article states, *inter alia*, that until Trusteeship Agreements have been concluded, nothing in Ch. XII of the Charter is to be construed in or of itself to alter the rights of any States or any peoples or the terms of existing international instruments to which Members of the United Nations may be parties

that this clause in the Mandate was still in force and that, therefore, the Union of South Africa was under an obligation to accept the compulsory jurisdiction of the Court.

(a) INTERNATIONAL OBLIGATIONS OF THE UNION OF SOUTH AFRICA

With respect to question (a), the Court stated that the international obligations assumed by the Union of South Africa under Article 22 of the Covenant of the League of Nations were of two kinds. One was directly related to the administration of the Territory and corresponded to "a sacred trust of civilization". The other related to the machinery for implementation and was closely linked to the supervision and control of the League. It corresponded to the "securities for the performance of this trust" referred to in the same Article.

Under the first group of obligations the Union undertook the general obligation to promote to the utmost the material and moral well-being and the social progress of the inhabitants. It assumed particular obligations relating to slave trade, forced labour, traffic in arms and ammunition, intoxicating spirits and beverages, military training and establishments, as well as obligations relating to freedom of conscience and free exercise of worship, including special obligations with regard to missionaries. The Court regarded these obligations as representing the very essence of "the sacred trust of civilization". Their *raison d'être* and original object remained. Since their fulfilment did not depend on the existence of the League of Nations, they could not be brought to an end merely because this supervisory organ ceased to exist. Nor could the right of the population to have the Territory administered in accordance with these rules depend on the existence of the League.

This view, the Court submitted, was confirmed by Article 80, paragraph 1, of the Charter of the United Nations (see above). It presupposed that the rights of States and peoples should not lapse automatically on the dissolution of the League of Nations, and its intention was to safeguard these rights, until each Territory should be placed under the Trusteeship System. Moreover, the resolution of the League of Nations of 18 April 1946, by which the League was dissolved, said that the League's functions with respect to mandated territories would come to an end; it did not say that the Mandates themselves would come to an end, and it manifested its understanding that the Mandates were to continue in existence until "other arrangements" were established. A similar view,

the Court stated, had on various occasions been expressed by the Union of South Africa in declarations made to the League of Nations as well as to the United Nations.

The Court considered these declarations as constituting recognition by the Union Government of the continuance of its obligations under the Mandate and not a mere indication of the future conduct of that Government.

The second group of obligations contained particularly the obligation of the Union of South Africa to submit to the supervision and control of the Council of the League and to render to it annual reports. The Court said that some doubts might arise from the fact that the supervisory functions of the League with regard to mandated territories not placed under the new Trusteeship System were neither expressly transferred to nor assumed by the United Nations. The necessity for supervision, however, the Court said, continued to exist. The authors of the Covenant considered that the effective performance of the sacred trust of civilization by the Mandatory Powers required such an international supervision, and it could not be admitted that the obligation to submit to supervision disappeared merely because the supervisory organ under the Mandate System had ceased to exist, when the United Nations has another international organ performing similar, though not identical, supervisory functions.

These general considerations, the Court observed, were confirmed by Article 80, paragraph 1, of the Charter, which purported to safeguard not only the rights of States, but also the rights of the peoples of mandated territories until Trusteeship Agreements were concluded; but that no such rights of peoples could be effectively safeguarded without international supervision and a duty to render reports to a supervisory organ. The competence of the General Assembly of the United Nations to exercise such supervision and to receive and examine reports was derived from the provisions of Article 10 of the Charter, which authorizes the General Assembly to discuss any questions or any matters within the scope of the Charter, and make recommendations to the Members of the United Nations. The resolution of 18 April 1946 of the Assembly of the League of Nations presupposed that the supervisory functions exercised by the League would be taken over by the United Nations. For these reasons, the Court, by a vote of 12 to 2, arrived at the conclusion that the General Assembly of the United Nations was legally qualified to exercise the supervisory functions previously exercised by the

League with regard to the administration of the Territory, and that the Union was under an obligation to submit to supervision and control of the General Assembly, and render annual reports to it.

The right of petition, the Court pointed out, was not mentioned in the Covenant or the Mandate, but was established by a decision of the Council of the League on 31 January 1923. The Court was of the opinion that this right, which the inhabitants of South West Africa had acquired by the decision of the League's Council, was maintained by Article 80, paragraph 1, of the Charter. As it had interpreted this clause, the dispatch and examination of petitions formed a part of the supervision exercised over the Mandatory Powers, and, therefore, the Court, by a vote of 12 to 2, stated that petitions were to be transmitted by the Government of the Union to the General Assembly of the United Nations, which was legally qualified to deal with them.

(b) APPLICATION OF CHAPTER XII OF THE CHARTER

With regard to question (b), the Court was of the unanimous opinion that the provisions of Chapter XII of the Charter applied to the Territory of South West Africa in the sense that they provided a means by which the Territory might be brought under the Trusteeship System.

With regard to the manner in which those provisions were applicable, the Court said that the permissive language of Articles 75, 77 and 79 of the Charter did not impose upon the Union of South Africa an obligation to place the Territory under the Trusteeship System by means of a Trusteeship Agreement. An "agreement", the Court explained, implies consent of the parties concerned, including the Mandatory Power in the case of territories held under Mandate. The parties must be free to accept or reject the terms of a contemplated agreement.

It was contended that the word "voluntarily" used in Article 77 with respect to territories in category (c)—territories voluntarily placed under the International Trusteeship System by States responsible for their administration—only showed that the placing of other territories under Trusteeship was compulsory. This word alone, however, could not override the principle derived from Articles 75, 77 and 79 considered as a whole. The word "voluntarily" incorporated in category (c), the Court contended, could be explained as having been used out of an abundance of caution and as an added assurance of freedom of initiative to States having territories falling within that category.

It was contended also that paragraph 2 of Article 80 imposes on the Mandatory State a duty to negotiate and conclude Trusteeship Agreements. For this the Court found no justification. There was nothing to suggest that the provision was intended as an exception to the permissive character of Articles 75, 77 and 79. Had the parties to the Charter intended to create an obligation for a Mandatory State to negotiate and conclude an agreement, such intention would have been expressed in positive terms. The Charter contemplated and regulated only one single system, namely, the International Trusteeship System; it did not contemplate or regulate a co-existing Mandate System. It had been expected that Mandatory Powers would enter into negotiations with a view to concluding Trusteeship Agreements with regard to the territories under their Mandate. The Court could not deduce from these general considerations, any legal obligation for Mandatory States to negotiate and conclude such agreements. It was remarked that it was not for the Court to pronounce on the political or moral duties which these considerations might involve. For those reasons, the Court by a vote of 8 to 6 held that the Charter does not impose upon the Union of South Africa the legal obligation to place South West Africa under the International Trusteeship System.

(c) COMPETENCE OF THE UNION OF SOUTH AFRICA TO MODIFY THE STATUS OF SOUTH WEST AFRICA

With regard to question (c), the Court decided that it was clear that the international status of the Territory resulted from the international rules regulating the rights, powers and obligations relating to the administration of the Territory, as embodied in Article 22 of the Covenant and in the Mandate. It was also clear that the Union had no competence to modify unilaterally the international status of the Territory or any of these international rules. This was shown by Article 7 of the Mandate, which expressly provided that the consent of the Council of the League of Nations was required for any modification of the terms of the Mandate.

The Court said that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a Trusteeship Agreement in accordance with the provisions of Chapter XII of the Charter. However, the competence to modify in other ways the international status of the Territory would depend on the rules governing the amendment of Article 22 of the Covenant and

the modification of the terms of the Mandate. Because the rules thus laid down had become inapplicable following the dissolution of the League, one could not conclude that no proper procedure existed for modifying the international status of South West Africa.

Article 7 of the Mandate, in requiring the consent of the Council of the League of Nations for any modification of its terms, brought into operation for this purpose the same organ which was invested with powers of supervision in respect of the administration of the Mandates. In accordance with the reply given to question (a), the Court said that those powers of supervision now belonged to the General Assembly of the United Nations. Articles 79 and 85 of the Charter, the Court pointed out, require that a Trusteeship Agreement be concluded by the Mandatory Power and approved by the General Assembly before the International Trusteeship System may be substituted for the Mandates System. These articles also give the General Assembly authority to approve alterations or amendments of Trusteeship Agreements. By analogy, it could be inferred that the same procedure was applicable to any modification of the international status of a territory under Mandate which would not have for its purpose the placing of the territory under the International Trusteeship System. Moreover, when the Union of South Africa decided to submit the question of the future international status of the Territory to the "judgment" of the General Assembly as the "competent international organ", the Union Government recognized the competence of the General Assembly in the matter.

The General Assembly had, on the other hand, affirmed its competence by its resolution of 14 December 1946, in which it stated, among other things, that it was unable to accede to the incorporation of the Territory of South West Africa in the Union of South Africa. Following the adoption of this resolution, the Union Government decided not to proceed with the incorporation of the Territory, but to maintain the status quo. The Assembly in 1947 had taken note of this decision.

On the basis of the above considerations, the Court was of the unanimous opinion that the Union of South Africa acting alone was not competent to modify the international status of the Territory of South West Africa. Such competence to determine and modify the international status of South West Africa rested with the Union acting with the consent of the United Nations.

d. DISSENTING OPINIONS

There were dissenting opinions on two questions put to the Court. On question (a) concerning the continued international obligations of the Union of South Africa arising under the Mandate, Judge McNair (United Kingdom) and Judge Read (Canada) filed separate opinions. On question (b) concerning the obligation of the Union of South Africa to negotiate and conclude an agreement with the United Nations to place South West Africa under Trusteeship, Judges Alvarez (Chile), de Visscher (Belgium), and Krylov (USSR) filed dissenting opinions.

Vice President Guerrero (El Salvador) stated that he was unable to concur in the opinion of the Court on the answer to the question under letter (b) and declared that in his opinion the Charter imposed on the Union of South Africa an obligation to place the Territory of South West Africa under the International Trusteeship System, and that, therefore, the Union Government was bound under paragraph 2 of Article 80 of the Charter not to delay or postpone the negotiation and conclusion of an agreement to place the Territory under the Trusteeship System. Judges Zoricic (Yugoslavia) and Badawi Pasha (Egypt) also declared that they were unable to concur in the answer given by the Court to the second part of the question under letter (b). These three Judges stated that they shared in general the views expressed on this point in the dissenting opinion of Judge De Visscher.

(1) Opinion of Judge McNair

In his separate opinion, Judge McNair declared that he concurred in the replies given by the majority of the Court to the general question and to questions (b) and (c). As to question (a), he differed as to the obligation to make reports and as to the transfer of the administrative supervision of the Council of the League of Nations to the United Nations. As his approach to the main problems differed somewhat from that of the majority, he gave his own reasons for answering the various questions.

With respect to the general question and to question (a), Judge McNair explained that the Mandates System (and the "corresponding principles" of the International Trusteeship System) was a new institution. It was a new relationship between the territory and its inhabitants on the one hand and the Government which represented them internationally on the other. The doctrine of sovereignty had no application to this new

system. Sovereignty over a Mandated Territory was in abeyance; if and when the inhabitants of the Territory obtained recognition as an independent State, as had already happened in the case of some of the Mandates, sovereignty would revive and be vested in the new State. The Mandatory acquired only a limited title to the territory entrusted to it.

Article 22 of the Covenant proclaimed "the principle that the well-being and development of such peoples form a sacred trust of civilization and the securities for the performance of this trust should be embodied in the Covenant". In Judge McNair's opinion, the new regime established in pursuance of this "principle" had more than a purely contractual basis, and the territories subjected to it were impressed with a special legal status. The dissolution of the League of Nations produced certain mechanical difficulties, but the policy and principles of the new institution survived and have indeed been reincarnated by the Charter of the United Nations under the name of the "International Trusteeship System", with a new lease of life.

The dissolution of the League, he went on to state, did not automatically terminate the Mandates. Although there was no longer any League to supervise the exercise of the Mandate, it would be an error, he pointed out, to think there was no control over the Mandatory. The Mandate provided two kinds of machinery for its supervision: (1) judicial, by means of the right of any Member of the League to bring the Mandatory compulsorily before the Permanent Court; and (2) administrative, by means of annual reports and their examination by the Permanent Mandates Commission of the League.

He argued that the judicial supervision had been expressly preserved by means of Article 37 of the Statute of the International Court of Justice which effected a succession by the International Court to the compulsory jurisdiction conferred upon the Permanent Court by the Mandate.

On the other hand, the administrative supervision by the Council of the League as advised by the Permanent Mandates Commission, he maintained, had lapsed because the League and its Council and Permanent Mandates Commission no longer existed, so that it had become impossible to perform the obligation of receiving and examining reports.

Judge McNair remarked that he could not find any legal ground on which the Court would be justified in replacing the Council of the League by the United Nations for the purposes of exer-

cising the administrative supervision of the Mandate and the receipt and examination of reports. It would amount to imposing a new obligation upon the Union Government. He was convinced that the continuing international obligations of the Union of South Africa under the Mandate for South West Africa did not include the obligation to accept the administrative supervision of the United Nations and to render annual reports to that Organization.

Judge McNair concurred in the opinion of the majority of the Court with respect to question (b). With respect to question (c), he stated that the disappearance of the League in no way altered the quality or amount of the Mandatory's title or enlarged its power to modify the terms of the Mandate, because the international obligations affecting the Territory—except those he stated had already lapsed—and the international status of the Territory continued to exist. Competence to determine and modify the international status of the Territory rested with the Union of South Africa acting with the consent of the United Nations.

(2) Opinion of Judge Read

In his separate opinion, Judge Read declared that he concurred in the Court's opinion and was in general agreement with the reasons by which the answers were justified, except for that part of the Court's answer which was concerned with accountability to, and supervision by, the United Nations and with the reasons by which it was justified.

Judge Read submitted that the Mandate for South West Africa survived, together with all of the essential and substantive obligations of the Union. The legal rights and interests of the Members of the League of Nations, in respect of the Mandate, also survived with one important exception—in the case of Members that did not become parties to the Statute of the International Court of Justice, their right to implead the Union before the Permanent Court lapsed. The obligations in respect of report and accountability to, and supervision by, the League and its organs, and in respect of modification, were affected by impossibility of performance, due to the disappearance of the Council and Permanent Mandates Commission. The position, as regards report, accountability and supervision, he argued, was subject to modification by arrangement agreed between the United Nations and the Union of South Africa.

Judge Read stated that it was doubtful whether the General Assembly was willing, at any stage,

to agree to any arrangement that did not involve a Trusteeship Agreement for South West Africa. He was convinced that the Assembly was not prepared to agree to any arrangement that did not involve the following: reports of the same nature and scope as those which had been due to the Council of the League of Nations; substitution of the United Nations for the Council and Permanent Mandates Commission, as regards report, accountability and supervision; and review of reports by the Trusteeship Council. It was equally certain, he said, that the Union was not ready to agree to an arrangement involving these elements. He therefore concluded that there was no arrangement agreed between the Union and the United Nations in the matter of report, accountability and supervision.

Accordingly, in the absence of an arrangement agreed between the United Nations and the Union, and in the absence of succession by the United Nations to the political functions of the League, in respect of the Mandates, Judge Read concluded that the Union of South Africa was not under an obligation to render annual reports to the United Nations. For the same reasons, he contended, the Union was not under any obligation, arising under the Mandate, as regards accountability to, and supervision by, the United Nations.

(3) Opinion of Judge Alvarez

In his dissenting opinion, Judge Alvarez examined the questions presented in the light of the "new international law". He viewed the Mandate created by the League of Nations as "a sacred trust of civilization", a social function which could not terminate with the League of Nations, even if no other organ took its place. If the League of Nations had created an institution, such as the Mandate, having for its purpose the same "sacred trust of civilization" as the Trusteeship created by the United Nations, then the latter, he argued, must be considered as succeeding the former *ipso facto*. There could be no interruption in the continuous performance of this trust.

The Charter of the United Nations, Judge Alvarez noted, declared that mandated territories would come under Trusteeship by virtue of agreements between the United Nations and the former Mandatory Power. In his opinion, the Union of South Africa was under the legal obligation not only to enter into negotiations regarding an agreement with the United Nations to transform its Mandate into Trusteeship, but also to conclude such an agreement. This obligation, he explained, derived from the spirit of the

Charter, which left no place for the future co-existence of the Mandates System and the Trusteeship System.

In the event that no agreement could be reached, Judge Alvarez indicated that it would then become necessary to refer to arbitration. It would not be possible, he maintained, to admit that, in an organized society under the regime of interdependence, an agreement which was intended to fix an important international status could not be established solely because of the opposition, the negligence or the bad faith of one of the parties.

(4) Opinion of Judge De Visscher

Judge De Visscher, in his dissenting opinion, conceded that the provisions of Chapter XII of the Charter did not impose on the Union of South Africa a legal obligation to conclude a Trusteeship Agreement, in the sense that the Union was free to accept or to refuse the particular terms of a draft agreement. On the other hand, he considered that these provisions imposed on the Union of South Africa an obligation to take part in negotiations with a view to concluding an agreement.

He declared that the Mandates System was maintained by Article 80 of the Charter only as a transitional measure. The same Article, he said, excluded the possibility of prolonged co-existence of the Mandates System and the International Trusteeship System. He felt that the negotiation and conclusion of Trusteeship Agreements by Mandatory Powers could not be delayed or postponed.

The wording of Articles 75, 77 and 79, he noted, was permissive in the sense that the placing under Trusteeship was contingent upon the conclusion of subsequent agreements, the Mandatory Power being free to accept or to reject the terms of a proposed agreement. It was impossible, however, to reconcile these permissive provisions with Article 80, Paragraph 2, and with the clear intent of the authors of the Charter to substitute the Trusteeship System for the Mandates System, without admitting that the Mandatory Power, while remaining free to reject the particular terms of a proposed agreement, had the legal obligation to be ready to take part in negotiations and to conduct them in good faith with a view to concluding an agreement.

The Charter, he indicated, created an international system which would never have had more than theoretical existence if the Mandatory Powers had considered themselves under no obligation to

negotiate agreements to convert their Mandates into Trusteeship Agreements. The obligation to be ready to negotiate with a view to concluding an agreement represented the minimum of international co-operation without which the entire regime contemplated and regulated by the Charter would have been frustrated.

(5) Opinion of Judge Krylov

In his dissenting opinion, Judge Krylov declared that a Territory under Mandate need not necessarily be placed under the Trusteeship System, because it might be proclaimed independent—and this, he argued, was the only other possibility. He stated that the letter and the spirit of the Charter alike led to only one interpretation, namely: that the Union of South Africa was under the legal obligation to negotiate with a view to concluding a Trusteeship Agreement for placing the Mandated Territory under the Trusteeship System.

The obligation of the Mandatory Power to negotiate with a view to concluding a Trusteeship Agreement, he indicated, was also clearly demonstrated in Article 77, paragraph 1c, of the Charter, which declares that colonial territories may be placed under the Trusteeship System by States responsible for their administration by voluntary procedure only.

Judge Krylov observed that the Court's answer to the second part of question (b) might prolong the co-existence of the Mandate System and the Trusteeship System. This, he considered, would be contrary to the intentions of the authors of the Charter, who expected Mandatory States to follow without delay the normal course indicated by the Charter and conclude Trusteeship Agreements.

2. Consideration in the General Assembly

The Court's advisory opinion was communicated to the Secretary-General by the Registrar on 11 July 1950 and considered at the fifth General Assembly by the Fourth Committee at its 190th-199th meetings held on 29 and 30 November and 1, 2, 4, 5 and 8 December 1950.

a. DISCUSSION IN THE FOURTH COMMITTEE

(1) Statement of the Representative of the Union of South Africa

In the course of general debate the representative of the Union of South Africa said that, although the greatest respect should be shown to the advisory opinion of the Court, it did not constitute a judgment binding on the parties concerned.

Since the delivery of the advisory opinion, he stated, certain important new facts bearing directly on the reasoning and conclusions of the Court on certain points had come to light.

He declared that the Court had decided that, in view of the necessity of continuing supervision, the obligation to submit reports persisted, and that, because the United Nations had succeeded to the rights and functions of the League in that respect, the reports were to be submitted to the United Nations. He was convinced that if the additional information which had now been discovered had been available to the Court, it would have accepted the minority view that there had been no transfer of the functions of the League to the United Nations.

The South African representative explained that when the League considered the future of the Mandates System, private discussions had first taken place between the delegations of the Governments directly concerned, with a view to reaching amicable agreement on the question and producing a resolution which could be unanimously adopted by the Council of the League. Agreement had finally been reached on a text introduced by the Chinese delegation on 12 April 1946, which omitted any reference to the transfer of the League's supervisory functions to the United Nations, or to inspection of mandated territories or submission of reports. Neither the South African delegation nor any of the delegations with whom the matter had been discussed understood the proposal to contemplate any transfer of supervisory functions; indeed, he submitted, it had been introduced and adopted with the very object of avoiding any such transfer. Otherwise South Africa would have opposed the resolution, since that Government had stated its intention of formulating, at the following sessions of the United Nations, its case for according a new status to South West Africa by which it would become an integral part of the Union. In that case, he added, the resolution would have been rejected, since it would not have secured the unanimous vote of the League Assembly as required.

Although there had been a considerable lapse of time between dissolution of the League of Nations and the conclusion of the first Trusteeship Agreement, he pointed out, no reports on mandated territories had been submitted to the United Nations during that time by the Mandatory Powers, nor had such reports been requested. That situation further confirmed the general assumption that there was to be no transfer of supervisory functions.

Furthermore, the United Nations in resolution 24(1) adopted on 12 February 1946, had decided that in respect to function and powers under treaties, international conventions, agreements and other instruments having a political character, the General Assembly would itself examine, or submit to an appropriate organ of the United Nations, any request from the parties concerned that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties or other instruments having a political character. It was therefore not likely, he argued, that the League, faced with that resolution of the United Nations, would have adopted a resolution two months later whereby the supervisory functions of the League in respect of mandates should be transferred to the United Nations.

His Government would later have to define its position in the light of these new facts and of any resolutions which might be adopted. He said that he would convey to his Government what was said in the Committee and the spirit in which it was said. His Government, he stated, would give the most careful consideration to any resolution which might eventually emanate from the General Assembly.

Some representatives including those of the Philippines and China, questioned whether any new facts had emerged which might have influenced the Court's Judgment. The representative of the Philippines stated that the facts referred to by the representative of South Africa had existed all the time in the files of the League of Nations and could on no account be regarded as newly discovered evidence. This view was shared by the representative of China, who stated that the final resolution of the League did not prevent transfer of the supervisory functions and that under Article 61 of the Statute of the Court an application for revision of a judgment might be made only when it was based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence. The representative of China added that the representative of the Union of South Africa should have mentioned those facts in his oral statement before the Court since his Government attached such great importance to them.

(2) Implementation of the Court's Advisory Opinion

The Fourth Committee had before it three draft resolutions all of which accepted the Court's opinion, but differed as to the procedure to be followed in connection with its implementation.

The first draft resolution was submitted jointly by Brazil, Cuba, Mexico, Syria and Uruguay (A/C.4/L.116/Rev.1). After referring to the Court's decision, the resolution called upon the Union of South Africa to: (1) continue to administer South West Africa in accordance with the Mandate conferred upon it; (2) submit to the United Nations, before 1 June 1951, a report on the administration of the territory for 1947-1950, and also, in due course, reports relating to subsequent years; and (3) transmit to the Secretary-General all petitions relating to South West Africa. The resolution also called for the establishment of a Commission for South West Africa, consisting of ten experts, to assist the General Assembly in the consideration of the annual reports, petitions and all other matters relating to the Territory. This Commission was to submit annual reports to the Assembly.

A second draft resolution was submitted jointly by India, Indonesia and the Philippines (A/C.4/L.121). This resolution was similar to that first draft resolution, but provided that, instead of a Commission for South West Africa consisting of ten experts, an ad hoc committee consisting of ten specially qualified persons selected by States should be established to examine the annual report and petitions relating to the Territory and advise the General Assembly on all matters relating to it.

This draft resolution was subsequently withdrawn when India, Indonesia and the Philippines accepted the amendments to their joint draft resolution proposed by the sponsors of the second draft resolution. These amendments (A/C.4/L.129) provided that the Assembly:

- (1) call for fulfilment by the Union of South Africa of its obligations to promote to the utmost in the administration of South West Africa "the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization";
- (2) allow the Secretary-General to set the time and place of the first meeting of the proposed Commission for South West Africa;
- (3) itself invite the Union of South Africa to designate a representative to offer the proposed Commission supplementary information;
- (4) call upon the proposed Commission to advise the General Assembly on all matters relating to South West Africa and to perform such other functions as may be entrusted to it by the Assembly.

The third draft resolution was submitted jointly by Denmark, El Salvador, Iraq, Norway, Peru, Thailand, the United States and Venezuela (A/C.4/L.124/Rev.1). This resolution called upon the General Assembly to:

- (1) accept and endorse the advisory opinion of the Court;

(2) urge the Union of South Africa to take the necessary steps to give effect to the Court's opinion;

(3) establish a committee, composed of the President of the Trusteeship Council, the Chairman of the Fourth Committee and the Chairman of the Interim Committee, to confer with the Union of South Africa on the implementation of the advisory opinion.

The representatives of Brazil, China, Cuba, Ecuador, India, Indonesia, Lebanon, Mexico, the Philippines, Syria, Uruguay and Yugoslavia, among others, supported the draft resolution sponsored by Brazil, Cuba, Mexico, Syria and Uruguay, as amended by provisions originally submitted by India, Indonesia and the Philippines.

The representatives of Argentina, Belgium, Canada, Denmark, El Salvador, France, Iraq, the Netherlands, Norway, Peru, Sweden, Thailand, the United Kingdom, the United States and Venezuela, among others, supported the draft resolution submitted jointly by Denmark, El Salvador, Iraq, Norway, Peru, Thailand, the United States and Venezuela.

The principal difference between these groups of delegations was on whether further negotiations with the Union were necessary or desirable, or whether the Assembly should itself decide on a procedure to give effect to the Court's Judgment.

The representatives supporting the first draft resolution, who held that no further negotiations were necessary, put forward, among others, the following reasons:

(1) The Court's Opinion showed that the Union of South Africa continued to have international obligations with respect to the Territory of South West Africa, and that international supervision over the administration of the Territory should be exercised by the United Nations, to which annual reports and petitions should be submitted. The United Nations had therefore the obligation to consider carefully these reports and petitions, and this could be done through the proposed Commission for South West Africa.

(2) No negotiations were necessary for the submission of reports and the transmission of petitions concerning South West Africa, since the procedure for this had been laid down by the Council of the League of Nations and the Permanent Mandates Commission, a procedure with which the Union had complied for twenty years. The proposed ad hoc body to examine reports and petitions was modelled on the Permanent Mandates Commission, which should meet any fear on the part of the Union of South Africa that the supervision exercised would exceed that of the Mandates System or that the examination of its annual reports would be an indirect way of placing South West Africa under Trusteeship.

(3) The establishment of a negotiating committee would mean deferring a decision for another year. The machinery to implement the Court's Opinion should be set up at once, since the inhabitants of South West Africa were suffering from the delay in finding a solution to the question. If the machinery proved imper-

fect it could be progressively improved. If negotiations were necessary regarding the procedure for submitting reports or petitions, the views of the Union Government could be presented either to the Fourth Committee of the Assembly or to the proposed Commission. It would in any case be unrealistic to appoint a special negotiating body in the absence of any indication that the Union was prepared to accept the Court's Opinion.

Those favouring the second of the two draft resolutions before the Committee advanced, among others, the following views:

(1) According to the Court's Advisory Opinion, the degree of supervision to be exercised by the United Nations over the administration of South West Africa should not exceed that formerly exercised by the League of Nations and should as far as possible conform to the procedure followed by the League. No machinery for supervision under the Mandates System remained and it was therefore necessary to create new machinery. Moreover, the League machinery of supervision differed considerably from that of the United Nations; it consisted of the Permanent Mandates Commission, an independent non-political body of experts appointed for life, and the Council of the League, acting in accordance with its unanimity rule. It was only fair that the Mandatory Power should be consulted on the new machinery to be established; the United Nations had no right to set it up unilaterally.

(2) The only course open was, therefore, that of negotiation. It was in any case one of the functions of the United Nations to settle problems in the international field by negotiation rather than to impose unilateral decisions. Even if negotiations involved a year's delay, that would be better than to adopt hastily measures which might make a solution more complicated. Negotiations would be more likely to succeed if undertaken by a small group, and the composition of the group proposed in the resolution was such as to inspire general confidence.

(3) There was no question of negotiating on the substance of the Court's Advisory Opinion. That should be endorsed fully and without qualification by the Assembly. Although it was an opinion, not a decision, it was, none the less a legal text handed down by the highest international judicial authority. It was, therefore, for the Committee to consider methods of implementing the Opinion and representatives should accept it as a whole, not only those parts with which they agreed. Negotiations would be confined to the methods of implementing the Court's Opinion, and would not prevent the Union of South Africa from carrying out its obligations in accordance with that Opinion regarding the submission of reports and petitions.

At the 195th meeting of the Fourth Committee on 4 December, the representative of Denmark orally proposed that the Committee should consider first the joint draft resolution of Denmark, El Salvador, Iraq, Norway, Peru, Thailand, the United States and Venezuela (A/C.4/L.124/Rev.1). This proposal was not adopted, the vote being 21 to 21, with 4 abstentions. (If a vote is equally divided on matters other than elections, a second vote is taken within 48 hours of the first

vote. If this vote also results in equality, the proposal is regarded as rejected.)

The Fourth Committee at its 196th meeting on 4 December then adopted by a roll-call vote of 26 to 21, with 4 abstentions, the draft resolution sponsored by Brazil, Cuba, Mexico, Syria and Uruguay (A/C.4/L.116/Rev.1) and amended by India, Indonesia and the Philippines (A/C.4/L.129). Nine roll-call votes altogether were taken on the preamble and operative parts of the resolution and on the resolution as a whole. The Chairman of the Committee ruled that in view of the adoption of the draft resolution, no vote should be taken on the draft resolution set forth in document A/C.4/L.124/Rev.1. The text of the draft resolution adopted is as follows:

The General Assembly,

Considering that the General Assembly, by its resolutions 65(I) of 14 December 1946, 141(II) of 1 November 1947, 227(III) of 26 November 1948 and 337(IV) of 6 December 1949 recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and urged the Government of the Union of South Africa to submit a trusteeship agreement for the Territory,

Considering that the International Court of Justice, duly consulted by the General Assembly pursuant to resolution 338(IV) of 6 December 1949, reached the conclusion that the Territory of South West Africa is still a Territory under the international Mandate assumed by the Union of South Africa, on 17 December 1920,

Considering that the International Court of Justice is of the opinion that the Union of South Africa acting alone is not competent to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to be subject to the international obligations laid down in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa,

Considering that the International Court of Justice is of the opinion that the functions of supervision over the administration of the Territory of South West Africa by the Union of South Africa should be exercised by the United Nations, to which the annual reports and the petitions should be submitted,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to be subject to the obligation to transmit petitions from the inhabitants of the Territory of South West Africa,

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by Article 7 of the Mandate for South West Africa,

1. Declares that it is incumbent upon the Government of the Union of South Africa, pending the determination of the future status of South West Africa by agreement between the Union of South Africa and the United Nations, to promote to the utmost in the administration of the Territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing Mandate, and to give effect to the obligations which it assumed under the Mandate;

2. Requests the Government of the Union of South Africa to submit to the United Nations, before 1 June 1951, a report on the administration of the Territory of South West Africa during the years 1947, 1948, 1949 and 1950 in accordance with the questionnaire adopted by the Permanent Mandates Commission of the League of Nations and also, in due course, reports relating to the subsequent years;

3. Requests the Government of the Union of South Africa to transmit to the Secretary-General, with such additional observations as it may deem necessary, all petitions relating to the Territory of South West Africa;

4. Establishes a Commission for South West Africa to assist the General Assembly in the consideration of the annual reports, petitions and all other matters relating to the Mandated Territory of South West Africa in accordance with the following instructions and procedures which the General Assembly laid down in the exercise of its functions of control over the administration of South West Africa:

(a) The Commission for South West Africa shall be composed of ten experts appointed on the basis of their qualifications and expert knowledge by . . . ^{161a}

(b) The Commission for South West Africa shall hold the meetings necessary for the accomplishment of its task; it shall meet at such time and place as may be determined by the Secretary-General;

(c) The Commission for South West Africa shall decide upon its own rules of procedure and for that purpose shall, as far as possible, follow the procedure adopted in that matter by the Permanent Mandates Commission of the League of Nations for the consideration of reports and petitions;

5. Invites the Government of the Union of South Africa to designate a duly authorized representative who should be prepared to offer to the Commission for South West Africa any supplementary explanations or supplementary information as the Commission may request;

6. Recommends that the Commission for South West Africa should submit annual reports to the General Assembly for consideration. Such reports shall contain an analysis of conditions in the Mandated Territory and observations, conclusions and recommendations regarding the fulfilment, by the Mandatory Power, of the obligations set forth in the Mandate. The Commission shall advise the Assembly on all matters relating to South West Africa, and perform such other functions as may be entrusted to it by the General Assembly.

After the adoption of the resolution, several representatives, including those of Denmark, Ethiopia, France, Iraq and Venezuela, declared that the resolution had been approved by a very

^{161a} After adoption of the resolution the countries were to be chosen by the Fourth Committee on the basis of equitable geographical distribution.

narrow margin and that it would in all likelihood be rejected by the General Assembly. They appealed to all members of the Fourth Committee to try to find some compromise text on which more agreement could be reached, preferably on the basis of draft resolution A/C.4/L.124/Rev.1.

(3) Proposals to Place South West Africa under Trusteeship

The Fourth Committee at its 197th meeting on 5 December then began consideration of the proposal to invite the Union of South Africa to place the mandated Territory of South West Africa under Trusteeship. It had before it two draft resolutions and one amendment on the question.

The first draft resolution (A/C.4/L.122) was submitted jointly by the representatives of India, Indonesia and the Philippines. This called upon the General Assembly to endorse the conclusion of the International Court of Justice that the normal way of modifying the international status of South West Africa would be to place it under the Trusteeship System by means of a Trusteeship Agreement in accordance with the provisions of Chapter XII of the Charter. The Assembly also was to request a proposed ad hoc Committee on South West Africa to submit to the following session of the Assembly a report on the provisions and working of the South West Africa Affairs Amendment Act of 1949 (a law referring to the alleged incorporation of South West Africa in the Union of South Africa).

The second draft resolution (A/C.4/L.128) was submitted jointly by the representatives of Cuba, Ecuador, Guatemala, Mexico and Uruguay. This called upon the General Assembly to reiterate the resolutions adopted by it at its four previous sessions and to repeat that the Union of South Africa should submit a draft Trusteeship Agreement for South West Africa.

After the acceptance by the sponsors of this draft resolution of an amendment to state in effect that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a Trusteeship Agreement in accordance with the provisions of Chapter XII of the Charter, the representatives of India, Indonesia and the Philippines withdrew their draft resolution (A/C.4/L.122).

The representative of the USSR submitted an amendment (A/C.4/L.126), first to the draft resolution proposed by India, Indonesia and the Philippines; after its withdrawal he introduced the same amendment (A/C.4/L.130) to the draft resolution proposed by Cuba, Ecuador, Guate-

mala, Mexico and Uruguay. This amendment was to insert a new paragraph which would have the General Assembly note that the action of the Union of South Africa in adopting a law on the incorporation of South West Africa in the Union constituted a violation of the Charter of the United Nations.

The representative of the Union of South Africa declared that his Government had always refused categorically to place South West Africa under the Trusteeship System. There had been no change in the circumstances since it had first expressed that refusal. On the contrary, his Government had even stronger reasons for continuing to maintain that it had no obligation, either moral or legal, to conclude a Trusteeship Agreement with the United Nations. There was therefore no point in adopting draft resolutions previously adopted by the General Assembly, resolutions containing invitations which were still open for acceptance by the South African Government if it so desired.

The representatives of Poland and the USSR considered that the only two courses open to a Mandatory Power were, first, to grant independence and freedom to the people of the mandated territory; or secondly, to place the territory under the International Trusteeship System. With respect to South West Africa, the first of these two solutions must be discarded temporarily since the Territory was not yet sufficiently advanced politically and economically; South West Africa should therefore be placed under the International Trusteeship System. The Union of South Africa had refused to conform to the recommendations of the General Assembly on South West Africa or to fulfil its obligations under the Mandate. Still more, it had taken measures which would lead to the incorporation of South West Africa in its territory. The Union of South Africa, by refusing to place the Territory of South West Africa under the Trusteeship System and to supply information on the administration of that Territory, became guilty of a violation of the Charter, which the General Assembly should note in the resolution it adopted on the question.

The representatives of, among others, Brazil, Cuba, Ecuador, Guatemala, Haiti, Iraq, Pakistan and the Philippines, spoke in favour of the joint draft resolution (A/C.4/L.128). They maintained that precisely because the South African Government had not yet complied with the Assembly's request, the request should be renewed, in the hope that the Union of South Africa would alter its attitude. Failure by the General Assembly

to maintain and reiterate the attitude it had taken on the question for the preceding five years, they felt, would be interpreted by the inhabitants of South West Africa as a betrayal of their paramount interests.

They interpreted the Court's opinion as stating that, although the Union of South Africa was not bound by any legal obligation to conclude a Trusteeship Agreement for South West Africa, nevertheless the provisions of Chapter XII of the Charter imposed on the Union a moral obligation to place the Territory under the Trusteeship System. The draft resolution, they argued, merely endorsed the view of the Court that the normal way of changing the status of a mandated territory was to place it under the Trusteeship System.

These representatives opposed the idea of any negotiation in connexion with the enforcement of what they called the clear legal obligations of the Union of South Africa under the international mandate, since in their view those obligations did not admit of compromise, but considered that there was room for negotiation on the terms of a Trusteeship Agreement for South West Africa.

The representatives of, among others, Australia, Belgium, Canada, France, Peru, Thailand and the United Kingdom spoke against the joint draft resolution. They declared that since the Court's advisory opinion stated that the Union of South Africa was under no legal obligation to place South West Africa under the Trusteeship System, it would seem better to avoid any express reference to a Trusteeship Agreement. The Assembly could not, they argued, by a unilateral decision, force the Union of South Africa to conclude a Trusteeship Agreement for the Territory. To do that would not, they contended, be in the interests of the population of the Territory.

These representatives did not think it was enough simply to adopt texts which might well prove ineffective; it was essential to try to take steps to ensure the solution of the problem in the very near future. The General Assembly had already adopted several resolutions to the same effect without result. The best solution would be to negotiate with the Union of South Africa.

It was felt that the Fourth Committee should attempt to reach a compromise solution which would obtain the necessary two-thirds majority in the General Assembly.

The representatives of Argentina, Iraq and Venezuela stated that they would abstain in a vote on the joint draft resolution. In their opinion the proposal was unsatisfactory and impractical and

could not command the necessary two-thirds majority.

The representative of Argentina stated that he would vote against the USSR amendment as he felt that the amendment might be in conflict with Article 2, paragraph 7, of the Charter (which states that the United Nations shall not intervene in matters which are essentially within the domestic jurisdiction of any State), which, he stated, was the safeguard of the small nations of the Organization.

The representatives of China, India and Iraq declared their intention of abstaining from voting on the USSR amendment. The Chinese representative considered the amendment as not likely to facilitate the implementation of the advisory opinion. The representative of India thought that adoption of the amendment would create the impression that the Fourth Committee was prejudging the issue. The representative of Iraq felt the phrase "constitutes a violation of the Charter of the United Nations" in the USSR amendment could not be endorsed by the Fourth Committee without further discussion and possibly an opinion by the International Court of Justice.

The Fourth Committee at its 198th meeting on 5 December voted on the proposals before it. It rejected by a roll-call vote of 9 in favour, to 16 against, with 22 abstentions, the USSR amendment. The joint draft resolution (A/C.4/L.128) as amended, was then voted on by roll-call, first paragraph by paragraph and then as a whole. The draft resolution as a whole, as amended, was approved by 27 votes to 12, with 8 abstentions.¹⁶²

b. RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

The General Assembly at its 321st and 322nd plenary meetings on 12 and 13 December considered the report of the Fourth Committee (A/1643) containing the texts of the two resolutions proposed for adoption. The Assembly also had before it a report from the Fifth Committee (A/1622) on the financial implications of these resolutions. The Fifth Committee, after considering the question at its 278th meeting on 11 December and taking into account reports of the Secretary-General (A/C.5/439) and the Advisory Committee on Administrative and Budgetary Questions (A/1651), reported to the Assembly that the adoption of draft resolution I proposed by the Fourth Committee would involve an addi-

¹⁶² For text, see p. 822.

tional appropriation of \$14,000 in the 1951 budget.

In addition, a draft resolution was proposed by Brazil, Denmark, Peru, Syria, Thailand and the United States (A/1681) to replace resolution I recommended by the Fourth Committee, in the event that that resolution was not adopted. Cuba submitted amendments (A/1688) to this joint draft resolution.

An amendment was submitted by the USSR (A/1661) to draft resolution II, recommended by the Fourth Committee.

The sponsors of the joint draft resolution stated that it was an attempt to reach a compromise. It proposed that the General Assembly:

- (1) accept the advisory opinion of the Court with respect to South West Africa;
- (2) urge South Africa to take the necessary steps to give effect to the Court's opinion;
- (3) establish a committee of five to confer with South Africa concerning the procedural measures necessary for implementing the Court's opinion;
- (4) authorize the proposed committee, as an interim measure, to examine the report on the administration of South West Africa and petitions relating to the Territory and to submit a report to the Assembly.

The amendments submitted by Cuba (A/1688) were accepted by the sponsors of the joint draft resolution.

The first amendment provided that petitions could be received "from communities or sections of the population of the Territory" to replace "from the inhabitants of the Territory" since under the Mandate petitions could be received from institutions and various organizations as well as from the inhabitants. The second Cuban amendment provided that the Committee would report to the Assembly's next regular session.

The representative of the United Kingdom explained that it was the policy of his Government not to take part in international committees dealing with disputes in which fellow Commonwealth Governments were involved, and that, therefore, it could not form part of the proposed Committee of five. On the suggestion of the United States representative Denmark was substituted for the United Kingdom as a member of the committee.

The General Assembly at its 322nd plenary meeting on 13 December voted on the various proposals before it.

Draft resolution I of the Fourth Committee¹⁶³ was rejected in a paragraph-by-paragraph vote. As only the first paragraph of the preamble was approved (by 15 votes to 5, with 15 abstentions),

the President did not put the resolution as a whole to the vote.

Before a vote was taken on the joint draft resolution (A/1681), as amended by Cuba, the representative of the Union of South Africa, speaking on a point of order, declared that the term "compromise resolution" applied to the draft before the Assembly might be susceptible to some misunderstanding. He stated that South Africa did not take part in the discussions leading up to the new draft resolution and was not in any sense a party to the "compromise".

The draft resolution was then voted on, first by a paragraph-by-paragraph vote, and then by a roll-call vote on the draft as a whole. The preamble was adopted by 43 votes to 6, with 5 abstentions. Paragraph 1 was adopted by 43 votes to 6, with 7 abstentions. Paragraph 2 was adopted by 38 votes to 6, with 8 abstentions. Paragraph 3 was adopted by 43 votes to 6, with 8 abstentions. Paragraph 4 was adopted by 39 votes to 6, with 7 abstentions. The resolution as a whole was adopted by 45 votes to 6, with 5 abstentions.

The representative of South Africa in explaining his vote against the resolution said that instead of creating the machinery to ensure the calm and objective consideration of the problem of the international position of South West Africa in the light of the Court's advisory opinion and other relevant factors, the adopted resolution practically closed the door to this method of approach. He considered the preamble a one-sided, partial and incomplete recapitulation of the Court's advisory opinion. Its operative part provided for the establishment unilaterally of machinery for the examination of reports and petitions before the next session of the General Assembly by a body established for a different purpose and entrusted with this task without consultation with South Africa. He could not reconcile this provision with the recognition, in the immediately preceding paragraph, of the principle of conferring with the Union of South Africa concerning measures necessary to implement the advisory opinion of the Court. The principle of representation by personalities on the Special Committee, he pointed out, had been discarded in favour of representation of countries.

He went on to state that the Assembly had failed to consider:

- (1) the new facts discovered since the delivery of the advisory opinion of the Court on 11 July 1950, of which the Court had no knowledge;

¹⁶³ For text, see p. 817.

(2) the admitted danger to South Africa as the administrator of South West Africa, of having her own internal policies criticized under the cloak of criticizing the administration of the Territory in violation of Article 2, paragraph 7, of the Charter;

(3) the genuine desire of South Africa to have this long-standing matter settled by way of unfettered consultation and in a spirit of realism.

The representative of Belgium said he abstained from the vote for two reasons. The first was that no mention was made in the preamble of the most important question asked of the Court, that is, whether or not South Africa was compelled to place South West Africa under a Trusteeship regime. The second was that before the negotiations, which were referred to in the resolution, the General Assembly unilaterally decided that a commission set up by the Assembly and without consultations with the Union of South Africa would consider the reports and petitions submitted to it.

The representative of India explained that although his delegation preferred the original resolution of the Fourth Committee, it had supported the Assembly's decision in a spirit of compromise and for two main reasons. In the first place there was no real difference of opinion in the United Nations on the desirability of accepting the Court's advisory opinion, nor any difference on the desirability of South Africa implementing that opinion without further delay. Secondly, India recalled the assurances given by the representative of South Africa in the Fourth Committee that his Government would give the most careful consideration to any resolution adopted by the Assembly. He therefore hoped that the widely-held view of the Fourth Committee in favour of implementing the Court's advisory opinion should not be obscured by any differences over the most practical method of putting it into effect.

In the view of the representative of the United Kingdom, the resolution adopted provided the best available basis for the implementation of the Court's opinion. He nevertheless placed on record the fact that his Government considered the original resolution introduced in the Fourth Committee by Denmark and the seven co-sponsors (which had not been voted on) as preferable to the resolution adopted. He hoped that the negotiating committee would be able to work out a solution of the problem, acceptable to both the General Assembly and to the South African Government.

The USSR amendment to draft resolution II of the Fourth Committee (A/1661) was then voted on. This amendment recommended the addition

of a paragraph noting that "the action of the Union of South Africa in adopting a law on the incorporation of South West Africa in the Union of South Africa constitutes a violation of the Charter of the United Nations". It was rejected by a roll-call vote of 24 to 8, with 22 abstentions.

Draft resolution II of the Fourth Committee was adopted by a roll-call vote of 30 to 10, with 16 abstentions.

The representative of the Union of South Africa repeated the reasons given by his delegation before the Fourth Committee for voting against the proposal.

The texts of the resolutions adopted (449 A and B (V)) are as follows:

A

The General Assembly,

Considering that the International Court of Justice, duly consulted by the General Assembly pursuant to resolution 338(IV) of 6 December 1949, reached the conclusion that the Territory of South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to have the international obligations laid down in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa,

Considering that the International Court of Justice is of the opinion that the functions of supervision over the administration of the Territory of South West Africa by the Union of South Africa should be exercised by the United Nations, to which the annual reports as well as the petitions from the inhabitants of the Territory are to be submitted,

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by Article 7 of the Mandate for South West Africa,

Considering that the International Court of Justice is of the opinion that the Union of South Africa acting alone is not competent to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

Considering that the Government of the Union of South Africa should continue to administer the Territory of South West Africa in accordance with the Mandate conferred by the Principal Allied and Associated Powers upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa,

Considering that it is incumbent upon the Government of the Union of South Africa to promote to the utmost in the administration of the Territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to

the existing Mandate, and to give effect to the obligations which it assumed under the Mandate,

1. Accepts the advisory opinion of the International Court of Justice with respect to South West Africa;

2. Urges the Government of the Union of South Africa to take the necessary steps to give effect to the opinion of the International Court of Justice, including the transmission of reports on the administration of the Territory of South West Africa and of petitions from communities or sections of the population of the Territory;

3. Establishes a Committee of five consisting of the representatives of Denmark, Syria, Thailand, the United States of America and Uruguay, to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice and to submit a report thereon to the next regular session of the General Assembly;

4. Authorizes the Committee, as an interim measure, pending the completion of its task referred to in paragraph 3, and as far as possible in accordance with the procedure of the former Mandates System, to examine the report on the administration of the Territory of South West Africa covering the period since the last report, as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General, and to submit a report thereon to the next regular session of the General Assembly.

B

The General Assembly,

Considering that the General Assembly, by its resolutions 65(I) of 14 December 1946, 141(II) of 1 November 1947, 227(III) of 26 November 1948 and

337(IV) of 6 December 1949, recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and invited the Government of the Union of South Africa to propose, for the consideration of the General Assembly, a Trusteeship Agreement for the aforesaid Territory,

Considering that the International Court of Justice, duly consulted by the General Assembly in pursuance of resolution 338(IV) of 6 December 1949, delivered the opinion that the Territory of South West Africa is under the international Mandate assumed by the Union of South Africa on 17 December 1920,

Considering that in accordance with Articles 75, 77, paragraph 1a, 79 and 80, paragraph 2, of the Charter of the United Nations the Trusteeship System has been applied to all mandated territories which have not achieved independence, with the sole exception of the Territory of South West Africa,

Considering that, under the terms of the Charter of the United Nations, it is clear that the International Trusteeship System takes the place of the former Mandates System instituted by the League of Nations and, further, that there is no specific provision indicating the permanent co-existence of the Mandates System with the International Trusteeship System,

1. Reiterates its resolutions 65(I) of 14 December 1946, 141(II) of 1 November 1947, 227(III) of 26 November 1948, and 337(IV) of 6 December 1949 to the effect that the Territory of South West Africa be placed under the International Trusteeship System;

2. Reiterates that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a Trusteeship Agreement in accordance with the provisions of Chapter XII of the Charter.

ANNEX. PETITIONS EXAMINED BY THE TRUSTEESHIP COUNCIL DURING 1950

During 1950 the Trusteeship Council examined a record number of 361 petitions, of which 254 were received by the Visiting Mission to West Africa. The Council's ad hoc Committee on Petitions undertook a preliminary examination of all these petitions, with the exception of those relating to the Bugufi area, concerning Tanganyika and Ruanda-Urundi, and the petitions or parts of petitions relating to the unification of "Eweland" or of Togoland, which were examined in the full Council.

The ad hoc Committee appointed by the Council at its sixth session was composed of Australia (Chairman), China, the Dominican Republic, New Zealand, Philippines and the United States; it held 30 meetings. The ad hoc Committee established at the seventh session was composed of the Philippines (Chairman), Belgium, China, Dominican Republic, New Zealand and the United States; it held fourteen meetings.

The ad hoc Committee submitted eight reports to the Council at each session. These reports contained (a) summaries of the questions raised in the petitions, (b) summaries of the observations of the Administering Authorities concerned, (c) document references to these observations and to the ad hoc Committee meetings during which the relevant petitions were discussed and (d) draft resolutions recommended for adoption by the Council. With one exception, as shown in connexion with the first petition listed below, the Council

approved, in most cases unanimously, the resolutions as submitted by the ad hoc Committee, as follows:

During its sixth session, the Council adopted resolutions 119-122(VI) on 20 February, 124(VI) and 125(VI) on 27 February and 130-230(VI) on 3 April.

During its seventh session, the Council adopted resolutions 235-243(VII) on 29 June, 244-249(VII) on 10 July, 251-292(VII) on 17 July and 294-297(VII) on 20 July.

(In the following tabulation, the roman numeral indicating session number is omitted from the reference for simplification.)

A list of all petitions examined by the Council during 1950, with relevant document references, is given below. The listed petitions concerning both Tanganyika and Ruanda-Urundi relate to the question of the Bugufi area, which was not referred to the ad hoc Committee but was dealt with by the full Council in resolution 116(VI), adopted on 9 February. Similarly, resolution 250(VII), adopted by the Council on 14 July, relates to the Ewe question and the unification of both Togolands, raised in 140 petitions; other resolutions on additional questions raised in many of these petitions were adopted on the recommendation of the ad hoc Committee on Petitions.

Unless otherwise stated, any omission in the sequence of petition document numbers indicates that the omitted petition was examined by the Council prior to 1950.

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES		
	Petitions	Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions
WESTERN SAMOA, administered by New Zealand			
Charles Pelman	T/Pet.1/2	T/L.34	124 (amended by Council)
TANGANYIKA, administered by the United Kingdom			
Chagga Council	T/Pet.2/59	T/L.20	119
G. H. Wakefield	—74	—20	120
Josef Ganzenhuber	& Add.1,2	—20	121
D. M. Anjaria	& Add.1	—20	122
	—92		
RUANDA-URUNDI, administered by Belgium			
Augustin Ndadabara	T/Pet.3/16	T/L.34	126 (The ad hoc Committee did not submit a draft resolution on this petition, which was regarded as an anonymous communication. The Council's resol. 126 (VI) was adopted on 28 Feb. by 7 votes to 4.)
Mussa Kackeset bin Kalimba	—25	—34	125
TANGANYIKA and RUANDA-URUNDI	(Tang.)	(R-U)	
Mwambutsa, the Mwami of Urundi	T/Pet.2/49	T/Pet.3/5	116
Christopher M. Byoya	—69	—17	The text of resol. 116 was sent to the remainder of the petitioners listed under this sub-heading, beginning with Christopher M. Byoya. (The following 17 additional petitions relating to the Bugufi area were also received; they were not assigned document numbers, but, as decided by the Council, the text of resol. 116 was transmitted to the petitioners, as follows: Messrs. Dastani Kikopo, Petro Nibiyi, Isilaeli Rusule, Ndaruschele, Yona Bulangwahe; Philipo Rwabisaba, Ezekeli Mukan-da, Elisha Mugelambavu, Edward Rwandindi, Yuoto Rigugile; W. G. Mbunde; John Sarwenda, Peter Kinyamazinge, Geoffrey Maquire, Nicodemo Bideberi; Yusufu Semfigiri Huhuza, Yolbi Kasohena Puvabunjuja; Messrs. Israel Gashali, Rubanbipula, Ndalihuza, Kahegeli, Vyanzaza, Amed; Godfrey Rushongo, Runyala Sechyoko, Bayaga Bahintage, Lameki Mugaye, Yalli Rudabananige; Messrs. Samson Magunba, Janitagi M. Sparuhiza, Kokoto, Andrea Kivjadkiva, S. Nyanukara, Maliya Rakareto, Meviyadi Mivba, Stephavo Kase-
Messrs. Henury Gitanga, Samuelli Bitungwanamaguru; Rulanika Bini and Joshwabituna	—70	—18 & Add.1	
Messrs. Simoni Segahonderwa, Daudi M. Kashuli, John Semitende and Serufonyo	—71	—19	
Ernest N. Ruhembe	—72	—20	
Forty-eight Bahangaza of Bugufi	—73	—21	
Patrick Kazungu	—75	—22	
Chrisostom Muyombana	—76	—23	
Samitende Rusengo, Semufair Rusengo, Bichinya Rusengo, Ntwali Kyabakanga and Mitabaro Senyanzobe	—77	—24	
Joeli Henury	—78	—26	
Abatungwa of Bugufi	—79	—27	
Naftali Gasanzwe	—80	—28	
Christopher Rusage	—81	—29	
Christopher Mwaku	—82	—30	
Isilaeli Kilomba, Sambwe Semibanga, Nikola Chyiza, Mpinyuye Bilala, Shem Bapfamukanwa and Edward Kidende	—84	—31	
Dena Kanebagule	—85	—32	
Isack Muhile	—86	—33	
Y. Sekivundi	—87	—34	
Gideon Minane	—88	—35	
Thomaso and Ernesti Bgoya	—89	—36	
Minani Ndutiye	—90	—37	
Richard Buyeve	—91	—38	

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
				bele, B. John Makele; Messrs. J. K. Semuguruka, Isaya Mushatsi, Delisifuzabyabandi, Baginandi; 20 Bahangaza students; Ramadhan Kafula; Richard Bgoya, Isaiah Bitende, Ernest Ruhembe, George Ndabagoye, Edward Mpimbili; sixteen Bahangaza school boys of the Government Secondary School, Bukoba; Bilala Kikakelesi, Z. N. Miyagalo, Seeksim Kamuzaga, Sinasiyo Rubagwa, Yakobo Nyabenda, Ruhago Chinza Ntensinseryo Bangilankandi, Runzibanga Buchantuhula; Matiya Rukuseto, Simoni Nyamukara; Messrs. Leonard S/o Nkupa, Darseni S/o Banigwa, Yoshua Rwomeka, Muntumbi, Nikolaus Sebasuku, Nzorubara, Rwokara; Mr. Rusewayila.)		
CAMEROONS, administered by the United Kingdom CAMEROONS, administered by France	(U.K.)	(France)		(U.K.)	(France)	(Both)
Bakweri Land Committee	T/Pet.4/3 Add. 1-5		T/L.75	174		
	Add.3		—75	175		
	Add.4		—75	176		
———, Bonjongo Group	Add.5		74	138		
Mengen Community and Wedikum Community League	—5		—75	185		
Joseph Mosenja	& Add. 1-3		—44	130		
Bwinga Village Community	—6		—75	169, 176		
People of Ejagham	—7		—75	177, 183, 190		
Sama C. Ndi	—8		—75	169		
Carl Peter Albrechtsen	—9	T/Pet.5/3 & Add.1	—44		131	
T. Kulle	—10	—4	—75	182		164
F. E. Burnley	—11	—5	—75	168, 175, 180, 182		164
People of Mukonje and Bai	—12		—75	174, 177		
Bakossi Expelled Farmers' Committee	—13		—75	174		
Bafaw Improvement Union	—14		—75	169, 176, 177, 180, 182		
Balong Native Authority	—15	—6	—75	169, 174, 176, 177, 182		164
Cameroons National Federation	—16	—7	—75	168, 170, 173-177, 180, 183, 184, 190		164
Samuel Mosenjamo Njako	—17		—74	132		
Ex-Servicemen's Union	—18		—74	133		
French Cameroons Welfare Union	—19	—8	—75			164, 172
Dikwa Literary Society	—20		—74	137		

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions	Reports of fixed Committee on Petitions	Ad hoc Trusteeship Council Resolutions			
CAMEROONS, administered by the United Kingdom	(U.K.)	(France)	(U.K.)	(France)	(Both)	
Lamido of Adamawa	T/Pet.4/21	T/Pet.5/9	T/L.75			165, 166
Dikwa Native Authority	—22	—10	—75	190		167
Manuel Maria do Rio		—11	—74		147	
Union des populations du Cameroun, Comite regional de Nyong et Sanaga	—23	—12	—75 —77		191, 192, 194, 197, 199, 202, 211-213, 215, 217, 220, 224, 227, 230 197, 198, 200, 204, 211, 212, 220, 222, 224, 230	164
Ten people in the name of the indi- genous population of the region of Nyong and Sanaga		—13	—77		211 225 202, 211, 220, 222 198, 211 191-193, 202 ' 148	
Zacharie Belinga		—14	—77			
Delegation des organismes cooperatifs association "Les Amis du progres"		—15 —16	—77 —77			
representatives of the Beti people		—17 —17	—77 —77			
Paul Ndzana Ntsama		& Add.1 —18	—74			
Union des Syndicats confederes de Yaounde		—19	—77		211, 215, 221, 224, 227, 230 196, 201, 220, 227, 230	
Pierre Dimalla, President general de l'Evolution sociale camerounaise		—20	—77		202, 204, 205, 211, 220, 221, 225, 227, 230	
Caston Medou		—21	—77			
Union Tribale N'tem Kribi	—24	—22	—75 —77		192, 218, 220 227 221, 222, 227, 230.	164
Armand Felix Manga Ondo		—23	—77			
Syndicat des employes de commerce de Sangmelima		—24	—77		221 221	
Syndicat des employes d'Ambam		—25	—77		191	
Union des populations du Cameroun, section de la provision d'Ayos		—26	—77			
Andre Fouda Omgba		—27	—77		199, 218, 220, 230	
la Voix du peuple camerounais (Mr. Akono)		—28	—77			
Union des populations du Cameroun, Comite regional de Fouban	—25	—29	—75 —77		191, 192, 194, 195, 198, 200, 201, 211, 226, 227, 230	164
Zakari M'bombo		—30	—77		193	
Nsangou Moussa		—31	—79		152	

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
CAMEROONS, administered by the United Kingdom CAMEROONS, administered by France	(U.K.)	(France)		(U.K.)	(France)	(Both)
Comite directeur de Kumzse	T/Pet.4/26	T/Pet.5/32	T/L.75 —77		192, 195, 196, 211, 212, 218, 220, 227, 229, 230	164
Union regionale des Syndicats confederes de Bamileke	—27	—33	—75 —77		191, 197, 207, 211, 217, 218, 221, 224, 226, 227	164
Michel Nguiguim		—34	—77		210	
Union des populations du Cameroun, section de la provision d'Abong Mbang		—35	—77		191	
63 inhabitants of the Subdivision of Saa		—36	—77		197, 224	
Union des populations du Cameroun, Comite regional de Nyong et Sanaga		—37	—77		201	
Union des populations du Cameroun, Comite central du groupement de Bafou		—38	—74		149	
Gustave Ekotto		—39	—77		191, 211, 227, 229	
Union bamileke	—28	—40	—75 —77		227, 230	164
Artisans de Dschang		—41	—77		210, 217, 230	
Union des populations du Cameroun, Comite regional de Moungo	—29	—42	—75 —77		191, 192, 194, 195, 197, 206, 211, 224, 227, 230	164
Employes africains du commerce d'Abong Mbang		—43	—77		221-223	
Population of the Yabassi Subdivision		—44	—77		195, 198, 211, 212, 227	
Vicar Apostolic, Douala		—45	—77		219, 230	
Cri de la Sanaga cotiere (Edea), Yaounde Delegation		—46	—77		212, 227, 230	
Jean Nyoungou Ngua		—47	—79		150	
Ernest Eyoum		—48	—91		243	
Frederic Makanda and Gilbert Bilong		—49	—79		157	
Confederation generale du travail— Force ouvriere du Cameroun		—50	—79		153	
Lea Ellong, Mongwan Ndemba and Ekall Pidi		—51	—79*			
Union des Syndicats confederes du Cameroun		—52	—77		197, 206, 208, 209, 211, 214, 216, 220— 222, 224— 227, 230	

* Petitions considered inadmissible under rule 81 of the Council's rules of procedure since they were directed against judgments of competent courts.

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES				
	Petitions	Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
	(U.K.)	(France)	(U.K.)	(France)	(Both)
CAMEROONS, administered by the United Kingdom					
CAMEROONS, administered by France					
"Union des populations du Cameroun, Comite directeur	T/Pet.4/30	T/Pet.5/53	T/L.77 —77	191, 192, 194, 195, 199, 207– 209, 211, 213, 215, 217, 220– 222, 226, 227, 230	164
Evolution sociale camerounaise		—54	—77	200, 201, 208, 209, 212, 219, 227, 230	
Union des populations du Cameroun, Comite central de M'Balmayo		—55	—79	154	
Ngondo, Assemblée traditionnelle du peuple, Douala	—31	—56	—75		164
			—77	193, 194, 199, 212, 213, 216, 217, 220, 221, 225, 227, 230	
Yerima Abbo Mouhamadou		—57	—79	151	
Union des populations du Cameroun, Comite central de la subdivision de M'Balmayo		—58	—79	155	
Collectivite de Bonamikengue—Akwa- Douala		—59	—79	158	
Comite feminin de l'Union des populations du Cameroun	—32	—60	—75 —77		164
				197, 200, 205, 206, 211, 213, 217–220, 224, 227, 230	
Manda-Nkwe Community	—33		—74	136	
V. Loko	—34		—74	139	
Kom Improvement Association	—35		—75	169, 180, 183, 184, 186, 190	
Fon of Bikom	—36		—75	163, 169, 186	
Sama C. Ndi	—37		—74	140	
Women of Kom	—38		—75	186	
Fondefru of Bande	—39		—74	141	
Chief Fonjengo Mbakurewan	—40		—74	134	
F. T. Tambe	—41		—75	168, 173, 180, 182, 183, 190	
Banyang Improvement Union	—42		—75	181–183, 190	
Fon of Bali and the Bali Native Authority	—43		—79 —75	159 173, 182	
Assumbo Native Authority	—44		—75	171, 180, 183	

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
	(U.K.)	(France)		(U.K.)	(France)	(Both)
CAMEROONS, administered by the United Kingdom CAMEROONS, administered by France						
Chief M. M. Gaforgbe	T/Pet.4/45		T/L.74*			
N. D. Fongum	—46		—75	180, 182		
Association amicale de la Sanaga maritime		T/Pet.5/61	—77		212, 227, 230	
G. Hondt and others		—62	—77		196, 213, 221, 225— 227	
Bangwa Native Authority	—47	—63	—75	173, 190		164
S. E. Arreneke	—48		—74	142		
R. N. Ayuk	—49		—79	160		
Godlove Ndangbi and Chief M. M. Gaforgbe	—50	—64	—75	163, 170, 183		164
Men and women of Bagangu-Akum	—51		—75	177		
Bamenda Improvement Association	—52	—65	—75	169, 177, 179, 182, 183, 187, 188, 190		164
Chief M. M. Gaforgbe	—53		—74	143		
Joseph L. Fokum and others	—54		—74	134		
Domestic Servants' Union, Bamenda	—55		—79	161		
Tita Nyambi	—56		—74	134		
South-Western Federation, Batibo	—57		—74	135		
Chief V. Vuga	—58		—75	169, 183		
Douala Branch, Bakweri Land Committee	—59		—74	144		
John E. Talbot	—60		—75	168, 174, 183		
Cameroons Federal Union	—61	—66	—75	145 163, 168, 169, 173, 175—178, 180, 182— 184, 189, 190		164
G. P. Malafa	—62		—74	146		
Notables Doualas		—67	—79*			
Federation des employes de commerce et entreprises privees du Cameroun		—68	—77		203, 220— 222, 230	
N. Skouloukos-		—69	—79†			
Solidarite Babimbi		—70	—79		156	
Bureau regional de Wouri de l'Union camerounaise des Syndicats chretiens		—71	—77		203, 222, 228	
Union des populations du Cameroun, Comite regional de la Sanaga mari- time	—63	—72	—75 —77		191, 194, 195, 203, 208, 209, 218, 221, 227, 230	164
Association des chefs coutumiers de la Sanaga maritime		—73	—77		198	
Syndicat des petits planteurs d'Eseka		—74	—77		211, 218, 220, 221, 224, 226, 230	

* Petitions considered inadmissible under rule 81 of the Council's rules of procedure since they were direct against judgments of competent courts.

† Consideration deferred.

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
CAMEROONS, administered by the United Kingdom CAMEROONS, administered by France	(U.K.)	(France)		(U.K.)	(France)	(Both)
Syndicat des petits planteurs de Ndogbessol		T/Pet.5/75	T/L.77		204, 211, 227, 230	
Lamidos of the Benue Region	T/Pet.4/64	—76	—75			164, 165
James Toe	—65		—91	236		
Mathias Mbongue Minyangadou		—77	—91		237	
Union des populations du Cameroun, Comite d'Otele		—78	—91		238	
J. E. Albert Togney		—79	—88, 91		239	
Njaillou Ousmanon		—80	—91		240	
Union des populations du Cameroun, Comite directeur		—81	—91		241	
Daniel Kemajou		—82	—91		242	
Anonymous		—R.1	—80			162
—		—R.2	—80			162
—		—R.3	—80			162
—	—R.1	—R.4	—80			162
TOGOLAND, administered by the United Kingdom TOGOLAND, administered by France						
All-Ewe Conference, Gold Coast	T/Pet.6/1	T/Pet.7/1	—			250
Augustino de Souza		—2	—			250
—		& Add.1				
—	—2	—3	—			250
All-Ewe Conference, Gold Coast	—3	—4	—			250
—	—4	—5	—			250
—	—5	—6	—			250
—		& Add.1				
Augustino de Souza		—7	—			250
Council of African Affairs, Inc., New York	—6	—8	—			250
African Academy of Arts and Research, New York	—7	—9	—			250
Togoland Progress Party	—8	—10	—			250
All-Ewe Federal Union, Lagos	—9	—11	—			250
Togoland Progress Party	—10	—12	—			250
—		& Add.1-3				
All-Ewe Conference, Accra	—11	—13	—			250
Natural Rulers of the Southern Section of Togoland	—12		—			250
State Council of the Krachi Native Authority	—14		—101	265, 268, 272		295
Conference of Farmers of Togoland under United Kingdom Trusteeship	& Add.1		—106	264, 265, 269, 272 294		
—	—15		—101			
Augustino de Souza	& Add.1		—106			
—		—14	—			250
—			—103		281	
Togoland Union	—17	—15	—			250
Five Natural Rulers of Togoland under United Kingdom Trusteeship (South- ern Section)	—18		—101	272		
Hodo VI, Fiaga of Anfoega Division	—19		—101	282		
Chief, Elders and People of Biakpa	—20		—101	258		
All-Ewe Federal Union, Nigeria	—21	—16	—			250

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
	(U.K.)	(France)		(U.K.)	(France)	(Both)
TOGOLAND, administered by the United Kingdom						
TOGOLAND, administered by France						
Mensah Komedja, President of the Nuatja Regional Section of the Unite Togolaise	T/Pet.6/22	T/Pet.7/17	— T/L.103		275, 276, 278, 281	250
Principal Traditional Chiefs		—18	—		281	250
La delegation pour le "Jeune Togo", Association Culturelle, Lome		—19	—103		280	
Foligbo Loko-Ahoussan		—20 & Add.1	—104		286	
Assemblee representative du Togo	—23	—21	—103		274, 276— 281	
	—23	—21 & Add.1	—			250
United Togoland Society of Freetown, Sierra Leone	—24	—22	—			250
All-Ewe Speaking People, Leopoldville, Belgian Congo	—25	—23	—			250
Chief Ahiatroga Kossi and Notables of the village of Edji (Ave)	—26	—24	—			250
Chief Kofi Dogli II and others	—27	—25	—			250
Joh. A. Agboka	—28	—26	—104			283
Chiefs and Notables of Dzolo, Tsiviefe, Alagbe, and Dzian	—29	—27	—			250
Chief P. K. Sowu II, Doyens, village Chiefs and Notables in the name of the population of the canton of Mission-Tove	—30	—28	—103 —		281	250
I. Sanvee Ahlonkor de Kartraya		—29	—104		287	
Ahiagba Gidiglo and Andre K. Sever for the Doyens of Aflao	—31	—30	—			250
All-Ewe Conference	—32	—31	—			250
Chief and four Notables of the town of Assohun	—33	—32	—			250
Members of the Unite Togolaise and the population of Gape	—34	—33	—103 —		281	250
Chief Semekanao Agbevon, in the name of the indigenous inhabitants of the canton of Aflao	—35	—34	—			250
Association post scolaire des anciens eleves de la Mission catholique de Lome (Acclame)	—36	—35	— —103		281	250
Syndicat du Personnel indigene de l'Enseignement Public	—37	—36	—103		281	
Corneille Santos, President of the Asso- ciation des Parents des Eleves de l'Enseignement libre		—37	—103		281	
Kokotey Pomeyie	—38	—38	—			250
Monsignor Joseph Strebler, Vicar Apostolic of Lome		—39	—103		281	
D. A. Kumadi	—39	—40	—			250
Yawovi Kossi Ganou, Chief of Amak- pape, and four chiefs of Nuatja		—41	—103 —103		279, 281 275	
Chiefs, Sub-Chiefs and Notables of Agbeluvhe	—40	—42	—			250

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
TOGOLAND, administered by the United Kingdom TOGOLAND, administered by France	(U.K.)	(France)		(U.K.)	(France)	(Both)
Voudou-Adjonon Aglamey and eight others from Afagnagan		T/Pet.7/43	T/L.104		288	
Porto Seguro Section of the Unite Togolaise	T/Pet.6/41	—44	—			250
Assiakoley II, Chief of the Canton of Porto Seguro	—42	—45	—			250
Keta Gbadonouton Association		—46	—			250
Two Village Chiefs of Badougbe on behalf of the population of Badougbe		—47	—			250
Paul Kalipe, Chief of the Canton of Vogan	—43	—48	—			250
Michael A. Ayassou, Village Chief of Kouve		—49	—			250
Fio Frederic Body Lawson V, Head Chief of the town of Anecho		—50	—103		281	
Togoland Progress Party, Anecho, Togo Section	—44	—51	—103		274, 281	250
Anecho-Glidji Section of the Unite Togolaise	—45	—52	—103		281	250
Ata Quam-Dessou, Chief of the Adjigos, and four other Chiefs	—46	—53	—103		278, 281	250
President of the Glidji Section of Togoland Progress Party	—47	—54	—			250
Chiefs, Notables and Landowners of the region of Klouto	—48	—55	—103		281	250
Unite Togolaise, Noepe	—49	—56	—			250
Four persons in the name of the population of Akepe	—50	—57	—103		281	250
Michael A. Avoga V, for the Chief and Notables of the village of Badja	—51	—58	—			250
Taliwa Sama, Chief of the village of Demadeli	—52	—59	—			250
Mouvement de la jeunesse atakpameenne	—53	—60	—			250
Traditional Chiefs, Notables and Land- owners of the political group Unite Togolaise du Centre	—54	—61	—103		278, 281	250
Toffon Dakpo, Chief of the village of Agbo-Fon, and twelve others	—55	—62	—103		281	250
Traditional Village Chief, District Chiefs and Notables of the canton of Voudou	—56	—63	—103		281	250
Messrs. Abe, Gbetossouhin and Sodjihoun (Atakpame)	—57	—64	—103		281	250
Les originaires de Voudou-Atakpame		—65	—104		289	
Walter Tete Wilson and others on behalf of the Atakpame Section of the Togoland Progress Party	—58	—66	—			250
Danhoui Houssounou, Chief of the Canton of Nuatja	—59	—67	—			250
Head Chief Atchikiti Abassan	—60	—68	—			250
J. Tuleasi		—69	—103		273	
Committee of the Unite Togolaise (Sokode Section)	—61	—70	—103		277-279, 281	250

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
TOGOLAND, administered by the United Kingdom TOGOLAND, administered by France	(U.K.)	(France)		(U.K.)	(France)	(Both)
Chief of the Northern Section of the Togoland Progress Party at Sokode (Dermann Ayevea)	T/Pet.6/62	T/Pet.7/71	—			250
Unite Togolaïse, Mango	—63	—72	—			250
Georges Komotane and Awanou Nam- biema, in the name of the population of Mango	—64	—73	—		278, 281	250
Chief Tabi Nambiemba and other chiefs in the name of the population of Mango	—65	—74	—106			295
Abudulai Nayire for the Mamprusi Local Authority	—66		—106			295
Ya-Na Chiefs, Elders and people of Dagomba	—67		—106			295
Gonja Native Authority	—68		—106			295
Head Men of Nawuli	—69		—106			295
Nana Kojo Kuma of Nanjoro	—70		—106			295
Na of Bimbilla, Paramount Chief of the Nanumbas, his sub-chiefs and people of the Nanumba State	—71 & Add.1		—106			295
Togbi Adjatekpo V, Fiaga of the Avatime State	—72	—75	—			250
Nene Mahumensro Nornor VI, Manche of Agotime Afegame	—73	—76	—			250
Samuel Walter Atsridom IV, Divisional Chief of Kpedze	—74	—77	—	272		250
Education Commission of the Togoland Association for the United Nations	—75		—101	272		
Communal Development Commission, Kpandu	—76		—101	264, 272		
Liatî Literate Union	—77		—101	253		
Natural Rulers and People of Western Togoland under United Kingdom Trusteeship	—78	—78	—	272		250
Health, Food and Agricultural Com- mission of the Togoland United Nations Association	—79		—101	265, 266, 272		
Traditional Native Herbalists, Rulers and Subjects of Togoland under British Trusteeship	—80		—101	270, 272		
Economic and Social Commission of the Togoland Association for the United Nations	—81	—79	—	265, 266, 272		250
Agboka V, Dufia of Leklebi	—82	—80	—106	294		
Akpini Native Authority	—83	—81	—			250
Togbui Gbogbolulu, Divisional Head Chief of Vakpo	—84		—101	272		
Togoland Students' Union	—85		—101	251		
Nana Yao Buakah IV, Sub-Divisional Chief of Baglo, Buem State	—86	—82	—	272		250
Chief Gazari III of Aveme Gbohome, Head of Aveme and President of the Ewe Union	—87		—101 —106 —106	272 294 296		

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
	(U.K.)	(France)		(U.K.)	(France)	(Both)
TOGOLAND, administered by the United Kingdom						
TOGOLAND, administered by France						
Youth of Krachi, Buem, Atando, Akpini, Avatime, Asogli, Nkonya, Anfoega and Santrokofi	T/Pet.6/88		T/L.101	262, 264, 272		
Chiefs, Councillors, Elders and People of Luvudo	—89		—101	267, 272		
Anfoega Duonenyo Working Committee	—90	T/Pet.7/83	—			250
Abena Lawburi II, Chief of Ziope	—91	—84	—101	272		250
Togbe Howusu XI, Paramount Chief, Asogli State	—92	—85	—			250
Pan-Ewe Union, Kadjebi, Buem	—93	—86	—101	266, 272		250
E. O. Kofi Dumoga, General Secretary, Togoland Union	—94	—87	—			250
Two Elders of the Ewe Community of Suhum	—95	—88	—101	272		250
Ewe Unions Association, Sekondi- Takoradi	—96	—89	—			250
Weto Klu and others for the people of Awudome	—97		—93	244		
Elders and Committee members of the Glidji Union, Accra	—98	—90	—			250
Zowla Union, Accra	—99	—91	—			250
Alfred K. Kwawukume	—100	—92	—			250
Ewe Youth Association	—101	—93	—			250
			—101	265, 272		
Kumasi Ewe Youth Literary and Social Club	—102	—94	—			250
E. A. Anthonio and nine others	—103	—95	—			250
			—101	265, 272		
Anlo Union	—104	—96	—			250
Akropong Ewe Students' Union	—105		—			250
			—101	272		
Robert Komla Tette	106	—97	—			250
All-Ewe Conference, Flawu (Aflao)	—107	—98	—			250
Doji Lartey Tychs-Lawson	—108	—99	—101	272		
			—103		281	
			—104			284
Tongu Confederacy Native Authority of the Gold Coast Colony	—109	—100	—			250
Kodjo Nyatefe	—110	—101	—			250
Stephan L. Combey		—102	—104		290	
Canton and Village Chiefs, members of the Unite Togolaise (Akposso Sec- tion), District of Atakpame	—111	—103	—		281	250
Traditional Chiefs, District Sub-Chiefs and Notables of the canton of Djama	—112	—104	—			250
Adewamena, Blagyaehene	—113		—103		281	
Kodjo Emmanuel Gagli, African doctor, and four others		—105	—104	291		
			—103		280	
Akpini Youth Society	—114	—106	—			250
			—101	265, 266, 272		
Convention Peoples' Party, Upper Trans-Volta Region	—115		—			250
			—101	260, 269, 272		
			—106	294		

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
	(U.K.)	(France)		(U.K.)	(France)	(Both)
TOGOLAND, administered by the United Kingdom TOGOLAND, administered by France						
Buém Native Authority	T/Pet.6/116	T/Pet.7/107	— T/L.101 —106	265, 272 294		250
Avatime Native Authority	—117		— —101	270, 272 272		250
Togoland United Nations Association	—118 119		—101 101 —106	271, 272 262		
G. K. Noamesi	—120		—101	265		
Togoland United Nations Association, Youth Section	—121		—101			
T. W. Kwami (Avatime N. A. repre- sentative on the Rural Development Committee for Southern Togoland)	—122		—101			
Women Teachers of Togoland	—123		—101	254		
Reverend T. K. Anku	—124		—101	272		250
Pastor D. K. Adinyira	—125	—108	—			
Emmanuel K. Akotia	—126		—101	266, 272		
Boy Scouts' Association of Togoland	—127		—101	259		
A. A. Abaye	—128		—101	272		
Women of Avatime	—129	—109	—			250
Weavers of Amedzofe	—130		—101	272		
Lawrence K. B. Ameh	—131		—101	252		
William L. Akagbor	—132	—110	—101	265, 272		
Winfried K. Etsi Tettey, Togoland United Nations Association (Avatime Region)	—133	—111	—101	272		250
Antonio K. Agbale	—134		—106 —93	263, 265, 272 294		
Lawrence Koku Dugboyele	—135	—112	—	245		250
Togo Political Road Labourers' Union	—136		—101	272		
Sam Kwasi Asase	—137		—101	256		
Ex-Servicemen's Union	—138		—93	246		
Queen Mother Doe Motte of Ho	—139		—101	257		
Godfried K. Dzasimatu	—140	—113	—101	272		
Ewe Youth Literary and - Social Club, Ashanti	—141	—114	—104			285 250
Ewe Adangbe Progress Union, Accra	—142	—115	—			250
Max Aihitson	—143	—116	—			250
A. K. Odame	—144	& Add.1 —117	—103 —		274	250
Convention Peoples' Party, Regional Conference, Hohoe	—145		—101 —101 —106	272 272 294		
Anonene Ahovi, Chief of the Canton of Akebou and other Chiefs and Notables		—118	—			250
Ewe organizations in Accra	—146	—119	—			250
Nkonya State Council	—147		—101	261, 265, 272		
S. A. Azuma	—148		—106 —101	294 255		
Moses Donya	—149		—93	247		

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
	(U.K.)	(France)		(U.K.)	(France)	(Both)
TOGOLAND, administered by the United Kingdom TOGOLAND, administered by France						
Togoland Union	T/Pet.6/150	T/Pet.7/120 & Add.l	—			250
Togoland Council	—151		T/L.101	272		
Secretary, Togoland United Nations Association	—152		—93	248		
Siegfried Kwami Etse	—153		—93	249		
V. O. Anku, President, Togoland United Nations Association	—154		—101	266		
Chefs coutumiers du Nord Togo	—155	—121	—			250
Augustino de Souza	—156	—122‡	—			250
A. Y. Kpeglo	—157		—104	292		
Six delegates of Northern Togoland to the Assemblée representative du Togo	—158	—125	—			250
Traditional Chiefs and Notables of Akposso	—159	—126	—			250
Official representatives of the Minas and Ouatchis of the District of Anecho	—160	—127	—			250
Representatives of the Atakpame Sec- tion of the Unite Togolaise	—161	—128	—			250
All-Ewe Conference (Keta Branch)	—162	—129	—			250
Augustino de Souza	—163	—130	—			250
Official representatives of the people of the District of Klouto	—164	—131	—			250
Traditional Chiefs and Notables of Tsevie (French Zone)	—165	—132	—			250
Anecho Section of the Togoland Progress Party	—166	—133	—			250
Atakpame Section of the Togoland Progress Party	—167	—134	—			250
Unite Togolaise, Fons Section of Atakpame	—168	—135	—			250
Six Canton Chiefs of the region of Atakpame	—169	—136	—			250
Eight Ouatchi Chiefs and Notables	—170	—137	—			250
Fourteen Anas Chiefs and Notables	—171	—138	—			250
Seven Akposso and Kabou Chiefs and Notables	—172	—139	—			250
Eleven Minas Chiefs and Notables	—173	—140	—			250
Togoland Progress Party	—174	—141	—			250
———, Klouto Section	—175	—142	—			250
Traditional Chiefs and Notables of Nuatja	—176	—143	—			250
Ewe Youth Movement headquarters	—177	—144	—			250
Pan-Ewe Union, Kadjebi, Buem	—178	—145	—			250
		& Add.l				
Representatives of the Mina population of Anecho	—179	—146	—			250
Representatives of Northern Togoland to the Assemblée representative du Togo	—180	—147 & Add.l	—			250
Ouatchi population	—181	—148	—			250
Unite Togolaise	—182	—149	—			250
All-Ewe Conference	—183	—150	—			250

* Petitions T/Pet.7/123 and 124 were examined during 1951

TRUST TERRITORIES and Petitioners	DOCUMENT REFERENCES					
	Petitions		Reports of the ad hoc Committee on Petitions	Trusteeship Council Resolutions		
	(U.K.)	(France)		(U.K.)	(France)	(Both)
TOGOLAND, administered by the United Kingdom TOGOLAND, administered by France						
Five hundred Ewes in Accra	T/Pet.6/184	T/Pet.7/151	—	247		250
Chiefs, Elders and Councillors of Worawora	—185 & Add.1		T/L.93			
Representatives of Southern and Central Togoland to the Assemblée represen- tative du Togo	—186	—152	·—			250
Traditional Chiefs and Notables of the Lome District	—187	—153	·—			250
Togbi Kwadzo and two others	—188	—154	—			250
Tongu Confederacy Council	—189	—155	—			250
Ewe Union Association, Sekondi- Takoradi	—190	—156	—			250
NEW GUINEA, administered by Australia						
Mrs. Jane T. Wallace	T/Pet.8/2		T/L.91	235		

VII. Legal Questions

A. CASES BEFORE THE INTERNATIONAL COURT OF JUSTICE

1. Colombian-Peruvian Asylum Case

a. COLOMBIAN APPLICATION

On 15 October 1949, Colombia filed an Application¹ with the International Court of Justice against Peru, concerning a dispute which had arisen between the two countries in connexion with the asylum granted to Victor Raul Haya de la Torre in the Colombian Embassy at Lima. The Application declared that the dispute arose from the fact that on 3 January 1949, Mr. Haya de la Torre, a Peruvian citizen and chief of the American People's Revolutionary Alliance (a political party in Peru) came to the Colombian Embassy, presented himself as a political refugee, and begged the Ambassador to grant him asylum in the Embassy. Asylum having been granted, the Colombian Ambassador notified the fact in writing to the Ministry for Foreign Affairs and Religion of Peru according to the provisions of the 1928 Convention on Asylum (signed at Havana on 20 February 1928 during the Sixth International Conference of American States), and requested from the Peruvian Government the guaranty of safe conduct necessary for the departure of Mr. Haya de la Torre from Peru.

The Application went on to state that the Peruvian Government refused to deliver the safe-conduct, asserting that Peru was not under any legal obligation to accept the unilateral qualification of asylum given by the Colombian Ambassador. Direct negotiations having proved useless, the two Governments agreed to submit the dispute to the International Court of Justice. Having attempted in vain to draw up a special agreement to submit their dispute to the Court, they finally agreed by an Act (Acta) signed at Lima on 31 August 1949 that each Party would have the right to submit its application unilaterally to the Court without this measure being considered as unfriendly towards the other Party.

The Application then explained that it was based:

A. On the general and special obligations arising for Peru and Colombia from the following instruments: (a) the Bolivarian Agreement on Extradition (signed at Caracas on 18 July 1911, by Ecuador, Bolivia, Colombia, Peru and Venezuela during the Congress known as the Bolivarian Congress (Congreso Bolivariano) and in force between the signatory States, which, in its Article 18, recognizes the institution of asylum in conformity with the principles of international law) and (b) the Convention on Asylum adopted and signed at the Sixth International Conference of American States in 1928 and in force in Colombia, Peru, Brazil, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, the Dominican Republic and Uruguay.

B. On the special juridical nature of the American institution of asylum, as recognized by the law applied in American States and the practice followed by them since the last century.

C. Generally, on the rules of American positive and customary international law.

In virtue of the agreement signed at Lima on 31 August 1949, Colombia filed the aforesaid Application, together with a certified true copy of the agreement. On the same day, the Agent of the Peruvian Government also deposited with the Registry of the Court a certified true translation of the agreement of Lima.

In its Application, Colombia asked the Court to decide on the following questions:

First question: Within the limits of "the obligations resulting in particular from the Bolivarian Agreement on Extradition of 18 July 1911, and the Convention on Asylum of 20 February 1948, both in force between Colombia and Peru and in general from American international law, was Colombia competent, as the country granting asylum, to qualify the offence for the purposes of said asylum?"

Second question: In the specific case under consideration, was Peru as the territorial State, bound to give the guarantees necessary for the departure of the refugee from the country, with due regard to the inviolability of his person?

By an Order of 20 October 1949, the Acting President of the Court, as the Court was not sitting, fixed the time-limits for the presentation by the Parties of the written proceedings as follows: 30 December 1949 for the Colombian Memorial; 10 March 1950 for the Peruvian Coun-

¹ International Court of Justice, Application Instituting Proceedings, Colombian-Peruvian Asylum Case, transmitted to the Court on October 15th, 1949.

ter-Memorial; 20 April 1950 for the Colombian Reply; 30 May 1950 for the Peruvian Rejoinder.

At the request of the Colombian Government, the time-limit for the presentation of the Colombian Memorial was later extended to 10 January 1950. The time-limit for submission of the Peruvian Counter-Memorial was extended to 21 March 1950 and, at the request of the Peruvian Government, the time-limit for the presentation of the Peruvian Rejoinder was extended to 15 June 1950.

The necessary documents were deposited within the time-limits as extended, and the case was ready for hearing on 15 June 1950. As the Court did not include upon the Bench any judge of the nationality of the Parties, the latter availed themselves of the right to choose judges ad hoc. The judges ad hoc designated were Jose Joaquin Caicedo Castilla, Doctor of Law, Professor, former Deputy and former President of the Senate, Ambassador, for Colombia, and Luis Alayza y Paz Soldan, Doctor of Law, Professor, former Minister, Ambassador, for Peru.

The opening of the oral proceedings was fixed for 26 September 1950. Public sittings were held by the Court on 26-29 September and on 2, 3, 6 and 9 October 1950. In the course of the sittings, the Court heard statements by J. M. Yepes, Agent, and Alfredo Vasquez, Advocate, on behalf of Colombia, and by Carlos Sayan Alvarez, Agent, and Georges Scelle, Counsel, on behalf of Peru.

Colombia presented two submissions to the Court. These asked the Court to adjudge and declare:

I. That the Republic of Colombia, as the country granting asylum, is competent to qualify the offence for the purpose of the said asylum, within the limits of the obligations resulting in particular from the Bolivarian Agreement on Extradition of 18 July 1911, and the Havana Convention on Asylum of 20 February 1948, and of American international law in general;

II. That the Republic of Peru, as the territorial State, is bound in the case now before the Court to give the guarantees necessary for the departure of M. Victor Raul Haya de la Torre from the country, with due regard to the inviolability of his person.² Colombia further called upon the Court to declare Peru's counter-claim inadmissible.

The counter-claim of Peru was stated in its final form during the oral statement of 3 October 1950 in the following terms:

May it please the Court:

To adjudge and declare as a counter-claim under Article 63 of the Rules of Court, and in the same decision, that the grant of asylum by the Colombian Ambassador at Lima to Victor Raul Haya de la Torre was made in violation of Article I, paragraph I, and Article 2, paragraph 2, item 1 (inciso primero), of the Convention on Asylum signed in 1928, and that

in any case the maintenance of the asylum constitutes at the present time a violation of that treaty.³

Peru also asked the Court to set aside the submissions of Colombia.

b. COURT'S DECISION

(1) facts of the Case

In reaching its decision, which was given on 20 November 1950,⁴ the Court first gave a summary of the facts of the case. It stated that on 3 October 1948 a military rebellion broke out in Peru. It was put down the same day and, on the following day, a decree was published charging a political party, the American People's Revolutionary Party, with having prepared and directed the rebellion. A denunciation was then made against Victor Raul Haya de la Torre, leader of the party, and other members of the party, as being responsible for the rebellion. On 11 October 1948 judicial proceedings were begun against Mr. Haya de la Torre and others on a charge of military rebellion, and on 25 October the arrest of persons who had not yet been detained was ordered. As he was still at liberty on 16 November, summonses were published in the official gazette *El Peruano* ordering Mr. Haya de la Torre and others to appear before the Examining Magistrate. On the night of 3 January 1949, however, Mr. Haya de la Torre presented himself at the Colombian Embassy in Lima and was granted asylum.

Meanwhile, on 27 October 1948, a Military Junta had assumed power in Peru and had published a decree providing for courts-martial for summary procedure in cases of rebellion, sedition and rioting. But this decree was not applied to the legal proceedings against Mr. Haya de la Torre and others and it was declared before the Court that the decree was not applicable.

On 4 October, the day after the military rebellion, a state of siege was declared, suspending certain constitutional rights; it was renewed on 2 November and 2 December 1948, and on 2 January 1949.

Having granted asylum to Mr. Haya de la Torre the night before, the Colombian Ambassador informed the Peruvian Government the next day, 4 January 1949. At the same time he asked for a safe-conduct from the Peruvian Government to enable the refugee to leave the country. On 14 January 1949, the Ambassador stated

² Colombian-Peruvian asylum case, Judgment of November 20th, 1950: I.C.J. Reports 1950, p. 271.

³ *Ibid.*, p. 280.

⁴ *Ibid.*

further that Mr. Haya de la Torre had been qualified as a political refugee. The Peruvian Government disputed this qualification and refused to grant a safe-conduct. Subsequent diplomatic correspondence ended with the signature in Lima on 31 August 1949, of the Act by which the two Governments agreed to submit the case to the International Court of Justice.

(2) **Colombians First Submission**

The Court declared that if Colombia by its first submission (see above) intended to allege that Colombia, as the State granting asylum, was competent to qualify the offence only provisionally and without binding effect for Peru, the solution would not remain a matter of doubt. It was evident, the Court went on, that the diplomatic representative who has to determine whether a refugee is to be granted asylum or not must have the competence to make such a provisional qualification. After examining whether the conditions required for granting asylum are fulfilled, the diplomatic representative would pronounce his opinion, and the territorial State would not be deprived of its right to contest the qualification. If that opinion were contested, the controversy might then be settled by the methods provided by the Parties. That was not, however, the meaning which Colombia had put on its submission. The written and oral arguments submitted on behalf of Colombia showed that its claim must be understood in the sense that Colombia, as the State granting asylum, was competent to qualify the nature of the offence by a unilateral and definitive decision binding on Peru.

The first of the treaties Colombia invoked—the Bolivarian Agreement of 1911—confined itself in one article to recognizing the institution of asylum in conformity with the principles of international law. The Court declared that these principles do not recognize any rule of unilateral and definitive qualification by the State granting diplomatic asylum. Another article in that Agreement relied upon by Colombia concerned extradition of a criminal refugee from the territory of the State in which he sought refuge. The arguments submitted in this respect, the Court argued, revealed a confusion between territorial asylum (extradition), on the one hand, and diplomatic asylum, on the other. In the case of extradition, the refugee was on the territory of the State of refuge; if asylum were granted to him, such decision would not derogate from the sovereignty of the State in which the offence was committed. In the case of diplomatic asylum, on the other hand, the refugee was on the territory of the

State in which he had committed the offence; the decision to grant asylum derogated from the sovereignty of the territorial State and removed the offender from the jurisdiction of that State.

The second treaty invoked by Colombia—the Havana Convention on Asylum of 1928—in the judgment of the Court, does not contain any provision conferring on the State granting asylum a unilateral competence to qualify the offence with definitive and binding force for the territorial State either explicitly or implicitly. The third treaty—the Montevideo Convention on Political Asylum of 1933—had not been ratified by Peru and could not be invoked against that State.

The Court then referred to "American international law in general" which Colombia had invoked. The Party which relies on a regional or local custom peculiar to Latin-American States, the Court declared, must prove that this custom is established in such a manner that it has become binding on the other Party. The Court argued, however, that the facts brought to its knowledge disclosed "so much uncertainty and contradiction, so much fluctuation and discrepancy in the exercise of diplomatic asylum and in the official views expressed on various occasions, there has been so much inconsistency in the rapid succession of conventions on asylum, ratified by some States and rejected by others, and the practice has been so much influenced by considerations of political expediency in the various cases, that it is not possible to discern in all this any constant and uniform usage, accepted as law, with regard to the alleged rule of unilateral and definitive qualification of the offence."⁵

The Court could not therefore find that Colombia had proved the existence of such a custom. The Court went on to state that even if it could be supposed that such a custom existed between Latin-American States only, it could not be invoked against Peru which, "far from having by its attitude adhered to it, has, on the contrary, repudiated it by refraining from ratifying the Montevideo Conventions of 1933 and 1939, which were the first to include a rule concerning the qualification of the offence in matters of diplomatic asylum."⁶

For these reasons, the Court arrived at the conclusion that Colombia, as the State granting asylum, was not competent to qualify the offence by a unilateral and definitive decision, binding on Peru. The Court reached this decision by 14 votes to 2.

⁵ *Ibid.*, p. 277.

⁶ *Ibid.*, pp. 277-78.

The Judges in favour were Judges Jules Basdevant (France), Alejandro Alvarez (Chile), Jose Gustavo Guerrero (El Salvador), Green H. Hackworth (United States), Helge Klaestad (Norway), Sergei Borisovitch Krylov (USSR), Sir Arnold Duncan McNair (United Kingdom), Hsu Mo (China), Abdel Hamid Badawi Pasha (Egypt), John E. Read (Canada), Charles De Visscher (Belgium), Bohdan Winiarski (Poland), Milovan Zoricic (Yugoslavia) and Luis Alayza y Paz Soldan (ad hoc Judge for Peru); Judges Jose Philadelpho de Barros e Azevedo (Brazil) and Jose Joaquin Caicedo Castilla (ad hoc Judge for Colombia) dissented.

(3) Colombia's Second Submission

Colombia's second submission was that Peru was under the obligation to issue a safe-conduct to enable the refugee to leave the country in safety. The Court, setting aside for the time being the question of whether asylum was regularly granted and maintained, noted that the clause in the Havana Convention which provided guarantees for a refugee was applicable solely to a case where the territorial State demanded the departure of the refugee from its territory; it was only after such a demand that the diplomatic agent who granted asylum could, in turn, require a safe-conduct.

The Court remarked that there undoubtedly existed a practice whereby the diplomatic representative who grants asylum immediately requests a safe-conduct without awaiting a request from the territorial State for the departure of a refugee. "This procedure meets certain requirements: the diplomatic agent is naturally desirous that the presence of the refugee on his premises should not be prolonged; and the government of the country, for its part, desires in a great number of cases that its political opponent who has obtained asylum should depart. This concordance of views suffices to explain the practice which has been noted in this connexion, but this practice does not and cannot mean that the State, to whom such a request for a safe-conduct has been addressed, is legally bound to accede to it."⁷

"In the present case", the Court decided, "the Peruvian Government has not requested that Haya de la Torre should leave Peru. It has contested the legality of the asylum granted to him and has refused to deliver a safe-conduct. In such circumstances the Colombian Government is not entitled to claim that the Peruvian Government should give the guarantees necessary for the departure of Haya de la Torre from the country, with due regard to the inviolability of his person."

The Court reached the decision to reject the second Colombian submission by 15 votes to 1.

The Judges in favour were Judges Basdevant, Alvarez, Guerrero, Hackworth, Klaestad, Krylov, McNair,

Hsu Mo, Badawi Pasha, Read, De Visscher, Winiarski, Zoricic, Alayza y Paz Soldan (Judge ad hoc) and Azevedo. Judge ad hoc Caicedo dissented.

(4) Peru's Counter Claim

In a counter-claim, Peru had asked the Court to declare that asylum had been granted to Mr. Haya de la Torre in violation of the Havana Convention, first, because Mr. Haya de la Torre was accused, not of a political offence, but of a common crime and, secondly, because the urgency which was required under the Havana Convention in order to justify asylum, was absent in that case.

Having observed that Peru had at no time asked for the surrender of the refugee, the Court examined the first point. In this connexion, the Court noted that the "sole accusation contained in all the documents emanating from the Peruvian legal authorities is that of military rebellion, and the Government of Peru has not established that military rebellion in itself constitutes a common crime. Article 248 of the Peruvian Code of Military Justice of 1939 even tends to prove the contrary, for it makes a distinction between military rebellion and common crimes by providing that: 'Common crimes committed during the course of, and in connexion with, a rebellion, shall be punishable in conformity with the laws, irrespective of the rebellion.'"

These considerations led the Court to conclude that "the first objection made by the Government of Peru against the asylum is not justified and that on this point the counter-claim is not well founded and must be dismissed".⁸

On the question of urgency, the Court, having observed that the essential justification of asylum lay in the imminence or persistence of a danger to the person of the refugee, analysed the facts of the case.

Three months had elapsed between the military rebellion and the grant of asylum, the Court pointed out. There was no question of protecting Mr. Haya de la Torre for humanitarian considerations against the violent and uncontrolled action of irresponsible elements of the population; the danger which confronted Mr. Haya de la Torre was that of having to face legal proceedings. The Havana Convention was not intended to protect from regular legal proceedings a citizen who had plotted against the institutions of his country. It was not sufficient to be accused of a political offence in order to be entitled to receive asylum; asylum could only be justified in cases where

⁷ Colombian-Peruvian asylum case, Judgment of November 20th, 1950: I.C.J., Reports 1950, p. 279.

⁸ Ibid., pp. 281-82.

arbitrary action was substituted for the rule of law. It had not been proved that the situation in Peru at the time implied the subordination of justice to the executive or the abolition of judicial guarantees.

The Court held that the Havana Convention was not intended to establish a legal system which would guarantee to persons accused of political offences the privilege of evading their national jurisdiction. Such a conception would come into conflict with one of the oldest traditions of Latin America, that of non-intervention. The Court rejected the argument that the Havana Convention was intended to afford a general protection of asylum to any person prosecuted for political offences, either in the course of revolutionary events, or in the more or less troubled times that follow, for the sole reason that it must be assumed that such events interfere with the administration of justice. The adoption of such a criterion, the Court held, would lead to foreign interference of a particularly offensive nature in the domestic affairs of States.

As for the numerous cases of asylum cited by Colombia, the Court was of the opinion that considerations of convenience or political expediency rather than any feeling of legal obligation seemed to have prompted the territorial State to recognize asylum.

While declaring that at the time at which asylum was granted, on 3 January 1949, there was no case of urgency within the meaning of the Havana Convention, the Court declared that this in no way constituted a criticism of the Colombian Ambassador. His appreciation of the case was not a relevant factor to the question of the validity of the asylum; only the objective reality of the facts was of importance.

The Court therefore came to the conclusion that the grant of asylum was not in conformity with Article 2, paragraph 2, of the Havana Convention. On the first point, that is, that asylum shall not be granted to persons accused of common crimes, the Court by 15 votes to 1, rejected the Peruvian contention that Mr. Haya de la Torre was accused of common crimes. It noted that military rebellion, the only count against him, was not in itself a common crime. But on the second point, that is, that the urgency which is required under the Havana Convention in order to justify asylum, was absent in the present case, the Peruvian counter-claim was allowed by 10 votes to 6 (Judges Alvarez, Zoricic, Badawi Pasha, Read, and Azevedo and Judge ad hoc Caicedo).

c. DISSENTING OPINIONS

Judges Alvarez, Badawi Pasha, Read and Azevedo and Judge ad hoc Caicedo appended to the Court's judgment statements of their dissenting opinions.

(1) Colombians First Submission

Judge Azevedo and Judge ad hoc Caicedo took the view that Colombia, as the State granting asylum, was entitled to qualify the nature of the offence by a unilateral and definitive decision binding on Peru. Judge Azevedo held that unilateral qualification of asylum was a "necessary consequence of the normal functioning of asylum as understood in Latin-American practice".⁹

Judge ad hoc Caicedo stated that the "right to qualify the nature of an offence must necessarily lie with the State granting asylum, otherwise the very institution of asylum could no longer exist". He said that to "recognize the right of the local State to qualify the nature of the offence would be equivalent to allowing this qualification to depend upon the opinion of the government, whose interests would urge it to act against the refugee".¹⁰ He added that unilateral qualification was in fact inherent in the very nature of the asylum itself and that it was essential for the continued existence of the institution of asylum as it is understood in Latin America.

Judge Alvarez, who concurred with the judgment of the Court with respect to the question of unilateral qualifications of offence, held that "it should not be assumed that the State which makes that qualification has the last word in this respect, and that its appreciation is definitive and irrevocable. This qualification may be questioned by the territorial State, and if agreement cannot be reached in this respect, the case must be submitted to arbitration or to another means of peaceful settlement. Thus, in the last resort, it is a third party, or international justice, which decides on the nature of the offence."¹¹

(2) Colombia's Second Submission

With regard to the second submission of Colombia, that is, the question of safe-conduct, only Judge ad hoc Caicedo maintained that Peru was bound to deliver a safe conduct to Mr. Haya de la Torre. Similarly, only Judge ad hoc Alayza y Paz Soldan, who did not deliver a written opinion, was unable to agree with the judgment of the Court rejecting the contention that Mr. Haya de la Torre was accused of a common crime.

⁹ Ibid., p. 347. ¹⁰ Ibid., p. 364. ¹¹ Ibid., p. 297.

(3) Peru's Counter-Claim

On the question of urgency, Judges Alvarez, Azevedo, Badawi Pasha, Read and Zoricic and Judge ad hoc Caicedo dissented from the judgment of the Court and held that the granting of asylum by the Colombian Ambassador at Lima to Mr. Haya de la Torre was made in conformity with the first provision of Article 2 of the Convention on Asylum signed at Havana in 1928, in that it was granted in an "urgent" case. On this point five of the Judges delivered written opinions and Judge Zoricic concurred with Judge Read.

Judge Alvarez maintained that the meaning of the term "urgency" should be interpreted in accordance with the nature of asylum in Latin America, that is, the need to act with the utmost speed in a given situation. He observed that there is "no urgency in a case which involves only the possibility of an individual being persecuted, but there is urgency if he is already being persecuted and consequently faces an immediate danger". He added that it is for the "State of refuge to appreciate whether or not there is urgency to grant asylum at the time it is requested. If the territorial State considers that there was no urgency at the time, it must immediately present a claim: any delay in the presentation of such a claim is a ground for its rejection, for in such a case the territorial State may be presumed to have admitted that urgency existed."¹²

Judge Azevedo felt that the facts fulfilled the requirements of "urgency", and was unable to accept "that the onus of proving urgency should, at the eleventh hour, be placed upon the Applicant who, in respect of the counter-claim, became the Respondent, when, in the absence of any objection regularly presented on the point of urgency, the procedural rule should be applied according to which facts not disputed by the other party should be assumed to be true".¹³

Judge Badawi Pasha referred to the distinction between a common criminal and a political offender and stated that "the notion of urgency is not the same for the two categories of offenders and that the consequences of asylum also differ according to whether the refugee is a common criminal or a political offender. In the former case, as soon as urgency in its strict sense has ceased, or if it has never even existed, the territorial State may demand his surrender, whereas in the latter case it is the nature of the situation (revolution or rebellion) which determines the urgency and justifies the request and immediate grant of a safe-conduct."¹⁴

Judge Read stated that he rejected both the Colombian and Peruvian extreme views on the question of urgency. The Colombian argument, he said, was based upon an attempt to discredit the administration of justice in Peru, coupled with charges of administrative interference in judicial process. In this matter, he submitted, it was sufficient to say that Colombia had not proved its case, and that there was no justification for discrediting the administration of justice or for any lack of confidence in that administration, whether in Peru or in any other State. Peru, he pointed out, had contended that the use of the expression "urgent cases" limited the grant of asylum to "incidents in which the fugitive is being pursued by an angry mob or perhaps by a partially organized force meting out a form of crude and popular pseudo-justice in a period intervening between a successful revolution and the formation of a new organized judicial system. The basis of this view is that it is inconceivable that the Governments represented at the Panamerican Conference at Havana in 1928 could possibly have had in mind a system which would protect political offenders from police measures and prosecution and punishment under the laws of the country in which their offences had been committed."¹⁵

In the opinion of Judge Read, any attempt to interpret the expression "urgent cases" as limiting diplomatic asylum to protection from mob violence was unacceptable. He argued "that the expression was to be construed as restricting the grant of diplomatic asylum, as regards political offenders, to cases in which the grant was made 'in times of political disturbance' of a revolutionary character, and as preventing the grant of asylum during periods of tranquility. In the present case, Judge Read concluded that 'it has been established that the asylum was granted by the Colombian Ambassador to a political offender 'in times of political disturbance' between a successful revolution and the restoration of settled conditions in Peru. It follows that this was an urgent case and that the grant of asylum by the Ambassador was not made in violation of the provisions of Article 2 of the Havana Convention."¹⁶

Other points of general interest were discussed in the various opinions. Thus, the great importance of the institution of asylum in Latin-American countries was repeatedly emphasized and Judge ad hoc Caicedo, in particular, stated that it

¹² Ibid., pp. 298-99.

¹³ Ibid., p. 351.

¹⁴ Ibid., p. 307.

¹⁵ Ibid., p. 320.

¹⁶ Ibid., p. 331.

was not contrary to the principle of non-intervention. Judge Alvarez considered that it was part of "American international law" or rather "Latin-American international law" which was a subdivision of the former and not binding upon the United States. In his view such a system of law was not subordinate to universal international law but correlated to it. Judge Read used the word "American" in a special sense—as relating to a regional group of States, the twenty Latin-American Republics. With regard to "American international law", he indicated that it was "unnecessary to do more than confirm its existence—a body of conventional and customary law, complementary to universal international law, and governing inter-State relations in the Pan American world".¹⁷

d. REQUEST FOR INTERPRETATION OF THE COURT'S JUDGMENT

On 20 November 1950, the Colombian Government deposited with the International Court of Justice a request for the interpretation of the judgment rendered the same day by the Court.¹⁸ This request stated that Colombia intended to comply with the decision of the Court in the Colombian-Peruvian asylum case. It went on to declare, however, that the Court's judgment contained "gaps of such a nature as to render its execution impossible."

This conclusion, the request explained, was based on, *inter alia*, the following grounds:

In stating that the Government of Peru has not proved that the offence with which the refugee was charged was a common crime, the Court has admitted that the qualification made by Colombia was well founded. In the circumstances a question arises: must this qualification, which has been declared correct and approved by the Court, be considered nevertheless as null and void because a dispute has arisen on the preliminary and theoretical question of the right to qualification in matters of asylum?

... it does not seem possible to suppose that the Court, in deciding that the grant of asylum was not made in conformity with Article 2, paragraph 2, of the Havana Convention, intended to order, even in an indirect manner, that the refugee should be surrendered, or even less that it intended to declare that Colombia would violate an international undertaking if she abstained from making the surrender which has not been ordered by the Court.

Colombia then asked the Court to reply to three questions. Was the judgment to be construed as meaning:

(1) that the qualification made by the Colombian Ambassador of the offence attributed to Mr. Haya de la Torre was correct and that legal effect should be given to it?

(2) that Peru was not entitled to demand surrender of the refugee, and that Colombia was not bound to surrender him?

(3) or, on the contrary, that Colombia was bound to surrender the refugee?

Peru in a letter of 22 November 1950 took the position that the judgment was perfectly clear; also, it was argued, the Colombian request was inadmissible because it sought to obtain, not an interpretation, but a new decision supplementing the first, and because the conditions prescribed in Article 60 of the Statute of the Court for interpretation of a judgment were not fulfilled.

On 27 November 1950, the Court delivered its judgment on Colombia's request for an interpretation of the Court's judgment of 20 November. By 12 votes to 1 the Court held that the request was inadmissible.

In its judgment, the Court recalled the conditions on which it might, according to its Statute, give an interpretation. These were, first, that the sole object of the request was to obtain clarification as to the meaning and scope of the judgment; and, second, that there was a dispute between the parties as to the meaning and scope.

On the first question put to it by Colombia (see above), the Court found that the point had not been submitted to it by the parties; the Court had been asked to decide only on a submission presented by Colombia in abstract and general terms.

The other two questions, the Court said, amounted in reality to an alternative, dealing with the surrender of the refugee. This point also had not been included in the submissions of the parties, and the Court could not therefore decide on it. It was for the Parties to present their respective claims on this point, which they abstained from doing. Colombia claimed to detect "gaps" in the judgment, but these gaps in reality concerned new points on which decision could not be obtained by means of an interpretation. Interpretation might in no way go beyond the limits of the judgment, as fixed in advance by the submissions of the parties.

The Court went on to state that the condition required by the Statute that there should be a dispute as to the meaning and scope of the judgment was not satisfied. No dispute between the Parties had been brought to the attention of the Court, and it was shown by the very date of the

¹⁷ *Ibid.*, p. 316.

¹⁸ International Court of Justice, Request for the Interpretation of the Judgment of November 20, 1950, in the Asylum Case Transmitted to the Court on November 20th, 1950 (Colombia/Peru).

request for an interpretation that such a dispute could not possibly have arisen.

Jose Joaquin Caicedo Castilla, Judge ad hoc designated by Colombia, declared that he was unable to join in the judgment.

e, APPLICATION INSTITUTING FRESH PROCEEDINGS

On 13 December 1950 Colombia filed an Application with the Registry of the International Court of Justice instituting proceedings against Peru.¹⁹ The Application stated that on 28 November 1950, the Government of Peru approached the Government of Colombia and requested, for the first time since the beginning of the Colombian-Peruvian asylum case, the immediate delivery of the refugee Victor Raul Haya de la Torre, invoking as a basis for its claim the judgment of the Court of 20 November 1950 (see above). The Application went on to declare that Colombia, after a careful study of the Court's judgments of 20 and 27 November, not only could not find there any reason obliging it to accede to the Peruvian demand concerning the delivery of the refugee, but, on the contrary, it found in those judgments "formal and repeated declarations to the effect that the question of the delivery of the refugee 'was completely left outside the submissions of the Parties', and that the Court 'in no way decided it, nor could it do so'".

By a note dated 6 December 1950, Colombia informed Peru that it did not consider itself bound to deliver Mr. Haya de la Torre to it. The Application declared that this point must be the object of a settlement binding on the parties. Colombia therefore considered that there existed a dispute between it and Peru.

The Court was asked, in the Application, to determine the manner in which effect should be given to the Court's judgment of 20 November 1950. In particular it was asked whether Colombia "is, or is not, bound to deliver to the Government of Peru M. Victor Raul Haya de la Torre, a refugee in the Colombian Embassy at Lima". In the event of that claim being dismissed by the Court, Colombia, in an alternative claim, called upon the Court to "adjudge and declare whether, in accordance with the law in force between the Parties and particularly American international law, the Government of Colombia is, or is not, bound to deliver M. Victor Raul Haya de la Torre to the Government of Peru".²⁰

2. Anglo-Norwegian Fisheries Case

By application dated 24 September 1949, filed with the Registry of the International Court of Justice on 28 September 1949, the United Kingdom recalled the differences which occurred from time to time between that Government and the Government of Norway with regard to the limits at sea within which the Norwegian Government has the right to reserve fishing exclusively to Norwegian fishermen.²¹

By order made on 9 November 1949, the Acting President of the Court, as the Court was not sitting, fixed the time-limits for the presentation by the Parties of the written proceedings. On 7 March 1950, the Norwegian Agent asked that the time-limit for the presentation of the Norwegian Government's Counter-Memorial be extended. By order made on 29 March, the Court decided to extend as follows the time-limits previously fixed: to 31 July 1950 for the presentation of the Norwegian Counter-Memorial; to 31 October 1950 for the presentation of the Reply of the United Kingdom; and to 31 December 1950 for the presentation of the Norwegian Rejoinder.

By an Order of 4 October 1950 the Court in accordance with a request by the Agent of the United Kingdom further extended the time limits for the United Kingdom Reply to 30 November 1950 and that for the Norwegian Rejoinder to 31 January 1951.

3. Franco-Egyptian Case concerning the Protection of French Nationals and Protected Persons in Egypt

On 13 October 1949, France requested the International Court of Justice to judge that certain measures taken by the Egyptian Government since 15 May 1948 against the persons and the property, rights and interests of certain French nationals and protected persons in Egypt were contrary to the principles of international law and to the Montreux Convention of 1937 regarding the Abrogation of Capitulations in Egypt. France asked the Court to find that Egypt should be required to pay compensation for the damage

¹⁹ International Court of Justice, Application Instituting Proceedings Transmitted to the Court on December 13, 1950. The Haya de la Torre Case (Colombia/Peru).

²⁰ On 3 Jan. 1951, the President of the Court made an Order fixing, in agreement with the representatives of Colombia and Peru, the dates for the filing of the pleadings. Colombia was to file its Memorial by 7 Feb. 1951, and Peru was to file its Counter-Memorial by 15 Mar. 1951.

²¹ See Y.U.N., 1948-49, pp. 934-35.

suffered by France in the persons of the victims of these measures.

The French application was communicated by the Court to the Members of the United Nations and to other States entitled to appear before the Court. The application was also notified to States parties to the Convention of Montreux other than those concerned in the case. The French and Egyptian Governments both designated Agents to represent them before the Court.

By letter dated 21 February 1950, the Agent of the French Government stated that the measures taken by the Egyptian Government against the persons, property, rights and interests of French nationals and protected persons having been withdrawn by the Egyptian Government, the dispute was virtually settled and, consequently, declared that France was not going on with the proceedings and requested that the case be removed from the general list of the Court.

Having regard to the fact that Egypt had already taken a step in the proceedings by the designation of its Agent, the Court fixed a time-limit within which this Government should state whether it opposed the discontinuance of the proceedings by France, and the Registrar of the Court notified the Agent of Egypt that, if no objections were raised by that Government within the time-limit expiring on 22 March 1950, acquiescence would be presumed.

No reply having reached the Court within this time-limit, the Court, by Order made on 29 March 1950, placed on record the discontinuance by France of the proceedings instituted by its application, and ordered the case removed from the Court's list.

4. Rights of United States Nationals in Morocco

On 28 October 1950, the French Charge d'Affaires at The Hague filed with the Registry

of the International Court of Justice on behalf of the French Government an application instituting proceedings against the United States Government concerning the rights of United States nationals in Morocco. The application stated that the United States had protested to the French Government against measures taken in December 1948 by the Shereefian Government subjecting to licence imports to Morocco which did not involve official allocation of non-French currency and limiting these imports to certain products indispensable to the Moroccan economic system. The United States Government had pointed out in that protest that these measures, which had been taken under the system of exchange control set up in 1939, affected in an essential point the rights which the United States regarded as pertaining to it under its treaties with Morocco. Relying upon the treaty of 1836 the United States had contended that no Moroccan laws or regulations could be applied to United States nationals without its previous consent.

The French Government, in its application to the Court, asked the Court to declare that the United States was not within its right in making such a claim. American nationals, France stated, were not entitled to enjoy preferential treatment and should be subject to laws and regulations in force within the Shereefian empire, in particular, as regarded imports not involving the allocation of non-French currency.

In an order dated 22 November 1950, the Court fixed the following time-limits for deposit at The Hague of documents of the written procedure:

For the Memorial of France, 1 March 1951;

For the Counter-Memorial of the United States, 1 July 1951;

For the Reply of France, 1 September 1951; and

For the Rejoinder of the United States, 1 November 1951.

B. DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW (WORK OF THE INTERNATIONAL LAW COMMISSION)

The International Law Commission, established in pursuance of General Assembly resolution 174(II)²² of 21 November 1947, held its second session at Geneva, Switzerland, from 5 June to 29 July 1950. With the exception of Sir Benegal Narsing Rau and Jaroslav Zourek, who were unable to attend, all the members²³ of the Commission were present at the second session.

Vladimir M. Koretsky, the member from the USSR, at the opening meeting, declared that all the members of the Commission had been nominated by their Governments and should represent a particular legal system, so that all of the main

²² See Y.U.N., 1947-48, pp. 210-13.

²³ For members and officers of the Commission, see p. 43.

legal systems in the world would be "represented in the Commission. He argued that Shuhsi Hsu, the member from China, had been elected following nomination by the "former Kuomintang Government" which he thus represented, and hence he had clearly "ceased to represent the Chinese legal system". Mr. Koretsky called upon the Commission to prevent Shuhsi Hsu from taking part in its work, and to elect a representative of the "legal system of the Chinese People's Republic". He also declared that if his proposal were not accepted, he would take no further part in the work of the Commission; moreover, any decisions taken by the Commission with the participation of Mr. Hsu "could not be regarded as valid".

The Chairman ruled the proposal of Mr. Koretsky out of order, declaring that the members of the Commission were elected to serve for three years. The Chairman said that members of the Commission do not represent States or Governments; instead, they serve in a personal capacity as persons of "recognized competence in international law". He declared that the Commission was not competent to challenge the General Assembly's application of the requirements for membership, and could not declare a casual vacancy in these circumstances. Several members spoke in support of the ruling of the Chair.

Mr. Koretsky appealed against the ruling of the Chair. By a vote of 10 to 1, the Commission upheld the ruling. Mr. Koretsky thereupon withdrew from the meeting. At a subsequent meeting, J. P. A. Francois, who had been absent at the opening meeting, declared that, had he been present, he would have supported the ruling of the Chair.

The Secretariat placed before the Commission, *inter alia*, the following documents and memoranda relating to the several subjects under consideration:

Article 24 of the Statute of the International Law Commission: Comments on the Working Paper of Mr. Hudson (A/CN.4/27)

Regime of the High Seas: Questions under Study by other Organs of the United Nations or by Specialized Agencies (A/CN.4/30)

Bibliography on the Regime of the High Seas (A/CN.4/26)

Bibliography on International Criminal Law and International Criminal Courts (A/CN.4/28)

Bibliography on Arbitral Procedure (A/CN.4/29)

Bibliography on the Law of Treaties (A/CN.4/31)

International and National Organizations concerned with Questions of International Law (A/CN.4/24)

Memorandum on the Soviet Doctrine and Practice with respect to Arbitral Procedure (A/CN.4/36)

Memorandum on the Soviet Doctrine and Practice with respect to the Law of Treaties (A/CN.4/37)

Memorandum on the Soviet Doctrine and Practice with respect to the Regime of the High Seas (A/CN.4/38)

Memorandum on Arbitral Procedure (A/CN.4/35)

Memorandum on the Regime of the High Seas (A/CN.4/32)

Memorandum on the Draft Code of Offences against the Peace and Security of Mankind (A/CN.4/39).

In the course of its second session the Commission held 43 meetings. It completed its study on the following items:

(1) Ways and means for making the evidence of customary international law more readily available;

(2) Formulation of the principles of international law recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal;

(3) Desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction will be conferred upon that organ by international conventions.

The reports on these three items were contained in the report of the Commission to the General Assembly (A/1316).

The Commission at its second session also undertook a preliminary discussion on the reports presented by the special rapporteurs on the following items:

(1) Preparation of a draft code of offences against the peace and security of mankind (A/CN.4/25);

(2) Law of treaties (A/CN.4/23);

(3) Regime of the high seas (A/CN.4/17);

(4) Arbitral procedure (A/CN.4/18).

Information on the progress in the work done by the Commission on the foregoing four items was submitted to the General Assembly.

The report of the International Law Commission was considered by the Sixth Committee of the General Assembly at its 225th-246th meetings inclusive, from 20 October to 29 November. The report of the Sixth Committee (A/1639) was considered by the General Assembly at its 320th plenary meeting on 12 December. The action taken by the Commission, the Sixth Committee and the General Assembly on the questions before them, is summarized below.

The Sixth Committee discussed the first part of the report of the Law Commission at its 226th to 229th meetings inclusive, from 23 to 28 October. Three principal questions were dealt with during these debates, namely, the desirability of inviting the Commission to review its Statute with the object of recommending revisions of it to the General Assembly, the emoluments of the members of the Commission, and the extension of their term of office.

1. Review by the International Law Commission of Its Statute

The question of a review of the Commission's Statute was raised in connexion with doubts expressed by some representatives, in particular, the representative of the United Kingdom, as to whether the existing working conditions of the International Law Commission were such as to enable it to achieve rapid and positive results. It was pointed out that the Commission had been overloaded with special tasks entrusted to it by the General Assembly and lately also by the Economic and Social Council, and that the Commission had consequently made little progress in its essential work, the codification of international law. It was felt that if this situation were not improved the prestige and utility of the Commission might suffer. The representative of the United Kingdom introduced a draft resolution (A/C.6/L.130) requesting the Commission to review its Statute with the object of making recommendations to the sixth session of the General Assembly concerning such revisions of the Statute as might appear desirable in the light of experience for the promotion of the Commission's work.

Some representatives, including those of France, Poland and the USSR, considered the terms used in the United Kingdom draft resolution too broad, and suggested that the scope of the proposed review of the Statute should be more precisely defined. The representative of France submitted an amendment (A/C.6/L.133) to the United Kingdom draft, specifying that the purpose of the review would be to submit recommendations to the General Assembly concerning the organization of the Commission and especially concerning the methods most likely to ensure the continuity of its work. The representative of France later withdrew his amendment, explaining that it had been intended simply to clarify the text of the United Kingdom draft. It had appeared, however, he said, that a substantial majority of the Committee was prepared to accept the United Kingdom resolution in its existing form; he did not in any way object to the substance of the resolution.

The representative of the USSR also submitted an amendment (A/C.6/L.135) to the United Kingdom draft which would limit further the scope of the review of the Commission's Statute to one article only. The USSR amendment was directed toward a revision of a provision in the Statute in order to make it impossible for any

task to be assigned to the Commission without a special decision of the General Assembly in each specific case.

The Sixth Committee voted on the United Kingdom draft and the USSR amendment at its 299th meeting on 28 October. The USSR amendment was rejected by 6 votes in favour, 26 against, with 10 abstentions. The United Kingdom draft was then adopted by 36 votes to 7, with 2 abstentions. This draft was adopted by the General Assembly at its 320th plenary meeting on 12 December, by 45 votes to none, with 6 abstentions as resolution 484(V), the text of which was as follows:

The General Assembly,

Considering that it is of the greatest importance that the work of the International Law Commission should be carried on in the conditions most likely to enable the Commission to achieve rapid and positive results,

Having regard to certain doubts which have been expressed whether such conditions exist at the present time,

Requests the International Law Commission to review its Statute with the object of making recommendations to the General Assembly at its sixth session concerning revisions of the Statute which may appear desirable, in the light of experience, for the promotion of the Commission's work.

2. Emoluments of the Members of the International Law Commission

Article 13 of the Statute of the International Law Commission, as adopted by the General Assembly in resolution 174(11), states that members of the Commission should be paid travel expenses and a per diem allowance at the same rate as the allowance paid to members of commissions of the Economic and Social Council. The daily allowance of the Commission members had been twenty dollars. The Commission at its second session suggested that the General Assembly reconsider the terms of article 13 of the Commission's Statute in order to make service in the Commission less onerous financially for its members.

A great majority of the representatives were of the opinion that the present emoluments paid to the members of the Commission were inadequate, and favoured a revision of article 13 in order to allow the General Assembly to exercise wider discretion in determining the allowance to be accorded to them.

Cuba, Egypt, France, Iran, the United Kingdom and the United States introduced a joint

draft resolution (A/C.6/L.128) whereby the General Assembly, taking into consideration:

(1) that part of the Commission's report dealing with this question, (2) the inadequacy of the emoluments paid to the members of the Commission, (3) the importance of the Commission's work, (4) the eminence of its members, and (5) the method of their election, would modify article 13 to provide for the payment to the Commission members of travel expenses and also a special allowance, the amount of which should be determined by the Assembly.

The representative of Panama presented an amendment (A/C.6/L.134) to the joint draft which, after having been slightly modified following an oral suggestion by the representative of France, proposed to add to the preamble of the joint draft a further consideration, namely, that the nature and scope of the work of the Commission were such as to require its members to devote considerable time in attendance at the necessarily long sessions of the Commission. This amendment, as modified, was accepted by the sponsors of the joint draft resolution.

The representative of the USSR, among others, opposed the proposal to revise article 13 on the ground that the members of the Law Commission should not, with respect to subsistence allowance, be treated differently from equally eminent experts working for the United Nations in other fields. The representative of Australia, *inter alia*, pointed out that the Advisory Committee on Administrative and Budgetary Questions had recommended that the subsistence allowance for members of subsidiary bodies of the General Assembly should be raised from \$20 to \$25 a day when they were meeting in New York.

Other representatives, including those of Norway and the Philippines, while concurring with the majority view that article 13 should be revised, also thought it inadvisable to pay to the members of the Law Commission a higher subsistence allowance than to other experts. It was argued that it would be preferable to accord to the members of the Commission an honorarium or a special yearly allowance as a remuneration for the considerable amount of work required of them not only during but between the sessions of the Commission. Amendments to that effect were introduced by the Philippines (A/C.6/L.129) and Norway (A/C.6/L.136). These, however, when put to the vote were both rejected, the Norwegian amendment by 13 votes in favour to 16 against, with 16 abstentions; and the Philippine amendment by 1 vote in favour to 13 against, with 31 abstentions.

The joint draft resolution was voted upon at the Committee's 229th meeting on 28 October.

The Panamanian amendment was first voted on and adopted by 31 votes to 2, with 10 abstentions, and then the joint draft resolution, as amended, was adopted as a whole by 37 votes to 1, with 6 abstentions.

The Sixth Committee also considered a joint draft resolution (A/C.6/L.131) presented by Cuba and Egypt, whereby the General Assembly would fix at \$35 per day the amount of the special allowance to be paid to the members of the Commission according to the proposed new wording of article 13. Opinion was divided as to whether the Sixth Committee was competent to entertain such a proposal. Some representatives, including those of Colombia, Ecuador, Greece, Iran and Mexico, held that there was nothing in the rules of procedure of the General Assembly to prevent the Sixth Committee from adopting the draft resolution. Other representatives, including those of Canada, Chile, France, the Union of South Africa, the USSR and the United Kingdom, argued the contrary view that, as the draft resolution dealt with a purely financial question, it was outside the competence of the Sixth Committee and was a matter to be decided by the Fifth Committee. After consultation among representatives, a compromise solution was reached. The joint draft resolution of Cuba and Egypt was replaced by an oral proposal introduced by the representative of Iran that the Sixth Committee adopt a *vœu* that the special allowance to be paid members of the International Law Commission be \$35 a day.

At the request of the representative of Egypt a roll-call vote on the *vœu* of the Sixth Committee was taken at its 229th meeting on 28 October; it was adopted by 31 votes to 8, with 5 abstentions. After the voting, the representatives of Afghanistan, Greece and India, who were absent during the roll-call vote, asked to be counted as voting in favour of the view.

In accordance with the Assembly's rules of procedure and with a request of the President, the Fifth Committee, at its 258th and 259th meetings held on 31 October and 4 November 1950, considered the administrative and budgetary implications of the above joint draft resolution and of the *vœu* adopted by the Sixth Committee.

The Fifth Committee, in a report to the General Assembly (A/1648), stated *inter alia*, that it was the view of the majority of the representatives of the Committee that in the matter of subsistence allowance it would be difficult in practice and, in any event, undesirable in principle, to discriminate between expert bodies with

respect to the amount of subsistence per diem. It advised the Assembly: (a) that adoption of the draft resolution of the Sixth Committee, under which provision would be made in the Statute of the International Law Commission for the payment of a special allowance to members of that Commission, would involve (on the assumption that such an allowance would be at the rate of \$35 per day) expenditure in 1951 amounting to \$20,025; and (b) that the Fifth Committee, on administrative grounds, was unable to recommend special treatment for the International Law Commission with respect to daily subsistence allowance (the proposal that a special allowance of \$35 per day should be fixed for members of that body was rejected by 15 votes in favour to 19 votes against, with 7 abstentions).

The draft resolution of the Sixth Committee and the report of the Fifth Committee were considered by the General Assembly at its 320th meeting on 12 December. The Assembly, in addition, had before it an amendment (A/1640) submitted jointly by the following States: Argentina, Chile, Colombia, Cuba, the Dominican Republic, Egypt, India, Iran, Lebanon, Mexico, Panama, Syria, Turkey, Uruguay and Venezuela. This amendment proposed the addition of another paragraph to the joint draft resolution adopted by the Sixth Committee, which would, in effect, fix the special allowance for members of the Law Commission at \$35 per day.

A roll-call vote on the joint amendment was first taken by the Assembly, with the result that it was adopted by 41 votes to 4, with 12 abstentions. The joint draft resolution, as amended, was then adopted by 43 votes to 2, with 10 abstentions, as resolution 485 (V). Its text is as follows:

The General Assembly,

Having regard to paragraph 21 of the report of the International Law Commission on the work of its second session,

Noting the inadequacy of the emoluments paid to the members of the International Law Commission,

Bearing in mind the importance of the Commission's work, the eminence of its members and the method of their election,

Considering that the nature and scope of the work of the Commission are such as to require its members to devote considerable time in attendance at the necessarily long sessions of the Commission,

1. Decides to amend as follows article 13 of the Statute of the International Law Commission:

"Members of the Commission shall be paid travel expenses, and shall also receive a special allowance, the amount of which shall be determined by the General Assembly";

2. Fixes the special allowance for members of the International Law Commission at \$35 per day.

3. Extension of the Term of Office of Members of the Law Commission

A majority of the representatives of the Sixth Committee were in favour of extending the term of office of the present members of the Law Commission from three to five years. In support of this view, it was pointed out that the Commission would not be able to finish some of its most important tasks during the current period of office and that the work in progress on these tasks should not be interrupted by a change in membership. In particular, it would be highly detrimental to the efficiency of the Commission if new rapporteurs had to take over subjects on which a considerable volume of work had already been done.

Against this view, it was argued by some representatives, including those of Belgium and France, that, even if the term of office of the present members were prolonged to five years, the same problem might arise at the end of the extended period. The representatives of Czechoslovakia, Ecuador, Poland and the USSR, among others, also drew attention to the fact that, according to article 10 of the Statute of the Commission, the members were eligible for re-election and that there was no reason to doubt that the General Assembly would re-elect those members whose work it felt had been most useful.

The representatives of Cuba, Chile, Egypt, Iran and Turkey introduced a joint draft resolution (A/C6/L.132) which, in its operative part, set forth a decision to amend article 10 of the Statute of the Commission in order to extend the term of office of the members from three to five years, this extension to be applicable to the term of the members of the Commission elected in 1948. The representative of Belgium submitted an amendment (A/C.6/L.137) to the joint draft by which the scope of its operative part would be limited to an extension of the term of the present members of the Commission, and the preamble of the draft resolution would be reworded accordingly. This amendment was accepted by the sponsors of the joint draft resolution after the Belgian representative had consented to delete from his text a phrase stating that the extension was made "by way of exception".

When put to the vote at the Committee's 229th meeting on 28 October, the joint draft

resolution, as amended, was adopted by 37 votes to 8, with 2 abstentions.

The General Assembly at its 320th plenary meeting on 12 December adopted by 45 votes to 2, with 5 abstentions, the draft recommended by the Sixth Committee. Its text (resolution 486(V)) is as follows:

The General Assembly,

Having noted, that the present three-year term of office of members of the International Law Commission is not sufficient to enable the Commission to achieve the tasks on which it is engaged before the current period of office expires,

Considering that, in order to enable positive results to be achieved, the term of office of the present members should be extended,

Resolves that, subject to any modifications which the General Assembly may make in the Statute of the International Law Commission, and without prejudice to such modifications, the term of office of the present members of the Commission shall be extended by two years, making a total period of five years from their election in 1948.

4. Making the Evidence of Customary International Law More Readily Available

In dealing with this item the Commission at its second session had before it a working paper (A/CN.4/16 & Add.1) on the subject prepared by Manley O. Hudson (United States). The Commission reached the following conclusions which were based on the contents of the working paper as "harmonized with the views expressed by the majority of the Commission".

Arguing that, under article 24 of the Commission's Statute, customary and conventional international law need not be treated as rigidly excluding each other (since the latter may, sometimes, embody rules of the former), the Commission decided to take some account of the availability of the materials of conventional international law in its consideration of the question. On this basis the Commission compiled a list of rubrics and surveyed the more important official and non-official collections with reference to each of them under the general heading "Evidence of Customary International Law". The list and the survey dealt with the following types of evidence of customary international law:

- (i) Texts of international instruments
- (ii) Decisions of international courts
- (iii) Decisions of national courts
- (iv) National legislation
- (v) Diplomatic correspondence
- (vi) Opinions of national legal advisers
- (vii) Practice of international organizations

In regard to the availability of this evidence, the Commission, while noting important publications under each heading, expressed the view that article 24 of the Commission's Statute, in its reference to "collection and publication of documents", seemed to envisage the extent to which materials not yet published might be made available throughout the world. The Commission was of the opinion that though not in a position to undertake any new series of publications, it could suggest that the Secretariat of the United Nations should undertake certain types of publications.

The Commission in paragraph 90 of Part II of its report to the General Assembly (A/1316) suggested the following specific ways and means:

Widest possible distribution of publications relating to international law issued by the organs of the United Nations, particularly the reports and other publications of the International Court of Justice, the United Nations Treaty Series, and the Reports of International Arbitral Awards.

The Commission recommended that the prices of such publications should be kept as low as possible and considerations of economy should not preclude maintenance of stocks necessary to meet future demands. The Commission attached special importance to the continuance of the present language system of the United Nations Treaty Series. Further, it expressed a *vœu* that the texts of international instruments registered with or filed and recorded by the Secretariat should be published with the greatest possible promptness.

The Commission in paragraph 91 of its report to the Assembly further recommended that the General Assembly should authorize the Secretariat to prepare and issue, with as wide a distribution as possible, the following publications:

- (i) A Juridical Yearbook
- (ii) A Legislative Series containing the texts of current national legislation on matters of international interest
- (iii) A collection of constitutions of all States
- (iv) A list of the publications issued by the Governments of all States containing the texts of treaties concluded by them, supplemented by a list of the principal collections of treaty texts published under private auspices
- (v) A consolidated index of the League of Nations Treaty Series
- (vi) Occasional index volumes of the United Nations Treaty Series
- (vii) A repertoire of the practice of the organization of the United Nations with regard to questions of international law
- (viii) Additional series of the Reports of International Arbitral Awards, of which a first series has already been published in three volumes

Other recommendations of the Commission contained in paragraphs 92, 93 and 94, respectively, of its report, were:

(1) that the Registry of the International Court of Justice should publish occasional digests of the Court's reports;

(2) that the General Assembly should recommend to Governments the publishing of digests of their diplomatic correspondence and other materials relating to international law; and

(3) that the Assembly should consider the desirability of an international convention for the exchange of official publications relating to international law and international relations.

The Sixth Committee at its 230th and 231st meetings on 30 October and 2 November considered the recommendations of the International Law Commission on the ways and means for making the evidence of customary international law more readily available (part II of the report of the Commission). The majority of representatives on the Committee expressed the view that finding ways and means for making such evidence more readily available was essentially a practical task which could be accomplished without a previous agreement on a precise definition of customary international law.

Some of the representatives criticized certain of the recommendations made by the Commission. In particular, the representatives of India, France and the Union of South Africa, among others, levelled criticisms against the statement of the Commission that article 24 of its Statute seemed to depart from the classification of sources of international law followed in article 38 of the Statute of the International Court of Justice, by including judicial decisions on questions of international law among the evidence of customary international law. They argued that if such a statement implied that article 38 of the Court's Statute did not accept judicial decisions on questions of international law as evidence of customary international law, it was wrong, and they would have to dissent from such an interpretation of article 38. It was pointed out that article 38 of the Court's Statute enumerated the different sources of international law, listing first the three categories of sources which really created law—conventions, custom and generally recognized principles of law—and then the subsidiary sources, such as judicial decisions and teachings of the most outstanding publicists of the nations. There was no inconsistency between that classification and article 24 of the Commission's Statute, they said. Judicial decisions, they submitted, should therefore be regarded as evidence of customary international law.

Several representatives, including those of Australia, the Union of South Africa, the USSR and the United Kingdom, declared that part of the vast programme of work suggested by the International Law Commission for making the evidence of customary international law more readily available was already being carried out by the Secretariat and that other parts of the programme entailed financial and administrative implications which needed further study. With respect to the recommendation that the Registry of the Court should publish occasional digests of the Court's reports, the representatives of, among others, Israel, the Union of South Africa and the USSR, pointed out that such digests were already published in the Court's Yearbook, the annual reports of the Secretary-General, the United Nations Bulletin, the Yearbook of the United Nations and several publications on international law.

Representatives of France, Israel and Yugoslavia, among others, supported the recommendation of the Commission that the General Assembly should consider the desirability of an international convention concerning the general exchange of official publications relating to international law and international relations. The majority view, however, was that the question was not yet ripe for a decision.

A joint draft resolution (A/C.6/L.139) was submitted by Israel, the United Kingdom and the United States. After having been amended slightly by its sponsors in accordance with oral suggestions made by other representatives, it was adopted by 41 votes to none, with 2 abstentions.

The draft took note of part II of the Commission's report, expressed appreciation of the work of the Commission on the subject and invited the Secretary-General, in preparing his future programme of work in this field, to consider and report to the General Assembly upon the recommendations contained in paragraphs 90, 91 and 93 of the Commission's report (see above) in the light of the discussion held and the suggestions made by representatives in the Sixth Committee.

An oral amendment submitted by the representative of India, to the effect that the Secretary-General should be requested to take account of the possibility of co-ordination with similar activities undertaken by him, was withdrawn on the understanding that the suggestion would be recorded in the Committee's report to the Assembly.

The report of the Sixth Committee (A/1639) was considered by the General Assembly at its 320th plenary meeting on 12 December. The

draft recommended for adoption by the Committee was adopted by the Assembly by 50 votes to none as resolution 487(V).

5. Formulation of the Nürnberg Principles

Under General Assembly resolution 177(II), paragraph (a), the Law Commission was directed to "formulate the principles of international law recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal".

In pursuance of this resolution, the Commission at its first session undertook a preliminary consideration of the subject. In the course of this consideration the question arose as to whether or not the Commission should ascertain to what extent the principles contained in the Charter and Judgment constituted principles of international law. The conclusion was that since the Nürnberg principles had been affirmed by the General Assembly, the task entrusted to the Commission by paragraph (a) of resolution 177(II) was not to express any appreciation of these principles as principles of international law but merely to formulate them. This conclusion was set forth in the report of the Commission at its first session, and the report was approved by the General Assembly in 1949. Jean Spiropoulos was appointed special rapporteur to continue the work of the Commission on the subject.

On the basis of the report (A/CN.4/22) presented by Mr. Spiropoulos, the Commission at its second session adopted a formulation of the principles of international law recognized by the Charter and Judgment of the Nürnberg Tribunal. The text of the principles formulated follows:

PRINCIPLE I: Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

PRINCIPLE II: The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

PRINCIPLE III: The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

PRINCIPLE IV: The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

PRINCIPLE V: Any person charged with a crime under international law has the right to a fair trial on the facts and law.

PRINCIPLE VI: The crimes hereinafter set out are punishable as crimes under international law:

a. Crimes against peace: (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

b. War crimes: Violations of the law or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

c. Crimes against humanity: Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connexion with any crime against peace or any war crime.

PRINCIPLE VII: Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

Ricardo J. Alfaro (Panama), Manley O. Hudson (United States) and Georges Scelle (France) made statements expressing certain reservations with regard to this question.

Mr. Alfaro stated that he believed that the reference contained in that part of the Commission's second report to the Assembly regarding the task of formulating the Nürnberg principles should have included a quotation of the passage in the Judgment of the Nürnberg Tribunal in which the Tribunal asserted that the Charter "is the expression of international law existing at the time of its creation, and to that extent is itself a contribution to international law".

Mr. Hudson stated that some uncertainty had existed as to the precise nature of the task entrusted to the Commission. In the report of the Commission covering its first session, which had been approved by the General Assembly, the view was put forward, he explained, that "the task of the Commission was not to express any appreciation of these principles [the Nürnberg principles] as principles of international law but merely to formulate them." In his opinion, however, the Commission had not altogether adhered to that view in its later work, with the result that doubt subsisted as to the juridical character of the formulation adopted. Moreover, he submitted, the formulation had not sufficiently taken into account the special character of the Charter and Judgment of the International Military Tribunal and the ad hoc purpose which they served.

Mr. Scelle regretted that he could not accept the view taken by the Commission of its task with respect to this matter. The Commission's report, he stated, did not enunciate the general principles of law on which the provisions of the Charter and the decisions of the Tribunal were based, but merely summarized some of them, whereas the Tribunal itself had stated that the principles it had adopted were already a part of positive international law at the time when it was established. Moreover, he considered that the final text of the Commission's second report did not seem to reflect accurately the conclusions reached by the Commission during its preliminary discussions, and restricted their scope.

That part of the Commission's report dealing with the formulation of the Nürnberg principles was considered by the Sixth Committee at its 231st to 239th meetings inclusive, from 2 to 14 November 1950. The representatives of the Byelorussian SSR, Czechoslovakia, Poland, Syria and the USSR, among others, held the view that the formulation of the Nürnberg principles submitted by the Law Commission in its report should not be discussed in substance by the Sixth Committee at the present session of the Assembly. Most of these representatives argued that the Commission had failed to consult the Governments of Member States in the course of its work on the subject, as was required by articles 16 and 21 of its Statute and that, in consequence of this omission, the Sixth Committee did not have at its disposal the necessary data for a thorough examination of the formulation submitted.

The majority of the representatives, on the other hand, were in favour of discussing the formulation in substance. A number of these representatives, including those of Cuba, Iran, the Netherlands, the United Kingdom and Uruguay, took the position that, in directing it to formulate the Nürnberg principles, the General Assembly had assigned to the Law Commission a special task which did not come under the procedural rules contained in articles 16 and 21 and that, consequently, the Commission had not violated its Statute by reporting directly to the General Assembly without consulting the Governments. Other representatives, including those of Belgium, France and Iraq, adhering to the majority view, based their opinion on the practical consideration that a substantive debate was most likely to promote a solution of the problems facing the Committee in connexion with the Nürnberg principles and their formulation. The Sixth Committee accordingly entered upon a discussion in

substance of that part of the Commission's report and the formulation of the Nürnberg principles included in the report.

In the course of the Committee's debate, careful attention was given to the terms of reference of the Commission contained in General Assembly resolution 177(11), as well as to the interpretation placed upon them by the Commission. The Sixth Committee further examined in detail the principles formulated in the report. The Committee also discussed the question of the action which should be recommended to the General Assembly regarding the formulation submitted by the Commission.

With regard to its terms of reference, the Commission had reached the conclusion that its task was not to express any appreciation of these principles as principles of international law but merely to formulate them. In general, this interpretation of the Commission's terms of reference met with approval within the Sixth Committee. A number of representatives, however, felt that the work done by the International Law Commission was not satisfactory. The representative of the Netherlands, for example, was opposed to formulating some of the principles in too great detail. He said that the principles to be formulated must not be appropriate for a general criminal code. Because the Nürnberg Charter envisaged only the trial of major war criminals, the details of its provisions could not always be applied to other war criminals. He argued that if the Sixth Committee adopted the formulation of the principles contained in the International Law Commission's report, it would be sanctioning some principles which would not find a place in the general criminal code which was to be drafted later by the Commission.

Some representatives, including those of Argentina, Belgium, Pakistan and Yugoslavia, stated that the Commission had failed to formulate all of the principles of international law acknowledged in the Charter and Judgment of Nürnberg. The representative of Yugoslavia stated that the Commission had failed to formulate two essential principles with which the Nürnberg Tribunal had been concerned, namely, the principle "*nulla poena sine lege*"²⁴ and the principle according to which membership in a criminal organization constituted a crime under international law. The first principle, he explained, had been cited by the defence at the Nürnberg trials and had been rejected by the Tribunal. That principle, he submitted, should be formulated and included in the

²⁴ "No punishment without law."

principles adopted by the Commission. The representative of Argentina concurred in this opinion referring, in particular, to the Commission's failure to formulate the principle of the non-retroactivity of penal laws. The representative of Yugoslavia also stated that the second principle, according to which mere membership in criminal organizations which had as their purpose the commission of crimes against peace, war crimes and crimes against humanity constituted a crime under international law, was incontestably among the principles recognized at Nürnberg. The representative of Pakistan expressed a similar viewpoint. The representative of Belgium regretted that the members of the International Law Commission had concluded that they were not expected to deal with the provisions concerning procedure, which were in the Charter and which the Tribunal had applied.

In the view of some representatives, including the representatives of France and Israel, the Commission should have gone further and have set forth the general principles of international law on which the Charter and Judgment had been based. According to this opinion, the Commission had not pursued its task exhaustively; it had only classified the juridical provisions and rulings of the Charter and Judgment while it ought to have stated the underlying principles with a view to promoting the future development of international penal law.

The representative of Israel, for example, said that the General Assembly had adopted the view expressed by the International Military Tribunal that its Charter was the expression of international law existing at the time of its creation, and he regretted that the International Law Commission had not gone more deeply into the question. He drew attention to the fact that the Tribunal had more than once given its Charter a restrictive interpretation, for instance in connexion with the conspiracy count and the count of criminality of organizations, and stated that the Commission had merely accentuated that tendency.

Several representatives, on the other hand, including those of Australia, Brazil, Czechoslovakia, Greece, Iran, Mexico, Syria, the United Kingdom, the USSR and Uruguay, spoke in defence of the Commission on these points, and maintained that the Commission had correctly interpreted its mandate. The task of the Commission was, in their view, not to formulate a few principles in very general terms or to set forth the underlying principles of international law, but to abstract

both from the Charter and from the proceedings of the Nürnberg Tribunal, a basic set of rules and principles which could form a species of small code on the subject to serve as a point of departure for further efforts in this field.

In this connexion, consideration was also given to the relation between the formulation of the Nürnberg principles and the task entrusted to the International Law Commission of preparing a draft code of offences against the peace and security of mankind. The majority of the representatives of the Sixth Committee agreed with the view expressed by the International Law Commission that it was not bound to insert the Nürnberg principles in their entirety in the draft code and that it was not precluded from suggesting modification or development of the principles for the purpose of their incorporation in the draft code.

Several representatives commented on the text of the seven principles formulated by the Commission. Principles I and II gave rise to an exchange of opinions regarding the position of the individual in international law. Some representatives, including those of France, Greece, the Netherlands, Uruguay and Yugoslavia, affirmed that the individual as well as the State could now be held directly responsible under international law. Others, including those of Argentina, Czechoslovakia and the United Kingdom, considered this opinion exaggerated and contended that there was no need to abandon the classic concept that international law is essentially concerned with relations between States. They agreed that individuals who committed crimes under international law should be subject to trial and punishment, but asserted that this aim could be achieved by imposing upon States the obligation to punish the authors of such crimes or to allow them to be punished by other States or by a legally constituted international tribunal. In this connexion, several representatives, among them, those of Argentina, Belgium, Brazil, Czechoslovakia and Egypt, also took exception to the statement made by the Commission to the effect that principles I and II implied the supremacy of international law over national law. It was argued by them that the supremacy of international law was a theoretical concept which was far from being universally accepted. It was also affirmed by some representatives, in particular those of Argentina and Egypt, that this concept was contrary to the constitutions of their countries.

Opinion was also divided on the question whether the Commission had been justified in

departing from the provisions of articles 7 and 8 of the Nürnberg Charter when formulating principle III on the responsibility of Heads of States and responsible Government officials, and principle IV on the effect of superior orders. While a number of representatives, including those of Greece and Iran, were in favour of these changes as bringing the two principles in closer conformity with general principles of criminal law, others, in particular the representative of Belgium, thought that the Commission should have retained the provisions of the Nürnberg Charter in this respect. Doubts were expressed as to principle IV that superior orders are not a defence provided a moral choice was possible to the offender. It was contended by, among others, the representatives of the Netherlands, United Kingdom and Yugoslavia that the term "moral choice", taken from the judgment, was ambiguous and should not have been included, at least not without clarification by definition or exemplification.

The right of a defendant to a fair trial on the facts and law, as provided in principle V, was, in substance, favoured by most representatives. Some representatives, including those of Belgium and the Netherlands, however, regretted that the words "on the facts and law" had been included in the text of the principle, as this specification seemed to exclude questions of procedure from the principle of a fair trial. Against this opinion it was affirmed that the word "law" referred not only to substantive law but also to procedural law.

Among the questions raised in relation to principle VI defining categories of international crimes, particular attention was given to the definition of crimes against humanity. Some representatives, in particular the representative of France, criticized the Commission for having retained the provision in article 6(c) of the Nürnberg Charter that crimes against humanity could be committed only in connexion with crimes against peace or war crimes. It was asserted that this limitation did not apply to the concept of crimes against humanity as such, but only to the competence of the Nürnberg Tribunal to take cognizance of these crimes. In the opinion of these representatives, crimes against humanity constituted a separate and independent category of international crimes distinguished from similar crimes under national law by the characteristic that they were, in general, committed by Governments, or with the complicity or tolerance of Governments, and, therefore, could be punished only on the international level. The concept of

crimes against humanity had, furthermore, been incorporated in the Convention on the Prevention and Punishment of the Crime of Genocide.²⁵ It would, therefore, be contrary to international law to lay down as a principle that crimes against humanity could be committed only in connexion with crimes against peace or war crimes. On the other hand, other representatives, including those of Brazil, Greece and Iran, maintained that no crimes against humanity existed under international law outside those defined by the Nürnberg Charter. It was therefore considered that the definition of crimes against humanity given in principle VI was correct in substance. Some representatives, including those of Israel and the Netherlands, regretted that the Commission had not laid down, in the principle itself, that crimes against humanity could be committed both before and after a war. It was not sufficient, in their view, to state this fact only in the commentary to principle VI, as the Commission had done.

The representative of the Netherlands, among others, felt that principle VII was too broadly drafted, as it applied ordinary rules of complicity not only to war crimes and crimes against humanity, but also to crimes against peace. It was argued that the Nürnberg Tribunal had taken great care to limit the scope of crimes against peace and had convicted only persons in very high positions of this crime. In contradiction to the stand thus taken by the Tribunal, principle VII made every person who, according to the general rules of complicity, was an accomplice to a crime against peace guilty of an international crime. On the other hand, the representative of Yugoslavia, among others, expressed his agreement with principle VII as formulated, since in his view the courts would in each instance have wide discretion as to the application of the principle.

With respect to the question of what action should be taken by the General Assembly on the Commission's report regarding this matter, various procedures were suggested in the course of the deliberations. The representative of the Byelorussian SSR presented a proposal (A/C.6/L.140) according to which the formulation of the Nürnberg principles submitted by the International Law Commission would be referred back to the Commission for presentation to the Member States for their comments. The representative of France submitted a draft resolution (A/C.6/L.141/Rev.1) requesting the International Law Commission to continue its study of the Nürn-

²⁵ For text, see Y.U.N., 1948-49, pp. 959-60.

berg principles and calling attention to the need for giving, within the framework of this study, a permanent validity to the principles, especially with regard to crimes against humanity as crimes independent of crimes against peace and war crimes. This latter draft resolution was subsequently replaced by a joint draft resolution (A/C.6/L.146), presented by Argentina, Denmark, the Dominican Republic, Egypt, France, the Netherlands, Norway, Pakistan, Peru, Sweden and Syria. This draft would have invited the International Law Commission to reconsider its formulation of the Nürnberg principles in the light of the observations made on them by representatives during the present session of the Assembly. The United Kingdom, on the other hand, proposed a draft resolution (A/C.6/L.142) whereby the General Assembly would take note of the formulation of the Nürnberg principles contained in the Commission's report. An amendment to the United Kingdom draft was presented by Cuba (A/C.6/L.144) drawing attention to the close relation between the formulation of the Nürnberg principles and the task of preparing a draft code of offences against the peace and security of mankind. This amendment was accepted by the representative of the United Kingdom. Similar amendments to the United Kingdom draft were submitted by Iran (A/C.6/L.143) and Uruguay (A/C.6/L.148), while Venezuela introduced an amendment (A/C.6/L.147) suggesting a drafting change in the preamble of the United Kingdom draft.

After deliberation among the sponsors and other interested representatives, all the above draft resolutions and amendments, with the exception of the Byelorussian SSR draft resolution (A/C.6/L.140), were superseded by a new joint draft resolution (A/C.6/L.149) submitted by Argentina, Cuba, Denmark, the Dominican Republic, Egypt, France, Iran, the Netherlands, Norway, Pakistan, Peru, Sweden, Syria, the United Kingdom, the United States and Venezuela. The first three paragraphs of this draft resolution referred to the consideration of part III of the report of the Commission by the General Assembly and cited previous Assembly resolutions on the subject. The fourth paragraph recalled that the International Law Commission had formulated certain principles recognized in the Charter and the Judgment of the Nürnberg Tribunal and that many representatives had made observations during the current session on this formulation. As some representatives, in particular, the representative of the Netherlands, had maintained, in the

course of the debates, that to take note of the Commission's formulation would, in view of the history of the question, virtually imply approval of the principles as formulated by the Commission, this paragraph was worded to make it clear beyond doubt that no such approval was intended. After a drafting change, suggested orally by the representative of Belgium, had been accepted by the sponsors, the fifth paragraph stated that it was appropriate to give the Governments of Member States full opportunity to furnish their observations on the formulation. The report of the Sixth Committee (A/1639) to the General Assembly explained that this paragraph was meant to give satisfaction to those which had advocated such consultation, without implying that the Commission had violated its Statute in omitting to consult the Governments in connexion with its work on the Nürnberg principles. The sixth paragraph invited the Governments of Member States to furnish their observations on the formulation submitted by the Commission; and the seventh paragraph requested the Commission, in preparing the draft code of offences against the peace and security of mankind, to take account of the observations made on this formulation by delegations during the present session as well as of any observations which might be made by Governments.

An amendment (A/C.6/L.150) to the seventh paragraph of the joint draft resolution was proposed by Poland, which would have invited the International Law Commission to take the observations made in the Sixth Committee and by Governments into consideration in the final formulation of the principles of the Nürnberg Charter and Judgment, thus implying that the formulation under discussion was not a final formulation of the Nürnberg principles.

The Sixth Committee at its 239th meeting on 14 November voted on the proposals before it. The Byelorussian draft resolution (A/C.6/L.140) was defeated by 5 votes in favour to 21 against, with 15 abstentions. The first, second and third paragraphs of the joint draft resolution (A/C.6/L.149) were adopted unanimously. The fourth paragraph was adopted by 36 votes to 2, with 2 abstentions. The fifth paragraph, as modified, and the sixth paragraph were put to the vote together and adopted by 36 votes to none, with 6 abstentions. The Committee then rejected the Polish amendment (A/C.6/L.150) to the seventh paragraph by 7 votes in favour to 21 against, with 11 abstentions. The seventh paragraph was adopted by 32 votes to 5, with 3 abstentions. The

joint draft resolution, as modified, was adopted as a whole by 32 votes to 1, with 8 abstentions.

The report of the Sixth Committee (A/1639) containing the text of the above resolution, was considered by the General Assembly at its 320th plenary meeting on 12 December. The Assembly, by a vote of 42 to none, with 6 abstentions, adopted the resolution. Its text (488(V)) was as follows:

The General Assembly,

Having considered, part III (Formulation of the Nürnberg principles) of the report of the International Law Commission on the work of its second session,

Recollecting that the General Assembly, by its resolution 95(1) of 11 December 1946, unanimously affirmed the principles of international law recognized by the charter and judgment of the Nürnberg Tribunal,

Considering that, by its resolution 177(II) of 21 November 1947, the General Assembly directed the International Law Commission to formulate those principles, and also to prepare a draft code of offences against the peace and security of mankind,

Considering that the International Law Commission has formulated certain principles recognized, according to the Commission, in the charter and judgment of the Nürnberg Tribunal, and that many delegations have made observations during the fifth session of the General Assembly on this formulation,

Considering that it is appropriate to give the governments of Member States full opportunity to furnish their observations on this formulation,

1. Invites the governments of Member States to furnish their observations accordingly;

2. Requests the International Law Commission, in preparing the draft code of offences against the peace and security of mankind, to take account of the observations made on this formulation by delegations during the fifth session of the General Assembly and of any observations which may be made by governments.

6. International Criminal Jurisdiction

In pursuance of resolution 260 B (III), adopted by the General Assembly in December 1948, the International Law Commission at its first session began a preliminary study of the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction would be conferred upon that organ by international convention. After the discussion, the Commission appointed Ricardo J. Alfaro (Panama) and A. E. F. Sandstrom (Sweden) rapporteurs on this subject. The rapporteurs were requested to make a study of the question, and to submit to the Commission at its second session one or more working papers on it. The reports prepared by them were considered by the Commission at its second session.

Mr. Sandstrom in his report (A/CN.4/20) expressed the view that, whether established within or without the United Nations, such an international judicial organ would be ineffective, especially in respect of grave international crimes. Moreover, he thought, such an organ would be desirable only if effective. He therefore concluded that its establishment was not desirable.

Mr. Alfaro in his report (A/CN.4/15 & Corr.1) stated that the establishment of such an organ would be "an effective contribution to the peace and the security of the world". He also concluded that there was no legal or political reason which made the establishment of such a court impossible. In support of his thesis he cited, among other precedents, the fact that it proved possible to create the International Military Tribunals of Nürnberg and Tokyo, and that these tribunals had actually functioned. Moreover, Mr. Alfaro stated, seven draft statutes for international criminal organs had been formulated by, presented to, or adopted by, official and non-official entities, and a convention for such a court had been signed at Geneva in 1937.

After considering the question, the Commission decided, by 8 votes to 1, with 2 abstentions, that the establishment of an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction would be conferred on that organ by international conventions was desirable.

By 7 votes to 3, with 1 abstention, the Commission decided that the establishment of the above-mentioned judicial organ was possible.

After an exchange of views on different aspects of the question of the possibility of establishing a criminal chamber of the International Court of Justice, the Commission decided to state that in its opinion, though it was possible to do so by amending the Court's Statute, the Commission did not recommend such a course.

The Sixth Committee at its 240th to 246th meetings inclusive, from 16 to 29 November 1950, considered that part of the report of the International Law Commission dealing with the question of international criminal jurisdiction. The problems dealt with by the representatives of the Committee in the course of their debates were related both to the substantive question of the desirability and possibility of establishing an international penal court, and to the procedural question as to what action should be recommended to the General Assembly on this matter at its current session.

With respect to the substantive question, the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the USSR were of the opinion that the establishment of an international criminal court would be contrary to the sovereign rights of States. It was pointed out that the punishment of crimes committed in a State's territory was a matter within the jurisdiction of that State, and that the right to administer justice was inseparably bound up with the sovereignty of the State. For the proposed international criminal court to be able to function properly, it was argued, States would have to relinquish to it certain sovereign powers such as their powers with regard to the accused and to witnesses, and the power of executing punishment.

The representative of Poland drew attention to the fact that the principal organs of the United Nations were listed in article 7 of the Charter. He argued that according to that article it was impossible to establish new organs of the United Nations without amending the Charter. He thought that the establishment of an international tribunal would necessitate an amendment to the Charter. He also declared that any modification of the principle according to which only States could be parties in cases before an international tribunal would be prejudicial to the principle of the sovereign equality of States.

Other representatives, including those of Australia, Brazil, Sweden, the Union of South Africa and the United Kingdom, held that the creation of such a court was not a practical project. Before an international penal tribunal could function, they explained, there would have to be an international executive authority, and no such authority yet existed. The important question, they argued, was whether the institution of an international criminal court would lead to practical results. Such a court would have to operate under two different situations: in times of peace and in times of war. A third world war would mean that the United Nations had failed. Therefore the question of an international criminal court should be considered in the first place with regard to times of peace as an instrument to prevent war, and with regard to crimes committed during small-scale hostilities. The situation in time of war would be easier to handle as it would be similar to the situation which had existed at Nürnberg and at Tokyo; the vanquished would be available for trial and a permanent international criminal court could guarantee objectivity and fairness, could avoid the pitfalls with

which any ad hoc tribunal would be faced and could establish customs and traditions.

The situation in time of peace was, however, more important and more difficult. The crime of genocide and the planning and preparation of a war of aggression were rarely committed by individuals or groups of individuals without the consent or approval or complicity of their Government. The crucial point was whether in such a case the sovereign States concerned would be prepared to submit their national or international policy to the judgment of an international body which would apply to those policies the rules of international law which were so often vague. Considering further the existing world situation and the fact that States were accusing each other of warmongering, it was questionable whether they would agree to subject their leaders to the jurisdiction of an international criminal court. It was therefore probable that such a court would, in practice, be unable to function in time of peace, and its collapse during such a period would have a disastrous effect on the observance of international law.

With respect to the situation after a war, it was pointed out that the sole possibility was that only those who had lost the war would be brought to trial. Obviously those who began a war did not expect to lose it, and the establishment of an international penal tribunal would therefore have no preventive effect.

It was also argued by these representatives that without an international police force to bring the accused before it and to execute its sentences, such a court would be unable to function effectively. Furthermore, it was held that the question of desirability was dependent on that of possibility. However desirable anything might be in theory, if it was not a practical possibility the attempt to create it could only result in failure and therefore, in the realistic as opposed to the idealistic sense, the project was not in the circumstances desirable.

Other representatives, including those of China, Cuba, France, Iran, Mexico and Syria, favoured the setting up of an international criminal court. They argued that since the existence of international crimes had been recognized, the logical consequence was to establish an international tribunal empowered to punish them. Public opinion, they said, had been in favour of an international criminal jurisdiction since the end of the First World War. The creation of an international penal court vested with power to try and punish persons who disturbed international public order

was desirable as an effective contribution to the peace and security of the world. It was denied that the establishment of such a court would constitute an infringement of national sovereignty, as the court could be created by an international convention adhered to voluntarily by States. By using this procedure there would, furthermore, be no need to amend the Charter of the United Nations. The establishment of an international criminal tribunal, by means of an international convention concluded under the auspices of the United Nations, would actually serve to illustrate how the United Nations could act as a centre for harmonizing the actions of nations, and its establishment would be in complete conformity with the principle of international co-operation laid down in the Charter.

The majority of the representatives, however, felt that the examination of the matter in the abstract would be very difficult. They pointed out that before Governments could make any constructive comments, they would have to be given specific details on the way in which the proposed international tribunal would function. They would have to know the extent to which they would be called upon to relinquish their jurisdiction; how the tribunal was to be constituted; on what principles of criminal law it would establish its procedure; what process it would use in order to compel the appearance of persons accused and the production of documents and other evidence; what type of punishment it would inflict; and how its sentences were to be executed. It was also highly important that Governments should know over what crimes an international penal tribunal would exercise its jurisdiction. Would its competence extend over all the criminal acts which would eventually be included in the draft code of offences against the peace and security of mankind, and would the acts generally known as "crimes against the law of nations", such as piracy, be automatically excluded? They declared that they preferred not to take a position on the question as to whether an international criminal court was possible or desirable until they had before them a draft statute of the said court and, if possible, a draft code of the law which the court would apply.

The representatives of, among others, Argentina, Canada, the Dominican Republic and the Union of South Africa, held the view that further consideration of that part of the report of the International Law Commission dealing with this question should be postponed until after the Commission had submitted its draft code of offences against the peace and security of mankind. It was

premature to take any further steps toward establishing an international criminal court, they argued, until the International Law Commission had drafted a code. At the moment, they explained, there was a dearth of positive law which the proposed court could apply.

Some representatives, including those of Cuba, France, Iran and Uruguay, on the other hand, were of the opinion that at this stage it would be preferable to set up an inter-governmental committee which could prepare a draft statute of an international criminal court, taking into account also the political aspects of the matter. It was emphasized that the setting up of such a committee would be without prejudice to the question of the desirability or possibility of establishing such a tribunal.

The representative of Canada submitted a draft resolution (A/C.6/L.155) which was replaced by a draft resolution (A/C.6/L.157), presented jointly by Canada and the Union of South Africa and subsequently revised by its authors (A/C.6/L.157/Rev.I). The revised joint draft resolution proposed to postpone the consideration of that part of the report of the International Law Commission dealing with this question until after the Commission had submitted its codification of offences against the peace and security of mankind.

The representative of Cuba, on the other hand, placed before the Committee a draft resolution (A/C.6/L.126) which suggested that the International Law Commission should be instructed to prepare a draft statute governing the establishment and functions of an international penal tribunal for the trial of persons charged with genocide or other crimes over which jurisdiction might be conferred upon that organ by international conventions. In the course of the deliberations the representative of Cuba withdrew this draft resolution in favour of a draft resolution presented jointly by Cuba, France and Iran (A/C.6/L.151). In its operative part, the joint draft resolution proposed that a committee composed of representatives of fifteen Member States should meet in Geneva on 1 August 1951 for the purpose of preparing a preliminary draft convention relating to the establishment and the statute of an international penal court, for submission to the next regular session of the General Assembly. It also suggested that the Governments of Member States should be invited to address to the Secretary-General their comments on the organization and functioning of such a court, and that the Secretary-General should be instructed to transmit such comments to the inter-governmental committee.

Amendments to this joint draft resolution (A/C.6/L.151) were submitted by Israel (A/C.6/L.152), the United Kingdom (A/C.6/L.153) and the United States (A/C.6/L.158).

The Israeli amendment would have had the General Assembly request the Secretary-General to prepare a preliminary draft or alternative drafts of a convention and statute of an International Penal Court. It would have also, *inter alia*, deferred the placing of the question before the General Assembly from the sixth regular session to the seventh.

The United Kingdom amendment would, among other things, have provided for the addition of a new paragraph to read as follows: "Bearing in mind also that no useful purpose will be served by setting up such an International Penal Tribunal unless it can function effectively".

The United States amendment would have provided for the substitution of the words "preliminary draft conventions or proposals" in lieu of the words "a preliminary draft convention".

In the light of these amendments, Cuba, France and Iran submitted a revised draft resolution (A/C.6/L.151/Rev.1), which incorporated, in substance, all the amendments except one of those suggested by the United Kingdom. This latter amendment was however re-drafted by its author, submitted as an amendment (A/C.6/L.159) to the revised draft resolution and, in this new form was accepted by the sponsors of that draft resolution. In its new form, it stated that a final decision regarding the setting up of an international penal court could not be taken except on the basis of concrete proposals. The joint draft resolution, as amended, recalled, in its first paragraph, resolution 260 B (III) inviting the International Law Commission to study the desirability and possibility of establishing an international penal court, and in its second paragraph it took account of the conclusion reached by the Commission that the creation of such a court was desirable and possible. In the third paragraph it referred to article VI of the Convention on the Prevention and Punishment of the Crime of Genocide, and in the fourth paragraph it included the new United Kingdom amendment. Consequently, in the operative part, it recommended the establishment of a committee composed of representatives of seventeen Member States which should meet in Geneva on 1 August 1951 for the purpose of preparing one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international criminal court. It further requested the Secretary-General to prepare and sub-

mit to this inter-governmental committee one or more preliminary draft conventions and proposals regarding such a court, to make all necessary arrangements for the convening of the committee and for its meetings, to communicate to the Governments of Member States the report of the Committee so that their observations could be submitted not later than 1 June 1952, and to place this question on the agenda of the seventh session of the General Assembly.

Prior to the voting, the representatives of Canada and the Union of South Africa moved that their joint draft resolution (A/C.6/L.157/Rev.1) should be voted upon first. They felt that it dealt with a previous question, that is whether measures for establishing an international penal tribunal should be undertaken immediately or be postponed until the International Law Commission had prepared a draft code of offences against the peace and security of mankind. Moreover, they wished to reserve the right to make further amendments to the joint draft resolution submitted by Cuba, France and Iran if their own draft resolution should not be adopted. This motion was rejected by 18 votes in favour, 18 against, with 11 abstentions. (If a vote is equally divided on matters other than elections, the proposal, according to the rules of procedure of the General Assembly is regarded as rejected).

At this point, the representative of Canada submitted an amendment to replace the second paragraph of draft resolution A/C.6/L.151/Rev.1 by the second paragraph of draft resolution A/C.6/L.157/Rev.1 which merely stated that the General Assembly had given "preliminary consideration to part IV of the report of the second session of the International Law Commission". This amendment was adopted by 20 votes to 16, with 12 abstentions.

The Sixth Committee at its 244th meeting on 27 November voted upon the draft resolution of Cuba, France and Iran, as amended, first in parts then as a whole. It was adopted as a whole by 35 votes to 6, with 8 abstentions. The Sixth Committee in its report to the Assembly (A/1639) stated that in adopting this draft resolution, it was clearly the sense of the Committee that the establishment of the inter-governmental committee, for the purpose of preparing one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international criminal court, would in no way commit the Governments as to the ultimate desirability and possibility of establishing such a court.

The Committee then considered the question of the composition of the inter-governmental committee. The representative of Turkey, rapporteur of the Sixth Committee, introduced a proposal (A/C.6/L.160 & Corrs.1-3) to the effect that the inter-governmental committee should be composed of representatives of the following Member States: Brazil, China, Cuba, Egypt, France, Iran, Israel, the Netherlands, Pakistan, Peru, Poland, Sweden, Syria, the USSR, the United Kingdom, the United States and Uruguay. He then suggested that the membership of the Committee should be increased to nineteen and that Australia and India should be added to the list. However, as the representatives of Poland and the USSR stated that their countries were unable to accept membership on the Committee, Australia and India were included on the list without changing the number of members. The representative of Sweden thereupon orally requested that Denmark should be substituted for his country. The proposal of Turkey, as thus modified, was adopted by the Sixth Committee at its 246th meeting on 29 November by 36 votes to none, with 6 abstentions.

The report of the Sixth Committee (A/1639) was considered by the General Assembly at its 320th plenary meeting on 12 December. The draft resolution recommended for adoption was adopted by 42 votes to 7, with 5 abstentions, as resolution 489(V), the text of which was as follows:

The General Assembly,

Recalling that, in its resolution 260 B (III) of 9 December 1948, it considered "that, in the course of development of the international community, there will be an increasing need of an international judicial organ for the trial of certain crimes under international law", and that, in the same resolution, it invited the International Law Commission "to study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction will be conferred upon that organ by international conventions",

Having given preliminary consideration to part IV of the report of the International Law Commission on the work of its second session,

Bearing in mind article VI of the Convention on the Prevention and Punishment of the Crime of Genocide,

Bearing in mind, further, that a final decision regarding the setting up of such an international penal tribunal cannot be taken except on the basis of concrete proposals,

1. Decides that a committee composed of the representatives of the following seventeen Member States, namely, Australia, Brazil, China, Cuba, Denmark, Egypt, France, India, Iran, Israel, the Netherlands, Pakistan, Peru, Syria, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, shall meet in Geneva on 1 August 1951 for the purpose of preparing one or more preliminary draft

conventions and proposals relating to the establishment and the statute of an international criminal court;

2. Requests the Secretary-General to prepare and submit to the committee referred to above one or more preliminary draft conventions and proposals regarding such a court;

3. Requests the Secretary-General to make all necessary arrangements for the convening of the committee and for its meetings;

4. Requests the Secretary-General to communicate the report of the committee to the governments of Member States so that their observations may be submitted not later than 1 June 1952, and to place the question on the agenda of the seventh session of the General Assembly.

7. Preparation of a Draft Code of Offences Against the Peace and Security of Mankind

The General Assembly in November 1947 by resolution 177(II) directed the International Law Commission to prepare a draft code of offences against the peace and security of mankind. After considering the question at its first session, the Commission appointed a rapporteur to prepare a working paper on the subject to be submitted to the Commission at its second session. The Commission also decided that a questionnaire should be circulated to Governments inquiring what offences, apart from those (defined in the Charter and Judgment of the Nürnberg Tribunal, should, in their view, be comprehended in the draft code.

Mr. Jean Spiropoulos, who had been appointed rapporteur for this subject at the first session, presented his report (A/CN.4/25) which the Commission took as the basis of its discussion at its second session. The Commission also took into consideration the replies of Governments to its questionnaire (A/CN.4/19, part II, A/CN.4/-19/Add.1; A/CN.4/19/Add.2).

The view of the Commission was that the meaning of the term "offences against the peace and security of mankind" should be limited to offences which contain political elements and which endanger or disturb international peace and security. The draft code should not therefore deal with questions concerning the conflicts of legislation and jurisdiction in international criminal matters. The Commission also felt that such matters as piracy, traffic in dangerous drugs, traffic in women and children, slavery, counterfeiting currency and damage to submarine cables, should not be considered as falling within the scope of the draft code. As regards the instruction given by the General Assembly in its resolution 177(II) that the Commission should clearly indicate "the

place to be accorded to the Nürnberg principles" in the draft code the Commission felt that the phrase ought not to be taken as meaning that the principles of the Charter and Judgment of the Tribunal should be inserted in their entirety or without change in the draft code. The Commission further decided that the draft code should deal only with the criminal responsibility of individuals.

The Commission took note of a communication from UNESCO, and agreed that destruction of historical monuments and documents and works of art in case of armed conflict comes within the general concept of war crimes.

As regards the responsibility of a person acting as Head of State or as a responsible government official, or under superior orders, the Commission decided, tentatively, to follow the relevant principles of the Nürnberg Charter and Judgment as it had formulated them. As regards the implementation of the draft code, the Commission concluded that, pending the establishment of a competent international criminal court, such implementation would have to be achieved through the enactment of necessary legislation by States adopting the code.

In the light of these deliberations, a drafting sub-committee, composed of Mr. Alfaro, Mr. Hudson and Mr. Spiropoulos, prepared a provisional draft of a code (A/CN.4/R.6). This draft was referred by the Commission to the special rapporteur, Mr. Spiropoulos, with the request to continue work on the subject and to submit a further report to the Commission at its third session.

8. Progress of Work on Topics Selected for Codification

The International Law Commission after having surveyed at its first session the whole field of international law with a view to selecting topics for codification, decided to give priority to three topics from fourteen provisionally selected for codification. These three topics were: law of treaties, arbitral procedure, and regime of the high seas.

a. LAW OF TREATIES

Mr. James L. Brierly, who had been appointed special rapporteur for this subject at the Commission's first session presented a report (A/CN.4/23) on the topic to the second session. The Commission also had before it replies of Govern-

ments to a questionnaire addressed to them under article 19, paragraph 2, of the Commission's Statute (A/CN.4/19, part I, A).

The Commission, in five meetings, discussed at its second session in a preliminary way the report of the special rapporteur with a view to assisting him in the continuance of his work. It made a provisional decision that exchanges of notes were within the scope of the subject, and that the explanation of the term "treaty" should be "a formal instrument" rather than an "agreement recorded in writing". There was general agreement among members of the Commission that, while treaty-making powers of certain international organizations were clear, the determination of the other organizations which possess capacity for making treaties would need further consideration.

On the part of the report dealing with reservations, there was general agreement that a reservation requires at least the consent of all parties in order to become effective.

b. ARBITRAL PROCEDURE

Mr. Georges Scelle, who had been appointed special rapporteur on this subject at the Commission's first session submitted to the second session his report (A/CN.4/18), in which he proposed a preliminary draft code of arbitral procedure. The Commission also had before it the replies of Governments (A/CN.4/19, part I, B) to a questionnaire circulated by it. The report of the special rapporteur, which served as the basis of discussion, was confined to arbitration between States, or inter-governmental arbitration.

The special rapporteur emphasized that arbitral procedure as it stands today contained loopholes through which States were enabled to evade their obligations, either by making it impossible for the arbitral tribunal to be constituted, or by hampering its functioning. The object of the code of arbitral procedure should be to close these loopholes. The elements of codification, the rapporteur stated, existed in the arbitration procedure drawn up by the Hague Conferences of 1899 and 1907 and by the League of Nations (General Act of 26 September 1928, revised by the General Assembly of the United Nations in 1949), but these needed to be consolidated and developed.

The report stated that provision should be made for intervention, in the absence of agreement between the parties, by an international authority whose decisions would be binding. In some cases that authority might be the arbitral tribunal itself, and, in other cases the International Court of

Justice. The special rapporteur accordingly suggested that the arbitral tribunal should be constituted, if necessary, prior to the conclusion of the compromis, to enable it to draw up the compromis itself and adopt the procedure for reaching the award.

In the view of Mr. Scelle, in the event of a dispute as to whether an issue existed or as to whether it fell within the terms of the obligation to arbitrate, the issue should be referred to the International Court of Justice for judgment to be pronounced in a chamber of summary procedure.

In the light of the above thesis, the Commission discussed three paragraphs of the draft text prepared by Mr. Scelle dealing with: disputes as to existence of the obligation to arbitrate; appointment of arbitrators or arbitral tribunal; and replacement, resignation, withdrawal or challenge of arbitrators. The Commission agreed to request the special rapporteur to submit, at its next session, a revised draft, taking into account the views expressed during the discussion.

c. REGIME OF THE HIGH SEAS

Mr. J. P. A. Francois, who had been appointed special rapporteur on this subject at the Commission's first session, submitted his report (A/CN.4/17) on the topic to the second session. The Commission also had before it the replies of Governments (A/CN.4/19, part I, C) to a questionnaire circulated by it.

The Commission decided to eliminate from the scope of its study a number of subjects related to this topic which were either being studied by other United Nations organs and specialized agencies or were otherwise not suitable. The following subjects were retained by the Commission for codification:

(i) Nationality of Ships; (ii) Collision; (iii) Safety of Life at Sea; (iv) The Right of Approach; (v) Slave Trade; (vi) Submarine Telegraph Cables; (vii) Resources of the Sea; (viii) Right of Pursuit; (ix) Contiguous Zones; (x) Sedentary Fisheries; (xi) The Continental Shelf.

9. Miscellaneous Decisions Taken by the Commission at Its Second Session

The Commission took note of General Assembly resolutions 373 (IV) and 375 (IV), both adopted at the Assembly's fourth session, on the report of the Commission's first session. In response to the request contained in Assembly resolution 374 (IV), the Commission decided to include in its list of priorities the topic of territorial waters.

The Commission decided to consider the drafting of a convention on the nationality of married women, as requested by the Economic and Social Council (resolution 304 D (XI)) in connexion with the Commission's study of "nationality, including statelessness", one of the subjects chosen for codification.²⁶

C. REPARATION FOR INJURIES INCURRED IN THE SERVICE OF THE UNITED NATIONS

The General Assembly, on 1 December 1949, adopted resolution 365 (IV),²⁷ concerning reparation for injuries incurred in the service of the United Nations, under which the Secretary-General was authorized to present an international claim against the Government of a State, Member or non-member of the United Nations, alleged to be responsible, with a view to obtaining the reparation due in respect of the damage caused to the United Nations and to the victim or to persons entitled through him. The Secretary-General was authorized to submit to arbitration such claims as could not be settled by negotiation. The resolution further authorized the Secretary-General to negotiate in each particular case the agreements necessary to reconcile action by the United Nations with such rights as might be possessed by the

State of which the victim was a national. The Secretary-General was requested to submit an annual report to subsequent sessions of the Assembly on the status of such claims.

The Secretary-General, accordingly, submitted to the fifth session of the General Assembly a report (A/1347) concerning the procedure adopted and the steps taken with respect to cases of injuries or deaths of United Nations agents in Palestine.

The Secretary-General adopted the following procedure:

(1) to determine which of the cases appeared likely to involve the responsibility of a State;

(2) to consult with the Government of the State of which the victim was a national in order to determine

²⁶ See p. 559.

²⁷ See Y.U.N., 1948-49, p. 945.

whether (a) that Government had any objection to the presentation of a claim or (b) whether it desired to join in the submission of a claim; and

(3) to present, in each such case, an appropriate request to the State involved for the initiation of negotiations to determine the facts, and the amount of reparations, if any, involved.

With respect to damages, the Secretary-General declared that he would be guided by the following principles:

(1) the reparations requested should be reasonably adequate to compensate the Organization and the victim or the persons entitled through him;

(2) the State involved should be given appropriate assurances that it would not be subjected to multiple claims by the United Nations, the victim and the State of the victim's nationality for the same damage; and

(3) the Secretary-General would not advance any claim for exemplary damages.

With respect to the death of Count Folke Bernadotte, United Nations Mediator in Palestine, who was killed by irregular forces in territory under Israeli control in Jerusalem on 17 September 1948, the Secretary-General, on 21 April 1950, addressed a letter to the Minister for Foreign Affairs of Israel. This letter requested:

(1) a formal apology to the United Nations for the murder of the Mediator in territory under the control of the Israeli Government;

(2) the continuation and intensification of the Government's efforts to apprehend and bring to justice the perpetrators of the crime;

(3) the payment to the United Nations of the sum of \$54,628 as reparation for the monetary damage borne by the United Nations (the widow of Count Bernadotte had informed the Secretary-General that she did not wish to present a claim for pecuniary redress with regard to the damage suffered by her on account of her husband's death).

The Israeli Government replied to the Secretary-General on 14 June 1950. Israel remitted \$54,628 as reparation for the damage suffered by the United Nations, and expressed its most sincere regret that the dastardly assassination took place on Israeli territory, and that despite all its efforts the criminals had gone undetected. It added that it did not regard the case as closed.

On 22 June 1950, the Secretary-General replied to the Government of Israel. After expressing his regret that the efforts so far made by that Government had not resulted in the apprehension and trial of the perpetrators of the crime, the Secretary-General stated that the payment of indemnity, the expression of regret and the report on the steps taken to date, which were included in the Israeli Government's letter, constituted substantial compliance with the claim submitted in the Secretary-General's letter of 21 April 1950.

The Secretary-General also considered the following cases of death and injury to French mili-

tary observers in Palestine: Commandant Rene de Labarriere, who died of an explosion on 6 July 1948 in the Nazareth region; Lt.-Colonel Joseph Queru and Captain Pierre Jeannel, who were killed at the Gaza airfield on 28 August 1948 by troops under Egyptian command; Colonel Andre Serot, who was killed, at the same time as Count Bernadotte, by irregular forces in territory under Israeli control in Jerusalem on 17 September 1948; and Commandant Etienne de Canchy, who was injured by an explosion on 6 July 1948 in the Nazareth region. After receiving assurance from the French Government that it had no objection to the presentation of claims by the United Nations for damage caused to the victims or persons entitled through them, the Secretary-General, on 31 July 1950, addressed a letter to the French Government. The letter stated that the United Nations would include in its claims a demand for reparation for damage to the victims if a request to this effect were made by the claimants through the French Government. The Secretary-General indicated the elements of information to be submitted by the claimants, on the basis of which he would determine the amount of reparation to be demanded for damage to the victims or persons entitled through them. It was also stated that the United Nations had already paid the sum of \$25,000 as compensation in each case of death, and would therefore withhold that amount from any recoveries obtained from the responsible Governments as compensation for damage to the victim's dependents. In order to avoid the possibility of multiple claims against the responsible Governments, the Secretary-General requested assurance from the French Government that it had no intention of presenting claims with respect to the injuries or death of the French military observers in Palestine. On receipt of a request from the claimants, the Secretary-General would initiate negotiations with the Governments held responsible. If, on the other hand, any or all of the victims' dependents decided not to request the United Nations to present claims on their behalf, the Secretary-General intended to limit the claim to the damage caused to the United Nations.

On the basis of the information available to the United Nations, the Secretary-General considered that the death of Ole Helge Bakke, a Norwegian national and a member of the United Nations Secretariat, who was killed by a soldier of the Arab Legion near Jerusalem on 13 July 1948, involved the responsibility of the Government of the Hashemite Kingdom of Jordan. The Secretary-General was informed by Mr. Bakke's

widow, a national of the United States, that she did not wish to bring a claim against the Jordan Government. On the other hand, the Norwegian Government informed the Secretary-General that Mr. Bakke's mother, a Norwegian national, would be grateful if the United Nations brought a claim against the responsible Government for the pecuniary damage suffered by her in connexion with Mr. Bakke's death. Accordingly, the United Nations in its claim against the Jordan Government will include a demand for reparation for the damage suffered by the Organization and by Mr. Bakke's mother.

With respect to the death of Thomas C. Wason, American Consul-General in Jerusalem and a member of the United Nations Truce Commission, who was killed by a sniper on 23 May 1948 in Jerusalem, the Secretary-General was advised by the United States on 23 February 1950

that it was not possible, in the light of information available to that Government, to fix responsibility for his death. The Secretary-General accordingly reported that, unless new evidence was obtained, there were not sufficient elements to enable him to bring an international claim against a Government.

The General Assembly, at its 285th plenary meeting held on 26 September 1950, referred the Secretary-General's report to the Sixth Committee which considered it at its 214th meeting held on 27 September 1950, and decided (A/1420) by 48 votes to none, with 3 abstentions, to recommend to the General Assembly that it take note of the Secretary-General's report.

This recommendation was adopted by the Assembly at its 299th plenary meeting on 1 November by 48 votes to none in resolution 476(V).

D. PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

The General Assembly on 13 February 1946 approved a Convention on the Privileges and Immunities of the United Nations²⁸ and proposed it for accession by each Member of the Organization. On 8 December 1948, the Assembly urged all Member States to accede as soon as possible to the Convention.²⁹

The Secretary-General, on 8 November 1950, submitted a report (A/C.5/398, Annex A) to the fifth session of the General Assembly showing the status of the action taken by Members with respect to the Convention. He reported that as of 22 September 1950, the following 38 Members, on the dates indicated, had deposited their instruments of accession to the Convention:

United Kingdom-17 September 1946
Dominican Republic-7 March 1947
Liberia-14 March 1947
Iran-8 May 1947
Honduras-16 May 1947
Panama-27 May 1947
Guatemala-7 July 1947
El Salvador-9 July 1947
Ethiopia-6 August 1947
Haiti-6 August 1947
France-18 August 1947
Norway-18 August 1947
Sweden-28 August 1947
Afghanistan-5 September 1947
Philippines-28 October 1947
Nicaragua-29 November 1947
New Zealand-10 December 1947
Greece-29 December 1947
Poland-8 January 1948
Canada-22 January 1948

Iceland-10 March 1948
Netherlands-19 April 1948
India-13 May 1948
Denmark-10 June 1948
Egypt-17 September 1948
Pakistan-22 September 1948
Belgium-25 September 1948
Chile-15 October 1948
Luxembourg-14 February 1949
Australia-2 March 1949
Lebanon-10 March 1949
Iraq-15 September 1949
Israel-21 September 1949
Costa Rica-26 October 1949
Brazil-15 December 1949
Bolivia-23 December 1949
Yugoslavia-30 June 1950
Turkey-22 August 1950

Three Members, namely, Canada, New Zealand and Turkey,³⁰ had made reservations to section 18 (b) of the Convention (which states that officials of the United Nations should be exempt from taxation on the salaries and emoluments paid to them by the Organization). Canada, while making this reservation, the Secretary-General reported, had taken the necessary action to grant relief from double taxation.

As of 31 December 1950, the following 22 Members had not acceded to the Convention:

Argentina	Byelorussian SSR
Burma	China

²⁸ See Y.U.N., 1946-47, pp. 99-103.

²⁹ See *ibid.*, 1948-49, p. 966.

³⁰ Turkey also made reservations beside that to Sec. 18 (b) of the Convention.

Colombia
Cuba
Czechoslovakia
Ecuador
Indonesia
Mexico
Paraguay

Peru
Saudi Arabia
Syria
Thailand
Ukrainian SSR
Union of South Africa
USSR

United States
Uruguay
Venezuela
Yemen

Of this latter group, Argentina had notified the Secretary-General that persons considered to have diplomatic status would be exempted from national income taxation.

E. REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

1. Report of the Secretary-General

In accordance with the precedent set in previous years, the Secretary-General submitted a report (A/1408) to the fifth session of the General Assembly informing it of the progress made in the registration and publication of treaties and giving a review of the economies which might be effected in this field.

The report stated that during the period from 1 July 1949 to 30 June 1950 there had been a notable increase in the number of treaties and international agreements registered or filed and recorded with the Secretary-General. During the period, 479 treaties were registered or filed and recorded with the Secretariat. Of this number, 295 were registered or filed and recorded by 22 Governments, 120 by four specialized agencies, and 64 ex officio by the Secretariat. In comparison with the figures for the corresponding period of last year, there had been an increase of 133 treaties registered or filed and recorded. This increase, the report pointed out, was due partly to: (1) the inclusion of a considerable number of agreements which were concluded between the United Nations International Children's Emergency Fund and various Member and non-member States; and (2) the registration of a substantially greater number of agreements by specialized agencies, particularly by the International Civil Aviation Organization and the International Labour Organisation.

Up to 30 August 1950, 1,024 treaties and agreements were registered—106 ex officio, 771 by 28 Governments, and 147 by four specialized agencies; and 259 were filed and recorded—219 by 12 Governments, 32 by the Secretariat, and eight by three specialized agencies. This represented a total of 1,283 treaties and agreements registered or filed.

Since his report of 24 August 1949 to the General Assembly at its fourth session (A/958),

913 certificates of registration had been issued by the Secretary-General, bringing the total number of certificates issued to 2,229.

The report drew attention to the fact that a special effort had been made to have registered treaties published with the least possible delay. The 37th volume of the United Nations Treaty Series appeared on 12 August 1950. Of the 37 volumes, nineteen had been published in the course of the last twelve months. Fifteen further volumes had been sent to the press, and it was expected that the interval between registration and publication would soon be reduced to about six months. An index volume covering the treaties contained in the first fifteen volumes of the Treaty Series had been published, and the second volume, covering a further fifteen volumes, was in an advanced stage of preparation.

The report then reviewed possible economies in the expenditure involved in the registration and publication of treaties. The Secretary-General recalled that during the fourth session of the General Assembly the Fifth and Sixth Committees had considered this question which had been brought to the Assembly's attention by the Advisory Committee on Administrative and Budgetary Questions in its second report of 1949 (A/934). Both Committees had been informed that a report on the subject would be presented by the Secretary-General to the Assembly's fifth session and would include, if necessary, proposals to amend the regulations to give effect to Article 102 of the Charter.³¹

³¹ This Article states:

"1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

"2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

A memorandum on this question (A/CN.I/R.24) was submitted by the Secretary-General on 9 June 1950 to the Advisory Committee, which gave its observations on it in its second report of 1950 to the General Assembly (A/1312).

In his memorandum the Secretary-General set out a concrete list of possible economies under two headings:

- (1) those requiring amendments to the regulations adopted by the General Assembly to give effect to Article 102 of the Charter;
- (2) those not requiring amendments to the regulations.

In the former group, he indicated that economies might be made by:

- (1) publishing the Treaty Series in English and French only;
- (2) issuing certificates of registration only to the registering party or agency;
- (3) keeping the Register of treaties and international agreements in English and French.

Under the first point, the Secretary-General explained that the existing regulations required the Secretariat to publish every treaty or international agreement which was registered, or filed and recorded, in the original language or languages, followed by a translation in English and in French. This, he indicated, involved considerable extra editorial, translation and typesetting work, and some inevitable delay in publication. A comparison of the actual cost of publishing the first fourteen volumes of the Treaty Series and the cost had the French and English languages only been used indicated that a saving of about 25 per cent on the total cost of publication would have been effected.

With reference to this point, the Advisory Committee stated that one of the main purposes of Article 102 of the Charter was to ensure that the contents of every international instrument to which a Member of the United Nations is a party should be made known without delay. This purpose would be adequately fulfilled by publication in English and French, particularly since those are the official languages of the International Court of Justice, the organ before which registered treaties and agreements are most frequently invoked. Publication on this basis would produce an appreciable economy in the budget.

The Advisory Committee went on to state that however competently performed, a translation could not represent the exact equivalent of an original text. Even if certified by the contracting parties, it must necessarily have a validity inferior to that of the original. The Committee therefore suggested that instead of amending the regulations, Members of the United Nations should be

invited to submit, wherever possible, a translation in either English or French.

The second possible amendment to the regulations concerned article 7, to the effect that certificates of registration, instead of being issued to the registering party or agency and also to all signatories and parties to the international agreement being registered, might be issued only to the registering party or agency. In his report to the Assembly, the Secretary-General explained that the issuance of certificates to all other signatories and parties was of little practical value since, under articles 13 and 14 of the regulations, the Secretariat was required in any case to publish and send to all Members every month a statement of all treaties and international agreements registered or filed and recorded during each month.

The Advisory Committee had stated in its second report of 1950 that it was in agreement with these considerations and that it understood that savings would ensue if article 7 of the regulations were so amended.

The third and last instance involving an amendment to the regulations, in this case article 8, would permit the Register to be kept only in English and French. Article 8 stipulated that the Register should be kept in the five official languages of the United Nations. This necessitates the maintenance of five separate registers, each containing all the particulars of each treaty or international agreement required by the other provisions of article 8. On this possible amendment the Advisory Committee reached the conclusion that economy would result if the Register were kept in English and French.

Under the second group of possible economies—those not involving amendments to the regulations to give effect to Article 102 of the Charter—the Secretary-General suggested that the following points might be considered:

- (1) dispensing with the publishing of certain annexes to treaties and agreements;
- (2) dispensing with the publishing of model texts;
- (3) arranging for the printing of the Treaty Series in Europe;
- (4) restricting the free mailing list;
- (5) using paper of less quality and a smaller type face for the printing of the Treaty Series.

With respect to the first point, the Secretary-General noted that there were types of annexes to treaties or international agreements which, being in no way essential to an understanding of the main documents, might well be excluded from publication without any departure from the legal requirements of the regulations themselves. He explained that this, of course, would be done only

after consultation between the Secretariat and the registering parties.

Commenting on this, the Advisory Committee declared that it had formed the opinion that, as regards the publication of annexes to treaties, economy in printing costs could best be achieved by means of consultations between the registering parties and the Secretary-General, a method which had already produced satisfactory results. In this connexion, the Committee observed that since a condition precedent to registration was that the complete text of the instrument should be submitted, the omission from the Treaty Series of a part or the whole of an annex to a treaty or agreement could not be construed as affecting the validity of the registration.

The second suggestion involved dispensing with the publication in full of virtually identical texts all based on a standard model. The Secretary-General submitted that much duplication of material in the Treaty Series might be avoided by omitting the repetitive portions of such treaties or agreements, at least when all were published together. The Advisory Committee upheld this view, stating in its report that it believed that appreciable savings were possible by dispensing with the publication of model texts.

The Secretary-General observed that a saving of about 30 per cent could be made if the Treaty Series were printed in Europe. The Advisory Committee thought that such a saving was a consideration of first importance. The Committee concurred in the Secretary-General's suggestion to reduce to a minimum the free issue of the Series, and in its report drew attention to the economies that would be effected by the use of paper of less quality and of smaller type in printing the Treaty Series.

2. Resolution Adopted by the Assembly at Its Fifth Session

The General Assembly, at its 285th plenary meeting on 26 September 1950, referred the question of the registration and publication of treaties to the Sixth Committee which considered it at its 246th meeting on 29 November. In addition to this report of the Secretary-General (A/1408), the Sixth Committee had before it a draft resolution submitted by the United States (A/C.6/L.154) and amendments to it proposed by the United Kingdom (A/C.6/L.156).

The United States draft resolution called upon the Assembly to:

(1) note with satisfaction the progress achieved in registering and publishing treaties;

(2) invite Members and non-members parties to treaties or international agreements subject to publication to provide the Secretary-General with translations in English or French or both as might be needed;

(3) amend the Assembly regulations in this matter so that the Register would be kept in only English and French;

(4) request the Secretary-General to continue publishing all treaties and international agreements in their full and unabridged form, including all annexes, "provided however, that in the reproduction of annexes, he may in his discretion employ less expensive methods of reproduction";

(5) request the Secretary-General to reduce the free mailing list. (For full text, see below.)

The first part of the United Kingdom amendment to the United States draft recommended that the Assembly's regulations be amended so that instead of issuing a certificate of registration to the registering party or agency and also to all signatories and parties to the treaty or international agreement registered, such a certificate would be issued only to the party or agency which registered the treaty or agreement.

With reference to this particular amendment, the representative of Canada explained that a certificate of registration was of little practical importance and was needed only in such rare cases as when a party to a treaty wished to prove that the treaty had been registered with the United Nations. That party need not necessarily be the one which had registered the instrument, and he therefore orally proposed that the United Kingdom amendment be amended in order to provide that a certificate of registration be issued to the, registering party or agency or upon request to any party to a treaty or international agreement registered. The representative of the United Kingdom accepted this amendment.

The second substantive part of the United Kingdom amendment called for the deletion of that part of paragraph 4 of the United States draft providing for less expensive methods of reproducing annexes (see quoted phrase in point 4 above) and the substitution for it, of the following:

provided that,

(a) in the reproduction of annexes, he may in his discretion employ less expensive methods of reproduction, (b) he may, with the consent of the party or parties or the agency registering a treaty or international agreement, refrain from publishing any annex to that treaty or agreement, and

(c) if the text of any treaty or international agreement is almost identical with the text of one which has already been published in the United Nations Treaty Series, he may publish only such part of the treaty or agreement, together with any necessary explanatory note, as may

be required to show clearly how the later treaty or agreement differs from the earlier one.

The discussion in the Sixth Committee centred mainly around paragraph 4 of the United States draft resolution concerning the publication of annexes, and the amendments to this paragraph proposed by the United Kingdom. The representative of the USSR supported the United Kingdom amendments. The representatives of, *inter alia*, India, the United States, Uruguay and Yugoslavia, on the other hand, expressed certain doubts concerning the effect of the amendments.

It was pointed out in this connexion that an annex was normally an integral part of a treaty or agreement and often constituted the most important part of the whole text; that the omission from publication of annexes would defeat the underlying purpose of Article 102 of the Charter; that such procedure, if adopted, might provide a loophole which would enable States to withhold vital details of a treaty from publication; and that it was clear from the provisions both of Article 102 of the Charter and article 5 of the Assembly regulations, that what should be published was a "true and complete" copy of the agreement. Attention was also drawn to certain difficulties which might face the Secretary-General should a procedure be adopted whereby, with the consent of a registering party, he could refrain from publishing an annex to a treaty. Similar fears were also expressed in connexion with the amendment which would authorize the Secretary-General to refrain from publishing in its entirety a treaty or agreement, the text of which was almost identical with the text of one which had already been published, especially in view of the imprecise meaning of the words "almost identical".

It was argued on the other hand that the United Kingdom amendment would not in any way enable States to evade the obligation to register the complete text of an agreement including annexes; that its only purpose was to refrain from publishing detailed and unessential annexes in the Treaty Series. The references to such annexes would remain in the text of the treaty and the annexes themselves would be available for inspection by any Government wishing to consult them.

The representatives of the Union of South Africa and Iran declared their support of the United States draft resolution and the first part of the United Kingdom amendment. The representative of Australia said that he would vote in favour of both the United States draft resolution and the United Kingdom amendments to the draft.

At the end of the discussion, the Sixth Committee voted on the proposals before it, voting first on the United Kingdom amendments. The only amendment to be adopted was the first United Kingdom amendment, as modified at the suggestion of the representative of Canada. This was adopted by 38 votes to 2, with no abstentions.

At the request of the representative of Peru, the Committee took a separate vote on paragraph -4 (formerly paragraph 3) of the United States draft resolution and adopted it by 23 votes to 8, with 9 abstentions. The amended draft resolution as a whole was then adopted by 39 votes to none, with 2 abstentions.

The report of the Sixth Committee (A/1626) containing the text of the resolution it recommended for adoption by the General Assembly was considered by the Assembly at its 320th plenary meeting on 12 December. The Assembly also had before it a report of the Fifth Committee (A/1663) on the matter. The Fifth Committee informed the Assembly in its report that adoption of the draft resolution recommended by the Sixth Committee would require an additional \$50,000 for the 1951 budget.

The resolution was then voted upon and adopted by 50 votes to none as resolution 482 (V). Its text was as follows:

The General Assembly,

Having considered the report of the Secretary-General on the registration and publication of treaties and international agreements and the observations in this regard of the Advisory Committee on Administrative and Budgetary Questions,

1. Notes with satisfaction the progress achieved in regard to the registration and publication of treaties;

2. Invites Member and non-member States parties to treaties or international agreements subject to publication under article 12 of the regulations to give effect to Article 102 of the Charter of the United Nations, to provide the Secretary-General, where feasible, with translations in English or French or both as may be needed for the purposes of such publication;

3. Amends article 7 of the regulations to give effect to Article 102 of the Charter of the United Nations to read:

"A certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency and also, upon request, to any party to the treaty or international agreement registered";

4. Amends the first sentence of paragraph 1 of article 8 of the regulations to give effect to Article 102 of the Charter of the United Nations to read:

"1. The register shall be kept in the English and French languages";

5. Requests the Secretary-General, when acting under article 12 of the regulations to give effect to Article 102

of the Charter of the United Nations, to continue, as economically as practicable, without undue delay and without sacrifice of uniformity in style and record permanence, to publish all treaties and international agreements in their full and unabridged form, including

all annexes, provided however that, in the reproduction of annexes, he may in his discretion employ less expensive methods of reproduction;

6. Requests the Secretary-General regularly to review the free mailing list with a view to its possible reduction.

F. PERMANENT MISSIONS TO THE UNITED NATIONS

The General Assembly on 3 December 1948 adopted resolution 257 A (III)³² instructing the Secretary-General to submit, at each regular session of the Assembly, a report on the credentials of the permanent representatives accredited to the United Nations.

In his report to the Assembly's fifth session (A/1472), the Secretary-General stated that as of 2 November 1950, the following 53 Member States had set up Permanent Missions at the seat of the United Nations:

Afghanistan	Greece	Panama
Argentina	Guatemala	Paraguay
Australia	Haiti	Peru
Belgium	Honduras	Philippines
Bolivia	Iceland	Poland
Brazil	India	Saudi Arabia
Canada	Indonesia	Sweden
Chile	Iran	Syria
China	Iraq	Thailand
Colombia	Israel	Turkey
Costa Rica	Lebanon	Union of
Cuba	Liberia	South Africa
Czechoslovakia	Mexico	USSR
Denmark	Netherlands	United Kingdom
Dominican Republic	New Zealand	United States
Ecuador	Nicaragua	Uruguay
Egypt	Norway	Venezuela
France	Pakistan	Yugoslavia

Fifty of these, it was stated, fully satisfied the stipulations made in paragraph 1 of the Assembly's resolution.³³

The following Member States had empowered their Permanent Representatives to represent them in specified organs of the United Nations:

Afghanistan	France	New Zealand
Australia	Haiti	Panama
Brazil	India	Philippines -
Chile	Lebanon	Saudi Arabia
China	Liberia	United Kingdom
Cuba	Mexico	

The following Member States had authorized their Permanent Representatives to represent them in all organs of the United Nations:

Belgium	Indonesia	Union of
Czechoslovakia	Iran	South Africa
Dominican Republic	Netherlands	United States
Ecuador	Norway	Uruguay
Egypt	Peru	Venezuela
Greece	Thailand	Yugoslavia
	Turkey	

The following Member States had maintained Permanent Missions to the European Office of the United Nations at Geneva:

Australia	France	Poland
Belgium	Greece	Turkey
Brazil	Israel	United Kingdom
Canada	Mexico	Uruguay
Chile	Netherlands	Yugoslavia
Denmark	Panama	

The Secretary-General further reported that Norway, the United States and Sweden had appointed representatives solely to the Economic Commission for Europe.

G. PERMANENT INVITATION TO THE ARAB LEAGUE TO ATTEND SESSIONS OF THE GENERAL ASSEMBLY

On 12 July 1950 Syria requested (A/1290) the Secretary-General to place the following item on the agenda of the fifth regular session of the General Assembly: "Permanent invitation to the Arab League to attend sessions of the General Assembly".

The General Assembly, at its 285th plenary meeting on 26 September 1950, referred this item to the Sixth Committee which considered it at its 215-217th meetings inclusive, held on 2, 4 and 5

October. The Sixth Committee had before it three documents bearing on the question:

(1) a note by the Secretary-General, transmitting, at the Committee's request, the text of the Pact of the League of Arab States (A/C.6/L.111);

³² See Y.U.N., 1948-49, p. 973.

³³ Paragraph 1 of the operative part of the resolution stated: "that credentials of the permanent representatives shall be issued either by the Head of the State or by the Head of the Government or by the Minister of Foreign Affairs, and shall be transmitted to the Secretary-General".

- (2) a memorandum by Israel (A/C.6/336);
- (3) a draft resolution submitted by Syria (A/C.6/L.113).

The Secretary-General stated that the Pact, submitted in Arabic, together with English and French translations, had been filed and recorded by Egypt on 29 August 1950. Egypt, Iraq, Jordan, Lebanon, Saudi Arabia, Syria and Yemen were members of the League of Arab States.

The purpose of the League, according to its Pact, is "to draw closer the relations between member States and co-ordinate their political activities with the aim of realizing a close collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries". It also has among its purposes a close co-operation of the member States in the following matters: economic and financial matters; communications; cultural matters; matters connected with nationality, passports, visas, execution of judgments and extradition; social welfare matters; and health matters. Article 5 of the Pact prohibits the use of force in the settlement of disputes between two or more member States.

There were three annexes to the Pact. Annex 1 dealt with Palestine and stated that that country was entitled *de jure* to independence like all other Arab States, and should be represented in the Council of the League by a delegate designated by the Council. The second annex stated that Arab countries not members of the League should be allowed to participate in its activities. The third annex referred to the appointment of a Secretary-General of the League.

The memorandum by Israel raised seven arguments against the Syrian request that a permanent invitation be issued to the Arab League:

- (1) The Arab League was not a regional agency or arrangement within the meaning of Chapter VIII of the Charter as the area covered did not constitute a region and a regional arrangement would have to be accessible to all countries in the area.
- (2) The Pact of the Arab League had been drawn up before the Charter of the United Nations had been signed, and contained no reference to the acceptance of the Charter obligations by the League. Further, no arrangement for regional security was in force between the members of the League. Consequently, the Arab League did not conform to the criterion of a regional arrangement.
- (3) The only joint activities carried out by the League, namely, military intervention in Palestine, had been directed against the United Nations and not in support of it.
- (4) The Arab League was bent on subverting the existing political status in countries outside the League itself.
- (5) The League had refused to co-operate with the Security Council for the restoration of international peace.

(6) The League's procedure, such as holding closed meetings, was contrary to that of the United Nations.

(7) The Arab League should not be granted a permanent invitation to attend sessions of the General Assembly as, unlike the Organization of American States (the Secretary-General of which had received such an invitation),³⁴ it had not extended the same courtesy to the United Nations.

In the course of the general discussion, several representatives of member States of the Arab League, in particular, the representative of Saudi Arabia, answered the seven points in the Israeli memorandum. The following were among his arguments:

(1) The Charter did not define the various regions of the world for the purpose of Chapter VIII, nor were there any rules in international law to determine regions. There was no valid reason either under the Charter or in international law why the region covered by the Arab League should be extended or reduced. Even if agreement could be reached on the identity of the States constituting the Middle East, that did not necessarily mean that a regional arrangement had to be accessible to all the States in the area.

(2) Chapter VIII of the Charter did not require that the Charter obligations be formally accepted by a regional organization, but only that the activities of the organization should be consistent with the purposes and principles of the United Nations—which was the case with the League of Arab States.

(3) It was fallacious to declare that the Arab League had no other activities besides the intervention in Palestine. This intervention was political and had no bearings on the legal aspects of the case; it had in any case mainly been brought on by "the refusal of a small majority of Member States to have the partition issue adjudicated, as the Arab States had proposed, by the International Court of Justice".

(4) The aims of annex II of the Pact "were not at variance with the aims of Chapter XI of the Charter" (which deals with the declaration regarding Non-Self-Governing Territories).

(5) The fifth assertion was irrelevant; nothing in Chapter VIII required regional organizations to take a stand on issues of foreign policy. Moreover, the Arab League had received no request for co-operation.

(6) Many United Nations bodies as well as such a regional arrangement as the North Atlantic Treaty Organization held closed meetings.

(7) When the proposal to extend an invitation to the Organization of American States had been discussed at the third session of the General Assembly, some delegations had objected to the parallel which was being drawn between the invitation by the United Nations and the invitation by the Organization of American States to the Secretary-General, and to establishing such an exchange of courtesy as a precedent. As a result, the part of the proposal referring to reciprocity had been deleted; consequently, the objection raised in the memorandum did not apply. It was also pointed out that in 1947 the Secretary-General of the Arab League had suggested to the Secretary-General of the United Nations the establishment of a relationship similar to that maintained by the United Nations with the Organization of

³⁴ Resol. 253(III). See Y.U.N., 1948-49, p. 976.

American States, including the maintenance of similar liaison between the two organizations.

The draft resolution submitted by Syria (A/C.6/L.113) called upon the General Assembly to request the Secretary-General of the United Nations to invite the Secretary-General of the League of Arab States to attend sessions of the Assembly as an observer.

The representatives of, among others, Argentina, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, the Dominican Republic, Egypt, Greece, Iraq, Lebanon, Liberia, Mexico, Pakistan, Peru, the Philippines, Saudi Arabia, Syria, Turkey, the United Kingdom, the United States and Yugoslavia spoke in support of the Syrian draft resolution. These representatives advanced the following reasons for their support:

(1) The question of the invitation to the Arab League had been discussed at the third session of the General Assembly in connexion with the question of the invitation to the Organization of American States. At that session the representative of Egypt had proposed an amendment to the effect that the same privilege as that extended to the Secretary-General of the Organization of American States should be extended to other regional organizations. This amendment was withdrawn by its sponsor on the formal assurance, given by a number of representatives and confirmed by the Chairman of the Sixth Committee, that the Arab League, as a regional agency would be entitled to the same courtesy at the appropriate time.

(2) The aims and activities of the Arab League were in harmony with the aims and purposes of the United Nations. In view of the identity of interests of the Arab League and of the United Nations, it was not only desirable, but necessary, that the two should co-operate. If the Secretary-General of the Arab League were invited to the sessions of the General Assembly it would be a step forward, and would promote the development of friendly relations among nations and their co-operation towards the attainment of common goals.

(3) The Arab League was a regional organization which had come into being to defend the interests of its members. The General Assembly in adopting resolution 120(II) (concerning an invitation to the Economic and Social Council to study the factors bearing upon the establishment of an economic commission for the Middle East) had implicitly recognized the Arab League as a regional organization in the phrase "as well as with regional organizations in the Middle East such as the Arab League." The Arab League was both politically and legally qualified to fulfil the duties of a regional agency as laid down in the Charter.

(4) When the General Assembly had decided to invite the Organization of American States to send an observer to its sessions, it had established a precedent which affected not only the regional agencies but all political organizations, regional or otherwise. A formal invitation to the Arab League would be considered a gesture of courtesy and good will and would therefore serve a useful purpose.

The representative of Israel spoke against the adoption of the Syrian draft resolution. He first

enlarged upon the memorandum submitted by his delegation, and then summarized his arguments as follows:

(1) Resolution 253(III) (concerning the invitation to the Secretary-General of the Organization of American States) did not automatically apply to the item under consideration and the General Assembly and the Sixth Committee retained full freedom of action in respect of that item.

(2) The delegations which might have committed themselves at the third session to support the request of the Arab League had been led to do so on the basis of insufficient and inaccurate information supplied by representatives of the Arab countries.

(3) The attitude and activities of the Arab League since 1948 had been such as to dictate reconsideration of any commitment which might have been made at that time.

(4) Resolution 253(III) of the General Assembly could serve as a precedent only if the existence of two conditions could be proved: (a) courtesy by reciprocity, which was clearly absent in the case of the Arab League; and (b) that the claimant was a regional organization whose activities were in accordance with the principles and purposes of the Charter. The absence of an Arab region as such made the League's claim to be a regional arrangement a contradiction in terms; the Pact of the League was not a regional arrangement because of its racial basis and the weakness of its machinery; the League had completely failed to solve inter-Arab conflicts; the League had acted contrary to the principles and purposes of the Charter in the conflict between the Arab States and Israel and its policy in the so-called "Arab countries"; lastly, the United Nations bodies which had intervened to settle the Palestine conflict had completely ignored the Arab League.

He went on to state that four more points should be borne in mind: first, the League, far from being an agency of peace, was an instrument of aggression and subversion in neighbouring countries; secondly, the League had demonstrated in the Korean crisis that it was completely indifferent to world affairs; thirdly, public opinion in the Arab countries, and still more outside them, was aware of the complete failure of the League; and lastly, under those conditions any United Nations action to bolster the prestige of an Organization which systematically ignored and defied it would be an act of abject appeasement.

Replying to the representative of Israel, the representatives of Egypt, Iraq, Lebanon and Syria, among others, declared that his statements bore no relation to the truth. They said, among other things, that the Arab League was a growing organization; that the League was not a racial organization, but represented an amalgamation of many races and faiths which lived together in peace and harmony; that the purpose of the Pact was to guarantee peace and security in the Middle East, and the League had already done much to promote that end; that the Arab League was working for the freedom and independence of Arab peoples

throughout the world, in accordance with the United Nations Charter; that the League had been in duty bound to intervene in Palestine to save the Arabs in that country from total extermination; and that the records of the League were published and could be inspected and criticized by anyone, and there was, therefore, no secrecy whatsoever regarding the League's intentions or decisions.

At the 217th meeting of the Sixth Committee, held on 5 October, the text of the Syrian draft resolution was adopted by roll-call vote of 42 to 1, with 7 abstentions.

Immediately after the vote, the representatives of Czechoslovakia and the USSR gave as the reason for their abstentions the fact that, as on the occasion of the vote on the invitation addressed to the Organization of American States at the 70th meeting of the Sixth Committee on 9 October 1948, their delegations considered that the Charter of the United Nations contained no provision envisaging such an invitation.

The representative of Poland said that he had abstained on the principle of equality of sovereignty among States and because he was opposed to the establishment of double representation in the Assembly. He explained that since the Charter

did not contain any provision authorizing such an invitation, the gesture might risk favouring the members of regional organizations.

In its report to the General Assembly (A/1442) the Sixth Committee stated that it was understood, by the proponent of the draft resolution (Syria), as well as by other delegations supporting the motion (among others, Canada, Egypt, the Philippines, the United Kingdom and the United States), that the invitation it was proposed should be addressed to the Secretary-General of the Arab League did not in any way imply that the Arab League was or was not a regional agency within the meaning of Chapter VIII of the Charter. It was also the sense of the Sixth Committee that such an invitation, being an act of courtesy, could not be construed as establishing a precedent which might bind the General Assembly in the future.

The General Assembly at its 299th plenary meeting on 1 November adopted by 49 votes to 1, with 5 abstentions, the draft resolution recommended by the Committee as its resolution 477-(V). In the resolution it requested "the Secretary-General to invite the Secretary-General of the League of Arab States to attend sessions of the General Assembly as an observer".

H. RESERVATIONS TO MULTILATERAL CONVENTIONS

On the proposal of the Secretary-General the question of reservations to multilateral conventions was placed on the agenda of the fifth session of the General Assembly.

1. Report of the Secretary-General

In a report to the Assembly on the question (A/1372), the Secretary-General stated that, while exercising his functions as the depositary of the conventions which had been adopted or approved by the General Assembly and of the many other multilateral instruments which had been concluded under the auspices of the United Nations, he had from time to time been concerned with the procedure to be followed with respect to reservations as to the terms of such conventions which might be made by States as a condition to their accession.

While it had been universally recognized that the consent of the other Governments concerned must be sought before they could be bound by

the terms of a reservation, there had not been unanimity either as to the procedure to be followed by a depositary in obtaining the necessary consent or as to the legal effect of a State's objecting to a reservation.

The question, the Secretary-General stated, had acquired a current importance in connexion with the Convention on the Prevention and Punishment of the Crime of Genocide. According to article XIII of that Convention, it would come into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification or accession. On the day of receiving the twentieth instrument the Secretary-General was to draw up a proces-verbal to that effect, and the receipt of the twentieth instrument was to be expected at any time. A number of States, however, had made reservations as to various articles of the Convention, to the substance of which some States had objected. It had consequently appeared to the Secretary-General that the legal effect of objections to reservations would require

an early determination in order to establish whether States making reservations to which objection had been raised were to be counted among those necessary to permit the entry into force of the Convention.

The Secretary-General then gave an account of the practice which the Secretariat of the United Nations had followed up to the time of the report. On receipt of a signature or instrument of ratification or accession, subject to a reservation, to a convention not yet in force, the Secretary-General had formally notified the reservation to all States which might become parties to the convention. He had also asked those States which had ratified or acceded to the convention to inform him of their attitude towards the reservation, at the same time advising them, that unless they notified him of objections to it prior to a certain date it would be understood that they had accepted the reservation. States ratifying or acceding without express objection were advised that it was assumed that they had agreed to the reservation. If the convention were already in force a reasonable time for the receipt of objections would be allowed before tacit consent could properly be assumed. He showed how this compared with the practice of the League of Nations from which it had been adapted, and reviewed the opinions of numerous international jurists and Governments as well as the practice of the Pan American Union in this respect.

The rule adhered to by the Secretary-General in the absence of specific provisions in a convention governing reservation procedures was summarized as follows:

A State may make a reservation when signing, ratifying or acceding to a convention, prior to its entry into force, only with the consent of all States which have ratified or acceded thereto up to the date of entry into force; and may do so after the date of entry into force only with the consent of all States which have theretofore ratified or acceded.

This rule, the Secretary-General pointed out, was based on the following considerations:

(1) It conformed with the majority practice that the assent of all the States most directly concerned was required to alter, by individual reservation, the terms of an agreed text of a convention, and was more in harmony with the nature and purposes of United Nations conventions;

(2) It was in the interests of efficiency to keep to a minimum the number of States required to give unanimous consent to a reservation; and this could best be done by confining the power to reject a convention to the actual parties to it;

(3) Since no rule could cover all cases, specific needs could best be met by including an article in a convention, for example, expressly approving specified reservations.

Further, should it be desired to permit a maximum of States to adhere to a convention, even with reservations, the rule that reservations must be accepted by all the parties to the convention could be waived.

At the same time the report of the Secretary-General drew attention to the system followed by the Pan American Union as to multilateral conventions concluded among the American States for which it serves as depositary. The essence of this rule had been established as follows:

The treaty shall be in force, in the form in which it was signed, as between those countries which ratify it without reservations, in the terms in which it was originally drafted and signed. It shall be in force as between the Governments which ratify it with reservations and the signatory States which accept the reservations in the form in which the treaty may be modified by said reservations. It shall not be in force between a Government which may have ratified with reservations and another which may have already ratified, and which does not accept such reservations.

2. Consideration in the Sixth Committee

The question was considered by the Sixth Committee at its 217th to 225th meetings inclusive, from 6 to 20 October 1950.

The essential problems dealt with in the course of the debate in the Committee were, broadly: whether the Committee was competent to make any determination governing the larger aspects, of the question; to what organ of the United Nations would it be appropriate to refer the question; should interim guidance be given to the Secretary-General by the General Assembly pending the results of any such referral; what rule would it be preferable for the Secretary-General to follow in the event of such a provisional instruction; and, finally, what general recommendations to States might serve to eliminate the occurrence of the difficulties previously encountered in connexion with reservations.

a. COMPETENCE OF THE COMMITTEE

On the question of competence a number of representatives, including those of the United States and Yugoslavia, were of the opinion that, since the question before the Sixth Committee concerned only the procedure to be followed by the Secretary-General as depositary of multilateral conventions, the General Assembly was competent to give him instructions on the manner in which he should administer that function. A large majority of the Sixth Committee, however, believed that it was not appropriate, in the time then available, for the General Assembly to estab-

lish, without further examination, rules which would have the effect of determining legal relations among States under United Nations conventions.

b. QUESTION OF REFERRAL TO THE INTERNATIONAL COURT OR THE INTERNATIONAL LAW COMMISSION

The Sixth Committee considered in detail the problem of referring the question to a qualified organ. Opinion was divided as to whether the International Law Commission or the International Court of Justice was more suitable in the circumstances. Many representatives, including those of Chile, China, Colombia, Cuba, the Dominican Republic, Mexico, Peru, Turkey, the United States, Venezuela and Yugoslavia, favoured referral to the International Law Commission because it already had under preparation a report on the law of treaties, and had in fact, at its second session, briefly discussed the subject of reservations. Moreover, it was considered that the International Law Commission, unlike the Court, would not be restricted to existing principles of international law in a field in which there had been insufficient development of general principles and in which the main legal systems of the world in fact differed. It was felt by many representatives that on the present problem the Court would be confined to an interpretation of the law, whereas what was involved, in part at least, was not strictly a question of law but the development of appropriate procedures for which the Commission was well suited. It was especially felt that, in so far as concerned a general solution broadly applicable to a variety of cases, what the General Assembly required was a study to serve as a basis for future discussion.

The contrary position, favouring a request by the General Assembly for an advisory opinion of the International Court of Justice, was supported by the representatives of Australia, Belgium, Canada, France, Greece, India, Iran, Sweden and the United Kingdom, among others. They based their position on the view that it was not the function of the International Law Commission to solve controversial questions; its function was to codify existing law, whereas it was the duty of the International Court of Justice to settle just such conflicts in matters of law, and to state the law when it was doubtful. As regards immediate practical considerations, it was felt that the Court would be in a position to render an earlier decision, particularly in view of the already heavy programme of the International Law Commission.

The representative of France suggested (A/C.6/L.118) that a prompt submission to the Court of a precisely formulated question might permit the Secretary-General to give effect to the opinion before the end of the ninety-day period which would bring the Convention on Genocide into force. Moreover, it was pointed out, if a difference were to arise between States on any of "the matters then under debate, these questions would eventually be referred to the Court in accordance with article IX of the Convention on Genocide—from which it seemed logical to make the submission immediately.

In either case, the majority of the representatives considered that the General Assembly would wish to discuss the content of an advisory opinion of the Court, or of the study made by the International Law Commission, before the recommendation of either body could be put into practice by the Secretary-General, in so far as depositary procedures were affected.

c. QUESTION OF INTERIM INSTRUCTIONS

Because the Convention on Genocide, which had caused the Secretary-General to submit the problem to the General Assembly, was in prospect of entering into force, a substantial number of representatives felt that some instructions to the Secretary-General were warranted pending the outcome of the reference of the matter to the International Law Commission or the International Court of Justice. A few representatives, among them the representative of Greece, considered that the depositary was competent to proceed without interim instructions. The main debate in the Committee, however, centred in three proposals concerning instructions to be given to the Secretary-General.

The representative of the United States submitted a draft resolution (A/C.6/L.114/Rev.1) designed to avoid delay in the entry into force of a convention by permitting the Secretary-General to follow his previous procedure, for the purposes of entry into force, in any case where reservations were submitted. But this was to be without prejudice to the legal status of the parties, of ratifications or accessions, or of acceptance or rejections of reservations.

The representative of the United Kingdom, proposed an amendment (A/C.6/L.115) to the United States draft designed to continue the League of Nations rule as applied by the Secretary-General of the United Nations (see above), pending the formulation of a final policy.

At the same time, the representative of Uruguay proposed an amendment (A/C.6/L.116) to the United States draft, instructing the Secretary-General to follow a rule modelled after that of the Pan American Union (see above), pending the final decision.

In support of the United States proposal it was argued that it facilitated the entry into force of conventions but protected the legal position of States as parties. Against the proposal it was argued that it would be preferable to adopt one or other of the traditional rules.

In favour of the United Kingdom amendment, it was stated that it maintained a convention in the form of one integral text applicable to the legal relations among all parties, and prevented its alteration by means of a reservation against the will of the States concerned. On the other hand, it was argued that it would enable one State arbitrarily to exclude the participation of another even if the reasons for the reservation arose from the internal legal system of the reserving State; this, it was felt, would derogate from the sovereignty of the reserving State.

The Uruguayan proposal was supported on the ground that by facilitating reservations, the practice of the Pan American Union enabled the maximum number of States to accede to conventions, thus speeding their entry into force, and so favouring the progressive development of international law while at the same time respecting the national sovereignty of each State. While the applicability of the system to a regional organization was acknowledged, its adoption as a provisional measure was objected to on the ground that it would upset the procedures and relations prevailing among States for what might be only an interim period. As regards long-term legal considerations, it was objected that this system, although it facilitated adherences to conventions did so only, in effect, by breaking down a uniform multilateral text into a composite of bilateral agreements between some pairs of adhering States, but not between other pairs.

To meet this point, the representative of Chile offered an amendment (A/C.6/L.120) to the Uruguayan proposal so that it might not apply where the text of the Convention had been approved by the General Assembly. He explained that in the General Assembly, majority decisions were binding upon the minority and the latter could not make its views prevail by means of reservations. No State, he argued, was compelled to ratify the conventions adopted by resolution of the General Assembly; if a State did accept such

a convention it should accept the text adopted by the Assembly.

A number of subsidiary questions were raised in connexion with the problem of interim instructions. If the League of Nations rule requiring consent to reservations were to be followed, it would be necessary to decide what groups of States should have the power to exclude, by objecting to a reservation, the participation of a State ready to take part subject to the conditions presented. One element of the United Kingdom proposal (A/C.6/L.115) was that signatory States, having an interest to protect in the text of a convention in the form in which it was signed, should, up to the date of entry into force, be able to prevent reservations from altering the text against their will. Carrying this view one step further, the representative of Sweden entered an amendment (A/C.6/L.121) to the United Kingdom proposal, permitting such an objection, by a signatory to a convention which prescribes a time-limit for signature, up to the date of the expiry of the time-limit. The report of the Secretary-General, on the other hand, had presumed that only ratifying or acceding States would be in a position to exercise this power to exclude. The representative of the Netherlands raised the possibility of a compromise system whereby signatories might be permitted to make so important an objection only on declaring their intention to ratify within a specified period of time.

The representative of Iran submitted an amendment (A/C.6/L.119) to the United States draft which would have recommended to States Members of the United Nations the insertion, in all conventions to be concluded by them in the future, of a clause defining the procedure to be adopted by the depositary when a reservation is entered by a State and the legal effect of an objection to such a reservation put forward by another State.

The French proposal referred to above (A/C.6/L.118), while making the same point, included a recommendation that Member States dispense as far as possible with the use of reservations to conventions adopted under the auspices of the United Nations.

A number of representatives, however, stressed the importance of permitting reservations. The representative of Poland traced the origin of the use of reservations to the development of the majority vote in the drafting of conventions, as opposed to the earlier use of unanimity even in the preparation of the text. Since the drafting conference itself no longer required the full

agreement of all prospective parties before the final text could be adopted, he noted that reservations were the counterpart device which permitted the minority nevertheless to continue as parties. He therefore urged the Committee not to adopt a rule which would permit the majority not only to impose its will in the choice of the text but also as to the conditions under which the minority might adhere—a possibility which he could not justify by considerations either of theory or of practice.

The representatives of the USSR and the Byelorussian SSR stated that the theory of the inability of the Secretary-General to receive an instrument of ratification in definitive deposit if even one of the State parties to a convention objected to a reservation was incompatible with the principle of State sovereignty and contrary to the fundamental principles of international law. In fact, in their view, the recommendations of the Secretary-General would have the effect of prohibiting the submission of reservations, since a State in the minority when the text of a convention was drafted could not hope that there would be no State objecting to a reservation; for a reservation was usually made because corresponding provisions had been rejected during the drafting of the text of the convention. The attitude of the Secretary-General, they contended, was contrary both to the principles of international law and to its practice in the conclusion of multilateral treaties; the indisputable right of a State to make reservations had been recognized during the signing of many treaties. As to the Convention on Genocide, the representative of the USSR was of the opinion that the Secretary-General should be strictly guided by its text, which did not contain any special procedure for the deposit of ratifications with reservations; neither did it contain any limitations of the right to submit reservations. The legal implications of a reservation at the signing of a convention, in the opinion of the USSR representative, would be that those provisions of a convention which were the subject of the reservation would not apply to relations between the State which made the reservation and all other parties to the convention. He believed that the General Assembly was not competent to give instructions to the Secretary-General, which would in effect be complementary to the text of the Convention on Genocide, since it would lead to the creation of new legal relations, not contemplated by the Convention, between States parties to the Convention. Reinforcing this stand, the representative

of Czechoslovakia observed that the rule of unanimity would convert the State disagreeing with a reservation into a judge of the State which put it forward.

d. FORMULATION OF QUESTIONS TO THE INTERNATIONAL COURT AND THE INTERNATIONAL LAW COMMISSION

As the debates carried forward the analysis of these various positions on the whole subject of reservations, a general feeling developed that any questions to be referred to another organ would require very exact formulation. With this in mind, the representatives of Egypt, France, Greece, Iran and the United Kingdom presented a joint draft resolution (A/C.6/L.123) requesting an advisory opinion from the International Court of Justice on precise questions affecting the validity of any adherence subject to a contested reservation, as well as the classes of States having the power to make an effective objection.

A joint amendment (A/C.6/L.124) to this draft, offered by the representatives of Belgium, Denmark, the Netherlands, Norway and Sweden, proposed that these questions be determined solely in respect of those multilateral conventions which had been listed by the Secretary-General as yet to come into force.

In the view of most delegations the character of the problem before the Sixth Committee altered when, on 16 October 1950 at the Committee's 222nd meeting, the Assistant Secretary-General in charge of the Legal Department announced that the Convention on the Prevention and Punishment of the Crime of Genocide had received a number of ratifications and accessions on 14 October, so that the twenty instruments necessary for its entry into force were then at hand, irrespective of the theory used in determining the validity of those containing reservations. The majority of the representatives felt that this fact removed much of the urgency of any answer from the International Law Commission or the International Court of Justice, and significantly affected the formulation of the questions which had thus far been proposed for submission to either body. It also appeared that there was no urgency, in so far as the other conventions of which the Secretary-General is the depositary were concerned, for the Secretary-General to receive particular directives.

At this point the thirteen representatives who had previously submitted drafts bearing on any aspect of the problem (the representatives of

Belgium, Chile, Denmark, Egypt, France, Greece, Iran, the Netherlands, Norway, Sweden, the United Kingdom, the United States and Uruguay) withdrew all prior drafts and in their place submitted a joint proposal (A/C.6/L.125) to the Sixth Committee at its 224th meeting on 18 October. This draft formulated specific questions arising under the Convention on Genocide, to be referred to the Court with a request for an advisory opinion. At the same time, it invited the International Law Commission, in the course of its work on the codification of the Law of treaties, to study the question of reservations to multilateral conventions, giving priority to the subject in order to report to the General Assembly at its sixth session.

As a result of the entry into force of the Convention, it no longer seemed necessary, since it was unlikely that a similar situation would arise in the near future, for the Sixth Committee to attempt to elaborate any interim procedure for the Secretary-General to follow pending settlement of the substantive question. It was felt that it would be sufficient for him to continue to handle the deposit of instruments in the same manner as before, so long as he avoided any legal interpretation of the effect of contested reservations upon the status of the parties, pending the adoption of a final solution. This would also prevent any possible prejudgment of the eventual outcome.

Further, since the joint draft resolution called not only for an advisory opinion in relation to a specific convention but also for a study which might propose the adoption of one of the different types of systems concerning the effect of reservations, it was generally concluded that it would be better for the General Assembly to await the taking of a more definitive position at its sixth session before making any recommendations on the over-all subject of reservations and related procedures, since the nature of any recommendation might vary according to the type of system adopted.

A number of representatives, including those of Costa Rica, Ecuador, Guatemala and Turkey, although approving the request to be submitted to the International Law Commission under the joint proposal could not agree to the request for an advisory opinion from the International Court of Justice on a subject of this nature. The representatives of Cuba, Peru, Poland, Syria and the USSR, among others, also believed that it was contradictory to submit the problem to two different bodies at once. The representative of the

USSR proposed an amendment (A/C.6/L.127) to the joint proposal which would delete the request to the Court for an advisory opinion. When, however, it was later asked that the parts of the joint draft resolution concerning the two submissions should be voted upon separately, it was agreed that it would be unnecessary to vote upon the USSR amendment.

The representative of the Philippines felt that it should be left to the contracting parties themselves to submit to the International Court of Justice any dispute as to the interpretation or application of the Convention on Genocide, as provided in its article IX; and that it was not for the General Assembly but for the parties directly involved to formulate the issues to be submitted to the Court.

At the request of the representative of the Philippines, a roll-call vote was taken on that part of the joint draft resolution which requested an advisory opinion from the Court. It was adopted by 28 votes to 13, with 10 abstentions. The request for a priority study by the International Law Commission on the question of reservations was then adopted by 46 votes to none, with 7 abstentions. The preamble being adopted by 40 votes to 1, with 11 abstentions, the joint draft resolution was voted on as a whole and adopted by 36 votes to 7, with 9 abstentions.

3. Resolution Adopted by the General Assembly

The report of the Sixth Committee (A/1494 & Corr.1) containing its recommended draft resolution was considered by the Assembly at its 305th plenary meeting on 16 November. The Assembly also had before it an amendment (A/1495) to this draft resolution, submitted by the representatives of Belgium, Chile, Denmark, Egypt, France, Greece, Iran, the Netherlands, Norway, Sweden, the United Kingdom, the United States and Uruguay. The amendment called for the addition of a paragraph to instruct the Secretary-General, pending further action by the Assembly, to follow his previous practice with respect to the receipt of reservations to conventions.

The amendment was adopted by 36 votes to 6, with 9 abstentions. The preamble was adopted by 49 votes to 1, with 5 abstentions; paragraph 1 of the operative part, by 40 votes to 10, with 7 abstentions; and paragraph 2 of the operative part, by 48 votes to 2, with 8 abstentions. The draft resolution as a whole, as amended, was then adopted by 47 votes to 5, with 5 abstentions.

Following the voting, the representative of the USSR explained his reasons for voting against the resolution as a whole, as amended. He declared that the Convention on Genocide did not establish any limitations or any special procedure for the receipt of ratifications by the depositary; consequently, in his opinion, there were no grounds for requesting the Court to give an advisory opinion on this matter. Submission of reservations when signing or ratifying international conventions, he submitted, was the inalienable right of every State, a sovereign right which could not be disputed by other States.

He considered the proposal that reservations by a party to a convention should be made conditional upon the consent of all the other parties was wrong. The United Nations, he said, was interested in seeing that as many States as possible take measures for the prevention and punishment of genocide. Therefore, the adoption of a proposal designed to restrict the number of parties to the Convention on Genocide would weaken international co-operation.

The representative of Peru said that he had abstained from voting on paragraph 1 of the operative part of the resolution because he considered that the function of the Court was not to legislate or to create new rules but merely to apply the existing law. The request for an advisory opinion, he contended, might be regarded as creating a precedent in the matter of reservations.

The representative of Poland, in explaining his vote, maintained that every State was free to write into a treaty reservations compatible with its national interests. The principle of the freedom of reservations, he argued, was a rule of law and could not be altered by any decision of the General Assembly. The request to the Court, in his opinion, amounted to an attempt to revise a document drafted and approved by the United Nations, because the procedure provided for in the resolution was not laid down in the text of the convention itself.

The representative of the Philippines reiterated the stand his delegation had taken in the Sixth Committee, that is, that it should be left to the contracting parties themselves to submit any disputes concerning the interpretation or application of the Convention on Genocide to the Court. He favoured the resolution adopted by the Assembly only in so far as it invited the International Law Commission to give priority to the study of the general problem. To submit the problem to the Court for an advisory opinion, he argued, not

only confused the real issue before the Assembly, but invited conflicting or contradictory opinions from two different organs.

The resolution which was adopted by the Assembly (478(V)) read as follows:

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions,

Considering that certain reservations to the Convention on the Prevention and Punishment of the Crime of Genocide have been objected to by some States,

Considering that the International Law Commission is studying the whole subject of the law of treaties, including the question of reservations,

Considering that different views regarding reservations have been expressed during the fifth session of the General Assembly, and particularly in the Sixth Committee,

1. Requests the International Court of Justice to give an advisory opinion on the following questions:

"In so far as concerns the Convention on the Prevention and Punishment of the Crime of Genocide in the event of a State ratifying or acceding to the Convention subject to a reservation made either on ratification or on accession, or on signature followed by ratification:

"I. Can the reserving State be regarded as being a party to the Convention while still maintaining its reservation if the reservation is objected to by one or more of the parties to the Convention but not by others?

"II. If the answer to question I is in the affirmative, what is the effect of the reservation as between the reserving State and:

"(a) The parties which object to the reservation?

"(b) Those which accept it?

"III. What would be the legal effect as regards the answer to question I if an objection to a reservation is made:

"(a) By a signatory which has not yet ratified?

"(b) By a State entitled to sign or accede but which has not yet done so?";

2. Invites the International Law Commission:

(a) In the course of its work on the codification of the law of treaties, to study the question of reservations to multilateral conventions both from the point of view of codification and from that of the progressive development of international law; to give priority to this study and to report thereon, especially as regards multilateral conventions of which the Secretary-General is the depositary, this report to be considered by the General Assembly at its sixth session;

(b) In connexion with this study, to take account of all the views expressed during the fifth session of the General Assembly, and particularly in the Sixth Committee;

3. Instructs the Secretary-General, pending the rendering of the advisory opinion by the International Court of Justice, the receipt of a report from the International Law Commission and further action by the General Assembly, to follow his prior practice with respect to the receipt of reservations to conventions and with respect to the notification and solicitation of approvals thereof, all without prejudice to the legal effect of objections to reservations to conventions as it may be recommended by the General Assembly at its sixth session.

I. DESIGNATION OF NON-MEMBER STATES TO WHICH A CERTIFIED COPY OF THE REVISED GENERAL ACT FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES SHALL BE COMMUNICATED BY THE SECRETARY-GENERAL FOR THE PURPOSE OF ACCESSION TO THIS ACT

Article 43, paragraph 1, of the Revised General Act for the Pacific Settlement of International Disputes as approved by Assembly resolution 268(III) of 28 April 1949³⁵ provides that the Act is to be open to accession by the Members of the United Nations and by the non-member States which have become parties to the Statute of the International Court of Justice or to which the General Assembly of the United Nations communicates a copy for this purpose. Under article 46 the Secretary-General is instructed to transmit a copy of the Revised General Act to each of the non-member States designated by the General Assembly.

The Secretary-General reported to the fifth session of the General Assembly (A/1287) that as a result of two countries having deposited their instruments of accession to this Act (Belgium on 23 December 1949 and Sweden on 22 June 1950), it would come into force on 20 September 1950. In a special report on the matter (A/1337) the Secretary-General stated that, in view of the entry into force of the Revised General Act, the Assembly might wish to designate the non-member States to which a certified copy of the Act should be communicated.

The question was considered by the Sixth Committee at its 250th meeting on 4 December 1950. The representative of Belgium submitted a draft resolution (A/C.6/L.164) requesting the Secretary-General to transmit a certified true copy of the Revised General Act to each non-member State which is or hereafter becomes an active member of one or more of the specialized agencies of the United Nations.

The representative of the Union of South Africa orally proposed that the question should be deferred until the next (sixth) regular session of the General Assembly. He stated that as only two States had acceded to the Revised General Act, the question was not urgent, that it would be certain to give rise to long and difficult discussions and that various delegations wished to study it again.

The Sixth Committee adopted the South African proposal by 14 votes to 10, with 9 abstentions. The Committee's recommendation (A/1633) was adopted by the Assembly at its 320th plenary meeting held on 12 December, by 45 votes to none, with 3 abstentions, as its resolution 480(V).

J. CONVENTION ON THE DECLARATION OF DEATH OF MISSING PERSONS

By resolution 209(VIII), adopted at its eighth session, the Economic and Social Council established an ad hoc committee to prepare, if practicable, a draft convention on the declaration of death of missing persons, with the aim of solving some of the legal difficulties arising from the disappearance of persons during the Second World War. Such a draft convention was prepared by the Ad Hoc Committee, which met in Geneva in June 1949. The draft was considered at the ninth session of the Council, which decided on 9 August 1949 (resolution 249(IX)) to refer it to the General Assembly for consideration. The matter came before the General Assembly at its fourth session; the General Assembly

did not consider the substance of the draft convention but decided (resolution 369(IV)), on 3 December 1949, to call an international conference of representatives of Governments of Member States to conclude a multilateral convention on the declaration of death of missing persons.³⁶

1. Conference on the Declaration of Death of Missing Persons

Pursuant to the resolution of the General Assembly, the United Nations Conference on Dec-

³⁵ See Y.U.N., 1948-49, pp. 415-17.

³⁶ See Y.U.N., 1948-49, pp. 962-64.

laration of Death of Missing Persons met at Lake Success from 15 March to 6 April 1950. It was attended by the delegations of 25 States and six States were represented by observers. Those Governments represented by delegations were Belgium, Bolivia, Brazil, Burma, China, Cuba, Denmark, Ecuador, France, Greece, India, Israel the Netherlands Nicaragua, Pakistan, Peru, Philippines, Sweden, Syria, Turkey, the United Kingdom, the United States, Uruguay, Venezuela and Yugoslavia. Governments represented by observers were Canada, Egypt, Ethiopia, Iran, Mexico and Thailand. The International Refugee Organization was also represented by an observer.

The Conference had before it and used as a basis for discussion the draft convention (E/1368) prepared by the Ad Hoc Committee on Declaration of Death of Missing Persons which met at Geneva in June 1949.

The Conference established and opened for accession by States the Convention on Declaration of Death of Missing Persons. By a vote of 20 to none, with one abstention (Yugoslavia), the text³⁷ was adopted for transmission to Governments of Member and certain non-member States of the United Nations, for their accession.

2. Convention on the Declaration of Death of Missing Persons

The preamble to the Convention declares that the contracting States consider:

(1) that military events and racial, political and national persecutions have caused, in the course of the Second World War, the disappearance of persons whose death cannot be established with certainty;

(2) that this situation has produced difficulties of a legal nature which have placed a great number of human beings in a precarious position;

(3) that the solution of these difficulties calls for measures of international co-operation.

The Convention provides, in the first place, for declarations of death of persons whose last residence was in Europe, Asia or Africa, who have disappeared in the years 1939-45, under circumstances affording reasonable ground to infer that they have died in consequence of events of war or of racial, religious, political or national persecution. A further provision declares that contracting States may, by notification to the Secretary-General of the United Nations, extend application of the Convention to persons who have disappeared after 1945 under similar circumstances, such extension to apply only as between those States which have made such notification.

The Convention defines the tribunals competent to receive applications, the requirements for an application (e.g. that a lapse of five years must have taken place since the person was last known to be alive) and the persons competent to make applications, including near relatives and those wishing to adopt minor children of the missing person.

Declarations of death in one contracting State, it provides, are to constitute in other contracting States *prima facie* evidence of death until contrary evidence is submitted. Declarations of death issued in a contracting State before the entry into force of the Convention are to have, in the territory of the other contracting States, the validity of a declaration issued under the Convention if they satisfy the conditions and requirements of the Convention; however, property or other rights acquired in such territory before such a declaration is presented are not to be impaired.

Article 8 of the Convention provides for the establishment, within the framework of the United Nations, of an International Bureau for Declarations of Death, the Secretary-General to determine its seat, composition, organization and method of operation. A central registry, it is provided, is to be established in the Bureau and a tribunal to which an application for declaration of death is made shall, within fifteen days, communicate to the International Bureau certain information concerning the missing person. A tribunal issuing a decision under the Convention is required to communicate its decision to the International Bureau within fifteen days and the International Bureau is to publish lists of applications and final decisions as well as certifications issued. It is simultaneously to send notice of the applications to the close relatives whose names are communicated to it. A declaration of death is not to be issued until the expiration of three months from the publication of the application by the International Bureau.

Members of the United Nations, non-member States which are parties to the Statute of the International Court of Justice and any other non-member State to which an invitation has been addressed by the Economic and Social Council may accede to the Convention. Unless a contracting State stipulates to the contrary, its accession covers all the territories for which it bears international responsibility. Contracting States may, at the time of accession, formulate reservation. The other contracting States have 90 days in which

³⁷ U.N.P., Sales No. 1950.V.1.

to notify the Secretary-General that they do not accept the reservations; if a State makes such a notification, the Convention is not in force between that State and the reserving State. Disputes regarding the interpretation of the Convention are to be referred to the International Court of Justice. The Convention is to come into force after accession to it by two States, and is to be valid for five years.

3. Consideration by the General Assembly at Its Fifth Session

Under article 15 of the Convention, the establishment of the International Bureau for Declarations of Death required the approval of the General Assembly, and this approval was sought at the fifth session.

The General Assembly, at its 285th plenary meeting on 26 September 1950, decided without discussion, on the recommendation of the General Committee, to place the item on the agenda without reference to a committee. The financial implications of the establishment of the International Bureau, however, were considered by the Fifth Committee at its 263rd meeting on 9 November 1950. The Committee had before it a report by the Secretary-General (A/C5/390), in which it was estimated that the establishment of such a bureau would involve an expenditure of \$50,000 for one full year of operation. The Committee also had before it the report of the Advisory Committee on Administrative and Budgetary Questions (A/1489) which stated that the estimate should be reduced to \$40,000 for one year, and which suggested that non-member States which accede to the Convention should be assessed in accordance with the principle adopted in connexion with the International Court of Justice.

In the discussion in the Fifth Committee, the representative of the USSR said that he considered that the expenses involved in the establishment of the Bureau should be borne by the acceding States. The representative of Venezuela wondered whether the Committee was competent to decide on the manner in which the funds for the establishment of the Bureau were to be collected. The representative of Brazil, who supported the recommendation of the Advisory Committee, said that the Committee was competent not only to pass judgment on the size of the Bureau but also to suggest that the United Nations should not pay its expenses.

The Committee adopted, by 32 votes to none, with 10 abstentions, a recommendation by the Advisory Committee in which it decided to inform the General Assembly that the establishment of the proposed Bureau would involve an estimated expenditure of \$40,000 and that the expenses of the International Bureau should be assessed upon non-member States "in accordance with the principle adopted in connexion with the expenses of the International Court of Justice".

The matter was considered further by the General Assembly at its 305th plenary session on 16 November 1950. The General Assembly had before it the report of the Secretary-General (A/1329) dated 22 August 1950, which stated, *inter alia*, that although the Convention had not yet come into force as no accessions had been received, a decision in respect to the establishment of the International Bureau would assist interested States in determining whether to accede to the Convention. The Assembly also had before it the report of the Fifth Committee (A/1506) making the estimate and recommendation outlined above, and a joint draft resolution submitted by Belgium, Denmark, Sweden and Uruguay (A/1510), which invited the Assembly to approve the establishment of the Bureau.

The representative of the USSR opposed the joint draft resolution, stating that the problem connected with the declaration of death should and could be solved by providing the Governments of countries which had suffered enemy occupation during the first part of the war with full information as to the whereabouts of those of their nationals who fell within the category of displaced persons. These problems could also be solved by means of internal legislative measures by each of the States concerned. Doubts as to the expediency of concluding the Convention had been expressed not only by the representative of the USSR but by a number of other Member States, he said, and were reflected in the fact that when the draft convention was discussed at the fourth session of the General Assembly, at its 266th plenary meeting, fifteen delegates abstained from voting and one delegate voted against it. Furthermore, the Conference, which was convened to draft the Convention in March 1950, was attended by only 25 States, or less than half the Members of the United Nations. Although the Convention had been opened for accession on 6 April 1950, seven months earlier, no State had yet acceded to it. The report (A/1489) of the Advisory Committee on Administrative and Budgetary Questions, moreover, showed that the

establishment of the Bureau would involve considerable expense.

The representative of Sweden pointed out that as the Convention provided for several tribunals to deal with declarations of death there was need for a co-ordinating body to prevent duplication, and this function would be performed by the proposed bureau. It could also be said, he added, that the Convention was part of the general humanitarian activities of the United Nations.

The joint draft resolution was adopted by the General Assembly by 38 votes to 6, with 13 abstentions, as resolution 493 (V). It stated:

The General Assembly,

Having regard to article 15 of the Convention on the Declaration of Death of Missing Persons established by

the United Nations Conference on Declaration of Death of Missing Persons,

1. Decides to approve the establishment of the International Bureau for Declarations of Death provided for in article 8 of the aforementioned Convention;

2. Decides that the expenses of the International Bureau should be assessed upon such non-member States as may become parties to the Convention, in accordance with the principle adopted in this respect in connexion with the expenses of the International Court of Justice.

4. Accessions to the Convention

On 20 December 1950, China became the first State to accede to the Convention; by 31 December 1950 no other State had acceded.

PART Two

THE SPECIALIZED AGENCIES

- I. The International Labour Organisation
- II. The Food and Agriculture Organization of the United Nations
- III. The United Nations Educational, Scientific and Cultural Organization
- IV. The International Civil Aviation Organization
- V. The World Health Organization
- VI. The International Bank for Reconstruction and Development
- VII. The International Monetary Fund
- VIII. The Universal Postal Union
- IX. The International Telecommunication Union
- X. The International Refugee Organization
- XI. The World Meteorological Organization
- XII. The International Trade Organization
- XIII. The Inter-Governmental Maritime Consultative Organization

I. The International Labour Organisation (ILO)¹

The International Labour Organisation was established on 11 April 1919 as an autonomous institution associated with the League of Nations. Its original Constitution was adopted as part XIII of the Treaty of Versailles and formed part of other treaties of peace.

Throughout the years between its establishment and the outbreak of the Second World War, ILO, with headquarters in Geneva, played a leading role in promoting the improvement of labour conditions throughout the world.

In 1940, in order to ensure that the International Labour Office should be able to continue to function freely, a working centre was established at Montreal. The transfer back to Geneva of the services temporarily located in Canada was completed in 1948.

During the war years, ILO devoted its energies to assisting the cause of the Allies. A special Conference of ILO, which marked the first large-scale meeting of Allied representatives since the outbreak of war, was held in New York in 1941, and a series of seven meetings of United States and Canadian representatives concerned with manpower mobilization problems was organized during 1941 and 1942. Regular sessions of the General Conference were resumed in 1944, after a five-year interval, with the twenty-sixth session, held in Philadelphia. At this session, ILO considered its post-war status, policy and programme and adopted the Declaration of Philadelphia, which redefined the aims and purposes of ILO.

An Agreement bringing ILO into relationship with the United Nations, approved by the twenty-ninth session of the General Conference on 2 October 1946, came into force on 14 December 1946² upon its approval by the General Assembly of the United Nations.

ILO gradually brought its activities back to their pre-war level; it again began working towards the improvement of the working conditions of seafarers, agricultural and industrial workers, salaried employees and professional workers and towards the improvement of conditions in Non-Self-Governing Territories. ILO also found it necessary to extend its activities to meet regional needs. It began to hold regional conferences to deal with the special problems of the American continent, and especially of Latin America, as early as 1936, and in 1947 began to develop its regional activities in Asia and the Far East and in the Near and Middle East.

ILO further recognized the need for new machinery to deal with the specific labour and social problems of individual industries of great international importance. It therefore decided in 1945 to set up industrial committees for the world's leading industries. The Committees bring together representatives of Governments, management and labour to discuss the specific problems of these industries.

Since 1948, considerably greater emphasis has been placed on the operational activities of ILO, especially in the fields of migration and in the development of manpower resources through vocational training and the organization of employment resources.

Many of these activities had been in operation almost from the beginning of the ILO, but the Expanded Programme of Technical Assistance for the Economic Development of Under-Developed Countries undertaken by the United Nations and the specialized agencies and other special programmes have multiplied the importance of these activities many times over.

A. PURPOSES AND FUNCTIONS

The Preamble of the ILO's Constitution states that universal peace "can be established only if it is based upon social justice"; that unjust conditions of labour imperil "the peace and harmony of the world"; and that an improvement in such conditions "is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day

and week, the regulation of the labour supply, the prevention of unemployment, the provision of an

¹ For further information, see Y.U.N., 1946-47, pp. 661-83; 1947-48, pp. 817-30; 1948-49, pp. 983-96; reports of ILO to the United Nations (E/586 & Add.1, E/810, E/1362, E/1719); reports of the Director-General to the General Conference; proceedings of the General Conference, 1947, 1948, 1949 and 1950.

² For text, see Y.U.N., 1946-47, pp. 679-83.

adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures".

The twenty-sixth session of the General Conference (also called the International Labour Conference), held at Philadelphia in April and May 1944, adopted a "Declaration concerning the Aims and Purposes of the International Labour Organisation", generally known as the Declaration of Philadelphia. Under an amendment to the Constitution adopted by the twenty-ninth session of the Conference in October 1946, the objects set forth in this Declaration are included among those to be promoted by ILO, and the text of the Declaration is annexed to the Constitution.

The Declaration redefines the functions and responsibilities of ILO. It reaffirms the fundamental principles upon which ILO is based; in particular, it affirms that

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by

continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

The Declaration affirms that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity", and adds that the "attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy". The Declaration maintains that "it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective", and that, in discharging the tasks entrusted to it, ILO, "having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate".

The Declaration recognizes the solemn obligation of ILO to promote programmes to achieve: full employment and the raising of standards of living, recognition of the right of collective bargaining, extension of social security, etc. It embodies a pledge that ILO will co-operate with other international bodies in the achievement of the objectives it sets forth and in the promotion of the health, education and well-being of all peoples.

B. ORGANIZATION

The organs of ILO are the General Conference of representatives of the members, the Governing Body and the International Labour Office, which is controlled by the Governing Body.

The General Conference meets at least once a year. It is composed of four representatives of each member State, of whom two are Government delegates and the other two are delegates representing, respectively, the employers and the workers of each member. The non-Government delegates are appointed in agreement with the organizations which are most representative of employers and workers. Each delegate may be accompanied by not more than two advisers for each item on the agenda of the session.

New members are admitted into ILO, if they are Members of the United Nations, by communi-

cating to the Director-General of ILO their formal acceptance of the obligations of the ILO Constitution. Other States, to become members of ILO, require, in addition, a two-thirds vote of the delegates to the Conference, including two thirds of the votes cast by Government delegates to the Conference.

Each delegate has one vote in the Conference. Except as otherwise provided by the ILO Constitution, the Conference makes decisions by a simple majority of the votes cast. Decisions of the Conference mainly take the form of conventions and recommendations, which require a two-thirds majority of the Conference for adoption. Under the ILO Constitution, a member is required to bring a convention adopted by the Conference to the attention of its competent national authority for

ratification. If a country ratifies a convention it assumes an obligation to apply the provisions of that convention to all the territories under its administration, including Non-Self-Governing Territories; it also assumes an obligation to report annually on the measures it has taken to bring its legislation into line with these provisions. Supervisory machinery available within ILO provides not only for measures to promote the ratification of conventions, but also for a complaint procedure in the event of violations of a convention. With regard to recommendations, members of ILO are under the obligation to consider them with a view to giving effect to their provisions by legislation or other action. Member States are further required to report periodically on the position of their law and practice in relation to unratified conventions and recommendations. Collectively, the conventions and recommendations form an international labour code,³ which embodies international standards of policy.

The Governing Body is composed of 32 members. Sixteen of these represent Governments, eight the employers and eight the workers. Eight of the sixteen Government representatives are appointed by the eight member States of chief industrial importance, and eight are appointed by member States chosen by the other Government delegates to the Conference in an election held every three years. The employer and worker members are elected, respectively, by the employer and worker delegates to the Conference. The Governing Body's responsibilities include the selection of items for the agenda of the Conference, the appointment of the Director-General of the International Labour Office, the general supervision of the Office and of the various committees and commissions of ILO, and the consideration of proposals for ILO's budget.

The International Labour Office provides the secretariat of the Conference and of the Governing Body, prepares documents on the items of the agenda of the Conference and of the Governing Body, and collects and distributes information on all subjects within ILO's competence. It assists Governments in the drafting of legislation and regulations, provides technical assistance to Governments in fields within the ILO's competence, conducts such special investigations as may be ordered by the Conference or by the Governing Body, and provides machinery to assist in ensuring the effective application of Conventions. It issues a variety of periodical and other publications dealing with problems of industry and employment.

The Office also acts as the secretariat for the Inter-American Social Security Conference, organized in 1940 to promote social security in the Americas, and for the International Social Security Association, a private international association of social security institutions founded in 1927 with the support of the International Labour Office.

A number of commissions and committees exist to further the work of ILO in specific fields. In addition to the Governing Body committees, these include the Committee of Experts on the Application of Conventions, the Joint Maritime Commission, the Advisory Committee on Salaried Employees and Professional Workers, the Advisory Committee on Co-operation, the Permanent Agricultural Committee, the Committee of Social Security Experts and its Sub-Committee of Experts on Actuarial Questions, the Correspondence Committee on Accident Prevention, the Correspondence Committee on Industrial Hygiene and its Sub-Committee on Silicosis, the Correspondence Committee on Women's Work, the Advisory Committee on Juvenile Work, the Correspondence Committee on Recreation, the Committee on Social Policy in Non-Metropolitan Territories, the Permanent Migration Committee, the International Development Works Committee, the Committee of Statistical Experts, the Committee on Indigenous Labour and the Committee on Work in Plantations. There are industrial committees for the following eight industries: coal mines; textiles; building, civil engineering and public works; metal trades; iron and steel production; inland transport; petroleum production and refining; chemicals.

In addition to the principal working centre of the International Labour Office at Geneva, ILO maintains a liaison office with the United Nations in New York, branch offices in Canada, China, France, India, Italy, the United Kingdom and the United States, and field offices in Bangalore, India, Sao Paulo, Brazil, and Rome.

Correspondents or agents for the sale of publications are maintained in Argentina, Austria, Belgium-Luxembourg, Bolivia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, Finland, Greece, Guatemala, Iran, Ireland, Japan, Mexico, Pakistan, Peru, Philippines, Poland, Sweden, Syria, Union of South Africa, Uruguay and Venezuela. The correspondents' offices serve as information centres, and they distribute and sell publications.

³ International Labour Conference, Conventions and Recommendations, 1919-1949 (Geneva: ILO, 1949).

C. ACTIVITIES DURING 1950

During 1950 membership of ILO reached its highest point in the Organisation's 31-year history with the admission by the General Conference in June 1950 of Indonesia and Vietnam. This brought the total membership to 62 countries.

The member Governments continued to ratify—and to register their ratifications—of ILO's conventions.⁴ Eighty ratifications were registered during 1950, bringing the total to 1,188. Sixty-five of the conventions were in force and six more had received, by the end of 1950, a sufficient number of ratifications to bring them into force in 1951 or 1952.

The 33rd session of the General Conference was held in Geneva from 7 June to 1 July 1950; the Governing Body held its 110th session from 3 to 7 January in Mysore, its 111th session from 8 to 11 March in Geneva, its 112th session from 2 to 30 June in Geneva and its 113th session from 21 to 25 November in Brussels.

Activities of the Organisation during the year covered almost every segment of the area of economic and social policy for which ILO is responsible. Only a few of the principal programmes, many of which are inter-related, can be mentioned here.

1. Technical Assistance to Under-Developed Areas

A major development during the year was the coming into operation of the Expanded Programme of Technical Assistance for the Economic Development of Under-Developed Countries.⁵ The ILO's share of the special technical assistance fund is roughly \$2,000,000.⁶ ILO began its activities under the Expanded Programme late in 1950, and made plans for large-scale operations in 1951. By the end of 1950, technical assistance had already been initiated in Bolivia, Burma, Colombia, Ecuador, Indonesia, Mexico, Pakistan, and the Trust Territory of Somaliland, and plans were being made for providing assistance to Ceylon, Egypt, El Salvador, Greece, Guatemala, Honduras, Iran, Iraq, Israel, Liberia, Panama, Peru, the Philippines, Syria, Thailand and Turkey.

Assistance was being given in the fields of manpower, migration, vocational training, social security, labour administration and inspection, industrial relations, hours and conditions of work, industrial safety, occupational health, co-opera-

tion and handicrafts, agricultural labour conditions, labour statistics and wage policy, minimum wage fixing machinery, and systems of wage payment.

Side by side with its part in this expanded programme, ILO continued to provide technical assistance, as in the past thirty years, to Governments, and to workers' and employers' organizations.

The year marked the successful operation of the ILO's first fellowship and internship programmes. Eighteen fellowships for study in various fields of social policy were granted, and twelve grants for study of the ILO itself were awarded.

2. Freedom of Association and Industrial Relations

Another major aspect of ILO's 1950 programme was its work to ensure, enjoyment throughout the world of the right of freedom of association. At the beginning of the year, the Governing Body agreed on the terms of reference and the procedure for a fact-finding and conciliation commission, the establishment of which had been authorized in 1949. In June, the General Conference approved the Governing Body's action, and the commission came into being.

The commission's purpose is to investigate allegations of the infringement of trade union rights, and it is empowered to seek the adjustment of disputes through conciliation. It is composed of nine members chosen from as many countries.

3. Employment and Unemployment

Emphasis was put during the year on the development of policies and programmes designed to maintain full employment throughout the world. After considering a special report prepared by the ILO on "Action Against Unemployment", the General Conference adopted a comprehensive resolution setting forth lines of national and international policy to maintain jobs at a high level.

⁴ For list, see pp. 896-99.

⁵ For details of the Programme, see Y.U.N., 1948-49, pp. 443-46; present volume, pp. 448 ff.

⁶ It was provided that ILO should receive 11 per cent of the initial amount of contribution, which is automatically available without prior authorization by the TAB.

Measures suggested included maintenance of government economic, information and statistical services adequate to enable Governments to implement full employment policies; adoption of fiscal policies to maintain mass purchasing power and anti-depression measures such as public works programmes; international co-operation to increase foreign trade and prevent the spread of depression from one country to another; increased productivity through the flow of technical assistance and capital to under-developed countries and through a reduction in restrictions on immigration. Countries which had not already done so were urged to set up systems of unemployment benefits sufficient to enable the involuntarily unemployed to maintain at least a socially acceptable minimum standard of living.

The General Conference approved a formal recommendation laying down standards governing the vocational training of adults, including the disabled.

4. Manpower and Migration

Assistance was given in the field of manpower as part of the special programme of action in this area launched by ILO in 1948. ILO's work in this field included a number of "operational" activities in which the Organisation played a direct role in attacking certain problems; for example, ILO officials conducted a series of institutes to help provide the countries of Asia with the trained personnel required by their industries.

The year was also marked by the inauguration of a special programme in the field of migration. This programme, which is being financed by a \$1,000,000 fund provided by a number of European governments, is designed to facilitate the migration of workers from European countries with labour surpluses to countries elsewhere which need manpower for the development of their resources.

The first major step in the intensification of the migration programme was the convening at Geneva from 25 April to 9 May 1950 of a conference of representatives of emigration and immigration countries, and of the interested international organizations.

The numbers of persons available for emigration, as well as immigration possibilities were considered at the Conference. It was estimated that 1,300,000 persons in the German Federal Republic were currently available for permanent migration; that 1,500,000 workers and their fami-

lies would be available for emigration from Italy in the next few years; and that 50,000 workers were currently available from the Netherlands, with an estimated net increase of 25,000 per year for the next 20 years.

This Conference disclosed the obstacles that were impeding the development of migration, and laid the basis for the development of a series of projects aimed at overcoming them.

Among its recommendations were simplification of passport formalities for emigrant workers, avoidance of long delays at ports of embarkation, lifting of customs fees on tools and personal effects and better distribution of information.

A migration field office was opened at Bonn in November 1950 to assist the German Federal Republic in solving its migration problems, in stimulating migration opportunities, and in working out bilateral agreements and arrangements with immigration countries.

5. Problems of Particular Industries

Three of ILO's industrial committees held meetings during 1950: for chemicals and for petroleum, in Geneva, April and October-November; for textiles, at Lyons, France, in November-December.

Among the proposals which emerged from the chemicals committee meeting was a recommendation that the ILO study the establishment of an international warning mark for dangerous chemicals similar to the "poison" label on dangerous drugs. The petroleum committee decided to pursue its consideration of the question of working hours in the industry, and adopted recommendations designed to improve the housing, health and educational facilities for oil workers. The textiles committee advanced a series of recommendations to raise wage levels and improve working conditions in the industry in both under-developed and industrialized countries.

A notable precedent in the ILO's work was set in July when a conference of the representatives of Governments with an interest in the Rhine navigation system—Belgium, France, the German Federal Republic, the Netherlands, Switzerland, the United Kingdom and the United States—approved agreements regulating the employment conditions and the social security protection of Rhine boatmen.

The social security agreement covers sickness, maternity, death, invalidity, old age, employment injury, unemployment and family allowance.

Under it, each contracting party is to treat Rhine boatmen from other countries as its own nationals. An administrative centre for the social security of Rhine boatmen is to be set up, with representatives of workers, employers and Governments.

The agreement on working conditions covers manning of boats, rest periods, overtime, holidays, and special allowances.

These agreements marked the first time the ILO has been instrumental in determining precise working conditions for an international group of workers engaged in a particular occupation.

The agreements had been drafted late in 1949 at a tripartite conference of the workers, employers and Governments of the Rhine countries. They will come into force when they have been ratified by Belgium, France, the German Federal Republic, the Netherlands and Switzerland.

6. Conditions of Work

The ILO continued its studies on hours of work in coal mines and road transport with a view to ascertaining whether there was a need for revising the 1935 convention limiting hours of work in coal mines and the convention concerning the regulation of hours of work and rest periods in road transport.

7. Maritime Conditions

A significant report issued during the year was a volume which contained the recommendations of a three-member committee appointed by the Governing Body to investigate conditions in ships flying the flag of Panama. The committee was set up at the invitation of the Government of Panama after the International Transport Workers' Federation had threatened to boycott certain Panamanian ships.

The report found justification for some of the charges that had been made concerning Panamanian ships, and it made a number of recommendations aimed at improving the conditions about which the Federation complained. Before the report was published, it was discussed with representatives of Panama. As a result of these discussions it was decided to publish with the report observations on it which had been made by the Government of Panama. The discussions

also led to the publication of a Governing Body statement which noted the "earnest endeavour" Panama had made to improve conditions. Following the committee's inquiry, collective agreements covering Panamanian ships began to be signed, and the threatened boycott was not put into effect.

8. Social Security

Preparations were made during the year for the consideration by the General Conference of a new international labour convention covering all branches of social security. The general lines of the proposed convention were considered at a meeting of the ILO's Committee of Social Security Experts at Wellington, New Zealand, from 8 to 17 February. Governments were consulted on the proposals of the Committee, and work was begun on a draft text for submission to the General Conference in 1951.

In co-operation with the International Social Security Association, a seminar on social security problems was held at Rome from 16 to 28 October. It brought together more than 40 participants from seven countries.

9. Agricultural Labour Conditions

The ILO's 1950 General Conference recognized the fact that "agriculture is the branch of human activity in which the largest number of people are occupied, but that in many countries the various categories of agricultural workers do not yet enjoy the same measure of protection and advantages as are accorded to workers in other sectors of the economy". The Conference proposed for future international action: the revision and broadening of the scope of international regulations on social security to ensure a better adjustment to the conditions and realities of agricultural life; the special aspects of vocational training that arise in agriculture; regulation of hours of work of wage earners in agriculture; agricultural aspects of manpower and employment problems; safety and hygiene problems arising from mechanization and the use of chemicals in agricultural work and the special problems affecting the life and conditions of employment of agricultural workers in the under-developed countries, which, it suggested, should be considered by regional or other meetings of the ILO.

10. Employment of Women

The most significant action undertaken by the ILO in the field of women's employment during 1950 was the first discussion, under a double-discussion procedure, of equal remuneration for men and women workers for work of equal value. While details as to both the form and content of international regulations on the question remain to be settled, certain basic decisions were taken at the ILO General Conference in 1950, namely, that such international regulations were desirable, that their gradual implementation should be provided for and that all aspects of the question of equal remuneration should be considered.

11. Protection of Young Workers

A report was prepared on the employment of children and young persons in the textile industry. A report was also prepared on the use of vocational guidance in the prevention and treatment of juvenile delinquency, on minimum age for admission to employment in relation to the care and treatment of homeless children and on vocational services in the care and treatment of physically-handicapped children.

12. Industrial Safety

The ILO's industrial safety work in 1950 laid particular emphasis on the petroleum, chemical, textile, metal working, mining and civil engineering industries, and on agriculture.

A Model Code of Safety Regulations for Underground Work in Coal Mines completed during 1949 was published, and a comprehensive study of laws and practices relating to safety in coal

mines was continued. Work was also continued on a model code of safety regulations for civil engineering. A series of handbooks to promote safety in the petroleum industry was prepared, and work was begun on a handbook on the prevention of accidents in foundries, and a handbook on safety in the construction and use of ladders.

13. Industrial Hygiene

Activities in the field of industrial health were highlighted by the Third International Conference on Experts on Pneumoconiosis which was held at Sydney, Australia, from 28 February to 10 March 1950. This meeting discussed the cause, symptoms and diagnosis of dust diseases, and suggested preventive measures and minimum international compensation standards. It adopted a list of eight important methods of dust suppression and control for the protection of workers and stressed the fact that general measures for dust suppression must constitute the major effort in prevention, personal respiratory protective devices being only secondary.

A Committee on Industrial Hygiene, organized jointly by the ILO and the World Health Organization, defined the scope of industrial health, and laid down guiding principles for its promotion.

14. Co-operation and Handicrafts

In view of the increasing importance attached by Asian countries to the value of the co-operative movement in their territories, ILO issued reports during 1950 on the establishment of organic working relationships between co-operatives, the training of officers and employees of co-operatives, and the co-operative organization of small-scale, cottage and handicraft industries.

D. BUDGET

The budget of ILO is approved by a two-thirds vote of the General Conference. The thirty-third session of the Conference in 1950 approved a budget totalling \$5,973,789 to cover expenses of ILO during 1951. The main details of the ex-

penditures covered by this budget are given in the table on the following page.

The contributions due from Member States for 1951 are given in the second table on the following page.

BUDGET (1951)

		Member	Percent- age	Gross contribu- tions
PART I. Ordinary Budget:				
Section I (Ordinary Expenditure) :		Belgium	2.08	129,365.72
Chapter I. Sessions of the Conference and the Governing Body and other con- ferences		Bolivia	0.12	7,463.41
\$ 397,962		Brazil	2.61	162,329.11
Chapter II. General services of the Inter- national Labour Office		Bulgaria	0.39	24,256.07
4,996,826		Burma	0.25	15,548.76
Chapter III. Profit and loss on exchange		Canada	4.28	266,194.86
Chapter IV. Permanent equipment, etc.		Ceylon	0.30	18,658.52
75,056		Chile	0.61	37,938.99
Section H (Capital Expenditure) :		China	3.04	189,072.98
Chapter V. Capital Expenditure		Colombia	0.50	31,097.53
100		Costa Rica	0.12	7,463.41
Section III (Unforeseen Expenditure) :		Cuba	0.40	24,878.02
Chapter VI. Unforeseen expenditure		Czechoslovakia	1.23	76,499.92
Section IV:		Denmark	1.08	67,170.66
Chapter VII. Reserve Fund:		Dominican Republic	0.12	7,463.41
Budgetary allocation		Ecuador	0.12	7,463.41
Refund of Withdrawal		Egypt	1.08	67,170.66
TOTAL		El Salvador	0.12	7,463.41
\$5,469,944		Ethiopia	0.12	7,463.41
Deduct:		Finland	0.30	18,658.52
Supplementary Receipts		France	8.88	552,292.13
50,000		Greece	0.24	14,926.81
NET TOTAL OF PART I		Guatemala	0.12	7,463.41
\$5,419,944		Haiti	0.12	7,463.41
PART II. Staff Pensions Fund		Hungary	0.54	33,585.33
184,171		Iceland	0.12	7,463.41
PART III. Staff Retirement and Provident Fund		India	4.43	275,524.11
339,106		Indonesia	0.43	26,743.88
PART IV. Working Capital Fund:		Iran	0.61	37,938.99
(1) First annuity		Iraq	0.24	14,926.81
250,000		Ireland	0.70	43,536.54
(2) Restoration of deficit		Israel	0.12	7,463.41
PART V. Building Fund		Italy	3.19	198,402.24
26,285		Lebanon	0.12	7,463.41
TOTAL GROSS EXPENDITURE BUDGET		Liberia	0.12	7,463.41
\$6,219,506		Luxembourg	0.12	7,463.41
Deduct:		Mexico	1.00	62,195.06
Working Capital Fund: Distribution of one fifth of original fund		Netherlands	1.45	90,182.84
245,717		New Zealand	0.68	42,292.64
TOTAL NET EXPENDITURE BUDGET		Norway	0.84	52,243.85
\$5,973,789		Pakistan	0.93	57,841.40
CONTRIBUTIONS FROM MEMBER STATES		Panama	0.12	7,463.41
		Peru	0.38	23,634.12
		Philippines	0.43	26,743.88
		Poland	1.29	80,231.63
		Portugal	0.78	48,512.15
		Sweden	2.33	144,914.49
		Switzerland	1.93	120,036.46
		Syria	0.16	9,951.21
		Thailand	0.43	26,743.88
		Turkey	1.22	75,877.97
		Union of South Africa	1.69	105,109.65
		United Kingdom	13.60	845,852.81
		United States	25.00	1,554,876.50
		Uruguay	0.30	18,658.52
		Venezuela	0.36	22,390.22
		Vietnam	0.30	18,658.52
Member	Percent- age	Gross contribu- tions		
Afghanistan	0.12	\$ 7,463.41		
Albania	0.12	7,463.41		
Argentina	2.51	156,109.60		
Australia	2.69	167,304.71		
Austria	0.37	23,012.17		
			100.00	\$6,219,506.00

ANNEX I. MEMBERS, OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

MEMBERS OF ILO

Afghanistan	Egypt	Netherlands
Albania	El Salvador	New Zealand
Argentina	Ethiopia	Norway
Australia	Finland	Pakistan
Austria	France	Panama
Belgium	Greece	Peru
Bolivia	Guatemala	Philippines
Brazil	Haiti	Poland
Bulgaria	Hungary	Portugal
Burma	Iceland	Sweden
Canada	India	Switzerland
Ceylon	Indonesia	Syria
Chile	Iran	Thailand
China	Iraq	Turkey
Colombia	Ireland	Union of
Costa Rica	Israel	South Africa
Cuba	Italy	United Kingdom
Czechoslovakia	Lebanon	United States
Denmark	Liberia	Uruguay
Dominican Republic	Luxembourg	Venezuela
Ecuador	Mexico	Vietnam

Deputy Members

Harry Taylor	Canada
Ong-sung Lieu	China
Louis E. Cornil	Belgium
Antony G. Fennema	Netherlands
Pietro Campanella	Italy
Charles Kuntschen	Switzerland
Antonio Calheiros Lopes	Portugal
M. G. Ghayour	Iran

3. WORKERS' GROUP

Regular Members

Leon Jouhaux	France
Aftab Ali	Pakistan
George P. Delaney	United States
Paul Finet	Belgium
Bernardo Ibañez Aguila	Chile
A. E. Monk	Australia
Konrad Nordahl	Norway
Alfred Roberts	United Kingdom

Deputy Members

Percey R. Bengough	Canada
Sun-san Liu	China
Jean Mori	Switzerland
Syndolpho de Azevedo Pequeno	Brazil
Angel Cofiño	Cuba
A. Sölvén	Sweden
F. Santi	Italy
P. J. S. Serrarens	Netherlands

B. MEMBERSHIP OF THE GOVERNING BODY

1. GOVERNMENT GROUP

Regular Members	Permanent Representative
Belgium	Leon-Eli Troclet
Argentina	E. R. Stafforini
Australia	E. Ronald Walker
Brazil*	Helio Lobo
Canada*	Arthur MacNamara
China*	Mao-lan Tuan
Cuba	—
Denmark	Hans H. Koch
France*	Paul Ramadier
India*†	—
Italy*	Mario Gingolani
Peru†	—
Poland	Henryk Altman
Turkey	F. H. Sur
United Kingdom*	Sir Guildhaume Myrddin-Evans
United States*	Philip M. Kaiser

Deputy Members

Jonas Gudmundsson	Iceland
Bedrich Levčík	Czechoslovakia
Geertruida J. Stemberg	Netherlands

2. EMPLOYERS' GROUP

Regular Members

Sir John Forbes Watson	United Kingdom
G. Bergenstrom	Sweden
Pedro A. Chapa	Mexico
William Gemmill	South Africa
Charles P. McCormick	United States
Bhagandas C. Mehta	India
Julio B. Pons	Uruguay
Pierre Waline	France

C. OFFICERS OF THE GOVERNING BODY

Chairman:

Leon-Eli Troclet (Belgium)

Vice-Chairmen:

Sir John Forbes Watson (United Kingdom)
 Leon Jouhaux (France)

D. OFFICIALS OF THE INTERNATIONAL LABOUR OFFICE

Director-General:

David A. Morse (United States)

Assistant Directors-General:

Jef Rens (Belgium)
 Raghunath Rao (India)
 C. W. Jenks (United Kingdom)
 Luis Alvarado (Peru)
 Jean Morellet (France)

Treasurer:

G. A. Johnston (United Kingdom)

* Hold non-elective seats as States of chief industrial importance.

† No permanent representative appointed.

E. HEADQUARTERS, LIAISON, BRANCH
AND FIELD OFFICES

1. HEADQUARTERS

Address: International Labour Office
Geneva, Switzerland

Telephone: 2 62 00

Cable Address: INTERLAB GENEVE

2. LIAISON OFFICE WITH THE UNITED NATIONS

Address: International Labour Office
P.O. Box 648
Great Neck, Long Island, N. Y.

Telephone: Manhasset 7-3116; Flushing 7-9185

Cable Address: INTERLAB GREATNECKNY

3. BRANCH OFFICES

Address: International Labour Office
38 Parliament Street
London, S.W.1, England

Telephone: Whitehall 1437

Cable Address: INTERLAB LONDON

Address: International Labour Office
205 Boulevard St. Germain
Paris 7, France

Telephone: Littre 92-02 and 92-03

Cable Address: INTERLAB PARIS

Address: International Labour Office
Villa Aldobrandini
Via Panispera 28
Rome, Italy

Telephone: 48 79 79

Cable Address: INTERLAB ROME

Address: International Labour Office
754 Nanking Road West
Shanghai, China

Cable Address: INTERLAB SHANGHAI

Address: International Labour Office
Cochin House
3 Jantarmantar Road
New Delhi, India

Telephone: 7567

Cable Address: INTERLAB NEW DELHI

Address: International Labour Office
1825 Jefferson Place, N.W.
Washington 6, D.C.

Telephone: District 8736

Cable Address: INTERLAB WASHINGTON

Address: International Labour Office
95 Rideau Street
Ottawa, Canada

Telephone: 3-9182

Cable Address: INTERLAB OTTAWA

4. FIELD OFFICES

ASIA:

Provisional Address: International Labour Office
P.O. Box 4

Bangalore, Mysore State, India

Cable Address: INTERLAB BANGALORE

LATIN AMERICA:

Provisional Address: International Labour Office
Rua Vieira de Carvalho 172
Sao Paulo, Brazil

Cable Address: INTERLAB SAOPAULO

ITALY:

Address: International Labour Office
Largo di Villa Massimo 2
Rome

Telephone: 830.476

ANNEX II. INTERNATIONAL LABOUR CONVENTIONS⁷

No.	Title	Effective Date and No. of Ratifications	No.	Title	Effective Date and No. of Ratifications
FIRST SESSION, 1919			SECOND SESSION, 1920		
1.	Limiting hours of work in industrial undertakings to eight in day and forty-eight in week	13 June 1921 27	7.	Fixing minimum age for admission of children to employment at sea (revised by Convention No. 58)	27 Sept. 1921 35
2.	Concerning unemployment	14 July 1921 34	8.	Concerning unemployment indemnity in case of loss or foundering of the ship	16Mar. 1923 29
3.	Concerning employment of women before and after childbirth	13 June 1921 18	9.	Establishing facilities for finding employment for seamen	23Nov. 1921 28
4.	Concerning employment of women during the night (revised by Conventions No. 41 and No. 89)	13 June 1921 34	10.	Concerning age for admission of children to employment in agriculture	31Aug. 1923 21
5.	Fixing minimum age for admission of children to industrial employment (revised by Convention No. 59)	13 June 1921 30	11.	Concerning rights of association and combination of agricultural workers	11 May 1923 36
6.	Concerning night work of young persons employed in industry (revised by Convention No. 90)	13 June 1921 34			

⁷ The Conventions adopted by the ILO General Conference with the number of ratifications of each, as of 31 December 1950.

No.	Title	Effective Date and No. of Ratifications	No.	Title	Effective Date and No. of Ratifications
12.	Concerning workmen's compensation in agriculture	26 Feb. 1923 25	FIFTEENTH SESSION, 1931		
13.	Concerning use of white lead in painting	31 Aug. 1923 27	31.	Limiting hours of work in coal mines (revised by Convention No. 41) *	1
14.	Concerning the application of the weekly rest in industrial undertakings	19 June 1923 37	SIXTEENTH SESSION, 1932		
15.	Fixing minimum age admission of young persons to employment as trimmers or stokers	20 Nov. 1922 34	32.	Concerning protection against accidents of workers employed in loading and unloading ships (revised)	30 Oct. 1934 15
16.	Concerning compulsory medical examination of children and young persons employed at sea	20 Nov. 1922 35	33.	Concerning age for admission of children to non-industrial employment (revised by Convention No. 60)	6 June 1935 8
17.	Concerning workmen's compensation for accidents	1 Apr. 1927 24	SEVENTEENTH SESSION, 1933		
18.	Concerning workmen's compensation for occupational diseases (revised by Convention No. 42)	1 Apr. 1927 32	34.	Concerning fee-charging employment agencies (revised by Convention No. 96)	18 Oct. 1936 10
19.	Concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents	8 Sept. 1926 42	35.	Concerning compulsory old-age insurance for persons employed in industrial or commercial undertakings, in liberal professions, and for out-workers and domestic servants	18 July 1937 8
20.	Concerning night work in bakeries	26 May 1928 12	36.	Concerning compulsory old-age insurance for persons employed in agricultural undertakings	18 July 1937 7
EIGHTH SESSION, 1926			37.	Concerning compulsory invalidity insurance for persons employed in industrial or commercial undertakings, in liberal professions, and for out-workers and domestic servants	18 July 1937 8
21.	Concerning simplification of inspection of emigrants on board ship	29 Dec. 1927 25	38.	Concerning compulsory invalidity insurance for persons employed in agricultural undertakings	18 July 1937 7
NINTH SESSION, 1926			39.	Concerning compulsory widows' and orphans' insurance for persons employed in industrial or commercial undertakings, in liberal professions, and for out-workers and domestic servants	8 Nov. 1946 5
22.	Concerning seamen's articles of agreement	4 Apr. 1928 30	40.	Concerning compulsory widows' and orphans' insurance for persons employed in agricultural undertakings	29 Sept. 1949 4
23.	Concerning repatriation of seamen	16 Apr. 1928 19	EIGHTEENTH SESSION, 1934		
TENTH SESSION, 1927			41.	Concerning employment of women during the night (revised by Convention No. 89)	22 Nov. 1936 22
24.	Concerning sickness insurance for workers in industry and commerce and domestic servants	15 July 1928 19	42.	Concerning workmen's compensation for occupational diseases (revised)	17 June 1936 22
25.	Concerning sickness insurance for agricultural workers	15 July 1928 12	43.	Regulation of hours of work in automatic sheet-glass works	13 June 1938 8
ELEVENTH SESSION, 1928			* Not yet in force.		
26.	Concerning creation of minimum wage-fixing machinery	14 July 1930 26			
TWELFTH SESSION, 1929					
27.	Concerning marking of weight on heavy packages transported by vessels	9 Mar. 1932 38			
28.	Concerning protection against accidents of workers employed in loading or unloading (revised by Convention No. 32)	1 Apr. 1932 4			
FOURTEENTH SESSION, 1930					
29.	Concerning forced or compulsory labour	1 May 1932 24			
30.	Concerning regulation of hours of work in commerce and offices	29 Aug. 1933 11			

No.	Title	Effective Date and No. of Ratifications	No.	Title	Effective Date and No. of Ratifications
44.	Ensuring benefit or allowances to involuntarily unemployed	10 June 1938 7	TWENTY-FOURTH SESSION, 1938		
NINETEENTH SESSION, 1935			63.	Concerning statistics of wages and hours of work in principal mining and manufacturing industries, including building and construction, and in agriculture	22 June 1940 15
45.	Concerning employment of women on underground work in mines of all kinds	30 May 1937 31	TWENTY-FIFTH SESSION, 1939		
46.	Limiting hours of work in coal mines (revised) *		64.	Concerning regulation of written contracts of employment of indigenous workers	8 July 1948 3
47.	Concerning reduction of hours of work to forty a week*		65.	Concerning penal sanctions for breaches of contracts of employment of indigenous workers	8 July 1948 2
48.	Concerning establishment of an international scheme for maintenance of rights under invalidity, old-age and widows' and orphans' insurance	10 Aug. 1938 6	66.	Concerning recruitment, placing and conditions of labour of migrants for employment (revised by Convention No. 97)*	0
49.	Concerning reduction of hours of work in glass-bottle works	10 June 1938	67.	Concerning regulation of hours of work and rest periods in road transport*	0
TWENTIETH SESSION, 1936			TWENTY-EIGHTH SESSION, 1946		
50.	Concerning regulation of certain special systems of recruiting workers	8 Sept. 1939 6	68.	Concerning food and catering for crews on board ship*	2
51.	Concerning reduction of hours of work on public works*		69.	Concerning certification of ships' cooks*	3
52.	Concerning annual holidays with pay	22 Sept. 1939 9	70.	Concerning social security for seafarers*	1
TWENTY-FIRST SESSION, 1936			71.	Concerning seafarers' pensions*	3
53.	Concerning minimum requirement of professional capacity for masters and officers on board merchant ships	29 Mar. 1939 12	72.	Concerning vacation holidays with pay for seafarers (revised by Convention No. 91)*	3
54.	Concerning annual holidays with pay for seamen*		73.	Concerning medical examination of seafarers*	2
55.	Concerning liability of ship-owner in case of sickness, injury or death of seamen	29 Oct. 1939 5	74.	Concerning certification of able seamen*	14 July 1951 2
56.	Concerning sickness insurance for seamen	9 Dec. 1949 4	75.	Concerning crew accommodation on board ship (revised by Convention No. 92) *	5
57.	Concerning hours of work on board ship and manning*		76.	Concerning wages, hours of work on board ship and manning*	1
TWENTY-SECOND SESSION, 1936			TWENTY-NINTH SESSION, 1946		
58.	Fixing minimum age for admission of children to employment at sea (revised)	11 Apr. 1939 10	77.	Concerning medical examination for fitness for employment in industry of children and young persons	29 Dec. 1950 2
TWENTY-THIRD SESSION, 1937			78.	Concerning medical examination of children and young persons for fitness for employment in non-industrial occupations	29 Dec. 1950 2
59.	Fixing minimum age for admission of children to industrial employment (revised)	21 Feb. 1941 3	79.	Concerning restriction of night work of children and young persons in non-industrial occupations	29 Dec. 1950 2
60.	Concerning age for admission of children to non-industrial employment (revised)	29 Dec. 1950 2			
61.	Concerning reduction of hours of work in textile industry*				
62.	Concerning safety provisions in building industry	4 July 1942 7			

* Not yet in force.

No.	Title	Effective Date and No. of Ratifications	No.	Title	Effective Date and No. of Ratifications
80.	Concerning final articles re- vision	28 May 1947 37	90.	Concerning night work of young persons employed in industry (revised) *	12 June 1951 2
THIRTIETH SESSION, 1947					
81.	Concerning labour inspection in industry and commerce	7 Apr. 1950 9	THIRTY-SECOND SESSION, 1949		
82.	Concerning social policy in non-metropolitan territories *	1	91.	Concerning vacation holidays with pay for seafarers (re- vised) *	
83.	Concerning application of in- ternational labour standards to non-metropolitan terri- tories *	1	92.	Concerning crew accommo- dation on board ship (re- vised) *	
84.	Concerning right of associa- tion and settlement of labour disputes in non-metropolitan territories *	1	93.	Concerning wages, hours of work on board ship and manning (revised) *	
85.	Concerning labour inspector- ates in non-metropolitan ter- ritories *	1	94.	Concerning labour clauses in public contracts *	
86.	Concerning maximum length of contracts of employment of indigenous workers *	1	95.	Concerning the protection of wages *	
THIRTY-FIRST SESSION, 1948					
87.	Concerning freedom of asso- ciation and protection of the right to organize	4 July 1950 8	96.	Concerning fee-charging em- ployment agencies (revised) *	18 July 1951
38.	Concerning employment serv- ice organization	10 Aug. 1950 10	97.	Concerning migration for employment (revised) *	22 Jan. 1952
39.	Concerning employment of women during the night (revised) *	27 Feb. 1951 7	98.	Concerning the application of the principles of the right to organize and bargain col- lectively *	18 July 1951

* Not yet in force.

II. The Food and Agriculture Organization of the United Nations (FAO)¹

The Food and Agriculture Organization of the United Nations was the first of the permanent United Nations organizations to be launched after the war. At the United Nations Conference on Food and Agriculture, in May 1943 at Hot Springs, Virginia, 44 nations agreed to work together to banish hunger and establish a stable world agriculture. On its recommendation, the United Nations Interim Commission on Food and Agriculture was set up in July 1943 to plan a permanent organization concerned with food and agriculture, and forestry and fisheries as well. The Commission prepared a Constitution for FAO² and submitted it to Governments.

FAO officially came into being with the signing of its Constitution on 16 October 1945 at the first session of the Conference, in Quebec. Subsequent regular sessions of the Conference were held in Copenhagen, September 1946; Geneva, August-September 1947; and Washington, November 1948 and November 1950. Two special sessions were held in Washington, April 1948 and November-December 1949.

On 14 December 1946, FAO was formally brought into relationship with the United Nations as a specialized agency, with the approval of an agreement³ between the two organizations by the United Nations General Assembly.

To deal with the emergency world food shortage, FAO's first Director-General, Lord Boyd Orr, called a Special Meeting on Urgent Food Problems, in Washington, May 1946. Consequently, an International Emergency Food Council (IEFC) was established to carry on the work of the wartime Combined Food Board by recommending the allocation of agricultural commodities in short supply. The IEFC functioned until 1 January 1948, when it was reconstituted as the International Emergency Food Committee, a committee of the FAO Council. The committee was dissolved as of 30 June 1949. The Special Meeting on Urgent Food Problems also recognized the need for long-term measures to prevent surpluses of agricultural commodities. Specific recommendations were made by an FAO Preparatory Commission on World Food Proposals, which met in

Washington, October 1946 to January 1947. The FAO Conference began in 1947 an annual review of the international food and agriculture situation, and replaced the FAO's Executive Committee with the Council of FAO, or World Food Council, to which it assigned broader functions.

In recognition of the urgency and continuing importance of the commodity question, at its 1949 session, the FAO Conference established a fourteen-member Committee on Commodity Problems to try to resolve situations arising from the accumulation in certain countries of commodity surpluses caused by lack of purchasing power in the food deficit areas.

Recommendations to minimize the 1947-48 deficit of grains were made by a special conference on cereals, in the summer of 1947. The problem of food loss through infestation was discussed by an international meeting in London in August 1947 and later dealt with regionally. Programmes for the expansion of rice production were reviewed by an International Rice Conference at Baguio, Philippines, early in 1948. This Conference drew up a constitution for an International Rice Commission, which met first in Bangkok in March 1949.

A Fisheries Conference at Baguio early in 1948 led to the establishment in March 1949 of an Indo-Pacific Fisheries Council. This was the first of a series of regional councils set up to encourage Government co-operation in developing production and utilizing fisheries products. A General Fisheries Council for the Mediterranean was approved by the FAO Conference in 1949, following an international meeting on the subject at Rome.

Measures for overcoming the European timber shortage were considered by an International Timber Conference in Czechoslovakia early in

¹ For further information, see Y.U.N., 1946-47, pp. 685-702; 1947-48, pp. 831-42; 1948-49, pp. 997-1010; FAO reports to the United Nations (E/597 & Add.1; E/797; E/1321), reports of the Director-General to the Conference, reports of the Conference, and FAO Catalogue of Publications, 1950.

² For text, see Y.U.N., 1946-47, pp. 693-98.

³ For text, see *ibid.*, pp. 698-702.

1947. At its recommendation, European timber production was increased 10 per cent during 1947. The European Forestry and Forest Products Commission was subsequently established. Similar Commissions for Latin America and for Asia and the Pacific were established following conferences in Brazil in 1948 and India in 1949.

Special FAO missions to help solve food and agricultural problems were sent, at the Government's request, to Greece in 1946, Poland in 1947, and Thailand and Venezuela in January 1948. An UNRRA grant to FAO of more than \$1,000,000 served to finance agricultural advisory services in countries that had received aid from UNRRA, including Austria, China, Czechoslovakia, Ethiopia, Greece, Hungary, Italy, Poland and Yugoslavia. During 1947 and 1948 UNRRA funds also financed technical demonstration meetings in Europe on maize breeding, artificial insemination of cattle, vaccines and sera, food freezing and refrigeration, soil conservation, grain infestation control and grain storage.

In 1949, FAO's programme for training statisticians of member governments was expanded with a view to solving problems of the 1950 world census of agriculture. Some other instances of FAO field work and technical aid to member countries follow.

In Thailand, a mission reported that freshwater fisheries production there could be developed. Work on rinderpest control in the Far East expanded; at a meeting at Nairobi, Kenya, experts agreed that, with new vaccines FAO has helped develop, rinderpest could be wiped out. Soil fertility practices in the Far East were studied. Experts at the Allahabad Institute in India made a study of farm implements, and an engineer appraised farm-machine problems in Thailand, the Philippines and other Far Eastern countries. FAO's hybrid corn work, hitherto confined mainly to Europe, was extended to the Near East and India. Technicians not only distributed improved vegetable seed but collected seeds and plants of potential value in other countries. Co-operatives

in the Far East were discussed at a meeting at Lucknow, India, in late 1949.

Near East countries worked with FAO on control of locusts, a chief threat to food production. The Ethiopian Government was aided in manufacturing rinderpest vaccine and other veterinary biologicals, and obtained advice on selecting cotton-growing areas and improving other crops. FAO made a field study of methods of processing agricultural products in the Near East.

At a meeting in Colombia in February, technicians of eighteen countries discussed control of infestation in stored grain, and later there was a demonstration of control measures in Costa Rica, guided by an FAO expert. FAO entomologists lent their services in anti-locust campaigns in Guatemala and Costa Rica and in fighting a grasshopper outbreak in western United States and Canada; in June 1949, an anti-locust conference, called by the Mexican Government and attended by representatives of Central American countries, resulted in an agreement providing for co-operation in combating this pest. In Guatemala, FAO advised on programmes to improve beef cattle production and to further farm mechanization. In Bolivia, an FAO agronomist recommended specific improvements in livestock and crop production methods in that country's high lands which could lead to dietary self-sufficiency. The Costa Rican, Haitian and other Governments obtained advice on fisheries development.

An FAO nutritionist trained local nutrition workers in Greece and organized a supplementary feeding programme for children, the aged, and other vulnerable groups; this work led to the Government's establishing a national nutrition service. FAO convened a meeting on agricultural extension services in European countries at Brussels and The Hague. A specialist studied extension services for farm women in various countries and assisted on home economics extension problems in Italy, Greece and Poland. Livestock feeding problems were discussed at a meeting at Zurich.

A. PURPOSES AND FUNCTIONS

The preamble to the Constitution of FAO tells the reason for its existence in a few words:

The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purposes of:

raising levels of nutrition and standards of living of the peoples under their respective jurisdictions,

securing improvements in the efficiency of the production and distribution of all food and agricultural products,

bettering the condition of rural populations, and thus contributing toward an expanding world economy,

hereby establish the Food and Agriculture Organization of the United Nations through which the Members will report to one another on the measures taken

and the progress achieved in the fields of action set forth above.

Its functions are described in article 1 of the Constitution:

1. The Organization shall collect, analyse, interpret, and disseminate information relating to nutrition, food and agriculture.

2. The Organization shall promote and, where appropriate, shall recommend national and international action with respect to

- (a) scientific, technological, social, and economic research relating to nutrition, food and agriculture;
- (b) the improvement of education and administration relating to nutrition, food and agriculture, and the spread of public knowledge of nutritional and agricultural science and practice;
- (c) the conservation of natural resources and the adop-

tion of improved methods of agricultural production;

- (d) the improvement of the processing, marketing and distribution of food and agricultural products;
- (e) the adoption of policies for the provision of adequate agricultural credit, national and international;
- (f) the adoption of international policies with respect to agricultural commodity arrangements.

3. It shall also be the function of the Organization

- (a) to furnish such technical assistance as governments may request;
- (b) to organize, in cooperation with the governments concerned, such missions as may be needed to assist them to fulfil the obligations arising from their acceptance of the recommendations of the United Nations Conference on Food and Agriculture; and
- (c) generally to take all necessary and appropriate action to implement the purposes of the Organization as set forth in the Preamble.

B. ORGANIZATION

FAO consists of a Conference, a Council of FAO and a staff headed by a Director-General.

The Conference is composed of representatives from each member nation. Each member has one vote. The Conference meets at least once every two years. It reviews FAO's work, determines its policy and approves the budget; it reviews the food and agriculture situation and the programmes and plans of member Governments, and recommends national and international action. Decisions of the Conference are taken by a simple majority vote, except in instances such as the admission of new members, when a two-thirds majority of all members of the organization is required.

Between sessions of the Conference, the Council of FAO, comprising representatives of eighteen member nations and an independent chairman elected by the Conference, exercises powers delegated to it. The Council keeps the world food

and agriculture situation under constant review and makes recommendations to member Governments, international commodity authorities and other international agencies.

The Director-General of FAO, elected by the Conference, has full power and authority to direct the work of the organization, subject to the general supervision of the Conference and the Council. He appoints the staff and directs its work.

Standing advisory committees of world experts on agriculture, economics and statistics, fisheries, forestry and forest products, nutrition and rural welfare advise the Director-General. National FAO committees, established in 4g) member countries, serve as contacts between FAO and governmental and non-governmental agencies. The temporary headquarters of FAO were established in 1945 at Washington. The Conference in December 1949 voted to establish permanent headquarters at Rome.⁴

C. ACTIVITIES DURING 1950

A special session of the Conference, at Washington in November 1950, planned the transfer of headquarters, dealt with budget matters, admitted new members and re-appointed Director-General Norris E. Dodd, who had been first elected in April 1948. The new members were Cambodia, the Federal Republic of Germany, Jordan, Spain and Vietnam, which brought the

membership of FAO at the end of 1950 to 67 nations.⁵

1. Agriculture

Under this heading FAO is concerned mainly with agricultural technology: crop production,

former International Institute of Agriculture in Rome, became a part of headquarters. The International Institute had been liquidated in 1948, its assets and liabilities passing to FAO.

⁵ Inclusive of Hungary and Poland (see Annex I, footnotes 8 and 9) but exclusive of Czechoslovakia, which withdrew from FAO on 27 Dec. 1950.

⁴ On 1 Apr. 1951, FAO headquarters moved from Washington to Rome. A North American Regional Office was then set up in Washington, and the former European regional office, as well as the library of the

animal husbandry, management of soil and water, pest and disease control, and the development of government services in extension, professional training, and other fields. The following activities were included in the 1950 programme.

A rice hybridization project, recommended by the International Rice Commission at its second session, at Rangoon, Burma, in February, was begun at the Central Rice Research Institute at Cuttack, Orissa, India. The Commission also established a working party to consider fertilizers in rice production. Rice problems received particular attention in agricultural improvement programmes which Asian and Far Eastern governments undertook with FAO aid.

At the second meeting of the European Committee on Agricultural Technology, at Geneva in March, co-ordination of FAO work with that of other international organizations was discussed.

Toward developing government services in agriculture, FAO agricultural specialists participated in missions organized by the United Nations and other agencies to Afghanistan, Uruguay and the Near East, including Turkey. The Afghanistan mission dealt also with soil and livestock problems. In Europe, FAO, OEEC and ECA co-operated in making a study of advisory services in member countries. FAO itself made a similar study in Finland, and another in Pakistan.

An FAO mission spent two months in Nicaragua inspecting farm and forestry areas and holding discussions with government officials and experts from other international organizations.

FAO took part in an International Congress of Animal Production, at Paris in November, and helped to set up a European Association of Animal Production. At Lucknow, India, in February, specialists from southern Europe, the Near East, Africa, Asia and the Far East met to discuss ways of increasing livestock production in the tropics and subtropics; and in Latin America livestock breeding problems were considered at a meeting which FAO and the Inter-American Institute of Agricultural Sciences held in October. In the Caribbean area, livestock workers met in Trinidad in February and March to discuss the improvement of livestock rations, and FAO specialists surveyed pasture conditions in the Belize River Valley of British Honduras and in Guatemala. Turkey was assisted with problems involving grazing and forage seeds. An expert committee began to study indigenous breeds and types of cattle in Africa. In July, FAO and the British Council held a meeting on dairy technology at Reading, England. During the year three documents on animal hus-

bandry were distributed: an outline draft of a catalogue of cattle breeds and types, and, for Europe, a report on more uniform milk and butter-fat recording and one on artificial insemination of livestock.

FAO continued to co-operate with UNICEF on problems of handling and processing milk in the UNICEF programme in Europe.

Work on rinderpest control moved ahead in 1950. By midyear more than 150,000 cattle in Ethiopia had been vaccinated. An FAO veterinarian helped in the production in Japan of a newer type of vaccine, and discussed vaccine production also in Hong Kong, where the mass immunization of cattle against rinderpest has been completed. FAO arranged for the employment of a veterinarian by the Thai Government to carry on the work begun by an FAO veterinarian. This included a research programme and an immunization programme that has resulted in the control of rinderpest in Thailand. FAO helped fight a rinderpest outbreak in Taiwan (Formosa) and sent veterinarians to Iran and Afghanistan. Foot-and-mouth disease came under study. FAO and the International Office of Epizootics sponsored a meeting on the disease at Paris in May, and the United Kingdom offered to make available a centre for typing strains of the virus, at Pirbright. FAO sent an expert to Taiwan to help produce hog cholera vaccine and, jointly with WHO, convened a meeting in Washington in November to study mastitis and brucellosis. WHO and FAO arranged to act jointly wherever possible in animal disease problems, as for instance in the production of biologicals in Yugoslavia and in rabies control in the Far East. FAO worked jointly also with the Organization for European Economic Co-operation (OEEC), on a survey of economic losses in Europe owing to livestock disease and of control procedures.

Delegates from twelve countries met in Cyprus in April and May to study improved practices in soil conservation, range management, and related matters. The Government of Cyprus invited other Governments to send personnel for a training course in the island's practices. Two FAO soil classification specialists worked with United Nations missions to Bolivia and Afghanistan. The first draft of a list of 620 soil terms was discussed at the Fourth International Congress of Soil Science, at Amsterdam; national committees, it was agreed, would review it and suggest changes for the final draft, which FAO would publish. Owing to co-operation by United States, Canadian and Mexican agencies, the North American section

of a world survey of soil erosion was brought near completion. Preliminary arrangements for the survey were initiated in South and Central America and in Europe.

FAO irrigation engineers accompanied United Nations missions to Bolivia and Haiti, and other irrigation specialists assisted in Saudi Arabia. The mission to Bolivia also included specialists in crops and soils. In Pakistan, an FAO irrigation officer advised government engineers on preparing land for irrigation. In India, a soil conservation expert advised on the Pallikaranai Swamp Project. Fourteen Governments were represented at a meeting at Amsterdam in July, to assess the progress made on land and water utilization and conservation in Europe since an earlier meeting in 1948. At a Conference of Soil Scientists, in Puerto Rico in March and April, in which FAO participated, a co-ordinated land improvement programme for the Caribbean area was recommended. An FAO specialist made recommendations in Pakistan for setting up farm-machinery centres, training programmes and parts distribution systems. Japanese types of small farm machines were studied as to their usefulness throughout the Far East. In the Philippines, FAO was called to recommend equipment, repair facilities and personnel training to the Government. An FAO report on Europe's farm machinery situation was submitted to Governments for suggestions.

Latin American countries joined, under FAO guidance, for further study of infestation control in stored grain. A locust control expert worked with the International Committee of Co-ordination for Locust Control in Central America and Mexico, and aided representatives of six countries in controlling a severe locust outbreak in Nicaragua and preventing its spread.

The Hague Conference on Plant Protection, convened by the Netherlands Government and FAO in April-May, recommended that FAO establish a world-wide reporting service on animal diseases, plant diseases and insect pests, and endorsed the establishment of the European Plant Protection Organization, which was to gather information on pests and diseases and report to FAO. The conference accepted in principle a draft revision of the international plant protection convention and submitted it to member Governments for review and consideration at the next FAO Conference. The convention would furnish the administrative basis for the world-wide reporting service and for more efficient plant quarantine measures. Meanwhile FAO issued a digest of plant quarantine regulations, summarizing in

non-legal language the official documents of 22 member countries.

Continuing its hybrid maize programme, FAO shipped seed to Austria, Belgium, Denmark, Egypt, France, Greece, Italy, Netherlands, Portugal, Spain, Switzerland, the United Kingdom and Yugoslavia; and for the first time Cyprus, Germany, India, Israel, Morocco, Sweden and Turkey. A third annual research meeting on the programme was held in Rome.

FAO continued to help member Governments obtain new or improved varieties of seed for experimental purposes, and participated in the ninth congress of the International Seed Testing Association, at Washington in May, where a resolution was passed looking to co-operation of the two bodies.

2. Distribution

The FAO Committee on Commodity Problems kept under review during 1950 the effect of currency difficulties upon commodity distribution. It notified "surplus" nations of needs reported by "deficit" countries, and in addition assisted member Governments to arrange for sales of surpluses at concessional prices. It listed and assisted the sale of supplies of dried skim milk, butter, cheese, canned meat, dried eggs, beans and peas.

A major effort of the FAO secretariat was "commodity intelligence"—assembling and analysing current information on commodity situations. This information was transmitted to Governments mainly in two forms: commodity bulletins, rather comprehensive documents bringing together a great deal of basic reference information; and reports; somewhat shorter, more frequently published "highlight" appraisals of the current commodity situation, with some indications of trends.

3. Economics

FAO's work in economics, marketing and statistics has involved five main lines of effort: regional meetings; evaluations of the food and agriculture position in member countries and reviews of general prospects for demand and prices of agricultural products prepared as an aid to government planning; technical assistance to Governments in planning the economic aspects of agricultural development (enlarged under the United Nations Expanded Technical Assistance Programme; see below); basic statistical data, collected regularly and presented through yearbooks and monthly bulletins; direct technical aid to Governments in improving their current statistics.

Among the specific projects undertaken were the following:

A document dealing with the basic principles of internationally comparable index numbers for production, trade, and consumption of agricultural products was completed. A report on international investment was presented to the 1949 Conference of FAO and the preparation of another report in 1950 was requested. In April 1950, inquiries were sent to 36 member Governments requesting data with respect to the nature of each development project planned or under execution, its present technical status, methods of domestic and foreign financing, and the need for foreign investment funds; these inquiries took into account suggestions made by the International Bank for Reconstruction and Development. A special study was begun of major aspects, national and international, of agricultural price relationships and measures affecting them. A new set of 44 food balance sheets was issued covering, for 35 countries, all the principal food commodities classified in eleven food groups. Work began on a detailed second World Food Survey, to show the present world food position compared to prewar, past and expected future rates of progress and comparisons with the rates required for achievement of 1960 goals for improved nutrition.

To assist the economic growth of under-developed areas of Asia by offering their official training in preparing well-supported project plans, the Asian Centre on Agricultural and Allied Development Projects was held at Lahore, Pakistan, October-December 1950, under the joint sponsorship of Pakistan, the United Nations (including ECAFE), the International Bank for Reconstruction and Development and FAO, with WHO co-operating. The first training centre of this type, its aim was to help officials to plan, appraise and present projects so as to facilitate their adequate consideration by the agencies responsible for carrying them out.

Direct assistance was given to a number of member countries in developing census schedules, conducting trial enumerations and aiding general census organization. FAO was informed that 63 countries and dependencies would have taken agricultural censuses in 1949 or 1950 or would take them in 1951.

4. Fisheries

During 1950, FAO's Indo-Pacific Fisheries Council held its second conference; prospects seemed good for early establishment of the Mediterranean Council, and the possibilities of forming

a Latin-American Council were being actively explored. Assistance was given to a number of Governments in organizing fisheries services.

In its programme of helping Governments meet technical problems of the fisheries industry, FAO paid special attention to encouraging and advancing fish-culture practices, particularly pond culture, which in many countries would supply badly needed protein food and also strengthen the economy of the small-scale farmer. FAO worked in Thailand and in Haiti, and prepared a handbook on pond culture in the Far East.

The bi-monthly World Fisheries Abstracts, started in 1950, aims at spreading knowledge of improved technology, the economic and statistical reporting in such publications as the bimonthly Fisheries Bulletin, a herring commodity study and the Yearbook of Fisheries Statistics assist Governments in dealing with economic aspects. During 1950, FAO compiled a catalogue of federal Government, state and private fisheries research and educational institutions in North and South America. The locations and activities of such institutions are not well known, especially in the less developed areas. The catalogue provides such information partly as a guide to educational institutions in the field of fisheries for prospective students, and is designed also to encourage exchange of information and publications among them. Similar catalogues for Europe and other areas are planned.

With a view to assessing the world's present and potential fisheries resources, assisting Governments in planning fisheries programmes and providing background information for organizing regional fisheries councils, FAO makes regional surveys of known fisheries on the basis of existing scattered literature on the subject, interviews with specialists, and on-the-spot reconnaissance. In 1950, preliminary surveys were completed for Latin America and for the Mediterranean Area and Near East and given limited distribution. Toward standardizing the names of fishes, which are extremely confused among various countries and languages, and clarifying their use in statistics and trade, FAO began compiling the names now in use.

The FAO Conference requested that the secretariat prepare recommendations for minimum standards for certain fisheries commodities entering international trade. A prerequisite in the form of a summary of existing laws, regulations and inspection practices now applied was prepared during 1950; it gives exporting countries information on the requirements of importing coun

tries, and may be of use to countries preparing or revising laws and inspection services.

5. Forestry and forest Products

Consumer needs for forest products of every kind, from building material to paper, are now far from being adequately met in most parts of the world. An objective of FAO is that of increasing the output of forest products; at the same time FAO aims at protecting, renewing and extending the forests of the world in order that they may check soil erosion, protect watersheds and water supplies, facilitate flood control, act as wind-breaks and offer recreational values and shelter for wildlife. FAO works through regional forestry and forest products commissions serviced by regional working groups, missions to carry out technical assistance projects, technical consultations by experts and at special conferences, statistical reports and publication of basic international studies.

Of special importance was the initiation during 1950 of a new series of international forestry studies, which will provide fundamental documentation for the Expanded Technical Assistance Programme. Two were published: Planning a National Forest Inventory and Forest Policy, Law, and Administration. Extensive information was assembled on equipment for logging, extraction, transport, sawmills, nurseries, reforestation and fire fighting.

The 1950 yearbook entitled Forest Products Statistics was published, and regular commodity reports were issued. An analysis of timber consumption trends in selected countries was begun in co-operation with ECE, backed by the Economic and Social Council.

International co-operation for development in the field was fostered through technical consultations and regional meetings in the Far East, the Near East, Europe and Latin America. The European Commission accepted a basic statement of forestry principles drawn up by FAO following a recommendation of the Third World Forestry Congress in 1949.

An FAO mission to Austria outlined an investment programme of about \$80,000,000 and recommended fundamental changes in the administration of forests and forest industries; a mission to Nicaragua made recommendations for far-reaching changes there.

6. Nutrition

FAO's fundamental task in the field of nutrition is to encourage and enable Governments to

base their food policies and programmes on the nutritional needs of their people. FAO in 1950 issued three publications designed to enable member Governments to obtain basic information on nutrition: Calorie Requirements: Report of the Committee on Calorie Requirements; Food Composition Tables for International Use; and Dietary Surveys: Their Technique and Interpretation. A study was undertaken of successful school feeding programmes in various countries, to be published as a guide to Governments. FAO prepared a handbook on nutrition education, Teaching Better Nutrition: a Study of Approaches and Techniques.

Contacts with nutrition workers were broadened considerably through regional nutrition meetings in the Far East and Latin America, technical committees, such as the Calorie Requirements Committee, and visits to various countries by FAO nutrition representatives. Though financial limitations in general made it impossible to assign staff members for long periods to one country, a three-year assignment was completed in Greece, one was started in Turkey and a nutrition officer was assigned to Thailand during the latter half of 1950. Earlier in the year, officers of FAO and WHO visited Egypt and advised on the Government's nutrition policy and programme. There has been effective collaboration with WHO on a number of other projects.

In Guatemala, FAO began working closely with the Institute of Nutrition for Central America and Panama and with UNICEF. Much attention was given to the problem of international action to meet the continuing needs of children.

7. Activities under the United Nations Expanded Programme of Technical Assistance

While continuing its regular programme, FAO during the latter part of 1950 began operation under the Expanded Technical Assistance Programme in co-operation with the United Nations and other specialized agencies. Although FAO has given technical assistance to its member countries since its inception, under the new Programme such work can be greatly increased in scope and in the tenure of its experts in the field. Improvement in agriculture and nutrition is basic to economic development, and FAO was allocated 29 per cent of the new technical assistance funds, the largest share given to any of the participating agencies. Funds became available in October 1950. Among the first FAO projects were the Asian Training Centre on Appraisal of Development

Projects, held in Pakistan, and the Latin American Statistics Training Centre in Costa Rica. In both projects the United Nations and other international agencies were co-sponsors. It was estimated that from 1 July 1950 to 31 December 1951, FAO's technical assistance programme would require 405 experts and 388 fellowships. The types of assistance requested by Governments represented practically every one of the activities with which FAO is concerned.

8. Publications

FAO publications appear in English, French and Spanish editions and are available in depository libraries and through sales agents in the various countries. In many cases the FAO sales agents are the same as those of the United Nations.⁶ A Catalogue of Publications issued in December 1950 listed all the FAO publications issued up to that time.

FAO's publications are closely linked to its programme, as their titles illustrate. The regular series include agricultural studies, nutrition studies, statistics bulletins and commodity bulletins.

Major documents published during 1950 were two: World Outlook and State of Food and Agriculture—1950, an analysis of the world food situation based on reports from member Governments; and The Work of FAO—1949/50, the report of the Director-General to the Conference. Other official records included reports of the seventh, eighth, ninth, tenth and eleventh sessions

of the Council of FAO, the Fifth Session of the Conference and the second session of the International Rice Commission, and the Report of the FAO Mission for Nicaragua.

Periodicals included the Monthly Bulletin of Food and Agricultural Statistics; the bi-monthly Fisheries Bulletin and World Fisheries Abstracts; the quarterly Unasylva, a review of forestry and forest products; Timber Statistics, a quarterly bulletin; the FAO Bulletin, a popular publication for free distribution; and Food and Agriculture: The European Bulletin, published quarterly.

Three statistical yearbooks are issued by FAO. During 1950, the first volume of the 1949 Yearbook of Food and Agricultural Statistics, dealing with production, the second volume of the 1948 Yearbook of Food and Agricultural Statistics, dealing with trade, the Forest Products Statistics yearbook for 1950 and the Yearbook of Fisheries Statistics—1948—49 were published.

Among the technical publications issued during 1950 were the following: AGRICULTURE—Some Important Animal Diseases in Europe; Consolidation of Fragmented Agricultural Holdings; Some Aspects of Food Refrigeration and Freezing; List of Plant Breeders in the United States and Canada. DISTRIBUTION—Commodity bulletins on dairy products, commercial fertilizers, grain, and dried fruits; commodity reports on sugar, wool, rice, hard fibres, fats and oils, jute, cocoa, fertilizers, poultry and eggs. FISHERIES—Report of the FAO Fisheries Mission for Thailand. NUTRITION—Report of the Nutrition Committee for South and East Asia, Second Meeting; Report of the Second Conference on Nutrition Problems in Latin America. FAO DEVELOPMENT SERIES PAPERS—"Fertilizer Manufacturing Projects, Their Planning and Financing", "Water Laws in the United States of America", "Essential Steps in National Agricultural Improvement", "Agriculture in the Altiplano of Bolivia", "Essential Considerations in Mechanization of Farming" and "Improving Livestock under Tropical and Subtropical Conditions".⁷

D. BUDGET

The special session of the Conference, which met at Washington in November 1950, adopted a budget of \$5,025,000 to meet the expenses of FAO during 1951, as follows:

BUDGET (1951)

Conference and Council	\$ 111,000
Office of the Director General	293,156
Administrative Division	352,956
General operating expenses	383,850
Technical programmes:	
Agriculture	520,000
Distribution	248,404
Economics, marketing, and statistics	465,900
Fisheries	267,985
Forestry	314,498
Information	209,822
Nutrition	217,064
Rural welfare	99,110
Documents	599,196
TOTAL	\$2,941,979

Regional offices:

European Regional Office*	57,000
Far East Regional Office	78,150
Latin American Regional Office ..	63,222
Near East Regional Office	61,000
North American Regional Office*	98,155
TOTAL	\$ 357,527

Prior financial years' expenditure	10
Staff Assessment Plan	1,000
Reserves and contingencies . . .	258,522
Special charges	325,000

GRAND TOTAL

⁶ See list at end of this volume.

⁷ For other technical publications, see under "Fisheries", "Forestry and Forest Products" and "Nutrition" above.

* Upon transfer of headquarters to Rome, the European Office was abolished, effective 1 Apr. 1951, and a North American Regional Office was established.

The expenses of the organization are met by contributions from member States in proportions determined by the Conference. The scale for 1951 is as follows:

SCALE OF CONTRIBUTIONS

Members	Per Cent	Amount
Afghanistan	0.06	\$ 3,000
Australia	2.52	126,000
Austria	0.31	15,500
Belgium	1.72	86,000
Bolivia	0.09	4,500
Brazil	2.36	118,000
Burma	0.19	9,500
Cambodia*	0.05	2,500
Canada	4.11	205,500
Ceylon	0.28	14,000
Chile	0.59	29,500
China	3.99	199,500
Colombia	0.48	24,000
Costa Rica	0.05	2,500
Cuba	0.36	18,000
Denmark	1.01	50,500
Dominican Republic	0.06	3,000
Ecuador	0.06	3,000
Egypt	1.02	51,000
El Salvador	0.06	3,000
Ethiopia	0.10	5,000
Finland	0.18	9,000
France	7.68	384,000
Germany, Federal Republic of*	4.12	206,000
Greece	0.22	11,000
Guatemala	0.06	3,000
Haiti	0.05	2,500
Honduras	0.05	2,500
Hungary	0.36	18,000
Iceland	0.05	2,500
India	4.16	208,000

Members	Per Cent	Amount
Indonesia	0.61	\$ 30,500
Iraq	0.22	11,000
Ireland	0.63	31,500
Israel	0.15	7,500
Italy	2.44	122,000
Jordan*	0.05	2,500
Korea, Republic of	0.17	8,500
Lebanon	0.07	3,500
Liberia	0.05	2,500
Luxembourg	0.06	3,000
Mexico	0.83	41,500
Netherlands	1.81	90,500
New Zealand	0.63	31,500
Nicaragua	0.05	2,500
Norway	0.63	31,500
Pakistan	0.89	44,500
Panama	0.06	3,000
Paraguay	0.05	2,500
Peru	0.27	13,500
Philippines	0.36	18,000
Poland	1.21	60,500
Portugal	0.62	31,000
Saudi Arabia	0.10	5,000
Spain*	1.41	70,500
Sweden	2.54	127,000
Switzerland	1.65	82,500
Syria	0.15	7,500
Thailand	0.34	17,000
Turkey	1.16	58,000
Union of South Africa	1.44	72,000
United Kingdom	14.52	726,000
United States	27.10	1,355,000
Uruguay	0.23	11,500
Venezuela	0.35	17,500
Vietnam*	0.32	16,000
Yugoslavia	0.43	21,500
TOTAL	100.00	\$5,000,000

ANNEX. MEMBERS, OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

A. MEMBERS OF FAO

Afghanistan	Ethiopia	Liberia
Australia	Finland	Luxembourg
Austria	France	Mexico
Belgium	Germany, Federal Republic of	Netherlands
Bolivia	Greece	New Zealand
Brazil	Guatemala	Nicaragua
Burma	Haiti	Norway
Cambodia	Honduras	Pakistan
Canada	Hungary ⁸	Panama
Ceylon	Iceland	Paraguay
Chile	India	Peru
China	Indonesia	Philippines
Colombia	Iraq	Poland ⁹
Costa Rica	Ireland	Portugal
Cuba	Israel	Saudi Arabia
Denmark	Italy	Spain
Dominican Republic	Jordan	Sweden
Ecuador	Korea,	Switzerland
Egypt	Republic of	Syria
El Salvador	Lebanon	Thailand
		Turkey

Union of South Africa	United States	Vietnam
United Kingdom	Uruguay	Yugoslavia
	Venezuela	

B. MEMBERS OF THE COUNCIL OF FAO

Australia	Denmark	Union of South Africa
Belgium	Egypt	United Kingdom
Brazil	France	United States
Burma	India	Venezuela
Canada	Italy	Yugoslavia
Chile	Mexico	
	Pakistan	

* No assessment in 1950 owing to acceptance as member at end of that year.

⁸ Notice of intention to withdraw from FAO (effective 7 Feb. 1952) was given by the Government of Hungary on 7 Feb. 1951.

⁹ Notice of intention to withdraw from FAO (effective 25 Apr. 1951) was given by the Government of Poland on 25 Apr. 1950.

C. OFFICERS OF THE COUNCIL

Independent Chairman:

Viscount Bruce of Melbourne

Vice-Chairmen:

Andre Mayer (France)

B. R. Sen (India)

G. S. H. Barton (Canada)

D. OFFICERS OF THE STAFF

1. OFFICE OF THE DIRECTOR-GENERAL

Director-General of FAO:

Norris E. Dodd (United States)

Deputy Director-General:

Sir Herbert Broadley (United Kingdom)

Secretary-General:

Marc Veillet-Lavallee (France)

Special Assistants to the Director-General:

Frank L. McDougall (Australia)

Joseph Orr (United States)

Chief, Expanded Technical Assistance Programme:

F. T. Wahlen (Switzerland)

Director, Information and Educational Services:

Duncan Wall (United States)

Director, Administrative and Financial Services:

Frank Weisl (United States)

2. REGIONAL REPRESENTATIVES

Regional Representative of the Director-General
for North America:

Gove Hambidge (United States)

Regional Representative of the Director-General
for Latin America:

W. G. Casseres (Costa Rica)

Regional Representative of the Director-General
for the Near East:

M. T. Hefnawy Pasha (Egypt)

Regional Representative of the Director-General
for Asia and the Far East:

W. H. Cummings (United States)

3. DIVISION DIRECTORS

F. T. Wahlen (Switzerland)

Economics:

A. H. Boerma (Netherlands)

Fisheries:

D. B. Finn (Canada)

Forestry and Forest Products:

Marcel Leloup (France)

Nutrition:

W. R. Aykroyd (United Kingdom)

E. HEADQUARTERS AND REGIONAL OFFICES¹⁰

Regional Office for the Near East:

Box 2223

Cairo, Egypt

Regional Office for Asia and the Far East:

Maliwan Mansion

Phra Atit Road

Bangkok, Thailand

Subregional Offices for Latin America:

Oncina Regional de la FAO

Condesa No. 6

Banco de Mexico

Mexico, D.F., Mexico

FAO

1008 Rua Jardim Botânico

Rio de Janeiro, Brazil

Oncina Regional de FAO

Ramon Nieto 920, 6 piso

Santiago de Chile

As from 1 Apr. 1951:

FAO Headquarters: Viale delle Terme di Caracalla,
Rome; telephone 590011; cable address FOODAGRI ROME.

Regional Office for North America: 1346 Connecticut
Avenue, N.W., Washington; phone Decatur 7320.

III. The United Nations Educational, Scientific and Cultural Organization (UNESCO)

The Conference for the establishment of an educational, scientific and cultural organization of the United Nations, convened by the Government of the United Kingdom in association with the Government of France, met in London from 1 to 16 November 1945. It was attended by representatives of 44 Governments and by observers from a number of international organizations. The Conference drew up the Constitution of UNESCO.¹ It also established a Preparatory Educational, Scientific and Cultural Commission to function until UNESCO came into being.

The Preparatory Commission, during its one year of existence, prepared a programme for submission to the first session of the General Conference. It also took steps to meet some of the most urgent needs of educational, scientific and cultural reconstruction in war-devastated areas.

UNESCO came into being on 4 November 1946, when the Instrument of Acceptance of twenty signatories of its Constitution had been deposited with the Government of the United Kingdom.

The first session of the General Conference was held in Paris in November 1946. The Conference approved the Agreement establishing the relationship between the United Nations and UNESCO.² This Agreement came into force on 14 December 1946, with its approval by the General Assembly of the United Nations. The Conference elected Dr. Julian Huxley (United Kingdom) as the first Director-General of UNESCO.

Prior to 1950, three further sessions of the General Conference were held: in Mexico City, November 1947; in Beirut, November 1948; in Paris, September 1949.

At the third session, Dr. Jaime Torres Bodet, former Minister of Foreign Affairs in Mexico, was elected Director-General of UNESCO for a period of six years, to succeed Dr. Julian Huxley, whose term of office expired at the end of 1948.

During the first three years of work, in order to carry out the purposes of its Constitution, the programme of UNESCO became stabilized in seven main areas of activity: education, natural sciences, social sciences, cultural activities, ex-

change of persons, mass communication and relief assistance services.

In education, UNESCO's main tasks are the improvement and extension of education, and a programme of education for international understanding or the devising of a system of training in world citizenship.

In the natural sciences, UNESCO seeks to promote international scientific co-operation; it helps in the teaching and popularization of science and encourages research designed to improve the living conditions of mankind.

In the social sciences, UNESCO similarly fosters international scientific co-operation; it studies social tensions and the means for bettering international co-operation.

UNESCO's programme of cultural activities seeks to create, as in science, favourable conditions for international co-operation among artists, philosophers and men of letters. In addition, UNESCO endeavours to protect creative work and its authors, and it assists member States in their efforts to disseminate culture.

The aim of the exchange of persons programme is to facilitate the increase of international travel for educational purposes.

In mass communication, UNESCO strives to improve the technical media of communication and to reduce obstacles to the flow of information. In addition, material is supplied to Press, film and radio to help promote the organization's aim of advancing international understanding.

The relief assistance services work to reconstruct education, science and culture in devastated countries by assembling information on the nature and extent of needs and by co-ordinating the efforts of voluntary organizations which work in this field.

To carry out this programme UNESCO has evolved a number of methods: meetings of experts, missions, seminars, pilot projects; the calling of international conferences and the submission of recommendations; international conventions to Member States.

¹ For text, see Y.U.N., 1946-47, pp. 712-17.

² For text, see *ibid.*, pp. 717-21.

Special methods have been devised to deal with certain situations—for example, the "Coupon Scheme" which enables institutions and individuals in soft currency countries to obtain books, scientific equipment and educational film material from hard currency countries.

As a means to ensure the dissemination of scientific information, field science offices have been set up in Uruguay, Egypt, Turkey, India, Indonesia and the Philippines.

To enable scientists and teachers to meet and exchange views, subventions are granted to the main international educational, scientific and cultural associations.

Some examples of UNESCO's work during the first three years of its existence follow:

Seminars on such subjects as "Education for International Understanding", "Education of Children", "Teaching About the United Nations", "Illiteracy in the Americas", "Rural Education" and "Public Libraries Expansion" have been held in France, Czechoslovakia, the United Kingdom, the United States, Brazil and India. In the Marbial Valley (Haiti) a pilot project in Fundamental Education was begun early in 1948. Educational missions were sent to the Philippines, Thailand and Afghanistan. International Conferences were called on adult education (Denmark, 1949), vagrant children (France, 1949), the establishment of an international federation of children's communities (Switzerland, 1948), the establishment of an international universities bureau (Netherlands, 1948). A long-term programme for the improvement of textbooks and teaching materials was begun in 1947 and a model plan was sent to member States in 1948 to assist them to make a critical analysis of such material.

To further international co-operation in the natural sciences, UNESCO made grants totalling over \$600,000 up to 31 December 1949 to international scientific and technological organizations. Various new international non-governmental organizations have been created: the International Union for the Protection of Nature, the Council

for the Co-ordination of International Congresses of Medical Sciences (together with WHO), the International Political Science Association, the International Sociological Association and the International Economic Association.

The social tensions programme resulted in the publication of two books, *Tensions Affecting International Understanding* and *Tensions that Cause War*.

Three new international organizations in the cultural field were set up: the International Theatre Institute, the International Music Council and the International Council for Philosophy and Humanistic Studies. In 1948 work was started on the framing of a Universal Copyright Convention to unify the international legal systems now in force. At the request of the Economic and Social Council of the United Nations, a project was begun in 1947 on the "Translation of the Classics" project; in the early stages UNESCO concentrated on two cultural and linguistic regions, Latin America and Arabic-speaking areas.

Surveys of the technical facilities in Press, radio and film in war-devastated and certain under-developed countries were begun in 1947. This work resulted in the publication of the surveys, under the title *The Book of Needs*, and recommendations to member States to meet the needs. In 1948 an Agreement to Facilitate the International Circulation of Visual and Auditory Materials was approved by the General Conference and opened for signature at United Nations Headquarters. The Agreement provides for the abolition of customs duties, quota restrictions and import licences on educational films and other audio-visual materials.

By late 1949 UNESCO's campaign for educational reconstruction in war-devastated countries, together with the efforts of voluntary agencies and Governments, had succeeded in raising some \$160,000,000 in money, supplies and services. In 1949, educational aid to refugee children in the Middle East resulted in the opening of 39 UNESCO schools in Lebanon, Syria, Palestine and Jordan.

A. PURPOSES AND FUNCTIONS

The preamble to the UNESCO Constitution recognizes that "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed".

The purpose of UNESCO, as stated in article 1 of the Constitution, "is to contribute to peace and

security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race,

sex, language or religion, by the Charter of the United Nations".

To achieve its purpose, UNESCO is to:

(a) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) give fresh impulse to popular education and to the spread of culture:

by collaborating with Members, at their request, in the development of educational activities;

by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinction, economic or social;

by suggesting educational methods best suited to pre-

pare the children of the world for the responsibilities of freedom;

(c) maintain, increase and diffuse knowledge;

by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

by encouraging co-operation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

by initiating methods of international co-operation calculated to give the people of all countries access to the printed and published materials produced by any of them.

B. ORGANIZATION

UNESCO consists of a General Conference, an Executive Board and a secretariat.

The General Conference, which meets at least once each year, is composed of representatives of the States members of UNESCO. It determines the policies and the main lines of work of the organization, and it may summon international conferences on education, the sciences and humanities and the dissemination of knowledge.

Each member is entitled to one vote in the Conference. Decisions of the Conference are made by a majority of the members present and voting, except in cases in which the Constitution requires a two-thirds majority. The adoption by the Conference of international conventions, or of amendments to the Constitution, for example, requires a two-thirds majority vote.

New members may be admitted into UNESCO, if they are Members of the United Nations, by signing the Constitution and depositing an instrument of acceptance. Other States, to become members, require, in addition, a favourable recommendation of the Executive Board and a two-thirds majority vote of the General Conference, and their applications are subject to the approval of the United Nations.

The Executive Board consists of eighteen members elected for three-year terms by the General Conference from among the delegates appointed by member States. Each year the General Conference elects six members of the Board, endeavouring to select persons competent in the arts, humanities, sciences and education. The Board, which meets at least twice each year, is responsible for the execution of the programme adopted by the Conference and exercises any powers delegated to it by the Conference.

The secretariat consists of the Director-General and the staff. The Director-General, appointed by the General Conference on the nomination of the Executive Board, is the chief administrative officer of UNESCO.

Under Article 7 of the Constitution each member State is required to make arrangements for the establishment of a National Commission or Co-operating Body. These National Commissions act in an advisory capacity to their respective delegations to the General Conference and serve as liaison groups between UNESCO and the educational, scientific and cultural life of their own countries.

C. ACTIVITIES DURING 1950

The fifth session of the General Conference was held in Florence, Italy, 22 May-17 June 1950.

Two significant events marked this session. First, the range of tasks to which the organization devotes its efforts became stabilized through

the adoption of a basic programme in which no great change is to be made for a period of some years. On the basis of this programme, an annual selection is made of specific tasks to be initiated, carried on or completed during the following

twelve months. Secondly, the Conference authorized the Director-General and the Executive Board to put forward special projects of a character likely to make an effective contribution to UNESCO's aims to be financed apart from the regular budget. One such project was devised at the end of 1950 for the establishment of a world network of regional fundamental education centres.

The chief tasks of UNESCO, as defined in the few basic programme are as follows:

- (1) To eliminate illiteracy and encourage fundamental education;
- (2) To obtain for each person an education conforming to his aptitudes and to the needs of society, including technological training and higher education;
- (3) To promote through education respect for human rights throughout all nations;
- (4) To overcome the obstacles to the free flow of persons, ideas and knowledge between the countries of the world;
- (5) To promote the progress and utilization of science for mankind;
- (6) To study the causes of tensions that may lead to war and to fight them through education;
- (7) To demonstrate world cultural interdependence;
- (8) To advance through the Press, radio and motion pictures the cause of truth, freedom and peace;
- (9) To bring about better understanding among the peoples of the world and to convince them of the necessity of co-operating loyally with one another in the framework of the United Nations;
- (10) To render clearing-house and exchange services in all its fields of action, together with services in reconstruction and relief assistance.

The fifth session of the General Conference also reiterated its approval of UNESCO's participation in the United Nations Expanded Programme of Technical Assistance for Economic development.³ UNESCO's first ventures in this field were begun in the latter part of the year. In this way an eighth area of activities was added to the other seven areas listed in the Introduction.

Strong support was also given by the Conference to UNESCO's determination to make known, and encourage the implementation of, the Universal Declaration of Human Rights. Various parts of the total programme have now been directed to this end.

During 1950 the first regional meeting of National Commissions took place at Havana, Cuba, in December, and the first conference of representatives of international non-governmental organizations approved for consultative status took place in Florence, prior to the opening of the General Conference. International non-governmental organizations were assisted during 1950 by grants totalling \$548,030 in the form of subventions or working contracts. This sum brought

the total financial assistance of this type granted by UNESCO since 1947 up to \$2,099,224.

The number of member States rose from 52 at the end of 1949 to 59 at the end of 1950. The new member States are Costa Rica, Honduras, Indonesia, Jordan, the Republic of Korea, Sweden and Yugoslavia.

At the end of the period under review, 49 of UNESCO's 59 member States had established National Commissions.

It should be noted that the fifth session of the General Conference took place in the early summer rather than in the autumn in order to conform with the policy arrangements whereby all specialized agencies should hold their annual conferences prior to the annual session of the General Assembly of the United Nations.⁴ It was decided that the sixth General Conference should be held in June 1951.

The activities of UNESCO during 1950 are described below under the eight broad headings of its programme.

1. Education

a. IMPROVEMENT OF EDUCATION THROUGH EXCHANGE OF INFORMATION

Three educational missions were dispatched: the first to Bolivia, to co-operate in a campaign to eradicate illiteracy; the second to Burma, to study conditions for developing fundamental education there; and the third to India, to take part in an experiment in rural education. As a result of the three missions organized in 1949, the Government of Thailand drew up a ten-year plan for education; in Afghanistan an institute of education was to be established, and in the Philippines many of the UNESCO recommendations were given legal effect by the Government.

As a result of a conference held at Nice, France, in December and attended by representatives of 164 universities in 51 countries, an international association of universities was created. This association maintains an inquiry service on all university matters, including documentation and preparation of statistics on higher education.

The educational clearing house in Paris continued to collect and diffuse information and to make studies of specific questions, with a common aim of assisting member States to improve their educational systems. The clearing house carried out preparatory work for the thirteenth session of the International Conference on Public Education,

³ See pp. 448 ff.

⁴ See pp. 641.

jointly convened by UNESCO and the International Bureau of Education; this Conference discussed two special topics: the teaching of mathematics in primary education and the UNESCO report on exchange of teachers. The clearing house continued to issue, during 1950, the quarterly bulletin on fundamental education, fundamental education abstracts and a series of occasional papers on education. In addition, the following monographs on fundamental education were issued: "Fundamental Education: A Description and Programme"; "Co-operatives and Fundamental Education", and the "Mexican Cultural Mission Programme".

b. EXTENSION OF EDUCATION

Under this heading falls UNESCO's work in fundamental education. The pilot project in Haiti which, after being launched in 1948, encountered difficulties owing to local causes, developed satisfactorily in 1950. The Marbial Valley now possesses schools and a clinic; illustrated teaching books in the Creole language have been produced; hillsides have been terraced and a sisal crop, which provides raw material for a local industry, has been sown.

Another pilot project, the audio-visual field experiment at Pehpei, China, was suspended owing to circumstances outside the organization's control. This project was undertaken in co-operation with the Chinese Mass Education Movement. In 1950 useful results were obtained in the form of filmstrips, cartoons and posters.

The system of associated projects in fundamental education developed notably during the year. Under this system, a limited number of schemes of a type likely to be of interest to other countries is selected on the proposal of Governments concerned, and UNESCO gives advice and technical help and receives regular reports and documentation, which it publicizes.

At the end of 1950 preparations were completed for the opening of a training and production centre for fundamental education at Patzcuaro, Mexico. The project was jointly organized by the Government of Mexico, the Organization of American States and UNESCO. The first group of students was scheduled to arrive in the spring of 1951. Three other specialized agencies were taking part in this work: ILO, FAO and WHO.

In the field of adult education, a seminar was held at Kreutzstein, Austria, in June and July. Topics under discussion were the administrative problems in adult education, training of adult

students and methods and techniques of education in the arts. An expert committee, meeting at UNESCO headquarters in December, decided to concentrate this work on the education of industrial workers.

UNESCO prepared a preliminary study for the United Nations Commission on the Status of Women on the problem of educational opportunities for women in various countries, and was requested by the Commission to continue its inquiries, with emphasis on methods for improving the social status of women in under-developed regions through fundamental and adult education, and on the professional education of women.

During 1950 UNESCO's work on behalf of children was concentrated on the education of maladjusted children. The programme in future will be directed towards the general needs of children, with emphasis on the relationships between education and mental health, physical health and social and technical change. The promotion of international understanding at the pre-school and early school ages will be stressed.

c. EDUCATION FOR INTERNATIONAL UNDERSTANDING

Four seminars, all centering in the idea of mutual understanding, took place in 1950: in Canada, on the teaching of geography; in Belgium, on the improvement of school textbooks; in Sweden, on the role of public libraries in adult education; and at Montevideo, under the auspices of the Organization of American States and the Government of Uruguay, on the inter-relationship between primary and fundamental education.

As a direct result of the seminar held in Belgium, ten of the leading textbook publishers in that country agreed to revise or improve their history texts in line with UNESCO recommendations that more emphasis be placed on cultural and social questions. In November, a meeting of Belgian history teachers agreed to form an association for history textbooks: agreement was reached for exchange of textbooks between Belgium, France, Germany, the Netherlands and the United Kingdom.

Three seminars on teaching about the United Nations and specialized agencies were organized by the World Federation of United Nations Associations with UNESCO's assistance, and held in the early part of the year in Cuba, Iran and France.

UNESCO started a new project in 1950 in response to a request to the specialized agencies

from the Economic and Social Council "to assist in developing . . . the fullest possible understanding . . . of the action of the United Nations in Korea".⁵ Special efforts were made to develop the teaching of the principles of collective security. Work was begun on the preparation of wall charts, illustrating how the United Nations system works as regards collective security, and three series of educational brochures on the same subject were planned for publication in 1951.

2. Natural Sciences

a. DEVELOPMENT OF SCIENTIFIC CO-OPERATION

The International Council of Scientific Unions received UNESCO grants-in-aid amounting to \$190,000 for distribution to the various Unions under its aegis. Financial help was also given to the Council for the Co-ordination of International Congresses of Medical Sciences. This grant enabled 22 congresses to meet and aided ten to publish their proceedings.

These two organizations facilitate contacts and co-ordinate activities in the fields of pure science and of the medical sciences. At a conference in October 1950, the creation of a Union of International Engineering Organizations to perform similar functions in the applied sciences was agreed upon by delegates from 21 international organizations.

The work already begun on science abstracting was furthered by the creation of a network of national committees which published a number of studies in association with UNESCO. Of particular interest is the series entitled "Inventories of Apparatus and Materials for Science Teaching", the first volume of which describes the curricula and equipment required for teaching science in primary, secondary and vocational schools.

The Field Science Offices have continued their work of promoting the exchange of scientific information. They organized lecture tours by scientists visiting their areas and were responsible for a number of publications, including, in particular, lists of scientific papers published within their respective regions, and lists of institutions and scientists.

b. ASSISTANCE TO RESEARCH

The creation and encouragement of international research laboratories, the subject of the Economic and Social Council Resolution

318(XI),⁶ was carried a stage further in 1950. In December, a meeting of experts revised the plans to adapt them to the Council resolution and agreed on the work to be started. Particular attention is to be paid to the creation of an International Computation Centre. A Turkish mathematician joined the UNESCO staff to take charge of the project and Governments were invited to designate experts in applied mathematics to serve as corresponding consultants.

As regards Arid Zone Research, action was taken on Economic and Social Council resolution 324 D (XI).⁷ An International Arid Zone Research Council met in Paris in November and decided to establish an Advisory Committee on Arid Zone Research to work out UNESCO's research programme and proposals to be submitted to other national and international organizations concerned with the scientific problems which must be solved if the desert areas are to be put to economic use.

c. TEACHING AND POPULARIZATION OF SCIENCE

A travelling science exhibition, built in Boston, was opened at Lima, in September. It visited two cities in Ecuador and also was seen at Havana in conjunction with the first Regional Conference of National Commissions.

In September, representatives of associations for the advancement of science from fourteen countries met in Paris and adopted a number of plans for the reciprocal rise of facilities, better contacts with the Press, and free exchange of publications.

The science club movement was further expanded and new clubs were formed in Austria, France, India and Pakistan. Associations of scientific writers were created in Austria, Denmark and France.

Discussions on the scientific theme "Food and People" were pursued in 1950 and plans for a second theme—"Energy in the Service of Man"—were put into operation. Publication of the quarterly, *Impact of Science on Society*, was continued, and work was begun on the publication, in collaboration with the Oxford University Press, of a series of handbooks for science teachers. Nine reports were issued on the role of science and general education, each dealing with a particular branch of science.

⁵ See p. 268.

⁶ See pp. 638-39.

⁷ See p. 640.

3. Social Sciences

a. AID TO INTERNATIONAL SCIENTIFIC CO-OPERATION

Since the field of social sciences is far less organized than that of the natural sciences, UNESCO's first effort is to foster international contacts by the creation of international associations in the various disciplines. In the absence of a body corresponding to the International Council of Scientific Unions in the natural sciences, UNESCO must also act as a liaison organ between these various associations. The following were the principal events in this context.

The International Sociological, Political Science and Economic Associations, which UNESCO had been working for some years to set up, successfully held their first congresses. A preparatory committee of the International Committee of Comparative Law met in London in July. Nine national bodies indicated their wish to form part of the permanent international body.

A Co-ordinating Committee for Social Science Documentation was created in November to assist the newer international associations to publish their findings. In particular, a survey of the teaching of the social sciences in a number of countries is to be undertaken. Discussions took place in December on the creation of international social science institutes with particular reference to Economic and Social Council Resolution 318 (XI) on this subject.

A series of lectureships was organized for countries in which the social sciences have not reached an advanced stage of evolution, to stimulate the creation of local social science associations and to acquaint local social scientists with the latest developments. Such missions were sent to Pakistan, Indonesia and to several countries in Latin America.

Publication of the International Social Science Bulletin has continued, each issue concentrating on a general theme, such as "The Social Sciences in Italy". A major publication, completed after three years' work, was Contemporary Political Science, a survey of methods, research and teaching in 23 countries and areas.

b. STUDIES OF SOCIAL TENSIONS

Concrete studies of practical problems were begun in 1950. A study of social tensions in India was initiated in September under the direction

of a United States expert and with the help of Indian universities and students. Six teams investigated various areas and a preliminary report has been written, outlining the problems and recommending further action. As a first step in connexion with the inquiry into the impact of technology upon cultural life and social attitudes, "factory studies" have been made in six European countries. These studies will be issued in a general report which examines the influence of management in promoting a sense of community in a labour force. Meanwhile the International African Institute began an inquiry into the most appropriate methods for introducing modern technology in non-industrialized regions in Africa. UNESCO also studied population questions, in particular, problems affecting cultural assimilation of immigrants into new and frequently under-developed societies. A meeting was held in Paris in July, together with several members of the United Nations Population Commission, to guide UNESCO on the inquiries it might fruitfully undertake.

During 1950, special attention was paid to the problem of racial discrimination, in response to Economic and Social Council resolution 116 B (VI). The short Statement on Race drafted by experts in December 1949 was later amended by distinguished scientists and published in July. This document was welcomed in innumerable editorials and press articles. Certain parts of the Statement, especially those dealing with physical anthropology and genetics, will be re-examined in more detail in 1951.

c. STUDIES OF INTERNATIONAL CO-OPERATION

Certain specific studies of the actual functioning of international co-operation were undertaken. The study of the technique of international conferences, launched in 1949, resulted in a meeting held in New York in May to consider the reports of the conference observers who had followed the work of a number of international gatherings in the preceding months. Observers armed with the conclusions of this meeting followed the work of the International Federation for Mental Health in the summer and a further scrutiny of results took place in New York in October.

Fourteen reports on national administrative structure and arrangements for ensuring the countries' participation in international activities were received from the International Institute of Administrative Sciences. These have been analysed and a general report is to be issued.

4. Cultural Activities

a. DEVELOPMENT OF INTERNATIONAL CO-OPERATION

There are already well-organized bodies in some arts and cultural disciplines, but in others there is a complete absence of contacts across frontiers. UNESCO's task has therefore been to fill gaps and to improve the mechanisms by which thinkers and artists may enrich their knowledge through the interchange of ideas and experience.

The International Council for Philosophy and Humanistic Studies, set up in 1949, has grown in stature. It now numbers ten learned international bodies in its membership. Meetings held in 1950, with UNESCO's assistance, included the following: Ninth International Congress of Historical Sciences, First International Congress of Classical Studies, Fourth International Congress on the History of Religions and the Silver Jubilee of the Indian Philosophers' Congress. As a result of these meetings, a considerable number of publications and bibliographies in the field of philosophy and the humanities were issued during the year.

The International Theatre Institute now comprises 26 national theatre centres. The Third International Theatre Congress was held in Paris in June; a new topic introduced on that occasion concerned theatre architecture. The International Theatre Institute now issues, in addition to a monthly bulletin, an illustrated quarterly, *World Theatre*.

The International Music Council incorporates seven international societies, and a network of national committees is being established. Attention was given in 1950 to the encouragement of young composers, both by grants from the International Music Fund and by public performances organized at Unesco House, the organization's headquarters, in collaboration with the *Radio-diffusion Française*. Information concerning good quality recordings of Western and Eastern music and of folk music was supplied: a catalogue of Chopins recorded works was published, to be followed by one for J. S. Bach and another for traditional Indian music.

The International Council of Museums which dates from 1946, now has 37 national committees. It held its second Biennial Conference in London in July. Subsidiary meetings were held during the year on such subjects as lighting in museums and the treatment of oil paintings. The Council also

undertook investigations on exhibition techniques, and an inquiry was launched to determine the possibility of adopting an international standard in the matter of travelling exhibitions of original works. The quarterly *Museum* continued to be published.

In November, a Conference was held in Paris on the improvement of bibliographical services, which marked the culmination of preparatory work spread over several years. With financial assistance from UNESCO, the first International Congress of Archivists was held in August and the International Council on Archives held its constituent Assembly at Unesco House.

b. PROTECTION OF CREATIVE WORK AND ITS AUTHORS

To a questionnaire on the timeliness of a universal copyright convention, addressed to member States in January, 41 Governments replied in a favourable sense; only three were doubtful or negative. An expert conference met at Washington in October to examine the replies of Governments and the secretariat's proposals for the future stages of this project. The Conference was unanimous as to the practicability of a Universal Copyright Convention, and plans were laid for work in 1951. The result of the work and surveys concerning copyright, together with a bibliography and other documentary material, were published in the four issues of the *Copyright Bulletin* brought out during the year.

In the archeological field, efforts were made to ensure the preservation of ancient monuments and works of art for posterity. This work has many aspects: the preservation of monuments and works of art in times of armed conflict, the building up of collections of microfilm reproductions of the most representative and most vulnerable works, the technique of preservation itself, the cost of maintenance and of excavation and the possibility of instituting a tourist tax to defray these costs.

A Draft Convention for the Protection of Cultural Treasures in the event of war and draft regulations for its execution were transmitted to Member States in March. Submitted by the Mexican Government, the scheme for the introduction of a special tourist tax to be used for the preservation of museums and monuments was studied and a report circulated to member States in December. With the assistance of the International Council of Museums, a preliminary scheme has been prepared for the establishment of a number

of international repositories in which microfilm reproductions might be assembled.

c. DISSEMINATION OF CULTURE

As a sequel to the Catalogue of Fine Colour Reproductions of Contemporary Paintings, a second catalogue, Masterpieces of Paintings Prior to 1860, was published in July. This catalogue contains a list of 418 reproductions selected by an international committee. In May, UNESCO also published an International Directory of Photographic Archives of Works of Art containing information about 1,225 photographic collections belonging to 67 different countries.

The travelling exhibitions of reproductions of modern paintings visited fifteen countries and a number of dependent territories; they were displayed in museums, schools and workers' institutions. Five sets were purchased for permanent display in Australia, Brazil, Egypt and the United Kingdom.

A new album of very fine colour reproductions of Raphael's frescoes was printed at the end of the year by the Vatican authorities. It is similar to an album previously published, of Masaccio's frescoes.

Steps were taken to carry out a scheme under the title of "Crusade for Museums". The purpose of this undertaking is to make all teachers aware of the resources available in all types of museums as an aid to teaching, to determine how far museums can play a part in school syllabuses and how the educational influences of museums may be extended.

In the field of letters, the first volume of the revived Index Translationum was published in June. It gives bibliographical details of 8,570 translations published in 26 countries.

The project for the translation of the classics, recommended by the Economic and Social Council in 1947, advanced a step further after protracted preparation. Works by Al Ghazali will appear in English, French and Spanish, and a work by Avicenna in French. Works by Aristotle, Descartes, Shakespeare and Cervantes are being translated into Arabic. An anthology of Mexican poetry in English and French translation was completed.

Two major publications in 1950 were *Freedom and Culture*, a collection of essays on those human rights which are of particular interest to UNESCO; and *Democracy in a World of Tensions*, a series of papers on the modern concept of democracy.

An international seminar on the role of libraries in adult education was held at Malmo, Sweden, during July and August; 45 participants from 21 countries took part. The seminar dealt with three topics: the principles of adult education work in libraries; audio-visual materials and the various methods employed by libraries; and the part played by libraries in fundamental education in under-developed areas. A report on the meeting will be published as the fourth volume in UNESCO's collection of public library manuals.

The international clearing house for publications has continued its activities. Seventy-five lists of publications available for free distribution were published. The *Bulletin for Libraries*, editions of which run to 8,000 copies, was published regularly in French and English.

During 1950, an International Commission of nine eminent scholars was constituted to take charge of the preparation of a scientific and cultural history of mankind. The Commission held its first meeting in December and drew up a list of 80 corresponding members to participate in the drafting of the work. A period of five years is envisaged for the completion of the task.

5. Exchange of Persons

To encourage the exchange of persons, UNESCO publishes an annual volume, *Study Abroad*, which outlines fellowships and scholarships for study, research, training and observation abroad: 1950 saw the issue of the third edition of this publication, containing information on over 30,000 scholarships and fellowships awarded by international and national authorities and private institutions. A *Vacation Study Supplement*, published in the spring, contains information on some 500 vacation courses, study tours, seminars, work camps and holiday centres in 37 countries and territories.

As regards direct administration of fellowships, UNESCO offered 46 fellowships during 1950, including four United Nations-UNESCO fellowships which were awarded to educators from Brazil, Canada, India and Norway in pursuance of Economic and Social Council resolutions 203 (VIII) and 314 (XI).⁸ In addition, 30 UNESCO-sponsored fellowships were awarded, the donor countries being France, the Netherlands and the United States. In these cases UNESCO provides no finances but the subject of study is selected from topics proposed by UNESCO.

⁸ See Y.U.N., 1948-49, p. 662, and the present vol., pp. 636-37.

A third area of activities in the exchange of persons programme seeks to encourage group travel schemes of an educational character designed for particular categories: teachers, adult workers and youth groups. Activities in this area consisted of a meeting of experts on the international exchange of teachers, held in July, at which a number of recommendations were made on the promotion of programmes for the interchange of teachers between countries, non-permanent appointments abroad, the reduction of obstacles impeding the movement of teaching personnel and the recruitment of advanced specialized staff for less developed areas of the world. In addition, UNESCO conducted inquiries on the movement of young persons across frontiers for educational purposes: much information was collected on the situation in 75 different countries regarding passport, visa and frontier formalities, currency regulations and reduced fares for young people travelling in groups. A manual on this subject will be published in 1951. Lastly, attention was given to workers' educational exchange programmes. A meeting of experts was jointly convened by ILO and UNESCO in February, and its recommendations were circulated to 2,500 workers' and employers' organizations in member States.

6. Mass Communication

a. IMPROVEMENT OF THE MEANS AND TECHNIQUES OF INFORMATION

UNESCO has set up an Information Clearing House to deal with all the problems concerning mass communication, including professional and technical training and the techniques and influence of the Press, radio and film. In this connexion, exact information was collected by field surveys. These surveys were started in 1947, and Volume IV appeared at the end of 1950. A total of 44 countries and territories are surveyed in this volume, bringing the total up to 87. Supplements were also issued to keep the early volumes up to date, and a card index has been formed to make this a permanent service. It is already being used by governments, professional bodies and individuals, and by specialized agencies and other international organs. In addition to these general surveys, a number of technical pamphlets were issued in 1950, such as "The Problem of Newsprint and Other Printing Matter", "Education by Radio—School Broadcasting" and "The

Use of Mobile Cinema and Radio Vans in Fundamental Education".

The project for establishing an International Institute of the Press and Information, recommended by Economic and Social Council resolution 241 M (IX),⁹ was given renewed approval by the General Conference, which invited the Director-General to consult national organizations and institutions and international professional organizations on the proposal.

To permit less advanced countries to profit by the technical experience of others, expert missions are sent to train specialists in mass communication techniques. Two such missions were dispatched to Turkey in 1950. One was to introduce the use of audio-visual materials in schools, and consequently the Turkish Education Ministry decided to establish a visual aid centre in Ankara. The second was a two-man radio mission sent to organize courses in Ankara for the training of sound engineers and programme directors.

In 1950 UNESCO began a highly specialized technical service with the aim of promoting the unification of braille script throughout the world. A conference met in Paris in March to define the various problems and formulate recommendations.

b. REDUCTION OF OBSTACLES TO THE FREE FLOW OF INFORMATION

Progress in the field of mass communication requires the reduction and, if possible, the removal of certain obstacles. Means of overcoming them must be investigated and adequate measures recommended to member States. After lengthy preparation, UNESCO began the publication of studies designed to focus public attention on the present world obstacles to the flow of information. The first such study, *World Communication*, a popular graphic assessment of Press, radio and film facilities throughout the world, was published in May. Advance copies of two further studies, *Trade Barriers to Knowledge* and *Newsreels Across the World*, were submitted in May to the Montevideo session of the United Nations Sub-Commission on Freedom of Information and of the Press. Close collaboration with this body has continued.

An Agreement on the Importation of Educational, Scientific and Cultural Materials was adopted by the General Conference at Florence and was open for signature at United Nations Headquarters on 22 November. By the end of 1950 it had been signed by 22 countries. The preceding

⁹ See Y.U.N., 1948-49, p. 572.

Agreement on Visual and Auditory Materials had been signed by eighteen countries by the end of 1950 and ratified by four: Canada, Norway, Pakistan and Yugoslavia.

A series of eleven recommendations adopted by the General Conference was submitted to member States in 1950. Reports indicated that Bolivia, Canada and Colombia have already altered their tariff regulations to facilitate the entry of publications, educational films and recordings. Eight other countries have reduced postal charges on publications sent abroad or have indicated their willingness to extend the scheme initiated by the Universal Postal Union, under which readers are enabled to subscribe to foreign newspapers and periodicals through payments in their own national currency at local post offices.

Mixed working parties were established with the regional economic commissions of the Economic and Social Council to increase the availability of educational and scientific material in countries poorly equipped in this respect, by encouraging production and exchanges.

c. ACTION THROUGH PRESS, FILM AND RADIO

UNESCO enlists the support of national Press, film and radio organizations to assist the United Nations and specialized agencies by creating a broader public understanding of their problems and the work being undertaken. Accordingly, directors and producers are encouraged, through discussion and the supply of background material, to take due account of the services to be rendered to world understanding in the fields of education, science and culture. Material for immediate use is also supplied to information outlets.

In 1950 the weekly radio script, "Unesco World Review", was issued in three languages to 106 countries or territories, and returns showed that this material was used by a large majority of the broadcast organizations which received it. The UNESCO broadcasting studio in Paris dispatched over 400 programmes in 26 languages. A bi-monthly service for the Press, "Unesco Features", continued to be published in three languages and was sent regularly to some 3,000 newspapers and periodicals in 55 countries or territories. Evidence has shown that this material was used by publications reaching some thirty million readers. The monthly *Courier* was published in English (30,000 copies), French (20,000), and Spanish (13,000).

Agreements with film companies resulted in an increasing number of news features being pro-

duced on such subjects as the unification of braille, the Haiti Pilot Project and emergency schools for Arab refugee children. Numerous discussions took place with cinema producers on the possibility of making full-length feature films on appropriate topics.

During the year a large volume of publicity material was issued in UNESCO's regular output on the subject of human rights, and member States were encouraged to celebrate the commemorative day of 10 December. Six filmstrips on this subject were produced and made available to National Commissions and a Human Rights Exhibition Album, containing 110 photographic plates describing various phases of the world struggle to attain these rights, was published.

7. Relief Assistance Services

In the immediate post-war years, UNESCO had undertaken, largely with the help of voluntary organizations, to remedy the effects of war devastation in the educational, cultural and scientific fields. From this general effort, UNESCO moved, in 1950, to a more selective, specific and technical form of assistance. The procedure now is to obtain precise information on definite and limited needs present among groups of war victims or in under-developed areas, and on the basis of this information to mobilize the exact assistance needed. In this connexion, representatives of eighteen countries in which voluntary funds had been raised in the past met during the General Conference to discuss plans and campaigns and agree on priorities among needs, such as adult education and illiteracy, scientific material for universities, and audio-visual aids to education. TICER (the Temporary International Council for Educational Reconstruction) was dissolved in 1950, in view of this new approach to reconstruction problems.

As in past years, a small part of this relief work is paid out of UNESCO's own budget, and the bulk from such voluntary means as can be mobilized.

The educational needs of Palestinian Arab refugee children in the Arab countries of the Middle East continued to be a major care of UNESCO, acting in close co-operation with the United Nations Relief and Work Agency (UNRWA). A UNESCO official was attached to UNRWA to assure liaison and an agreement was signed in August to govern the relations between the two organizations. During 1950 the

number of schools rose from 39 to 96, distributed over the Gaza area, Jordan, Lebanon and Syria. School buildings or tents were improved, furniture provided—often made by the pupils themselves—and scholastic material purchased by UNESCO and also donated by several member States.

A sum of \$182,000 was set aside as an emergency relief fund from UNESCO's own budget. This sum was allocated to meet strictly technical needs such as equipment for science teaching, books, paper for textbooks, library and museum equipment. Apart from the schools in the Middle East, which were allocated \$63,000, the beneficiary countries were Austria, Burma, China, Czechoslovakia, Ecuador, France, Greece, Hungary, India, Indonesia, Iran, Iraq, the Philippines, Poland and Yugoslavia.

As regards Korea, following the Economic and Social Council resolution 323(XI),¹⁰ the Executive Board of UNESCO instructed the Director-General to relieve the needs of the civilian population in Korea within the fields of education, science and culture, by means of emergency relief, and at the appropriate time by reconstruction projects. The Director-General was also authorized to send a mission to Korea, upon the request of the Secretary-General of the United Nations, to investigate the needs in Korea; to provide educational supplies on an emergency basis, and to prepare a campaign for educational, scientific and

cultural relief and reconstruction, in co-operation with National Commissions and voluntary organizations. In addition, the Executive Board decided to establish a special relief fund in the amount of \$100,000.

The "Coupon Scheme", launched in 1948, continued to develop in 1950. Originally limited to books, the scheme was extended to include films and scientific material, and by the end of the year the number of countries participating had grown from eleven to 21. Coupons to the value of \$684,682 were issued, bringing the total number of coupons brought into circulation since the inception of the scheme to \$973,857.

8. Technical Assistance

On 1 October 1950, UNESCO put into operation the first part of its technical assistance programme for economic development in under-developed countries. By the end of the year twelve countries had signed agreements to receive assistance under this programme: Ceylon, Ecuador, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Libya, Mexico, Pakistan and Thailand.

This UNESCO programme is financed by the broad United Nations scheme of Technical Assistance for Under-Developed Areas, which calls for an expenditure of \$20,000,000 up to the end of 1951. Of this sum, UNESCO's share is 14 per cent, or \$2,300,000.

D. BUDGET

The fifth session of the UNESCO General Conference, meeting in May and June 1950, approved a budget in the amount of \$8,300,000 to carry out the programme of activities during 1951, as follows:

BUDGET (1951)	
PART I. General Policy	\$ 235,219
PART II. General-Administration	1,035,745
PART III. Programme operations and Services:	
Education	\$1,113,556
Natural sciences	857,439
Social sciences	414,824
Cultural activities	856,023
Exchange of persons	305,707
Mass communications	978,129
Relief assistance services ..	333,870
External relations service ..	647,205
Documents and publications service	787,796

Statistical service	\$62,271	\$6,356,820
PART IV. Common Service		
Costs		672,216
		\$8,300,000
Deduct savings due to institution of local salary system and other changes in salary and allowance system		100,000
TOTAL APPROPRIATIONS ...		\$8,200,000

Contributions to the budget are made by members of UNESCO according to the scale adopted for the administrative budget of the United Nations, with adjustments to provide for the difference in membership of the two organizations. The scale of contributions for 1951, as approved for 59 member States of UNESCO by the fifth session of the General Conference in 1950, is given in the table on the next page.

¹⁰ See p. 268.

SCALE OF CONTRIBUTIONS (1951)

Member	Per cent	Member	Per cent
Afghanistan	0.07	Israel .....	.014
Argentina	2.10	Italy	2.55
Australia	2.18	Jordan	0.06
Austria	0.16	Korea, Republic of .....	.018
Belgium	1.53	Lebanon	0.07
Bolivia	0.09	Liberia .....	.004
Brazil	2.10	Luxembourg .....	.006
Burma	0.17	Mexico .....	.071
Canada	3.74	Monaco .....	.004
Ceylon	0.17	Netherlands	1.53
China	6.80	New Zealand .....	.057
Colombia	0.42	Norway .....	.057
Costa Rica	0.04	Pakistan .....	.084
Cuba	0.35	Panama .....	.006
Czechoslovakia	1.12	Peru .....	.023
Denmark	0.89	Philippines	0.33
Dominican Republic	0.06	Poland .....	.1-19
Ecuador	0.06	Saudi Arabia .....	.009
Egypt	0.80	Sweden	2.10
El Salvador	0.06	Switzerland	1.70
France	6.80	Syria .....	.012
Greece	0.20	Thailand .....	.027
Guatemala	0.07	Turkey .....	.103
Haiti	0.04	Union of South Africa	1.18
Honduras	0.04	United Kingdom .....	.12.88
Hungary	0.21	United States	35.00
India	3.86	Uruguay .....	.020
Indonesia	0.68	Venezuela .....	.034
Iran	0.51	Yugoslavia	0.41
Iraq	0.19		100.00

ANNEX. MEMBERS, OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

A. MEMBERS OF UNESCO

Afghanistan	France	New Zealand
Argentina	Greece	Norway
Australia	Guatemala	Pakistan
Austria	Haiti	Panama
Belgium	Honduras	Peru
Bolivia	Hungary	Philippines
Brazil	India	Poland
Burma	Indonesia	Saudi Arabia
Canada	Iran	Sweden
Ceylon	Iraq	Switzerland
China	Israel	Syria
Colombia	Italy	Thailand
Costa Rica	Jordan	Turkey
Cuba	Korea, Rep. of	Union of
Czechoslovakia	Lebanon	South Africa
Denmark	Liberia	United Kingdom
Dominican Republic	Luxembourg	United States
Ecuador	Mexico	Uruguay
Egypt	Monaco	Venezuela
El Salvador	Netherlands	Yugoslavia

B. MEMBERS OF THE EXECUTIVE BOARD

(As constituted by the fifth session of the General Conference)

Chairman:

Count Stefano Jacini (Italy)

Vice-Chairmen:

Luther H. Evans (United States)
Shafik Ghorbal Bey (Egypt)

Members:

Sir Ronald Adams (United Kingdom)
 Rafael Bernal Jimenez (Colombia)
 P. de Berredo Carneiro (Brazil)
 Antonio Castro Leal (Mexico)
 Victor Dore (Canada)
 Mgr. Jean Maroun (Lebanon)
 Geronima Pecson (Philippines)
 C. Parra-Perrez (Venezuela)
 Alex Photiades (Greece)
 Jean Piaget (Switzerland)
 Sir Sarvepalli Radhakrishnan (India)
 Roger Seydoux (France)
 Alf Sommerfelt (Norway)
 Ahmet K. Tecer (Turkey)
 Louis Verniers (Belgium)

C. OFFICERS OF THE SECRETARIAT

Director-General:

Jaime Torres Bodet (Mexico)

Deputy Director-General:

John W. Taylor (United States)

D. HEADQUARTERS AND OTHER OFFICES

1. HEADQUARTERS

Address: Organisation des Nations Unies pour l'Education, la Science et la Culture

19, Avenue Kleber

Paris 16^e, France

Telephone: Kleber 52-00

Cable Address: UNESCO PARIS

2. NEW YORK OFFICE

Address: United Nations Educational, Scientific and Cultural Organization

Headquarters

42nd St. at 1st Ave.

Room 2201

New York 17, N. Y.

Telephone: PLaza 4-1234

3. UNESCO FIELD SCIENCE CO-OPERATION OFFICES

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UNESCO Field Science Co-operation Office

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Cairo, Egypt

Mr. R. Berker

Centre de Co-operation Scientifique de l'Unesco

Unesco Buros

Istanbul Teknik. Universitesi

Gümüşsuyu

Istanbul, Turkey

Mr. W. J. Ellis

UNESCO Field Science Co-operation Office

United Nations Building

Padre Faura,

Manila, Philippines

Mr. Jan Smid

UNESCO Field Science Co-operation Office

United Nations Building

106 Whangpoo Road,

Shanghai, China (via Hongkong)

Dr. H. C. Yin

UNESCO Field Science Co-operation Office

University Buildings

Delhi, India

Dr. Alexander Wolsky

UNESCO Field Science Co-operation Office

c/o The Organization for Scientific Research in Indonesia

Merdeka Selatan II

Djakarta, Indonesia

IV. The International Civil Aviation Organization (ICAO)¹

Representatives of 52 States attending the International Civil Aviation Conference, which met in Chicago from 1 November to 7 December 1944, at the invitation of the Government of the United States, adopted a Convention providing for the establishment of the International Civil Aviation Organization (ICAO).² The Conference also drew up an Interim Agreement providing for a Provisional International Civil Aviation Organization (PICAO) to operate until the formal establishment of the permanent organization. PICAO came into being on 6 June 1945, after 26 States had adhered to the Interim Agreement. ICAO came formally into existence on 4 April 1947, 30 days after the Convention on International Civil Aviation had been ratified by the required 26 States. The Convention superseded, as between contracting States, the provisions of two earlier agreements: the Paris Convention of 1919 establishing the International Commission for Air Navigation, and the Pan-American Convention on Commercial Aviation, drawn up in Havana in 1928.

An Agreement establishing the relationship between the United Nations and ICAO came into force on 13 May 1947 with its approval by the Assembly of ICAO.³ The Agreement, negotiated by PICAO, had previously been approved by the United Nations General Assembly on 14 December 1946.

From 15 August 1945, when the PICAO Interim Council met for the first time, until the formal establishment of ICAO, the provisional organization secured concerted action from its members to provide and maintain the facilities and services necessary for air transport across national borders. Patterns for meteorological services, traffic control, communications, radio beacons and ranges, search and rescue organizations and other facilities required for safe international flight were developed. Much of PICAO's work involved the drafting of recommendations for standards, practices and procedures, designed to ensure the safety, regularity and efficiency of international air transport. One of the most important activities of the permanent organization in the technical field was the review of these recommendations with a view to the adoption by the

ICAO Council of international standards and recommended practices to regulate civil aviation in member States. By the end of 1949 ten sets of standards⁴ and recommended practices⁵ had been approved by the Council. Six of these, for Personnel Licensing, Rules of the Air, Meteorological Codes, Aeronautical Charts, Dimensional Units to Be Used in Air-Ground Communications, and Airworthiness of Aircraft, came into force during 1949 as, respectively, Annexes 1, 2, 3, 4, 5 and 8 to the Convention.

As required by article 38 of the Convention, contracting States notified ICAO of the differences between their national regulations or practices and the international standards contained in the annexes adopted by the Council. The differences filed were communicated to all contracting States and their implications were studied by ICAO's Air Navigation Commission.

As a result of work begun in 1948 at the request of ITU, the Council, in June 1949, approved a Draft Frequency Allotment Plan for the allocation of aeronautical frequencies to the international services of contracting States.

PICAO and, later, ICAO held regional air navigation meetings to examine the air navigation requirements and specify particular procedures to

¹ For further information concerning the origin and early activities of PICAO and ICAO, see Y.U.N., 1946-47, pp. 723-45; 1947-48, pp. 855-63; 1948-49, pp. 1024-32. See also Memorandum on ICAO, 1 May 1951; reports of the Council to the Assembly on the activities of the organization; ICAO budget estimates, 1950; and the ICAO Monthly Bulletin, July 1947 et seq.

² For text, see Y.U.N., 1946-47, pp. 728-40.

³ The text of the Agreement between the United Nations and the International Civil Aviation Organization is reproduced in the Y.U.N., 1946-47, pp. 741-45.

⁴ By definition of the first Assembly of ICAO, a standard is "any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Member States will conform in accordance with the Chicago Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention".

⁵ A recommended practice, by definition of the first Assembly, is "any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation, and to which Member States will endeavor to conform in accordance with the Convention".

be followed in each region of the world in which a particular type of flying operation predominates. There are ten such regions. By 31 December 1949, air navigation meetings had been held in all regions and had examined the existing facilities for airports, navigational aids, communications, air traffic control, meteorology, operations of search and rescue, and determined what additional facilities and operating procedures were required to make flying in their respective regions safer, more economical and more regular.

In accordance with a proposal by the first regional air navigation meeting for the North Atlantic, ten member States of ICAO, attending a special conference in September 1946, agreed to maintain thirteen ocean weather stations at specified points in the North Atlantic. A subsequent meeting in May 1949 renewed this agreement, but reduced the number of ocean stations to ten.

ICAO arranged for the co-operative maintenance of other air transport, navigation and meteorological facilities required by aircraft flying over

sparsely populated regions or regions of uncertain sovereignty. By agreements concluded in May 1947 and on 16 September 1948, respectively, ICAO arranged for the joint maintenance, through the financial support or technical assistance of member States whose airlines used the facilities, of a Loran (long-range radio aid to navigation) station at Vik, Iceland, and of weather reporting and forecasting stations, area traffic control and telecommunication networks, also located in Iceland. The May 1949 meeting also provided for the joint financing of a Loran station in the Faeroes Islands and of meteorological stations and communications facilities in Greenland.

The principal achievement of ICAO in the legal field up to 1950 was the adoption by the Assembly of a Convention on the International Recognition of Rights in Aircraft, opened for signature on 19 June 1948.

In addition to the above activities, ICAO began a number of long-term studies related to air transport and air navigation, as directed by various sessions of the Assembly.

A. PURPOSES AND FUNCTIONS

The Convention on International Civil Aviation, according to its preamble, lays down "certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically".

The aims and objectives of ICAO, as stated in article 44 of the Convention, are:

... to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

(a) Insure the safe and orderly growth of international civil aviation throughout the world;

(b) Encourage the arts of aircraft design and operation for peaceful purposes;

(c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;

(d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

(e) Prevent economic waste caused by unreasonable competition;

(f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;

(g) Avoid discrimination between contracting States;

(h) Promote safety of flight in international air navigation;

(i) Promote generally the development of all aspects of international civil aeronautics.

B. ORGANIZATION

The governing bodies of ICAO are the Assembly and the Council.

The Assembly, comprising representatives of member States, is convened by the Council and meets annually. The Assembly determines its own rules of procedure and is responsible for the financial arrangements of the organization, including the approval of an annual budget. It examines and takes action on matters referred to it by the

Council and may, at its discretion, refer to the Council specific matters for the consideration of the latter body. Finally, the Assembly deals with such other matters as come within the sphere of action of the organization but are not specifically assigned to the Council.

Each member State is entitled to one vote in the Assembly. Decisions of the Assembly and the Council are made, with few exceptions, by a

simple majority of the votes cast. Exceptions include adoption by the Assembly of amendments to the Convention, and the adoption by the Council of international standards and recommended practices regulating air navigation, both of which require a two-thirds majority vote.

Members may be admitted into the organization, provided they are signatories to the Convention. Members of the United Nations or Allied States or States which remained neutral during the Second World War, by notifying adherence or depositing an instrument of ratification of the Convention. Former Axis States, to become members of ICAO, require an affirmative four-fifths vote by the ICAO Assembly, the assent of any State invaded or attacked by the State seeking admission, and approval by the General Assembly of the United Nations.

The Council, which meets in virtually continuous session, is the executive body of the organization and derives its powers and authority from the Assembly and from the Convention itself. It is composed of 21 member States elected by the Assembly for a period of three years. In electing these States, the Assembly must give adequate representation to: (1) those member States of major importance in air transport; (2) those member States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) those member States not otherwise included, the election of which will ensure that all major geographical areas of the world are represented. The Council creates standards for international air navigation and collects, examines and publishes information concerning air navigation. It administers the finances of the organization and carries out the directives of the Assembly. It may conduct research into all aspects of air transport and air navigation which are of international importance. The Council is empowered by the Convention to act as an arbiter between two or more members of ICAO in any dispute concerning the

interpretation or application of the Convention and its Annexes. The first Assembly further authorized the Council to act, when expressly requested by all the parties concerned, as an arbitral body in any dispute arising among members relating to international civil aviation.

Among other duties, the Council is charged with providing for the establishment of subsidiary bodies and with supervising and co-ordinating their work. Three main bodies have been established: the Air Navigation Commission, the Air Transport Committee and the Legal Committee. The Air Navigation Commission assigns its technical work to the following divisions: Aerodromes, Air Routes and Ground Aids; Aeronautical Information Services; Accident Investigation; Airworthiness; Aeronautical Telecommunications; Aeronautical Maps and Charts; Meteorology; Operating Practices; Personnel Licensing; Rules of the Air and Air Traffic Control; and Search and Rescue. The Air Transport Committee is assisted by the Facilitation of Air Transport Division and the Statistics Division. Two additional committees, the Committee on Joint Support of Air Navigation Services and the Finance Committee, are composed of representatives elected by the Council from its own members.

The Council elects its President and appoints the Secretary-General of ICAO. The President of the Council convenes and presides at meetings of the Council and acts as its permanent representative. The Secretary-General is the chief executive officer of the organization. He is responsible to the Council for carrying out duties assigned to him by that body.

The organization maintains five offices in the field to deal with the regional aspects of international civil aviation, particularly with air navigation problems: the North American Office, in Montreal; the European and African Office, in Paris; the South American Office, in Lima; the Middle East Office, in Cairo; and the Far East and Pacific Office, in Melbourne.

C. ACTIVITIES DURING 1950

During 1950 the fourth session of the ICAO Assembly was held in Montreal from 30 May to 20 June. This session elected twenty member States to membership on the ICAO Council for a three-year term and the newly elected Council re-elected Dr. Edward Warner as Council President for the same term.

By 31 December 1950 the membership of the organization had increased to 58 with the addition of Indonesia and Iran. The Nationalist Government of China, in 1950, notified its withdrawal, effective 31 May 1951, one year from receipt of the notification, as provided in the Convention. The United Nations General As-

sembly revoked its decision on the participation by the Franco Government of Spain in the work of the specialized agencies, and Spain again began to participate fully in the work of ICAO.

ICAO began in 1950 to participate in the United Nations Expanded Programme of Technical Assistance for Economic Development. Technical assistance in civil aviation is designed to prepare the way for improved transportation within a country; to facilitate the movement of persons and goods on international routes, thus making possible increased national participation in international commerce; and to train nationals of the assisted countries in new skills. By the end of the year ICAO had received requests for technical assistance from fifteen States. These requests covered a wide range. Some sought ICAO participation in comprehensive United Nations missions concerned with a State's general economy. Others asked for the provision of: fellowships to aid in training persons for the many types of specialized skill and knowledge required in civil aviation; technical advice in the building of airports; the organization of civil aviation administrations and the operation of air transportation; and missions to assist in actual training in requesting countries.

ICAO had already taken action on several of these requests by the end of 1950. It decided to provide assistance to five States, as follows: for Colombia, an expert on civil aviation to advise the Government on general civil aviation policy and its implementation, as well as on specific policy and programmes relating to air transport and on economic problems; for Nicaragua, four fellowships on administration and regulation of civil aviation, control tower operations, and airline flight inspection procedures; for Thailand, an expert on civil aviation to assist the Civil Aviation Board of Thailand in general civil aviation planning and policy, and two fellowships for advanced flying training; for Indonesia, one senior technical expert; and for Iran, two aeronautical meteorologists.

Activities of the organization during 1950 in the air navigation, air transport, joint support and legal fields are summarized below.

1. Air Navigation Questions

Among the technical matters dealt with by ICAO during 1950, the further development of Standards, Recommended Practices and Procedures has continued to occupy a prominent place.

Standards and recommended practices, adopted in 1949, for Operation of Aircraft: Scheduled International Air Services and for Aeronautical Telecommunications, came into force, respectively, on 1 January and 1 April 1950, as Annexes 6 and 10 to the Convention. Amendments 2 to 22 to Annex 4—Standards and Recommended Practices for Aeronautical Charts—also adopted in 1949, came into force on 1 September 1950. In connexion with Annex 4, ICAO published, during 1950, two issues of a new series of annual reports on the progress of contracting States in producing aeronautical charts according to the ICAO Standards (Aeronautical Charts, Production Progress Report—Nos. 1 and 2).

Two new Annexes were adopted by the Council in 1950:

Annex 11—Standards and Recommended Practices for Air Traffic Services—adopted 18 May, became effective on 1 October, for implementation on 1 June 1951;

Annex 12—Standards and Recommended Practices for Search and Rescue—adopted 25 May, became effective on 1 December, for implementation on 1 March 1951.

Drafts of two further annexes, proposing standards and recommended practices for accident investigation and for aerodromes, air routes and ground aids, were circulated to contracting States for comment prior to adoption by the Council.

The scope of three existing Annexes were substantially expanded and improved by the adoption of amendments resulting from recommendations made by the Air Navigation Commission and its Divisions.

One hundred and twenty-three amendments to Annex 1 (Standards and Recommended Practices for Personnel Licensing) were adopted by the Council on 22 March and became effective on 1 September 1950. Those representing new Standards for licences of the senior commercial pilot, the private glider pilot, the free-balloon pilot, and the aircraft maintenance engineer (aircraft maintenance mechanic) Class I, were scheduled to be implemented on 1 April 1951; those representing amendments to the existing Standards, and new Standards for the specifications for personnel licences in Chapter 5 of the Annex were to be implemented on 1 October 1951. At the time these amendments were adopted, the Council referred to the Air Navigation Commission for further study the questions of the right of a private pilot to receive remuneration for his flying and of the privileges of the commercial pilot. As a result of this study six additional amendments, numbered 124—129, were submitted

by the Commission and adopted by the Council on 27 June, became effective on 1 December, and, it was provided, would come into force on 1 October 1951.

To promote the uniform application of Annex I, the Council authorized the publication of Parts I (General) and III (Commercial Pilot Licence) of an ICAO Training Manual for the information and guidance of contracting States. Together, Parts I and III provide a training guide for the commercial pilot licence. It was decided that other parts, each of which will deal with one specific licence in detail, should be published as they become available.

Sixty-three amendments to Annex 8 (Standards and Recommended Practices for Airworthiness of Aircraft) were adopted on 26 June, to become effective on 1 January 1951, and to be implemented on 1 February 1951.

On 5 December, 127 amendments to Annex 6 were adopted, to become effective on 1 June 1951, unless disapproved in the meantime by a majority of contracting States, and to be implemented on 1 October 1951.

The organization recognized that the introduction of jet airlines on the world's airways would seriously affect some of the ICAO Standards, and would, among other things, affect aerodrome design, construction and equipment. A secretariat study of the problem was issued to contracting States, as authorized by the Council, in ICAO Circular 17—The Effect of Turbine-Powered Civil Aircraft on the Design, Construction and Equipment of Land Aerodromes.

During 1950 substantial progress was reported in the various regions in the provision of air navigation facilities and services and in the implementation of approved procedures, but in certain parts of the world serious deficiencies still existed because of economic difficulties and the lack of trained personnel. It was hoped that correction of the latter condition would be accelerated through the United Nations Technical Assistance Programme.

Two full-scale regional air navigation meetings were held (Second Caribbean in Havana from 11 April to 2 May; Second Middle East in Istanbul from 2 to 17 October). Divisional meetings for Meteorology and Rules of the Air and Air Traffic Control were also held, together with a number of special meetings of more limited scope—on climb requirements, fixed telecommunications services, regional frequency assignment planning and regional meteorological procedures.

2. Air Transport Questions

In response to a request from the Universal Postal Union, the Council approved a comprehensive statement of ICAO's views on certain economic aspects of international air mail. This statement discusses the cost of carrying air mail and the principles of categorizing air mail services, as requested by UPU, and also the general level of air mail transportation charges and the principles according to which such charges should be set. Attached to the statement were statistical tables, with explanatory notes, presenting selected operating and financial statistics for 1947, 1948 and part of 1949 relevant to the transportation of air mail.

Another major task undertaken by ICAO in the air transport field during 1950 was a study of the commercial rights conferred by articles 5 and 6 of the Convention, giving priority to the definition of a "scheduled international air service" referred to in these articles. The Air Transport Committee, in November, reached agreement on the necessity for expressing in this definition the concept of regularity, a fixed route identified by the places served, operation for remuneration and the concept that a scheduled international air service is one that is operated for the public and is a transport service. The secretariat was instructed to incorporate these elements in a draft definition and to prepare an accompanying commentary to guide Governments in construing and applying the definition.

Standards and Recommended Practices for the Facilitation of International Air Transport, adopted in 1949 as Annex 9 to the Convention, came into force on 1 March 1950, and ICAO indicated that, on the basis of information received, about two thirds of its member States were implementing the Annex with only minor deviations. In other member States progress was slower, but there was evidence that the Annex was being carefully studied. In this connexion it was noted by ICAO that the obstacles in the way of the facilitation programme differed greatly in different parts of the world, ease of implementation being directly related to the flexibility of the customs, immigration, public health and other regulations of any given country. The Assembly in June adopted a resolution which, among other things, urged contracting States to impress upon the interested departments of their Governments the importance of making national laws and practices conform to the provisions of Annex 9, and called their attention to the successful results achieved by

some States through the creation of Facilitation Committees to co-ordinate efforts to implement the facilitation standards. By the end of 1950 eight contracting States had notified ICAO that they had established such Committees.

The statistical work programme of ICAO was further expanded during 1950. ICAO continued to be responsible for collecting all air transport statistics from States able to make such data available. It published six Statistical Summaries during 1950: No. 8, giving traffic statistics received up to June 1949, and No. 10, giving statistics received up to 30 June 1950, including data covering approximately 90 per cent of the world's scheduled air transport operations; No. 9, including profit and loss statements for 35 airlines in eighteen contracting States; No. 11, containing data for 1948 on aircraft fleets and personnel; and Nos. 12 and 13, giving data on taxes and subsidies for 1947 and for 1948, respectively.

In connexion with its special study of burdensome insurance requirements, the Council recommended to contracting States a course of action which would obviate the possibility that persons engaged in international aircraft operation might have to insure the same risks more than once.

Work also continued during the year on the following air transport subjects: multiple discriminatory and unfairly burdensome taxation; problems of registration and certification arising from the delivery of aircraft by air; compilation of statistics of international air transport economics and air navigation facilities; international ownership and operation of international air services on trunk routes; and commercial rights for scheduled air services.

3. Joint Support Questions

During 1950, the activities of the organization in this field were confined almost entirely to the administration of the three North Atlantic joint financing arrangements and the continuance of studies initiated in previous years. One long-standing project—the attempt to arrange for the international financing of the rehabilitation of the Ellinikon Airport and meteorological services in Greece—was abandoned upon the Greek Government's withdrawal of its request.

The agreement on North Atlantic ocean weather stations, concluded in London on 12 May 1949, came into effect on 13 January 1950. Under this agreement, six States (Canada, France, Netherlands, Norway, the United Kingdom and the

United States) participate in the operation of 25 weather ships, maintaining continuous patrol on ten stations carefully located to give the best possible service to aircraft flying the regular trans-Atlantic routes, and six more States (Belgium, Denmark, Sweden, Switzerland, Ireland and Portugal) contribute toward their cost. All ten of the stations were in operation throughout the year, performing the services required under the agreement to the complete satisfaction of the airlines using them. The value of these stations is recognized to be primarily meteorological, affording aircraft engaged in trans-Atlantic operations essential information regarding wind and weather conditions which will permit them minimum fuel consumption and maximum payload level. The stations also provide search and rescue services and afford substantial benefits to shipping, to the fishing industry, to agriculture and to other non-aviation activities dependent upon weather forecasts for their planning.

On 1 December, as a result of a bilateral agreement concluded on 25 June, the United States assumed entire responsibility for the operation of Station B off the coast of Labrador at 56° 30' N, 51° 00' W, while Canada took over the operation of a station in the North Pacific at 58° 00' N, 145° 00' W. Despite the tragic loss on 17 September of the ocean weather ship Laplace, which hit a floating mine and blew up, killing many of her crew, the French Government managed to carry out fully its obligations in respect of the operation of Station K at 45° 00' N, 16° 00' W.

Old-type transmitters at the Loran station at Vik, Iceland, were replaced in May 1950 by the new type of equipment. Operation of the Vik Loran station and of the air traffic control, communications, and meteorological services in Iceland continued during the year and new equipment was installed where required.

Arrangements made for the financing and operation of air navigation services in Greenland and the Faeroe Islands continued to work satisfactorily during the year, and arrangements were made for the provision of new buildings in several of the outlying meteorological stations in Greenland.

4. Legal Questions

The ICAO Legal Committee, at its fifth session in January 1950, prepared a draft convention on damage caused by aircraft to third parties on the surface, to replace the Rome Convention of 1933. After alteration by the Assembly, the text as re-

vised was referred back to the Legal Committee for further study in 1951. Meanwhile, the revised text was circulated to contracting States, which were asked to communicate their proposals not later than 1 November 1950.

In June, the Legal Committee decided to give priority, after the completion of the above draft convention, to its other studies in the following order: liability for damage from aerial collision, revision of the Warsaw Convention (relating to the liability of carriers to passengers, cargo and baggage), legal status of aircraft and legal status of the aircraft commander.

During 1950, two nations—Iran and Australia—signed the Convention on the International Recognition of Rights in Aircraft adopted by the Assembly in 1948, bringing the total number of signatories to 26. The Government of Mexico deposited its instrument of ratification on 5 April, with a reservation to the effect that the priorities referred to in the Convention should be subject, within Mexican territory, to the priorities accorded by Mexican laws to fiscal claims and claims arising out of work contracts. Article XX of the Convention provides that as soon as two of the signatory States have deposited their instruments of ratification, it will come into force between them on the ninetieth day after the deposit of the second instrument. It should therefore have come into force between Mexico and the United States, the first State to ratify, on 4 July, but the latter

Government notified the organization on 1 July that it found the Mexican reservation unacceptable.

5. Publications

During 1950, ICAO continued to compile and issue the following publications, in addition to those mentioned above: proceedings of the Council and the Assembly; reports of the Air Navigation Commission and the Air Transport Committee; minutes and documents of the Legal Committee; reports of ICAO divisional meetings; Procedures for Air Navigation Services; Supplementary Procedures (for regions); regional manuals; regional charts; ICAO Circulars, each of which covers a technical aviation study; and the ICAO Monthly Bulletin, containing a review of the organization's current activities. ICAO also issued, among other publications, Tables of Agreements and Arrangements Registered with the Organization from 1 January 1946 to 31 December 1949 and Proposals for the Detailed Specifications of the ICAO Standard Atmosphere and Extreme Atmospheres, formulated jointly by ICAO and the International Meteorological Organization (IMO).

Most of these publications appear in English, French and Spanish. The ICAO Monthly Bulletin, as well as a complete summary of the aims, history and the work of the organization, entitled Memorandum on ICAO, are available free of charge on request, in these three languages.

D. BUDGET

A budget of \$2,810,607 (Canadian) for the calendar year 1950 was approved by the third Assembly of ICAO, held in Montreal from 7 to 20 June 1949. The fourth Assembly of ICAO approved a budget of \$2,812,000 (Canadian) for the calendar year 1951 as follows:

PART I.	Meetings	\$ 100,000
PART II.	The secretariat	2,210,000
PART III.	General services	550,000
PART IV.	Equipment .	55,000
PART V.	Other budgetary provisions	85,000
		3,000,000
	Less: Casual revenue	188,000
		\$2,812,000

In apportioning the expenses of ICAO among member States, the Assembly takes into consideration their relative capacity to pay, relative interest in international civil aviation and the war damage suffered. It follows the principle that in

no case should contributions fall below a minimum or exceed a maximum percentage of the total budget. The fourth Assembly, with the agreement of the States concerned, fixed the scale of contributions for the 1951 budget as below.

Between sessions of the Assembly, the Council, on the recommendation of its Finance Committee, fixes the amount of contribution of any new member brought into the organization during that period, and the Council may increase the budget of the organization to the extent of that contribution.

SCALE OF CONTRIBUTIONS

Member	Units
Austria, Jordan, Liberia	2
Lebanon	3
Bolivia, Dominican Republic, Haiti, Iceland, Indonesia, Luxembourg, Nicaragua, Paraguay	4
Afghanistan, El Salvador, Finland, Guatemala	5
Iraq, Israel, Syria	7

Member	Units	Member	Units
Burma, Ceylon	8	Belgium	32
Ethiopia, Thailand	9	Switzerland	34
China, Peru	10	Sweden	37
Greece	11	Brazil	39
Chile, Philippines	12	Italy	40
Colombia, Cuba, Norway, Portugal	16	Argentina, Netherlands	45
Iran, Ireland, New Zealand, Pakistan	17	India	47
Czechoslovakia	19	Australia	49
Egypt, Turkey, Venezuela	20	Canada	66
Denmark	22	France	76
Spain	*	United Kingdom	120
Poland	29	United States	374
Mexico, Union of South Africa	30	TOTAL	1,497

ANNEX. MEMBERS, OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

A. MEMBERS OF ICAO

Afghanistan	Finland	Nicaragua
Argentina	France	Norway
Australia	Greece	Pakistan
Austria	Guatemala	Paraguay
Belgium	Haiti	Peru
Bolivia	Iceland	Philippines
Brazil	India	Poland
Burma	Indonesia	Portugal
Canada	Iran	Spain
Ceylon	Iraq	Sweden
Chile	Ireland	Switzerland
China ⁶	Israel	Syria
Colombia	Italy	Thailand
Cuba	Jordan	Turkey
Czechoslovakia	Lebanon	Union of
Denmark	Liberia	South Africa
Dominican Republic	Luxembourg	United Kingdom
Egypt	Mexico	United States
El Salvador	Netherlands	Venezuela
Ethiopia	New Zealand	

B. MEMBERS OF THE COUNCIL

Argentina	Commodore J. F. Fabri
Australia	K. N. E. Bradfield
Belgium	Lt.Colonel J. Verhaegen
Brazil	Colonel B. M. Amarante
Canada	Brigadier C. S. Booth
Denmark	G. Crone-Levin
Egypt	M. Shehab El Din
France	H. Bouche
India	M. G. Pradhan
Iraq	Ali Fuad Bey
Ireland	W. Algar
Italy	S. Cacopardo
Mexico	E. M. Loaeza
Netherlands	F. H. Copes van Hasselt
Philippines	Emilio Abello
Portugal	Joaquim De Brito Subtil
Union of South Africa	L. E. Lang
United Kingdom	Sir Frederick Tymms
United States	Rear Admiral Paul A. Smith
Venezuela	L. M. Chafardet-Urbina

C. OFFICERS

President of the Council:

Edward Warner

Secretary-General of ICAO:

Albert Roper

Assistant Secretary-General for Air Navigation:

Air Vice-Marshal A. Ferrier

Assistant Secretary-General for Air Transport:

E. M. Weld

Director, Legal Bureau:

E. Pepin

Director, Administrative Bureau:

R. Gilbert

External Relations Officer:

E. R. Marlin

Chief, Public Information:

L. C. Boussard

Public Information Officer:

S. G. Cooper

D. HEADQUARTERS

Address: International Civil Aviation Organization

International Aviation Building

Montreal, Canada

Telephone: UNiversity 6-2551

Cable Address: ICAO MONTREAL

E. REGIONAL OFFICES

Address: ICAO Representative

European-African Office

60 bis Avenue d'Iena

Paris 16^e, France

Cable Address: ICAOREP PARIS

Address: ICAO Representative

South American Office

Apartado 680

Lima, Peru

Cable Address: ICAOREP LIMA

Address: ICAO Representative

Middle East Office

Wadie Saad Building

Sharia Salah el Dine

Zamalek

Cairo, Egypt

Cable Address: ICAOREP CAIRO

Address: ICAO Representative

Far East and Pacific Office

17 Robe Street

St. Kilda

Melbourne, Australia

Cable Address: ICAOREP MELBOURNE

* The ICAO Council assessed the contribution of Spain as 26 units for the 1951 fiscal year.

⁶ China was to withdraw from ICAO as of 31 May 1951.

V. The World Health Organization (WHO)¹

The Constitution providing for the establishment of a World Health Organization (WHO)² was adopted on 22 July 1946 by the International Health Conference, called for the purpose by the Economic and Social Council. There were 64 States, the Allied Control Authorities for Germany, Japan and Korea, respectively, and ten international organizations represented at the Conference, which met in New York from 19 June to 22 July 1946.

An Interim Commission, established by the Conference, held its first meeting on 19 July 1946 and for almost two years carried out preparatory work for the permanent World Health Organization, at the same time continuing the functions of former international organizations and rendering assistance in the solution of urgent health problems.

The permanent World Health Organization came officially into being on 7 April 1948, when 26 Members of the United Nations had accepted its Constitution. The Interim Commission continued to function, however, until 31 August 1948, when it was dissolved in accordance with a resolution of the first World Health Assembly. WHO itself assumed the functions and assets of the Interim Commission and began operating on 1 September.

Among the decisions of the first Health Assembly, held in Geneva from 24 June to 24 July 1948, was the approval, on 10 July, of the agreement establishing WHO's relationship with the United Nations. This action brought the agreement into force, since it had previously been approved by the United Nations General Assembly.³

Beginning in 1948, the activities of the Interim Commission and of WHO placed particular emphasis on active measures against three major diseases—malaria, tuberculosis and venereal diseases. In the field, for example, an anti-malaria campaign in Greece was outstandingly successful; consultants on malaria were provided to Governments; technical advice was given to UNICEF for the equipment, supplies and technique needed in various countries for malaria control operations; various institutes of malariology were assisted either with scientific equipment or by the sending of expert lecturers; malaria control dem-

onstration teams were established, seven being in operation at the end of 1949; joint projects were undertaken with FAO to increase world food production and raise standards of health in malaria-infested districts.

In tuberculosis control WHO gave technical guidance to the mass immunization programme (the Joint Enterprise) which was being carried out by UNICEF and the Danish Red Cross with its Scandinavian associates. In February 1949 it established a Tuberculosis Research Office at Copenhagen. It gave advice and assistance in tuberculosis control to China, Greece, Egypt, Turkey, Italy and Poland, and undertook surveys in various countries.

In collaboration with UNICEF, WHO undertook an extensive campaign to help Governments carry out anti-venereal disease programmes; WHO provided advisers, short-term consultants, medical literature and fellowships.

WHO collaborated with UNICEF on projects for improving maternal and child health services and with FAO in steps to improve nutrition. During 1949 it gave technical assistance for improving sanitation, for example in the refugee camps in Syria, Jordan and Lebanon, and began assisting Governments in public health administration. Other activities begun in 1949 included assistance to Governments in developing methods and techniques for health education of the public and in the training of nurses.

Work was also undertaken in the field of health statistics, while the epidemiological services were developed. Other continuing tasks included work on biological standardization and the unification of pharmacopoeias. Many of these essential services were inherited from previous international organizations and were further expanded. Responsibility for the administration and revision of the sanitary conventions previously applied by the Office international d'hygiène publique (OIHP) in Paris was also assumed.

¹ For further details of WHO and the Interim Commission, see Y.U.N., 1946-47, pp. 789-804; 1947-48, pp. 909-23; 1948-49, pp. 1033-46; Official Records of the World Health Organization.

² For text of Constitution, see Y.U.N., 1946-47, pp. 793-800.

³ For text of Agreement between United Nations and WHO, see Y.U.N., 1947-48, pp. 919-23.

A. PURPOSES AND FUNCTIONS

The objective of WHO, as stated in article 1 of its Constitution, is "the attainment by all peoples of the highest possible level of health". The preamble defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity".

The functions of the organization necessary to attain this objective are enumerated in article 2 as follows:

- (a) To act as the directing and co-ordinating authority on international health work;
- (b) To establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate;
- (c) To assist Governments, upon request, in strengthening health services;
- (d) To furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of Governments;
- (e) To provide or assist in providing upon the request of the United Nations, health services and facilities to special groups, such as the peoples of Trust Territories;
- (f) To establish and maintain such administrative and technical services as may be required, including epidemiological and statistical services;
- (g) To stimulate and advance work to eradicate epidemic, endemic and other diseases;
- (h) To promote, in co-operation with other specialized agencies where necessary, the prevention of accidental injuries;
- (i) To promote, in co-operation with other specialized agencies where necessary, the improvement of nutrition, housing, sanitation, recreation, economic or working conditions and other aspects of environmental hygiene;
- (j) To promote co-operation among scientific and professional groups which contribute to the advancement of health;
- (k) To propose conventions, agreements and regulations, and make recommendations with respect to international health matters and to perform such duties as may be assigned thereby to the Organization and are consistent with its objective;
- (l) To promote maternal and child health and welfare and to foster the ability to live harmoniously in a changing total environment;
- (m) To foster activities in the field of mental health, especially those affecting the harmony of human relations;
- (n) To promote and conduct research in the field of health;
- (o) To promote improved standards of teaching and training in the health, medical and related professions;
- (p) To study and report on, in co-operation with other specialized agencies where necessary, administrative and social techniques affecting public health and medical care from preventive and curative points of view, including hospital services and social security;
- (q) To provide information, counsel and assistance in the field of health;
- (r) To assist in developing an informed public opinion among all peoples on matters of health;
- (s) To establish and revise as necessary international nomenclatures of diseases, of causes of death and of public health practices;
- (t) To standardize diagnostic procedures as necessary;
- (u) To develop, establish and promote international standards with respect to food, biological, pharmaceutical and similar products;
- (v) Generally to take all necessary action to attain the objective of the Organization.

B. ORGANIZATION

The main organs of WHO, as provided in its Constitution, are the World Health Assembly, the Executive Board and the secretariat.

The World Health Assembly, in which all members may be represented, meets at least once annually. It determines the policies of WHO. It reviews the work of WHO and instructs the Executive Board in regard to matters upon which action, study, investigation or report may be considered desirable. Among its other duties the Assembly is empowered to adopt regulations pertaining to international quarantine and sanitary measures, uniform standards and nomenclatures, and various other questions of international importance in the health field.

New members may be admitted into WHO, if they are Members of the United Nations, by ac-

cepting the Constitution. For other States to become members, the approval of their membership applications by a simple majority vote of the Health Assembly is required. The Constitution also provides that territories or groups of territories not responsible for the conduct of their international relations may be admitted as associate members by the Health Assembly upon application by the appropriate authority.

Decisions of WHO on important questions, such as the adoption of conventions or agreements, the approval of agreements bringing WHO into relationship with other international organizations, and amendments to the Constitution, require a two-thirds majority of the members present and voting. Decisions on other questions are taken by a simple majority vote.

The Executive Board consists of eighteen technically qualified persons designated by eighteen member States elected by the Health Assembly. In their election, the Assembly takes into account an equitable geographical distribution. Members are normally elected for a three-year term, and meetings of the Board are held at least twice a year. Its chief function is to implement decisions and policies of the Assembly, but it may also take emergency measures within the functions and financial resources of WHO in order to deal with urgent situations, such as epidemics.

The secretariat is headed by a Director-General, appointed by the Assembly on the nomination of the Executive Board. The Director-General appoints the technical and administrative staff required and supervises its work.

Panels composed of experts have been established to further the work of WHO in special fields. The experts making up these panels may be asked for technical advice by correspondence, and from the panels appropriate specialists are drawn for each session of various expert committees, for which membership varies according to the agenda of the session. Expert Committees on the following subjects met during 1950: Anti-

biotics, Biological Standardization, Drugs Liable to Produce Addiction, Health Statistics, Insecticides, International Epidemiology and Quarantine, Malaria, Mental Health, Nursing, Prematurity (Expert Group), Professional and Technical Education of Medical and Auxiliary Personnel, Rabies, School Health Services, Tuberculosis, Unification of Pharmacopoeias, Venereal Infections and Treponematoses, Occupational Health (Joint Expert Committee with ILO), African Rickettsioses (Joint Study-Group with the Office international d'hygiène publique), Brucellosis (Joint Expert Panel with FAO), Zoonoses (Joint Expert Group with FAO).

Regional organizations have been or are being established to serve the special needs of six regions throughout the world as delineated by the World Health Assembly. By the end of 1950 regional offices were in existence for the Americas (Washington, Pan American Sanitary Bureau), the Eastern Mediterranean (Alexandria), South East Asia (New Delhi), and the Western Pacific (Hong Kong, temporary location). In addition, special offices for Africa and Europe are located in Geneva, pending the establishment of regional organizations for these regions.

G. ACTIVITIES DURING 1950

During 1950 the membership of the World Health Organization was increased to 74⁴ by the addition of six States—Cambodia, Cuba, Indonesia, Laos, Nicaragua and Vietnam. In addition, Southern Rhodesia became WHO's first associate member. Romania on 20 February, Albania on 25 February, Czechoslovakia on 14 April, the Nationalist Government of China on 7 May, Hungary on 19 May, and Poland on 15 August notified WHO of their withdrawal from the organization.

The third World Health Assembly was held from 8 to 27 May, and the Executive Board held its fifth session from 16 January to 2 February and its sixth session from 1 to 9 June 1950.

Among the decisions taken by the third World Health Assembly were the following:

The Executive Secretary was asked to report to the next Assembly on the arrangements that would be needed if it were decided to replace the annual conference by a biennial conference. After lengthy discussions as to whether the members of the Executive Board, rather than persons desig-

nated as "technically qualified in the field of health" should be representatives of member States, the Assembly decided to maintain the present status of the Board.

The Assembly noted the measures decided on by the Office international d'hygiène publique for the winding up of its activities; the library and archives of the Office were transferred to WHO on 15 November 1950.

The Assembly approved a long-term programme covering 1952 to 1955 to serve as a framework for annual programmes and decided that the following should be the criteria for selecting activities: international feasibility and acceptability, universal nature of the problem, possibility of assessing progress and results, financial feasibility, availability of qualified personnel "traditional" international services, and co-operative services.

⁴ This total includes ten States which had, by the end of 1950, notified their withdrawal. See list of members p. 944.

Increased emphasis in WHO regular programmes, as approved by the Assembly, was placed on leprosy, plague, cholera and influenza.

In addition to its regular programmes WHO, as authorized by the third Health Assembly, took part in the United Nations Expanded Programme of Technical Assistance for Economic Development. By 31 December 1950, a total of 32 countries had requested assistance from WHO under this programme.

WHO participated in a consultative mission to Indonesia, in a mission to Turkey, in surveys in El Salvador, Liberia, Libya and Egypt. At the end of the year WHO was collaborating with FAO in joint surveys of areas for food production and Malaria control, and with UNESCO in fundamental education projects.

At the request of the United Nations, WHO also assisted with three special projects:

- (1) the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWAPRNE);
- 2) relief and rehabilitation of the civilian population in Korea; and
- 3) a general investigation of conditions in Libya.

A brief outline of the work of the organization in 1950, carried out in accordance with the decisions of the Health Assembly and Executive Board, given below.

1. Control of Communicable Diseases

a. MALARIA

At the end of the year, nine WHO demonstration programmes in malaria control were in operation. Four were in different parts of India, and one each in Afghanistan, Pakistan, Thailand, Cambodia and Vietnam.

In addition to these nine projects, an advisory unit was maintained in the Eastern Mediterranean area to supervise the malaria programme conducted among the Palestine refugees receiving assistance under UNRWAPRNE.

During the year, many countries requested consultants to assist with malaria problems and to lecture at national malaria institutes. A consultant as assigned to Ceylon, for example, to advise on the practicability of attempting vector species eradication in that country; another went to the South-East Asia Region and lectured at the Malaria Institute of India.

A Malaria Conference, sponsored jointly by the Commission for Technical Co-operation in Africa

South of the Sahara and WHO, was held in Kampala, Uganda, from 27 November to 9 December. This conference, at which problems associated with malaria in Africa were considered, was attended by experts from all the territories in equatorial and southern Africa where malaria is a major public-health problem and by members of the WHO Expert Committee on Malaria.

In close association with its work on malaria, WHO acted as a clearing house for information on insecticides, their formulations, and the equipment necessary for applying them.

b. TUBERCULOSIS

A working party under the auspices of UNICEF and WHO, with experts from ten countries, met in Paris in February 1950 and compared results in the treatment of tuberculous meningitis by streptomycin. It adopted general recommendations for current treatment of tuberculous meningitis in children and concerning its detection at an early stage; it recommended the combined use of streptomycin and other antibiotics.

An expert group under the joint sponsorship of WHO and FAO met in Geneva in December to study measures for the control of bovine tuberculosis and other animal diseases communicable to man.

Demonstration and training centres in tuberculosis control were established in Turkey and in El Salvador and detailed plans were made, in most cases in collaboration with UNICEF, for the establishment of other centres in Burma, Ecuador, India, Iran, Pakistan, the Philippines and Thailand. A laboratory for BCG ("Bacillus Calmette Guérin") research was set up in Mexico.

A survey of the tuberculosis situation in French Somaliland was carried out, and assistance in tuberculosis nursing was continued during most of the year in China.

In Europe, WHO gave advice on the organization of nursing services to Greece, on BCG vaccination to Ireland, and, in collaboration with UNICEF, on streptomycin therapy or the use of X-ray and laboratory supplies, provided by UNICEF, to other European countries. X-ray equipment was sent to Monaco.

As for BCG vaccination, the Joint Enterprise, with which WHO co-operated in an advisory capacity, accomplished a vast amount of work in tuberculin-testing and in BCG vaccination in Europe, North Africa, the Eastern Mediterranean, parts of Asia and, more recently, in Central America. As the Scandinavian Co-ordination Committee

had decided to terminate its responsibilities in the BCG campaign, the third World Health Assembly, in May 1950, authorized the negotiation of an agreement with UNICEF for the integration of the BCG vaccination programme administered by the Joint Enterprise with the relevant WHO services.

Seventeen fellowships in tuberculosis were granted during the year.

In connexion with the BCG vaccination programme, WHO also extended the scientific and investigative work of its special Tuberculosis Research Office in Copenhagen.

The office itself administered pilot stations—usually established in co-operation with local Governments or tuberculosis offices—in Austria, Egypt, Finland, Iceland and India.

During the year work proceeded with the Joint Enterprise, and the compilation of statistics received from many countries concerning the BCG campaign was kept up to date as far as possible, and in some cases published.

As of 31 October 1950, preliminary data received from countries where the campaign had been completed or was still in progress indicated that a total of 31,362,299 persons had been tested and 14,182,207 vaccinated. Approximately 55 per cent of the detailed statistics on testing and 61 per cent of those on vaccination during the campaign were received by the end of the year.

A sampling survey of post-vaccination allergy was set up in Greece.

A programme, of a pilot nature, to evaluate the effect of the mass BCG vaccinations was set up in Finland, and an office was established in Helsinki to make a national roster of the tuberculin-tested and vaccinated during the Finnish campaign, which was completed during 1948-49.

In Denmark, in the spring of 1950, the Danish Tuberculosis Mass Campaign was begun, with a programme of tuberculin testing and BCG vaccination of all persons in the country (except in Copenhagen), between the ages of one to six and fifteen to thirty-four. WHO agreed to assist in the setting up of a national roster for the collection and analysis of statistical data from this campaign.

The Research Office has also carried out a series of studies on BCG vaccine with the Joint Enterprise and the Statens Seruminstitut, Copenhagen.

c. VENEREAL DISEASES AND TREPONEMATOSES

During 1950, WHO continued, consolidated and expanded its activities relating to the control of syphilis and other treponematoses.

The WHO venereal-disease demonstration team, with headquarters in Simla (Himachal Pradesh), India, was in its second year of operation. Other countries of the region (Afghanistan, Burma, Ceylon, Indonesia, Thailand) have also sent specialists to Simla to attend the training courses given by the team.

In the Eastern Mediterranean, pending the Egyptian Government's signing of the agreement concerning the venereal-disease demonstration team at Tanta, the staff attached to this project performed useful services with UNRWAPRNE among the Palestine refugees.

In collaboration with UNICEF, large-scale projects in treponematoses control were started in Haiti, Indonesia, Iraq and Thailand. A control programme was begun in Ecuador; and a co-operative project in maternal and child health and venereal-disease control was started in Afghanistan. Additional experts were appointed to the team in Iraq for the purpose of studying the nature of the disease called bejel.

In Europe, WHO/UNICEF control campaigns were continued. WHO also continued activities in Italy and Greece for the suppression of prenatal and congenital syphilis. It carried out clinical and laboratory demonstrations on penicillin therapy and the use of cardiolipin antigens for serodiagnosis in several university medical centres in Europe and the Eastern Mediterranean Region.

A notable achievement was the establishment in the United States of the International Treponematoses Laboratory Centre (in the School of Hygiene and Public Health of the Johns Hopkins University, Baltimore).

Exchange of scientific information regarding recent advances in the control of venereal diseases was furthered by international symposia held in Helsinki and in Paris.

d. OTHER COMMUNICABLE DISEASES

Expert committees have met to study methods of combating other communicable diseases; studies have been undertaken, research centres established and aided, field studies organized and fellowships awarded. When requested by Governments, consultants have been sent or control activities started. The diseases for which this type of work have been carried out are: plague, cholera, typhus and other rickettsioses, yellow fever, other parasitic and virus diseases, childhood diseases, trachoma, leprosy, and zoonoses, including brucellosis and rabies.

2. Public Health Administration

During 1950, WHO regional advisers and consultants on public-health administration visited many countries. In the Americas, advice on hospital facilities and projects was given in Costa Rica and Surinam; in the African region, a consultant was sent to Liberia for three months; in Europe, consultants went to Luxembourg and Finland. Surveys were made of the public-health services in Lebanon and Syria.

WHO provided a medical director for the health administration of UNRWAPRNE and recruited medical officers and public-health workers for the teams sent by the United Nations for emergency work in Korea.

A three-day conference sponsored by WHO was held in Ceylon at the end of September and was attended by 30 directors of health services from Afghanistan, Burma, Ceylon, India, Indonesia, seventeen Indian States, French India, Portuguese India and Thailand. It considered the development of health services in the region, and emphasized that the greatest obstacles to improvement of health in that area were the shortage of trained personnel and the shortage of supplies and equipment.

Work was also begun on special aspects of public-health administration. For example, WHO's Expert Committee on School Health Services, which met at Geneva from 7 to 12 August, defined basic principles for provision of health care for school-age children. It considered that school services should include provision for: medical supervision and dental hygiene, communicable disease control, nutrition, mental health and health education.

A short-term consultant made a survey of the needs of dental health services in Sweden, Yugoslavia, Egypt and Iran.

3. Environmental Sanitation

Certain experts qualified in general sanitation have been included among the members of WHO's malaria demonstration teams, and their services used for work in sanitation as well as on malaria control in Afghanistan, the Malnad area of India, Pakistan and Thailand. Sanitary engineers were also recruited towards the end of the year for each of the five relief teams attached to the United Nations forces in Korea.

WHO, in co-operation with the Netherlands and the International Health Division of the

Rockefeller Foundation, sponsored a seminar, held at The Hague from 27 November to 2 December 1950, for European sanitary engineers, attended by representatives from 15 countries.

The seminar discussed engineering problems and their relation to public health. Special attention was given to the subject of the training and utilization of sanitary engineers.

WHO also provided a grant to the National Institute for Research in Dairying (attached to Reading University) in England to assist it in preparing a brochure on the health aspects of milk sanitation.

Advice on field work was given during two visits made in the year—one to Liberia for discussions with the public-health authorities on future sanitation programmes, the other to Egypt and to refugee camps in Jordan, Syria and Lebanon. As a result of these visits, the services of a full-time sanitary engineer were made available to UNRWAPRNE in the refugee area, on a reimbursable basis, and a consultant was sent to Liberia.

4. Healthy Development of the Child

In 1950, WHO's first demonstration team in maternal and child health, which had gone to India in October 1949, finished its "reconnaissance" phase, and was broadened, with UNICEF assistance, into a combined rural and urban health training centre for workers in maternal and child-health. In the Philippines, a combined UNICEF/WHO training project was started to demonstrate maternal and child health services in a rural area. Similar demonstration and teaching projects were being undertaken in Pakistan, as well as in Afghanistan, as referred to above. During 1949-50, WHO co-operated with UNICEF in over a hundred health projects for the benefit of mothers and children.

Paediatricians were appointed to work with teams on other specialized subjects, such as those on venereal diseases in Indonesia and Rangoon, and on nursing in the Western Pacific.

A group of experts meeting in Geneva from 17 to 21 April 1950 emphasized the need for organizing and encouraging appropriate action with regard to prematurity and for collecting data on the various aspects of the problem. They outlined various preventive measures to reduce the incidence of premature births and measures for the special care of premature infants. Educational and research programmes on the subject were suggested.

A centre of information on prematurity was established at headquarters. In several European countries projects of premature baby care were worked out and implemented jointly with UNICEF.

In February, IRO requested technical advice on the health of children in camps for displaced persons in various countries. A team of five experts from WHO studied the problem and made appropriate recommendations.

In July, Zurich, Switzerland, acted as host to the Sixth International Congress of Paediatrics, at which WHO helped to present a co-operative exhibition on "Social Paediatrics throughout the World". After the congress, a seminar on social paediatrics was held in Geneva under the joint auspices of WHO and the International Congress of Paediatrics.

Technical advice was also given on the development of the Children's Centre in Paris, which was established by the French Government in co-operation with UNICEF and WHO.⁵

Twenty-three fellowships in maternal and child health were awarded during the year, seven in gynaecology and obstetrics, seven in the organization of maternal and child health services, eight in paediatrics and one in school hygiene.

5. Mental Health

The Expert Committee on Mental Health held its second session from 11 to 16 September 1950 in Geneva.

During 1950 this Committee's sub-committee on alcoholism also met, set out principles for developing facilities for the prevention and early treatment of alcoholism by public-health services and put forward recommendations on the way in which WHO could assist in this work.

For the United Nations programme for the welfare of homeless children, a WHO consultant made an extensive study of existing knowledge on the nature of psychological damage caused by the separation of the infant and young child from the mother.

WHO also contributed to the United Nations programme for the prevention of crime and the treatment of offenders, by reviewing and reporting on the existing knowledge and practice on the psychiatric aspects of juvenile delinquency. Both of the above reports have been published in the WHO Bulletin.

A third contribution to the United Nations programmes was in connexion with rehabilitation;

a study of psychiatric rehabilitation was made by WHO and a report was in the process of preparation at the end of 1950.

Several Governments, during the year, requested expert advice on such subjects as the role of psychiatry in industry, child guidance and juvenile delinquency. Consultants were sent, notably, to Finland, Ireland, Italy, Norway, the Philippines, Sweden and Yugoslavia.

Seven fellowships in mental health and psychiatry were awarded during the year.

6. Social and Occupational Health

In co-operation with ILO, WHO set up a Joint Expert Committee on Occupational Health, which met in August and September 1950. The committee reviewed the common areas of activity of ILO and WHO.

WHO also continued to co-operate with ILO in work on the hygiene of professional groups and the improvement of living conditions of workers, in particular, in implementing the recommendations made by the Joint Committee on the Hygiene of Seafarers.

In 1950 one fellowship in occupational medicine and five in physical rehabilitation were granted.

7. Nutrition

WHO supplied a consultant to Ceylon to report on the incidence of endemic goitre on that island and to indicate any factors other than deficiency of iodine that might be associated with it. A survey of endemic goitre was made in Brazil, Colombia, Ecuador, Guatemala and Mexico, and the report was presented at the Nutrition Conference organized by FAO in Rio de Janeiro in June, in which WHO took an active part.

Assistance in nutrition was also given to several national health administrations. An expert from WHO and one from FAO made extensive surveys in Egypt, furnished a joint report to the Egyptian Government and also helped that Government to conduct a three-months' course in nutrition for the countries of the Eastern Mediterranean Region. A survey was also made in the Eastern Mediterranean area by a WHO expert sent to areas in Palestine and Lebanon, to study the nutritional status of the Arab refugees.

At the request of the Government of Yugoslavia, WHO began to assist in creating a nutri-

⁵ See Y.U.N., 1.948-49, pp. 627, 629-30.

tion institute at Zagreb. It assisted the Government of India in establishing a training course for hospital dietitians by providing the services of an experienced hospital dietitian, who worked with the dietitian at the Calcutta Medical College Hospital in organizing this course. WHO also provided two short-term lecturers to the Institute of Nutrition of Central America and Panama.

To stimulate enquiries into the epidemiology of kwashiorkor (malignant malnutrition), a WHO consultant, with a member of the staff of FAO, made a survey of the incidence, clinical characteristics and the various ecological factors of this condition in Africa.

Of great importance during the year were the Infant Metabolism Seminars organized by WHO in Leyden from 15 to 30 October and in Stockholm from 1 to 15 November. They were attended by representatives from the host countries and from Belgium, Denmark, Finland, France, Norway and the United States, as well as WHO staff members. Paediatricians, physiologists, biochemists, isotope research physicists, internists, endocrinologists, obstetricians, ophthalmologists and nutritionists participated in the seminars. The subjects discussed fell roughly under three main headings: new methods and techniques; subjects of mutual interest in which participants were already actively engaged; and fields of study which had not yet engaged the intensive attention of the scientists of one or more of the countries represented.

8. Health Education of the Public

WHO assisted in a survey of health education in Sweden, and plans were made for giving similar assistance to other countries in 1951. Full-time health educators were assigned to the demonstration project in venereal-disease control in Simla, India, and to the joint WHO/UNICEF teacher-training demonstration begun in Sarawak in 1949.

WHO added a full-time health educator to the team assigned to the UNESCO/WHO project in fundamental education in Haiti and assigned a short-term consultant in health education to a UNESCO team conducting a survey of fundamental education needs in the Arab States.

Other joint activities of WHO and UNESCO included participation in the International Seminar on Methods and Techniques of Adult Education held in Austria during June and July, and representation at the International Conference on Public Education sponsored by the International

Bureau of Education in co-operation with UNESCO.

WHO awarded one fellowship in health education during the year.

9. Nursing

WHO's Expert Committee on Nursing held its first session in February in Geneva. It stressed the necessity for studying the real health needs of people in various communities and the nursing services required to meet them, and made a study of the problems of nursing education.

A pilot study of the types of community workers employed in national health services was planned. A committee on the subject met at the end of the year, with representatives of France, the United Kingdom, WHO, the Rockefeller Foundation and the United Nations Department of Social Affairs.

Public health nurses continued to work with the malaria control demonstration teams in India, Pakistan and Thailand.

In the Western Pacific, teams of nurses were assigned to teaching centres and hospitals in connexion with WHO/UNICEF projects in Brunei, Sarawak, Malaya and North Borneo, where they helped to establish facilities for training nurses, midwives and other auxiliary workers.

WHO assisted the Netherlands Government and the Institute of Preventive Medicine at Leyden in organizing a two-weeks working conference for public-health nurses, held at Noordwyck in October and attended by 43 public-health nurses from ten countries. Twenty-seven nurses were granted short-term fellowships to enable them to attend this conference and six short-term fellowships were granted for a conference on the psychology of hospitalization, organized at the Cassel Hospital in London.

Twelve fellowships in nursing were also awarded during the year.

10. Improved Standards of Teaching and Training

The first session of the Expert Committee on Professional and Technical Education of Medical and Auxiliary Personnel was held at Geneva from 6 to 10 February 1950. Among other things it expressed the view that medical curricula should be revised to give more emphasis to preventive and social aspects of medicine and health; con-

sidered that basic public health training as well as training in specialties should be given and that a high priority should be given to the training of teaching personnel. It decided that WHO's role in the matter should be to stimulate and co-ordinate the work of Governments and international agencies.

During 1950, WHO helped to strengthen facilities for teaching and training by (1) providing direct assistance in organizing training courses and seminars and stressing the training aspects of other WHO activities; (2) awarding and administering an increasing number of fellowships and (3) providing medical literature and teaching equipment.

a. TRAINING COURSES

Examples of assistance to governments for the training of personnel included:

- (1) The holding of short discussion groups and symposia, jointly sponsored by WHO and the Governments concerned, e.g. on child health (India) and on nutrition (Egypt).
- (2) The provision of long courses at special demonstration centres, such as those in tuberculosis in Turkey and in anaesthesiology (Copenhagen).
- (3) The sending of demonstration teams in special subjects, e.g. on congenital heart diseases (to Austria and Yugoslavia) and on thoracic surgery (to Israel and Turkey).
- (4) The establishment, with UNICEF, of demonstration and training projects with chief emphasis on maternal and child health, e.g. in Afghanistan (combined with the control of venereal diseases).
- (5) The provision of consultants, who made surveys and lecture tours, gave lectures at courses in national institutes, and advised on the organization of training, for example in India, Afghanistan and Finland.
- (6) The use of field demonstration teams for training.
- (7) The encouragement, through UNESCO and the Council for the Co-ordination of International Congresses of Medical Sciences, of the organization of courses in conjunction with international congresses on social paediatrics (the International Congress of Paediatrics) and on cancer (the Congress of the International Union against Cancer) and of symposia on the geographic pathology of cancer and the biology of muscles.
- (8) The participation in courses sponsored by other organizations.
- (9) The provision of technical assistance or grants to universities, training schools and other institutes to help them to organize, strengthen or extend their courses.

b. FELLOWSHIPS

During the year, fellowships were provided for group-training courses, seminars, symposia and study-groups. For these, WHO established special fellowships lasting not more than 30 days, which

could be awarded quickly and with the minimum administrative formality.

Besides the fellowships financed by WHO, additional funds for fellowships became available under the Expanded Programme of Technical Assistance. WHO also continued to administer fellowships awarded by UNICEF.

The total number of WHO fellowships awarded during 1950 was 345, of which 107 were of the short-term type.

c. MEDICAL LITERATURE, SUPPLIES AND TEACHING EQUIPMENT

During 1950, WHO continued to provide Governments with medical literature and teaching equipment. Because budgetary provisions for this service were smaller than for previous years (\$75,000, against \$115,000 in 1949), only the most essential material was furnished, all of which went to assist medical and health institutions.

11. Availability of Essential Drugs and Equipment

One hundred thousand dollars worth of medical supplies were furnished to Governments for specific projects either to help them to continue programmes after WHO demonstration teams had finished their task, or to further health projects carried out by governmental administrations. In many cases the member States concerned reimbursed WHO for these supplies in local currency. WHO also continued to provide medical supplies, literature and equipment for consultants and teams in the field.

WHO allotted \$4,000 for emergency services and supplies such as sulfa drugs and chloride of lime in connexion with the earthquake disaster in Assam, India. Each medical officer detailed for duty under the Unified Command in Korea was supplied with a kit for all minor medical and surgical emergencies.

WHO also advised Governments, at their request, in the production of antibiotics and insecticides.

WHO's expert committee on antibiotics held its first session in Geneva from 11 to 15 April 1950 and studied ways and means of giving assistance to countries requiring it in connexion with the drawing up of plans and the installation and operation of antibiotic plants. It recommended among other things that WHO should assist countries which for financial reasons were unable to

purchase plans or blueprints, that WHO should assist members to obtain equipment, stimulate opportunities for research and itself allocate fellowships for training in the production of antibiotics; it also recommended that clinical research under WHO auspices should be undertaken in countries where antibiotics were in short supply. The World Health Assembly decided that the Executive Board and the Director-General should take any necessary action on the Committee's report commensurate with WHO resources. The Istituto Superiore di Sanita, Rome, was approved as a training centre for the production of and research on antibiotics and two fellowships on this subject were awarded during the year.

On insecticides, also, advice was provided to countries on request. The third World Health Assembly invited Governments to call on WHO for information and advice on phases of insecticide production which they might undertake domestically, and attention was called to the recommendations of the Expert Committee on Insecticides that manufacturers be required to label insecticides properly. Member States were urged to ensure the freer flow of insecticides and their ingredients to countries where they are needed and supplies are not sufficient.

Iran announced to WHO's Eastern Mediterranean Regional Meeting in September its abolition of customs duties on insecticides and certain vital drugs.

12. International Conventions, Agreements and Regulations on Health

In 1950, WHO's main contribution to new international legislation on health matters was in continuing the preparation for adoption by the Fourth Health Assembly of the draft International Sanitary Regulations to replace the existing Sanitary Conventions. As a result of international medical and sanitary measures promoted by WHO, the Mecca Pilgrimage of 1950 was declared "free from infection". Out of the 500,000 travellers to Mecca fewer than 120 deaths were recorded, and these were caused by sunstroke, general debility and old age; no case of epidemic disease was ascertained.

WHO also advised the United Nations regarding administration of the Paris Protocol of 19 November 1948⁶ and the preparation of a new unified convention on narcotic drugs.⁷ The Expert Committee on Drugs Liable to Produce Addiction, at its second session in January, confirmed its

previous recommendations on the addiction-producing character of the new synthetic substances and gave special consideration to other substances.

Information was also supplied to Governments on the status of WHO Regulations No. 1 regarding disease nomenclature, which for the vast majority of member States came into force on 1 January 1950. These Regulations, the first international health legislation, require members to conform to the Manual of the International Statistical Classification of Diseases, Inquiries and Causes of Death.

13. Epidemiological Information

WHO continued its application of the International Sanitary Conventions in force by the collection and notification of information on the presence or movement of the pestilential diseases in various territories of the world, and more particularly in seaports and airports. It continued to make full use of the most modern means of distributing this information, not only by telegrams but by radio broadcasts.

Telegraphic and radio-telegraphic messages were confirmed and complemented by information published in weekly epidemiological publications issued from Geneva, Washington, Alexandria and Singapore. Some fifty short notes on epidemics of influenza and poliomyelitis were also published in the Weekly Epidemiological Record in 1950.

In addition to receiving and distributing notifications relating to pestilential diseases, WHO collected, studied and published information on the more important communicable diseases. In all, some 6,500 documents covering 170 countries or territories and relating to 12 to 15 diseases each were examined and abstracted during the year. WHO also dealt with 28 international disputes arising out of the application of the Sanitary Conventions.

14. Health Statistics

During 1950, many important recommendations were made at the meetings of the Expert Committee on Health Statistics and its subcommittees. Its suggested definitions of "live

⁶ This Protocol brought under the system of international control new synthetic drugs capable of producing addiction; it entered into force on 1 Dec. 1949. For text, see Y.U.N., 1948-49, pp. 640-42.

⁷ See *ibid.*, pp. 642-43.

birth" and "foetal death", of a directive for the registration and tabulation of live births and infant deaths, and of a statistical definition of cancer were adopted by the Third Health Assembly as recommendations (under article 23 of the Constitution and article 17 of WHO Regulations No. 1) and were transmitted to Governments.

Volume 1 of the Manual of the International Statistical Classification of Diseases, Injuries and Causes of Death, which had been published in English in January 1949, was published in Spanish and French in 1950; the Spanish edition appeared in February and the French, prepared in collaboration with the Institut National d'Hygiene of France, followed in May. Both the French and Spanish editions of Volume 2, the alphabetical index of which had been published in English at the end of 1949, were in preparation during 1950.

Vital statistics continued to be published regularly in the Epidemiological and Vital Statistics Report.

Two tabulations of mortality statistics were prepared: one giving statistics for fifteen selected European countries and the other for countries outside Europe.

The first part of the volume, Annual Epidemiological and Vital Statistics 1939-1946, dealing with vital statistics for the period, was prepared for publication.

A conference on health statistics, the first WHO regional conference on health statistics, was held at Istanbul in September, following the meeting of the WHO Regional Committee for the Eastern Mediterranean. This conference, attended by delegates from countries in the region, recommended the establishment of national committees and training courses. Before the conference, a preliminary survey of vital and health statistics was made in several countries of the region.

Three fellowships in vital statistics were awarded during the year.

15. International Standards and Pharmacopoeia

a. BIOLOGICAL STANDARDIZATION

In biological standardization subjects of special note which were worked on by the Expert Committee and the WHO secretariat were: cholera vaccine, smallpox vaccine, pertussis vaccine, diphtheria toxoid; the ACTH and other hormones; streptomycin, aureomycin, and terramycin; BCG

vaccine, tubercle baccilli, cardiolipin, lecithin, chloramphenicol, bacitracin; the establishment of an international blood-grouping reference laboratory; and a co-ordinating centre for the rarer blood-grouping sera.

By the end of the year, the World Salmonella Centre in Copenhagen, maintained by WHO, had established 37 salmonella centres all over the world. Laboratories were supplied with 780 salmonella test strains and 248 ampoules of salmonella test sera; 459 strains, mostly strains of the salmonella group, were received from other laboratories for diagnosis. Among these strains were several new types which were analysed, and the results of these analyses were published.

b. UNIFICATION OF PHARMOCOPOEIAS

The Third Health Assembly approved the publication of the Pharmacopoeia Internationalis and recommended that after its provisions had been adopted by the appropriate authorities of member Governments, they should be included in the national pharmacopaeias.

In preparing definitive texts of the monographs and appendices to be published in Volume I of the first edition, special attention was given to the unification of symbols, nomenclature, expressions, structural formulae and general arrangements. The final text of the Table of Usual and Maximal Doses for Adults was also prepared in collaboration with the World Medical Association. Both the English and French texts will be issued together during 1951. Arrangements were also made for the translation of the Pharmacopoeia Internationalis into Spanish.

By correspondence with members of the Expert Committee preparatory work was also carried out on the draft monographs and appendices for Volume II of the first edition of the Pharmacopoeia. Besides covering the new important drugs, particularly antibiotics, Volume II will include monographs and appendices on injections, tablets and tinctures, as well as on cardiolipin and purified lecithin, used for the serological test of syphilis.

Following negotiations with the Belgian Government, the Permanent International Pharmacopoeia secretariat was placed under the aegis of WHO.

16. Technical Publications

The regular publications of the organization have been: the Bulletin of the World Health Organization; supplements to the Bulletin, (includ-

ing the Manual of the International Statistical Classification of Diseases, Injuries and Causes of Death and the Pharmacopoeia Internationalis); a new Monograph Series (designed to include reprints and, where necessary, complete translations of important studies initially published in the Bulletin); the International Digest of Health Legislation; the Chronicle of the World Health Organization; the World Health Organization Technical Report Series (containing the reports

of WHO expert committees); and the Official Records of the World Health Organization.

In addition to the regular publications, a new edition of the International List of Venereal-Disease Treatment Centres had been prepared by the end of 1950. WHO also published during 1950, jointly with UNESCO, Child Welfare Films, an index of films and filmstrips, and Periodica Medica Mundi, an alphabetical list of current medical and medico-biological periodicals.

D. BUDGET

The budget for 1950 was approved by the Second Health Assembly at \$7,500,000, to cover the regular administrative and operational expenses of the organization. A supplemental fund of \$10,500,000, to be raised by voluntary contributions from member States wishing to participate in the raising of health standards in under-developed countries (prior to the United Nations Technical Assistance Programme) was also approved. Later, because of the financial situation created by the fact that many non-participating member States had not paid their full contributions to the 1948 and 1949 budgets, an expenditure ceiling of \$6,300,000 was placed on the regular budget.

For 1951, the approved budget estimates were \$7,300,000, the expenditure level later being fixed by the Executive Board at \$6,232,057. Details of the budget appropriations for 1951 are as follows:

BUDGET (1951)

PART I. ORGANIZATIONAL MEETINGS:

World Health Assembly	\$ 160,278
Executive Board and its committees	68,780
Regional committees	48,700

TOTAL, PART I 277,758

PART II: OPERATING PROGRAMME:

Central technical services	1,653,829
Advisory services	3,139,657
Regional Offices	809,126
Expert committees and conferences	285,866

TOTAL, PART II 5,888,478

PART III: ADMINISTRATIVE SERVICES:

Administrative services	1,133,764
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TOTAL, PART III 1,133,764

TOTAL, ALL PARTS \$7,300,000

Contributions of Members to this budget, after deduction of available amounts, are assessed as shown in the table following:

CONTRIBUTIONS OF MEMBER STATES

Member	Units	Contributions
Afghanistan	6	\$ 3,550
Albania*	5	2,959
Argentina	222	131,371
Australia	236	130,514
Austria	22	13,019
Belgium	162	95,866
Bolivia	10	5,917
Brazil	222	131,371
Bulgaria*	17	10,060
Burma	6	3,550
Byelorussian SSR*	26	15,386
Cambodia	5	2,959
Canada	384	218,084
Ceylon	5	2,959
Chile	54	31,956
China*	720	426,070
Costa Rica	5	2,959
Cuba	35	20,712
Czechoslovakia*	108	63,911
Denmark	95	56,218
Dominican Republic	6	3,550
Ecuador	6	3,550
Egypt	95	56,218
El Salvador	6	3,550
Ethiopia	10	5,917
Finland	17	10,060
France	720	426,070
Greece	20	11,835
Guatemala	6	3,550
Haiti	5	2,959
Honduras	5	2,959
Hungary*	24	14,202
Iceland	5	2,927
India	390	230,788
Indonesia	40	23,671
Iran	54	31,956
Iraq	20	11,835
Ireland	43	25,446
Israel	14	8,285
Italy	252	149,125
Jordan	5	2,927
Korea	10	5,917
Laos	5	2,959
Lebanon	7	4,142
Liberia	5	2,959

* These countries have notified WHO of their withdrawal from the Organization.

Member	Units	Contributions	Member	Units	Contributions
Luxembourg	6	\$ 3,550	Sweden	245	\$ 117,227
Mexico	76	44,975	Switzerland	120	71,012
Monaco	5	2,927	Syria	14	8,285
Netherlands	168	99,417	Thailand	32	18,936
New Zealand . . .	60	31,148	Turkey	109	64,502
Nicaragua	5	2,959	Ukrainian SSR*	101	59,768
Norway	60	35,506	Union of South Africa	134	79,297
Pakistan .	84	49,708	USSR*	761	450,333
Paraguay	5	2,959	United Kingdom	1,378	815,452
Peru .	24	14,202	United States	4,239	2,481,159
Philippines	35	20,712	Uruguay	22	13,019
Poland*	114	67,462	Venezuela	32	18,936
Portugal .	47	27,813	Vietnam	25	14,795
Romania*	42	24,855	Yugoslavia	40	23,671
Saudi Arabia	10	5,917			
Southern Rhodesia	3	1,775	TOTALS	12,111	\$7,089,025

ANNEX. MEMBERS, OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

A. MEMBERS OF WHO

Afghanistan	Ethiopia	New Zealand
Albania*	Finland	Nicaragua
Argentina	France	Norway
Australia	Greece	Pakistan
Austria	Guatemala	Paraguay
Belgium	Haiti	Peru
Bolivia	Honduras	Philippines
Brazil	Hungary*	Poland*
Bulgaria*	Iceland	Portugal
Burma	India	Romania*
Byelorussian	Indonesia	Saudi Arabia
SSR*	Iran	Sweden
Cambodia	Iraq	Switzerland
Canada	Ireland	Syria
Ceylon	Israel	Thailand
Chile	Italy	Turkey
China*	Jordan	Ukrainian SSR*
Costa Rica	Korea,	Union of
Cuba	Republic of	South Africa
Czechoslovakia*	Laos	USSR*
Denmark	Lebanon	United Kingdom
Dominican	Liberia	United States
Republic	Luxembourg	Uruguay
Ecuador	Mexico	Venezuela
Egypt	Monaco	Vietnam
El Salvador	Netherlands	Yugoslavia

Associate Member: Southern Rhodesia

B. MEMBERS OF THE EXECUTIVE BOARD

For one year:

G. H. de Paula Souza	(Brazil)
Sir Arcot L. Mudaliar	(India)
M. De Laet	(Netherlands)
(⁸)	(Poland)
H. S. Gear	(Union of South Africa)
A. Stampar	(Yugoslavia)

For two years:

A. Villarama ⁹	(Philippines)
J. A. Hojer	(Sweden)
E. Tok ¹⁰	(Turkey)
M. D. Mackenzie	(United Kingdom)
H. van Zile Hyde	(United States)
C. L. Gonzalez	(Venezuela)

For three years:

N. Romero ¹¹	(Chile)
J. Allwood-Paredes ¹⁵	(El Salvador)
J. Parisot	(France)
G. A. Canaperia	(Italy)
M. Jafar	(Pakistan)
S. Daengsvang	(Thailand)

C. OFFICERS OF THE EXECUTIVE BOARD

Chairman:

H. S. Gear (Union of South Africa)

Vice-Chairmen:

M. De Laet (Netherlands)
M. Jafar (Pakistan)

D. SENIOR OFFICERS OF THE SECRETARIAT

Director-General:

Dr. Brock Chisholm (Canada)

Deputy Director-General: Dr. Pierre Dorolle

Assistant Director-General, Department of Central
Technical Services:

Dr. Sahib Singh Sokhey

Assistant Director-General, Department of Advisory
Services:

Dr. Martha Eliot

Assistant Director-General, Department of
Administration and Finance:

M. P. Siegel

Director, Regional Office for the Americas:

Dr. F. L. Soper

* These countries have notified WHO of their withdrawal from the Organization.

⁸ No member designated by Poland for the fifth and the sixth sessions of the Board.⁹ Replaced by alternate at the 6th session of the Board: W. De Leon.¹⁰ Absent from the 6th session of the Board.¹¹ Replaced by alternate at the 6th session of the Board: M. Charnes.¹² Replaced by alternate at the 6th session of the Board: A. Amy.

Director, Regional Office for South-East Asia:
 Dr. C. Mani
 Director, Regional Office for the Eastern Mediterranean:
 Dr. Aly Tewfik Shousha, Pasha
 Chief, Office for Africa:
 Dr. F. Daubenton
 Chief, Special Office for Europe:
 Dr. N. D. Begg
 Chief, Temporary Office for the Western Pacific:
 Dr. I. C. Fang

E. HEADQUARTERS

Address: World Health Organization
 Palais des Nations
 Geneva, Switzerland
 Telephones: Geneva 2-80-00, 2-80-20, 2-04-10
 Cable Address: UNISANTE GENEVA

F. OTHER OFFICES

1. NEW YORK OFFICE

Address: World Health Organization
 United Nations
 New York
 Telephone: Plaza 4-1234
 Cable Address: UNISANTE NEW YORK

2. REGIONAL OFFICE FOR THE AMERICAS

Address: Dr. F. L. Soper, Director
 Regional Office of the World Health
 Organization for the Americas¹³
 2001 Connecticut Avenue, N.W.
 Washington 8, D.C.
 Telephone: Hudson 5280
 Cable Address: OFSANPAN WASHINGTON

3. REGIONAL OFFICE FOR SOUTH-EAST ASIA

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 Regional Office of the World Health
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 Cable Address: WORLDHEALTH NEW DELHI

4. REGIONAL OFFICE FOR THE EASTERN MEDITERRANEAN

Address: Dr. Aly Tewfik Shousha, Pasha, Director
 Regional Office of the World Health
 Organization for the Eastern Mediter-
 ranean
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 Alexandria, Egypt
 Telephone: 20009
 Cable Address: UNISANTE ALEXANDRIA

5. OFFICE FOR AFRICA

Address: Dr. F. Daubenton, Chief
 Office for Africa
 World Health Organization
 Palais des Nations
 Geneva, Switzerland
 Telephone: Geneva 2-80-00, 2-80-20, 2-04-10
 Cable Address: UNISANTE GENEVA

6. SPECIAL OFFICE FOR EUROPE

Address: Dr. N. D. Begg, Chief
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 World Health Organization
 Palais des Nations
 Geneva, Switzerland
 Telephone: Geneva 2-80-00, 2-80-20, 2-04-10
 Cable Address: UNISANTE GENEVA

7. TEMPORARY OFFICE FOR THE WESTERN PACIFIC REGION

Address: Dr. I. C. Fang,¹⁴ Chief
 Temporary Regional Office for the West-
 ern Pacific
 World Health Organization
 P.O. Box 3247
 Kowloon
 Hong Kong, China
 Telephone: 52223
 Cable Address: UNISANTE HONGKONG

8. SINGAPORE EPIDEMIOLOGICAL INTELLIGENCE STATION

Address: The Director, Epidemiological Intelli-
 gence Station
 World Health Organization
 8, Oxley Rise
 Singapore 9
 Telephone: 80736
 Cable Address: EPIDNATION SINGAPORE

9. TUBERCULOSIS RESEARCH OFFICE

Address: Dr. Carrol Palmer
 World Health Organization
 Tuberculosis Research Office
 Scherfigsveg 8
 Copenhagen V, Denmark
 Telephone: BYEN 7790
 Cable Address: UNIRESEARCH COPENHAGEN

¹³ This office has moved to: 1515 New Hampshire Ave., N.W., Washington 6, D.C.

¹⁴ Dr. Fang has been appointed Director of the WHO Regional Office for the Western Pacific, the headquarters of which will be in Manila.

VI. The International Bank for Reconstruction and Development (Bank)¹

The Articles of Agreement establishing the International Bank for Reconstruction and Development were drawn up at the United Nations Monetary and Financial Conference, which met at Bretton Woods, New Hampshire, in July 1944, at the invitation of the United States Government. The Bank came into existence on 27 December 1945 when its Articles of Agreement had been signed by 29 Governments.² At the inaugural meeting of the Bank's Board of Governors, held at Savannah, Georgia, in March 1946, the first Executive Directors were elected, and the Bank officially began operations in Washington on 25 June 1946. The first annual meeting of the Board of Governors was held in Washington from 27 September to 3 October 1946; the second annual meeting in London in September 1947. One of the decisions of the second meeting was the approval of a draft agreement to establish the relationship between the Bank and the United Nations.³ The Agreement came into force on 15 November 1947, when it was approved by the General Assembly of the United Nations. The third and fourth annual meetings were held in Washington in September 1948 and 1949, respectively.

The Bank's first loans were made in 1947 to assist in financing general programmes of reconstruction in Europe. By 1949, however, emphasis in the Bank's lending had shifted to development loans—loans to assist in the development of productive facilities and resources, particularly in the Bank's economically less developed member countries. These loans were for such purposes as electric power development, railway improvement, mechanization of agriculture, and expansion and modernization of industrial plants. By the end of 1949, the Bank had made 24 loans totalling approximately \$744,000,000 for reconstruction or development of thirteen of its member countries, namely, Belgium, Brazil, Chile, Colombia, Denmark, El Salvador, Finland, France, India, Luxembourg, Mexico, the Netherlands and Yugoslavia.

To augment its supply of loanable funds, between 1947 and 1949, the Bank borrowed in the

private capital market and obtained the permission of some of its member countries to use all or part of their paid-in local currency capital subscription for lending purposes. In 1947, the Bank publicly sold two bond issues totalling \$250,000,000 on the United States market. One issue comprised \$100,000,000 in 2¼% Ten Year Bonds maturing in 1957; the other, \$150,000,000 in 3% Twenty-five Year Bonds maturing in 1972. In 1948, the Bank sold to the Bank for International Settlements of Basle, Switzerland, an issue of 2½% Swiss Franc Serial Bonds due 1953-54, in the amount of 17,000,000 Swiss francs, equivalent to about \$4,000,000. By the end of 1949, five countries had consented to the use of their currencies in the Bank's lending operations: the United States, which agreed to the lending of all of its 18% subscription; Belgium, Canada and Denmark, which had released an aggregate of their currencies equivalent to \$10,125,000; and the United Kingdom, which had consented to the use of £500,000.

As part of its lending procedure, the Bank investigates all conditions which might affect its loans. Much of this work is done by Bank field missions. Bank missions also assist member countries in analysing their economic problems and in designing measures for improving their financial stability and credit standing. By 31 December 1949, missions of various types had visited 27 member countries in Latin America, Europe, the Middle East and Asia. Technical assistance on a more comprehensive scale was undertaken for the first time in 1949 by a Bank mission to Colombia, which examined all important sectors in Colombia's economy in order to make recommendations designed to increase the wealth of the country and improve the standard of living of its people.

¹ For further information, see Y.U.N., 1946-47, pp. 747-66; 1947-48, pp. 864-74; 1948-49, pp. 1047-56; see also annual reports of the Bank to the Board of Governors & supplementary reports to the United Nations: E/803, E/1077/Add.1, E/1577/Add.1 & 2, E/1873.

² For text, see Y.U.N., 1946-47, pp. 754-66.

³ For text of the Agreement between the United Nations and the Bank, see Y.U.N., 1947-48, pp. 872-74.

A. PURPOSES AND FUNCTIONS

The purposes of the Bank, as stated in Article I of its Articles of Agreement are:

(i) To assist in the reconstruction and development of territories of members by facilitating the investment of capital for productive purposes, including the restoration of economies destroyed or disrupted by war, the reconversion of productive facilities to peacetime needs and the encouragement of the development of productive facilities and resources in less developed countries.

(ii) To promote private foreign investment by means of guarantees or participation in loans and other investments made by private investors; and when private capital is not available on reasonable terms, to supplement private investment by providing, on suitable conditions, finance for productive purposes out of its own capital, funds raised by it and its other resources.

(iii) To promote the long-range balanced growth of international trade and the maintenance of equilibrium in balances of payments by encouraging international investment for the development of the productive resources of members, thereby assisting in raising productivity, the standard of living and conditions of labor in their territories.

(iv) To arrange the loans made or guaranteed by it in relation to international loans through other channels so that the more useful and urgent projects, large and small alike, will be dealt with first.

(v) To conduct its operations with due regard to the effect of international investment on business conditions in the territories of members and, in the immediate post-war years, to assist in bringing about a smooth transition from a wartime to a peacetime economy.

The Bank may lend funds directly, either from its capital funds or from funds which it borrows in the investment markets. It may guarantee loans made by others, or it may participate in such loans. Loans may be made to member countries directly, or to any of their political sub-divisions, or to private business or agricultural enterprises in the territories of members. When the member Government in whose territory the project is located is not itself the borrower this Government, its central bank or a comparable agency acceptable to the Bank must guarantee the loan.

B. ORGANIZATION

The administrative organization of the Bank consists of a Board of Governors, Executive Directors, a President and staff.

All powers of the Bank are vested in the Board of Governors, which consists, of one Governor and one alternate appointed by each member. The Board of Governors meets annually; additional meetings may be held, if required.

A new member may be admitted to the Bank by approval of a majority of the voting power of the Board of Governors, provided that it accepts the conditions laid down by the Board and that it first becomes a member of the International Monetary Fund. If a member of the Bank ceases to be a member of the Fund, it will automatically cease, after a period of three months, to be a member of the Bank unless the Bank by three fourths of the voting power decides to allow it to remain a member.

Each member of the Bank has 250 votes plus one additional vote for each share of stock held. Each Governor casts all the votes allotted to that member State which he represents; a quorum of the Board of Governors consists of a majority of the members, exercising at least two thirds of the voting power.

The Board of Governors has delegated most of its powers to the Executive Directors, who normally meet once a month at the Bank's headquarters, in Washington. There are fourteen Executive Directors, each of whom normally has an alternate. Five of the Executive Directors are appointed by the five members having the largest number of shares of stock (United States, United Kingdom, China, France and India), and nine are elected by the Governors of the remaining members. Each appointed Executive Director has the same number of votes as the country that appointed him, and each elected Executive Director has the same total number of votes as the countries that elected him. The votes of each Executive Director must be cast as a unit.

Decisions of the Bank are made by a simple majority vote, except as otherwise provided by the Articles of Agreement.

The President is the chief executive officer of the Bank and is selected by the Executive Directors. He is ex officio chairman of the Executive Directors. Subject to their general direction on questions of policy, he is responsible for the conduct of the business of the Bank and for the organization of its staff. A loan is made only after

the amount, terms and conditions of the loan have been recommended by the President to the Executive Directors and his recommendations have been approved by them.

The Bank's operating staff is organized into the following departments: Loan, Economic, Treasurer's, Secretary's, Legal, Public Relations, Administration, Marketing; the Staff Office.

C. ACTIVITIES DURING 1950

The Board of Governors of the Bank held its fifth annual meeting in Paris from 6 to 14 September 1950. The third regular election of Executive Directors took place at this meeting and nine Executive Directors were elected to the regular two-year term of office.

Poland withdrew from membership in the Bank on 14 March 1950. Membership, however, was increased to 49 countries with the admission of Pakistan on 11 July 1950 and Ceylon on 29 August 1950. Formal applications for membership had been received from the Governments of Burma, Indonesia, Jordan and Sweden and were pending at the end of the year.

1. Lending Operations

More loans were made in the year 1950 than in any comparable period in the Bank's history. Seventeen loans totalling \$279,230,000 brought the Bank's total loan commitments to \$1,023,375,000 on 31 December 1950. A brief description of the loans made during 1950 is given below.

On 18 April, the Bank made its third loan to India: \$18,500,000 to finance part of the cost of the Bokaro-Konar project, which will include the largest steam electric plant in India. The project is situated in the Damodar River Valley, the country's most important industrial area, located to the northwest of Calcutta. In 1949, the Bank had made loans to India aggregating \$44,000,000 for railway rehabilitation and for the purchase of agricultural machinery.

Two loans were made in Mexico during the year, both of which were guaranteed by the Mexican Government. On 28 April, the Mexican Light and Power Company, Ltd., received a loan of \$26,000,000, of which \$10,000,000 was to refund a short-term loan made in January 1949. The balance of \$16,000,000 was to finance additional materials and equipment needed for the company's four-year programme for the expansion of its electric power generating, transmission and

distribution facilities in the Mexico City area. On 18 October, the Bank extended a \$10,000,000 line of credit to a consortium of eight Mexican commercial banks, together with Nacional Financiera, the official financing agency of the Mexican Government. Members of the consortium will obtain loans under the line of credit in order to enable them to finance the cost of imports required for specific development projects submitted by private Mexican firms and approved by both the consortium and the International Bank.

On 26 May, a loan of \$15,000,000 was made to the Sao Francisco Hydroelectric Company of Brazil for the development of hydro-electric power at Paulo Alfonso Falls on the Sao Francisco River. The loan will finance practically the entire foreign exchange cost of the project, which is to provide power for distribution in the north-east area of Brazil.

Bank lending was extended for the first time to a country in the Middle East through a loan of \$12,800,000 to Iraq on 15 June. The loan will help finance the construction on the Tigris River of a flood control system urgently needed to prevent recurrent flooding of large areas of cultivated land and urban property, notably in the city of Baghdad. It is hoped that the Wadi Tharthar Flood Control Project will result in the protection of crops and urban property from destructive floods, in improvements in health and sanitation, and consequently in increased economic security for large sections of the population.

Three loans were made in Turkey in 1950; two directly to the Government, on 7 July, and one, on 19 October, to the newly established Industrial Development Bank of Turkey. A loan of \$12,500,000 to be used for the development of Turkey's major ports is expected to increase their operational efficiency and to stimulate trade and production by increasing the country's capacity to handle shipping. A loan of \$3,900,000 is to help finance the cost of improving grain storage facilities, an important factor in Turkey's agricultural development. The loan of \$9,000,000 to the privately-owned Industrial Development

Bank, guaranteed by the Turkish Government, is to finance the cost of imports for industrial development projects undertaken by private enterprises in Turkey. The objective of this loan is the improvement of credit facilities available to small and medium-sized enterprise. The Industrial Development Bank was founded 2 June 1950 by private interests, assisted by advice from representatives of the International Bank.

The largest loan made by the Bank since its first loans in 1947 was that to Australia on 22 August. One hundred million dollars was made available for capital goods and equipment needed for private and governmental development projects during the next two years. The Bank's loan will help provide equipment to be used in mechanizing Australia's agriculture and land development, railway electrification, power development, the mining of coal and non-ferrous metals and a variety of other industries.

On 25 August, the Bank made a loan of \$33,000,000 for the expansion of Uruguay's power and telephone facilities. The loan, which was guaranteed by the Government of Uruguay, was made to the General Administration of State Electric Power Plants and Telephones (U.T.E.), an autonomous government-owned agency. The loan will enable U.T.E. to import materials and equipment necessary in a four- to five-year expansion programme. Increased availability of electric power will make possible further growth and improvement of the country's industries, and promote rural electrification. Similarly, expansion of communication facilities will contribute materially to the country's increasing industrial and commercial development.

Two loans totalling \$7,000,000 were made to Ethiopia on 13 September—the first the Bank made to any country in Africa. Five million dollars was for the rehabilitation and maintenance of the country's road system, a project vital to the country's internal and foreign trade. The other loan of \$2,000,000 will provide foreign exchange for projects to be financed by a new Ethiopian development bank. This institution is designed to advance adequate loans on reasonable terms to agricultural and industrial borrowers.

Thailand received three loans totalling \$25,400,000 on 27 October. These were the first Bank loans to a country in South-East Asia. They were granted to help finance projects basic to Thailand's economy: \$3,000,000 for the rehabilitation of the railway system damaged during the war; \$4,400,000 for the improvement of the Port of Bangkok so that it will become accessible to

large ships; and \$18,000,000 for an irrigation project to provide assured water supply, controlled and distributed, for the irrigation of approximately 2,260,000 acres, thus helping to increase the country's already large exports of rice.

Two loans were made during the year to publicly-owned electric power companies in Colombia. On 2 November, \$3,530,000 was made available to the Central Hidroelectrica del Rio Anchicaya, Limitada, for the construction of a hydro-electric plant on the Anchicaya River. Power from this installation will be supplied to the City of Cali and is expected to aid economic development in the Cauca Valley, a region of considerable agricultural and industrial activity in the western part of Colombia. A loan of \$2,600,000 was made on 28 December to the Central Hidroelectrica de Caldas, Limitada, for the construction of La Insula hydro-electric project. This project is expected to satisfy the power needs of Manizales, a city of substantial commercial and industrial importance in western Colombia.

As of 31 December 1950, a total of the equivalent of approximately \$642,000,000 had been disbursed under the loan agreements. Principal repayments had all been made according to schedule and at 31 December 1950 amounted to \$3,490,270. About \$471,000,000 of the total expenditures financed by Bank loans were made in the United States but expenditures amounting to some \$170,900,000 were made in other areas. The geographical distribution of the total disbursements made by the Bank up to 31 December 1950, in round numbers by areas of expenditures, was as follows: \$471,000,000 in the United States; \$56,500,000 in Latin America; \$38,600,000 in Canada; \$71,000,000 in Europe; \$2,200,000 in Africa; \$2,500,000 in the Near East; and \$100,000 in the Far East.

The Bank does not normally charge the full interest rate on its loans until the proceeds are actually disbursed. Beginning on the effective date of a loan, however, a commitment charge is made on the undisbursed portion of the loan calculated to compensate the Bank, at least in part, for the cost of holding funds at the borrower's disposal. In April 1947, the Executive Directors approved a commitment charge of 1½% on all undisbursed amounts. In January 1948, the Executive Directors increased the commitment charge on amounts remaining undisbursed for a period of more than six months to the full amount of the interest rate on a loan, less a credit based on the rate yielded by U. S. Treasury 90-day bills. An examination of the Bank's commitment charge policy during

the summer of 1950 led to the conclusion that the commitment charge of $1\frac{1}{2}\%$ could be reduced under present conditions. Accordingly, the Executive Directors on 15 August approved a recommendation that, with effect from that date, a flat commitment charge of $\frac{1}{2}\%$ of 1% should be made from the effective date of future loans and on all undisbursed amounts of existing loans.

2. Technical Assistance

During the year under review, the Bank continued to expand its program of technical assistance to member countries. In addition to a wide variety of advice and aid rendered in the normal course of its loan operations, the Bank provides technical assistance of a broader nature. As a result of discussions with the Bank, several countries have asked it to organize missions to make comprehensive surveys of their economies. The precise terms of reference of these missions have varied in each case. Broadly, however, their objectives are: to help the country formulate a programme of investment which will indicate priorities among the important sectors of the economy and among types of undertakings within each such sector; to suggest methods and measures, other than investment, to improve productive efficiency in existing enterprises; and to recommend improvements in the government's economic and financial policies and organization in order to facilitate and encourage further development. These missions are composed of specialists recruited from outside the Bank on an international basis and of members of the Bank's regular staff. Other international organizations, including FAO and WHO, have provided specialists in their fields of activity for the missions. The expenses of these missions are shared by the Bank and the country concerned.

The Bank's Fifth Annual Report commented on these missions as follows:

The Bank believes it appropriate that it should provide this type of assistance to its member countries. As a co-operative international institution it maintains a continuing and close association with its members. This promotes mutual understanding and frees the Bank from the suspicion of being influenced by political or commercial motives. In addition, member countries are aware that, by the very nature of its activities, the Bank is unlikely to make or to sponsor recommendations that are unrealistic or beyond their capabilities. They know, too, that if they formulate a well-balanced development program based on the mission's recommendations, the Bank will stand ready to help them carry out the program by financing appropriate projects.

The report of the first comprehensive survey mission, which was sent to Colombia in 1949,⁴ was published in October 1950. A non-partisan committee was appointed shortly thereafter by the Colombian Government to study the mission's recommendations and prepare plans for their implementation. During 1950, similar comprehensive survey missions were sent to Turkey, Guatemala and Cuba and at the end of the year were preparing their reports. A mission sponsored jointly by the Bank and FAO was in Uruguay from October to December 1950 to make a survey of the country's agricultural economy and to formulate recommendations as to methods by which agricultural production could be increased and improved.

There have been an increasing number of cases where member countries have asked the Bank for other types of assistance, such as advice on particular projects or industries or the services of financial or economic experts to serve as government advisers, etc. In some instances the Bank has been able to fill these requests from its own staff; in most cases, however, it has recommended outside consultants. In order to comply with these requests efficiently, the Bank is building up a roster of experts in various fields in which technical advice is likely to be required. It has been assisted in this task by many organizations, international and national, public and private.

An outstanding example of this type of assistance rendered during 1950 was in El Salvador. After the Bank had made a loan of \$12,545,000 to the Lempa River Hydroelectric Commission of El Salvador in December 1949 to meet the foreign exchange costs of a hydro-electric project, the Commission sought the advice of the Bank's Marketing Director on the sale of a bond issue in Salvadorean currency to raise additional funds for the local currency costs of the project. The Marketing Director visited El Salvador several times to discuss the preparation of the issue with officials of the Commission and of the Government. The bond issue, amounting to the equivalent of \$5,200,000, was successfully placed in July 1950. This was the first time this method of raising capital funds had been utilized in El Salvador.

Other instances of such assistance rendered in 1950 were the technical advice given by Bank representatives in the establishment of the Industrial Development Bank of Turkey and the development bank of Ethiopia.

⁴ See Y.U.N., 1948-49, p. 1051.

3. Resources of the Bank and Marketing Operations

The authorized capital of the Bank is \$10,000 million. This capital stock is divided into shares of \$100,000 each, purchasable only by members and transferable only to the Bank. As of 31 December 1950, the total subscribed capital amounted to the equivalent of \$8,338,500,000.

Only 20 per cent of the total subscribed capital is paid-in capital, and this is the only part of the subscribed capital which may be used for loans. The remaining 80 per cent of the subscribed capital is subject to call by the Bank only when required to meet the Bank's own obligations on its borrowings or guarantees.

Of the 20 per cent paid-in capital, 2 per cent is in the form of gold or United States dollars immediately available for lending. The remaining 18 per cent is paid to the Bank in the currencies of the various member countries, and cannot be used for loans without the consent of the particular nation whose currency is to be used.

During 1950, 22 members made all or part of their currency contributions to the Bank's paid-in capital available for lending purposes, bringing the total of such countries to 27. These countries include Belgium, Canada, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Honduras, Iceland, India, Italy, Lebanon, Mexico, the Netherlands, Norway, Pakistan, Paraguay, the Philippines, Syria, the Union of South Africa, the United Kingdom, the United States and Yugoslavia. The Bank's fifth annual report comments:

The Bank has been greatly encouraged by the increasing amounts of such funds that have been made available during the past year [June 1949-June 1950] and by the evidence that there are likely to be substantial further additions to its loanable resources as a result of additional consents in the future.

In order to obtain loanable resources in excess of the amount made available by members, the Bank sells its own obligations in the investment markets. As operations of the Bank continue, it is expected that such borrowings in the private market will constitute the major source of its loanable funds.

In January 1950, the Bank retired its outstanding 2¼% bonds due in 1957 by refunding them with a \$100,000,000 issue of 2% serial bonds due 1953 to 1962. In March 1950, it sold a second issue of Swiss franc bonds in Switzerland amounting to 28,500,000 Swiss francs (\$6,600,000) principal amount of 2½% serial bonds due 1953 to 1956.

During the year, Bank bonds were listed for trading on the Paris Bourse and the Amsterdam Exchange. Banking and other institutions in a number of Latin American countries have been authorized to purchase Bank bonds.

Apart from direct borrowing, the Bank has engaged in another type of marketing operation by selling to private investors securities held in its loan portfolio. During 1950, the Bank sold for the first time without its guarantee bonds totalling the equivalent of \$1,215,000 from its loan portfolio, both in Europe and in the United States. The obligations so disposed of had been received by the Bank in connexion with loans to the Netherlands Herstelbank, Luxembourg, Credit National of France, and the Netherlands Government. Previous sales of obligations of borrowers which bore the guarantee of the Bank comprise \$28,000,000 of securities received in connexion with its loans to four Dutch shipping companies and to Belgium.

From the time it began operations until 31 December 1950, the Bank has had a total of approximately \$1,047,226,000 available for lending. As of 31 December 1950, funds still uncommitted amounted to \$71,251,174. The sources of the Bank's lending funds at 31 December 1950 were as follows:

2% paid-in portion of subscriptions of all members	\$	162,480,000
18% portion of subscription of the United States		571,500,000
18% portion of subscription made available by other members		17,658,377
TOTAL AVAILABLE CAPITAL SUBSCRIPTIONS	\$	751,638,377
Approximate net available funds resulting from operations . . .		35,000,000
Net proceeds of sale of bonds—excluding premium		260,587,551
GROSS TOTAL AVAILABLE FUNDS		\$1,047,225,928
Total loans committed \$1,023,375,000		
Less: Cancellations, loans sold and principal repayments available for reloaning	47,400,246	975,974,754
EXCESS OF AVAILABLE FUNDS OVER NET LOAN COMMITMENTS	\$	71,251,174
Undisbursed balance of loans		363,819,957
EXCESS OF AVAILABLE FUNDS OVER NET LOAN DISBURSEMENTS	\$	435,071,131

At the annual meeting of the Board of Governors in September 1950, action was taken affecting the disposition of the earnings of the Bank. The Governors approved a measure to credit all past and current earnings of the Bank to a general reserve for losses on loans and guarantees. Until such time as the Executive Directors or the Board

should decide otherwise, future earnings also will be credited to this account. On 31 December 1950, this reserve amounted to \$34,572,901, which, added to the Special Reserve provided for in the Bank's Articles of Agreement, brought the Bank's total reserves to \$51,424,808 on the same date.

D. ADMINISTRATIVE BUDGET

As reflected in the Statement of Income and Expenses given in the next column, the Bank's operations during the fiscal year ended 30 June 1950 resulted in a net income of \$13,698,398. In addition, loan commissions of \$5,663,064 were set aside in the Special Reserve, which is kept available for meeting obligations of the Bank created by its borrowings or guarantees. The total net income for the entire period of the Bank's operations up to 31 December 1950 amounted to \$34,572,901. As of 31 December 1950, the total amount credited to the Special Reserve was \$16,851,907. (All amounts are expressed in United States currency.)

An administrative budget for the fiscal year ending 30 June 1951, prepared by the President of the Bank, has been approved by the Executive Directors and the Board of Governors. These estimated expenses are given in the following table:

ADMINISTRATIVE BUDGET

(For the fiscal year ending 30 June 1951)

BANK STAFF:

Personal services	\$2,605,997
Fees and compensation	30,000
Special technical services	350,000
Representation	42,500
Travel	350,000
Supplies and materials	30,000
Rents and utilities	343,000
Communications	94,000
Furniture and equipment	29,000
Motor vehicles	9,324
Books and library services	60,750
Printing	40,000
Contributions to staff benefits	298,000
Insurance	29,100
Contingencies	100,000

TOTAL \$4,411,671

Office of Executive Directors 287,500
Board of Governors and Advisory Council 227,000

TOTAL ADMINISTRATIVE EXPENSES \$4,926,171

STATEMENT OF INCOME AND EXPENSES

(For the fiscal year ended 30 June 1950)

INCOME

Interest earned on investments	\$ 5,152,517
Income from loans:	
Interest	17,670,427
Commitment charges	2,491,707
Commissions	5,663,064
Service charges	141,281
Other income	8,133

GROSS INCOME \$31,127,129

Deduct: Amount equivalent to com-
mission appropriated to Special Re-
5,663,064

GROSS INCOME LESS RESERVE DE-
DUCTION \$25,464,065

EXPENSES

Administrative expenses:	
Personal services	\$ 2,672,630
Expense allowance—Executive' Directors and Alternates	12,194
Fees and compensation	334,958
Representation	46,713
Travel	437,257
Supplies and materials	26,954
Rents and utility services	336,466
Communication services	89,522
Furniture and equipment	28,540
Motor vehicles	5,335
Books and library services	59,707
Printing and binding	36,764
Contributions to staff benefits	266,126
Insurance	14,644
Other expenses	2,201

TOTAL ADMINISTRATIVE EXPENSES \$ 4,370,011

Interest on bonds 6,811,798
Bond registration, issuance and other
financial expenses including redemption
premium less premium on sale of bonds 583,858

GROSS EXPENSES \$11,765,667

NET INCOME \$13,698,398

ANNEX I. MEMBERS OF THE BANK, THEIR SUBSCRIPTIONS AND VOTING POWER

(As of 31 December 1950)

MEMBER	VOTING POWER		SUB- SCRIPTIONS Amount (in millions of U.S. dollars)	MEMBER	VOTING POWER		SUB- SCRIPTIONS Amount (in millions of U.S. dollars)
	Number of Votes	Per cent of Total			Number of Votes	Per cent of Total	
Australia	2,250	2.35	200.0	India	4,250	4.44	400.0
Austria	750	.78	50.0	Iran	586	.61	33.6
Belgium	2,500	2.62	225.0	Iraq	310	.33	6.0
Bolivia	320	.34	7.0	Italy	2,050	2.14	180.0
Brazil	1,300	1.36	105.0	Lebanon	295	.31	4.5
Canada	3,500	3.66	325.0	Luxembourg	350	.37	10.0
Ceylon	400	.42	15.0	Mexico	900	.94	65.0
Chile	600	.63	35.0	Netherlands	3,000	3.14	275.0
China	6,250	6.54	600.0	Nicaragua	258	.27	.8
Colombia	600	.63	35.0	Norway	750	.78	50.0
Costa Rica	270	.28	2.0	Pakistan	1,250	1.31	100.0
Cuba	600	.63	35.0	Panama	252	.26	.2
Czechoslovakia	1,500	1.57	125.0	Paraguay	264	.28	1.4
Denmark	930	.97	68.0	Peru	425	.44	17.5
Dominican Republic	270	.28	2.0	Philippines	400	.42	15.0
Ecuador	282	.30	3.2	Syria	315	.33	6.5
Egypt	783	.82	53.3	Thailand	375	.39	12.5
El Salvador	260	.27	1.0	Turkey	680	.71	43.0
Ethiopia	280	.29	3.0	Union of South Africa	1,250	1.31	100.0
Finland	630	.66	38.0	United Kingdom	13,250	13.85	1,300.0
France	5,500	5.75	525.0	United States	32,000	33.46	3,175.0
Greece	500	.52	25.0	Uruguay	355	.37	10.5
Guatemala	270	.28	2.0	Venezuela	355	.37	10.5
Honduras	260	.27	1.0	Yugoslavia	650	.68	40.0
Iceland	260	.27	1.0				
TOTAL					95,635	100.00	8,338.5

ANNEX II. BOARD OF GOVERNORS

(As of 31 December 1950)

Governor	Alternate	Member
Arthur William Fadden	Norman J. O. Makin	Australia
Eugen Margaretha	Assen Hartenau	Austria
Jean van Houtte	Maurice Frere	Belgium
Hector Ormachea Zalles	Jaime Gutierrez Guerra	Bolivia
Francisco Alves dos Santos-Filho	Octavio Paranagua	Brazil
Douglas Charles Abbott	R. B. Bryce	Canada
J. R. Jayawardene	G. C. S. Corea	Ceylon
Arturo Maschke	Fernando Illanes	Chile
Chia Kan Yen	T. L. Soong	China
Emilio Toro	Diego Mejia	Colombia
Angel Coronas Guardia	Mario Fernandez	Costa Rica
Luis Machado	Joaquin E. Meyer	Cuba
Jaroslav Docekal	Zikmund Konecny	Czechoslovakia
	Hakon Jespersen	Denmark
Jesus Maria Troncoso	Ambrosio Alvarez Aybar	Dominican Republic
Luis Ernesto Borja	Ramon de Ycaza	Ecuador
Ahmed Zaki Bey Saad	A. Nazmy Abdel Hamid	Egypt
Catalino Herrera	Manuel Melendez Valle	El Salvador
Jack Bennett	Ato Menassie Lemma	Ethiopia
J. A. Nykopp	Ralf Torngren	Finland
Maurice Petsche	Pierre Mendes-France	France
George Mavros	Gregorios Zarifopoulos	Greece
Manuel Noriega Morales	Carlos Leonidas Acevedo	Guatemala
Rafael Heliodoro Valle	Guillermo Lopez Rodezno	Honduras

⁵ On 12 Jan. 1951, Svend Nielsen became Governor for Denmark.

Governor	Alternate	Member
Jon Arnason	Thor Thors	Iceland
Sir Chintaman D. Deshmukh	Sir B. Rama Rau	India
Taghi Nasr	Mocharraf Naficy	Iran
Ata Amin	Abdul-Ghani Al-Dalli	Iraq
Donato Menichella	Giorgio Cigliana-Piazza	Italy
Charles Malik	Raja Himadeh	Lebanon
Pierre Dupong	Pierre Werner	Luxembourg
Carlos Novoa	Raul Martinez-Ostos	Mexico
P. Lieftinck	A. M. de Jong	Netherlands
Guillermo Sevilla-Sacasa	Alfredo J. Sacasa	Nicaragua
Gunnar Jahn	Ole Colbjornsen	Norway
Ghulam Mohammed	Anwar Ali	Pakistan
R. F. Herbruger	Julio E. Heurtematte	Panama
Juan R. Chaves	Victor A. Pane	Paraguay
Fernando Berckemeyer		Peru
Miguel Cuaderno	Emilio Abello	Philippines
Husni A. Sawwaf	Nihad Ibrahim Pasha	Syria
Prince Viwat	Kajit Kasemsri	Thailand
Numllah Esat Sumer	Nahit Alpar	Turkey
Nicolaas Christiaan Havenga	M. H. de Kock	Union of South Africa
Hugh Gaitskell	Sir Henry Wilson-Smith	United Kingdom
John W. Snyder	James E. Webb	United States
Carlos Quijano	Nilo Berchesi	Uruguay
Manuel Reyna	Carlos M. Lollet C.	Venezuela
Lavoslav Dolinsek	Dragoslav Avramovic	Yugoslavia

ANNEX III. EXECUTIVE DIRECTORS

(As of 31 December 1950)

Executive Director	Alternate	Appointed by
William McC. Martin, Jr.	John S. Hooker	United States
Sir Ernest Rowe-Dutton	Sir Sydney Caine	United Kingdom
Yueh-lien Chang	Kuo-hwa Yu ⁶	China
Roger Hoppenot		France
B. K. Nehru	D. S. Savkar	India
		Elected by
		Belgium
Thomas Basyn (Belgium)	Ernest de Selliers (Belgium)	Denmark
		Finland
		Luxembourg
		Costa Rica
		Cuba
		Dominican Republic
		El Salvador
Manuel Jose Diez (Panama)	Julio E. Heurtematte (Panama)	Honduras
		Mexico
		Nicaragua
		Panama
		Philippines
		Uruguay
		Venezuela
		Bolivia
		Brazil
		Chile
Guillermo Perez Chiriboga	Raul Diez de Medina (Bolivia) ⁷	Colombia
(Ecuador)		Ecuador
		Guatemala
		Paraguay
		Peru

⁶ On 3 Jan. 1951, Tsao Whe Chu (China) was appointed Alternate Director.⁷ On 1 Mar. 1951, Eduardo Salazar (Ecuador) was appointed Alternate Director-.

Executive Director	Alternate	Elected by
Louis Rasminsky (Canada)	J. F. Parkinson (Canada)	Canada Iceland
J. W. Beyen (Netherlands)	Gunnar Kjolstad (Norway)	Netherlands Norway
Yaqub Shah (Pakistan)		Egypt Iran Iraq Lebanon Pakistan Syria
Leslie G. Melville (Australia)	J. M. Garland (Australia) ⁹	Australia Union of South Africa
Costantino Bresciani-Turroni (Italy)	Giorgio Cigliana-Piazza (Italy) ¹⁰	Austria Greece Italy
Cabir SeleK (Turkey)	Boonma Wongswan (Thailand)	Ceylon Ethiopia Thailand Turkey Yugoslavia

NOTE: The votes of Czechoslovakia may not be cast by any Executive Director since Czechoslovakia did not participate in the third regular election of the Executive Directors.

ANNEX IV. OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

A. OFFICERS

President:
Eugene R. Black (United States)

Vice-President:
Robert L. Garner

Loan Director:
William A. B. Iliff¹¹

Treasurer:
D. Crena de Iongh

Economic Director:
Leonard B. Rist

General Counsel:
Davidson Sommers

Secretary:
Morton M. Mendels

Director of Marketing:
George L. Martin

Director of Administration:
Chauncey G. Parker

Director of Public Relations:
Harold N. Graves, Jr.

Assistant to Vice-President:
Richard M. Demuth

B. HEADQUARTERS AND OTHER OFFICES

1. HEADQUARTERS

Address: International Bank for Reconstruction and
Development
1818 H Street NW
Washington 25, D.C.
Telephone: Executive 6360
Cable Address: INTBAFRAD WASHINGTON

2. MARKETING DEPARTMENT

Address: 33 Liberty Street
New York 5, New York
Telephone: Dlgby 9-2334

3. EUROPEAN OFFICE

Address: 67 rue de Lille
Paris 7^e, France
Telephone: Babylone 17-10

⁸ On 3 Jan. 1951, Nasrollah Djahanguir (Iran) was appointed Alternate Director.

⁹ On 12 Mar. 1951, L. H. E. Bury (Australia) was appointed Alternate Director.

¹⁰ Acting temporarily.

¹¹ On 4 Apr. 1951, William A. B. Iliff was appointed Assistant to the President. A. S. G. Hoar succeeded him as Loan Director.

VII. The International Monetary Fund (Fund)¹

The Articles of Agreement of the International Monetary Fund were drawn up at the United Nations Monetary and Financial Conference at Bretton Woods, New Hampshire, 1 to 22 July 1944. Representatives of 44 countries participated. The Fund came into existence on 27 December 1945 when 29 governments, representing 80 per cent of the quotas accepted at Bretton Woods, signed the Articles of Agreement in Washington.²

An inaugural meeting of the Board of Governors was convened at Savannah, Georgia, on 8 March 1946 to adopt by-laws, Select a headquarters site and elect a Board of Executive Directors. The Governors' subsequent annual meetings have customarily been held in; September; in September 1946 the Governors met in Washington, in 1947 they met in London, in 1948 and 1949 in Washington, and in 1950 in Paris. One of the decisions in the second annual meeting in September 1947 was the approval of a draft agreement to establish the relationship between the International Monetary Fund and the United Nations.³

The Fund's Executive Board held its first meeting 6 May 1946, electing Camille Gutt,⁴ of Belgium, to be Chairman of the Board and Managing Director. With some changes in membership, the Board has been in continuous session ever since. Andrew N. Overby, of the United States, was appointed Deputy Managing Director in February 1949.

On 18 December 1946 the Fund announced its agreement to the establishment of par values in gold and U. S. dollars for the currencies of 32 member countries. At the same time the Fund indicated that these parities might require changes, but that this could be done in an orderly way through the Fund's consultative procedures. It cautioned that premature revisions in response to abnormal conditions might stimulate further inflation.

In a first annual report, released in September 1947, the Fund saw inflation already undermining some par values. As post-war payments deficits persisted, the Fund in its 1948 report advocated strong governmental efforts to increase exports to

dollar markets. It emphasized the need for anti-inflationary measures and noted indications that in some countries the exchange rate was becoming a restraining factor on exports. On 13 September 1949, the Fund urged deficit countries to face the risks and difficulties of rate changes, stating that they could no longer afford to forego any suitable instrument, including any necessary exchange adjustment, that could expand their dollar exports.

Up to this time only three countries—France, Colombia and Mexico—had proposed changes in their exchange parities. There began on 18 September 1949 a wave of devaluations that involved within a few months the currencies of 22 Fund members and eight other countries. In a co-operative procedure which had not existed prior to the Fund's establishment, the members' proposals were submitted for approval to the Fund's Executive Board, which discussed them against the background of earlier studies and in the light of their relationship to one another. Some further revisions have taken place in consultation with the Fund as members adjusted their exchange systems to changing conditions. In numerous instances the Fund has sent missions to confer with individual Governments or to give them technical assistance. In administering the Articles of Agreement, the Executive Board has been called upon by the members to make decisions on questions of discriminatory and multiple exchange rates, gold policy and other problems important to harmonious international monetary relations.

Foreign exchange transactions by the Fund are governed by the relevant provisions of the Articles of Agreement, as applied by the Executive Board.

¹ For further information, see Y.U.N., 1946—47, pp. 767-88; 1947-48, pp. 875-87; 1948-49, pp. 1057-68. See also: annual reports of the Executive Directors, published in 1946, 1947, 1948, 1949 and 1950; summary proceedings of the annual meetings of the Board of Governors, 1947, 1948, 1949 and 1950; schedules of par values; and quarterly financial statements.

² For text, see Y.U.N., 1946-47, pp. 772-88.

³ For text, see *ibid.*, 1947-48, pp. 885-87.

⁴ Mr. Gutt's five-year term of office ended 6 May 1951, and he declined the Board's offer of a three-year extension. He is succeeded by Ivar Rooth, for twenty years Governor of the Central Bank of Sweden.

It was agreed in April 1948 that members receiving aid from the Economic Co-operation Administration should request a purchase of U. S. dollars only in exceptional or unforeseen circumstances. Sales of currencies from the Fund's holdings to member countries totalled the equivalent

of \$777,283,000 on 31 December 1949, by which time the process of repurchase also had begun. Approximately \$759,830,000 of the transactions represented sales by the Fund of U. S. dollars, \$11,408,000 were sales of Belgian francs and \$6,045,000 of British pounds sterling.

A. PURPOSES AND FUNCTIONS

The purposes of the Fund, as stated in article I of the Articles of Agreement, are:

- (i) To promote international monetary cooperation through a permanent institution which provides the machinery for consultation and collaboration on international monetary problems.
- (ii) To facilitate the expansion and balanced growth of international trade, and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy.
- (iii) To promote exchange stability, to maintain orderly exchange arrangements among members, and to avoid

competitive exchange depreciation.

(iv) To assist in the establishment of a multilateral system of payments in respect of current transactions between members and in the elimination of foreign exchange restrictions which hamper the growth of world trade.

(v) To give confidence to members by making the Fund's resources available to them under adequate safeguards, thus providing them with opportunity to correct maladjustments in their balance of payments without resorting to measures destructive of national or international prosperity.

(vi) In accordance with the above, to shorten the duration and lessen the degree of disequilibrium in the international balances of payments of members.

B. ORGANIZATION

The Fund consists of a Board of Governors, Executive Directors and a Managing Director and staff.

All powers of the Fund are vested in the Board of Governors, consisting of one Governor and one alternate appointed by each member. The Board of Governors has delegated most of its powers to the Executive Directors. It has retained, as required by article XII, section 2, of the Articles of Agreement, the power to:

- (i) Admit new members and determine the conditions of their admission.
- (ii) Approve a revision of quotas.
- (iii) Approve a uniform change in the par value of the currencies of all members.
- (iv) Make arrangements to cooperate with other international organizations (other than informal arrangements of a temporary or administrative character).
- (v) Determine the distribution of the net income of the Fund.
- (vi) Require a member to withdraw.
- (vii) Decide to liquidate the Fund.
- (viii) Decide appeals from interpretations of this agreement given by the Executive Directors.

Each member of the Fund has 250 votes plus one additional vote for each \$100,000 of its

quota.⁵ Each Governor casts as a unit all votes allotted to that member State which he represents; a quorum of the Board of Governors consists of a majority of the Governors exercising at least two thirds of the total voting power.

Decisions of the Fund are made by a simple majority of the votes cast, except as otherwise provided by the Articles of Agreement. For example, to change the quota of a member requires, in addition to the consent of that member, approval by four fifths of the voting power of the Board of Governors; four fifths of the voting power is also required to increase the number of Executive Directors. Amendments to the Articles of Agreement may be adopted by three fifths of the members having four fifths of the total voting power, and in a few instances require acceptance by all members. In voting on certain matters, such as the question of waiving conditions governing the use of the Fund's resources or declaring a member ineligible to use the Fund's resources, the voting power of each member is adjusted by the addition of one vote

⁵ For members, their quotas and voting power, as of 31 Dec. 1950, see p. 962.

for each \$400,000 of sales of its currency and by the subtraction of one vote for each \$400,000 of its purchases of other currency.

The Executive Directors, meeting in continuous session, are responsible for the conduct of the general operations of the Fund and exercise powers delegated to them by the Board of Governors.

There are fourteen Executive Directors, five of whom are appointed by the five members having the largest quotas. The remaining Executive Directors are elected by the Governors representing the other members of the Fund, as follows: seven by members other than the American Republics, and two by the American Republics. Each appointed Executive Director casts as a unit all the

votes allotted to the member which appointed him, and each elected Director casts as a unit the total number of votes allotted to those countries which elected him. A quorum of the Executive Directors consists of a majority of Directors representing at least one half of the total voting power.

The Managing Director of the Fund, who may not be a Governor or an Executive Director, is elected by the Executive Directors, and under their direction is responsible for the conduct of the ordinary business of the Fund, and for the organization, appointment and dismissal of its officers and staff. He also serves as Chairman of the Executive Directors, without the right to vote except in the case of a tie.

C. RESOURCES OF THE FUND

To carry out its operations, the Fund uses the resources subscribed by its member Governments. The quotas of those members which attended the Bretton Woods Conference were fixed by the Articles of Agreement, but may be revised by the Fund. The quotas of other members are fixed by the Board of Governors at the time of approval of their membership applications. Each of the original members must pay in gold 25 per cent of its quota or 10 per cent of its net official gold and dollar holdings, whichever is the smaller; the gold contribution of new members is fixed by the Board of Governors. The balance is paid

in the member's own currency, normally after the establishment of the par value for that currency. Non-negotiable, non-interest-bearing demand notes may be accepted from any member whose currency is not needed for the Fund's operations in place of that member's currency.

Total quotas in the Fund, as of 31 December 1950, amounted to \$8,032,000,000, with approximately \$1,494,000,000 held in gold and \$5,533,000,000 in members' currencies; the balance of \$1,003,000,000 in currencies was not yet due from members whose par values had still to be agreed upon.

D. ACTIVITIES DURING 1950

Membership increased to 49 countries during the year following the admission of Pakistan and Ceylon and the resignation of Poland.

The fifth annual meeting of the Board of Governors was held in Paris from 6 to 14 September 1950 under the Chairmanship of the Governor of India, Sir Chintaman Deshmukh. Biennial elections were held to name nine Executive Directors for a two-year term, the other five posts on the Executive Board being filled by appointment of the five countries having the largest quotas in the Fund, in accordance with the Articles of Agreement.

The fifth annual report, published at the outset of the meeting, outlined improvements in the positions of most of the countries that had devalued their currencies during the year 1949-50.

It stressed that these benefits might be lost, however, unless members beginning large defence programmes pursued effective anti-inflation policies.

During 1950, the Fund agreed to par value changes for the Icelandic krona and the Ecuadorian peso and to various foreign exchange modifications involving the currencies of Austria, Bolivia, Canada, Chile, Iran and Nicaragua. At the end of 1950, 38 countries maintained par values with the Fund for their currencies. It also considered proposals by Canada and the Union of South Africa concerning its gold policy.

The Contracting Parties to the General Agreements on Tariffs and Trade consulted the Fund regarding discriminatory import restrictions which had been imposed in 1949 by Australia,

Ceylon, Chile, India, New Zealand, Pakistan, Southern Rhodesia and the United Kingdom. The Fund gave its view that a gradual relaxation of these restrictions was justified for Australia, Ceylon, New Zealand and the United Kingdom but not for the other countries cited.

There were no sales of currency by the Fund during 1950. Three countries repurchased amounts of their own currency with payments of gold and U. S. dollars: Belgium (\$12,100,000 in U. S. dollars and \$8,500,000 in gold), Egypt (\$7,678,163 in U. S. dollars and \$829,766 in gold) and Ethiopia (\$300,000 in U. S. dollars), bringing the total of repurchases by 31 December 1950 to \$33,017,000.

1. Consultations

a. PAR VALUES

(1) Ecuador

The Fund announced on 2 December 1950 that it concurred in a change proposed by Ecuador in the par value of the sucre from 13.50 Sucres per U. S. dollar to 15.00 Sucres per U. S. dollar.

(2) Iceland

The Fund announced on 20 March 1950 its concurrence in a change in the par value of the Icelandic krona, the new rate being 16.2857 kronur per U. S. dollar. This was the second change in the par value of the krona since the announcement by the Fund on 18 December 1946 of an initial par value. The rate then established was 6.48885 kronur per U. S. dollar. This par value was changed with the agreement of the Fund on 20 September 1949 to 9.34107 kronur per U. S. dollar to 15.00 Sucres per U. S. dollar, valuation represented an aggregate 60.2 per cent change from the initial par value.

b. CHANGES IN EXCHANGE SYSTEM

The foreign exchange modifications described below were put into effect by member countries during 1950, in consultation with the Fund.

(1) Austria

Following consultations with Austria the Fund approved on 17 October certain changes in that country's exchange rates, including the following:

- (a) Replacement of the basic rate of 14.40 schillings per U.S. dollar and the premium rate of 26 schillings per U.S. dollar for commercial transactions by a single rate of 21.36 schillings per U.S. dollar
- (b) Maintenance of the premium rate of 26 schillings to the U.S. dollar for certain invisible transactions—mainly tourist expenditures

(c) Abolition in principle of private barter and compensation arrangements

The Fund stated that consultations with Austria would continue with a view to complete unification of the effective rate.

(2) Bolivia

The Fund announced on 27 February that Bolivia had proposed certain temporary and partial measures to deal with exchange and financial problems pending development of a more complete programme.

Although stating that it considered that further study was advisable to work out a more adequate solution of Bolivia's exchange problems, the Fund took note of the intention of the Bolivian Government to move toward unification of its multiple rate structure while revising its financial system and taking other measures.

In recognition of this, and of the fact that the proposal represented a first step toward simplification of Bolivia's foreign exchange practices, the Fund raised no formal objection to the temporary measures which were as follows:

(a) Export rates. A rate of 60 bolivianos per U.S. dollar was established for tin exports. Minor exports would continue to receive different effective rates derived from selling certain percentages at 42 and 60 bolivianos per dollar and at the free market rate. The system under which exporters turned in part of their foreign exchange proceeds to the exchange authorities and retained a part for private disposition was continued for tin and other exports.

(b) Import rates. For a minimum number of essential imports (approximately 19 per cent of 1949 total imports) the rate of 42 bolivianos per dollar would continue to apply, but for the bulk of imports the new rate of 60 bolivianos per dollar was to be introduced. Certain listed non-essential imports were to be permitted to enter at the free market rate. Importation of certain luxury items was prohibited.

(3) Canada

On 30 September 1950 the Fund announced that Canada had informed it of its decision for the time being to allow the foreign exchange value of the Canadian dollar to fluctuate, in order to cope with large inflows of capital. The Fund recognized the exigencies of the situation which led Canada to the proposed plan and took note of the intention of the Canadian Government to remain in consultation with the Fund and to re-establish an effective par value as soon as circumstances warranted.

(4) Chile

On 10 January 1950 the Fund approved the temporary establishment of a rate of exchange of 60 pesos per U. S. dollar, as proposed by Chile, on the understanding that Chile would soon undertake a general plan of stabilization unifying

the rates of exchange in a new par value at about the level of the new rate proposed. The rate of 60 pesos was applied to all exports except those which in the general plan would be subject to export taxes and to copper, nitrates and other products of the large mining companies, as well as to all imports except those which in the general plan would be subject to a lowering of customs duties or subsidies.

(5) Ecuador

Simultaneously with its proposal to change the par value of the sucre from 13.50 to 15 Sucres per dollar (see above) Ecuador proposed a series of related foreign exchange measures. These included:

- (a) Unification of exchange rates at the new parity for most imports and all but minor exports.
- (b) Taxes of 33 and 34 per cent on import permits for two categories of non-essential imports; these taxes would remain until transferred to the customs tariff system.
- (c) Continued maintenance of the free market for most invisible transactions and the transfer to that market of insurance receipts and payments previously dealt with in the official market.
- (d) Maintenance of a compensation system for minor exports for a maximum period of one year; during this period articles would be eliminated from the system and its scope would not, in any case, be increased.

The Fund commended the efforts made by Ecuador toward the unification of exchange rates. It said that it did not object to the changes as temporary measures pending further simplification and unification of the system. The Fund approved the intention of Ecuador to eliminate the taxes on two categories of non-essential imports but declined to express any view regarding the transfer of these taxes to the customs tariff system. It expressed serious doubts concerning the maintenance of the compensation system for minor exports, but noted the intention of Ecuador not to increase the scope of the system and progressively to eliminate it within a one-year period.

The Fund said that consultations would continue with a view to further unification of Ecuador's exchange system.

(6) Iran

The Fund agreed on 20 November to changes proposed by Iran as a step toward exchange stabilization and the future establishment of a unitary rate.

Iran had maintained three exchange rates. An official rate (32.5 rials per U. S. dollar) had been

in effect for governmental and oil transactions, and a certificate rate (40 rials per U. S. dollar) for essential imports. A third rate, for exports other than oil and non-essential imports, had been permitted to fluctuate in a free market. This rate was stabilized at 48.75 rials per U. S. dollar and all transactions were required to be directed through authorized banks.

The Fund said that consultations on unification of the Iranian exchange system would continue.

(7) Nicaragua

Modifications in Nicaragua's exchange system, to which the Fund agreed, were published on 20 October.

The Fund noted that Nicaragua's foreign exchange practices had given rise to numerous rates, both for exports and imports.

The Government of Nicaragua had undertaken to establish a uniform effective rate for exports and other receipts set at 6.60 Cordobas to the U. S. dollar.

The basic rate for import transactions and other payments was placed at 7 Cordobas to the dollar. Surcharges of 1 cordoba per dollar on imports of semi-essential goods and 3 Cordobas per dollar on non-essential imports were also established.

The par value of 5 Cordobas to the dollar was not changed, but under the new system its use was limited to government transactions, which were not to exceed 20 per cent of all exchange receipts.

The consultations with Nicaragua would continue, the Fund said, with a view to further simplification of the exchange system.

c. GOLD POLICY

On 18 June 1947 the Executive Board had issued a statement which was communicated to the member countries on the Fund's gold policy. In this, the Fund announced its opposition to external purchases or sales of gold at premium prices which directly or indirectly produce exchange transactions at depreciated rates, and to the granting of any subsidies on gold production which would raise the price of gold, thereby undermining exchange stability.

During the fourth annual meeting of the Board of Governors in September 1949, the Union of South Africa introduced a resolution which sought agreement by the Fund to sales of half of all

newly-mined gold at premium prices. The Board of Governors referred this resolution to the Executive Directors for study and report.

On 3 May 1950 the Executive Board issued a statement⁶ reviewing the different aspects of the question. It advised against the proposal of the Union of South Africa and concluded that there was no reason to change the Fund's policy. The Board also studied, together with many other relevant factors, the question of whether there should be a uniform change in the par values of all currencies in relation to gold, and decided that there was no economic justification for recommending such a change.

In reaching its decision to retain the Fund's gold policy, the Executive Board was of the opinion that, at a time when many countries are faced with large international payments deficits which have to be met by inter-governmental grants and credits, any change in the Fund's gold policy that might divert additional amounts of gold from monetary reserves into private hoards would be undesirable. Moreover, as there exist in many parts of the world markets in which foreign exchange is dealt in at off-parity rates, any extension of premium gold transactions would be likely to encourage a greater volume of such exchange dealings. This, it indicated, would not only be unsatisfactory from the point of view of exchange stability, but might affect adversely and unfairly the trade of a number of countries.

The Fund announced on 24 October that it had held consultations with Canada concerning an extension at a reduced rate during 1951 of the Canadian gold mining subsidy programme, instituted in 1948 with the Fund's approval.

Under the proposed modified subsidy both the proportion of output eligible for assistance and the rate of assistance per ounce would be reduced. Payment was to be measured at half the amount by which production costs exceeded \$22, with the maximum amount of assistance reduced from \$16 to \$11.50 per ounce. The subsidy would be paid on one third of the current output of the mine receiving this assistance, or on the excess of current output above two thirds of the 1949 level, whichever was greater.

The Fund's Executive Board decided that the proposed subsidy was not inconsistent with the Fund's policy, and said the Fund would continue to review this programme in consultation with the Canadian authorities.

2. Technical Assistance

The Fund has maintained an extensive programme of technical assistance to help members improve their foreign exchange systems while bringing their international monetary policies into line with those of the Fund. This aid is extended through staff missions to many parts of the world and through studies, reports and publications.

The Fund has advised countries on changes in par values or exchange rates, modifications in multiple currency practices and alterations in the scope or type of exchange controls, as well as on questions of monetary, credit and fiscal policies that have an important bearing on balance of payments developments. Its technicians have assisted members in establishing and perfecting institutional machinery, such as central banking systems and exchange control administration. With some countries the Fund has conferred on techniques for improving their collection and presentation of financial statistics. It has discussed with members the monetary impact of development programmes, levels of monetary reserves, use of Fund resources, gold transactions and gold subsidies.

During the year, technical representatives of the Fund visited 23 countries, some of them several times. The Managing Director and members of the Executive Board took part in some missions, and occasionally outside experts served.

Typical of these activities was the work of several missions which advised the Government of Honduras on the establishment of that country's first central bank. Another mission made a detailed analysis of Chile's financial position. In response to a request from the United Nations, the Fund sent representatives to advise the United Nations Commissioner in Libya on the area's banking and currency problems. The Philippines requested and received the assistance of experts on foreign exchange controls.

The Fund published in 1950 its first annual report on exchange restrictions. A new journal begun during the year, entitled *Staff Papers*, makes generally available some of the studies originally prepared by staff members for the use of the Fund's officials. The Fund also published *International Financial Statistics*, a monthly statistical bulletin; the weekly *International Financial News Survey* and a *Balance of Payments Yearbook*.

⁶ For text, see *International Monetary Fund, Annual Report*, 30 April 1950, pp. 90-95.

E. ADMINISTRATIVE BUDGET

The Fund does not rely for its annual budget upon contributions from its members, and, accordingly, the appropriate authorities of the Fund enjoy full autonomy in deciding the form and content of the Fund's budget. In its agreement with the Fund, the United Nations has recognized this special situation and takes this factor into consideration in its interpretation of Article 17 of the Charter.

The administrative budget of the Fund for the fiscal year ending 30 April 1951 is as follows:

Personal services	\$2,963,315.00
Contributions to staff benefits	270,000.00
Travel	389,500.00
Communications	119,100.00
Office occupancy expense	404,600.00
Books and printing	170,100.00
Supplies and equipment	103,500.00
Meetings of the Board of Governors ..	230,900.00
Miscellaneous	53,300.00
TOTAL	\$4,704,315.00⁷

ANNEX I. MEMBERS OF THE FUND, THEIR QUOTAS AND VOTING POWER

(As of 31 December 1950)

MEMBER	QUOTAS Amount (in millions of U.S. dollars)	VOTING Number of Votes [*]	POWER Per cent of Total	MEMBER	QUOTAS Amount (in millions of U.S. dollars)	VOTING Number of Votes [*]	POWER Per cent of Total
Australia	200.0	2,250	2.43	Honduras	0.5	255	0.28
Austria	50.0	750	0.81	Iceland	1.0	260	0.28
Belgium	225.0	2,500	2.70	India	400.0	4,250	4.59
Bolivia	10.0	350	0.38	Iran	35.0	600	0.65
Brazil	150.0	1,750	1.89	Iraq	8.0	330	0.36
Canada	300.0	3,250	3.51	Italy	180.0	2,050	2.21
Ceylon	15.0	400	0.43	Lebanon	4.5	295	0.32
Chile	50.0	750	0.81	Luxembourg	10.0	350	0.38
China	550.0	5,750	6.21	Mexico	90.0	1,150	1.24
Colombia	50.0	750	0.81	Netherlands	275.0	3,000	3.24
Costa Rica	5.0	300	0.32	Nicaragua	2.0	270	0.29
Cuba	50.0	750	0.81	Norway	50.0	750	0.81
Czechoslovakia	125.0	1,500	1.62	Pakistan	100.0	1,250	1.35
Denmark	68.0	930	1.00	Panama	0.5	255	0.28
Dominican Republic ..	5.0	300	0.32	Paraguay	3.5	285	0.31
Ecuador	5.0	300	0.32	Peru	25.0	500	0.54
Egypt	60.0	850	0.92	Philippines	15.0	400	0.43
El Salvador	2.5	275	0.30	Syria	6.5	315	0.34
Ethiopia	6.0	310	0.33	Thailand	12.5	375	0.40
Finland	38.0	630	0.68	Turkey	43.0	680	0.73
France	525.0	5,500	5.94	Union of South Africa	100.0	1,250	1.35
Greece	40.0	650	0.70	United Kingdom ...	1,300.0	13,250	14.31
Guatemala	5.0	300	0.32	United States	2,750.0	27,750	29.96
				Uruguay	15.0	400	0.43
				Venezuela	15.0	400	0.43
				Yugoslavia	60.0	850	0.92
					8,036.5	92,615	100.00 ⁹

⁷ Includes \$31,600 for liquidation of prior year commitments.

⁸ Voting power varies on certain matters with use by members of Fund resources.

⁹ These figures do not add to 100 per cent because of rounding.

ANNEX II. BOARD OF GOVERNORS

(As of 31 December 1950)

Governor	Alternate	Member State
Arthur William Fadden	Norman J. O. Makin	Australia
Hanz Rizzi	Franz Stoeger-Marenpach	Austria
Maurice Frere	Hubert Ansiaux	
Hector Ormachea Zalles	Jaime Gutiérrez Guerra	Bolivia
Francisco Alves dos Santos-Filho	Octavio Paranagua	Brazil
Douglas Charles Abbott	Graham F. Towers	Canada
J. R. Jayawardene	John Exter	Ceylon
Arturo Maschke	Fernando Illanes	Chile
Chia Kan Yen	Te-mou Hsi	China
Emilio Toro	Ignacio Copete-Lizarralde	Colombia
Angel Coronas Guardia	Mario Fernández	Costa Rica
Felipe Pazos	Jose Antonio Guerra	Cuba
Bohumil Sucharda	Pavel Eisler	Czechoslovakia
Svend Nielsen	Einar Dige	Denmark
Jesus Maria Troncoso	Ambrosio Alvarez Aybar	Dominican Republic
Guillermo Perez-Chiriboga	Hernan Escudero-Moscoso	Ecuador
Ahmed Zaki Bey Saad	Mahmoud Saleh El Falaki	Egypt
Catalino Herrera	Manuel Meléndez Valle	El Salvador
Jack Bennett	Ato Menassie Lemma	Ethiopia
Sakari Tuomioja	Klaus Waris	Finland
Pierre Mendes-France	Wilfrid Baumgartner	France
Xenophon Zolotas	Alexander Couclelis	Greece
Manuel Noriega Morales	Carlos Leonidas Acevedo	Guatemala
Marco Antonio Batres	Roberto Ramirez	Honduras
Asgeir Asgeirsson	Thor Thors	Iceland
Sir Chintaman D. Deshmukh	Sir B. Rama Rau	India
Ibrahim Zend	Mocharraf Naficy	Iran
Abdul-Karim Al-Uzri	Abdul-Ghani Al-Dalli	Iraq
Giuseppe Pella	Ugo La Malfa	Italy
Georges Hakim	Joseph Oughourlian	Lebanon
Pierre Dupong	Hugues Le Gallais	Luxembourg
Carlos Novoa	Raul Martinez-Ostos	Mexico
P. Lieftinck	M. W. Holtrop	Netherlands
Guillermo Sevilla-Sacasa	Rafael Angel Huezo	Nicaragua
Gunnar Jahn	Ole Colbjornsen	Norway
Ghulam Mohammed	S. Amjad Ali	Pakistan
R. F. Herbruger	Julio E. Heurtematte	Panama
Juan R. Chaves	Victor A. Pane	Paraguay
Clemente de Althaus	Emilio G. Barreto	Peru
Miguel Cuaderno	Emilio Abello	Philippines
Faiz El-Khoury	George J. Tomeh	Syria
Prince Viwat	Kajit Kasemsri	Thailand
Nurullah Esat Sumer	Nail Gidel	Turkey
Nicolaas Christiaan Havenga	John Edward Holloway	Union of South Africa
Hugh Gaitskell	Sir Ernest Rowe-Dutton	United Kingdom
John W. Snyder	James E. Webb	United States
Fermin Silveira Zorzi	Mario La Gamma Acevedo	Uruguay
J. J. Gonzalez Gorrrondona	Felix Miralles	Venezuela
Marijan Dermastia	Ugo Zunjevic	Yugoslavia

ANNEX III. EXECUTIVE BOARD

(As of 31 December 1950)

Executive Director	Alternate	Appointed by
Frank A. Southard, Jr.	John S. Hooker	United States
George Bolton	L. F. Crick	United Kingdom
Beue Tann	Tsoo Whe Chu	China
Jean de Largentaye	François Bizard	France
J. V. Joshi	D. S. Savkar	India
		Elected by
Octavio Paranagua (Brazil)	Walter Blomeyer (Brazil)	{ Bolivia Brazil Chile Dominican Republic Honduras Nicaragua Paraguay Peru Uruguay
Raul Martinez-Ostos (Mexico)	Rodrigo Facio (Costa Rica)	{ Colombia Costa Rica Cuba Ecuador El Salvador Guatemala Mexico Panama Venezuela
Ernest de Selliers (Belgium)	Jean Godeaux (Belgium)	{ Belgium Denmark Finland Luxembourg
Ahmed Zaki Bey Saad (Egypt)	Mahmoud Saleh El Falaki (Egypt)	{ Egypt Ethiopia Iran Iraq Lebanon Pakistan Philippines Syria
J. W. Beyen (Netherlands)	H. M. H. A. van der Valk (Netherlands)	{ Netherlands Norway
Louis Rasminsky (Canada)	J. F. Parkinson (Canada)	{ Canada Iceland
Leslie G. Melville (Australia)	J. M. Garland (Australia)	{ Australia Union of South Africa
Guido Carli (Italy)	Giorgio Cigliana-Piazza (Italy)	{ Austria Greece Italy
Nenad Popovic (Yugoslavia)	W. D. Gunaratna (Ceylon)	{ Ceylon Thailand Turkey Yugoslavia

NOTE: The votes of Czechoslovakia may not be cast by any Executive Director since Czechoslovakia did not participate in the third regular election of Executive Directors.

ANNEX IV. OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

A. OFFICERS

Managing Director:
Camille Gutt (Belgium)¹⁰

Deputy Managing Director:
A. N. Overby

Director, European and North American Department:
G. A. P. Weijer

Deputy Director:
Jan V. Mladek

Deputy Director, Exchange Restrictions Department:
Irving S. Friedman

Special Adviser:
George A. Blowers

Deputy Director, Latin American, Middle Eastern and
Far Eastern Department:
George F. Luthringer

Assistant Director:
William H. Taylor

General Counsel:
Andre van Campenhout

Assistant General Counsels:
Richard Brenner
Joseph Gold
Ervin P. Hexner

Director, Research Department:
E. M. Bernstein

Assistant Director:
J. J. Polak

Treasurer:
Frederick W. Gray

Deputy Treasurer:
Y. C. Koo

Comptroller and Assistant Treasurer:
Charles M. Powell

Director, Office of Administration:
Oscar L. Altman

Director, Office of Public Relations:
David H. Wills

Secretary:
Frank Coe

Deputy Secretary:
Roman L. Horne

Assistant Secretaries:
Albert C. Frost
Phillip Thorson

Special Representative to the United Nations:
Gordon Williams

Internal Auditor:
George P. Antonoff

B. HEADQUARTERS

Address: International Monetary Fund
1818 H Street, NW
Washington 25, D.C.

Telephone: Executive 6560

Cable Address: INTERFUND WASHINGTON

Ivar Rooth (Sweden) was elected Managing Director¹¹ to replace Camille Gutt, whose term of office expired; on 6 May 1951.

VIII. The Universal Postal Union (UPU)¹

The Postal Union was founded in 1874 by the first International Postal Congress held at Berne. Before that date, international exchanges of mail were regulated by numerous special agreements concluded between countries or groups of countries. The great variety of rates and conditions of dispatch and the diversity of scales of charges etc. resulting from that situation caused difficulties, which increased as traffic grew, to the public and the administrative authorities.

On 9 October 1874, the plenipotentiaries of the 22 countries represented at the Congress signed, subject to ratification by their Governments "a treaty concerning the establishment of a General Postal Union", to enter into force on 1 July 1875. The exchange of the instruments of ratification of this treaty took place at Berne on 3 May 1875.

This first International Postal Treaty considerably changed and simplified the existing state of affairs. Its first article declared that the countries concluding the Treaty formed a single postal territory for the reciprocal exchange of mail between their post offices. For well-defined classes of mail (letters, postcards, printed matter, etc.) addressed to any part of the territory of the General Postal Union, each country was to charge uniform rates. All apportionment of such charges between sender and receiver countries was abolished. Each administration was to retain the charges it collected, except that it was obliged to pay, in accordance with fixed rates, intermediary administrations which handled its mail in transit. Freedom of such transit was guaranteed throughout the territory of the Union. The Treaty also introduced arbitration procedure for the settlement of disputes and provided for the establishment of a central office, called the International Bureau of the Union, the expenses of which would be borne by the administrations of all States parties to the Treaty.

Finally, it laid down that a congress of plenipotentiaries of the participating countries should meet periodically with a view to perfecting the machinery of the Union, introducing necessary improvements, and discussing matters of common interest. Twelve such congresses have met, as follows:

Berne	1874	Madrid	1920
Paris	1878	Stockholm	1924
Lisbon	1885	London	1929
Vienna	1891	Cairo	1934
Washington	1897	Buenos Aires	1939
Rome	1906	Paris	1947

In addition, several conferences or committees of representatives of postal administrations have met, under the Union's auspices, to examine and discuss special technical questions referred to them by congresses or to prepare for congresses.

The Paris Congress of 1878 considerably modified and eased the Postal Treaty provisions for the admission of new members. While the first Treaty laid down certain conditions and provided for a waiting period to allow member administrations to submit objections, the revised Paris Convention simply laid down that countries which were not members would be admitted to membership at their request. Accessions were to be notified through diplomatic channels to the Swiss Government, and by that Government to all members of the Union. Members were bound by all the provisions and enjoyed all the benefits specified in the Convention. The Union, the name of which was then changed to "Universal Postal Union", thus became an "open" Union which any country could join by simple, unilateral declaration of adherence, no prior consultation among members being required.

By the time of the London Congress of 1929, the Postal Union comprised the whole world with the exception of a few isolated territories, its members as a whole representing an area of more than 44,000,000 square miles and a population of more than 2,000,000,000.

These conditions and easy terms of adherence existed until 1 July 1948, the date of entry into force of the Universal Postal Convention as revised by the Paris Congress in 1947. This Congress introduced a new article into the Convention providing that the Union would be brought into relationship with the United Nations in ac-

¹ For further information concerning UPU, see *L'Union postale universelle: Sa fondation et son développement, 1874-1949. Memoire*; (Berne: Bureau international de l'Union, 1950); reports of UPU to the United Nations (E/811, E/1323, and E/1664); Y.U.N., 1947-48, pp. 888-908; 1948-49, pp. 1069-76.

cordance with the terms of an agreement, the text of which was annexed to the Convention.² As a result of this agreement, and because of circumstances arising from the Second World War, the article relating to accession to the Convention was modified. Under the new terms, the

Swiss Government has been required, since 1 July 1948, to submit each new request for admission to the members of the Union, and the country concerned is considered admitted only if its request is approved by at least two thirds of the members constituting the Union.

A. PURPOSES AND FUNCTIONS

The aim of the Union was laid down in article I of the Berne Treaty mentioned above. The terms of this article have been substantially maintained throughout the successive revisions which have taken place. They are as follows:

"The countries between which the present Convention is concluded form, under the title of the Universal Postal Union, a single postal territory for the reciprocal exchange of correspondence."

The Stockholm Congress of 1924 added the following sentence:

"It is also the aim of the Postal Union to provide for the organization and improvement of the various international postal services."

The Paris Congress in 1947 further added to this sentence the words "and to promote the development of international collaboration in this sphere".

The functions of the Union are determined by the Acts drawn up by the Congresses. These Acts comprise:

(1) a main Convention laying down (a) the statute of the Union and (b) provisions governing the letter-post, which includes letters, postcards, printed matter, samples, commercial papers, small parcels and phonopost articles (e.g. phonograph records);

(2) seven accessory agreements covering insured letters and boxes, parcel post, cash on delivery articles, money

orders, debt collection, transfers to and from postal cheque accounts and subscriptions to newspapers and periodicals. (Special provisions annexed to the main Convention and the parcel post agreement govern the optional transport of these articles by air. Similarly, a supplement to the money order agreement regulates the optional exchange of travellers' orders.)

Accession to the main Convention is obligatory for all members, but accession to the other agreements is optional. The performance of certain special services referred to in the Convention is therefore limited to arrangements between countries which have agreed to undertake them. The provisions of these Acts of the Union acquire the status of law in each country which ratifies them, and it is therefore the responsibility of each party to the Convention or to one of the agreements to ensure the application of the respective provisions. Each of these acts is accompanied by executive regulations, which have also been adopted by the Congress but signed by representatives in the name of their respective postal administrations and not, as in the case of the Convention and the agreements, in their capacity as plenipotentiaries of their Governments.

B. ORGANIZATION

UPU is composed of the Universal Postal Congress, the Executive and Liaison Committee and the International Bureau of the UPU. In addition, special sessions of the Congress may be called at the request of two thirds of the members of the Union. Other committees, of a temporary character, may be established by the Congress to study particular questions.

The Universal Postal Congress meets at the latest within five years from the date of entry into force of the Acts of the preceding Congress in order to revise these Acts or to complete them, if necessary. Each member is represented at the Congress by one or more plenipotentiary representatives, who are given the necessary powers by

their Governments. A member may also be represented by the delegation of another member, although no delegation may represent more than one country other than its own. Each member has one vote in the Congress. Every Congress fixes the place of meeting of the following Congress, which is convened, after consultation with the International Bureau, by the Government of the country in which it is to meet. This Government is also responsible for notifying all other members of the Union of the decisions taken by the Congress.

² For texts of the Universal Postal Convention of Paris, 1947, the Final Protocol of the Convention and the Agreement between the United Nations and UPU, see Y.U.N., 1947-48, pp. 893-908.

The Executive and Liaison Committee is composed of nineteen member States elected by the Congress to function during the period between Congresses. At least half of the members of the Committee must be re-elected at each Congress, but no country can be elected by three successive Congresses. The Committee normally holds one session a year; its seat is at Berne. Its functions include:

- (1) the maintenance of close relations with members of the Union, with a view to improving the international postal service;
- (2) the study of technical questions affecting that service and the transmission of the results of such studies to the members of the Union;
- (3) the establishment and maintenance of working relations with the United Nations, specialized agencies and other international organizations;
- (4) the control of activities of the International Bureau.

The Committee elects from among its own members its President and four Vice-Presidents, and appoints, on the recommendation of the Swiss

Government, the Director and other top-ranking personnel of the International Bureau.

The International Bureau of the UPU, operating at Berne under the supervision of the Swiss Supervisory Authority, serves as the organ of liaison, information and consultation for members of the Union. In particular, it:

- (1) assembles, publishes and distributes information of all kinds which administrations have to communicate to one another in order to carry on the various international postal services;
- (2) gives opinions, at the request of the interested parties, on questions in dispute;
- (3) notifies members of requests for amendments to the Acts of the Congress and of changes adopted;
- (4) makes the necessary preparations for congresses and conferences; and
- (5) in general, undertakes studies, consultations and other matters as requested by members of the Union.

The Bureau also serves postal administrations as a clearing house for the settlement of postal accounts, especially those relating to transit payments and reply coupons.

C. ACTIVITIES DURING 1950

During 1950, the Universal Postal Union continued to fulfil its essential function of ensuring the organization and improvement of the various postal services and of promoting the development of international co-operation in this field.

Among its principal activities was the annual session of the Executive and Liaison Committee at Montreux from 15 to 26 May. The agenda consisted of 48 items.

The Committee decided that in view of the technical character of UPU and the de facto situation existing in China, apart from any political considerations, the representative of the People's Republic of China should be allowed to attend the Montreux session as the sole accredited representative of China. The Committee also decided that, after the United Nations General Assembly had considered the question at its fifth session, the Administrations of UPU would be consulted in a referendum on the question of Chinese representation.

Problems concerning air mail occupied a large part of the Montreux discussions. In this field, the first objective of UPU is to bring about a reduction in the air transport charges paid to the airlines, and to this end numerous negotiations have been undertaken by UPU with the International Air Transport Association (IATA) and with ICAO. As a result of negotiations with

IATA, the latter's fifth General Assembly held at The Hague from 12 to 16 September 1949, had recommended: the reduction of the charges for AO (postal articles other than letters and postcards) and for parcels to a fixed rate of 1.50 gold francs per metric ton (as against the previous rate of from 1.50 to 2 gold francs) and the reduction of the charge for newspapers from 1.50 to a fixed rate of 1 gold franc per metric ton. The Executive and Liaison Committee, advised that the airlines had accepted these recommendations, which could therefore be considered as finally adopted, accordingly decided to notify all postal administrations of the new rates. In view of the upward trend of world prices and of the financial position of the airlines, however, the IATA felt that it could not agree to a reduction in the rates for LC (letters and postcards). These rates therefore remained at a maximum of 3 gold francs per metric ton for mail carried by category A carriers (European airlines and carriers with similar operational expenses), and a maximum of 6 gold francs for mail transported by category B carriers (carriers whose operational costs justify higher rates). UPU had proposed the reduction of these rates to 2 and 5 gold francs, respectively. The air transport companies informed the Executive and Liaison Committee at Montreux that they were not yet in a position to reduce these rates. The Committee

decided to convene a joint international conference between IATA and the Executive and Liaison Committee to meet at Cairo in January 1951, at which the points of view both of the postal Administrations and of the airlines could be put forward. The conference would examine and seek conclusions on the question of LC rates primarily, as well as other questions affecting airmail traffic, including questions raised by the Argentine Postal Administration concerning air-mail rates, international air time-tables and fixing of kilometric distances.

The Committee also took note of the provisional results of the work undertaken by ICAO with respect to airmail transport costs and the division of air services into categories A and B. ICAO subsequently completed these studies,³ which were transmitted to UPU in December 1950, in time for appraisal' by the joint conference.

The Committee also considered proposals for revising and editing the Universal Postal Convention and its Executive Regulations submitted to it by a sub-committee consisting of Egypt, France, the Netherlands, Switzerland and Yugoslavia, previously set up for this purpose. After long discussions, the Committee decided to adopt the sub-committee's proposals for presentation to the Universal Postal Congress at Brussels in 1952. The principal change suggested was that all the provisions dealing with letter mail in the Paris Convention of 1947 should be collected in a "letter mail agreement". The new Convention and the new agreement, it was proposed, would both have executive regulations.

With a view to simplifying the international exchange of parcels and enabling a greater number of Administrations to sign the Parcel Post Agreement, the Committee established a sub-committee of France, the United Kingdom, Switzerland and Czechoslovakia to study a revision of the form and content of the Agreement for submission to the Brussels Congress. Administrations which had not signed the Agreement were to be invited to submit suggestions for the drafting of a new text which they would be prepared to accept.

The Committee decided that it was not possible at the present time to establish a standard method of setting up postal statistics to be recommended to the Administrations of UPU. It decided, however, that its sub-committee on the subject should continue its work.

In addition, the Committee examined a number of draft resolutions, proposals and suggestions from the Administrations of the Union concerning

questions of detail and dealt with several other questions of a purely internal character, such, for example, as the development of the film library of the International Bureau and the modernization of the review, *L'Union Postale*.

The working group set up by the Technical Transit Committee at its session at Interlaken in 1949 to consider problems of transit payment rates for correspondence met at Axenstein, Switzerland, from 25 to 29 September. This working group undertook a careful examination of the further information furnished by the Administrations concerning transport charges on the various transit routes and weights of mails transported. The question of transit rates was to be further considered by the next session of the Technical Transit Committee to be held at Pontresina, Switzerland, in June 1951.

The International Bureau of UPU has continued, in accordance with article 26 of the Universal Postal Convention, to serve as the organ of liaison, information and consultation to the countries of the Union with a view to assisting the development of international postal services. The Bureau has continued to collect, co-ordinate, publish and distribute to the Administrations of the Union information of all kinds concerning postal services. The Bureau has continued the publication, in collaboration with certain Administrations, of various brochures dealing with technical postal matters, including: pamphlets on road mail van services; the use of motor vehicles to transport correspondence inside cities; modern methods for washing, cleaning and repairing mail bags; and sorting in railway postal wagons. It was also preparing a general catalogue of all postal documentation in its possession. It also continued the studies and the work of translation and documentation assigned to it by the Acts of the Union. Thus, in 1950, the International Bureau published and sent to Administrations 261 circulars, 129 bulletins, 41 printed letters, 8,969,737 international reply coupons, 136,040 postal identity cards, 121,000 travellers' orders, 12,100 covers for books of travellers' orders, as well as various reports, lists and compilations, including: a general account of the transit charges for the year 1949, general account of the international reply coupons for the year 1949, list of the heads of the postal Administrations, compilation of the reduced rates applying in limited Unions or by virtue of special agreements, equivalents in national currencies of the rates expressed in gold francs in the Conven-

³ See p. 928.

tion and the revised Paris Agreements of 1947, supplements to the general list of airmail services, maps of the airlines and statistics on postal services, 1948. The Bureau has also distributed 2,527 series of postage stamps of all types, comprising 2,204 kinds of ordinary stamps, 48 blocks of stamps and 275 stamps printed or embossed on stationery, which brings to 897,464 the total of

postage stamps distributed to the Administrations of the Union.

The International Bureau has also carried forward the work of preparing the new dictionary of post offices, to be published in April 1951, the publication and modernization of its monthly review, *L'Union Postale*, and the development of its film library.

D. BUDGET

Each Congress fixes the maximum figure for the ordinary annual expenses of the International Bureau. These expenses, as well as extraordinary charges resulting from sessions of the Congress, conferences or committees, and the charges which arise from special work entrusted to the Bureau are met in common by all the members of the Union. These are divided, for this purpose, into seven classes, of which each contributes to the expenditures in the following proportion:

First class:	25 units	Fifth class:	5 units
Second class:	20 units	Sixth class:	3 units
Third class:	15 units	Seventh class:	1 unit
Fourth class:	10 units		

In case of a new adherence to the Convention, the Government of the Swiss Confederation determines, in agreement with the Government of the member concerned, the class to which it will belong from the point of view of contributing to the expenses of the Bureau.

Pursuant to the decision of the Paris Congress of 1947, the annual ordinary expenses of the International Bureau must not exceed 500,000 gold francs (equivalent to approximately 714,826 Swiss francs), and those of the Executive and Liaison Committee 100,000 gold francs (equivalent to approximately 142,857 Swiss francs). To these sums must be added the expenses resulting from the special work assigned to the Bureau.

The Swiss Administration supervises the expenses of the International Bureau and advances the necessary funds. These sums must be repaid by the debtor Administrations as quickly as possible and at the latest before the end of the year on which the account is rendered. If this time is exceeded, the sums due are charged interest at the rate of 5 per cent per year, from the date of the expiration of the period.

As of 31 December 1950, countries were classified as follows for the apportionment of contributions:

1st class: Argentina, Australia, Brazil, Canada, China, France, India, Italy, Japan, New Zealand, Pakistan, Union of South Africa, USSR, United Kingdom, United States

2nd class: (none)

3rd class: Algeria, Belgium, Czechoslovakia, Egypt, French Overseas Territories and Territories administered as such, Indo-China, Mexico, Netherlands, Indonesia, Poland, Romania, Sweden, Switzerland, Turkey, Ukrainian SSR, United Kingdom Overseas Colonies, Protectorates and Territories under Trusteeship, United States Possessions, Yugoslavia

4th class: Denmark, Finland, Hungary, Ireland, Norway, Portugal, Portuguese Colonies in West Africa, Portuguese Colonies in East Africa, Asia and Oceania

5th class: Austria, Bulgaria, Byelorussian SSR, Ceylon, Chile, Colombia, French Morocco, Greece, Iran, Peru, Tunisia

6th class: Afghanistan, Albania, Bolivia, Burma, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Israel, Luxembourg, Netherlands Antilles and Surinam, Nicaragua, Panama, Paraguay, Thailand, Uruguay, Venezuela.

7th class: Belgian Congo, Iceland, Iraq, Jordan, Lebanon, Liberia, Philippines, San Marino, Saudi Arabia, Syria, Vatican City, Yemen

Contributory shares covering the ordinary and extraordinary expenses for the year 1950 were fixed as follows:

CLASS OF CONTRIBUTION		CONTRIBUTORY SHARES	
		(gold francs)	(Swiss francs)
1st class:	25 units	23,362.50	33,375
2nd class:	20 units	18,690.00	26,700
3rd class:	15 units	14,017.50	20,025
4th class:	10 units	9,345.00	13,350
5th class:	5 units	4,672.50	6,675
6th class:	3 units	2,803.50	4,005
7th class:	1 unit	934.50	1,335

Receipts and expenditures for the year 1950 may be summarized as follows:

RECEIPTS		Expenses of the Executive and Liaison Committee	
Ordinary:	Swiss francs		
Sale of documents and other receipts (including surplus of contributions for 1949)	56,625.97	Surplus of contributions for 1950 (to be added to the receipts for 1951)	335.17
Extraordinary:		Special payment to the Pensions Fund	50,473.19
New dictionary of post offices, advance sale	15,044.77		
Contributions from members	1,220,190.00	Extraordinary:	
TOTAL RECEIPTS	1,291,860.74	Special work	333,138.65
		Technical Transit Committee	29,907.78
		Advertising of new dictionary of post offices	13,701.50
		Bad debts	2,450.00
		TOTAL EXTRAORDINARY EXPENDITURES	379,197.33
		TOTAL OF ORDINARY AND EXTRAORDINARY EXPENDITURES	1,291,860.74
EXPENDITURES			
Ordinary:			
Personnel	465,855.85		
Premises	24,640.61		
Supplies	270,592.60		
Miscellaneous	22,349.72		
	720,438.78		

ANNEX. MEMBERS, OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

A. MEMBERS OF UPU ⁴		Thailand and Territories under Trusteeship*	
Afghanistan*	Indo-China	Tunisia*	United States*
Albania*	Indonesia	Turkey*	United States Possessions
Algeria	Iran	Ukrainian SSR*	Uruguay
Argentina	Iraq	Union of South Africa*	Vatican City
Australia*	Ireland	USSR*	Venezuela
Austria*	Israel†	United Kingdom*	Yemen
Belgium*	Italy*	United Kingdom Overseas Colonies, Protectorates	Yugoslavia*
Belgian Congo*	Japan†		
Bolivia	Jordan		
Brazil	Korea‡		
Bulgaria*	Lebanon*		
Burma†	Liberia		
Byelorussian SSR*	Luxembourg*		
Canada*	Mexico*		
Ceylon†	Netherlands*		
Chile*	Netherlands Antilles and Surinam		
China*	New Zealand*		
Colombia	Nicaragua		
Costa Rica	Norway*		
Cuba	Pakistan†		
Czechoslovakia*	Panama		
Denmark*	Paraguay		
Dominican Republic	Peru*		
Ecuador	Philippines*		
Egypt*	Poland*		
El Salvador	Portugal*		
Ethiopia	Portuguese Colonies of West Africa		
Finland*	Portuguese Colonies of East Africa, Asia and Oceania		
France*	Romania*		
French Morocco*	San Marino*		
French Overseas Territories and Territories administered as such	Saudi Arabia		
Germany*	Spain†		
Greece	Spanish Colonies*		
Guatemala	Spanish Morocco*		
Haiti	Sweden		
Honduras	Switzerland*		
Hungary*	Syria		
Iceland*			
India*			

⁴ The nomenclature in use by UPU, as translated from the French, has been used to designate members. This, in some cases, differs from the official nomenclature of the United Nations.

* These members had deposited their instruments of ratification of the Universal Postal Convention by 31 Dec. 1950.

† These members had deposited their instruments of accession to the Universal Postal Convention by 31 Dec. 1950.

‡ Germany and Korea are temporarily prevented from adhering to the Convention and the Agreements of the Union by virtue of Art. XVII of the Final Protocol of the Universal Postal Convention. According to the same article, Spain, Spanish Morocco and the whole of the Spanish colonies were also temporarily prevented from adhering to the Convention and the Agreements of UPU, following a decision of the Twelfth Congress taken pursuant to the General Assembly resol. 39(I) of 12 Dec. 1946. In 1950, the General Assembly reversed its earlier decision, and these three members subsequently notified their adherences, effective 8 May 1951.

C. MEMBERS OF THE TECHNICAL TRANSIT COMMITTEE

Argentina	India	Union of
Canada	Italy	South Africa
China	Netherlands	USSR
Denmark	Peru	United Kingdom
Egypt	Poland	United States
France	Portugal	Yugoslavia

D. OFFICERS OF THE EXECUTIVE AND LIAISON COMMITTEE

President:

France (Joseph-Jean Le Mouel)

Vice-Presidents:

United Kingdom	Brazil
USSR	China

Secretary-General:

Fritz Hess (Switzerland), Director of the International Bureau

E. OFFICERS OF THE TECHNICAL TRANSIT COMMITTEE

President:

Sir David Lidbury (United Kingdom)

Secretary :

F. Deprez (Switzerland), Counsellor of the International Bureau

F. OFFICERS OF THE INTERNATIONAL BUREAU OF UPU

Director:

Fritz Hess (Switzerland)

Vice-Director:

Fulke R. Radice (United Kingdom)

Counsellors:

F. Deprez (Switzerland)

A. Guillaume (France)

E. Kern (Switzerland)

First-Class Secretaries:

A. Vuilleumier (Switzerland)

M. Rahi (Egypt)

W. Schlaefli (Switzerland)

G. HEADQUARTERS

Address: Bureau international de l'Union postale universelle

Schwarztorstrasse 38

Berne, Suisse

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IX. The International Telecommunication Union (ITU)¹

The Convention establishing an International Telegraph Union was signed at Paris on 17 May 1865 by the plenipotentiaries of twenty founding States. In 1885, at Berlin, the first regulations relating to international telephone services were inserted in the Telegraph Regulations annexed to this Convention.

At the first International Radiotelegraph Conference, held at Berlin, 27 States signed the International Radiotelegraph Convention of 3 November 1906 establishing the principle of compulsory intercommunication between vessels at sea and the land.

In 1932, the International Telegraph Convention and the International Radiotelegraph Convention were merged to form the International Telecommunication Convention, which was signed at Madrid on 9 December 1932. Under this Convention, which came into force on 1 January 1934, the International Telecommunication Union replaced the International Telegraph Union.

Following is a list of the principal conferences held to date by the agency now known as the International Telecommunication Union:

Telegraph Conferences: Paris, 1865; Vienna, 1868; Rome, 1872; St. Petersburg, 1875; London, 1879; Berlin, 1885; Paris, 1890; Budapest, 1896; London, 1903; Lisbon, 1908; Paris, 1925; Brussels, 1928; Madrid, 1932;

Telegraph and Telephone Conferences: Cairo, 1938; Paris, 1949;

Radio Conferences: Berlin, 1906; London, 1912; Washington, 1927; Madrid, 1932; Cairo, 1938; Atlantic City, 1947.

From the outset, ITU was an agency which, by means of conferences meeting normally every five years (except during the two world wars), revised and kept up to date the basic Convention and the regulations governing international telegraph, telephone and radio communications. By means of a permanent secretariat, known as the Bureau of the Union, it circulated information furnished by member countries as necessary for the smooth functioning of the international telecommunication services, and published a monthly journal. After the Second World War, in view of post-war political changes and of recent scientific advances it became necessary to expand the structure of the organization. The Plenipotentiary Conference, held

at Atlantic City in 1947, drafted a new Convention,² which was signed in October 1947 by 72 of the 78 States, territories or groups of territories which, according to Annex I of this Convention, can become members of the Union with full rights upon signature and ratification of or accession to the Convention. The new Convention reorganized the Union and established new permanent organs, including the Administrative Council and the International Frequency Registration Board (IFRB).

The Atlantic City Convention came into effect on 1 January 1949 but certain of its provisions were applied beginning 1 January 1948.

An agreement establishing the relationship between ITU and the United Nations was also approved by the Atlantic City Plenipotentiary Conference and later approved, on 15 November 1947, by the United Nations General Assembly. The agreement, annexed to the revised Convention, came into force on 1 January 1949 at the same time as the Convention.

The Administrative Radio Conference, held concurrently with the Plenipotentiary Conference at Atlantic City in 1947, established a new table of frequency allocation, allocating the revised frequency bands to the various services, such as fixed, maritime, aeronautical and broadcasting. It established a Provisional Frequency Board (PFB) to prepare, with the assistance of the IFRB, a draft new International Frequency List. The PFB was to assign frequencies to fixed stations, tropical broadcasting stations and land stations within the frequency band between 10 kc/s and 30 mc/s. It was to incorporate in the draft new International Frequency List the assignment plans which it prepared, together with assignment plans prepared by various conferences for the regional or exclusive service bands. Several such conferences had been held by the end of 1949. They included: the European Broadcasting Conference, held in Copenhagen from 25 June to 15 September 1948; the Maritime Regional Radio Conference, also held in

¹ For further information concerning ITU, see Y.U.N., 1947-48, pp. 924-54; 1948-49, pp. 1077-85; reports of ITU to the United Nations; Final Acts of the International Telecommunication and Radio Conferences, Atlantic City, 1947; and the Telecommunication Journal.

² For the text, see Y.U.N., 1947-48, pp. 932-54.

Copenhagen, from 25 June to 17 September 1948; the Aeronautical Radio Conference, the first session of which was held in Geneva from 15 May to 25 September 1948 and the second session, also in Geneva, from 1 August to 14 October 1949; the first session of the third North American Regional Broadcasting Conference, held in Montreal from 12 September to 8 December 1949; the Special Administrative Conference for the North East Atlantic (Loran Conference), held in Geneva from 17 January to 15 February 1949; and the International High Frequency Broadcasting Conference, held at Mexico City from 22 October 1948 to 10 April 1949, which drew up an International High Frequency Broadcasting Agreement. In addition Administrative Radio

Conferences were held for three ITU regions: for Region 1 (Europe, including the USSR, Africa and the territories excepted from Region 3, below) in Geneva from 18 May to 17 September 1949; for Region 2 (the American continent and Greenland) in Washington from 25 April to 9 July 1949; and for Region 3 (roughly, Australasia and Asia except the USSR, the Mongolian People's Republic, Turkey, Israel, Saudi Arabia, Iran, Iraq, Lebanon, Syria and Yemen) in Geneva from 18 May to 4 November 1949.

The International Telegraph and Telephone Regulations, revised at Cairo in 1938, were amended by the International Administrative Telegraph and Telephone Conference, held in Paris from 20 May to 5 August 1949.

A. PURPOSES AND FUNCTIONS

The purposes of ITU, as set forth in article 3 of the International Telecommunication Convention, Atlantic City, 1947, are:

- (a) to maintain and extend international cooperation for the improvement and rational use of telecommunication of all kinds;
- (b) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public;
- (c) to harmonize the actions of nations in the attainment of those common ends.

To achieve these purposes, the Union undertakes to:

- (a) effect allocation of the radio frequency spectrum and registration of radio frequency assignments in order to avoid harmful interference between radio stations of different countries;
- (b) foster collaboration among its Members and Associate Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;
- (c) promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication service;
- (d) undertake studies, formulate recommendations, and collect and publish information on telecommunication matters for the benefit of all Members and Associate Members.

B. ORGANIZATION

As provided by the Atlantic City Convention, the structure of ITU consists of a Plenipotentiary Conference, Administrative Conferences and the permanent organs of the Union: the Administrative Council, the General Secretariat, the International Frequency Registration Board (IFRB), the International Telegraph Consultative Committee (CCIT), the International Telephone Consultative Committee (CCIF) and the International Radio Consultative Committee (CCIR).³

The supreme organ of the Union is the Plenipotentiary Conference, at which all members of the Union may be represented. It considers the report of the Administrative Council on the acti-

vities of the Union; establishes the basis for the ITU budget for a five-year period; approves the accounts; elects the members whose representatives constitute the Administrative Council; revises the Convention if it considers this necessary; enters into and revises formal agreements with other international bodies; and deals with such telecommunication questions as may be necessary. This Conference normally meets once every five years, at a place and date fixed by the preceding Conference. Each member has one vote in the Union.

³ The official abbreviations, CCIT, CCIF and CCIR, derive from the French titles of these consultative committees: Comité consultatif international télégraphique, Comité consultatif international téléphonique and Comité consultatif international des radiocommunications.

Decisions on the admission of a new member to ITU require a two-thirds majority. All other decisions of ITU are taken by majority vote.

Administrative Conferences, at which all members may be represented, generally meet at the same time and place as the Plenipotentiary Conference. The Administrative Telegraph and Telephone Conference and the Administrative Radio Conference revise the Administrative Regulations with which they are respectively concerned. The Administrative Radio Conference, moreover, elects the members of the IFRB and reviews its activities. Extraordinary administrative conferences may be convened by a decision of the Plenipotentiary Conference, or when at least twenty members of the Union have made known to the Administrative Council their desire that such a conference shall be held to consider agenda proposed by them, or on the proposal of the Administrative Council. Regional administrative conferences and special international administrative conferences, to deal with special telecommunication questions, are also held.

The Administrative Council is composed of a representative of each of eighteen members of ITU elected by the Plenipotentiary Conference. The Council supervises the Union's administrative functions between sessions of the Plenipotentiary Conference, reviews and approves the annual budget, appoints the Secretary General of the Union, and co-ordinates the work of ITU with that of other international organizations. The Council normally meets at the seat of the Union once a year and at such other times as it thinks necessary, or at the request of six of its members. The Secretary General of the Union acts as Secretary of the Administrative Council.

In the new organization decided on at Atlantic City, the General Secretariat succeeds the Bureau of the International Telecommunication Union, which had been located at Berne since 1868; Geneva was chosen by the Atlantic City Plenipotentiary Conference as the new headquarters of ITU, and the General Secretariat was officially transferred there on 26 October 1948. Under the direction of the Secretary General of ITU the General Secretariat carries out the secretariat work preparatory to and following conferences of the Union; it publishes the recommendations and principal reports of the permanent organs of the Union, international or regional telecommunica-

tion agreements, a journal of general information and documentation concerning telecommunication (Telecommunication Journal), general data and other official documents of the Union. The General Secretariat also prepares, for submission to the Administrative Council, an annual budget, and draws up an annual financial operating account.

The International Frequency Registration Board (IFRB) consists of eleven members, appointed by as many members of the ITU elected on a regional basis by the Administrative Radio Conference. Each regular session of the Administrative Radio Conference determines the number of members of the IFRB. The Atlantic City Radio Conference elected the first members. Members serve, as stated in article 6 of the Convention, not as representatives of their countries, or of a region, but "as custodians of an international public trust". The IFRB records all frequency assignments and furnishes advice to members of ITU with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur.

The International Telegraph Consultative Committee (CCIT) studies technical, operating and tariff questions relating to telegraphy and facsimile,⁴ and issues recommendations on them. The International Telephone Consultative Committee (CCIF) has the same duties in relation to telephony. The International Radio Consultative Committee (CCIR) studies and issues recommendations concerning technical and operating questions relating to radio, the solution of which depends principally on considerations of a technical radio character. The work of each consultative committee is reviewed by its Plenary Assembly, which normally meets once every two years. The Plenary Assembly appoints the director of the consultative committee concerned and establishes study groups to deal with particular questions. The CCIR has a vice-director who is a specialist in the technical aspects of broadcasting. Each committee is served by a specialized secretariat and may have the use of a laboratory and of technical installations. In 1950, however, the CCIF was the only consultative committee with a laboratory.

⁴ As defined in the Radio Regulations, art. 1, 10, facsimile is "a system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form".

C. ACTIVITIES DURING 1950

The year 1950 saw the entry into force of the International Telegraph and Telephone Regulations (Paris Revision, 1949) and of the European Broadcasting Convention and the European Radiomarine Convention, signed at Copenhagen in 1948.

In 1950, the Administrative Council held its fifth session, from 1 September to 11 October. The agenda comprised 59 items, among which were the various major problems arising from the postponement of the Extraordinary Administrative Radio Conference (see below).

According to article 1 of the Atlantic City Convention, the 72 signatories listed in Annex I to the Convention could become members of ITU upon ratification of the Convention; the other six countries listed in Annex I, being non-signatories, could become members upon accession to the Convention. States not listed in Annex I could become members, if they were Members of the United Nations or if their applications were approved by two thirds of the members of ITU, by acceding to the Convention.

Certain countries or territories listed in Annex I had not ratified or acceded to the Convention by the time of the Administrative Council's fifth session. In the interest of the universality of the telecommunication services, the Council resolved that, pending decision by the forthcoming Plenipotentiary Conference, all countries and territories listed in Annex I, whether members or not, could participate on equal terms in administrative conferences or consultative committee meetings and in reaching decisions on any questions, with one exception—only members, i.e. parties to the Convention by ratification or accession, could vote on the admission of new members.

During 1950, Austria, Chile, the Dominican Republic, El Salvador, the French Protectorates of Morocco and Tunisia, Greece, Guatemala, Hungary, Iraq, Nicaragua, Peru, Turkey and Venezuela deposited their instruments of ratification of the Convention. These ratifications brought to 64 the number of signatories which had deposited their instruments of ratification with the General Secretariat, which, since 1948, had been the depository of the instruments of ratification and accession. Of the six non-signatory countries listed in Annex I to the Convention, Bolivia, Liberia and Paraguay deposited their instruments of accession during 1950. In addition, Jordan, which was not included in Annex I, became a member

by acceding to the Convention on 25 September 1950.

On the proposal of the Council, the majority of Administrations agreed to postpone the Administrative Telegraph and Telephone Conference from 1952 to 1954, and of the Plenary Assembly of the CCIT, which was to have met at The Hague in 1951, until 1953, on the understanding that this would not involve any interruption in the work of the CCIT study groups.

The Council considered numerous questions, such as finance, personnel, the activities of permanent organs of ITU, and relations with the United Nations, specialized agencies and other international organizations. It decided to accept, on behalf of the ITU, the Convention on the Privileges and Immunities of the Specialized Agencies, but recommended that Members of the Union, in acceding to this Convention, should make an observation regarding the impracticability of complying fully with the provisions of article 4, section 11, of the Convention, which grants government privileges to the telecommunication services of the specialized agencies.

The Council, to facilitate the work of the next Plenipotentiary Conference, invited its members to propose amendments to certain provisions of the Convention and the General Regulations which it had found difficult to interpret and apply.

In order that the United Nations may receive the Union's budget estimates in good time, the Council decided that instead of meeting in the autumn, it would in the future meet in the spring, and that its next session should begin on 16 April 1951.

1. ITU's International Consultative Committees

The International Telegraph Consultative Committee (CCIT), received during 1950 a steady flow of comments from Administrations on questions under study. Upon approval by the Administrations of postponement of the Plenary Assembly of the CCIT from 1951 until 1953, the Council recommended that the CCIT should nevertheless actively pursue its work, and that, in case of need, meetings of several study groups might be held to agree on recommendations

which could then be forwarded to the Administrations for adoption as they saw fit.

The CCIT Sub-Committee for Telegraph Maintenance met at Geneva from 2 to 7 October 1950 at the same time as the International Telephone Consultative Committee's (CCIF) Sub-Committee for Telephone Maintenance. As a result, the CCIF recommendations relating to voice frequency telegraph circuits were revised.

Study Group No. XI (international service of telegraph subscribers and rates relating thereto) met in Geneva from 2 to 11 November 1950, and new draft regulations for the Telex service and several draft recommendations were submitted, for approval as provisional recommendations, to Administrations participating in the work of the CCIT.

The International Telephone Consultative Committee (CCIF) study groups were very active during 1950. In February 1950 at Algiers, and in October 1950 at Geneva, meetings were held by the Sub-Committee for the Mediterranean Basin of the joint committee for the general switching programme in Europe and in the Mediterranean Basin. Meetings of the committee for the international field trials of semi-automatic telephone operation were held in May 1950 at London and in October 1950 at Geneva. This Committee took important decisions concerning the constitution and operation of two trial networks, one in Western Europe and the other in Scandinavia. In these networks international calls will be made, using the services of but a single operator and automatic remote-control switching. In October 1950, at Geneva, the meeting of the permanent maintenance sub-committee drew up, inter alia, a programme for periodical maintenance of international circuits in Europe for 1951. The drafting committee on recommendations concerning the protection of underground cables against the action of stray currents from electric traction networks (CRE) met in June 1950, at Paris, and in October 1950, at Geneva. This committee is to recommend measures to facilitate the co-existence of underground cables and electric tramways or electric railways, without corrosion to the sheaths of underground cables. In September and October 1950, the following study groups and sub-committees held meetings in Geneva:

Study Group 1, on protection of telephone lines against disturbance from electric power installations;

Sub-committee on urgent transmission questions, including plans for constructing and maintaining lines between the two terminal trunk offices in an international

call, for telephony, telegraphy, relay of programme broadcast transmissions, or television;

Sub-committee for the specification of quality of transmission, which drew up a programme for the experiments in progress in the CCIF laboratory designed to lay a new foundation for the specification of telephone transmission quality in the chain of lines and devices linking either the calling or called subscriber to the terminal trunk exchange on which he depends;

Study Group 5, on co-ordination of radio and wire transmission in long-distance telecommunication;

Study Groups 6 and 7, on telephone operation and tariff questions;

Study Group 8, on telephone signalling and switching; International telephone vocabulary committee.

The International Radio Consultative Committee (CCIR) during 1950 was primarily concerned with preparing for its Plenary Assembly, to be held in June 1951 at Geneva. Study Group 6 (ionospheric propagation) and Study Group 10 (broadcasting) met from 13 to 25 March 1950. Study Group 11 (television) held a meeting from 27 March to 5 May 1950, which took the form of visits to the television stations in operation or planned for the near future in the United States, France, the Netherlands and the United Kingdom. This Study Group, which met afterwards in London from 8 to 13 May 1950, reached unanimous agreement on five points of a technical character, but was unable to recommend television standards of world-wide application, in view of the fact that television services in various parts of the world are based on different standards and cannot be modified for economic reasons. However, seven European countries agreed to the adoption of a common standard (625 lines per picture and 25 pictures a second). This is also the fundamental standard recommended by various other countries, either in Europe or elsewhere, which were not represented at that particular meeting. To settle certain outstanding details relative to this standard a further meeting of the Group was held in Geneva in July 1950, and attended by representatives of Austria, Belgium, Denmark, the United States, France, Italy, the United Kingdom, Sweden and Switzerland. Those European countries in favour of a 625-line definition reached unanimous agreement regarding certain technical details of the system, and the United States acceded to an agreement for the adoption of a common line frequency, as proposed by the Director of the CCIR at the London meeting. Although these recommendations were subject to approval by the next Plenary Assembly, they were favourably received in a number of countries, and were already being put into practice in 1950.

2. Preparation of the New International frequency List

The International Frequency Registration Board (IFRB) was unable, during 1950, to take up all the duties laid down for it in the International Telecommunication Convention and the Radio Regulations, because the new International Frequency List envisaged by the Administrative Radio Conference of Atlantic City had not yet been produced. Since they assumed office in January 1948, the eleven Members of the IFRB have been busy with the preparation of the new international frequency list, either in the Provisional Frequency Board (PFB) or in the various frequency assignment conferences which have been held during the last three years. Only two such conferences were held in 1950: the International High Frequency Broadcasting Conference at Florence and Rapallo, 1 April-19 August 1950, and the second session of the North American Regional Broadcasting Conference (NARBA) at Washington, 6 September-15 November 1950. The first of these conferences reached no positive result, but the second ended with the signature of an agreement on the apportionment and use of broadcasting frequencies in North America.

The PFB, which began its work at Geneva on 15 January 1948, continued without interruption until 28 February 1950. The prolongation of its activities was decided by the Administrative Council at its fourth session in September 1949. At the same time, the Council decided to transform into an Extraordinary Administrative Radio Conference the Special Conference envisaged at Atlantic City in order to co-ordinate all the draft plans prepared, both by the PFB and by the other world-wide or regional conferences, and to combine them into a single, uninterrupted frequency list: the new International Frequency List.

This change implied a broadening of the conference's terms of reference, designed to make it competent to solve difficulties with which the PFB appeared unable to cope. With the agreement of a majority of ITU members, it was decided that the Extraordinary Administrative Conference should begin at The Hague on 25 September 1950. Preparations were accordingly being made when, in a telegram dated 28 July 1950, the United States proposed that, because of the existing situation, the Extraordinary Administrative Radio Conference should be postponed until a later date to be decided on by the Administrative Council or by "any other conventional procedure". This proposal was approved

by a large majority of Union Members, and the conference was accordingly postponed to 16 August 1951.

It was decided that it should have a substantially different agenda from that proposed for The Hague conference, and that the opening date should be subject to confirmation by the Council at its sixth session in April 1951.

In the meantime, the Council urged members to act on the resolution adopted by the Economic and Social Council at its session of July-August 1950 and "to take steps to ensure that, without unnecessary delay, the Conference shall reach a successful conclusion, which can only be brought about by a broad, co-operative, and realistic approach to the problem".

On 28 February 1950, the IFRB took over from the PFB responsibility for the outstanding work which had to be completed prior to the convening of the Extraordinary Administrative Radio Conference. This work included assembling the observations and proposals made by members of ITU on the draft Frequency List prepared by the PFB, and on the plans and lists prepared by the regional and service conferences, and also the preparation of all necessary documentation for the conference.

Other work undertaken by the IFRB in conformity with directives given by the Administrative Council included:

- (a) assembling monitoring data which have been received from Administrations or other agencies in order to establish as comprehensive a picture as possible of present frequency usage;
- (b) study of the existing Frequency List between 3.9 mc/s and 27.5 mc/s and establishment of lists of those frequency notifications which are outside the bands provided for the service concerned under the Atlantic City frequency allocation table.

In addition, the Board was engaged, in collaboration with the Secretary General, in preparing preliminary documentation to enable it to undertake the tasks assigned to it by the Administrative Council concerning the notification of frequencies above 27.5 mc/s.

3. Publications

During 1950, in addition to the documentation of conferences and meetings held by the Union, of the fifth session of the Administrative Council, and the Secretary-General's annual report the General Secretariat issued, generally in separate English, French and Spanish editions, a large number of technical publications. These include:

Financial Operating Report; Provisional Financial Regulations; Telegraph Regulations (Paris, 1949); Telephone Regulations (Paris, 1949); Telegraph Statis-

tics, 1948; Telephone Statistics, 1949; Radio Statistics, 1949; Table A (Telegraph Rates in European System); Table B (Telegraph rates in the extra-European System); Table C (Charges in the European System); Preliminary List of International Monitoring Stations; Frequency List, 15th edition, 1st and 2nd reprints; List of Fixed Stations, 12th edition (reprint); List of Broadcasting Stations, 12th edition; List of Coast and Ship Stations, 20th edition; List of Radiolocation Stations, 1st edition; Alphabetical List of Call Signs, 13th edition (reprint); Coloured Chart showing frequency allocation;

Maps of Land Stations open to public correspondence; and numerous annexes or supplements to other lists. The CCIF documents issued by the General Secretariat are: Instructions for Telephone Operators; Recommendations on the Protection of Cables against corrosion; Yellow Book (five volumes and two annexes); General Switching Programme for Europe and the Mediterranean Basin; Maintenance Instructions. ITU publishes regularly a trilingual monthly Telecommunication Journal containing general information and documentation on telecommunication.

D. BUDGET

The ordinary expenses of the Union include the expenses pertaining to: the meetings of the Administrative Council; the salaries of the staff; and other ordinary expenses of the General Secretariat, the International Frequency Registration Board, the international consultative committees, and the laboratories and technical installations created by the Union. These expenses are borne by all members.

The extraordinary expenses include all expenses pertaining to plenipotentiary conferences, administrative conferences, and meetings of the international consultative committees. They are borne by the members which have agreed to participate in these conferences and meetings. Private operating agencies and international organizations contribute to the extraordinary expenses of the administrative conferences and the meetings of the international consultative committees in which they participate, in proportion to the number of units corresponding to the class chosen by them. The Administrative Council may, nevertheless, excuse certain international organizations from contributing to these expenses.

The Atlantic City Plenipotentiary Conference authorized the Administrative Council to approve, for the period 1949 to 1952, inclusive, annual provisions for ordinary expenses up to 4,000,000 Swiss francs per annum. Excess expenditure may be authorized after having been approved by the majority of the members of the Union.

At its fifth session, held in Geneva beginning 1 September 1950, the Council adopted for 1950 the budget given in the next column.

The table of classes of contribution is as follows: 1st class, 30 units; 2nd class, 25 units; 3rd class, 20 units; 4th class, 15 units; 5th class, 10 units; 6th class, 5 units; 7th class, 3 units; and 8th class, 1 unit. Each member or associate member chooses the class in which it wishes to be included and pays in advance its annual contribu-

tory share, calculated on the basis of the budgetary provisions. Members of ITU have chosen for the year 1950 the classes of contribution given in the table below.

BUDGET (1950)		
ORDINARY BUDGET		Swiss francs
Administrative Council		174,000
General Secretariat		1,933,000
IFRB		986,000
CCIF		379,300
CCIT		79,200
CCIR		427,700
TOTAL	.....	3,979,200
EXTRAORDINARY BUDGET		
Provisional Frequency Board (PFB)		500,000
CCIF, Meetings		32,000
CCIT, Meetings		20,000
CCIR, Meetings		100,000
International High Frequency Broadcasting Conference, Florence-Rapallo		1,243,000
Technical Plan Committee, Florence		106,000
3rd North American Regional Broadcasting Conference (NARBA), 2nd session, Washington		600,000
TOTAL		2,601,000
CLASSES OF CONTRIBUTION		
MEMBER	Class of Contribution	No. of Units
Afghanistan	VIII	
Albania	VIII	1
Argentina	I	30
Australia	I	30
Austria	VIII	1
Belgium	V	10
Belgian Congo and Territory of Ruanda-Urundi	VII	3
Bolivia	VII	3
Brazil	II	25
Bulgaria	VII	3
Burma	VII	3
Byelorussian SSR	VI	5
Canada	II	25
Ceylon	VII	3
Chile	V I I	3
China	II	25



United Nations Flag adopted by the General Assembly, October 20, 1947
Drapeau des Nations Unies, adopté par l'Assemblée générale, le 20 octobre 1947

UNITED NATIONS • NATIONS UNIES



AFGHANISTAN



ARGENTINE



AUSTRALIE



BELGIQUE



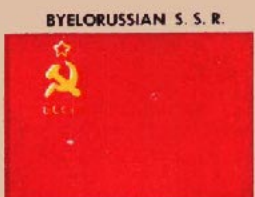
BOLIVIE



BRESIL



BIRMANIE



BIELORUSSIE (RSS de)



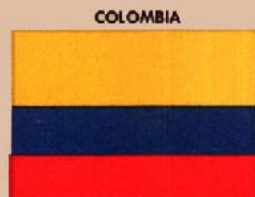
CANADA



CHILI



CHINE



COLOMBIE



COSTA-RICA



CUBA



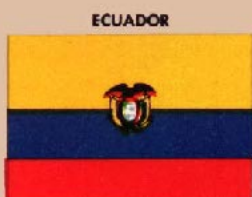
TCHÉCOSLOVAQUIE



DANEMARK



REPUBLIQUE DOMINICAINE



EQUATEUR



EGYPTE



SALVADOR



ETHIOPIE



FRANCE



GRECE



GUATEMALA



HAITI



HONDURAS



ISLANDE



INDE



INDONESIE



IRAN



IRAK



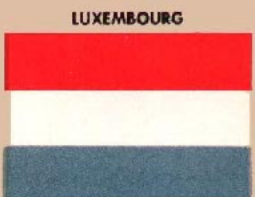
ISRAEL



LIBAN



LIBERIA



LUXEMBOURG



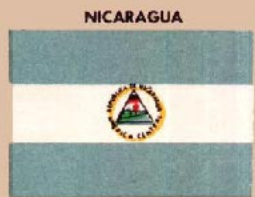
MEXIQUE



PAYS-BAS



NOUVELLE-ZELANDE



NICARAGUA



NORVEGE



PAKISTAN



PANAMA



PARAGUAY



PEROU



PHILIPPINES



POLOGNE



ARABIE SAOUDITE



SUEDE



SYRIE



THAILANDE



TURQUIE



UKRAINE (RSS d')



UNION SUD-AFRICAINE



URSS



ROYAUME-UNI



ETATS-UNIS D'AMERIQUE



URUGUAY



VENEZUELA



YEMEN



YOGOSLAVIE

Certain flags are not shown here in correct proportion or color, but are presented to conform with the majority.

Les dimensions relatives et les couleurs de certains drapeaux ont été modifiées pour correspondre à celles du plus grand nombre.

MEMBER	Class of Contribution	No. of Units	MEMBER	Class of Contribution	No. of Units
Colombia	VI	5	Netherlands, Surinam, Nether-		
Costa Rica	VII	3	lands Antilles, and New Gui-		
Cuba	VI	5	nea	V	10
Czechoslovakia	V	10	New Zealand	VI	5
Denmark	V	10	Nicaragua	VII	3
Dominican Republic	V	10	Norway	V	10
Ecuador	VI	5	Pakistan	IV	15
Egypt	V	10	Panama	VII	3
El Salvador	VII	3	Paraguay	VII	3
Ethiopia	VII	3	Peru	VI	5
Finland	VI	5	Philippines	VI	5
France	I	30	Poland	III	20
French Protectorates of Morocco			Portugal	IV	15
and Tunisia:			Portuguese Colonies	IV	15
Morocco	VIII	1	Romania	VIII	1
Tunisia	VIII	1	Saudi Arabia	VII	3
Overseas Territories of the French			Southern Rhodesia	VIII	1
Republic and Territories ad-			Sweden	V	10
ministered as such	II	25	Switzerland	V	10
Greece	VI	5	Syria	VII	3
Guatemala	VII	3	Thailand	V	10
Haiti	VIII	1	Turkey	V	10
Honduras	VII	3	Ukrainian SSR	IV	15
Hungary	VIII	1	Union of South Africa and Terri-		
Iceland	VIII	1	tory of South-West Africa	II	25
India	I	30	USSR	I	30
Indonesia	V	10	United Kingdom	I	30
Iran	VIII	1	Colonies, Protectorates, Overseas		
Iraq	VIII	1	Territories and Territories under		
Ireland	VI	5	Mandate or Trusteeship of		
Israel	VII	3	the United Kingdom	III	20
Italy	II	25	United States	I	30
Japan	VIII	1	Territories of the United States	I	30
Jordan (from 1 October 1950)	VIII ¹ / ₄		Uruguay	VI	5
Lebanon	VIII	1	Vatican City	VIII	1
Liberia	VII	3	Venezuela	V	10
Luxembourg	VII	3	Yugoslavia	VIII	1
Mexico	V	10	Yemen	VII	<u>3</u>
Monaco	VIII	1	TOTAL		762 ¹ / ₄

ANNEX. MEMBERS, OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

Afghanistan	Egypt	Mexico	Thailand
Albania	El Salvador	Monaco	Turkey
Argentina	Ethiopia	Netherlands, Surinam,	Ukrainian SSR
Australia	Finland	Netherlands Antilles,	Union of South Africa and
Austria	France	and New Guinea	Territory of South-West
Belgium	French Protectorates of	New Zealand	Africa
Belgian Congo and	Morocco and Tunisia	Nicaragua	USSR
Territory of Ruanda-	Greece	Norway	United Kingdom
Urundi	Guatemala	Pakistan	Colonies, Protectorates, Over-
Bolivia	Honduras	Paraguay	seas Territories and Ter-
Brazil	Hungary	Peru	ritories under Mandate or
Bulgaria	Iceland	Poland	Trusteeship of the United
Burma	India	Portugal	Kingdom
Byelorussian SSR	Indonesia	Portuguese Colonies	United States
Canada	Iraq	Romania	Territories of the United
Ceylon	Ireland	Saudi Arabia	States
Chile	Israel	Southern Rhodesia	Vatican City
China	Italy	Sweden	Venezuela
Colombia	Japan	Switzerland	Yugoslavia
Czechoslovakia	Jordan		
Cuba	Lebanon		
Denmark	Liberia		
Dominican Republic	Luxembourg		

⁵ The nomenclature in use by ITU has been used to designate members. This, in some cases, differs from the official nomenclature of the United Nations.

B. COUNTRIES LISTED IN ANNEX I OF THE CONVENTION WHICH MAY BECOME MEMBERS UPON SIGNATURE AND RATIFICATION OF OR ACCESSION TO THE CONVENTION⁶

1. SIGNATORIES WHICH MAY BECOME MEMBERS UPON RATIFICATION OF THE CONVENTION

Ecuador	Overseas Territories of	Panama
Haiti	the French Republic	Philippines
Iran	and Territories administered as such	Syria
		Uruguay

2. NON-SIGNATORIES WHICH MAY BECOME MEMBERS UPON ACCESSION TO THE CONVENTION

Costa Rica	Yemen
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C. MEMBERS OF THE ADMINISTRATIVE COUNCIL

Argentina	France	Switzerland
Brazil	Italy	Turkey
Canada	Lebanon	USSR
China	Pakistan	United Kingdom
Colombia	Poland	United States
Egypt	Portugal	Yugoslavia

D. MEMBERS OF THE INTERNATIONAL FREQUENCY REGISTRATION BOARD (IFRB)

S. Banerji (India)
 Alfonso Hernandez Cata y Galt (Cuba)
 Ivan Danilenko (USSR)
 Fioravanti Dellamula (Argentina)
 John A. Gracie (United Kingdom)
 Paul D. Miles (United States)
 Rene Petit (France)
 Noel Hamilton Roberts (Union of South Africa)
 J. J. Svoboda (Czechoslovakia)
 T. K. Wang (China)
 Sidney H. Witt (Australia)

E. OFFICERS OF THE ADMINISTRATIVE COUNCIL

For 1950:

Chairman:

France

Vice-Chairmen:

China

USSR

United Kingdom

United States

For 1951:

Chairman:

United Kingdom

Vice-Chairmen:

China

France

USSR

United States

F. OFFICERS OF THE GENERAL SECRETARIAT

Secretary General:

Leon Mulatier (France)

Assistant Secretaries General:

Gerald C. Gross (United States)

Hugh Townshend (United Kingdom)

G. OFFICERS OF THE INTERNATIONAL FREQUENCY REGISTRATION BOARD (IFRB)

For 1950:

Chairman:

John A. Gracie

Vice-Chairman:

Rene Petit

For 1951:

Chairman:

Rene Petit

Vice-Chairman:

F. Dellamula

H. OFFICERS OF THE INTERNATIONAL CONSULTATIVE COMMITTEES

Interim Director of the CCIT:

Assistant Secretary General in charge of the Telegraph and Telephone Division of the General Secretariat:
 Hugh Townshend (United Kingdom)

Director of the CCIF:

Georges Valensi (France)

Director of the CCIR:

Balth. van der Pol (Netherlands)

Vice-Director of the CCIR:

L. W. Hayes (United Kingdom)

I. HEADQUARTERS

Address: General Secretariat of the International Telecommunication Union

Palais Wilson, Geneva, Switzerland

Telegraphic Address: BURINTERNA GENEVA

Telephone: 2 15 50

³ See p.973.

X. The International Refugee Organization(IRO)¹

On 15 December 1946, the General Assembly of the United Nations approved a Constitution² providing for the establishment of the International Refugee Organization (IRO). The Assembly also approved an Agreement on Interim Measures³ under which a Preparatory Commission for IRO (PCIRO) was to be established pending the entry into force of the Constitution.

The Preparatory Commission came into being on 31 December 1946, when the requisite eight Governments had signed the Constitution.

In accordance with the terms of the Agreement establishing it and in order to avoid any breach in the continuity of operations after 30 June 1947, when both UNRRA and the Intergovernmental Committee on Refugees were to terminate their activities on behalf of refugees and displaced persons, PCIRO decided to assume, on 1 July 1947, operational responsibility for the refugees and displaced persons eligible for assistance under the terms of the IRO Constitution.

IRO itself was officially established on 20 August 1948, when fifteen States, with contributions amounting to 75 per cent of Part I of its operational budget, had become parties to the Constitution. Subsequently Denmark, Italy and Switzerland became members of the organization, bringing the total membership to eighteen States.

On 18 November 1948, the United Nations General Assembly approved an Agreement⁴ bringing IRO into relationship with the United Nations as a specialized agency.

When PCIRO assumed responsibility for refugees and displaced persons within its mandate, it took over the direct care and maintenance of a total of over 719,000 persons and responsibility for protecting the interests of approximately 900,000 others.

The care and maintenance programme comprised the whole field of assistance including housing, feeding, clothing, health services, employment and vocational training, education, child welfare services, etc. At the end of December 1949, the number of refugees and displaced persons receiving these services had declined to ap-

proximately 318,000 with a corresponding reduction in the number of IRO installations.

During the 30 months of operation from 1 July 1947 to 31 December 1949, a total of 68,778 persons had been repatriated to their former homelands and 688,284 refugees had been resettled in the following countries:

United States . .	149,971	Argentina . .	28,045
Israel . .	116,580	Brazil . .	23,305
Australia . .	105,352	Belgium . .	22,183
United Kingdom	82,474	Venezuela . .	13,276
Canada . . .	77,500	Other countries	32,727
France	36,871		

For transportation of refugees resettling in overseas countries, IRO maintained a chartered fleet of approximately 36 vessels and, in addition, booked space on commercial vessels and aircraft, and operated a monthly average of 35 trains.

In order to assist in the re-establishment of refugees who, because of physical handicaps, could not be accepted under normal immigration regulations, the General Council set aside an amount of \$22,000,000 to provide for permanent care for this group.

In carrying out its functions of protecting the legal and political rights of refugees and displaced persons, the IRO collaborated with the Secretariat of the United Nations in the preparation of a Convention on the Status of Refugees⁵ and a draft Convention on the Declaration of Death of Missing Persons.⁶ Special attention was paid to securing widespread adoption of the system of travel documents issued under the London Agreement of 1946. By the end of 1949 eighteen Governments had acceded to this Agreement, two Governments had signed it ad referendum and nine further Governments had undertaken to recognize it.

As regards the situation of displaced persons

¹ For further information, see Y.U.N., 1946-47, pp. 805-20; 1947-48, pp. 955-68; 1948-49, pp. 1086-1102; reports of the Director-General of IRO to the General Council, and reports of the General Council.

² For text, see Y.U.N., 1946-47, pp. 810-19.

³ For text, see *ibid.*, pp. 819-20.

⁴ For text of this Agreement, see Y.U.N., 1948-49, pp. 1099-1102.

⁵ See pp. 579-80.

⁶ See pp. 880 ff.

and refugees in Germany, IRO co-operated closely with the Allied High Commission and assisted in the establishment of ordinances for the restitution of property and for indemnification for the loss of life, health, liberty and property. In other countries, IRO efforts were directed to the creation of a sufficient legal basis for the integration of refugees into the social and economic life of the country.

On 1 July 1947, PCIRO took over from UNRRA the work of the Central Tracing Bureau, which had been engaged in tracing the millions of persons who had disappeared during the Second World War. The operations of the UNRRA Tracing Bureau were limited to Germany. To replace this Bureau, PCIRO created an International Tracing Service (ITS) to operate on a world-wide scale and to co-ordinate the activities of national tracing bureaux. In May 1948, PCIRO added to the mandate of the ITS the task of searching for children kidnapped by

the Nazis in support of their Germanization programme. In October 1949, the General Council instructed the Director-General to negotiate for the transfer to Governments or to another international or intergovernmental organization of the functions of the ITS remaining after 30 June 1950, the date on which IRO was originally scheduled to terminate its activities.

When, in 1949, it appeared that IRO would be unable to accomplish its assigned task prior to 30 June 1950, the General Council, at its fourth session in October 1949, adopted a budget for a supplementary period of six to nine months. The General Council asked the United Nations to assume responsibility for refugees and displaced persons after IRO's termination and submitted a memorandum to the General Assembly suggesting that any machinery which the United Nations might decide to establish to deal with the problem of refugees and stateless persons should be established by 1 January 1951.

A. PURPOSES AND FUNCTIONS

In the preamble to the Constitution of IRO, the Governments accepting the Constitution recognize:

that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin; that genuine refugees and displaced persons should be assisted by international action either to return to their countries of nationality or former habitual residence, or to find new homes elsewhere, under the conditions provided for in this Constitution; or in the case of Spanish Republicans, to establish themselves temporarily in order to enable them to return to Spain when the present Falangist regime is succeeded by a democratic regime

According to article 2 of the IRO Constitution, the functions of IRO,

to be carried out in accordance with the purposes and the principles of the Charter of the United Nations, are the repatriation; the identification, registration and classification; the care and assistance; the legal and political protection; the transport; and the resettlement and re-establishment, in countries able and willing to receive them, of persons who are the concern of the Organization

These functions are to be exercised with a view to:

- (1) encouraging and assisting the repatriation of persons who are the concern of the organization, having regard to the principle that no person shall be compulsorily repatriated;
- (2) promoting repatriation by all possible means, espe-

cially by providing repatriated persons with adequate food for a period of three months, provided that they are returning to a country suffering as a result of enemy occupation during the war, and provided such food is distributed under the auspices of IRO;

(3) facilitating the re-establishment in new homelands of non-repatriated refugees and investigating, promoting or carrying out group resettlement or large-scale resettlement projects.

Part I of Annex I of the Constitution of IRO defines the categories of refugees for whom IRO will be responsible. These categories are as follows:

1. Any person outside his country of nationality or former habitual residence who has valid objections to returning to that country and has not acquired a new nationality, or been repatriated, or become firmly established, and who falls in one of the following categories:

(a) Victims of the Nazi or Fascist regime;

(b) Spanish Republicans;

(c) Persons who were considered refugees before the outbreak of the Second World War.

2. Persons who, as a result of events subsequent to the outbreak of the Second World War, are unwilling or unable to avail themselves of the protection of the Government of their country of nationality or former nationality.

3. Unaccompanied children who are orphans, or whose parents have disappeared, and who are outside their country of origin.

4. Displaced persons, i.e. persons who were deported from, or were obliged to leave, their country of nationality or former habitual residence, such as persons

who were compelled to undertake forced labour or were deported for racial, religious or political reasons.

5. Persons who resided in Germany or Austria and who were of Jewish origin, or foreigners, or stateless persons who were victims of the Nazi persecution and were detained in, or were obliged to flee from, one of these countries and who have not been firmly resettled therein.

All of the above categories of persons, with the exception of refugees from the Falangist regime, and those persons of Jewish origin or foreigners or stateless persons formerly resident in Germany or Austria, must give valid objections to returning to their country of habitual residence or former nationality, in accordance with section C of part I of Annex I of the Constitution, in

order to fall within the mandate of IRO.

Section D of part I of Annex I of the Constitution gives the circumstances in which refugees and displaced persons will cease to become the concern of IRO. Some of these circumstances are: when a person has returned to his country of nationality, when a refugee has acquired a new nationality, or when he has become firmly established.

Part II of Annex I of the Constitution states which persons will not be the concern of the organization. These include quislings, traitors, war criminals, persons who voluntarily assisted the enemy, Volksdeutsche and others.

B. ORGANIZATION

Under the terms of the Constitution, the principal organs of IRO are a General Council, an Executive Committee and a secretariat headed by a Director-General.

The General Council is the ultimate policy-making body of IRO. Each member Government of IRO has one vote in the General Council, which meets not less than twice a year. Decisions in the Council and in the Executive Committee are made by a majority of the votes cast, unless otherwise provided by the Constitution or the General Council. Adoption of an amendment to the Constitution, for example, requires a two-thirds vote of the General Council and ratification by two thirds of the members.

New members are admitted into the organization, if they are Members of the United Nations, by accepting the Constitution. Other States require in addition a two-thirds vote of the General Council, taken on the recommendation of the Executive Committee. On certain conditions, States may be admitted to membership without signing or depositing an instrument of acceptance of the Constitution.

The Executive Committee, composed of nine members of IRO elected by the General Council, meets as often as necessary. It performs the functions necessary to give effect to the policy decisions of the General Council, and has the power to make policy decisions of an emergency nature subject to reconsideration by the General Council. It may investigate situations in the field by visiting camps, hostels or assembly centres under the control of IRO, and give instructions to the Director-General on the basis of such investigations.

The Director-General, nominated by the Executive Committee and appointed by the General Council, is the chief administrative officer of IRO. He carries out the administrative and executive functions of IRO in accordance with decisions of the General Council and the Executive Committee, and is responsible for appointing the secretariat under regulations established by the General Council.

A Review Board of Eligibility Appeals and an International Tracing Service also work within the framework of IRO. The Review Board is composed of a Chairman and four other persons appointed by the Director-General, subject to the approval of the Executive Committee. It hears and determines individual appeals of eligibility decisions taken by IRO field officers, and advises the Director-General on any eligibility matter which he may refer to the Board.

The International Tracing Service (ITS), headed by a Director, has its central headquarters at Arolsen, in the United States Zone of Germany. The ITS seeks to determine the fate of all persons who disappeared between September 1939 and May 1945 and to assemble, at its central headquarters, all documents and other information concerning such persons. The ITS is also charged with tracing children kidnapped by the Nazis in support of their Germanization programme, determining their nationality and arranging for their return to their families, where possible.

In addition to its headquarters in Geneva, IRO maintains 28 principal offices and numerous sub-offices throughout Europe, the western hemisphere, the Middle and Far East areas.

C. ACTIVITIES DURING 1950

The fifth session of the General Council of IRO met at Geneva from 14 to 22 March 1950 and the sixth session from 9 to 13 October 1950.

Two notable events affecting the organization took place during the year. One was the implementation on 1 July of the resolution of the General Council of IRO by which responsibility for the care and maintenance of all refugees, except those in process of resettlement and those belonging to the "Institutional Hard Core" group, was transferred to the local authorities of the areas and countries in which the refugees lived. The other was the signing, in June 1950, by the President of the United States of an amendment to the Displaced Persons Act by which the stipulations of the Act were liberalized and it was made possible for an additional 108,000 IRO eligible refugees to obtain immigration visas, bringing the total admissible under the Act to 313,000.

During 1950, however, there occurred a marked reduction in the number of refugees repatriated and resettled as compared with the previous year. This was mainly due to technical difficulties in the implementation of the amendment to the United States Displaced Persons Act and to the fact that the Australian programme, which, by the end of the year, had absorbed a total of 170,543 refugees since the beginning of IRO operations, was almost completed.

Following the slow-down in resettlement movements, it was found that IRO still had sufficient resources to continue its activities without the need for additional contributions from member Governments. At its sixth session, therefore, the General Council resolved, on 12 October 1950, to authorize the Director-General to carry on the approved operational programmes of the organization, within the limits of existing resources, until 30 September 1951. (Originally IRO's existence had been limited to three years, but the General Council in October 1949 decided to extend the life of the organization to 31 March 1951.)

On 11 October 1950 the General Council authorized the Director-General to extend resettlement assistance to those refugees who arrived in areas of IRO operations in Europe and the Middle East before 1 October 1950, with the understanding that their resettlement be carried out within existing resources. Previously resettlement assistance had been given only to those refugees who

had arrived in IRO areas of operation prior to 15 October 1949.

The following is an outline of IRO operations during 1950.

1. Care and Maintenance

As a consequence of the decision taken by the General Council at its fifth session in March 1950 to transfer to the local authorities the responsibility for refugees who did not belong to the "Institutional Hard Core" group and who were not in the process of being re-established, the care and maintenance case-load of IRO declined from 318,323 on 1 January 1950 to 80,905 on 31 December. Over 111,000 refugees, on 1 July 1950, became the responsibility of the local authorities in Western Europe, in Germany and Austria.

During the year, 247 field installations were closed, reducing the number of such installations from 335 on 1 January 1950 to 88 on 31 December. Nevertheless, the health services were continued in all areas, and the general health of the refugees remained good. Dietary allowances in Germany and Italy remained at 2,350 calories per day, and in Austria these allowances, which had been at a lower standard, were raised to the same level. A baby feeding programme was instituted in all areas of operation, and special food was supplied for all children from birth to one year of age in IRO camps, and for children from birth to three years in transit centres and on board ship. Increased emphasis was placed upon the improvement of health conditions during both land and sea transit. Programmes for the control of tuberculosis and venereal diseases were continued, and statistics showed a steady diminution of tuberculosis. The programme of medical rehabilitation was also continued and was integrated into the programme of occupational therapy and vocational training. All three aspects of this programme are designed to assist those refugees who are handicapped by disease or physical disability to become self-supporting again. Throughout the year, the rehabilitation and training centres provided courses in 50 different subjects, including motor mechanics, machine-shop work, farming, needlework, bricklaying, carpentry and plumbing.

The IRO welfare services were faced with a particularly heavy task, since the proportion of "difficult" cases increased with the diminishing

size of the case load. The individual case work included the adjustment of problems which are a handicap to repatriation or resettlement, assistance to refugees in specialized IRO installations such as homes for the aged and the chronically ill, work in youth centres, assistance in problems of adoption and legal guardianship, the reuniting of families, and general counselling towards assisting individuals and families in planning for their ultimate re-establishment. Summary case histories were prepared for all persons for whom the local authorities had taken over the responsibility and these histories were made available to voluntary agencies which had undertaken to follow up on individual case work initiated by the IRO.

2. Repatriation and Resettlement

While 1949 had been a peak year in the repatriation and resettlement activities of IRO, 1950 brought a marked reduction in these movements: 2,917 displaced persons were repatriated to their countries of origin, and 191,119 were resettled in new homelands throughout the world. The monthly average of movements was 16,170 in 1950 as against 29,166 in 1949.

a. REPATRIATION

With the decline in the number of refugees repatriated, it became increasingly clear that the vast majority of those who wished to return to their countries of origin had done so before IRO began its operations or in the early years of the organization's activities.

In 1949 various Eastern European countries had closed their repatriation offices in IRO's major area of operation, and in February 1950 the IRO office in Prague was closed at the request of the Czechoslovak Government. The Czechoslovak Government also refused to accept certain categories of applicants seeking repatriation, and approaches made to the Hungarian and Romanian Governments to secure papers for groups of repatriation candidates remained without effect.

In view of the political situation in the Far East, the repatriation of overseas Chinese to Indonesia and Burma and other countries where they had formerly resided also declined considerably as compared with previous years.

Of the 2,917 persons repatriated during the year, 972 were Poles, 432 Yugoslavs, and 607 were overseas Chinese returning to Burma, Indonesia, Indochina and Singapore.

b. RESETTLEMENT

The resettlement of 191,119 refugees during 1950 brought the total of those resettled since 1 July 1947 to 879,403. The main countries of reception during 1950 were the following:

United States	88,035	Venezuela	2,719
Australia	65,191	Brazil	1,340
Canada	16,615	France	1,236
Israel	4,186	New Zealand	1,066
Argentina	2,926	Other countries	4,916
United Kingdom	2,889		
TOTAL			191,119

By the end of 1950, the difficulties inherent in implementing the United States amended Displaced Persons Act were being overcome, but the interpretation of the new Security Act continued to prevent a marked increase in resettlement to the United States.

In the course of the year, the Canadian Government liberalized its immigration policy for refugees and the resulting increase, IRO anticipated, would help to offset the decline in movements to Australia. Shortly before the end of the year, the New Zealand Government, which had already accepted 1,000 refugees in 1949 and another 1,000 in 1950, announced that a further quota of 2,000 to 3,000 refugees would be admitted in 1951.

The movement to Israel, which had reached its peak in 1949, slowed down very considerably during 1950, since the vast majority of refugees who wanted to emigrate to Israel had already done so following the establishment of an independent State in 1948. A large proportion of the 4,186 refugees who entered Israel during 1950 belonged to the "Institutional Hard Core" group, since this country had agreed to accept all Jewish immigrants irrespective of their health or age.

Venezuela was the only Latin American country which maintained a Selection Mission in Europe throughout the year, and it accepted 2,719 immigrants. Although the other Latin American countries did not select refugees through the intermediary of Government missions, a steady flow of individual immigrants, on the basis of personal sponsorship or individual work contracts, brought the immigration figure for the other Latin American Republics to 6,900.

Among the Western European countries, the United Kingdom accepted some 2,000 refugees from the Lebanon and East Africa, bringing to 2,882 the total number of refugees accepted by the United Kingdom during the year. Individually nominated refugees, relatives and work contract

holders continued to be admitted to all Western European countries and all these countries made a combined effort to assist IRO in solving the problem of the aged and sick refugees who could not be admitted by overseas resettlement countries under existing immigration legislation.

With the co-operation of these Governments and of numerous individuals, voluntary societies and public and private organizations throughout the world, considerable progress was made towards the solution of the difficult problem of the "Institutional Hard Core". When the transfer of IRO responsibilities for care and maintenance of eligible refugees took place on 1 July 1950, the known number of "Institutional Hard Core" cases amounted to 15,319 individuals in need of permanent care, together with 7,509 members of their families. On 31 December the number had been reduced to 7,833 persons requiring permanent care and 3,469 family members. France, Belgium, the Netherlands, Denmark and Luxembourg took over the responsibility for permanent care of 7,272 such persons and the same countries received 800 further persons in this category from Germany, Austria and Italy.

In addition to these, Norway accepted 34 blind refugees with their dependents, and Sweden accepted 148 refugees suffering from pulmonary tuberculosis, and their family members. To facilitate the provision of permanent care for the refugees belonging to the "Hard Core" group, a substantial part of the \$22,000,000 fund which the General Council had ear-marked for this purpose was used. Plans were being implemented during 1950 for the satisfactory settlement "sur place" of those "Institutional Hard Core" cases not wishing to leave their present countries of residence and those for whom immigration opportunities cannot be found.

c. TRANSPORTATION

Following the decline in resettlement to overseas countries, the IRO fleet, which had consisted of 36 vessels in the peak months of 1949, was reduced to 29 vessels in the beginning of 1950 and to 15 by the end of the year. However, the system of air-flights of large groups of refugees who, for health or other reasons, could not be transported by sea, was continued throughout the year, and a total of 5,336 refugees were thus transported by air. The air operations of the organization constituted the first experience in the mass transportation of civilians, including women and children, by air.

3. Local Settlement

IRO found during the year that an increasing number of refugees wished to remain permanently in countries where, earlier, they were considered to be residing provisionally or in transit. On the other hand, it appeared that, by the end of IRO operations, approximately 40,000 refugees, for whom no possibilities of emigration could be found, would have to remain in those countries in spite of their desire to move. IRO's efforts on behalf of "this group were therefore devoted to ensuring that the best conditions possible are established for them in the countries where they will remain. This includes the provision of legal and political protection, the establishment of suitable institutions for the aged, handicapped and chronically ill, and the provision, through the intermediary of voluntary societies or local authorities, of adequate welfare facilities for all.

In Germany, where the greatest difficulties were anticipated, both the Federal Government and the local authorities did their utmost to ensure the maintenance of an adequate standard of care for those who had now become their responsibility. In all areas, the main object was to provide the refugees with private accommodation. An instance of the success of these efforts was the undertaking by the German authorities to provide at their own expense individual housing for 1,000 refugee families comprising 4,500 persons in Land Nord-Rhein-Westfalen. Although work on this project was only begun in November, 140 houses were completed and occupied by the end of the year.

By the end of the year, legislation was about to be enacted in Germany, establishing the legal, political, social and economic status of refugees (see below).

4. Voluntary Societies

Throughout its existence, IRO has been assisted by voluntary agencies, and their work has assumed an increasing importance, as IRO winds up its operations.

In Germany and Austria, international voluntary agencies, through their local national counterparts, have progressively assumed responsibility for many basic services hitherto maintained by IRO. International or national agencies have, for example, taken over institutions for the aged,

children's and youth centres, vocational training and rehabilitation activities, trade testing, teaching of languages and welfare and counselling services.

Resettlement agencies have substantially assisted in procuring individual assurances for refugees emigrating to the United States, and they have been instrumental in initiating new resettlement projects for the "Institutional Hard Core" group and for persons and families with limited opportunities for resettlement.

In resettlement countries, the agencies have formed representative committees or councils to promote the successful integration of immigrant refugees. In some countries, refugee service committees have been formed in co-operation with voluntary agencies to deal with individual problems of refugee immigrants when IRO ceases, and to assist the refugees to adjust themselves to their new environment.

5. Eligibility and Review Board

The eligibility of a refugee for IRO assistance must be established in accordance with the definitions contained in Annex I of the IRO Constitution. A refugee judged ineligible may appeal for the reconsideration of the case to the Review Board provided for in the Constitution which may consider any additional evidence produced in support of the appeal. The decisions of the Board or of its representatives on any petition for review is final, so far as its immediate implementation is concerned. However, the Board is not precluded from rectifying errors, or from reopening cases when new evidence has been produced by appellants or when there has been a change in the organization's policy after appellants have been heard by the Board. Special machinery has been set up to deal with second appeals.

During 1950, the Board gave 12,175 decisions, 2,651 being reversals of previous decisions made by eligibility officers to the effect that the appellant was outside the mandate of IRO.

6. Legal and Political Protection

Under its Constitution, IRO gives legal and political protection to refugees to assist them in overcoming legal difficulties inherent in their status as people who are not protected by national Governments. Refugees are assisted to overcome legal difficulties in matters of resettlement and to obtain a firm civil status in their countries

of residence. Measures are also taken to protect them against economic or social discrimination, and to ensure their freedom of movement within and outside their country of residence.

During the year Denmark and Liberia signed the London Agreement of 1946 providing for the issue of the IRO Travel Document, and the Governments of Denmark, India and Pakistan had made arrangements for issuing it. The Federal Government of Western Germany was authorized to sign the London Agreement; in the meantime, however, documentation for refugees emigrating from Germany under IRO sponsorship continued to be provided, under existing arrangements, by the Combined Travel Board of the Allied High Commission. By the end of 1950 twenty Governments had acceded to the London Agreement, two had signed it *ad referendum* and twelve non-signatory Governments had officially undertaken to recognize the Travel Document *de facto*.

With the gradual transfer of responsibilities from the Allied High Commission to the German Federal Government, it was necessary to ensure that refugees and displaced persons be granted a satisfactory status by the German authorities. The Federal Government agreed to present to the Bundesrat and Bundestag a draft law on Homeless Aliens, to apply to all persons within the mandate of IRO who were in Germany on 1 July 1950. The law will give refugees the same rights as nationals in matters of social security, public assistance, education, and the right to work.

A large number of claims for refugees for indemnification and restitution were filed with the competent authorities on the basis of existing legislation of the German Länder. Negotiations were initiated by IRO to obtain the promulgation of a General Federal Claims Law valid in the whole territory of the Federal Republic.

In Austria, IRO continued to assist individual refugees with their problems of admission, right of residence, civil status, social security, and expulsion.

In Italy, IRO was responsible for the issuing of an identity and protection document which assists the refugees to obtain any required documentation and certificates from the national authorities.

In France and in Belgium, IRO continued to provide refugees with certificates establishing their identity and status, enabling them to regularize their position with the authorities. During 1950, 64,000 documents were issued by the IRO Mission in France.

Late in 1950 the Greek Government agreed to integrate into the Greek economy all refugees in Greece whom IRQ could not resettle, by granting them residence and work permits and the benefits of national social insurance and welfare services.

7. Reparations

The Reparations Fund for the rehabilitation and resettlement of victims of Nazi persecution was established under article 8, part I, of the Final Act of the Paris Conference on Reparations adopted by 18 Allied Powers in December 1945, and under the Five Power Agreement of 14 June 1946, in which the five Powers (Czechoslovakia, France, the United Kingdom, the United States and Yugoslavia) agreed on instructions for the administration of the fund. Responsibility for the administration of this fund was transferred in July 1947 from the Director of the Intergovernmental Committee on Refugees to the Director-General of IRO.

As of 31 December 1950, the fund's total receipts from the sale of non-monetary gold amounted to the equivalent of \$2,963,858.46, after deduction of authorized liquidation expenses. As for the \$25,000,000 fund referred to in the Five Power Agreement, the Governments of Sweden and Switzerland had contributed, respectively, 50,000,000 kroner and 20,000,000 Swiss francs, representing a nominal dollar equivalent of \$18,540,051.67. The total income of the fund from all sources, i.e. proceeds from the sale of non-monetary gold and from German assets stood, on 31 December 1950, at \$21,505,496.69. By the same date, \$19,354,844.75 had been disbursed to the American Joint Distribution Committee and the Jewish Agency for Palestine, and \$1,180,979.15 had been disbursed to non-Jewish agencies.

The following Agencies took an active part in the individual case work involving refugees entitled to benefits from the Reparations Fund: Jewish Agency for Palestine; American Joint Distribution Committee; Comité International d'Aide aux Intellectuels; International Rescue Committee; International Social Service; Lutheran World Federation; Vatican Migration Bureau; St. Raphaels Verein; Caritas; National Catholic Welfare Committee; Committee for the Care of European Children; World Council of Churches; American Friends Service Committee.

The Merchandising Advisory Committee, working on a voluntary basis under the Chairmanship of Colonel R. G. Kramer, completed the liquidation of large quantities of non-monetary gold of

a highly diversified character yielding net proceeds of \$1,636,688.97.

8. International Tracing Service

The International Tracing Service (ITS) was established by IRO to help reunite families by finding lost relatives, and to provide evidence of proof of death (a necessary requisite for legal purposes such as succession, indemnification, re-marriage and adoption).

At its fifth session, the General Council of IRO resolved that the ITS should gradually reduce its activities, and that negotiations should be initiated for the transfer of its operations and its master card index to the Allied High Commission by March 1951. The collection and processing of records was therefore accelerated so that this work, as well as the checking of graves, could be completed, as planned, by the end of March 1951. Registration of new cases by the Child Search Branch ceased on 1 April 1950, but work in connexion with the identification and documentation of children already found continued until 31 August. In September, the Child Search Headquarters at Esslingen, in the United States Zone of Germany, was closed, and the records transferred to the ITS Headquarters at Arolsen, where a small Child Tracing Unit was retained to handle incoming inquiries for missing children. The bulk photostatting of concentration camp records for distribution and preservation was completed. Of the 722,000 copies made; 261,660 were distributed to the five Western European countries.

The second volume of the Catalogue of Camps and Prisons in Germany and German-Occupied Territories, September 1939 to May 1945 was completed and a Supplement was prepared. This compilation contains information on hitherto undocumented camps, and involved a considerable amount of independent research into the subject of deportations and slave labour brought to Germany during the Second World War.

Certificates of incarceration and notifications of death continued to be issued, and the German Registry Office (Sonderstandesamt) was supplied with information to complete the records of death, on the basis of which 5,452 death certificates were prepared.

A total of over 4,000,000 new insertions was made in the master card index which, at the beginning of 1948 had contained 1,976,499 cards and by the end of 1950 contained 10,538,358

cards. Some 28,000 new cards were inserted daily. Nearly 81,000 tracing requests were received by ITS during 1950 from over 35 countries, the majority of inquiries coming from the Netherlands, Poland, Germany and the United States. ITS sent out nearly 64,000 positive replies during the year. Information was secured during the

latter half of the year on 9,363 persons, of whom 1,888 were living. Among the living, were number for whom emigration agencies held emigration assurances. The identification was established of 2,000 concentration camp prisoners who died during the 1945 death marches and who are buried in twenty cemeteries in Bavaria.

D. BUDGET

As of 31 December 1950, all contributions for the fiscal year 1947/48 had been received; for the fiscal year 1948/49 an amount of \$2,821,156 was still outstanding; and for the fiscal year 1949/50 the balance of outstanding contributions was \$6,635,083. The total budget for 1949/50 was \$145,432,118.

Contributions in the amount of \$43,672,717 were due for the supplementary period beginning 1 July 1950 toward an anticipated budget of \$100,356,962, the balance to be met by other assets. The unpaid balance of the contribution due from the Nationalist Government of China, which was not in a position to contribute to IRO since 1948/49, totalled \$8,210,469, including its assessment for the supplementary period beginning 1 July 1950, as shown in the table of contributions below. Although included in the contribution figures, this assessment was not included by IRO in its calculations of resources available for expenditure subsequent to 1948/49.

The estimated value of equipment of supplies on hand as of 31 December 1950 was \$4,651,284. Donations to other United Nations agencies of surplus supplies and equipment totalled \$1,075,136 and sales under sealed tender of surplus supplies and equipment amounted to \$2,729,446.

Details of the plan of expenditures adopted by the General Council for the period beginning 1 July 1950 are given in the table in the next column.

The percentages of contributions to meet the organization's expenses are set forth for 54 anticipated member States in Annex II of the Constitution of IRO. Contributions due from actual members of IRO toward the administrative and operational budgets for the supplementary period beginning 1 July 1950 are given in the second table in the next column.

BUDGET (1950/51)

ADMINISTRATIVE BUDGET \$ 5,028,503

OPERATIONAL BUDGET—PART I:

Section I. Personnel and establishment	12,192,063
Section II. Maintenance of vehicles . . .	875,000
Section III. Health, care and maintenance :	
Direct care and related costs	\$11,413,474
Medical care	1,216,000
Employment programme	75,000
Rehabilitation training.	135,000
Reimbursements to Governments	3,710,025
Voluntary society special projects	841,095
Care of residual cases. .	19,435,082
	<hr/>
	36,825,678
Section IV. Repatriation	112,500
Section V. Resettlement:	
Transportation	40,776,800
Other resettlement costs	2,100,060
Migration to Israel . . .	696,360
Special projects	300,000
	<hr/>
	43,873,220
Section VI. Contingency reserve:	
Losses on exchange	150,000
TOTAL OPERATIONAL BUDGET—PART I	94,028,459
TOTAL	99,056,962
CLOSURE BUDGET	1,300,000
GRAND TOTAL	\$100,356,962

CONTRIBUTIONS DUE (1950/51)

Member	Administrative	Operation
Australia	\$ 49,386	\$ 923,278
Belgium	33,843	524,590
Canada	80,221	1,836,066
China	150,414	1,311,475
Denmark	19,804	356,721
Dominican Republic	1,253	20,984
France	150,414	2,150,819
Guatemala	1,253	20,984

Member	Administrative	Operational	Member	Administrative	Operational
Iceland	1,003	\$ 10,492	Switzerland	\$ 32,590	\$ 577,049
Italy	60,165	1,190,820	United Kingdom	287,791	7,737,704
Luxembourg	1,253	20,984	United States	1,000,000	24,000,000
Netherlands	35,097	472,131	Venezuela	6,769	120,656
New Zealand	12,534	230,820			
Norway	12,534	230,820	TOTAL	\$1,936,324	\$41,736,393

ANNEX I. MEMBERS, OFFICERS AND HEADQUARTERS

(As of 31 December 1950)

A. MEMBERS OF IRO

Australia	France	New Zealand
Belgium	Guatemala	Norway
Canada	Iceland	Switzerland
China	Italy	United Kingdom
Denmark	Luxembourg	United States
Dominican Republic	Netherlands	Venezuela

B. MEMBERS OF THE EXECUTIVE COMMITTEE

Australia	France	United Kingdom
Belgium	Italy	United States
Canada	Norway	Venezuela

C. OFFICERS OF THE EXECUTIVE COMMITTEE⁷

Chairman:

Rolf Andersen (Norway)

Vice-Chairman:

Victor Montoya (Venezuela)

D. OFFICERS OF THE SECRETARIAT

Director-General:

J. Donald Kingsley⁸ (United States)

Deputy Director-General:

Sir Arthur Rucker⁹ (United Kingdom)

Assistant Director-General (Health, Care and Main-

Myer Cohen¹⁰ (United States)

Assistant Director-General (Operations):

Pierre Jacobsen (France)

Assistant Director-General (Finance and Administrative Services):

P. N. M. Koolen¹¹ (Netherlands)

Director, Office of Protection:

G. G. Kullmann¹² (Switzerland)

Counsellor:

Henri Ponsot (France)

General Counsel:

L. C. Stephens (United States)

Comptroller:

Gen. G. L. Hyssong¹³ (United States)

Director, International Tracing Service:

Maurice Thudichum¹⁴ (Switzerland)

Chairman, Review Board for Eligibility Appeals:

Marcel de Baer (Belgium)

E. HEADQUARTERS

Address: International Refugee Organization

Palais Wilson, rue des Paquis

Geneva, Switzerland

Telephone: 2.65.08

Cable Address: INOREFUG GENEVA

F. OTHER OFFICES

Australia and New Zealand: 3 Wilmot Crescent, Forrest, Canberra, Australia

Austria: Office of Chief of Mission: Stalinplatz 11, Vienna. Other offices, depts. etc.: Lehen Kaserne, Salzburg.

Belgium: 32 avenue des Arts, Brussels

Brazil: Edificio Delamare, Avenida Presidente Vargas 446, Caixa Postal 5427, Rio de Janeiro

Canada: 143 Main Street, Hull, Quebec

Colombia: Carrera 6, No. 14-82, Bogota

Denmark: Fredriksgate 9, Copenhagen K.

Ethiopia:¹⁵ c/o Dept. of Labour and Employment, Addis Ababa

Far East: Bank of East Asia Bldg., Des Voeux Road, Hong Kong

France: 7 rue Copernic, Paris 16^e

Germany, U.S. Zone: APO 407, Munich. British Zone: 400 IRO HQ BAOR, Hamburg. French Zone: IRO HQ, Neuenburg, Württemberg

Greece: 35 Churchill Street, Athens

Guatemala: Despacho 5, 15P.C.Num.8-Altos, Guatemala City

Ireland: 3, Fitzwilliam Square, Dublin¹⁶

Italy: Via S. Nicolo da Tolentino 78, Rome

Lebanon¹⁷ P.O. Box 1221, rue de l'Armee 77, Beirut

Luxembourg: 16 rue de l'Eau, Luxembourg-Ville

Mexico:¹⁷ Tiber 110, Mexico, D.F.

Netherlands: 't Hoenstraat 1, The Hague

Norway: Fillipstadveien No.1, Post Box 2422, Oslo

Paraguay:¹⁸ Casilla Postal 415, Asuncion

⁷ Victor Montoya (Venezuela) was elected Chairman and Franz Leemans (Belgium) Vice-Chairman of the Executive Committee in Apr. 1951.

⁸ Mr. Kingsley was appointed Agent-General of the United Nations Korean Reconstruction Agency (UNKRA) in Feb. 1951.

⁹ Sir Arthur Rucker was appointed Deputy Director-General of UNKRA in Apr. 1951.

¹⁰ Mr. Cohen was appointed Assistant Director-General of Budget and Administration in Feb. 1951.

¹¹ Dr. Koolen was appointed Assistant Director-General of Finance in Feb. 1951.

¹² Dr. Kullmann was appointed Chief Legal Adviser to the High Commissioner for Refugees in Mar. 1951.

¹³ Gen. Hyssong was appointed Comptroller of UNKRA in Apr. 1951.

¹⁴ Mr. Thudichum was transferred to the Allied High Commissioner's Office.

¹⁵ IRO office closed in Apr. 1951.

¹⁶ IRO office closed in Jan. 1951.

¹⁷ IRO office closed in Mar. 1951.

¹⁸ IRO office closed in May 1951.

Peru, Bolivia and Ecuador:^{18a} Edificio Boza, Oficina,
No. 308, Carabaya 831, Lima

Philippines: Hotel Manila, Manila

Spain and Portugal: Eduardo Dato 20, Madrid

Switzerland: Palais Wilson, rue des Paquis, Geneva

Turkey:¹⁷ P.O. Box 1733, Galata, Istanbul

United Kingdom: 31, Dunraven Street, London, W.1.

United States: 1346 Connecticut Ave., N.W., Room 819,
Washington 6. Public Information: 6214 Empire
State Bldg., 350 Fifth Avenue, New York

Uruguay, Argentina and Chile: Calle Colon 1379,
Montevideo

Venezuela: 4 Piso, Edificio "Pas de Calais", Veroes a
Jezuitas No.26, Caracas

ANNEX II. VOLUNTARY AGENCIES WORKING INTERNATIONALLY WITH IRO BY AGREEMENT¹⁹

American Committee for the Resettlement of Polish
Displaced Persons

American Federation of International Institutes

American Friends Service Committee

American Fund for Czechoslovakian Refugees

American Joint Distribution Committee

American National Committee for Aid to Homeless
Armenians

American Polish War Relief

Baptist World Alliance

Catholic Immigrant Aid Society

Guide International Service

Hebrew Immigrant Aid Society

International Rescue Committee

International Social Service

Jewish Agency for Palestine

Lutheran World Federation

Mennonite Central Committee

National Catholic Welfare Conference—War Relief
Services

Polish Red Cross

Tolstoy Foundation

Unitarian Service Committee

United States Committee for the Care of European
Children

United Lithuanian Relief Fund of America

United Ukrainian American Relief Committee

Ukrainian Canadian Relief Fund

World Council of Churches

World ORT Union

World's YMCA

World's YWCA

World University Service (formerly World Student
Relief)

^{18a} IRO office closed in Mar. 1951.

¹⁹ In addition to agencies listed, many national organizations assist IRO missions within their respective countries; and, both internationally and locally, IRO has less formal co-operative relations with numerous other organizations.

XI. The World Meteorological Organization (WMO)

International co-operation in the field of meteorology was first established by an international conference held in Brussels in 1853 primarily for the purpose of dealing with the weather and climate of the oceans. In 1872, an unofficial Conference of Directors of Meteorological Institutes was held at Leipzig, followed by an official International Meteorological Congress in Vienna in 1873. This Congress established a permanent International Meteorological Committee which, in 1878, prepared a scheme for the establishment of an International Meteorological Organization (IMO) to study the atmosphere as a unit and to secure, through international co-operation, uniformity and accuracy in meteorological observations and calculations.

The members of IMO since 1878 have been the directors (97 as of 31 December 1950) of independent official meteorological services of various States and territories. The structure of the organization comprises the Conference of Directors, meeting at least every six years; the International Meteorological Committee, meeting at least every three years; the secretariat, the work of which is directed by an Executive Council; and various technical and regional commissions.

The first Conference of Directors of IMO met in Rome in 1879. Including the preliminary conferences of 1872 and 1873, twelve Conferences of Directors have been held up to December 1950. The organization is governed by Statutes adopted in Paris in 1919 by the Conference of Directors, and revised in Utrecht in 1923, Copenhagen in 1929, Locarno in 1931, Warsaw in 1935, Paris in 1946 and Washington in 1947.

To strengthen the position of the organization with the Governments which maintain meteorological services, as well as its authority in its relations with other international organizations, IMO decided in 1939 to create an inter-governmental organization, to be known as the World Meteorological Organization (WMO), whose members would consist of States and territories maintaining independent meteorological services rather than, as in the case of IMO, the directors of such services. The twelfth Conference of Directors, meeting in Washington from 22 September to 11 October 1947, drew up and adopted a Convention creating WMO.¹

As provided in the Convention, WMO was to come into being 30 days after the deposit with the Government of the United States of the thirtieth instrument of ratification or accession to the Convention. The Conference directed the President of the International Meteorological Committee of IMO to convene the first session of the Congress of WMO as soon as practicable after that date. It decided that an extraordinary session of the Conference of Directors of IMO would be held concurrently with the Congress, in order to dissolve IMO and ensure the transfer of its functions and assets to WMO. The Executive Council of IMO was directed to prepare the necessary documentation, including a draft agreement with the United Nations, for circulation to the members of WMO at least six months prior to the first Congress of the new organization.

The Conference resolved that IMO would continue to function until WMO came into existence, which was on 23 March 1950.²

A. PURPOSES

As stated in article 2 of the Convention of WMO, the purposes of the organization will be as follows:

- (a) To facilitate worldwide co-operation in the establishment of networks of stations for the making of meteorological observations or other geophysical observations related to meteorology and to promote the establishment and maintenance of meteorological centers charged with the provision of meteorological services;
- (b) To promote the establishment and maintenance of systems for the rapid exchange of weather information;
- (c) To promote standardization of meteorological ob-

servations and to ensure the uniform publication of observations and statistics;

- (d) To further the application of meteorology to aviation, shipping, agriculture, and other human activities; and

- (e) To encourage research and training in meteorology and to assist in coordinating the international aspects of such research and training.

¹ For text, see Annex III, p. 955 ff.

² The extraordinary session of the Conference of Directors of the IMO was convened in Paris on 15 Mar. 1951 and the first session of the Congress of WMO was convened in Paris on 19 Mar. 1951, at which time WMO became formally established.

B. ORGANIZATION

As provided by the Convention, WMO consists of a World Meteorological Congress, an Executive Committee, regional meteorological associations and technical commissions set up by the Congress, and a permanent secretariat under the direction of a Secretary-General. The organization is to be headed by a President and two Vice-Presidents, who will be the President and Vice-Presidents of the Congress and the Executive Committee.

The World Meteorological Congress, in which all members may be represented, is to meet at least once every four years. Each member is to designate as its principal delegate to the Congress the director of its meteorological service. The Congress is to be the policy-making body of the organization. It is to adopt technical regulations covering meteorological practices and procedures, and to determine the general policies for the fulfilment of the organization's purposes. Decisions of the Congress are to be taken by a two-thirds majority of the votes cast, except that in the election of officers of the organization, a simple majority is sufficient. Only members which are States will be entitled to vote on certain categories of questions, such as amendments to the Convention, membership in the organization or relations with the United Nations.

The Executive Committee is to be composed of the presidents of regional associations and an equal number of directors of the meteorological services of members, in addition to the President and Vice-Presidents of WMO. It will meet at least once a year. As the executive body of the organization, the Committee supervises the carrying out of Congress resolutions. Among its duties are to make studies and recommendations and provide members with technical information, counsel and assistance in the field of meteorology.

The regional meteorological associations, to be

established by the Congress, will be composed of members of WMO whose networks lie in or extend into the respective regions. The geographical limits of the various regions are to be defined by the Congress. Meeting as often as necessary, the regional associations will promote the execution of Congress and Executive Committee resolutions in their respective regions. They will consider and make recommendations to the Congress and the Executive Committee on matters of general meteorological interest, and will co-ordinate meteorological and associated activities in their respective regions. Six regional commissions were established in IMO: for Europe, for Asia, for Africa, for North and Central America, for South America, and for the South-West Pacific.

Various technical commissions, to be established by the Congress, will be composed of experts. They will study and make recommendations in their respective fields to the Congress and the Executive Committee. The following Technical Commissions have operated under IMO: Aerological Commission (CAe), Commission for Agricultural Meteorology (CAgM), Commission for Bibliography and Publications (CBP), Climatological Commission (CC1), Hydrological Commission (CHy), Commission for Instruments and Methods of Observation (CIMO), Commission for Aeronautical Meteorology (CMAe), Commission for Maritime Meteorology (CMM), Commission for Polar Meteorology (CPM), Commission for Radio-Electric Meteorology (CREM), Commission for Synoptic Weather Information (CSWI).³

The secretariat will act as the documentary and information centre. Among other duties, it will assist in organizing and conducting meetings, administer the finances of WMO and issue the official publications of the organization.

ANNEX I. MEMBERS OF WMO⁴

(As of 31 December 1950)

Australia	Byelorussian SSR	French Somaliland	Indonesia
Bermuda	Cameroons under French Trusteeship	French Togoland	Iraq
Brazil		French West Africa	Ireland
British East African Territories and Indian Ocean Islands	Canada	Greece	Israel
British Central African Territories	Czechoslovakia	Hong Kong	Lebanon
British Malayan Territories	Dominican Republic	Iceland	Madagascar
British West African Territories	Egypt	India	Mexico
Burma	Finland	Indochina	New Caledonia
	France		
	French Equatorial Africa		
	French Morocco		
	French Oceania		

³ Abbreviations as based on the French versions of these names.

⁴ Members are designated by the nomenclature in use by WMO, which in some cases differs from the official nomenclature of the United Nations.

New Zealand	Philippines	Thailand	USSR
Norway	Poland	Tunisia	United Kingdom
Pakistan	Romania	Turkey	United States
Paraguay	Sweden	Ukrainian SSR	Venezuela
Peru	Switzerland	Union of South Africa	Yugoslavia

ANNEX II. OFFICERS AND HEADQUARTERS OF IMO⁵

A. OFFICERS

President:

Sir Nelson K. Johnson (United Kingdom)

F. W. Reichelderfer (United States)

Th. Hesselberg (Norway)

A. Viaut (France)

Chief of Secretariat:

G. Swoboda (Switzerland)

B. HEADQUARTERS

Address: Secretariat de l'Organisation Meteorologique
Internationale

Rue Etraz 5

Lausanne, Switzerland

Telephone: 23 63 38

Cable Address: IMO LAUSANNE

ANNEX III. CONVENTION OF THE WORLD METEOROLOGICAL ORGANIZATION

With a view to coordinating, standardizing, and improving world meteorological activities and to encouraging an efficient exchange of meteorological information between countries in the aid of human activities the contracting States agree to the present Convention, as follows:

PART I

ESTABLISHMENT

ARTICLE 1

The World Meteorological Organization (hereinafter called the Organization) is hereby established.

PART II

ARTICLE 2

Purposes

The purposes of the Organization shall be:

(a) To facilitate worldwide cooperation in the establishment of networks of stations for the making of meteorological observations or other geophysical observations related to meteorology and to promote the establishment and maintenance of meteorological centers charged with the provision of meteorological services;

(b) To promote the establishment and maintenance of systems for the rapid exchange of weather information;

(c) To promote standardization of meteorological observations and to ensure the uniform publication of observations and statistics;

(d) To further the application of meteorology to aviation, shipping, agriculture, and other human activities; and

(e) To encourage research and training in meteorology and to assist in coordinating the international aspects of such research and training.

PART III

MEMBERSHIP

ARTICLE 3

Members

The following may become Members of the Organization by the procedure set forth in the present Convention:

(a) Any State represented at the Conference of Directors of the International Meteorological Organization convened at Washington D. C., on September 22, 1947, as listed in Annex I attached hereto, and which signs the present Convention and ratifies it in accordance with Article 32, or which accedes thereto, in accordance with Article 33;

(b) Any Member of the United Nations having a meteorological service by acceding to the present Convention in accordance with Article 33;

(c) Any State, fully responsible for the conduct of its international relations and having a meteorological service, not listed in Annex I of the present Convention and not a Member of the United Nations, after the submission of a request for membership to the Secretariat of the Organization and after its approval by two-thirds of the Members of the Organization as specified in paragraphs (a), (b) and (c) of this Article by acceding to the present Convention in accordance with Article 33;

(d) Any territory or group of territories maintaining its own meteorological service and listed in Annex II attached hereto, upon application of the present Convention on its behalf, in accordance with paragraph (a) of Article 34, by the State or States responsible for its international relations and represented at the Conference of Directors of the International Meteorological Organization convened at Washington, D.C., on September 22, 1947, as listed in Annex I of the present Convention;

(e) Any territory or group of territories, not listed in Annex II of the present Convention, maintaining its own meteorological service but not responsible for the conduct of its international relations, on behalf of which the present Convention is applied in accordance with paragraph (b) of Article 34, provided that the request for membership is presented by the Member responsible for its international relations, and secures approval by

⁵ In Apr. 1951, the World Meteorological Congress elected F. W. Reichelderfer (United States) as President, A. Viaut (France) as First Vice-President and N. P. Sellick (United Kingdom) as Second Vice-President. It appointed G. Swoboda (Switzerland) as Secretary-General. Pending the establishment of WMO's permanent headquarters at Geneva, the Organization maintained its provisional headquarters at the address of IMO.

two-thirds of the Members of the Organization as specified in paragraphs (a), (b) and (c) of this Article:

(f) Any trust territory or group of trust territories maintaining its own meteorological service and administered by the United Nations to which the United Nations applies the present Convention in accordance with Article 34.

Any request for membership in the Organization shall state in accordance with which paragraph of this Article membership is sought.

PART IV ORGANIZATION

ARTICLE 4

(a) The Organization shall comprise:

- (1) The World Meteorological Congress (hereinafter called the Congress);
- (2) The Executive Committee;
- (3) Regional Meteorological Associations (hereinafter called the Regional Associations);
- (4) Technical Commissions;
- (5) The Secretariat.

(b) There shall be a President and two Vice-Presidents of the Organization who shall also be President and Vice-Presidents of the Congress and of the Executive Committee.

PART V ELIGIBILITY

ARTICLE 5

(a) Eligibility for election to the offices of President and Vice-President of the Organization, of President and Vice-President of the Regional Associations, and for membership, subject to the provisions of Article 13 (c) of the present Convention, on the Executive Committee should be confined to the Directors of Meteorological Services of Members of the Organization.

(b) In the performance of their duties, the officers of the Organization and the members of the Executive Committee should regard themselves as representatives of the Organization rather than as representatives of particular Members thereof.

PART VI THE WORLD METEOROLOGICAL CONGRESS

ARTICLE 6

Composition

(a) The Congress is the supreme body of the Organization and shall be composed of delegates representing Members. Each Member shall designate one of its delegates, who should be the director of its meteorological service, as its principal delegate.

(b) With a view to securing the widest possible technical representation, any director of a meteorological service or any other individual may be invited by the President to be present at and participate in the discussions of the Congress.

ARTICLE 7

Functions

The functions of the Congress shall be:

(a) To determine general regulations, subject to the provisions of the present Convention, prescribing the constitution and the functions of the various bodies of the Organization;

(b) To determine its own rules of procedure;

(c) To elect the President and Vice-Presidents of the Organization, and other Members of the Executive Committee, in accordance with the provisions of Article 10 (a) (4) of the present Convention. Presidents and Vice-Presidents of Regional Associations and Technical Commissions shall be elected in accordance with the provisions of Articles 18 (e) and 19 (c), respectively, of the present Convention;

(d) To adopt technical regulations covering meteorological practices and procedures;

(e) To determine general policies for the fulfilment of the purposes of the Organization as set forth in Article 2 of the present Convention;

(f) To make recommendations to members on matters within the purposes of the Organization;

(g) To refer to any other body of the Organization any matter within the provisions of the present Convention upon which such body is empowered to act;

(h) To consider the reports and activities of the Executive Committee and to take such action in regard thereto as the Congress may determine;

(i) To establish Regional Associations in accordance with the provisions of Article 18; to determine their geographical limits, coordinate their activities, and consider their recommendations;

(j) To establish Technical Commissions in accordance with the provisions of Article 19; to define their terms of reference, coordinate their activities, and consider their recommendations;

(k) To determine the location of the Secretariat of the Organization;

(l) To take any other appropriate action to further the purposes of the Organization.

ARTICLE 8

Execution of Congress Decisions

(a) All Members shall do their utmost to implement the decisions of the Congress.

(b) If, however, any Member finds it impracticable to give effect to some requirement in a technical resolution adopted by Congress, such Member shall inform the Secretary General of the Organization whether its inability to give effect to it is provisional or final, and state its reasons therefore.

ARTICLE 9

Meetings

Meetings of the Congress shall be convened by decision of the Congress or of the Executive Committee at intervals not exceeding four years.

ARTICLE 10

Voting

(a) Each Member shall have one vote in decisions of the Congress, except that only Members of the Organization which are States, as specified in paragraphs (a), (b) and (c) of Article 3 of the present Convention (hereinafter referred to as "Members which are States"), shall be entitled to vote on any of the following subjects:

- (1) Amendment or interpretation of the present Convention or proposals for a new Convention;
- (2) Membership of the Organization;
- (3) Relations with the United Nations and other intergovernmental organizations;
- (4) Election of the President and Vice-Presidents of the Organization and of the members of the Executive Committee other than the Presidents and Vice-Presidents of the Regional Associations.

(b) Decisions of the Congress shall be by two-thirds majority of the votes cast for and against, except that elections of individuals to serve in any capacity in the Organization shall be by simple majority of the votes cast. The provisions of this paragraph, however, shall not apply to decisions taken in accordance with Articles 3, 25, 26, and 28 of the present Convention.

ARTICLE 11

Quorum

A majority of the Members shall be required to constitute a quorum for meetings of the Congress. For those meetings of the Congress at which decisions are taken on the subjects enumerated in paragraph (a) of Article 10, a majority of the Members which are States shall be required to constitute a quorum.

ARTICLE 12

First Meeting of the Congress

The first meeting of the Congress shall be convened by the President of the International Meteorological Committee of the International Meteorological Organization as soon as practicable after the coming into force of the present Convention.

PART VII

THE EXECUTIVE COMMITTEE

ARTICLE 13

Composition

The Executive Committee shall consist of:

- (a) The President and Vice-Presidents of the Organization;
- (b) The Presidents of Regional Associations, or in the event that Presidents cannot attend, alternates as provided for in the general regulations;
- (c) Directors of Meteorological Services of Members of the Organization or their alternates, equal in number to the number of Regions, provided that not more than one-third of the members of the Executive Committee, including the President and Vice-Presidents of the Organization, shall come from one region.

ARTICLE 14

Functions

The Executive Committee is the executive body of the Congress and its functions shall be:

- (a) To supervise the execution of the resolutions of the Congress;
- (b) To adopt resolutions arising out of recommendations of the Technical Commissions on matters of urgency affecting the technical regulations, provided that all Regional Associations concerned are given an opportunity to express their approval or disapproval before adoption by the Executive Committee;
- (c) To provide technical information, counsel, and assistance in the field of meteorology;
- (d) To study and make recommendations on any matter affecting international meteorology and the operation of meteorological services;
- (e) To prepare the agenda for the Congress and to give guidance to the Regional Associations and Technical Commissions in the preparation of their agenda;
- (f) To report on its activities to each session of the Congress;
- (g) To administer the finances of the Organization in accordance with the provisions of Part XI of the present Convention;
- (h) To perform such other functions as may be conferred on it by the Congress or by the present Convention.

ARTICLE 15

Meetings

The Executive Committee shall meet at least once a year. The time and place of the meeting shall be determined by the President of the Organization, taking account of the views of the other members of the Committee.

ARTICLE 16

Voting

Decisions of the Executive Committee shall be by two-thirds majority of the votes cast for and against. Each member of the Executive Committee shall have only one vote, notwithstanding that he may be a member in more than one capacity.

ARTICLE 17

The quorum shall consist of a majority of the members of the Executive Committee.

PART VIII

REGIONAL ASSOCIATIONS

ARTICLE 18

- (a) Regional Associations shall be composed of the Members of the Organization, the networks of which lie in or extend into the Region.
- (b) Members of the Organization shall be entitled to attend the meetings of Regional Associations to which they do not belong, take part in the discussions, present their views upon questions affecting their own Meteorological Service, but shall not have the right to vote.

c) Regional Associations shall meet as often as necessary. The time and place of the meeting shall be determined by the Presidents of the Regional Associations in agreement with the President of the Organization.

(d) The functions of the Regional Associations shall be:

- (i) To promote the execution of the resolutions of the Congress and the Executive Committee in their respective regions;
- (ii) To consider matters brought to their attention by the Executive Committee;
- (iii) To discuss matters of general meteorological interest and to coordinate meteorological and associated activities in their respective regions;
- (iv) To make recommendations to Congress and the Executive Committee on matters within the purposes of the Organization;
- (v) To perform such other functions as may be conferred on them by the Congress.

(e) Each Regional Association shall elect its President and Vice-President.

PART IX

TECHNICAL COMMISSIONS

ARTICLE 19

(a) Commissions consisting of technical experts may be established by the Congress to study and make recommendations to the Congress and the Executive Committee on any subject within the purposes of the Organization.

(b) Members of the Organization have the right to be represented on the Technical Commissions.

(c) Each Technical Commission shall elect its President and Vice-President.

(d) Presidents of Technical Commissions may participate without vote in the meetings of the Congress and of the Executive Committee.

PART X

THE SECRETARIAT

ARTICLE 20

The permanent Secretariat of the Organization shall be composed of a Secretary General and such technical and clerical staff as may be required for the work of the Organization.

ARTICLE 21

(a) The Secretary General shall be appointed by the Congress on such terms as the Congress may approve.

(b) The staff of the Secretariat shall be appointed by the Secretary General with the approval of the Executive Committee in accordance with regulations established by the Congress.

ARTICLE 22

(a) The Secretary General is responsible to the President of the Organization for the technical and administrative work of the Secretariat.

(b) In the performance of their duties, the Secretary General and the staff shall not seek or receive instructions from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officers. Each Member of the Organization on its part shall respect the exclusively international character of the responsibilities of the Secretary General and the staff and not seek to influence them in the discharge of their responsibilities to the Organization.

PART XI

FINANCES

ARTICLE 23

(a) The Congress shall determine the maximum expenditures which may be incurred by the Organization on the basis of estimates submitted by the Secretary General and recommended by the Executive Committee.

(b) The Congress shall delegate to the Executive Committee such authority as may be required to approve the annual expenditures of the Organization within the limitations determined by the Congress.

ARTICLE 24

The expenditures of the Organization shall be apportioned among the Members of the Organization in the proportions determined by the Congress.

PART XII

RELATIONS WITH THE UNITED NATIONS

ARTICLE 25

The Organization shall be brought into relationship with the United Nations pursuant to Article 57 of the Charter of the United Nations, subject to the approval of the terms of the agreement by two-thirds of the Members which are States.

PART XIII

RELATIONS WITH OTHER ORGANIZATIONS

ARTICLE 26

(a) The Organization shall establish effective relations and co-operate closely with such other inter-governmental organizations as may be desirable. Any formal agreement entered into with such organizations shall be made by the Executive Committee, subject to approval by two-thirds of the Members which are States.

(b) The Organization may on matters within its purposes make suitable arrangements for consultation and co-operation with non-governmental international organizations and, with the consent of the government concerned, with national organizations, governmental or non-governmental.

(c) Subject to approval by two-thirds of the Members which are States, the Organization may take over from any other international organization or agency, the purpose and activities of which lie within the purposes of the Organization, such functions, resources, and obligations as may be transferred to the Organization by international agreement or by mutually acceptable arrangements entered into between competent authorities of the respective organizations.

PART XIV

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

ARTICLE 27

(a) The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) (i) The Organization shall enjoy in the territory of each Member to which the present Convention applies such privileges and immunities as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) (ii) Representatives of Members and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

(c) Such legal capacity, privileges, and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary General of the United Nations and concluded between the Members which are States.

PART XV AMENDMENTS ARTICLE 28

(a) The text of any proposed amendment to the present Convention shall be communicated by the Secretary General to the Members of the Organization at least six months in advance of its consideration by the Congress.

(b) Amendments to the present Convention involving new obligations for Members shall require the approval by the Congress, in accordance with the provisions of Article 10 of the present Convention, by a two-thirds majority vote, and shall come into force on acceptance by two-thirds of the Members which are States for each such Member accepting the amendment and thereafter for each remaining such Member on acceptance by it. Such amendments shall come into force for any Member not responsible for its own international relations upon the acceptance on behalf of such a Member by the Member responsible for the conduct of its international relations.

(c) Other amendments shall come into force upon approval by two-thirds of the Members which are States.

PART XVI INTERPRETATION AND DISPUTES ARTICLE 29

Any question or dispute concerning the interpretation or application of the present Convention which is not settled by negotiation or by the Congress shall be referred to an independent arbitrator appointed by the President of the International Court of Justice, unless the parties concerned agree on another mode of settlement.

PART XVII WITHDRAWAL ARTICLE 30

(a) Any Member may withdraw from the Organization on twelve months' notice in writing given by it to the Secretary General of the Organization, who shall at once inform all the Members of the Organization of such notice of withdrawal.

(b) Any Member of the Organization not responsible for its own international relations may be withdrawn from the Organization on twelve months' notice in writing given by the Member or other authority responsible for its international relations to the Secretary General of the Organization, who shall at once inform all the Members of the Organization of such notice of withdrawal.

PART XVIII SUSPENSION ARTICLE 31

If any Member fails to meet its financial obligations to the Organization or otherwise fails in its obligations under the present Convention, the Congress may by resolution suspend it from exercising its rights and enjoying privileges as a Member of the Organization until it has met such financial or other obligations.

PART XIX RATIFICATION AND ACCESSION ARTICLE 32

The present Convention shall be ratified by the signatory States and the instruments of ratification shall be deposited with the Government of the United States of America, which will notify each signatory and acceding State of the date of deposit thereof.

ARTICLE 33

Subject to the provisions of Article 3 of the present Convention, accession shall be effected by the deposit with the Government of the United States of America of an instrument of accession, which shall take effect on the date of its receipt by the Government of the United States of America, which will notify each signatory and acceding State thereof.

ARTICLE 34

Subject to the provisions of Article 3 of the present Convention,

(a) Any contracting State may declare that its ratification of, or accession to, the present Convention includes any territory or group of territories for the international relations of which it is responsible.

(b) The present Convention may at any time thereafter be applied to any such territory or group of territories upon a notification in writing to the Government of the United States of America and the present Convention shall apply to the territory or group of territories on the date of the receipt of the notification by the Government of the United States of America, which will notify each signatory and acceding State thereof.

(c) The United Nations may apply the present Convention to any trust territory or group of trust territories for which it is the administering authority. The Government of the United States of America will notify all signatory and acceding States of any such application.

PART XX ENTRY INTO FORCE ARTICLE 35

The present Convention shall come into force on the thirtieth day after the date of deposit of the thirtieth instrument of ratification or accession. The present Convention shall come into force for each State ratifying or acceding after that date on the thirtieth day after the deposit of its instrument of ratification or accession.

The present Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of 120 days thereafter.

In Witness Whereof the undersigned, having been duly authorized by their respective Governments, have signed the present Convention.

Done at Washington this eleventh day of October 1947, in the English and French languages, each equally authentic, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

ANNEX I

STATES REPRESENTED AT THE CONFERENCE OF DIRECTORS OF THE INTERNATIONAL METEOROLOGICAL ORGANIZATION CONVENED AT WASHINGTON, D. C., ON SEPTEMBER 22, 1947

Argentina	Greece
Australia	Guatemala
Belgium	Hungary
Brazil	Iceland
Burma	India
Canada	Ireland
Chile	Italy
China	Mexico
Colombia	Netherlands
Cuba	New Zealand
Czechoslovakia	Norway
Denmark	Pakistan
Dominican Republic	Paraguay
Ecuador	Philippines
Egypt	Poland
Finland	Portugal
France	Rumania

Siam	United Kingdom of Great Britain and Northern Ireland
Sweden	
Switzerland	
Turkey	United States of America
Union of South Africa	Uruguay
Union of Soviet Socialist Republics	Venezuela
	Yugoslavia

ANNEX II

TERRITORIES OR GROUPS OF TERRITORIES WHICH MAINTAIN THEIR OWN METEOROLOGICAL SERVICES AND OF WHICH THE STATES RESPONSIBLE FOR THEIR INTERNATIONAL RELATIONS ARE REPRESENTED AT THE CONFERENCE OF DIRECTORS OF THE INTERNATIONAL METEOROLOGICAL ORGANIZATION CONVENED AT WASHINGTON, D. C., SEPTEMBER 22, 1947

Anglo-Egyptian Sudan	Indo China
Belgian Congo	Jamaica
Bermuda	Madagascar
British East Africa	Malaya
British Guiana	Mauritius
British West Africa	Morocco (not including the Spanish Zone)
Cameroons	Netherlands Indies
Cape Verde Islands	New Caledonia
Ceylon	Palestine
Curaçao	Portuguese East Africa
French Equatorial Africa	Portuguese West Africa
French Oceanic Colonies	Rhodesia
French Somaliland	Surinam
French Togoland	Tunisia
French West Africa	
Hong Kong	

XII. The International Trade Organization (ITO)¹

(Not yet established)

On 18 February 1946, the Economic and Social Council of the United Nations resolved to convene an International Conference on Trade and Employment to devise ways and means for the expansion of the production, exchange and consumption of goods. The Council, at the same time, established a Preparatory Committee to prepare for the consideration of the Conference an agenda and a draft convention for an international trade organization.

The Preparatory Committee held its first session in London from 15 October to 26 November 1946, and prepared a first draft Charter for the International Trade Organization (ITO).

Following further work on the draft by a drafting committee and by the Preparatory Committee at its second session held in Geneva from 10 April to 22 August 1947, a draft Charter was adopted by the Preparatory Committee. This draft formed the basis for the work of the United Nations Conference on Trade and Employment (Havana Conference). The Conference, which met in Havana from 21 November 1947 to 24 March 1948, drew up a Charter for an International Trade Organization (to be officially known as the Havana Charter) to be submitted to the 56 Governments represented, authenticated the text of the Charter in a Final Act, and adopted six resolutions, including a resolution² establishing an Interim Commission for the International Trade Organization.

The Interim Commission for the International Trade Organization (ICITO), composed of 52 countries which approved the resolution establishing it, held its first meeting in Havana on 20 March 1948 and elected and delegated its powers to an Executive Committee of eighteen members. The Executive Committee met in Havana on 24 March 1948, and again at its seat in Geneva from 25 August to 15 September 1948.

The main task of the Interim Commission was to prepare the ground for the first session of ITO, including a plan of work for the first year of the organization, the budget, the site for ITO headquarters, relations with the United Nations, the specialized agencies and other inter- and non-governmental organizations. The bulk of this

task—so far as events could be foreseen—was completed in 1949, and since that time the Secretariat of ICITO has been mainly occupied with the performance of duties for the Contracting Parties to the General Agreement on Tariffs and Trade (GATT).

In view of the delay in receiving acceptances of the Havana Charter, the Executive Committee, at a special session held at Annecy, France, in August 1949, agreed to postpone its third meeting, scheduled for September 1949, until a date when the entry into force of the Charter and the holding of the first ITO Conference were more imminent. At this meeting a proposal was made by the United Kingdom to bring into operation chapter VI of the Havana Charter in advance of the Charter as a whole. This proposal was referred to the fourth session of the Contracting Parties to GATT, but found no support and was withdrawn.

By the end of 1950 the Havana Charter had been accepted by Liberia and—conditional upon acceptances by the United Kingdom and the United States—by Australia. The Swedish Riksdag authorized Sweden's adherence at the discretion of the Foreign Minister. No acceptances had been deposited with the Secretary-General of the United Nations. On 6 December 1950 the United States Department of State issued a statement of policy indicating that the Havana Charter would not be submitted again to the United States Congress. It subsequently became evident that the establishment of ITO would be indefinitely postponed.

1. Purposes and Functions

ITO is a proposed specialized agency of the United Nations to administer and implement a code of principles or rules of fair dealing in international trade. This code is contained in the Havana Charter.

¹ For more detailed information on activities prior to 31 Dec. 1950, see Y.U.N., 1946-47, pp. 821-24; 1947-48, pp. 973-79; 1948-49, pp. 1106-12.

² For text, see Y.U.N., 1947-48, pp. 978-79.

The broad purpose of the Charter is to promote the expansion of international trade, to encourage the economic development of the backward areas and to improve standards of living throughout the world. The Charter seeks to achieve this goal (a) by establishing a code of fair dealing in international trade that will preclude economic warfare, and (b) by encouraging countries to reduce artificial trade barriers and to establish a multi-lateral, non-discriminatory trading system.

The Charter covers a very wide range of international economic relationships: tariffs, quotas, export subsidies, exchange matters, customs formalities, cartels, commodity agreements, state-trading, the international aspects of foreign investments and of employment and economic development, and a procedure for the settlement of trade disputes.

The Havana Charter groups its 106 articles in nine chapters. In its first chapter, the Charter sets out the purpose and objectives behind the creation of ITO as follows:

1. To assure a large and steadily growing volume of real income and effective demand, to increase the production, consumption and exchange of goods, and thus to contribute to a balanced and expanding world economy.
2. To foster and assist industrial and general economic development, particularly of those countries which are still in the early stages of industrial development, and to encourage the international flow of capital for productive investment.
3. To further the enjoyment of all countries, on equal terms, of access to the markets, products and productive facilities which are needed for their economic prosperity and development.
4. To promote on a reciprocal and mutually advantageous basis the reduction of tariffs and other barriers to trade and the elimination of discriminatory treatment in international commerce.
5. To enable countries, by increasing the opportunities for their trade and economic development, to abstain from measures which would disrupt world commerce, reduce productive employment or retard economic progress.
6. To facilitate through the promotion of mutual understanding, consultation and co-operation the solution of problems relating to international trade in the fields of employment, economic development, commercial policy, business practices and commodity policy.

The remaining eight chapters of the Charter deal with:

- (1) maintaining high levels of employment and economic activity;
- (2) promoting economic development, especially in economically backward countries, and reconstructing war-devastated countries;
- (3) commercial policy as it affects tariffs and other barriers to trade, and the numerous aspects of commercial relations between countries;
- (4) restrictive business practices, such as some practices of international cartels;

- (5) inter-governmental commodity agreements;
- (6) the structure and functions of ITO;
- (7) the procedures for settlement of differences between ITO members;
- (8) general provisions affecting ITO members, such as their trading relations with non-members and security exceptions.

2. Organization

The main governing body of ITO, as provided in the Charter, will be the Conference, which is to include all members, each having one vote. Decisions will be by majority (in certain cases by a two-thirds or three-fourths) vote.

Some functions of the Conference are granted, and others may be delegated, to an eighteen-member Executive Board, on which the United States will have permanent representation by reason of its economic importance. Here also each member will have one vote.

Members must agree, under the Charter, to settle trade disputes in accordance with the procedures of the Charter and the decisions of ITO. If a country does not wish to follow a decision of ITO, it may leave the organization (on sixty days' notice) but will no longer be entitled to the benefits that ITO members extend to each other.

3. Financial Arrangements

The Interim Commission for ITO has been financed by advances from the Working Capital Fund of the United Nations. These advances, which were authorized from time to time by resolutions of the General Assembly, amounted to \$346,490. The Executive Committee met on 25 November 1950 at Torquay to consider the repayment of loans which had been advanced to ICITO from the United Nations Working Capital Fund. As decided by the Executive Committee, ICITO advised the Secretary-General of the United Nations that it would not ask for further advances from the Working Capital Fund and would repay in July 1951 a substantial part of the advances made.

The secretariat of ICITO in its capacity of undertaking duties for the Contracting Parties to the GATT, is financed through contributions of the participating Governments which are assessed on their share of foreign trade. The estimated expenditure for 1951 amounts to \$403,281, to be covered by Government contributions and casual income.

THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT)

While the charter for ITO was in course of preparation, the members of the Preparatory Committee decided to proceed with tariff negotiations among themselves instead of waiting for the Organization to come into existence, thereby promoting one of the most important objectives of ITO. The Preparatory Committee also sponsored the discussions which led to the formulation of the General Agreement on Tariffs and Trade (GATT). The tariff negotiations were held from 10 April 1947 to 30 October 1947 when the 23 participating countries signed a Final Act which authenticated the text of the GATT.

The countries which completed tariff negotiations at Geneva in 1947 and subsequently became Contracting Parties to the GATT were: Australia, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Cuba, Czechoslovakia, France, India, Lebanon, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom and the United States. Although Pakistan, Syria, Burma, Ceylon and Southern Rhodesia were not members of the Preparatory Committee, these countries participated in the tariff negotiations, owing to their close economic connexion with certain members of the Committee. In the tariff negotiations, Benelux (Belgium, Netherlands, Luxembourg), took part as a Customs Union, as did also Lebanon-Syria.

1. Tariff Conferences

The tariff negotiations undertaken at Geneva in 1947, Annecy in 1949 and Torquay beginning in 1950 are recognized as constituting an achievement without parallel in the history of tariffs. In the first series of tariff negotiations at Geneva in 1947, a total of 123 bilateral sets of negotiations were completed among the 23 participating countries. They covered more than 45,000 tariff items.

The second series of tariff negotiations, held at Annecy from 11 April to 27 August 1949, resulted in the completion of 147 bilateral agreements covering some 5,000 items and the accession to the GATT during 1950 of a further nine countries: Denmark, the Dominican Republic, Finland, Greece, Haiti, Italy, Liberia, Nicaragua and Sweden.

The third series of tariff negotiations was held at Torquay beginning 28 September 1950.³

During 1950, Indonesia became a contracting party in its own right; Lebanon withdrew; the Nationalist Government of China notified its withdrawal effective 5 May 1950; the Central People's Government of China had not yet defined its position by the end of 1950.

The concessions negotiated at the three tariff conferences will remain firm until 1954. The countries adhering to GATT account for over four fifths of world trade.

2. Structure and Functions of GATT

GATT is an international trade agreement. The tariff concessions resulting from the three tariff conferences are incorporated in the Schedules of GATT. The Agreement also contains provisions to protect the tariff concessions: that is, for preventing them from being nullified by trade restrictions imposed by Governments to protect their national trade and payments. These provisions include rules regulating the use by the parties to the Agreement of quantitative import and export restrictions, internal taxes, customs administration and so on, as well as arrangements for consultation and for joint discussion and settlement of differences arising out of the administration of the Agreement. The obligations accepted by the contracting parties to the Agreement provide an agreed set of rules governing their commercial relations and the sessions attended by their representatives provide a forum for the discussion and settlement of complaints and other problems in the commercial field.

The Governments which have become contracting parties are applying the Agreement provisionally either under the Protocol of Provisional Application or under the Annecy Protocol of Terms of Accession⁴ which specifies arrangements for additional Governments to become contracting parties. These legal instruments enabled the contracting parties to bring the new tariff rates into effect, to establish most-favoured-

³ This series of negotiations, which lasted until 21 Apr. 1951, resulted in the completion of 147 bilateral agreements covering some 8,700 items and the expected accession during 1951 of Austria, the German Federal Republic, Korea, Peru, the Philippines, Turkey and Uruguay.

⁴ See Y.U.N., 1948-49, p. 1109.

nation treatment among themselves, and to follow the commercial policy rules laid down in the general provisions of the Agreement. Contracting Parties, which apply the Agreement provisionally, are not required to amend existing legislation or to promulgate new legislation in order to adhere more closely to the Agreement. They are expected, however, not to enact any new legislation that is inconsistent with it. In signing the Protocol of Provisional Application or the Protocol of Terms of Accession, a contracting party accepts a commitment to apply part II of the Agreement (which represents approximately the commercial policy chapter of the Havana Charter) "to the fullest extent not inconsistent with existing legislation", and, in addition, undertakes to observe the principles of the Havana Charter "to the fullest extent of their executive authority".

From time to time the Contracting Parties amended the GATT by means of Protocols, designed primarily to bring the commercial policy and economic development articles of the Agreement into line with the final text of the Havana Charter. The Contracting Parties also adopted Protocols of Rectifications, containing detailed changes in the Schedules of the Agreement necessitated by such factors as inaccurate descriptions of products or inadvertent errors, and Protocols of Modifications, comprising renegotiations among certain Contracting Parties.⁵

3. Sessions of the Contracting Parties

The Agreement requires representatives of the Contracting Parties to meet from time to time for the purpose of giving effect to those provisions which require joint action. In accordance with this arrangement, five sessions of the Contracting Parties had been held up to the end of 1950: the first session took place at Havana in March 1948, during the closing weeks of the United Nations Conference on Trade and Employment; the second session at Geneva from 16 August to 14 September 1948; the third session at Annecy from 8 to 13 August 1949; the fourth session at Geneva from 23 February to 3 April 1950; and the fifth session at Torquay from 2 November to 16 December 1950.

During 1950 the scope of the sessions of the Contracting Parties was broadened: the number and complexity of the trade problems submitted by Contracting Parties increased, as did also the length of the sessions.

At the fourth session the Contracting Parties completed plans for the third tariff conference which opened at Torquay in September 1950 and reviewed the position of low tariff countries in relation to the Torquay negotiations, agreeing on a formula designed to enable low-tariff countries to negotiate with high-tariff countries. They recommended that the life of the Geneva and Annecy tariff concessions should be prolonged beyond 1 January 1951. The fourth session adopted two reports relating to trade practices. The first of these examined the types of import and export restrictions in current use and made a series of firm suggestions to Governments to minimize the harmful effects of such protective restrictions imposed for balance of payments reasons.

The other report, namely the First Report on the Discriminatory Application of Import Restrictions, explored the import procedures of some 20 Contracting Parties which are using quantitative import restrictions because of balance of payments difficulties, during the postwar transitional period.

During the fourth session arrangement was made for a consultation as provided for in the Agreement between the Contracting Parties and certain countries which had recently found it necessary to change their import programmes or intensify their import restrictions recently in order to help correct their balance of payments situation. It was agreed that consultations should be undertaken at the fifth session with Australia, Ceylon, Chile, India, New Zealand, Pakistan, Southern Rhodesia and the United Kingdom.

The fourth session also examined a complaint by Chile arising from the removal by Australia of nitrate of soda from the pool of nitrogenous fertilizers which is subsidized by the Australian Government, while continuing to subsidize domestic ammonium sulphate. A working party of the session found that, although Australia had not contravened any provision of the General Agreement, it was possible that the value of tariff concessions granted to Chile by Australia had been impaired. The working party recommended that Australia find a way to remove the competitive inequality between ammonium sulphate and Chilean nitrate and, after consulting Chile, report back at the next session of the Contracting Parties. Australia and

⁵ For list of Protocols amending GATT adopted at the first three sessions, see Y.U.N., 1948-49, p. 1110. For an analysis of the various Protocols see United Nations Bulletin, VIII:6 (15 Mar. 1950) and X:4 (15 Feb. 1951); for action on the Protocols in 1950, see *ibid.*, X:4 (15 Feb. 1951).

Chile reported to the fifth session that they had reached a satisfactory agreement.

At the fifth session, which was held during the tariff conference at Torquay, legal instruments were drawn up to bring into force the tariff concessions negotiated at Torquay and to prolong the assured life of the Geneva and Annecy schedules of tariff concessions to 1 January 1954, including such limited re-negotiations of these concessions as would be undertaken, and to provide for accession to the General Agreement of further Governments negotiating at Torquay, including Uruguay, which undertook negotiations at Annecy in 1949 but did not subsequently accede.

Consultations on import restrictions referred to above were completed with the eight countries concerned and the International Monetary Fund. The view was expressed by certain representatives that circumstances justified a progressive relaxation of the hard currency import restrictions of Australia, Ceylon, New Zealand, Southern Rhodesia and the United Kingdom, and the Fund expressed the opinion that such relaxation would be feasible in these cases but should be undertaken with due caution, having regard to present uncertainties. The representatives of these countries considered that these views gave too much weight to favourable developments in the past twelve months and insufficient weight to current adverse factors (in particular to new responsibilities under the rearmament programme), the full force of which would not be felt until 1951. There was general agreement with the view expressed by the Fund that it would not be possible in current circumstances for Chile, India or Pakistan to relax further their restrictions on imports from the dollar area.

At the suggestion of the Netherlands, the Contracting Parties considered how far the United Kingdom utility system, by exempting from purchase tax a wide range of consumer goods manufactured in the United Kingdom, discriminated

against imported goods of a similar quality and price. The United Kingdom stated that certain classes of imported goods comparable with domestic utility products were now exempted from purchase tax and it was hoped that it would be possible to remove the discrimination before long. It was agreed to place the matter on the agenda of the next session.

Belgium requested examination of actual cases of quantitative restrictions applied for protective purposes by the United Kingdom and France, stating that these restrictions were causing unnecessary damage to the Belgian economy. Following consultations, a bilateral agreement was arranged between Belgium and the United Kingdom, and formal assurances were given by the representatives of France that they would seek a satisfactory settlement of the question before the end of 1950.

Consultations were held among Czechoslovakia, France, Italy and the United States regarding the withdrawal by the United States of a concession—on women's hats and hat bodies made of fur felt—which had been negotiated in 1947.

A committee of experts in consultation with the representatives of WHO examined the feasibility of a draft agreement to reduce trade barriers affecting the importation of insecticides and certain apparatus and materials necessary for campaigns against insect pests. The views of the committee and an amended draft agreement were to be transmitted to WHO.

At the fifth session the Contracting Parties also formulated and published a code of standard practices for import and export restrictions and exchange controls with the object of reducing the uncertainties and hardships to merchants. Among other matters dealt with, preliminary consideration was given to the establishment of a standing committee to deal with certain business between the regular sessions of the Contracting Parties.

ANNEX I. MEMBERS, OFFICERS AND HEADQUARTERS OF THE INTERIM COMMISSION OF ITO (IC.ITO)

(as of 31 December 1950)

A. MEMBERS OF IC.ITO

Afghanistan	Egypt	Nicaragua
Argentina	El Salvador	Norway
Australia	France	Pakistan
Austria	Greece	Panama
Belgium	Guatemala	Peru
Brazil	Haiti	Philippines
Burma	India	Poland
Canada	Indonesia	Southern
Ceylon	Iran	Rhodesia
Chile	Iraq	Sweden
China	Italy	Syria
Colombia	Jordan	Turkey
Costa Rica	Lebanon	Union of
Cuba	Liberia	South Africa
Czechoslovakia	Luxembourg	United Kingdom
Denmark	Mexico	United States
Dominican Republic	Netherlands	Uruguay
Ecuador	New Zealand	Venezuela

B. EXECUTIVE COMMITTEE OF IC.ITO

Australia	Czechoslovakia	Italy
Benelux	Egypt	Mexico
Brazil	El Salvador	Norway
Canada	France	Philippines
China	Greece	United Kingdom
Colombia	India	United States

C. OFFICERS OF IC.ITO

Chairman:
Max Suetens (Belgium)
Executive Secretary:
Eric Wyndham White (United Kingdom)

D. OFFICERS OF THE EXECUTIVE COMMITTEE

Chairman:
L. Dana Wilgress (Canada)
Vice-Chairmen:
Ramon Beteta (Mexico)
André Philip (France)
Sir Raghaven Pillai (India)

E. OFFICERS OF THE SECRETARIAT

Executive Secretary:
Eric Wyndham White
Deputy:
Jean Royer
Adviser:
F. A. Haight
Information Officer:
Richard Ford
Officers:
Giuseppe Maggio
Jan Serraris
Constant Shih
Assistant Officer:
Dorothy Peaslee

F. HEADQUARTERS

Address: Interim Commission for the International
Trade Organization
Palais des Nations
Geneva, Switzerland
Telephone: 31.000
Cable Address: ICITO GENEVE

ANNEX II. OFFICERS OF THE CONTRACTING PARTIES OF GATT

Chairman:
L. Dana Wilgress (Canada)⁶

Vice-Chairman:
Max Suetens (Belgium)⁷

⁶ Succeeded in Mar. 1951 by Johan Melander (Norway).

⁷ Succeeded in Mar. 1951 by J. A. Tonkin (Australia)

XIII. The Inter-Governmental Maritime Consultative Organization (MICO)¹

(Not Yet Established)

1. The United Nations Maritime Conference

The United Nations Maritime Conference, called at the request of the Economic and Social Council, met in Geneva from 19 February to 6 March 1948. It was attended by representatives from 32 countries and by observers from four other countries and nine international organizations. The Conference drew up and opened for signature and acceptance on 6 March 1948 the Convention on the Inter-Governmental Maritime Consultative Organization (IMCO).²

As provided by the Convention, Members of the United Nations and other States invited to the Conference may become members of IMCO by becoming parties to the Convention. States other than these may become members, subject to the prior approval of their applications by two thirds of the States members of IMCO. Territories or groups of territories may, under certain conditions, become associate members of the organization.

IMCO will come into being when 21 States, of which seven must each have a total tonnage of at least one million gross tons of shipping, have become parties to the Convention. As of 31 December 1950, five acceptances of the Convention had been received—from Canada, Greece, the Netherlands, the United Kingdom and the United States.

To make the necessary preparations for the first session of the Assembly of IMCO, the Conference established a Preparatory Committee, which will cease to exist upon resolution of the first session of that Assembly.

An agreement to establish the relationship between the United Nations and IMCO was approved by the General Assembly on 18 November 1948; to become effective it now requires the approval of the IMCO Assembly.³

2. The Preparatory Committee

The Preparatory Committee of IMCO held its first session on 6 March 1948 and its second on

30 November and 1 December 1948. It drew up a provisional agenda for the first session of the IMCO Assembly and prepared a proposed budget for the first two years of IMCO.

The Committee invited interested Governments to take the necessary steps to become parties to the Convention as soon as possible.

The next meeting of the Preparatory Committee will be called prior to the first session of the IMCO Assembly, unless some important questions arise which make it necessary for the Committee to meet earlier.

3. Purposes and Functions

The purposes and functions of IMCO are laid down in parts I and II of the Convention. Briefly, the organization is to:

- (1) provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters, including those concerning safety at sea;
- (2) encourage the removal of discriminatory action and of unnecessary restrictions by Governments;
- (3) consider matters concerning unfair restrictive practices by shipping concerns;
- (4) consider any matters concerning shipping that might be referred to it by any organ or specialized agency of the United Nations;
- (5) provide for the exchange of information among Governments on matters under consideration by the organization.

IMCO is also to provide for the drafting of conventions and agreements, to recommend these to Governments and to inter-governmental organizations, and to convene such conferences as may be necessary. The organization is to function in a consultative and advisory capacity.

¹ For further information, see the Final Act and Related Documents of the United Nations Maritime Conference (U. N. P., Sales No. 1948.VIII.2), and the following documents which were before the Conference: E/CONF.4/1 & 4. See also Y.U.N., 1947-48, pp. 969-72, and doc. IMCO.PC/3.

² The text of the Convention will be reproduced in a forthcoming volume of the Y.U.N., after the organization has come formally into existence.

³ For text, see Y.U.N., 1948-49, pp. 1115-18.

4. Organization

As provided by its Convention, IMCO will comprise an Assembly, a Council, a Maritime Safety Committee and a secretariat.

The Assembly, which is to consist of representatives of all members of the organization, is to meet at least once every two years. Among its duties as the policy-making body of IMCO, the Assembly is to adopt the budget of the organization and elect the members of the Maritime Safety Committee and four of the members of the Council, and may establish, on recommendation of the Council, permanent subsidiary bodies. It will recommend to members the adoption of maritime safety regulations or amendments to these regulations.

Each member of the organization will have one vote; associate members will not be entitled to vote. Decisions will be taken, as provided by the Convention, by majority vote, with certain exceptions. For example, to assume the duties and resources of another organization or to amend the Convention, will require a two-thirds majority vote of the Assembly, including, in the latter case, the concurring votes of a majority of members of the Council.

The Council is to consist of sixteen members, eight of which must represent countries having an interest in providing international shipping services (six of these countries must have the largest

interest in these services), and eight of which must represent countries having an interest in international sea-borne trade (six of these countries must have the largest interest in this field). It will be the Council's function to determine which of the members of IMCO have the largest interest in providing shipping services, and which the largest interest in sea-borne trade. The Council is to appoint, with the approval of the Assembly, the Secretary-General of the organization. It is to perform, between sessions of the Assembly, all functions of the organization except that of recommending to members the adoption of maritime safety regulations.

The Maritime Safety Committee is to consist of fourteen members elected from among those members having an important interest in maritime safety, of which at least eight are to be the largest ship-owning nations. It is to consider such questions as the construction and equipment of vessels, the handling of dangerous cargoes, and maritime safety procedures and requirements. The Committee is to promote the co-ordination of activities in the fields of shipping, aviation, telecommunication and meteorology, as they relate to safety and rescue.

The secretariat is to consist of a Secretary-General, a Secretary of the Maritime Safety Committee and necessary staff. Its duties are to include, inter alia, the provision of any information required for the work of the other organs of IMCO.

ANNEX. MEMBERS, OFFICERS AND HEADQUARTERS

(as of 31 December 1950)

A. MEMBERS OF THE PREPARATORY COMMITTEE

Argentina	France	Norway
Australia	Greece	Sweden
Belgium	India	United Kingdom
Canada	Netherlands	United States

B. OFFICERS OF THE PREPARATORY COMMITTEE

Chairman:
CANADA
Executive Secretary:
Branko Lukac (Director, Transport and Communications Division, United Nations Secretariat)

C. HEADQUARTERS

Pending the establishment of the permanent headquarters of the Inter-Governmental Maritime Consultative Organization in London, as provided by article 44 of the Convention, the provisional administrative address of the Preparatory Committee is as follows:

c/o Transport and Communications Division
Department of Economic Affairs
United Nations, New York

Roster of the United Nations

Members of the United Nations and Specialized Agencies

List of Abbreviations

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Sales Agents for United Nations Publications

Information Centres of the United Nations

I. Roster of the United Nations

(As of 31 December 1950)

Country	Capital	Total Area (Square Kilometres)	Latest Population Date	Estimate Total Population	Date of Admission to U. N.
Afghanistan	Kabul	650,000*	1950	12,000,000*	19 Nov. 46
Argentina†	Buenos Aires	2,808,492	Midyear 1950	17,195,844	24 Oct. 45
Australia†	Canberra	7,703,867	Midyear 1950	8,185,539 ¹	1 Nov. 45
Belguim†	Brussels	30,507	Midyear 1950	8,639,369	27 Dec. 45
Bolivia†	La Paz	1,069,094	Midyear 1949	3,990,200	14 Nov. 45
Brazil†	Rio de Janeiro	8,516,037	Midyear 1950	52,124,000	24 Oct. 45
Burma	Rangoon	677,544	Midyear 1950	18,489,354	19 Apr. 48
Byelorussian SSR†	Minsk	207,600	17 Jan. 1939	5,567,976	24 Oct. 45
Canada†	Ottawa	9,953,471	Midyear 1950	13,845,000	9 Nov. 45
Chile†	Santiago	741,767	Midyear 1950	5,809,236	24 Oct. 45
China ² †		9,736,288	1950	463,500,000*	24 Oct. 45
Colombia†	Bogotá	1,138,355	Midyear 1950	11,259,700	5 Nov. 45
Costa Rica†	San José	51,011	22 May 1950	794,081	2 Nov. 45
Cuba†	Havana	114,524	Midyear 1950	5,347,763	24 Oct. 45
Czechoslovakia†	Prague	127,827	28 Feb. 1950	12,556,000	24 Oct. 45
Denmark†	Copenhagen	42,932	Midyear 1950	4,271,000	24 Oct. 45
Dominican Republic†	Ciudad Trujillo	49,543	6 Sept. 1950	2,121,083	24 Oct. 45
Ecuador†	Quito	275,000	29 Nov. 1950	3,076,933 ³	21 Dec. 45
Egypt†	Cairo	1,000,000 ⁴	Midyear 1950	20,439,000	24 Oct. 45
El Salvador†	San Salvador	34,126	13 June 1950	1,858,000	24 Oct. 45
Ethiopia†	Addis Ababa	1,060,000	1950	15,000,000*	13 Nov. 45
France†	Paris	550,986	Midyear 1950	41,900,000	24 Oct. 45
Greece†	Athens	132,562	Midyear 1950	7,959,950	25 Oct. 45
Guatemala†	Guatemala City	108,889	14 Apr. 1950	2,787,030	21 Nov. 45
Haiti†	Port-au-Prince	27,750	7 Aug. 1950	3,111,973	24 Oct. 45
Honduras†	Tegucigalpa	153,226	25 June 1950	1,533,625	17 Dec. 45
Iceland	Reykjavik	103,000	Midyear 1950	143,000	19 Nov. 46
India†	New Delhi	3,162,454 ⁵	Midyear 1950	358,000,000 ⁵	30 Oct. 45
Indonesia	Jogjakarta	1,491,564	Midyear 1950	73,500,000 ⁶	28 Sep. 50
Iran†	Teheran	1,630,000	Midyear 1950	18,771,538	24 Oct. 45
Iraq†	Baghdad	435,223	Midyear 1950	5,100,000	21 Dec. 45
Israel	Tel Aviv	21,000	Midyear 1950	1,258,000	11 May 49
Lebanon†	Beirut	9,400	Midyear 1950	1,257,000	24 Oct. 45
Liberia†	Monrovia	111,370	1950	1,660,000*	2 Nov. 45

Roster of the United Nations

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Country	Capital	Total Area (Square Kilometres)	Latest Population Estimate Date	Total Population	Date of Admission to U. N.
Luxembourg†	Luxembourg	2,586	Midyear 1950	297,313	24 Oct. 45
Mexico†	Mexico City, D.F.	1,969,367	6 June 1950	25,367,802	7 Nov. 45
Netherlands†	Amsterdam	33,328 ⁷	Midyear 1950	10,113,527	10 Dec. 45
New Zealand†	Wellington	267,985	Midyear 1950	1,920,192	24 Oct. 45
Nicaragua†	Managua	148,000	31 May 1950	1,053,189	24 Oct. 45
Norway†	Oslo	324,222	Midyear 1950	3,265,000	27 Nov. 45
Pakistan	Karachi	943,288	28 Feb. 1951	75,687,000	30 Sep. 47
Panama†	Panama City	74,010	10 Dec. 1950	801,290	13 Nov. 45
Paraguay†	Asunción	406,752	28 Oct. 1950	1,405,627	24 Oct. 45
Peru†	Lima	1,249,049	Midyear 1950	8,404,933	31 Oct. 45
Philippines†	Manila	299,404	Midyear 1950	19,556,684	24 Oct. 45
Poland†	Warsaw	311,730	3 Dec. 1950	24,976,926	24 Oct. 45
Saudi Arabia†	Mecca	1,546,000*	1950	6,000,000*	24 Oct. 45
Sweden	Stockholm	449,165	Midyear 1950	7,016,550	19 Nov. 46
Syria†	Damascus	187,000	Midyear 1950	3,227,397	24 Oct. 45
Thailand	Bangkok	513,521	Midyear 1950	18,313,000	16 Dec. 46
Turkey†	Ankara	767,119	20 Dec. 1950	20,934,670	24 Oct. 45
Ukranian SSR†	Kiev	576,600	17 Jan. 1939	30,960,221	24 Oct. 45
Union of South Africa†	Pretoria	1,223,712	Midyear 1950	12,320,000	7 Nov. 45
USSR†	Moscow	22,270,600 ⁸	1946	193,000,000 ⁸	24 Oct. 45
United Kingdom†	London	243,999	Midyear 1950	50,616,000	24 Oct. 45
United States†	Washington, D. C.	7,827,680	Midyear 1950	151,689,000	24 Oct. 45
Uruguay†	Montevideo	186,926	Midyear 1949	2,352,500	18 Dec. 45
Venezuela†	Caracas	912,050	Midyear 1950	4,924,150 ⁹	15 Nov. 45
Yemen	Sa'ana	195,000	1950	4,500,000*	30 Sep. 47
Yugoslavia†	Belgrade	256,880	Midyear 1950	16,250,000	24 Oct. 45

†Original Member of the United Nations.

*Approximate figure. Specific data not available.

¹ Excluding full-blooded aborigines estimated at 47,000 in 1944.

² As of 31 December 1950, Taipeh, on the island of Taiwan (Formosa) was the capital of the National Government of the Republic of China, and Peking, The capital of the Central People's Government of the People's Republic of China.

³ Incomplete figure. Data lacking for a few provinces.

⁴ Inhabited and cultivated area: 37,973 sq. km.

⁵ Including Hyderabad (area 213,182 sq. km., population 18.7 millions) and Kashmir-Jammu (area: 213,040 sq. km. and population about 4.4 millions). The political status of these areas is not yet determined.

⁶ Includes Chinese and foreigners.

⁷ Including inland waters of less than 75 hectares only.

⁸ Including Byelorussian SSR and Ukrainian SSR.

⁹ Excluding tribal Indians estimated at 100,600 in 1941.

II. Members of the United Nations and Specialized Agencies (As of 31 December 1950)

1012

	UN	IL0	FAO	UNESCO	ICAO	WHO ⁵	BANK	FUND	UPU ⁷	ITU ⁸	IRO	WMO ¹¹	ICITO ¹²	PC.IMCO
AFGHANISTAN														
ALBANIA						6								
ARGENTINA														
AUSTRALIA														
AUSTRIA														
BELGIUM														
BOLIVIA														
BRAZIL														
BULGARIA						6								
BURMA														
BYELORUSSIAN SSR						6								
*CAMBODIA									7			11		
CANADA														13
CEYLON														
CHILE														
CHINA					4	6								
COLOMBIA														
COSTA RICA														
CUBA														
CZECHOSLOVAKIA						6								
DENMARK														
DOMINICAN REPUBLIC														
ECUADOR														
EGYPT														
EL SALVADOR														
ETHIOPIA														
FINLAND														
FRANCE														
GERMANY			1						7 ²					
GREECE														13
GUATEMALA														
HAITI														
HONDURAS														
HUNGARY						6								
ICELAND														
INDIA														
INDONESIA														
IRAN														
IRAQ														
IRELAND														

NOTES

(To designate certain of the members listed in the following notes, the nomenclature in use by the specialized agency concerned has been used. This in some cases differs from the official nomenclature of the United Nations.)

1. Refers to Federal Republic of Germany.

2. Refers to Republic of Korea.

3. Notice of withdrawal from FAO, effective 25 April 1951, was given by the Government of Poland on 25 April 1950.

4. Notice of withdrawal from ICAO, effective 31 May 1951, was given by the Nationalist Government of China in 1950.

5. WHO has one associate member: Southern Rhodesia.

6. The Governments of Bulgaria, Byelorussian SSR, Ukrainian SSR and USSR in 1949, the Nationalist Government of China and the Governments of Albania, Czechoslovakia, Hungary, Poland and Romania in 1950, notified WHO that they no longer consider themselves members of that organization.

7. In addition to members listed, UPU's total of 91 members includes: Algeria; Belgian Congo; French Morocco; French Overseas Territories and Territories administered as such; Indochina; Netherlands Antilles and Surinam; Portuguese Colonies of West Africa; Portuguese Colonies of East Africa, Asia and Oceania; Spanish Colonies^a; Spanish Morocco^a; Tunisia; United Kingdom Overseas Colonies, Protectorates and Territories under Trusteeship; United States Possessions.

Germany and Korea are temporarily prevented from adhering to the Convention and the Agreements of the Union by virtue of Article XVII of the Final Protocol of the Universal Postal Convention. According to the

	UN	ILO	FAO	UNESCO	ICAO	WHO ⁵	BANK	FUND	UPU ⁷	ITU ⁸	IRO	WMO ¹¹	ICITO ¹²	PC.IMCO
ISRAEL														
ITALY														
JAPAN														
JORDAN														
KOREA			2	2		2			7 ^a					
*LAOS									7			11		
LEBANON														
LIBERIA														
LUXEMBOURG														
MEXICO														
MONACO														
NETHERLANDS										9				13
NEW ZEALAND														
NICARAGUA														
NORWAY														
PAKISTAN														
PANAMA														
PARAGUAY														
PERU														
PHILIPPINES														
POLAND			3			6								
PORTUGAL														
ROMANIA						6								
SAN MARINO														
SAUDI ARABIA														
SPAIN									7 ^a					
SWEDEN														
SWITZERLAND														
SYRIA														
THAILAND														
TURKEY														
UKRAINIAN SSR						6								
UNION OF SOUTH AFRICA										10				
USSR						6								
UNITED KINGDOM														13
UNITED STATES														13
URUGUAY														
VATICAN CITY														
VENEZUELA														
*VIETNAM									7			11		
YEMEN														
YUGOSLAVIA														
TOTAL MEMBERS	60	62	67	59	58	74	49	49	91 ⁷	72 ⁸	18	55 ¹¹	52 ¹²	12

and the whole of the Spanish Colonies, by a decision of the twelfth Universal Postal Congress taken pursuant to General Assembly resolution 39(I) of 12 December 1946, were also temporarily prevented from adhering to the Convention and the Agreements of UPU until "that resolution is repealed or becomes objectless"; in 1950 the General Assembly reversed its earlier decision and the three members notified their adherences effective 8 May 1951. 8. In addition to members listed, ITU's total of 72 members includes: Belgian Congo and Territory of Ruanda-Urundi; French Protectorates of Morocco and Tunisia; Portuguese Colonies; Southern Rhodesia; Colonies, Protectorates, Overseas Territories and Territories under Mandate or Trusteeship of the United Kingdom; Territories of the United States. For more complete information concerning membership of ITU, see Chapter on International Telecommunication Union and Annex I to that Chapter.

9. Includes Surinam, Netherlands Antilles and New Guinea.

10. Includes Territory of South West Africa.

11. In addition to members listed, WMO's total of 55 members includes: Bermuda; British East African Territories and Indian Ocean islands; British Central African Territories; British Malayan Territories; British West African Territories; Cameroons under French Trusteeship; French Equatorial Africa; French Morocco; French Oceania; French Somaliland; French Togoland; French West Africa; Hong Kong; Indochina; Madagascar; New Caledonia; Tunisia.

12. In addition to members listed, ICITO's total of 52 members includes Southern Rhodesia.

13. Indicates States which have become Parties to the Convention on the IMCO.

* Cambodia, Laos and Vietnam compose the Associated States of Indochina. See also notes 7 and 11 above.

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