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UNITED NATIONS UNIVERSITY

Report of the Secretary-General

Addendum

In pursuance of paragraph 5 of General Assembly resolution 2951 (XXVII) of 11 December 1972, the Secretary-General transmits herewith to the General Assembly the comments and observations of the Executive Board of the United Nations Educational, Scientific and Cultural Organization on the draft Charter proposed by the Founding Committee of the United Nations University (A/9149, annex I, appendix III).

4.3.2 - United Nations University: comments and observations on the Draft Charter proposed by the Founding Committee appointed in accordance with United Nations General Assembly Resolution 2951 (XXVII) (93 EX/10 and 93 EX/42 Part II)

The Executive Board,

1. Having taken note with satisfaction of the report of the second session of the Founding Committee of the United Nations University, appointed in accordance with the United Nations General Assembly resolution 2951 (XXVII) and of the Draft Charter of the United Nations University proposed by it,
2. Conscious of the particular responsibilities which devolve upon Unesco, in liaison with the other competent specialized organizations, in the development and implementation of this project, as stated in resolution 1.323 adopted by the General Conference at its seventeenth session,
3. Expresses its appreciation of the assistance given by the Director-General, on behalf of Unesco, in carrying out the provisions of the above-mentioned General Assembly resolution for the establishment of the University;
4. Reaffirms its desire that Unesco share in the establishment and subsequent operation of the University, within the framework of the United Nations system;
5. Expresses its agreement with the broad outlines of the Draft Charter prepared by the Founding Committee subject to the observations formulated in the following paragraphs and the suggestions contained in the Annex to this resolution, the object of which is to clarify certain ideas in conformity with the provisions of General Assembly resolution 2951 (XXVII) which would help to secure the support of the international academic community for the idea of a United Nations University;
6. Recalls that these observations and suggestions reflect principles already set forth in the previous resolutions of the United Nations General Assembly and of the General Conference of Unesco as well as in several decisions of the Executive Board itself, being intended, in particular:
 - (a) to reaffirm with all necessary precision the objectives of the activity of the United Nations University and to define the areas in which its research and training work will be carried out, in conformity, in particular, with paragraph 2(f) of General Assembly resolution 2951 (XXVII);
 - (b) to ensure the autonomy and academic freedom of the University, without which fruitful research and training work cannot be successfully carried on; to ensure academic freedom, not only for the University as an institution, but also for all those who will be called upon, within the framework of the University, to carry on research and training activities;

- (c) to ensure that the University and all those who will be called upon to work in it act in conformity with the fundamental principles of the United Nations Charter and the Constitution of Unesco;
 - (d) to assist in securing close integration of the University in the world academic community and the broadest possible participation of scholars and research workers from all regions and all Member States, whatever the degree of development, geographical situation, social system or cultural traditions of those States;
 - (e) to ensure that the University, while serving all mankind and remaining true to its world vocation, gives very special attention to the problems and concerns of the developing countries and helps to strengthen the scientific potential of the latter;
 - (f) to ensure that Unesco, without encroaching on the University's autonomy, has every opportunity to exercise its own special responsibility in the carrying out of this project;
7. Earnestly hopes that, from the outset, the United Nations University will be strongly supported, on a voluntary basis, by the governments of developed and developing countries, so that it may obtain the necessary resources, whether for the setting up of research and training centres or in the form of financial contributions, and that the University may also receive the co-operation of a wide variety of bodies, both governmental and private, belonging to the international academic community, and in this connexion recalls the principles set out in paragraph 12 of Decision 4.2.1 adopted at its 89th session;
8. Recommends, in accordance with paragraph 6 of the report of the second session of the Founding Committee that - when the General Assembly approves the Charter of the University - the Secretary-General of the United Nations be invited by the General Assembly to take all necessary measures in agreement with the Director-General of Unesco, for bringing the Charter into effect, bearing in mind, inter alia, that, in the Board's opinion, it would seem desirable:
- (a) that the transition period which will elapse between the adoption of the Charter by the United Nations and the appointment of the first Rector, in accordance with the provisions of the Charter adopted, be as short as possible;
 - (b) that the expenses incurred during this preparatory period be covered by the capital suras, or the income derived from the funds, placed at the disposal of the University in the form of voluntary contributions from Member States;
 - (c) that the establishments forming part of the University be set up gradually and progressively, subject to observance of the strictest scientific principles and to availability of sufficient resources;

(d) that Unesco, through the Director-General, be given a substantial rôle to play, consonant with its primary competence and responsibilities, in all the preparatory work and transitional arrangements;

Invites the Director-General to transmit this resolution with its annex to the United Nations in time for its consideration by the General Assembly at its twenty-eighth session, and hopes that, when considering the Draft Charter, the General Assembly will give due consideration to the observations set out in this resolution and in the annex.

ANNEX

SUGGESTIONS ON THE TEXT OF THE DRAFT CHARTER
PROPOSED BY THE FOUNDING COMMITTEE APPOINTED IN ACCORDANCE WITH
UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 2951 (XXVII)

ARTICLE I

Since it is desirable that the principles governing the University's mode of action and structure should be indicated in the first Article of the Charter, it would be well to amend the heading of the Article to read "Purposes and Structures".

Paragraph 1

In accordance with the above consideration, this paragraph might be worded as follows:

The United Nations University shall be an international community of scholars, engaged in research, post-graduate training and dissemination of knowledge in furtherance of the Purposes and Principles of the Charter of the United Nations. In achieving its stated objectives, it shall function under the joint sponsorship of the United Nations and the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "Unesco"), through a central programming and co-ordinating body and a network of research and post-graduate training centres and programmes located in the developed and developing countries.

Paragraph 2

This paragraph refers to the University staff; it would therefore be advisable to delete it from this Article and make a corresponding addition to the Article dealing with questions of personnel.

Paragraph 3 (new paragraph 2)

By virtue of the principle set forth in paragraph 6 (a) of the Resolution, it would be desirable to insert the words "and the humanities as well as" after the words "...social sciences".

Paragraph 3 (new)

In conformity with paragraph 2 (f) of General Assembly Resolution 2951 (VII) and with paragraph 9 (c) (vi) (d) of Decision 4.2.1 of the Executive Board adopted at its 89th session, and by virtue of the principle set forth in paragraph 6 (a) of the present Resolution relating to the definition of areas in which research and training work of the University will be carried out, it would be desirable to insert the following text after the original paragraph 3:

"The research programmes of the University establishments shall include, among other subjects, coexistence between peoples having different cultures, languages and social systems; peaceful relations between States and the maintenance of peace and security; human rights; economic and social change

and development; the environment and the proper use of resources; basic scientific research and the application of the results of science and technology in the interests of development; universal human values related to the improvement of the quality of life".

Add new paragraph after paragraph 4

By virtue of the principle set out in paragraph 6 (c) of the Resolution, it would be desirable to add the following words at the end of the paragraph:

"The University and all those who work in it shall act in accordance with the spirit of the provisions of the United Nations Charter and the Constitution of Unesco and with the fundamental principles of contemporary international law".

Paragraph 5 (new paragraph 6)

In accordance with the principles set out in paragraph 6 (d-e) of the Resolution, it would be well for the text of the draft Charter to be amended as follows:

"The University shall have as a central objective of its research and training centres and programmes the continuing growth of vigorous academic and scientific communities everywhere and particularly in the developing countries, devoted to their vital needs in the fields of learning and research within the framework of the aims assigned to those centres and programmes in the present Charter. It shall endeavour to alleviate the intellectual isolation of persons in academic and scientific communities in the developing countries which might otherwise become a reason for their moving to developed countries".

ARTICLE II

Paragraph 1

Since freedom to choose the methods of research and teaching is an integral part of academic freedom, and the right to make free use of the financial resources at its disposal is an essential part of an institution's autonomy, it would seem desirable to amend the wording of this paragraph and also to change the order in which the ideas are set forth so as to base the statement on the concept of autonomy.

"The University shall enjoy autonomy within the framework of the United Nations. It shall also enjoy the academic freedom required for the achievement of its objectives, with particular reference to the choice of subjects and methods of research and training, the selection of persons and institutions to share in its tasks, and freedom of expression. The University shall decide freely on the use of the economic and financial resources allocated for the execution of its functions".

ARTICLE III

In view of the proposed change in the heading of Article I, this Article would now be entitled "Organization". As the ideas expressed in paragraph 1 are already included in the new wording of Article I, paragraph 1, Article III, paragraph 1, could be deleted.

Paragraph 2 (new paragraph 1)

(c) Since the Centre, although an important organ, is nevertheless subordinate to the Rector, the following amendment should be made to the text:

"...to assist the Rector in the programming, co-ordination, support, administration and financing..."

ARTICLE IV

Paragraph 4

New sub-paragraph (b)

As the Council shall formulate principles and policies which shall govern the activities and operations of the University (as stated in sub-paragraph (a)), it would seem that arrangements should be made for the application of these principles, policies and general provisions by means of Statutes adopted by the Council. It would therefore appear to be desirable that a new sub-paragraph be included to read as follows:

(b) "adopt such Statutes as may be necessary for the application of the Charter;"

New sub-paragraph (c)

To clarify the links between the Council and the research and training centres and programmes, and the legal status of the latter, and with a view to the application of the principles set forth in paragraph 6 (c, d and e) of the resolution, it would be desirable to include a new sub-paragraph (c) reading as follows:

(c) "decide upon the setting up or association of the research and training centres and programmes which are to constitute the totality of the University in developed or developing countries, establishing standards for their operation, either on its own authority, in cases where they are being set up, or by agreement in cases where they are being associated."

Former sub-paragraph (b) would thus become sub-paragraph (d) and so on.

Sub-paragraph (f) (new sub-paragraph (h))

As the University is to operate under the joint sponsorship of the United Nations and Unesco, and as reports can be communicated to the organs of Unesco only through the Director-General, it would be desirable to insert the words: "and the Director-General of Unesco" after the words "through the Secretary-General of the United Nations". As the Executive Board is itself empowered to suggest items to be considered by the General Conference, the words: "and Unesco" in the last line of this sub-paragraph appear to be superfluous and could be deleted.

Paragraph 5

The second sentence in this paragraph should read: "It shall elect its Chairman and other officials and shall adopt rules of procedure, including...".

Paragraph 7

The words "In the allocation of its available funds" would appear to be superfluous and could be deleted. Following the principle stated in paragraph 6 (d and e) of the decision, it would be desirable to insert, after the words "research and training centres and programmes", the words "particularly those".

ARTICLE V

Paragraph 3

Sub-paragraph (b)

As it would be impossible for the Rector effectively to direct all the programmes of the University, it would be advisable to amend the paragraph as follows: "direct work related to the execution of the research and training programmes," etc.

Sub-paragraph (i)

As it would be well to ensure that the Rector's reports are submitted at fairly regular intervals, it would be desirable to insert the words "according to the Rules of Procedure" after the words "as appropriate".

Paragraph 4 to be transferred as paragraph 3 of Article VII (new).

ARTICLE VII (new)

As there is no express provision in the present text of the Charter dealing with the status of the research and training programmes and centres, it would be desirable to insert a new Article VII worded as follows:

"Research and training centres and programmes

1. The University shall include a certain number of research and training centres and programmes established or to be established in various countries. Their creation and their association to the University shall be by decision of the Council in accordance with the terms of Article IV, paragraph 4, sub-paragraph (c).
2. Each research and training centre or programme shall be under the authority of a Director. The Directors shall co-operate with the Rector, especially as regards the co-ordination of programmes and research".
3. Insert here paragraph 4 of Article V.

ARTICLE VII (new ARTICLE VIII)

Paragraph 1

Bearing in mind the principles set out ~~in~~ paragraph 6(d) of the resolution and what has been said in this Annex about Article II.2, this paragraph should read as follows:

"The academic and administrative staff of the University shall be selected solely with a view to achieving its stated objectives. The basic criteria for selection shall be the highest standards of efficiency, competence and integrity, with due regard to appropriate representation in terms of geography, social systems, cultural traditions, age and sex".

Paragraphs 2 to 8

In accordance with the principle set forth in paragraph 6(b) of the resolution, with the object of restricting to the minimum necessary the number of University staff to be considered as international civil servants, and also with a view to making a clear distinction between the provisions relating to the status of the staff and those relating to appointment procedures, several amendments, not however essentially altering the text proposed by the Founding Committee, seem to be necessary to these paragraphs. For the sake of greater clarity, the wording considered advisable is reproduced below in full:

- "2. The personnel of the University shall consist of:
- (a) academic personnel;
 - (b) administrative personnel;
 - (c) trainees,

it being understood that the distribution of personnel among these categories shall be subject to the provisions of the Statutes adopted by the Council under the terms of Article IV, paragraph 4, new sub-paragraph (b).

3. The academic personnel shall be composed of:
 - (a) the Rector;
 - (b) the directing personnel, i.e. the Rector's senior collaborators and the directors of the research and training centres and programmes;
 - (c) research personnel, visiting professors, visiting fellows and consultants, including young scholars.

All members of the academic personnel shall enjoy in their research and training work the academic freedom guaranteed by the provisions of Article II.

4. The Rector and - save as otherwise provided in the Statutes adopted by the Council under the terms of Article IV, paragraph 4, new sub-paragraph (b) - the academic personnel referred to in paragraph 3(b) and such administrative personnel as may be provided for by the Council in the University budget, shall be covered by the provisions of the United Nations Staff Regulations and Rules, subject to such arrangements for special rules or terms of appointment as may be agreed upon by the Rector and the Secretary-General. Such personnel shall be officials of the United Nations within the meaning of Article 105 of the Charter of the United Nations and of other international agreements and United Nations resolutions defining the status of officials of the Organization, and Article 100 of the Charter shall apply to them.
5. The personnel referred to in the preceding paragraph shall be solely responsible to the Rector in the exercise of their functions.
6. The academic personnel referred to in paragraph 3(b) and such administrative personnel as may be provided for in the University budget established by the Council shall be appointed by the Rector acting on behalf of the Secretary-General of the United Nations, except in case of agreements to the contrary foreseen in Article IV, paragraph 4, sub-paragraph (c).
7. The academic and administrative personnel other than the personnel referred to in paragraphs 4 and 6, and the trainees shall, in the case of personnel serving at the University Centre, be appointed by the Rector, and in other cases, shall be appointed in accordance with the terms of the decision of the Council establishing the research and training centre or programme in question, or of the agreement bringing such centre or programme within the framework of the University. Such staff shall enjoy any privileges or immunities which may be provided for in agreements concluded under Article II, but shall normally not be officials of the United Nations.

ARTICLE IX (new ARTICLE X)

Paragraph 2

For greater precision, it would be advisable to amend the paragraph to read as follows: "The University shall have its headquarters in where the University authorities and the University Centre shall be located".

(93 EX/SR.19)

ARTICLE XIII (new)

Pending the recommendations of the University Council in respect of the conditions of service of the different categories of the University's personnel, their status will be determined as provided in paragraphs 4, 5, 6 and 7 of Article VIII.
