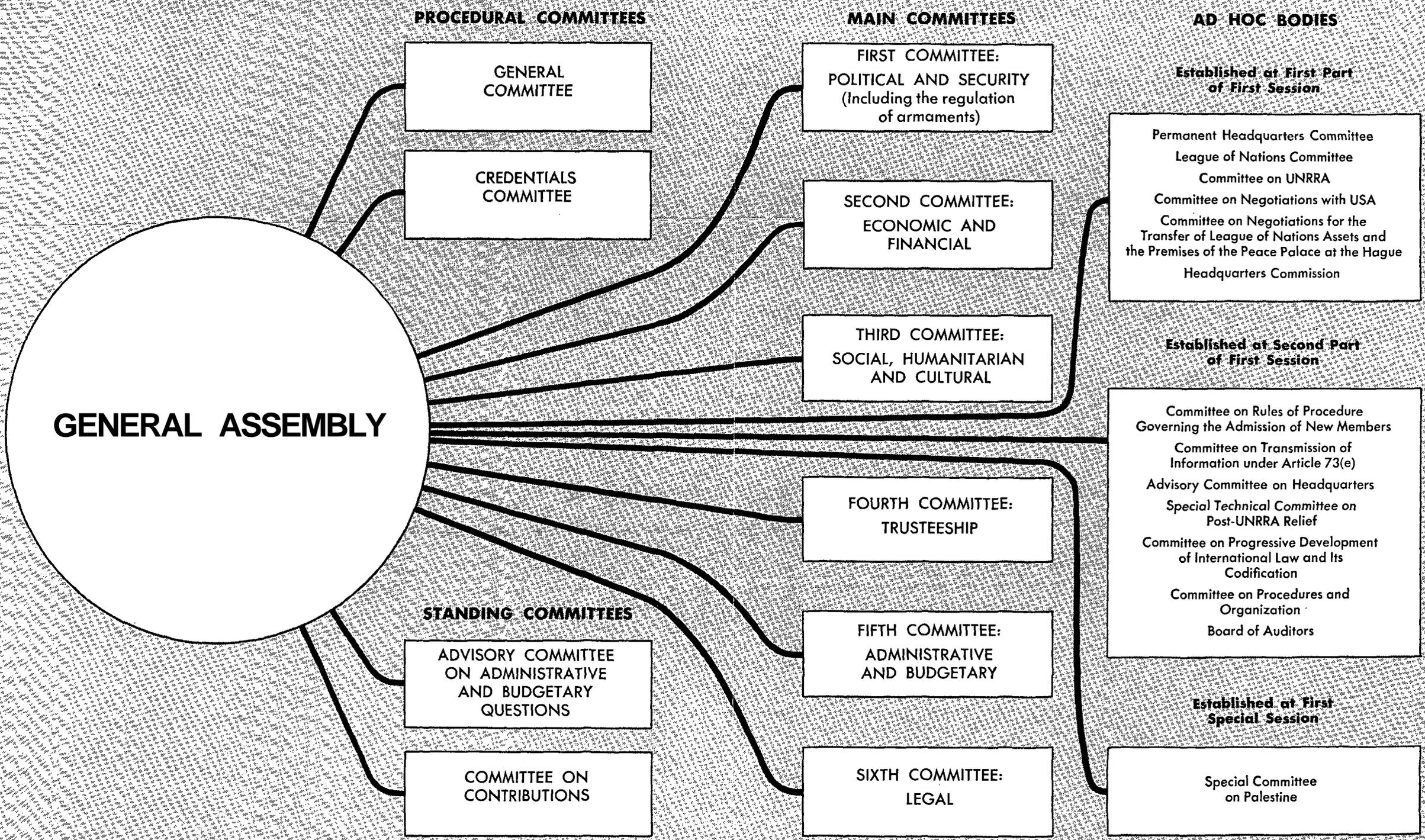


STRUCTURE OF THE GENERAL ASSEMBLY



Part One:

II. The General Assembly

A. THE CHARTER AND THE GENERAL ASSEMBLY¹

The General Assembly is the first of the six principal organs of the United Nations and is the only principal organ which consists of all of the Members of the United Nations.

The General Assembly has been characterized as the "town-meeting of the world" and is said to represent "the open conscience of humanity." It is essentially a deliberative, overseeing, reviewing and criticizing organ.

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 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, except disputes or situations that are being dealt with by the Security Council.

The functions and powers of the General Assembly fall into three main categories: maintenance of international peace and security, promotion of international economic and social co-operation and operation of the International Trusteeship System.

Although the Security Council is entrusted with the primary responsibility for the maintenance of international peace and security, including the formulation of plans for the establishment of a system for the regulation of armaments, 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 General Assembly may 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 if that

State accepts in advance the obligations of pacific settlement provided in the Charter, and may make recommendations to the State or States concerned or to the Security Council on such questions unless they are already being dealt with by the Security Council. 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.

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 Principles and Purposes of the United Nations, provided such situations are not being dealt with by the Security Council.

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

While the Security Council is exercising its functions in respect of any dispute or situation, the General Assembly is not to make any recommendation with regard to that dispute or situation unless the Security Council so requests.

The Secretary-General, with the consent of the Security Council, is to notify 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 is similarly to notify the General Assembly, or the Members of the United Nations if the General Assembly

This section is a summary of the Charter provisions with respect to the General Assembly. Chapter VI, Articles 9-22, of the Charter is devoted to the General Assembly. Other provisions are to be found in Articles 1-2, 4-7, 23-24, 35, 60-60, 66, 85-88, 93, 96, 97-98, 101, 104-05, 108-09 of the Charter, and Articles 4, 7-12, 32-33, 69 of the Statute of the International Court of Justice.

is not in session, immediately the Security Council ceases to deal with such matters.

The Security Council is to submit annual and, when necessary, special reports to the General Assembly, and the General Assembly is to receive and consider them; these reports are to include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security. The General Assembly is to receive and consider reports from the other organs of the United Nations.

The General Assembly is to initiate studies and make recommendations for the purpose of:

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

(b) 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 authority of the General Assembly, in the Economic and Social Council. Subject to the authority of the General Assembly, the Economic and Social Council may make studies and recommendations with respect to international economic, social, cultural, educational, health and related matters; make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all; and may prepare draft conventions and call international conferences on matters falling within its competence. Subject to the approval of the General Assembly, the Economic and Social Council may enter into agreements with specialized agencies and may co-ordinate the policies and activities of specialized agencies.

The functions and powers of the United Nations with regard to Non-Self-Governing territories not designated as strategic that are placed under the International Trusteeship System, including 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.

In addition to the functions and powers in these three main categories—maintenance of international peace and security, promotion of international economic and social co-operation and operation of the International Trusteeship System—the General Assembly exercises a number of organizational, administrative and budgetary functions and powers.

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 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. The General Assembly and the Security Council, voting independently, elect the members of the International Court of Justice.

Upon the recommendation of the Security Council, the General Assembly appoints the Secretary-General of the United Nations. The Secretary-General acts in that capacity in all meetings of the General Assembly, and makes an annual report to the General Assembly on the work of the organization. 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. The expenses of the United Nations are to be borne by the Members as apportioned by the General Assembly. The General Assembly considers and approves any financial and budgetary arrangements with specialized agencies and examines the administrative budgets of such agencies with a view to making recommendations.

Upon the recommendations 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, is to determine the conditions on which a State which

is not a member of the United Nations may become a party of 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 Economic and Social Council, the Trusteeship Council and the Secretariat, as well as the specialized agencies, to request advisory opinions of the Court on legal questions arising within the scope of their activities.

The General Assembly may make recommendations concerning, or propose conventions on the privileges and immunities of the United Nations, of representatives of Members of the United Nations and officials of the United Nations, to the Member Governments of the United Nations.

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

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

Each Member of the United Nations may send not more than five representatives to the General Assembly, but each Member has only one vote.

Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security; the election

of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council; the election of 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 to be 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 organization is to have 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 and in such special sessions as occasion may require. 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.

The General Assembly adopts its own rules of procedure, and it elects its President for each session.

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

B. STRUCTURE OF THE GENERAL ASSEMBLY

The General Assembly consists of all of the Members of the United Nations.

At each annual 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 appoints one of the Vice-Presidents to take his place. If the President is unable to perform his functions, a new President is elected for the unexpired term.

There are four types of committees of the General Assembly:

- (1) Procedural Committees.
- (2) Main Committees.
- (3) Standing Committees.
- (4) ad hoc Committees.

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

The Credentials Committee, which consists of nine members, is elected at the beginning of each session by the General Assembly on the proposal of the President. The Committee is to examine and verify the credentials of representatives.

The General Committee consists of fourteen members, no two of whom may be nationals of the same State, 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. It assists the President and the General Assembly in drawing up the agenda for each plenary meeting, in determining the priority of its items, and in co-ordinating the proceedings of all committees of the General Assembly. It also assists the President in the conduct of the work of the General Assembly which falls within the competence of the President. It is not, however, to decide on political questions.

There are six Main Committees:

- First Committee (Political and Security);
- Second Committee (Economic and Financial);
- Third Committee (Social, Humanitarian and Cultural);
- Fourth Committee (Trusteeship);
- Fifth Committee (Administrative and Budgetary);
- Sixth Committee (Legal).

These Main Committees correspond to the major fields of responsibility of the General Assembly. They have the double role of considering agenda items referred to them by the General Assembly and of preparing draft recommendations and resolutions for submission to the General Assembly. On each of these Committees all Members of the United Nations have the right to be represented.

The Political and Security Committee considers, among other items, appropriate aspects of the admission, suspension and expulsion of Members; any political and security matters within the scope of the Charter or relating to the powers and functions of any of the organs of the United Nations; 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 Economic and Financial Committee concerns itself with the economic and financial aspects of the program of the Economic and

Social Council and of the specialized agencies, and may consider any economic and financial matters within the scope of the Charter or relating to the powers and functions of any of the organs of the United Nations. It may also consider the promotion of international co-operation in the economic field, including questions of higher standards of living, full employment and conditions of economic progress and development. It may also deal with the question of equilibrium and stabilization of prices.

The Social, Humanitarian and Cultural Committee considers the corresponding aspects of the work of the Economic and Social Council and of the specialized agencies, and any 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. It may also consider the promotion of international co-operation in the social, humanitarian, cultural, educational, and health fields and assistance in the realization of human rights and fundamental freedoms. It may also consider conditions of social progress and development.

The Trusteeship Committee has the large and clearly defined task of considering items pertaining to trusteeship arrangements as set forth in Article 16 and Chapters XII and XIII of the Charter. This Committee may also consider any matters arising under Chapter XI relating to non-self-governing peoples.

The Administrative and Budgetary Committee considers matters pertaining to the budget of the organization, changes in the assessments of Members, financial and budgetary arrangements with the specialized agencies referred to in Article 57 of the Charter and the examination of the administrative budgets of the specialized agencies. It may also consider the staff regulations to be established by the General Assembly.

The Legal Committee considers the legal and constitutional aspects of such matters as proposed amendments to the Charter, requests to the International Court of Justice for advisory opinions and legal problems referred from other committees. It may also consider measures to encourage the progressive development of international law and its codification.

There are two Standing Committees: an Advisory Committee for Administrative and

Budgetary Questions and a Committee on Contributions.

The Advisory Committee is charged with the responsibility of expert examination of the budget of the United Nations. It consists of nine members, at least two of whom should be recognized financial experts. The members of the Advisory Committee are elected on the basis of broad geographical representation, personal qualifications and experience and they serve for three years.

The Committee on Contributions is appointed to report to the General Assembly concerning the apportionment, under Article 17 of the Charter, of the expenses of the United Nations among Members, broadly according to capacity to pay. The Committee should also report to the General Assembly on the contributions to be paid by new Members; appeals made by Members for a change

of assessment; and the action to be taken with regard to the application of Article 19 of the Charter, which deals with the question of Members in arrears in the payment of their financial contributions to the United Nations. The Committee consists of ten members who are elected 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-election.

In addition to Procedural, Main and Standing Committees, the General Assembly may appoint such ad hoc committees as may be required from time to time for special purposes. During the first part of its first session the General Assembly appointed an ad hoc League of Nations Committee and an ad hoc Permanent Headquarters Committee.

C. FIRST PART OF THE FIRST SESSION

1. ORGANIZATIONAL MATTERS

The General Assembly held its first meeting at Central Hall, Westminster, London, on January 10, 1946. Representatives of all 51 Members of the United Nations were present.

The Preparatory Commission had recommended that the first regular session of the General Assembly should be divided into two parts, the first part in January to be devoted mainly to organizational and procedural matters, the second part in the spring of 1946 to be devoted to substantive matters. The second regular session of the General Assembly was to be held on the first Tuesday after September 2, 1946, the date set for the regular annual meetings of the General Assembly, according to Rule 1 of the Provisional Rules of Procedure.

It was subsequently decided not to hold any session in the spring of 1946, but to hold the next session of the General Assembly in September 1946. The General Committee of the General Assembly considered, however, that the September session could not be called the second regular session as Article 20 of the United Nations Charter provided that the General Assembly should "meet in regular annual sessions." The General Committee therefore recommended and the General Assembly adopted at its 26th plenary meeting on February 9, 1946 the following resolution:

1. The present session of the General Assembly shall be adjourned in February on a date to be subsequently determined and shall be known as the first part of the first regular session.

2. The second part of the first regular session of the General Assembly shall be convened on the first Tuesday after 2 September 1946 in accordance with Rule 1 and Supplementary Rule B of the Provisional Rules of Procedure.

3. Supplementary Rules C, F and G of the Provisional Rules of Procedure shall apply for the second part of the first regular session of the General Assembly rather than Rules 7, 11 and 13. References elsewhere in the Supplementary Rules or in resolutions of the Assembly and its Committees to the "second part of the first session" shall be construed to refer¹ to the second part of the first regular session.

The first part of the first session of the General Assembly lasted from January 10 to February 14, 1946. During this time the Assembly held 33 plenary meetings and 102 committee meetings.

The second part of the first session was scheduled to convene on September 3, 1946, in accordance with the above-mentioned resolution. When it was decided, however, to

¹ The Provisional Rules of Procedure apply to all sessions of the General Assembly, while the Supplementary Rules apply only to the first session.

convene the Peace Conference in Paris on July 29, 1946, Members of the Council of Foreign Ministers recommended that the General Assembly be convened on September 23 instead of September 3, to avoid possible conflict between the two international gatherings. On July 11, 1946 the Acting Secretary-General addressed cables to all 51 Members of the United Nations, informing them that the General Assembly would convene on September 23 unless objections were received to this recommendation for postponement by July 20, 1946. No objections were received and the Acting Secretary-General on July 24, 1946, announced the convocation of the General Assembly for September 23, 1946.

By September it became apparent that the Paris Peace Conference would not be able to conclude its work by September 23, 1946. On September 9 the Secretary-General of the United Nations received a cablegram from the President of the General Assembly stating that the Governments of Belgium, China, France, the U.S.S.R. and the United Kingdom favored postponement of the General Assembly to October 23, 1946, and that the Government of the United States did not oppose this suggestion. After obtaining assurances from the Members of the Council of Foreign Ministers that they would request no further postponement, the Secretary-General on September 9, 1946, sent cables to all Members of the United Nations recommending postponement of the General Assembly to October 23, 1946, and requesting them to reply to this suggestion not later than September 13, 1946. By September 12, 37 Members had agreed to the postponement. In the absence of rules of procedure concerning postponement this majority was held adequate to decide the question. By September 16, 49 Members had replied favorably to the Secretary-General's communication. Thus the second part of the first session of the General Assembly was scheduled to open at Flushing Meadow Park, New York, on October 23, 1946.

a. Adoption of the Provisional Rules of Procedure and the Provisional Agenda

At the second plenary meeting on January 11, 1946, the General Assembly, after some discussion, decided to adopt provisionally the Provisional Rules of Procedure drawn up by the Preparatory Commission. The Rules, together with several amendments proposed

during the discussion, were referred to the Sixth Committee (Legal) for study.

The General Assembly decided, further, to adopt the provisional agenda proposed by the Preparatory Commission. A list of supplementary items proposed by Members was referred to the General Committee for its consideration and report.

b. Election of Officers of the General Assembly

(1). Election of the President

At the first plenary meeting on January 10, 1946, the General Assembly elected its President. The representative of the U.S.S.R. proposed Mr. Trygve Lie, Foreign Minister of Norway, as candidate for the post. The Chairman of the Preparatory Commission, who acted as provisional Chairman of the General Assembly, pointed out that Rule 73 of the Provisional Rules of Procedure provided that all elections should be taken by secret ballot. The representative for the Ukrainian S.S.R., supporting Mr. Lie's candidature, proposed that Mr. Lie be chosen by acclamation. A vote was therefore taken on the question of voting by acclamation. The Assembly decided 15 to 9 in favor of a vote by secret ballot. When the ballot was taken Mr. Lie received 23 votes and Mr. Paul-Henri Spaak, Prime Minister of Belgium, 28. Having obtained a majority vote of the Members present and voting, Mr. Spaak was elected President of the General Assembly.

(2). Election of the Vice-Presidents

At the third plenary meeting on January 11, 1946, the General Assembly elected seven Vice-Presidents. According to the Rules of Procedure the President of the General Assembly, the Chairmen of the Main Committees and the seven Vice-Presidents compose the General Committee. The Vice-Presidents are to be elected with a view to ensuring the representative character of the General Committee. Upon the proposal of the representative of the Netherlands the General Assembly, by acclamation, elected the Chairmen of the delegations of the following countries as Vice-Presidents:

China
France
Union of South Africa
U.S.S.R.
United Kingdom
United States
Venezuela

c. Appointment of Committees

(1). Credentials Committee

At its second plenary meeting the General Assembly unanimously accepted the President's proposal that the delegations of the following countries form the Credentials Committee in accordance with Rule 23 of the Provisional Rules of Procedure:

Byelorussian S.S.R.
 China
 Denmark (Chairman)
 France
 Haiti
 Paraguay
 Philippines
 Saudi Arabia
 Turkey

(2). General Committee

According to Rule 32 of the Provisional Rules of Procedure the General Committee is to be composed of the President of the General Assembly, the seven Vice-Presidents, and the Chairmen of the six Main Committees. In the course of the discussion concerning adoption of the Provisional Rules of Procedure the representative of Cuba proposed that the General Committee be composed not of fourteen members but of the heads of all 51 delegations. In addition there should be an Executive Committee consisting of the President, the seven Vice-Presidents, and seven other members to be elected. This, the Cuban representative suggested, would make for perfect equality and freedom of expression in the Committee. Although it had been stressed by representatives favoring a small General Committee that the Committee's functions would be limited to administrative questions, he considered that the General Committee might be involved in political questions as well. In fact, the Preparatory Commission had refused to accept a Belgian motion to the effect that in the General Committee no decision which had any political import should be taken. It would, moreover, be difficult to determine in each case whether a question was important politically or not. His proposal, the Cuban representative considered, safeguarded the principle of full representation in the General Assembly; it also safeguarded the principle of freedom of speech and avoided a limited body which might prove to be a gag should any critical situation arise.

In reply the representative of the United Kingdom remarked that the question raised by the Cuban representative had been discussed at great length by the Preparatory Commission and it had been decided that for the sake of the efficient conduct of the General Assembly's business a small General Committee was preferable. Everybody was agreed, the United Kingdom representative stated, that Rules 32 and 33 made it impossible for the General Committee to consider questions of political importance. The representative of the United Kingdom therefore proposed that the General Assembly accept the Provisional Rules of Procedure as presented by the Preparatory Commission, and refer the Cuban proposal to the Sixth Committee (Legal) for study. The British proposal was accepted and the Sixth Committee was instructed, by a vote of 29 to 18, with 4 abstentions, to report to the General Assembly within eight days concerning this matter.

In the Sixth Committee the Cuban representative withdrew his proposal for a General Committee of 51 members, substituting instead the following proposals: (a) that a provision should be added to Rule 33 stating that the General Committee should not decide any political questions; (b) that a new Rule 33 A should be included as follows:

A Member of the General Assembly which has no representative on the General Committee, and which has requested the inclusion of an additional item in the agenda, shall be entitled to attend any meeting of the General Committee at which its request is discussed, and may participate, without vote, in the discussion of that item.

At its third meeting on January 22, 1946, the Sixth Committee adopted the Cuban proposals. The General Assembly in turn adopted them by a large majority at the eighteenth plenary meeting on January 26, 1946.

(3). Main Committees

The substantive work of the General Assembly is divided among the six Main Committees. The Committees elect their own Chairmen, Vice-Chairmen, and Rapporteurs. The Preparatory Commission recommended that these officials be elected on the basis of equitable geographical distribution, experience and personal competence. The Main Committees each met for the first time on January 11, 1946, to elect their Chairmen. The following Chairmen were elected by acclamation:

Committee	Chairman
First Committee (Political and Security)	Dmitro Z. Manuilsky (Ukrainian S.S.R.)
Second Committee (Economic and Financial)	Waclaw Konderski (Poland)
Third Committee (Social, Humanitarian and Cultural)	Peter Fraser (New Zealand)
Fourth Committee (Trusteeship)	Roberto E. MacEachen (Uruguay)
Fifth Committee (Administrative and Budgetary)	Faris el-Khoury (Syria)
Sixth Committee (Legal)	Robert Jiménez (Panama)

(4). Standing Committees

Advisory Committee on Administrative and Budgetary Questions. — According to Rules 37-39 of the Provisional Rules of Procedure the General Assembly was to appoint an Advisory Committee for Administrative and Budgetary Questions of seven members. The matter was referred to the Fifth Committee (Administrative and Budgetary), which on January 28 unanimously adopted the recommendations of the Preparatory Commission. At the next meeting of the Fifth Committee, however, the representative of France proposed an amendment increasing the membership of the Advisory Committee from seven to twelve. The representative of New Zealand considered that a Committee of seven would make for greater efficiency, while the representative of Chile stressed the desirability of enlarging the representation of smaller countries on this important Committee. The Fifth Committee, at the suggestion of the representative of Mexico, accepted an amendment to the French proposal that the membership of the Advisory Committee should be nine. The General Assembly at its 31st plenary meeting on February 13, 1946, therefore adopted the proposals of the Preparatory Commission as amended by the Fifth Committee. The Advisory Committee on Administrative and Budgetary Questions, thus to be composed of nine members, was to be appointed during the second part of the first session of the General Assembly. It was to assist the Fifth Committee in the consideration of budgetary and administrative matters.

As a result of the Assembly's decision to increase the membership of the Advisory Committee on Administrative and Budgetary Questions, the Provisional Rules of Procedure of the General Assembly were amended as follows:

Rule 37

The General Assembly shall appoint an Advisory Committee on Administrative and Budgetary Questions (hereinafter called the "Advisory Committee") with a membership of nine, including at least two financial experts of recognized standing.

Supplementary Rule J

At the second part of the first session, the General Assembly shall elect simultaneously, in accordance with Rule 75, the nine members of the Advisory Committee on Administrative and Budgetary Questions, two of whom at least shall be financial experts of recognized standing. It shall then, by a second vote, choose three of the elected members, one of whom shall be a financial expert, for the three-year term. By a third vote it shall choose three of the remaining elected members, one of whom shall be a financial expert, for the two-year term.

Committee on Contributions.—According to Rule 40 of the Provisional Rules of Procedure the General Assembly was to establish a Committee on Contributions of seven members. The matter was referred to the Fifth Committee, which on January 29, 1946, accepted by 30 votes to 4 an amendment proposed by the representative of Venezuela increasing the membership of the Committee on Contributions from seven to nine. On February 11, 1946 the Rapporteur of the Fifth Committee stated that representatives of the following countries had been put forward as possible candidates to serve on the Committee on Contributions:

China	United Kingdom
France	United States
Iraq	Uruguay
South Africa	Yugoslavia
U.S.S.R.	

The representative of Belgium considered that the list of nine proposed candidates was not entirely satisfactory, since, aside from the

five major powers, it included only one representative of Members whose contributions would be between one per cent and four per cent as against three representatives of States whose contributions would be under one per cent. Moreover, he considered that the geographical distribution was not altogether equitable. For these reasons he proposed the addition of Australia to the list. The Committee felt that to vote for nine of the ten candidates might prove embarrassing. A proposal put forward by the representatives of the Netherlands, the U.S.S.R. and France to increase the membership of the Committee on Contributions to ten was, therefore, accepted by a vote of 18 to 6.

At its 31st plenary meeting on February 13, 1946, the General Assembly unanimously accepted the recommendations of the Fifth Committee concerning the composition of the Committee on Contributions and appointed the following members:

To serve for a term of three years:

J. P. Brigden (Australia)
Martínez Cabanas (Mexico)
Seymour Jacklin (South Africa)
Nicolai V. Orlov (U.S.S.R.)

To serve for a term of two years:

M. Baumont (France)
Sir Cecil Kisch (United Kingdom)
Nedim El-Pachachi (Iraq)

To serve for a term of one year:

Paul H. Appleby (United States)
Chi Chao-ting (China)
Pavle Lukin (Yugoslavia)

As a result of the General Assembly's decision to increase the membership of the Committee on Contributions from seven to ten the Provisional Rules of Procedure were amended as follows:

Rule 40

The General Assembly shall appoint an expert Committee on Contributions, consisting of ten members.

Supplementary Rule K

At the first part of the first session, the General Assembly shall elect simultaneously, in accordance with Rule 75, the ten members of the Committee on Contributions. It shall then, by a second vote, choose four of the elected members for the three-year term. By a third vote it shall choose three of the remaining elected members for the two-year term.

(5). ad hoc Committees

League of Nations Committee.—At its eighteenth plenary meeting on January 24,

1946, the General Assembly, upon the recommendation of the General Committee, established an ad hoc committee, on which all Members were represented, to consider the transfer of certain functions, activities and assets of the League of Nations. At its first meeting on January 31, 1946, the League of Nations Committee elected Erik Colban of Norway as its Chairman.

Permanent Headquarters Committee.—Upon the recommendation of the General Committee the General Assembly at its eighteenth plenary meeting on January 24, 1946, established a committee, on which all Members were represented, to consider the question of the site of the permanent headquarters of the United Nations. At its first meeting on February 4, 1946 the Committee elected Eduardo Zuleta Angel, of Columbia, as its Chairman.

d. Election of Members of Councils

(1). Election of Non-Permanent Members of the Security Council

Under Article 23 of the United Nations Charter, the General Assembly elects the non-permanent members of the Security Council.

When the General Assembly, at its fourth plenary meeting on January 12, 1946, proceeded to elect the six non-permanent members of the Security Council, the representative of the U.S.S.R. moved that the election be postponed for several days, so that the delegations might have more time to consult with each other. The representative of the United States opposed the Soviet proposal, stating that the Preparatory Commission had adopted the provisional agenda of the General Assembly on December 23, 1945, and that the delegations thus had had ample time to consider the matter. To postpone the election would set an exceedingly bad precedent. The representative of New Zealand supported the Soviet proposal for postponement, on the ground that the representatives should be given more time to consider the application of the principle of equitable geographical distribution to this election. In particular he urged that the Council consider the important problems of the Pacific, and asked that the South and South-west Pacific be represented on the Security Council. Australia should be considered a candidate for that position. The General

Assembly by 34 votes to 9 rejected the Soviet proposal for postponement of the election.

The representative for the Ukrainian S.S.R. then suggested the following countries as non-permanent members of the Security Council:

Brazil and Mexico to represent South American Countries,
New Zealand to represent the South Pacific,
Poland to represent Eastern European countries,
Egypt to represent the Arab countries, and
Norway as the sixth non-permanent member of the Council.

The representatives of New Zealand and Norway stated that their countries were not candidates for membership of the Security Council. When a vote was taken the following five countries were elected on the first ballot, by a two-thirds majority, as members of the Council: Brazil, Egypt, Mexico, the Netherlands, and Poland. Canada and Australia obtained the highest numbers of votes short of the required two-thirds majority and a second vote was taken to determine which of these two countries should sit on the Security Council. As the second vote was inconclusive, the Canadian representative at the fifth plenary meeting of the General Assembly on January 12, 1946 withdrew the candidature of Canada and asked the General Assembly to make the election of Australia unanimous.

By a simple majority vote the General Assembly then decided that Australia, Brazil and Poland should sit as non-permanent members of the Security Council for a term of two years; and Egypt, Mexico and the Netherlands for a term, of one year.

(2). Election of Members of the Economic and Social Council

Under Article 61 of the Charter, the General Assembly elects the members of the Economic and Social Council.

At its fifth plenary meeting on January 12, 1946 the General Assembly elected on the first ballot, by a two-thirds majority, the following seventeen countries as members of the Economic and Social Council:

Belgium	India
Canada	Lebanon
Chile	Norway

China	Peru
Colombia	Ukrainian S.S.R.
Cuba	U.S.S.R.
Czechoslovakia	United Kingdom
France	United States
Greece	

Yugoslavia and New Zealand obtained the highest number of votes short of the required two-thirds majority. Two further votes to determine which of these two countries should serve on the Economic and Social Council failed to break the tie. At the sixth plenary meeting of the General Assembly on January 14, 1946, New Zealand therefore withdrew in favor of Yugoslavia.

By a further simple majority of three votes the General Assembly decided:

(a) that the following countries should serve on the Council for a term of three years:

Belgium	China
Canada	France
Chile	Peru

(b) that the following countries should serve on the Council for a term of two years:

Cuba	Norway
Czechoslovakia	U.S.S.R.
India	United Kingdom

(c) that the following countries should serve on the Council for a term of one year:

Colombia	Ukrainian S.S.R.
Greece	United States
Lebanon	Yugoslavia

(3). Terms of Office of Members of Councils

Rule 78 of the Provisional Rules of Procedure¹ provides that the term of office of each member elected by the General Assembly to serve on the Security Council and the Economic and Social Council shall begin immediately on election by the General Assembly and shall end on the election of a member for the next term. Supplementary Rule S provides that the terms of office of members of Councils elected for one, two and three year terms shall end on the day of the elections held at the second, third and fourth regular sessions respectively of the General Assembly. As it was originally planned to hold the second part of the first session of the General Assembly in the spring of 1946 and the second regular session in September 1946, application of these rules would have meant that the terms of office of the members elected in

¹ See footnote, p. 55.

January 1946 for one year would have been shortened to eight months.

After considerable debate, the Sixth Committee (Legal) to which the question was referred, adopted an Egyptian amendment to provide that new members of the Council should be elected at the regular sessions of the General Assembly in September each year, but should not take office until the following January, so that members previously elected should serve their full terms.

By the time the question came up for consideration by the General Assembly in plenary session, it had been decided not to hold the second part of the first session in the spring of 1946, as originally planned, but in September. It was pointed out that if Rule 78 and Supplementary Rule S of the Rules of Procedure were applied, the effect would be to lengthen the terms of office of members of Councils to twenty months instead of shortening them to eight months. Some representatives were in favor of this; others opposed it on the ground that to lengthen or to shorten the terms of office of Council members was contrary to the Charter. An amendment providing that three non-permanent members of the Security Council and six members of the Economic and Social Council should be elected at the second part of the first session in September and take office in the following January, thus enabling members elected in January 1946 to serve for twelve months, was lost by a close vote. The President thereupon ruled that Rule 78 and Supplementary Rule S remain unchanged.

After the question had been referred to the General Committee for interpretation the draft resolution was amended to read:

RESOLVED that it is the sense of the General Assembly that Members of Councils elected in January 1946 under the provisional Rules of Procedure shall hold office for twenty months and that elections of their successors shall be held at the second regular session of the General Assembly.

The Secretary-General is requested to report at the opening of the second part of the first regular session what, if any, changes in the rules he deems necessary to give effect to the foregoing.

The General Assembly considered this draft resolution at its 31st plenary meeting on February 13, 1946. Two amendments were proposed changing the term of office from twenty

months to twelve or eight months respectively. The General Assembly after further discussion, voted in favor of the twelve months term. The resolution as finally adopted, therefore, was as follows:

RESOLVED that it is the sense of this Assembly that members of Councils elected in January, 1946 under the Provisional Rules of Procedure shall hold office for twelve months and that elections of their successors shall be held at the second part of the first regular session of the General Assembly.

The second paragraph of the draft resolution above remained unchanged.

e. Election of Officers of the United Nations

(1). Appointment of the Secretary-General

Article 97 of the Charter states that the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council.

At its second plenary meeting on January 11, 1946, the General Assembly decided that the Executive Secretary of the Preparatory Commission and his staff should perform the functions of the Secretary-General and the Secretariat pending the appointment of the Secretary-General.

At its fourth meeting (private) on January 30, 1946, the Security Council decided to recommend to the General Assembly that Trygve Lie, Foreign Minister of Norway, be appointed Secretary-General. Upon this recommendation the General Assembly, at its twentieth plenary meeting on February 1, appointed Mr. Lie Secretary-General of the United Nations. The official installation took place at the 22nd plenary meeting on February 2, 1946, the Executive Secretary of the Preparatory Commission administering the oath of office to Mr. Lie.

(2). Election of Judges of the International Court of Justice

Article 8 of the Statute of the International Court of Justice provides that the General Assembly and the Security Council, voting independently, shall elect the members of the Court.

The Executive Secretary submitted a list of candidates nominated in response to the invitations issued by the Executive Secretary at the request of the Executive Committee of the Preparatory Commission by the national groups

in the Permanent Court of Arbitration and by similar national groups appointed by those Members of the United Nations which were not represented in the Permanent Court of Arbitration. The list of candidates submitted numbered 78, three of whom, however, declared that they did not wish to be elected.

The General Assembly proceeded to the election of the judges of the International Court of Justice at its 23rd plenary meeting on February 6, 1946. The Security Council voted on the same day. The following thirteen judges obtained the required majority of 26 in the General Assembly on the first ballot and were likewise elected by the Security Council:

Isidore Fabela Alfaro	(Mexico)
Alejandro Alvarez	(Chile)
José Philadelpho de Barros Azevedo	(Brazil)
Abdel Hamid Badawi Pasha	(Egypt)
Jules Basdevant	(France)
José Gustavo Guerrero	(El Salvador)
Green H. Hackworth	(United States)
Hsu Mo	(China)
Sergei Borisovich Krylov	(U.S.S.R.)
Sir Arnold Duncan McNair	(United Kingdom)
John E. Read	(Canada)
Charles de Visscher	(Belgium)
Milovan Zoricic	(Yugoslavia)

Mr. Bogdan Winiarski (Poland) and Mr. Helge Klaestad (Norway) obtained the highest number of votes short of the required majority. As a second ballot proved inconclusive, a question of procedure arose.

Article 11 of the Statute of the International Court of Justice reads as follows:

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

As the General Assembly had already held two meetings on this day (February 6, 1946), the President proposed that the General Assembly adjourn to reconvene the same afternoon in a third meeting to complete the election. Mr. Guerrero, of El Salvador, who had previously served as President of the Permanent Court of International Justice, maintained that "meeting" should be interpreted to mean one day and not just one ballot. The Council should continue its balloting, and if no results were obtained meet on a subsequent

day. The General Assembly by a vote of 24 to 11, with 3 abstentions, upheld the ruling of the President. At the 25th plenary meeting on February 6, 1946, Mr. Winiarski (Poland) and Mr. Klaestad (Norway) were elected judges of the International Court of Justice.

At the 26th plenary meeting on February 9 the General Assembly by the drawing of lots, in accordance with Article 13 of the Statute of the Court, decided the terms of office of the judges to be as follows:

Nine-Year Term:	Six-Year Term:	Mr. Read Three-Year Term:
Mr. Azevedo	Mr. Fabela	Mr. Hsu
Mr. Alvarez	Alfaro	Badawi Pasha
Mr. Basdevant	Mr. Hackworth	Mr. Winiarski
Mr. Guerrero	Mr. Klaestad	Mr. Zoricic
Sir Arnold McNair	Mr. Krylov	
	Mr. de Visscher	

In view of the difference of opinion which had arisen regarding the meaning of the word "meeting" in Article 11 of the Statute of the Court, the representatives of France and the United Kingdom suggested that the General Assembly request the International Court of Justice to give an advisory opinion on the interpretation of Articles 11 and 12 of the Statute of the Court relating to the election of judges. A resolution to this effect was submitted to the General Committee, which, however, at its meeting on February 14, 1946, decided not to recommend its inclusion in the agenda of the General Assembly. The representatives of the United States and China considered that no elections would take place for the next three years. The matter, therefore, was not urgent and should be referred to the second part of the first session of the General Assembly for consideration by the Sixth Committee. The representative of the United Kingdom protested against this decision, pointing out that the Security Council had agreed to ask the advisory opinion of the International Court and that the General Assembly should do the same.

f. Procedural Matters

(1). Nominations

At the second plenary meeting of the General Assembly on January 11, 1946, the representative of the Ukrainian S.S.R. proposed that Rule 73 of the Rules of Procedure be amended so as to provide that all candidatures, both of States and persons, should be brought

forward at meetings and that discussion should take place before a vote was taken, except in cases in which the Assembly unanimously decided to proceed to a vote by acclamation. This question was referred to the Sixth Committee.

A Sub-Committee of the Sixth Committee adopted a compromise proposal requiring that candidates should be nominated insofar as they were persons, but that there were to be no nominations of States. Nominations could be made either in writing 48 hours in advance of a meeting or orally from the floor. Speeches should be limited to two for and two against each candidate. At the fourth meeting of the Sixth Committee on January 23, 1946, however, the representative of Lebanon introduced an amendment to the Sub-Committee's report stating that "there shall be no nominations." The Sixth Committee accepted the Lebanese amendment by a vote of 22 to 21, with 8 members absent.

The General Assembly discussed the Committee's report at length at the eighteenth plenary meeting on January 26, 1946. In favor of the Ukrainian proposal requiring nominations it was argued that representatives coming from all over the world were not well acquainted with one another. Qualified candidates of small countries particularly might not be generally known. Nominations and discussion would place the representatives in possession of sufficient information to vote for the most suitable candidate. It would further avoid the risk of persons or States being elected who did not wish to serve. The General Assembly during the present session had usually voted on the basis of nominations. Everyone had accepted this procedure as natural and in most cases the committees had been able to make elections of officers by unanimous vote. To forbid nominations was undemocratic. It was the basic right of every Member of the organization to make proposals on every matter within the competence of the General Assembly. To except the matter of elections would be a breach of the spirit of the Charter of the United Nations. To avoid frank discussion at the General Assembly's meetings would lead to lobbying, intrigues and discussion behind the scenes. Nominations would, on the contrary, tend to discourage the formation of blocs within the General Assembly.

In favor of no nominations it was maintained that only in this way could absolute freedom and independence of voting be en-

sured. Discussion of the qualifications of candidates might easily lead to embarrassment and might impair the prestige of countries nominated or making nominations. The Preparatory Commission had discussed fully and had rejected a proposal for the formation of a Nominating Committee.

When a vote was taken on the proposal that there should be no nominations, 25 representatives voted in favor, and 18 against. The General Assembly therefore adopted the following resolution:

Rule 73

THE GENERAL ASSEMBLY RESOLVES THAT:

Rule 73 shall be amended by the addition, at the end, of the following sentence:

"There shall be no nominations."

(2) Rules of Procedure Concerning Languages

Rule 51 of the Provisional Rules of Procedure proposed by the Preparatory Commission provided that "the rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided." When the question of language rules was under discussion in the Preparatory Commission, several representatives had pointed out that the practice at San Francisco had been more liberal than the actual rules. While these rules provided that speeches made in Russian, Chinese or Spanish should be translated into one of the two working languages—French or English—the actual practice had been to translate such speeches into both working languages. The Soviet delegation had attached particular importance to the principle of equality of the five official languages: Chinese, English, French, Russian and Spanish. The Preparatory Commission therefore recommended to the General Assembly that it should take into account the practice at San Francisco as well as the actual rules, when reviewing this problem.

Upon the recommendation of the representative of the United Kingdom the General Committee referred the whole question of rules of procedure concerning languages to the First Committee of the General Assembly (Political and Security). The Committee was instructed to consider language rules which might uniformly be adopted by all organs of the United Nations.

On January 30, the First Committee unanimously adopted the following draft resolution:

RESOLVED THAT THE GENERAL ASSEMBLY:

(a) ADOPTS rules of procedure concerning languages in conformity with the rules herewith presented (annex);

(b) RECOMMENDS to the other organs of the United Nations the adoption of language rules in conformity with the rules herewith presented;

(c) RECOMMENDS that the Secretary-General makes a thorough enquiry into the question of the installation of telephonic systems of interpretation and, if possible, arranges for the establishment of such a system for the second part of the first session.

Annex

1. In all the organs of the United Nations, other than the International Court of Justice, Chinese, French, English, Russian and Spanish shall be the official languages, and English and French the working languages.

2. Speeches made in either of the working languages shall be interpreted into the other working language.

3. Speeches made in any of the other three official languages shall be interpreted into both working languages.

4. Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

5. Verbatim records shall be drawn up in the working languages. A translation of the whole or part of any verbatim record into any other of the official languages shall be furnished if requested by any delegation.

6. Summary records shall be drawn up as soon as possible in the official languages.

7. The Journals of the organs of the United Nations shall be issued in the working languages.

8. All resolutions and other important documents shall be made available in the official languages. Upon the request of any representative, any other document shall be made available in any or all of the official languages.

9. Documents of the organs of the United Nations shall, if those organs so decide, be published in any languages other than the official languages.

The First Committee's report to the General Assembly noted that it was generally understood that sub-committees and ad hoc committees might, in consultation with the Secre-

tariat, adopt simplified rules of procedure concerning languages.

At the 21st meeting on February 1, 1946, the General Assembly unanimously adopted the First Committee's draft resolution.

2. POLITICAL AND SECURITY MATTERS

a. Establishment of an Atomic Energy Commission

In a declaration issued in Washington on November 15, 1945, the Governments of Canada, the United Kingdom and the United States proposed the establishment of a commission under the United Nations to study the problems raised by the discovery of atomic energy. At the Moscow Conference of Foreign Ministers in December 1945 the U.S.S.R. agreed to join in the sponsorship of a resolution for the establishment of such a commission to be presented to the first session of the General Assembly, and the text of the proposed resolution was agreed upon. Canada, France and China agreed to join in the sponsorship of the resolution drafted by the Foreign Ministers in Moscow.

On January 6, 1946, the resolution was accordingly submitted to the Executive Secretary of the Preparatory Commission, and was placed on a supplementary list of agenda items. On the recommendation of the General Committee the General Assembly at its sixth plenary meeting on January 14, 1946, decided to place the resolution on its agenda, and referred it to the First Committee (Political and Security). Following is the text of the resolution:

RESOLVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS to establish a Commission, with the composition and competence set out hereunder, to deal with the problems raised by the discovery of atomic energy and other related matters:

1. ESTABLISHMENT OF THE COMMISSION

A Commission is hereby established by the General Assembly with the terms of reference set out under section 5 below.

2. RELATIONS OF THE COMMISSION WITH THE ORGANS OF THE UNITED NATIONS

(a) The Commission shall submit its reports and recommendations to the Security Council, and such reports and recommendations shall be made public unless the Security Council, in the interest of peace and security, otherwise directs. In the appropriate cases

the Security Council should transmit these reports to the General Assembly and the Members of the United Nations, as well as to the Economic and Social Council and other organs within the framework of the United Nations.

(b) In view of the Security Council's primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, the Security Council shall issue directions to the Commission in matters affecting security. On these matters the Commission shall be accountable for its work to the Security Council.

3. COMPOSITION OF THE COMMISSION

The Commission shall be composed of one representative from each of those States represented on the Security Council, and Canada when that State is not a member of the Security Council. Each representative on the Commission may have such assistance as he may desire.

4. RULES OF PROCEDURE

The Commission shall have whatever staff it may deem necessary, and shall make recommendations for its rules of procedure to the Security Council, which shall approve them as a procedural matter.

5. TERMS OF REFERENCE OF THE COMMISSION

The Commission shall proceed with the utmost despatch and enquire into all phases of the problem, and make such recommendations from time to time with respect to them as it finds possible. In particular, the Commission shall make specific proposals:

- (a) for extending between all nations the exchange of basic scientific information for peaceful ends;
- (b) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;
- (c) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;
- (d) for effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

The work of the Commission should proceed by separate stages, the successful completion of each of which will develop the necessary confidence of the world before the next stage is undertaken.

The Commission shall not infringe upon the responsibilities of any organ of the United Nations, but should present recommendations for the consideration of those organs in the performance of their tasks under the terms of the United Nations Charter.

During the discussion both in the First Committee and in the General Assembly the representative of the Philippines remarked that the proposed Atomic Energy Commission would be a mere duplication of the Security Council, since except for the addition of Canada it had the same membership as the Security Council and was to report to the Council. Once the General Assembly had created the Commission it would practically lose control over it. If the General Assembly was granted the power to create the Commission, it should likewise have the power to alter, modify, control or abolish altogether that which it created. Otherwise it would be better if the whole problem were assigned to the Security Council. He suggested, therefore, that the resolution before the General Assembly be referred to the Security Council for appropriate action. The representative of Australia feared that it would be hard to establish the Atomic Energy Commission's responsibility to the General Assembly as the Security Council would be able to decide which reports of the Commission should be forwarded to the General Assembly. He proposed that the Security Council should include a report of the Commission's work in its annual report to the General Assembly. The representative of the U.S.S.R. considered that, owing to the fact that the General Assembly set up the Commission, the rights and powers of the Assembly were fully protected. The representative of Brazil thought it important that the veto should not apply to the work of the Commission. The representative of Poland remarked that it was not sufficient to act through the organs of the United Nations to prevent the use of atomic energy for destructive purposes. He suggested that the General Assembly recommend to the delegations that their parliaments adopt laws embodying the following principles:

- 1. That States should exchange between each other all discoveries of a scientific character such as that of atomic energy.
- 2. That the results obtained in this scientific field should be used only for the benefit of humanity and not for its destruction.
- 3. That the Member States should support the United Nations organization in its efforts to control and supervise the use of atomic energy for peace.
- 4. That the Members of the United Nations undertake to eliminate atomic arms and other

arms for mass destruction from their national armaments.

The question was also raised of the expediency of rotating the membership of the Atomic Energy Commission in accordance with the rotation of the non-permanent members of the Security Council. Some representatives pointed out that a frequent change of membership would deprive the Commission of the services of representatives who had gained experience in this intricate problem. It was agreed, however, that it was not desirable to limit the membership of the Commission for all time to the original twelve. The Commission, moreover, could at any time seek the advice of any Member of the General Assembly.

No representative pressed his views to the point of opposing the resolution. On January 22, 1946, the First Committee by a vote of 46 to 1, with 1 abstention, adopted the draft resolution agreed upon at the Moscow Conference. At the seventeenth plenary meeting on January 24, 1946, the General Assembly unanimously approved the report of the First Committee.

b. Extradition and Punishment of War Criminals

On February 2, 1946, the General Committee recommended to the General Assembly that a Byelorussian draft resolution concerning the extradition and punishment of war criminals be included in the Assembly's agenda. The draft resolution was referred to the first Committee. After some discussion, during which several representatives stressed the importance of bringing war criminals to justice, the First Committee appointed a drafting committee, which made some minor alterations in the text of the draft resolution. The revised resolution was unanimously adopted by the First Committee on February 11, 1946, and by the General Assembly at its 32nd plenary meeting on February 13, 1946. The resolution as adopted read as follows:

THE GENERAL ASSEMBLY :

taking note of the Moscow Declaration of 1 November 1943 by President Roosevelt, Marshal Stalin and Prime Minister Churchill concerning enemy atrocities in the course of the war, and of the declaration by certain allied governments of 13 January and 18 December 1942 concerning the same matter;

taking note of the laws and usages of warfare established by the fourth Hague Convention of 1907;

taking note of the definition of war crimes and crimes against peace and against humanity contained in the Charter of the International Military Tribunal dated 8 August 1945;

believing that certain war criminals continue to evade justice in the territories of certain States;

RECOMMENDS

that Members of the United Nations forthwith take all the necessary measures to cause the arrest of those war criminals who have been responsible for or have taken a consenting part in the above crimes, and to cause them to be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished according to the laws of those countries;

AND CALLS UPON

the Governments of States which are not Members of the United Nations also to take all necessary measures for the apprehension of such criminals in their respective territories with a view to their immediate removal to the countries in which the crimes were committed for the purpose of trial and punishment according to the laws of those countries.

The Uruguayan delegation submitted a draft resolution against the infliction of the death penalty on war criminals. In view of strong opposition from the representatives of the U.S.S.R. and the Ukrainian S.S.R. to the inclusion of this item on the agenda of the Assembly, the Chairman of the General Committee, on February 6, 1946, asked the Uruguayan representative whether he would consider withdrawing his proposal. On February 11 the General Committee by a vote of 10 to 1 decided not to recommend the inclusion of the Uruguayan resolution in the agenda. The Uruguayan representative, upon instructions of his Government, did not press his proposal.

c. Relations of Members of the United Nations with Spain

On February 8, 1946, the General Committee decided to recommend to the General Assembly the inclusion in the agenda of a draft resolution submitted by the representative of Panama concerning the relations of Members of the United Nations with Spain. On the suggestion of the representative of the United States, seconded by the representatives of the U.S.S.R. and Venezuela, it was decided to recommend that the General Assembly should proceed to

examine this draft resolution without referring it to a committee. Following is the text of the resolution:

1. THE GENERAL ASSEMBLY recalls that the San Francisco Conference adopted a resolution according to which paragraph 2 of Article 4 of Chapter II of the United Nations Charter "cannot apply to States whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power."

2. THE GENERAL ASSEMBLY recalls that at the Potsdam Conference the Governments of the United Kingdom, the United States of America and the U.S.S.R. stated that they would not support a request for admission to the United Nations of the present Spanish Government "which, having been founded with the support of the Axis powers, in view of its origins, its nature, its record and its close association with the aggressor States, does not possess the necessary qualifications to justify its admission."

3. THE GENERAL ASSEMBLY, in endorsing these two statements, recommends that the Members of the United Nations should act in accordance¹ with the letter and the spirit of these statements in the conduct of their future relations with Spain.

During the discussion at the 28th plenary meeting of the General Assembly on February 9, 1946, the representatives of France, Norway, the United Kingdom, the United States, Uruguay, Yugoslavia and Venezuela spoke in support of the resolution. The representative of Czechoslovakia considered that individual Members of the United Nations should draw the necessary inferences from the proposed resolution in their relations with Spain and should support the Spanish Republicans. The representative of Mexico stated that his Government, as the seat of the Spanish Republican Government in Exile, was honor-bound to the cause of Republican Spain. Mexico did not seek interference in the national affairs of Spain, but asked that Members of the United Nations should refrain from having diplomatic relations with the illegal regime of General Franco. The Byelorussian representative drew the attention of the General Assembly to the fact that the Byelorussian S.S.R. was actually in a state of war with Franco Spain as a Spanish division had fought on the side of Germany on the eastern front.

The General Assembly adopted the resolution as quoted above by a vote of 45 to 2.

3. ECONOMIC AND SOCIAL MATTERS

a. Recommendations Concerning the Economic and Social Council and Observations on Relationships with Specialized Agencies

The recommendations of the Preparatory Commission concerning the organization of the Economic and Social Council were submitted to the first part of the first session of the General Assembly for approval. The Preparatory Commission had considered that the Economic and Social Council should be organized at the earliest possible date and had recommended that the Secretary-General of the United Nations or the Executive-Secretary of the Preparatory Commission should summon the first session of the Economic and Social Council in London fifteen days after the election of the members of the Council by the General Assembly. The Council should adopt the Provisional Agenda and Provisional Rules of Procedure drawn up by the Preparatory Commission. It should also establish, at its first session, the following Commissions:

Commission on Human Rights,
Economic and Employment Commission,
Temporary Social Commission,
Statistical Commission,
Commission on Narcotic Drugs.

The Economic and Social Council should, furthermore, consider the desirability of establishing at an early date the following Commissions:

Demographic Commission,
Temporary Transport and Communications Commission,
Fiscal Commission,
Co-ordination Commission.

The Preparatory Commission recommended that the Commissions should be kept of manageable size, and that they should be composed of a majority of responsible, highly qualified governmental representatives. In establishing these Commissions the Council should take into account the following considerations:

(1) Duplication between specialized agencies and the Council should be avoided. The

¹The original text of the resolution read "...that the Members of the United Nations should take into account the letter and the spirit of these statements...." The text was changed in accordance with an amendment proposed by the representative of Norway, who felt that this change made the meaning more precise.

following subjects were assumed to fall within the responsibility of the specialized agencies:

- (a) relief and rehabilitation;
- (b) monetary co-operation and international investment;
- (c) trade policies;
- (d) food and agricultural policies;
- (e) labor standards, labor welfare and related social questions;
- (f) educational and cultural co-operation;
- (g) health;
- (h) some aspects of transport;
- (i) some aspects of communications.

The Commissions of the Council should function in areas not covered by the specialized agencies, or function temporarily in the above fields until specialized agencies could be set up.

(2) The Commissions should consider the complex economic and social problems which had arisen out of the war. The most urgent of these problems was that of refugees, which the Economic and Social Council should consider at its first session.

(3) The Council should make provision for the continuance of certain functions and activities of the League of Nations.

(4) There should be a maximum of flexibility in the number, scope and activities of the Commissions.

(5) The importance of co-ordination of activities in related fields should be kept in mind.

The Preparatory Commission recommended further that the Economic and Social Council, at its first session, should make arrangements for the negotiation of agreements bringing specialized agencies into relationship with the United Nations; it should establish a committee to report on arrangements for consultation with non-governmental organizations; and it should confer with representatives of the Security Council and the Trusteeship Council on methods of co-operation in dealing with matters of common concern to them. The Preparatory Commission submitted to the General Assembly, for the guidance of the Economic and Social Council in its negotiations with specialized agencies, a number of observations and a list of items which it deemed appropriate for inclusion in the agreements with the specialized agencies.¹

The Preparatory Commission's recommendations regarding the proposed Economic and Employment Commission, the Statistical Commission, the Temporary Transport and

Communications Commission and the Fiscal Commission were considered by the Second Committee (Economic and Financial), which unanimously approved them on January 22, 1946.

The Preparatory Commission's recommendations concerning the Commission on Human Rights, the Temporary Social Commission, the Commission on Narcotic Drugs and the Demographic Commission were referred to the Third Committee (Social, Humanitarian and Cultural) of the General Assembly, which unanimously approved them on January 22, 1946.

At the tenth meeting of the Third Committee on February 9, 1946, the representative of Cuba proposed the establishment of a cultural commission composed of cultural and educational experts to advise the Economic and Social Council in its relations with the United Nations Educational, Scientific and Cultural Organization and to establish more effective liaison between the two organizations. The representatives of Belgium, Ecuador, and Poland supported the Cuban proposal. The representatives of China, France, the United Kingdom and the United States, however, opposed the proposal on the ground that the Preparatory Commission had agreed that no commission under the Economic and Social Council should be established where a specialized agency existed. The establishment of a commission such as that proposed by the Cuban representative would prejudice the work of UNESCO. The Third Committee rejected the Cuban proposal by a vote of 21 to 13.

The provisional agenda, the Provisional Rules of Procedure of the Economic and Social Council and the recommendations regarding relationships with the specialized agencies were referred to a Joint Sub-Committee of the Second and Third Committees, which approved them on January 24, 1946. Although no changes were made in the Preparatory Commission's recommendations, certain views expressed in the course of the discussion were noted in the Sub-Committee's report to the General Assembly:

1. The representatives had taken the general view that the Economic and Social Council should be allowed the widest possible freedom to carry out its work.

2. The recommendation that the Economic and Social Council consider at its first session

For the full text of the observations, see Report of the Preparatory Commission, pp. 40-48.

the advisability of setting up a co-ordination commission was approved with the understanding that it should not be regarded as a directive, since the Council might not find it advisable to set up the commission at this early stage.

3. Doubt was expressed by some representatives as to whether the recommendation that the commissions should contain a majority of highly qualified governmental representatives was desirable and whether it allowed the Council sufficient freedom. The Preparatory Commission's recommendation was approved on the understanding that it would not be regarded as binding and that no limitation should be put on the Council in choosing the members of the commissions.

4. In discussing the relationship with specialized agencies, the need for new forms of international co-operation was emphasized, and the hope expressed that the Council would be given the greatest liberty to consider and to propose any form of international machinery which it might consider the most effective for co-ordinating action on economic and social problems.

5. There was some divergence of opinion as to the desirability of centralization of the headquarters of the United Nations and the specialized agencies. While it seemed to be generally accepted that as many of the specialized agencies as possible should be located at the central headquarters, some representatives thought that it might be necessary to have certain agencies located in places particularly suited to their effective functioning.

The General Assembly unanimously approved the reports of the Second and Third Committees (which included the report of the Joint Sub-Committee) at its ninth plenary meeting on January 29, 1946.

b. Calling of International Conferences by the Economic and Social Council

Some discussion arose in the General Assembly concerning Supplementary Rule T of the Provisional Rules of Procedure of the General Assembly. Article 62, paragraph 4, of the United Nations Charter states that the Economic and Social Council may, in accordance with the rules prescribed by the United Nations, call international conferences on matters falling within its competence. Pending the adoption of definite rules for the calling of international conferences by the Economic and

Social Council, Supplementary Rule T authorized the Council to call international conferences in conformity with the spirit of Article 62 of the Charter on any matter within the competence of the Council, including the following matters: international trade and employment, and health.

The representative of Ecuador submitted an amendment to include "the equitable adjustment of prices in the international market" in the enumeration of items on which the Economic and Social Council might call international conferences. The amendment was referred to the Sixth Committee (Legal). Opposition to the amendment in the Committee was based on the argument that the text of Supplementary Rule T did not preclude discussion of the adjustment of prices in the international market by the Economic and Social Council. It was not necessary, therefore, to mention this point specifically. The representative of Ecuador insisted, however, that the subject was of such importance as to deserve specific mention. Some representatives thought it would be preferable to exclude mention of any specific subject on which the Economic and Social Council might call conferences, as the enumeration of examples might tend to restrict the Council. Other representatives mentioned that the Preparatory Commission had included mention of international trade and employment and health for reasons of policy, as the Commission had considered these problems to be so pressing that it wanted to draw attention to them.

A motion by the representative of the United States to delete the last phrase of Supplementary Rule T, "including the following matters: international trade, employment and health," was rejected by the Sixth Committee. The Committee then adopted by a vote of 25 to 12 the amendment proposed by the representative of Ecuador.

At the nineteenth plenary meeting on January 29, 1946, the General Assembly adopted by a vote of 38 to 1 the text of the resolution proposed by the Sixth Committee as follows:

THE GENERAL ASSEMBLY RESOLVES THAT:
Supplementary Rule T shall be amended to read as follows:

"Pending the adoption, under paragraph 4 of Article 62 of the Charter, of definitive rules for the calling of international conferences, the Economic and Social Council may, after due consultation with Members of the

United Nations, call international conferences in conformity with the spirit of Article 62 on any matter within the competence of the Council, including the following matters: international trade and employment; the equitable adjustment of prices on the international market, and health."

c. Representation of Non-Governmental Bodies on the Economic and Social Council

At its second meeting on January 15, 1946, the General Committee of the General Assembly considered a request of the World Federation of Trade Unions for participation in the work of the General Assembly and for full participation, with the right to vote, in the Economic and Social Council. While several representatives, including those of France and the U.S.S.R., supported this request, it was pointed out that to grant the WFTU the right to speak in the General Assembly and to vote in the Economic and Social Council would give it a standing equal to that of national governments. This was contrary to the Charter of the United Nations, which envisaged membership only of sovereign States.

By a letter of January 17, 1946, the WFTU withdrew its request for participation with right to vote, but maintained its request to be heard in the General Assembly and for permanent participation in a consultative capacity in the work of the Economic and Social Council. Requests to participate in the work of the Economic and Social Council were likewise received from the International Co-operative Alliance, the International Federation of Women and the American Federation of Labor. As regards the WFTU's request to speak in the General Assembly, the representatives of France and the U.S.S.R. supported a proposal of the Chairman of the General Committee that the Assembly might create a special category of "official permanent guests," and that the General Assembly might hear the views of such "guests" as the WFTU. In the course of the deliberations of the General Committee, the Soviet delegation agreed not to press the WFTU's request for participation in the General Assembly, if that organization were granted permanent consultative status in the Economic and Social Council.

Concerning arrangements for participation in the meetings of the Economic and Social Council of the WFTU, the International Co-operative Alliance, the International Federation of Women and the American Federation

of Labor, sharp differences of opinion arose. Some representatives, including those of France, the U.S.S.R., and the Ukrainian S.S.R., considered that the WFTU was a unique organization representing 65,000,000 workers all over the world. Its advice would be valuable to the Economic and Social Council on any question of international co-operation in the economic or social field. The General Assembly therefore should recommend to the Economic and Social Council that the WFTU be granted the right of permanent participation in a consultative capacity in the Economic and Social Council, while no such recommendation should be made regarding the other organizations which had applied. Opposition was directed particularly against granting equal consideration to the WFTU and the American Federation of Labor, the latter being a national, and not an international, trade-union organization which had refused to join the WFTU.

The representatives of the United Kingdom and the United States opposed these views. They argued that if the WFTU were granted the right of permanent participation in the work of the Economic and Social Council it would be placed in a far more favorable position than the governments which were not represented on the Economic and Social Council (the Council consisting of only eighteen members at any one time) and which, according to Article 69 of the Charter, were to be invited to participate in the meetings of the Council only when matters of particular concern to them were being discussed. Similarly the WFTU should participate in the work of the Council only on matters of particular concern to the organization. Article 71 of the Charter provided for participation of international as well as national organizations in the work of the Economic and Social Council. There was no reason to accord preferential treatment to the WFTU or to exclude the other organizations which had applied.

The General Committee twice referred the whole question to a Sub-Committee, but no agreement was reached on various proposals presented. Several representatives, moreover, questioned the competence of the General Committee to make a decision on the substance of the matter, which was a political question. The only issue the Committee was competent to decide, they argued, was whether

the requests of the WFTU and other organizations should be placed on the agenda of the General Assembly. At its eighth meeting on January 29, 1946 the General Committee decided to refer the question to the General Assembly, calling attention to the discussion which had taken place in the Committee.

At the 22nd plenary meeting on February 2, 1946, the General Assembly decided to refer the matter to the First Committee (Political and Security). A sub-committee of the First Committee which was to draft a resolution for presentation to the General Assembly was unable to reach agreement. On February 11, it submitted four draft resolutions presented respectively by the representatives of Belgium, the U.S.S.R., the United Kingdom and the United States to the full Committee. The United Kingdom and United States resolutions were not essentially different, recommending that the Economic and Social Council should arrange for collaboration for purposes of consultation in the first instance with the WFTU, the International Co-operative Alliance and other international non-governmental organizations, and secondly with the American Federation of Labor and other national and regional organizations, in accordance with Article 71 of the United Nations Charter. The Soviet resolution provided that the General Assembly recommend participation in an advisory capacity in the work of the Economic and Social Council by the WFTU only, while the Belgian proposal made mention both of the WFTU and the American Federation of Labor.

On February 12, 1946, the First Committee adopted the United States resolution. After prolonged debate, during which several amendments to the United States resolution were voted down, the General Assembly at the 33rd plenary meeting on February 14, 1946, adopted the resolution as follows:

In connection with the requests of the World Federation of Trade Unions, the American Federation of Labor, the International Co-operative Alliance, and other non-governmental organizations, that their representatives shall be allowed to take part in the work of the Economic and Social Council, and in accordance with Article 71 of the Charter providing for the carrying out by the Economic and Social Council of appropriate consultations with non-governmental organizations,

THE GENERAL ASSEMBLY RECOMMENDS:

(a) that the Economic and Social Council should, as soon as possible, adopt suitable arrangements enabling the World Federation of Trade Unions and the International Co-operative Alliance as well as other international non-governmental organizations whose experience the Economic and Social Council will find necessary to use, to collaborate for purposes of consultation with the Economic and Social Council;

(b) that the Economic and Social Council should likewise adopt as soon as possible suitable arrangements enabling the American Federation of Labor as well as other national and regional organizations whose experience the Economic and Social Council will find necessary to use, to collaborate for purposes of consultation with the Economic and Social Council.

d. United Nations Relief and Rehabilitation Administration

At its eleventh plenary meeting on January 17, 1946, the General Assembly referred to the Second Committee (Economic and Financial) a draft resolution of the United Kingdom concerning the United Nations Relief and Rehabilitation Administration. Taking into consideration the great need of war-devastated areas and the importance of expediting the work of UNRRA, the General Assembly, according to the United Kingdom resolution, was to urge States signatory to the UNRRA Agreement to make a further contribution of one per cent of their national income to UNRRA's funds, as had been recommended by the Council of UNRRA in August 1945. At the same time the Assembly was to urge other peace-loving States who were not signatories to the UNRRA Agreement to join the organization.

The representative of the U.S.S.R. presented an alternative draft according to which only members of UNRRA which had not been occupied by enemy forces were to make the suggested contribution to the UNRRA funds. Furthermore, instead of urging "other peace-loving States" to join UNRRA, the Soviet draft proposed to limit this recommendation to "Members of the United Nations who were not signatories to the UNRRA Agreement," so as to preclude the possibility of politically undesirable elements joining UNRRA. The Soviet representative stated that his first proposal merely underlined an already accepted principle, since UNRRA contributions had, in fact, been received only from countries which had not been occupied by the enemy. It was

objected, however, that this proposal might prevent the receipt of contemplated contributions from such countries as France. As regards the second Soviet amendment, several representatives favored retention of the words "peace-loving States" in the original United Kingdom draft in order to enable such countries as Portugal, Sweden or Switzerland to contribute to the work of UNRRA. Others pointed out that the Soviet text did not prevent peace-loving States who were not Members of the United Nations from applying to the UNRRA Council for membership in UNRRA. A number of additional amendments designed to clarify the United Kingdom proposal were discussed in the Second Committee.

After consulting the representatives of the U.S.S.R. and the United Kingdom, the representative of the United States presented an alternative resolution designed to reconcile the different points of view. Instead of a direct appeal by the General Assembly the resolution contemplated the establishment of a committee to secure further contributions to the work of UNRRA. The resolution read as follows:

THE GENERAL ASSEMBLY, impressed with the imperative urgency that action to facilitate the final stages of the work of UNRRA be taken at the earliest possible date in view of the understanding of the Council of UNRRA that the work of that organization will be completed in Europe by 31 December 1946, and in the Far East by March 1947:

1. ESTABLISHES A COMMITTEE,
 - (a) to consult with States signatory to the UNRRA Agreement which have not made or arranged to make the further contributions to UNRRA recommended in Council resolution No. 80 of August 1945, and to urge upon them that they make such contributions with the least possible delay;
 - (b) to urge upon Members of the United Nations who are not signatories to the UNRRA Agreement to join that organization and thereby to make their contributions to this great humanitarian task.
2. APPOINTS as members of this Committee the representatives of the following countries: Canada, China, Dominican Republic, France, Greece, New Zealand, Norway, Poland, Union of Soviet Socialist Republics, United Kingdom, United States of America, and instructs the Committee to begin its work as soon as possible.
3. INSTRUCES the Secretary-General to seek to make arrangements with the Director-General of UNRRA whereby the General Assembly

may be furnished with full reports on the work of UNRRA and on the progress made towards economic rehabilitation in the countries being assisted by UNRRA.

The representatives of several South American States declared that the economic dislocation resulting from the war made it impossible for their countries to agree to a further obligatory contribution to UNRRA. In answer it was emphasized that the United States resolution did not formally obligate governments to make the contributions requested, but merely called on them to do the best they could.

The Second Committee on January 29, 1946, adopted the United States resolution by acclamation. After many representatives had paid high tribute to the work of UNRRA the General Assembly, at its 21st plenary meeting on February 1, 1946, unanimously adopted the resolution as quoted above.

The Committee on UNRRA, thus established, held its first meeting during the fourth session of the UNRRA Council at Atlantic City in March 1946. It engaged in consultation with the Director-General and other officials of UNRRA. It agreed upon plans to encourage Members to contribute the full amount of their quota to the Administration at the earliest possible date and to inform Members of the United Nations who were not Members of UNRRA of the procedure whereby they might become Members of UNRRA.

The UNRRA Council passed a resolution which established the basis of working co-ordination with the Committee and with the Secretariat. Communications had been sent to the Members of the United Nations urging them to give full and prompt support to the work of UNRRA. The Committee was represented at the fifth session of the UNRRA Council, which met in Geneva in August 1946.

Pursuant to the General Assembly's resolution, the Director-General of UNRRA submitted in September 1946 a report to be presented to the second part of the first session of the General Assembly.

e. Question of Refugees

On January 23, 1946, the United Kingdom delegation put forward a proposal concerning refugees. On January 25 the Yugoslav delegation presented an alternative proposal. Both were referred to the Third Committee (Social, Humanitarian and Cultural) for considera-

lengthy review of past efforts on the part of the League of Nations and the Inter-governmental Committee on Refugees to deal with the refugee problem, concluded by stating that the present machinery for dealing with the problem was no longer adequate. It was proposed, therefore, to refer the question to the Economic and Social Council for thorough examination at the Council's first session.

The Yugoslav proposal urged that the Assembly should consider that the problem of displaced persons had ceased to be an important international question, as the defeat of the fascist countries permitted the return of all displaced persons to their home countries. No permanent international machinery was necessary, therefore, to organize assistance to such persons. The problem of those displaced persons who were still outside their own countries should be dealt with through bilateral arrangements between the countries of origin and the countries of residence of such refugees. Any displaced persons who did not report for repatriation within a period of four months should not be entitled to assistance at the expense of international organizations or of their State of origin. The Spanish Republican refugees should form the only exception to this. The General Assembly, further, should recommend to Members of the United Nations that they make arrangements to facilitate the apprehension of war criminals.

In the course of the prolonged discussion which ensued both in the Third Committee and in the plenary meetings of the General Assembly a number of representatives including those of the Byelorussian S.S.R., Poland, the U.S.S.R., and the Ukrainian S.S.R., emphasized that, in their view, all men of good will could return to their home countries as a result of the defeat of the Axis Powers. Quislings, war criminals, traitors, Fascists and undemocratic elements who opposed the governments of their countries should not receive any assistance from an international organization. The solution of the refugee problem was repatriation at the earliest possible date, preferably through bilateral arrangements between the countries concerned. Assistance by an international organization to persons unwilling to return to their own countries for political reasons would tend to perpetuate the problem instead of solving it. It was necessary to distinguish between genuine victims

of fascist aggression and other displaced persons who for one reason or another did not wish to be repatriated. The Polish representative said that he thought Allied soldiers who had contributed to the common victory and who remained away from their countries should not be regarded as refugees. The representatives of a number of Arab States registered their opposition to political Zionism in this connection. Although expressing sympathy for Jewish victims of fascism, they agreed that this problem should be in no way related to the problem of Palestine. If Jews left Europe as a matter of personal preference this could not be regarded as a refugee question.

Another group of representatives which included those of Belgium, the Netherlands, Panama, South Africa, the United Kingdom and the United States, considered that it was necessary to place human considerations above political ones. In their view there was an important group of political dissidents who were neither Fascists nor war criminals or traitors. Such persons should not be forced to return to their home countries. The right of asylum for political dissidents was part and parcel of those basic human rights embodied in the Charter of the United Nations.

On February 1 and 4 respectively the representatives of the Netherlands and the U.S.S.R. presented alternative draft resolutions. Both resolutions agreed that the problem should be referred to the Economic and Social Council. Both agreed, furthermore, that refugees who did not wish to return to their countries of origin should not be compelled to do so. While the Netherlands resolution stated that the resettlement of such refugees should be the responsibility of an international organization, the Soviet resolution sought to make such resettlement contingent upon the consent of the country of origin of these refugees. The Netherlands resolution, moreover, recommended to the Economic and Social Council the establishment under the Council of an international body to examine the refugee problem in all its aspects. The Soviet resolution stressed that the main task of the United Nations concerning refugees was to give all possible help for their early return to their native countries. According to the Netherlands resolution only persons liable to extradition in conformity with an international agreement because of their action or attitude during the last war were to be refused refugee status.

The Soviet resolution, on the other hand, stated that:

THE GENERAL ASSEMBLY CONSIDERS THAT:

(a) Quislings, traitors and war criminals, as persons dishonoured for collaboration with the enemies of the United Nations in any form, should not be regarded as refugees who are entitled to get protection of the United Nations, and that quislings, traitors and war criminals who are still hiding under the guise of refugees, should be immediately returned to their countries;

(b) Germans being transferred to Germany from other States or who fled to other States from Allied troops, do not fall under the action of this decision; their situation may be decided by allied forces of occupation in Germany, in agreement with the Governments of the respective countries.

In addition the U.S.S.R. resolution contained the following provisions concerning refugee camps:

No propaganda should be permitted in refugee camps against the interests of the Organization of the United Nations or her Members, nor propaganda against returning to their native countries.

The personnel of refugee camps should be comprised mainly of representatives of States concerned, whose citizens are the refugees.

After further discussion the representative of the United States introduced a compromise resolution which proposed that the General Assembly recommend to the Economic and Social Council the establishment of a special committee to make a thorough study of the refugee problem and to report to the second part of the first session of the General Assembly. Persons who objected to returning to their country of origin should not be compelled to do so, but every effort should be made to encourage repatriation. No action taken in accordance with this resolution, however, should interfere in any way with the surrender and punishment of war criminals, quislings and traitors in conformity with international arrangements and agreements.

In the hope that a majority of the Third Committee might support the United States resolution, the representatives of the Netherlands and the United Kingdom agreed to withdraw their own draft proposals. The Soviet and the United States drafts were referred to a Sub-Committee, which on February 7 reported the following text, which was adopted by the full Committee:

THE GENERAL ASSEMBLY,

Recognizing that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons, on the one hand, and the war criminals, quislings and traitors referred to in paragraph (d) below, on the other:

(a) DECIDES to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the agenda for the first session of the Council and for report to the second part of the first session of the General Assembly;

(b) RECOMMENDS to the Economic and Social Council that it establish a special Committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (a);

(c) RECOMMENDS to the Economic and Social Council that it take into consideration in this matter the following principles:

(i) This problem is international in scope and nature;

(ii) No refugees or displaced persons who have finally and definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the governments of their countries of origin, expressed valid objections to returning to their countries and who do not come within the provisions of paragraph (d) below, shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body may be recognized or established as a result of the report referred to in paragraphs (a) and (b) above, except in cases where the government of the country where they are established has made arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection;

(iii) The main task concerning displaced persons is to encourage and assist in every possible way their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons having regard to the principles laid down in paragraph (c) (ii) above;

(d) CONSIDERS that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals,

In the resolution as originally reported by the Sub-Committee, paragraph (c) (iii) preceded paragraph (c) (ii). Upon the suggestion of the representative of the United Kingdom the Third Committee reversed this order, so as to bring out more clearly the fact that the principles contained in paragraph (c) (ii) took precedence over those contained in paragraph (c) (iii).

quislings and traitors, in conformity with present and future international agreements;

(e) CONSIDERS that Germans being transferred to Germany from other States or who fled to other States from Allied troops, do not fall under the action of this declaration insofar as their situation may be decided by Allied forces of occupation in Germany, in agreement with the governments of the respective countries.

The Soviet representative proposed the amendment of the above text to include the provision contained in the original Soviet draft that resettlement of refugees should not take place without the consent of the country of origin as well as the country of resettlement, and also the Soviet recommendations quoted above concerning refugee camps. This was rejected.

When the report of the Third Committee came before the General Assembly at the 29th plenary meeting on February 12, 1946, the representative of the U.S.S.R. reintroduced the amendments previously rejected in the Committee. After considerable debate all amendments were rejected and the General Assembly at the 30th plenary meeting adopted the text as presented by the Third Committee.

f. World Shortage of Cereals

On February 11, 1946, the General Committee recommended that a draft resolution concerning the world shortage of cereals submitted by the representatives of China, France, the U.S.S.R., the United Kingdom and the United States be placed on the agenda of the General Assembly, together with letters from the Director-General of UNRRA and the Director-General of the Food and Agriculture Organization addressed to the Secretary-General of the United Nations. The draft resolution was discussed at the 32nd and 33rd plenary meetings of the General Assembly. The representatives of the sponsoring countries, as well as many others, spoke in support of the resolution, calling attention to the critical food shortage throughout the world which made concerted action on the part of the United Nations an immediate necessity. As a result of crop failures in India and South Africa, the food shortage, it was pointed out, was even worse than had been foreseen when the Food and Agriculture Organization held its first meeting in October 1945. Representatives of food-importing countries impressed their needs upon the General Assembly, while representatives of food-exporting

countries reviewed the measures they had taken or were about to take to alleviate the critical situation.

The General Assembly by unanimous vote adopted the following resolution:

The damage caused by war and the dislocation of agricultural production resulting from the shortage and dislocation of labour, the removal of draught animals, the shortage of fertilizers and other circumstances connected with the war have caused a serious fall in world production of wheat. In addition, a large number of countries, including some of those which are normally the largest producers of grain, have suffered serious droughts and have therefore reaped abnormally small crops. The supply of rice is also so short as to threaten a famine in certain areas. There is, moreover, a serious risk of grain production in the coming season being insufficient to prevent continuing hunger. For these reasons the world is faced with conditions which may cause widespread suffering and death and consequently set back all plans for reconstruction.

THE GENERAL ASSEMBLY, therefore:

1. URGES all Governments and peoples to take immediate and drastic action, both directly and through the international organizations concerned, to conserve supplies, by securing adequate collection of crops from the producers, by saving food and avoiding waste, and to ensure the maximum production of grain in the coming season;

2. NOTES that several of the United Nations have recently announced measures to reserve grain supplies for direct human consumption and to secure increased production;

3. URGES all Governments to publish as full information as possible regarding their own supplies and requirements of cereals and the steps they have taken or are prepared to take to achieve the objectives of paragraph 1;

4. REQUESTS the international organizations concerned with food and agriculture to publish full information in their possession on the world food position and the future outlook, and to intensify efforts to obtain as full information as possible on this subject, in order to assist Governments in determining their short term and long term agricultural policy.

The Secretary-General subsequently communicated with Member Governments drawing their attention to the resolution, urging them to publish full information on the food situation and inviting them to supply the Secretariat with any relevant information, including any indication of steps which had been taken or which might be taken to achieve the objectives of the resolution. The replies received were transmitted to the United Nations

Food and Agriculture Organization for its information.

Following the adoption of the resolution by the General Assembly, the Food and Agriculture Organization arranged a Special Meeting on Urgent Food Problems, which made recommendations concerning the short-term and long-term international arrangements required.

In addition to action reported by individual governments and action resulting from the international meeting arranged by the Food and Agriculture Organization, related action was taken by the United Nations Relief and Rehabilitation Administration and the Emergency Economic Committee for Europe with reference to aspects of the cereals situation of special concern to them.

Representatives from the United Nations Secretariat attended these various meetings and kept themselves closely informed on other developments relating to the subject of the resolution of the General Assembly.

g. Reconstruction of Devastated Areas

Upon the recommendation of the General Committee, the General Assembly at its 22nd plenary meeting on February 2, 1946, voted to place on its agenda and to discuss immediately a draft resolution submitted by the representative of Poland on the reconstruction of countries devastated by war.

The Polish representative stated that the problem of reconstructing war devastated areas was an unprecedented one which reached far beyond the possibilities of the afflicted nations and had become a problem of world economy. The economies of devastated countries must be reconstructed so that such countries could resume normal consumption of the goods produced in excess by countries whose productive capacity had expanded as a result of the war and who had not suffered any material destruction. Continued economic inequality between nations would result in political tension and would undermine the foundations of world peace. It was the purpose of the Polish resolution to call attention to this serious problem, which, it was proposed, should be examined by the Second Committee (Economic and Financial) of the General Assembly and by the Economic and Social Council.

The representative of the United States, although supporting the Polish resolution, re-

marked that, desirable as international discussion and study in the field of reconstruction might be, concrete action could be taken only by individual nations themselves. By supporting the Polish resolution, the United States representative emphasized, the United States did not assume any direct or indirect commitment with regard to assistance to war devastated areas in any particular case.

A United States amendment to the Polish resolution providing that the Second Committee examine this problem at the second part of the first session of the General Assembly rather than at the first part of the first session was accepted by the General Assembly, which unanimously adopted the amended resolution as follows:

CONSIDERING :

That the war of aggression waged on the territories of many Members of the United Nations resulted in the destruction of vast areas of these countries on an unprecedented scale;

That these peace-loving nations, which suffered such an extensive damage, represent nearly one-half of the total population of the world;

That the vast areas representing a big consuming power are virtually eliminated from the normal flow of world trade, so that the whole world economy must be seriously affected;

That the great scale of destruction resulted in most cases in a dangerous lowering in the standard of living and in the health of the population, in a substantial loss of productive capacity and sometimes in the complete destruction of the normal economic activities of the respective countries;

That in order to make good the destruction and so to restore the shaken world economy vast amounts of new capital goods must be invested in the destroyed areas;

That in most cases it would be impossible to deal with the work of reconstruction with the necessary speed and efficiency if the affected countries were limited in this respect to their internal resources and possibilities alone;

That only a full-scale and whole-hearted co-operation of all the United Nations can bring about the right solution of this grave problem;

THE GENERAL ASSEMBLY :

1. RECOGNIZES the problem of full reconstruction of the countries belonging to Members of the United Nations which suffered substantial war damage as a grave and urgent matter which should be given very high priority among postwar problems;

2. DECIDES to discuss generally this matter under paragraph 17 of its agenda and to transmit it, at the second part of the first session

of the General Assembly, for a close examination by the Second Committee, which shall present to the General Assembly a report resulting from this examination;

3. ASKS the Economic and Social Council to place this subject on the agenda of its first meeting, as an urgent matter in the economic and social field, according to paragraph 10 of the provisional agenda of the first meeting of the Council, as proposed by the Preparatory Commission.

h. Organization of an International Press Conference

The delegation of the Philippine Commonwealth submitted a draft resolution proposing that an international press conference be called immediately to ensure the establishment, operation and movement of a free press throughout the world. The draft resolution, despatched by wire on January 4, 1946, did not reach the Executive-Secretary of the Preparatory Commission until January 5, 1946. The Preparatory Commission, therefore, had not included this proposal in the provisional agenda of the General Assembly, on the ground that the proposal had not been filed in time, according to the Provisional Rules of Procedure, which required agenda items to be submitted six days in advance of the opening of the General Assembly.

At the second plenary meeting of the General Assembly on January 11, 1946, the Philippine representative protested against the exclusion of this item from the agenda. The matter was referred to the General Committee, which, after some discussion, decided that the Philippine proposal should be dealt with at the second part of the first session of the General Assembly and not at the first part of the first session. The Committee considered that the work of the first part of the first session should be confined largely to organizational tasks and that substantive matters should be reserved for later action. On the understanding that the matter would be taken up at the second part of the first session of the Assembly, the Philippine representative agreed not to press his proposal. Upon the recommendation of the General Committee the General Assembly, therefore, on February 9, 1946, adopted the following resolution:

THE GENERAL ASSEMBLY INSTRUCTS the Secretary-General to place the question of the organization of an international press conference upon the agenda of the second part of the first session of the General Assembly.

i. Declaration on Fundamental Human Rights and on the Rights and Duties of Nations

The representative of Cuba submitted a proposal that the General Assembly should discuss human rights and the rights and duties of nations. The General Committee, however, recommended that the Cuban proposal should not be included on the Assembly's agenda, as in the view of the Committee it was not necessary to make specific provision for such discussion. The subject of human rights, the Committee considered, came properly within the general debate and touched particularly on subjects in connection with the Economic and Social Council. As to the rights and duties of nations, the Committee felt that the United Nations Charter itself made an attempt to clarify and define the rights of nations, and this subject also would thus come under the general debate.

The Cuban representative, however, thought that if the principles embodied in the United Nations Charter were to become a reality it was necessary for the General Assembly to adopt a declaration on fundamental human rights and on the rights and duties of nations. Such a declaration would show the common man all over the world that the United Nations had not forgotten the promises made at San Francisco to establish human rights and to promote human welfare.

At the seventh plenary meeting on January 14, 1946, the General Assembly, in accordance with the General Committee's recommendation, voted not to include the Cuban proposal in its agenda.

j. Declaration on the Participation of Women in the Work of the United Nations

The women representatives, alternates and advisers to the first part of the first session of the General Assembly met and drafted an open letter addressed to the women of the world. This letter read in part as follows:

This first Assembly of the United Nations marks the second attempt of the peoples of the world to live peacefully in a democratic world community. This new chance for peace was won through the joint efforts of men and women working for common ideals of human freedom at a time when need for united effort broke down barriers of race, creed and sex. In view of the variety of tasks which women performed so notably and valiantly during the war, we are gratified that seventeen women delegates and advisers, representing eleven

Member States, are taking part at the beginning of this new phase of international effort. We hope their participation in the work of the United Nations may grow and may increase in insight and in skill. To this end we call on the Governments of the world to encourage women everywhere to take a more active part in national and international affairs, and on women who are conscious of their opportunities to come forward and share in the work of peace and reconstruction as they did in war and resistance.

Mrs. Franklin D. Roosevelt, on behalf of the women members of the General Assembly, presented this letter to the 29th plenary meeting of the General Assembly on February 12, 1946. At the same meeting the French delegation, at the suggestion of Madame Lefauchaux, presented the following declaration regarding the participation of women in the conferences of the United Nations:

Considering that it is necessary to recognize the role played by women during the war and their participation in the resistance organizations in the armed forces and in order to associate more directly all the women of the world with the work of the Organization of the United Nations and with the maintenance of peace and social progress;

Considering that it is necessary to apply the text and the spirit of Article 55, paragraph (c) of the Charter; precisely that the aim of the Economic and Social Council is in particular to promote universal and effective respect of the rights of men and of fundamental freedom for all without distinction of race, sex, language or religion;

The French delegation thinks that a much larger place should be accorded to women in the different delegations of the United Nations at its next conference.

Several representatives emphasized the importance of the creation of a committee on the status of women to function under the Commission of Human Rights of the Economic and Social Council.

No vote was taken on the abovementioned declarations, but several representatives and the President of the General Assembly expressed their hope that these statements would receive wide publicity and serious consideration.

k. Columbus Lighthouse Memorial

At the 26th plenary meeting of the General Assembly, the representative of Chile, on behalf of the delegations of Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic,

Honduras, Mexico, Nicaragua and Panama, presented a declaration stating that the Pan-American Union by resolution of August 25, 1945, had accepted the offer of the Dominican Government to undertake the construction of a monumental lighthouse on the coast of the capital of the Dominican Republic in honor of the memory of Christopher Columbus. The General Assembly expressed its keen sympathy with the impending start of the construction of the Lighthouse Memorial, which it was felt would symbolize the spirit of international peace and co-operation of the American Republics, and unanimously approved the declaration.

4. TRUSTEESHIP AND NON-SELF-GOVERNING TERRITORIES

a. Non-Self-Governing Peoples

The General Assembly, at its sixteenth plenary meeting on January 19, 1946, referred Chapter IV—the Trusteeship System—of the Preparatory Commission's Report to the Fourth Committee (Trusteeship) for consideration and report.

During the general debate in its plenary meetings, the General Assembly had expressed a unanimous desire to set up the Trusteeship Council at the earliest possible date. The representative of the United Kingdom stated that his Government had already prepared draft Trusteeship Agreements for the mandated territories of Tanganyika, the Cameroons and Togoland, and the representative of Belgium that his Government had drafted a Trusteeship Agreement for the mandated territory of Ruanda-Urundi. The Australian and New Zealand representatives declared that their Governments were willing to place their mandated territories under the International Trusteeship System.

The French representative stated that France intended to continue to administer its mandated territories of Togoland and the Cameroons according to the spirit of the mandate, and that it would study arrangements for placing them under trusteeship on the understanding that this would not entail any diminution of the rights of the inhabitants and that the agreements would be submitted to the representative organs of the populations. The South African representative explained the special position of the mandated territory of South West Africa, and stated his Government's intention of consulting the people of

the territory on the form which their future government should take.

The Fourth Committee held twelve meetings. The first nine meetings were devoted to a general debate on the draft resolution submitted by the Preparatory Commission for adoption by the General Assembly. All representatives pointed out that their Governments intended to act in full accordance with the letter and spirit of the Charter as regards non-self-governing peoples.

The French representative presented the position of his Government with respect to its mandated territories. There had been established local freely elected assemblies in Togoland and the Cameroons and these territories designated delegates to the French Assembly.

The representative of New Zealand stated that he would ask for a clarification of the position of France regarding acceptance of the Trusteeship System. He emphasized that mandated territories did not belong to mandatory powers and the latter had no right to attach such mandates to their sovereign territory. The New Zealand representative asked whether the native population would be included in any plebiscite if the question arose of attaching a mandate to the sovereign territory of the mandatory power. He felt that territories ready for self-government should be placed under trusteeship and the support of the whole of the United Nations secured for a change in their status.

The Syrian representative drew attention to Chapters XI and XII of the Charter, which imposed an obligation to promote the native cultures of the peoples of the Non-Self-Governing Territories and their self-government. If Togoland and the Cameroons were to be assimilated into metropolitan France, they would lose their cultural heritages.

The French representative asserted that his Government would abide by the provisions of the Charter.

The representative of the Union of South Africa referred to the advanced stage of self-government enjoyed by South West Africa and the resolution of the Legislature of South West Africa calling for amalgamation into the Union. He stated that no attempt to draw up an agreement would be made until the freely expressed will of both the European and native population was ascertained, at which time the decision of the Union would

be submitted to the General Assembly for judgment.

The Netherlands representative felt that, for the effective functioning of the Trusteeship System, there should be consultation and co-operation between the Trusteeship Council and the Administering Authorities, with no attempt to impose the Trusteeship Council upon the Administering Authorities as a judicial organ. He further stated that all groups in the populations of Trust Territories should be brought into closer co-operation with the working of the Trusteeship System and should be consulted continuously. The representative of Australia stated that the paramount objective of the Trusteeship System was to promote the political, economic, social and educational advancement of the inhabitants of Trust Territories; the rights and duties of mandatory States in this respect were those laid down in the mandates themselves. Chapter XI of the Charter and the Preparatory Commission's Report on Trusteeship should be considered separately, he felt, as Chapter XI was already in effect and did not depend upon the establishment of the Trusteeship System.

After commenting on the successful operation of the mandates system in Ruanda-Urundi, the Belgian representative expressed hope for the establishment of the Trusteeship Council at an early date, as his Government desired to resume the submission of reports on its administration of that territory.

All delegations were of the opinion that the first session of the General Assembly should adopt a resolution concerning not only Chapter XII (International Trusteeship System) and Chapter XIII (The Trusteeship Council) of the Charter, as recommended by the Preparatory Commission, but also Chapter XI (Declaration Regarding Non-Self-Governing Territories). At the fifth meeting of the Fourth Committee on January 24, the United States representative presented an amendment to the Preparatory Commission's draft resolution to this effect. The amendment stressed the responsibilities of the Administering Powers toward the peoples of Trust Territories. The representative of China, in support of the United States amendment, said that the essence of both the mandates system and the Trusteeship System was that the title of a territory under trust belonged to its people. He stressed the significance of Chapters XI, XII and XIII of the Charter.

A question was raised by the representatives of the Philippines and Syria concerning the definition of the term "States directly concerned" with the drawing up of Trusteeship Agreements and the administration of Trust Territories. The Iraq delegation expressed the belief that "States directly concerned" were the mandatory powers in the case of mandated territories; States which submitted their colonies to the Trusteeship System; and States which were concerned by virtue of neighborhood or cultural, linguistic, economic, social and continued historical ties with territories to be placed under trusteeship. The representative of South Africa thought the decision could best be taken by the Trusteeship Council in individual cases. The representative of Australia argued that any Member of the United Nations could advance its claim to be a "State directly concerned."

At the fifth meeting of the Fourth Committee, it was agreed to fix January 28 as the time limit for submission of additional amendments. At the eighth meeting on January 28 amendments to the draft resolution for the General Assembly were presented by Australia, Belgium, Canada, China, India, Iraq and the Netherlands. In view of the multiplicity of amendments before the Committee, the Chairman appointed a Sub-Committee to draft a complete proposal, after consideration of all questions and amendments in connection with Section 1 of Chapter IV of the Preparatory Commission's Report, for final action by the Committee. The Sub-Committee, in addition to the Chairman (Uruguay) and the Rapporteur (Czechoslovakia), was composed of Australia, Belgium, Canada, China, France, New Zealand, the Netherlands, Syria, the U.S.S.R., the Union of South Africa, the United Kingdom, the United States and Yugoslavia.

In view of the limited time available, the amendments presented by the Belgian, Canadian and Iraqi delegations were withdrawn without prejudice to their future consideration. The Iraqi amendment outlined certain considerations for determining "States directly concerned" in the negotiation of Trusteeship Agreements and the procedure to be followed for the negotiation of such Agreements; the Belgian and Canadian amendments dealt with the latter point.

The Sub-Committee decided that the Netherlands amendment, which dealt with the smooth

working of the Trusteeship System, could be discussed more properly when the Trusteeship Council was brought into being.

The suggestion of the Australian delegation—that Chapter XI of the Charter was independent from the setting up of the Trusteeship Council and therefore was already in full force—was adopted.

In conformity with the Chinese proposal, the Sub-Committee included in its resolution a request that the Secretary-General include in his annual report a summary of the information submitted by the Members of the United Nations as required by Article 73 (e) of the Charter.

The resolution as presented by the Sub-Committee was in substance the same as that proposed by the Preparatory Commission, with the changes suggested by the United States amendment as well as the Australian and Chinese amendments.

The Fourth Committee, at its tenth meeting on February 8, unanimously adopted the draft resolution prepared by its Sub-Committee.

The report of the Fourth Committee was presented to the General Assembly at its 27th plenary meeting on February 9. Several delegations indicated their approval of the resolution. China expressed the hope that the minimum number of Trusteeship Agreements required for the setting up of the Trusteeship Council would be submitted to the General Assembly before the second part of its first session. Egypt took exception to the postponement of the definition of the term "States directly concerned." Peru maintained that all States were directly concerned in the political, economic, social and humanitarian aspects of the trusteeship question.

The comprehensive resolution proposed by the Fourth Committee on non-self-governing peoples and adopted unanimously by the General Assembly was as follows:

The United Nations, meeting in its first General Assembly, is keenly aware of the problems and political aspirations of the peoples who have not yet attained a full measure of self-government and who are not directly represented here.

Chapters XI, XII, and XIII of the Charter recognize the problems of the non-self-governing peoples as of vital concern to the peace and general welfare of the world community.

By Chapter XI, all the Members of the United Nations which have or assume responsibilities for the administration of territories

whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount. They accept, as a sacred trust, the obligation to promote to the utmost the well-being of the inhabitants of these territories. To that end they accept certain specific obligations, including the obligation to develop self-government and to assist the inhabitants in the progressive development of their free political institutions.

By Chapters XII and XIII, the Charter provides for the establishment of an international trusteeship system, the basic objectives of which are, among others, to promote the political, economic, social and educational advancement of the inhabitants of trust territories, and to promote their progressive development toward self-government or independence.

The General Assembly regrets that the Trusteeship Council cannot be brought into being at this first part of the first session, not because of any lack of desire to do so but because, before the Trusteeship Council can be established, trusteeship agreements must be concluded.

The General Assembly holds the view that any delay in putting into effect the system of international trusteeship prevents the implementation of the principles of the Trusteeship System, as declared in the Charter, and deprives the populations of such territories as may be brought under the Trusteeship System of the opportunity of enjoying the advantages arising from the implementation of these principles.

With a view to expediting the conclusion of these agreements and the establishment of the Trusteeship Council, the Preparatory Commission recommended that the General Assembly should call on those Members of the United Nations which are now administering territories held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of Article 79 of the Charter.

Without waiting for the recommendation of the Preparatory Commission to be considered by the General Assembly, the Members of the United Nations administering territories held under mandate took the initiative in making declarations in regard to these territories.

THEREFORE

WITH RESPECT TO CHAPTER XI OF THE CHARTER, THE GENERAL ASSEMBLY:

1. DRAWS ATTENTION TO the fact that the obligations accepted under Chapter XI of the Charter by all Members of the United Nations are in no way contingent upon the conclusion of trusteeship agreements or upon the bringing into being of the Trusteeship Council and are, therefore, already in full force.

2. REQUESTS the Secretary-General to include in his annual report on the work of the Organization, as provided for in Article 98 of the Charter, a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73 (e) of the Charter relating to economic, social and educational conditions in the territories for which they are responsible other than those to which Chapters XII and XIII apply.

WITH RESPECT TO CHAPTERS XII AND XIII OF THE CHARTER, THE GENERAL ASSEMBLY:

3. WELCOMES the declarations, made by certain States administering territories now held under mandate, of an intention to negotiate trusteeship agreements in respect of some of those territories and, in respect of Transjordan, to establish its independence.

4. INVITES the States administering territories now held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of Article 79 of the Charter (which provides for the conclusion of agreements on the terms of trusteeship for each territory to be placed under the Trusteeship System), in order to submit these agreements for approval, preferably not later than during the second part of the first session of the General Assembly.

IN CONCLUSION, THE GENERAL ASSEMBLY:

5. EXPECTS that the realization of the objectives of Chapters XI, XII and XIII will make possible the attainment of the political, economic, social and educational aspirations of non-self-governing peoples.

b. Provisional Rules of Procedure for the Trusteeship Council

The Provisional Rules of Procedure for the Trusteeship Council prepared by the Preparatory Commission (Section 2 of Chapter IV of the Preparatory Commission's Report) were referred to the Fourth Committee of the General Assembly for consideration. On the motion of the Chairman, the Committee unanimously approved these Rules of Procedure at its tenth meeting on February 4.

Upon the suggestion of the Fourth Committee the General Assembly at its 27th plenary meeting on February 9, 1946, adopted the following resolution:

THE GENERAL ASSEMBLY REQUESTS the Secretary-General to transmit the "Provisional Rules of Procedure of the Trusteeship Council" (Section 2 of Chapter IB of the Preparatory Commission's Report) to the Trusteeship Council as soon as it is constituted.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

a. Terms of Appointment of the Secretary-General

The Preparatory Commission made a number of suggestions concerning the terms of appointment of the Secretary-General,¹ and recommended that the General Assembly should decide what the salary of the Secretary-General should be. Upon the recommendation of the Fifth Committee (Administrative and Budgetary) the General Assembly at its 21st plenary meeting on February 1, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY RESOLVES that, in view of the heavy responsibilities which rest upon the Secretary-General in fulfilling his obligations under the Charter:

1. The terms of the appointment of the Secretary-General shall be such as to enable a man of eminence and high attainment to accept and maintain the position.

2. The Secretary-General shall receive a salary of an amount sufficient to bring him in a net sum of \$20,000 (US), together with representation allowance of \$20,000 (US), per annum. In addition, he shall be provided with a furnished residence, the repairs and maintenance of which, excluding provision of household staff, shall be borne by the Organization.

3. The first Secretary-General shall be appointed for five years, the appointment being open at the end of that period for a further five year term.

4. The following observations contained in paragraphs 18-21 of Section 2, Chapter VIII of the Preparatory Commission's Report be noted and approved:

(a) There being no stipulation on the subject in the Charter, the General Assembly and the Security Council are free to modify the term of office of future Secretaries-General in the light of experience.

(6) Because a Secretary-General is a confidant of many governments, it is desirable that no Member should offer him, at any rate immediately on retirement, any governmental position in which his confidential information might be a source of embarrassment to other Members, and on his part a Secretary-General should refrain from accepting any such position.

(c) From the provisions of Articles 18 and 27 of the Charter, it is clear that, for the nomination of the Secretary-General by the Security Council, an affirmative vote of seven members, including the concurring votes of the permanent Members, is required; and that for his appointment by the General Assembly, a simple majority of the members of that body present and voting is sufficient, unless the General Assembly

itself decides that a two-thirds majority is called for. The same rules apply to a renewal of appointment as to an original appointment; this should be made clear when the original appointment is made.

(d) It would be desirable for the Security Council to proffer one candidate only for the consideration of the General Assembly, and for debate on the nomination in the General Assembly to be avoided. Both nomination and appointment should be discussed at private meetings, and a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot.

b. Appointment of Temporary Staff

The General Assembly at its third plenary meeting on January 12, 1946, referred the question of the appointment of a temporary staff to the Fifth Committee. The Committee on January 26, unanimously adopted the following resolution submitted by the representative of the United States:

Recognizing the ability and faithful service of the temporary staff under the Executive Secretary and the need for the staff members to be informed soon of their status in the Secretariat; and recognizing also the desirability of leaving to the Secretary-General full freedom to select the permanent staff which will assist him to carry out his responsibilities:

THE GENERAL ASSEMBLY AUTHORIZES the Secretary-General to continue, pursuant to rule M of its provisional rules of procedure, the employment of the members of the staff of the Executive Secretary under the present terms and regulations until April 1, 1946, or until such prior date as the Secretary-General may enter into employment arrangements with such members in accordance with the provisional staff regulations and other conditions of employment in the Secretariat established by the General Assembly.

The General Assembly adopted this resolution at its 21st plenary meeting on February 1, 1946.

c. Organization of the Secretariat

On the recommendation of the Fifth Committee the General Assembly at its 31st plenary meeting on February 13, adopted a series of 34 resolutions, including two annexes, on the following subjects pertaining to the organization of the Secretariat of the United Nations:

I. Administrative Organization of the Secretariat (Resolutions 1-4)

II. Information (Resolution 5)

¹ See Chapter VIII, Section 1, Paragraphs 5-7, and Section 2, Paragraphs 18-21, of the Preparatory Commission's Report.

ANNEX I. Recommendations of the Technical Advisory Committee on Information concerning the Policies, Functions and Organization of the Department of Public Information

III. Recruitment and Promotion (Resolutions 6-9)

IV. Rights and Obligations of the Staff (Resolutions 10-11)

ANNEX II. Provisional Staff Regulations

V. Taxation (Resolutions 12-14)

VI. Classification, Salaries and Allowances (Resolutions 15-23)

VII. Duration and Termination of Appointments (Resolutions 24-27)

VIII. Retirement and Compensation (Resolutions 28-33)

IX. Transmittal of Section 2 of Chapter VIII of the Report of the Preparatory Commission (Resolution 34)

The resolutions were based mainly upon the recommendations of the Preparatory Commission, including those of its Technical Advisory Committee on Information and its Advisory Group of Experts.¹

(1). Administrative Organization of the Secretariat

The resolution adopted by the General Assembly was based closely on the recommendations of the Preparatory Commission. The General Assembly resolved that the Secretariat should be composed of eight departments, each headed by an Assistant Secretary-General, as outlined in the Preparatory Commission's Report, and instructed the Secretary-General to follow, broadly speaking, the suggestions of the Preparatory Commission in determining in detail the structure and functions of the departments. Following is the text of the resolution:

I. ADMINISTRATIVE ORGANIZATION OF THE SECRETARIAT

The administrative organization of the Secretariat should be so designed as to enable the work of the Secretariat to be conducted with the greatest possible efficiency.

THEREFORE, THE GENERAL ASSEMBLY RESOLVES THAT:

1. The Secretary-General shall take immediate steps to establish an administrative organization which will permit of the effective discharge of his administrative and general responsibilities under the Charter and the efficient performance of those functions and services required to meet the needs of the several organs of the United Nations.

2. The principal units of the Secretariat should be:

- (a) Department of Security Council Affairs.
- (b) Department of Economic Affairs.
- (c) Department of Social affairs.

(d) Department for Trusteeship and Information from Non-Self-Governing Territories.

(e) Department of Public Information.

(f) Legal Department.

(g) Conference and General Services.

(h) Administrative and Financial Services.

3. The Secretary-General is authorized to appoint Assistant Secretaries-General and such other officials and employees as are required and to prescribe their responsibilities and duties. Assistant Secretaries-General shall have responsibility for and supervision of Departments and Services. There shall always be one Assistant Secretary-General designated by the Secretary-General to deputize for him when he is absent or unable to perform his functions. The Secretary-General shall take whatever steps may be required to ensure the necessary co-ordination between the Departments of Economic Affairs and of Social Affairs, and the maintenance of appropriate administrative relationships between those Departments and the Economic and Social Council, on the one hand, and between those Departments and the specialized agencies on the other.

4. At the outset, the Departments and Services should, broadly speaking, conform to the description given in paragraphs 22-40 of Section 2, Chapter VIII of the Report of the Preparatory Commission, but the Secretary-General shall make such changes in the initial structure as may be required to the end that the most effective distribution of responsibilities and functions among the units of the Secretariat may be achieved.

(2). Information

The Technical Advisory Committee on Information of the Preparatory Commission submitted a report to the General Assembly containing the general principles on which the Department of Public Information of the United Nations Secretariat should be based and a broad outline of the Department's organization and functioning.

The report was referred to the Fifth Committee. On February 1, 1946, the representative of the Netherlands proposed the following resolution, which was adopted by the General Assembly:

II. INFORMATION

The United Nations cannot achieve its purposes unless the peoples of the world are fully informed of its aims and activities.

The recommendations of the Technical Advisory Committee on Information submitted by the Preparatory Commission to the General Assembly constitute a sound foundation for the public information policy and activities of the United Nations.

¹ See Chapter VIII of the Preparatory Commission's Report.

THEREFORE THE GENERAL ASSEMBLY:

5. APPROVES the recommendations of the Technical Advisory Committee on Information contained in Annex I and transmits them to the Secretary-General for his information and consideration.

ANNEX I

RECOMMENDATIONS OF THE TECHNICAL ADVISORY COMMITTEE ON INFORMATION CONCERNING THE POLICIES, FUNCTIONS AND ORGANIZATION OF THE DEPARTMENT OF PUBLIC INFORMATION

The United Nations cannot achieve the purposes for which it has been created unless the peoples of the world are fully informed of its aims and activities.

THEREFORE

The Technical Advisory Committee on Information makes the following recommendations:

1. A Department of Public Information should be established under an Assistant Secretary-General.

2. The activities of the Department of Public Information should be so organized and directed as to promote to the greatest possible extent an informed understanding of the work and purposes of the United Nations among the peoples of the world. To this end the Department should primarily assist and rely upon the co-operation of the established governmental and non-governmental agencies of information to provide the public with information about the United Nations. The Department of Public Information should not engage in "propaganda." It should on its own initiative engage in positive informational activities that will supplement the services of existing agencies of information to the extent that these are insufficient to realize the purpose set forth above.

3. The United Nations should establish as a general policy that the press and other existing agencies of information be given the fullest possible direct access to the activities and official documentation of the Organization. The rules of procedure of the various organs of the United Nations should be applied with this end in view.

4. Subject to the general authority of the principal organs of the United Nations, responsibility for the formulation and execution of information policy should be vested in the Secretary-General and under him in the Assistant Secretary-General in charge of the Department of Public Information.

5. When negotiating an agreement with a specialized agency the Economic and Social Council should be requested to take into consideration the matter of co-ordinated information services and of a common information policy, and to consult with the Secretary-General concerning each individual agreement.

6. In order to ensure that peoples in all parts of the world receive as full information

as possible about the United Nations, the Department of Public Information should consider the establishment of branch offices at the earliest practicable date.

7. The functions of the Department of Public Information appear to fall naturally into the following categories: press, publications, radio, films, graphics and exhibitions, public liaison and reference.

8. The Department should provide all the services for the daily, weekly and periodical press, both at the headquarters of the United Nations and through its branch offices, that may be required to ensure that the press is supplied with full information about the activities of the United Nations.

9. The Department should prepare and publish pamphlets and other publications on the aims and activities of the United Nations, within the limits of the criteria set forth in recommendation 2.

10. The Department should actively assist and encourage the use of radio broadcasting for the dissemination of information about the United Nations. To this end it should, in the first instance, work in close co-operation with radio broadcasting organizations of the Members. The United Nations should also have its own radio broadcasting station or stations with the necessary wavelengths, both for communication with Members and with branch offices, and for the origination of United Nations programmes. The station might also be used as a center for national broadcasting systems which desire to co-operate in the international field. The scope of the radio broadcasting activities of the United Nations should be determined after consultation with national radio broadcasting organizations.

11. In addition to assisting the newsreel and photographic press agencies, the Department of Public Information should also promote and where necessary participate in the production and non-commercial distribution of documentary films, film strips, posters and other graphic exhibits on the work of the United Nations.

12. The Department and its branch offices should actively assist and encourage national information services, educational institutions and other governmental and non-governmental organizations of all kinds interested in spreading information about the United Nations. For this and other purposes it should operate a fully equipped reference service, brief or supply lecturers, and make available its publications, documentary films, film strips, posters and other exhibits for use by these agencies and organizations.

13. The Department and its branch offices should also be equipped to analyse trends of opinion throughout the world about the activities of the United Nations and the extent to which an informed understanding of the work of the United Nations is being secured.

14. Consideration should be given to the setting up of an Advisory Committee to meet

periodically at the seat of the United Nations to discuss and forward to the Secretary-General observations regarding the information policy and program of the United Nations. This Advisory Committee would be composed of experts appointed on the basis of broad geographical representation, personal qualifications and experience. They would be representative of the various media of information of the Members, and would be in a position to reflect to the Secretary-General the needs and desires of the general public of the Members in the matter of public information about the aims and activities of the United Nations.

15. In order that the Advisory Committee may be as widely representative as possible and receive the maximum support from the information organizations of all Members, the Secretary-General might, in consultation with the governments of the Members, communicate with the representative officers of the leading organizations of the press, radio, film and other media and government information services of the Members on the establishment of such an Advisory Committee.

16. If it is found possible to set up an Advisory Committee, then at a later stage consideration should be given to establishing similarly composed national or regional advisory committees working in touch with the branches of the Department of Public Information.

In the course of the discussion in the Committee it was pointed out that although it was essential that the fullest information on the United Nations' activities be available to the public, care must be taken that such information should not develop into propaganda. Furthermore, the experience of national agencies had been that unless they were administered with great caution and prudence, they could expand out of all proportion to their real responsibilities and run into enormous expenditure. To avoid such a development, it would be advisable for the United Nations information service to operate wherever possible through existing agencies instead of trying to establish rival instruments of public information, and to guard against the setting up of too many branch offices. On the other hand, it was pointed out that in so far as the United Nations used existing agencies, it would have no control over them. Branch offices were considered to be very necessary and it was suggested that there should be at least one on every continent. The Department itself would be situated at the headquarters of the organization, and would need to develop a close liaison with the Economic and Social Council so that the activities of the specialized agencies could

be brought into harmony with the work of the United Nations in the field of public information and overlapping avoided.

It was decided to transmit a summary of the Committee's discussion to the Secretary-General, together with the report of the Technical Advisory Committee on Information, as it was felt that many useful points had been emphasized.

(3). Recruitment and Promotion

The General Assembly adopted the recommendations of the Preparatory Commission as contained in Chapter VIII, Section 2D of the Preparatory Commission's Report, as follows:

III. RECRUITMENT AND PROMOTION

In accordance with paragraph 3 of Article 101 of the Charter, appropriate methods of recruitment should be established in order that a staff may be assembled which is characterized by the highest standards of efficiency, competence and integrity, due regard being also paid to its recruitment on as wide a geographical basis as possible.

THEREFORE THE GENERAL ASSEMBLY RESOLVES THAT:

6. An International Civil Service Commission shall be established by the Secretary-General, after consultation with the heads of the specialized agencies brought into relationship with the United Nations, to advise on the methods of recruitment for the Secretariat and on the means by which common standards of recruitment in the Secretariat and the specialized agencies may be ensured.

7. In the selection of staff, the Secretary-General should follow in general the suggestions outlined in paragraphs 50-57 of Section 2, Chapter VIII of the Report of the Preparatory Commission.

8. A balanced age distribution should be achieved from the outset, in order to maintain regular inflow, promotion and outflow of staff.

9. Every member of the staff shall be eligible for such promotion within the United Nations as his or her services and abilities warrant, in accordance with paragraph 47, Section 2, Chapter VIII of the Report of the Preparatory Commission.

(4). Rights and Obligations of the Staff

The General Assembly adopted the provisional staff regulations submitted by the Preparatory Commission and transmitted the provisional staff rules drafted by the Commission to the Secretary-General for his consideration. Following is the text of the resolution and the provisional staff regulations:

IV. RIGHTS AND OBLIGATIONS OF THE STAFF

The degree in which the objects of the Charter can be realized will be largely determined by the manner in which the Secretariat performs its task. The Secretariat cannot successfully perform its task unless it enjoys the confidence of all the Members of the United Nations.

THEREFORE THE GENERAL ASSEMBLY:

10. ADOPTS the provisional staff regulations, embodying the fundamental rights and obligations of the staff, as contained in Annex II, and transmits to the Secretary-General, for his consideration, the draft provisional staff rules, as contained in Section 4 of Chapter VIII of the Report of the Preparatory Commission, together with the paper submitted by the Canadian delegation (document A/C.5/10).

11. AUTHORIZES the Secretary-General to appoint a small advisory committee, possibly including representatives of the staff, to draft, for submission to the second part of the first session of the General Assembly, a statute for an administrative tribunal.

ANNEX II.

PROVISIONAL STAFF REGULATIONS

1. DUTIES AND OBLIGATIONS OF THE SECRETARIAT

Regulation 1

The Secretary-General and all members of the staff of the Organization are international civil servants, and their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the United Nations only in view. In the performance of their duties they shall not seek nor receive instructions from any government or from any other authority external to the Organization. All members of the staff are subject to the authority of the Secretary-General, and are responsible to him in the exercise of their functions.

Regulation 2

Upon accepting their appointment, all members of the staff shall subscribe to the following oath or declaration:

"I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as a member of the international service of the United Nations, to discharge those functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the Organization."

Regulation 3

The oath or declaration shall be made orally by the Secretary-General and Assistant Sec-

retaries-General at a public meeting of the General Assembly, and by the other higher officers in public before the Secretary-General or his authorized deputy.

Regulation 4

The immunities and privileges attaching to the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. In any case where these privileges and immunities arise, the staff member concerned shall immediately report to the Secretary-General, with whom alone it rests to decide whether they shall be waived.

Regulation 5

Members of the staff shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any unpublished information known to them by reason of their official position except in the course of their duties or by authorization of the Secretary-General.

Regulation 6

Members of the staff shall avoid any action, and in particular any kind of public pronouncement or activity which may adversely reflect on their position as international civil servants. They are not expected to give up their national sentiments or their political and religious convictions; but they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

Regulation 7

No member of the staff shall accept, hold, or engage in any office or occupation which in the opinion of the Secretary-General is incompatible with the proper discharge of his duties with the United Nations.

Regulation 8

Any member of the staff who becomes a candidate for a public office of a political character shall resign from the Secretariat.

Regulation 9

No member of the staff shall accept any honor, decoration, favor, gift or fee from any Government or from any other source external to the Organization during the period of his appointment, except for war services.

2. APPOINTMENT, PROBATION AND PROMOTION

Regulation 10

Men and women are equally eligible for all posts in the Secretariat.

Regulation 11

So far as practicable, appointments to posts in the Secretariat shall be made on a competitive basis.

Regulation 12

Persons appointed to permanent posts in the Secretariat shall serve such probationary period as may be prescribed by the Secretary-General.

Regulation 13

The Secretary-General shall provide facilities to train members of the staff in subjects relating directly or indirectly to their duties. This training shall apply particularly to members on probation whose earlier educational opportunities have been inadequate or whose language qualifications are deficient.

Regulation 14

With due regard to the maintenance of the staff on as wide a geographical basis as possible and without prejudice to the inflow of fresh talent at the various levels, vacancies shall be filled by promotion of persons already in the service of the United Nations in preference to appointments from outside. This consideration shall also be applied, on a reciprocal basis, to the specialized agencies brought into relationship with the Organization.

Regulation 15

The Secretary-General shall provide machinery through which members of the staff may participate in the discussion of questions relating to appointment and promotion.

3. SALARIES

Regulation 16

Pending the adoption of a permanent classification plan, the salaries of the members of the staff other than Assistant Secretaries-General and Directors shall be determined by the Secretary-General within a range between the salary adopted by the General Assembly for the post of Director and the best salaries and wages paid for stenographic, clerical, and manual work at the seat of the United Nations.

4. HOURS OF WORK

Regulation 17

The whole time of members of the staff shall be at the disposal of the Secretary-General. The Secretary-General shall establish a normal working week.

5. LEAVE

Regulation 18

Members of the staff shall be allowed sick leave, maternity leave, special leave, annual leave and home leave, as prescribed by the Secretary-General.

6. DISCIPLINARY MEASURES

Regulation 19

The Secretary-General may impose disciplinary measures on members of the staff whose conduct or work is unsatisfactory. He may discharge a member of the staff who persistently fails to give satisfactory service. He may summarily dismiss a member of the staff for serious misconduct.

7. TERMINATION OF APPOINTMENTS

Regulation 20

The normal age of retirement for members of the staff shall be 60 years. In exceptional circumstances the Secretary-General may, in the interest of the Organization, extend this age limit to 65 years if it would be in the interest of the United Nations to do so.

Regulation 21

The Secretary-General may terminate the appointment of a member of the staff if the necessities of the service require the abolition of the post or a reduction of the staff, or if the services of the individual concerned prove unsatisfactory.

Regulation 22

If the Secretary-General terminates an appointment under regulation 21 he shall give at least three months' notice and pay an indemnity equivalent to at least three months' salary. The amount of the indemnity shall be increased with length of service up to a maximum of nine months' salary. These provisions of notice and indemnity shall not apply to probationers, to persons holding short-term contracts, or to persons summarily dismissed.

Regulation 23

The Secretary-General shall establish administrative machinery for inquiry and appeal in disciplinary and termination cases. This machinery shall provide for staff participation.

8. TRAVELLING EXPENSES AND ALLOWANCES

Regulation 24

The travel expenses and travel allowances of members of the staff in respect of authorized journeys on the business of the United Nations shall be paid by the Organization subject to such conditions as may be prescribed by the Secretary-General.

Regulation 25

Subject to such conditions as may be prescribed by the Secretary-General, the United Nations shall pay the removal costs and the travel expenses and travel allowances of members of the staff, and, in appropriate cases, their wives and dependent children:

- (a) upon appointment to the Secretariat and on subsequent change of official station;
- (b) at appropriate interval for a journey to and from the place recognized as the staff member's home at the time of the initial appointment; and
- (c) upon termination of appointment.

9. STAFF PROVIDENT FUND

Regulation 26

Pending the establishment of a permanent staff retirement scheme, a deduction shall be made from the salaries of members of the staff and paid into a staff provident fund to which the United Nations shall make an additional contribution.

Yearbook of the United Nations

10. SPECIAL INDEMNITIES

Regulation 27

A member of the staff who is injured as the result of an accident incurred in the course of his duty or who is compelled to discontinue his employment as a result of sickness directly attributable to his work in the service of the United Nations shall receive reasonable compensation. Should the staff member die in such circumstances, reasonable compensation shall be paid to his widow or such dependents as the Secretary-General may determine.

11. GENERAL PROVISIONS

Regulation 28

These regulations may be supplemented or amended by the General Assembly without prejudice to the acquired rights of members of the staff.

Regulation 29

The Secretary-General shall report annually to the General Assembly such staff rules and amendments thereto as he may make to implement these regulations.

(5). Taxation

The question of the taxation of the salaries of staff members of the United Nations was considered by the Fifth Committee at its fourth meeting on January 21, 1946. Three main questions had to be settled: (a) whether the salaries of the staff of the United Nations should be immune from income taxation by Member Governments; (b) whether some income tax should be levied by the United Nations organization; (c) how the net salaries of all staff members bearing similar responsibilities should be equalized pending agreement on tax exemption.

The United States delegation had submitted a paper to the Advisory Group of Experts appointed by the Preparatory Commission, recommending that salaries of staff members should be exempt from national taxation. Until such time as all Member Governments had made arrangements for tax exemption, all United Nations employees should contribute to a special fund. Any staff member subject to national taxation would be reimbursed from this fund. The United States delegation considered that governments of countries where United Nations employees resided would be reluctant to offer such employees tax exemption and that public opinion in any country where income tax was generally applied would be unsympathetic towards the existence of a tax-free group. If United Nations officials were granted tax exemption they would be embarrassed in their relationships with other citi-

zens of the country in which the United Nations was located. For these reasons the United States delegation supported a staff contributions scheme. As it had been agreed that the United States should be the seat of the United Nations the position taken by the United States delegation was of particular significance in the discussion on this question.

Taking into consideration the paper submitted by the United States delegation, the Advisory Group made the following recommendations:

(a) Salaries of the United Nations staff should be exempt from national taxation.

(b) All personnel of the United Nations should be subject to a tax contributions scheme levied by the organization.

(c) Pending action of the national governments to extend tax immunity, the United States plan for reimbursing staff members subject to national income tax out of the staff contributions fund should be adopted.

(d) The budget contributions of Member Governments whose nationals were not exempt from income tax should be increased by an amount equivalent to the refund paid to the United Nations staff members who were nationals of that country.

The Fifth Committee of the General Assembly appointed a Sub-Committee to study these recommendations. On January 24, 1946, the Sub-Committee presented the following report:

The Committee believes there is no alternative to the proposition that national tax exemption for United Nations salaries and allowance is indispensable to equity among its Member nations and equality among its personnel.

It recommends that, pending this accomplishment, the budget should carry a contingent appropriation to equalize tax payments.

It recommends that all of its files respecting staff contributions plans be referred to the Secretary-General for his information; and that further consideration of the matter be postponed pending his subsequent report and recommendation.

There was general agreement on the first recommendation that salaries should be exempt from national taxation. Several representatives, however, opposed the recommendation that tax refunds to staff members subject to national income tax should be paid out of the United Nations budget. It was pointed out that this would lead to inequality among Member Governments. Countries which taxed their

nationals would benefit at the expense of those countries granting tax exemption to United Nations employees. No part of the sums paid as contributions to the United Nations should go into national treasuries. The proposed tax refund system would deter States from granting tax exemption. The representative of Belgium remarked that the main difficulty was the reluctance of the United States Government to exempt its nationals from taxation, and expressed his hope that the United States Government would make a concession on this point. The representative of Mexico, supported by several other representatives, proposed the amendment of the second recommendation of the sub-committee as follows:

The Committee recommends that, pending this accomplishment, the budget of the Organization should carry a contingent appropriation to refund tax payments and that an amount equivalent to such refunds to employees because of income tax, be added to the budget contributions of the Members, whose nationals in the service of the Organization were required to pay income tax on their salaries and allowances received from the Organization.

The Committee adopted this amendment at its sixth meeting on January 25.

Several representatives, although favoring complete exemption from national taxation, supported the recommendation of the Advisory Group of Experts that a staff contribution plan be adopted. The report of the Sub-Committee, it was said, left the question of a staff contribution plan completely unsettled. The representative of Australia, supported by the representative of Canada therefore, proposed that the Fifth Committee reject the report of the Sub-Committee and adopt the recommendations of the Advisory Group of Experts. The Australian proposal was rejected by the Committee.

Although the Sub-Committee's report, as amended at the suggestion of the representative of Mexico, had been adopted by the Fifth Committee, the question was reopened at the sixteenth meeting of the Committee on February 11, when the final draft of the Committee's report to the General Assembly was under consideration. After some discussion, the Committee adopted an amendment, proposed by the representative of the Netherlands, to delete the Mexican amendment previously adopted and to substitute the text as shown below. The resolution as approved by the General Assembly therefore read as follows:

V. TAXATION

Having regard particularly to the administrative and budgetary arrangements of the Organization, the General Assembly concurs in the conclusion reached by the Administrative and Budgetary Committee that there is no alternative to the proposition that exemption from national taxation for salaries and allowances paid by the Organization is indispensable to the achievement of equity among its Members and equality among its personnel.

THEREFORE THE GENERAL ASSEMBLY RESOLVES THAT:

12. Pending the necessary action being taken by Members to exempt from national taxation salaries and allowances paid out of the budget of the Organization, the Secretary-General is authorized to reimburse staff members who are required to pay taxation on salaries and wages received from the Organization.

13. In the case of any Member whose nationals in the service of the Organization are required to pay taxation on salaries and allowances received from the Organization, the Secretary-General should explore with the Member concerned methods of ensuring as soon as possible the application of the principle of equity amongst all Members.

14. The records and documents of the Administrative and Budgetary Committee and of the Advisory Group of Experts respecting staff contributions plans be referred to the Secretary-General for his information, and the Secretary-General be requested to submit recommendations thereon to the second part of the first session of the General Assembly.

(6). Classification, Salaries and Allowances

The Preparatory Commission had recommended that the General Assembly should decide what the salaries of Assistant-Secretaries-General and top-ranking Directors should be. This question was referred to the Sub-Committee of the Fifth Committee which had considered the salary of the Secretary-General. At its fourth meeting on January 22, 1946, the Fifth Committee received the Sub-Committee's draft resolution recommending that the salaries of Assistant-Secretaries-General and top ranking Directors be \$13,500 (US) and \$11,000 (US) respectively.

In the course of the discussion in the Committee several representatives expressed the view that the salaries proposed were too modest. It was maintained that they did not take sufficient account of the increased cost of living, and that they were, in fact, considerably less than the emoluments recommended for the judges of the Permanent Court and those paid to corresponding officials of UNRRA

or the League of Nations. The endorsement of such salaries for the principal higher officers would automatically depress those to be offered the lower grades, with the result that the organization might be unable to attract the highly qualified personnel which it was essential to secure.

In defence of the Sub-Committee's recommendations it was argued that to provide salaries high enough to counter a rise in cost of living which was world-wide would place the Secretariat in a privileged position, which would be undesirable from the point of view of public opinion. The figures proposed seemed reasonable and just if it were remembered that they were net, supplemented by tax-free allowances.

The representative of the United States objected to the provision of net salaries, as he considered that the question whether these salaries should in fact be net was exclusively within the jurisdiction of the taxing authority of the country of which the officials were nationals.¹

As regards classification of posts in the Secretariat other than those of Assistant Secretaries-General and Directors, the General Assembly adopted the recommendations of the Preparatory Commission.

On the question of children's education and installation allowances the Advisory Group of Experts had submitted to the Fifth Committee a report which was discussed at some length. The General Assembly decided to instruct the Secretary-General to report to the second part of the first session of the General Assembly concerning a scheme for such allowances, and to transmit the Advisory Group's report to the Secretary-General for his consideration.

Following is the text of the resolutions adopted by the General Assembly:

VI. CLASSIFICATIONS, SALARIES AND ALLOWANCES

The conditions of employment in the Secretariat should be such as will attract qualified candidates from any part of the world.

THEREFORE THE GENERAL ASSEMBLY RESOLVES THAT:

15. An Assistant Secretary General shall receive a net salary of \$13,500 (US) together with an allowance varying from \$7,000 (US) to \$11,500 (US) at the Secretary-General's discretion.

16. A top-ranking Director² shall receive a net salary of \$11,000 (U.S.) together with an allowance varying from \$3,000 (US) to \$6,000 (US) at the Secretary-General's discretion.

17. The allowances for Assistant Secretaries-General and top-ranking Directors are deemed to include all representation (including hospitality), housing, education and children's allowances for these posts but not such reimbursable allowances as travel, subsistence and removal costs upon appointment, transfer or termination of appointment with the Organization; official travel and home leave travel.

18. Subject to the budgetary provisions voted by the General Assembly, and except in the case of posts of Secretary-General, Assistant Secretary-General and Director, the Secretary-General, after discussion with the Advisory Group of Experts which he is recommended to appoint, is authorized to make a tentative classification of posts and to assign salaries to these posts according to the general principles set forth in paragraphs 41 to 45 and 71 of Section 2 of Chapter VIII of the Report of the Preparatory Commission. The Secretary-General is also authorized to employ members of the staff on short-term contracts pending the establishment of a permanent classification plan as outlines in resolution 19 below.

19. Subject to the budgetary provisions voted by the General Assembly, the Secretary-General, after discussion with the Advisory Group of Experts referred to in resolution 18, shall arrange:

(a) for the development of a classification plan of all posts required by the Secretariat, based upon the duties, responsibilities and authority of each post;

(b) for the grouping of posts by main categories and within categories by grades;

(c) for the assignment of appropriate salaries to each main category and grades therein according to the salary standards which may be established by the General Assembly;

(d) for the assignment of each post in the Secretariat to its appropriate category and grade on the basis of its duties, responsibilities and authority.

The Secretary-General is authorized to employ temporary personnel on special limited term contracts outside of the permanent classification plan when he finds it necessary.

20. In determining the salaries for the several grades and for the various categories of posts, account should be taken of the special factors affecting service in the Secretariat, and, in particular, of the wide range of remuneration for comparable work prevailing in the government services of the Members of the United Nations; the more limited prospects of promotion to the highest posts in the

¹ Concerning taxation of salaries see pp. 88, 89.

² The phrase "top-ranking Director" is intended to cover only the senior grade in the classified service and more specifically would apply to persons serving as deputy to an Assistant Secretary-General or as Director of a major "staff service," i.e. Director of Personnel, Director of Budget, Comptroller, et cetera.

Secretariat compared with the prospects of promotion in some of the national services; the cost of living at the seat of the United Nations—a factor which may be affected, in the early years, by possible housing difficulties; and the additional expenses which a large proportion of the staff will incur by living away from their own country, such expenses varying with the number of dependents and other factors.

21. The General Assembly approves, in principle, the adoption of schemes to become effective 1 January 1947:

(a) for the payment of children's allowances as a supplement to the salaries of eligible members of the staff of the Organization;

(6) for the payment of an education grant to an eligible member of the staff who may wish to send his child, or children, from the country to which he is assigned for duty to that country recognized as his home at the time of his appointment, provided such country be not the country where he is permanently assigned for duty.

22. The Secretary-General shall submit to the second part of the first session of the General Assembly a scheme for children's allowances and education grants, and the memorandum of the Advisory Group of Experts on these subjects (document A/C.5/19/Rev.1) shall be transmitted to the Secretary-General for his consideration.

23. With regard to the installation of members of the staff at the interim site of the Organization, the Secretary-General is authorized to establish a scheme for installation allowances and the conditions under which such allowances shall be granted.

(7). Duration and Term of Appointments

The following resolution adopted by the General Assembly was based on the recommendations of the Preparatory Commission as contained in Chapter VIII, Section 2-E, of the Preparatory Commission's Report:

VII. DURATION AND TERMINATION OF APPOINTMENTS

THE GENERAL ASSEMBLY RESOLVES THAT:

24. Subject to the Secretary-General's full latitude, as suggested in resolution 18, to employ members of the staff on short-term contracts pending the establishment of a permanent classification plan, and subject to appropriate arrangements for the appointment of temporary staff at all times, members of the staff who have successfully passed the period of probation shall be offered some reasonable assurance that they will be able to make their careers in the Secretariat.

25. Members of the staff who have passed the period of probation shall be given contracts for an indeterminate period which shall

be subject to review every five years on the basis of reports by their superior officers.

26. Notwithstanding the provisions above, Assistant Secretaries-General, Directors and such other principal higher officers as the Secretary-General may determine, shall be appointed under contracts not to exceed five years, subject to the possibility of renewal.

27. Any contract shall be terminable by the Secretary-General under the conditions set forth in regulation 22 of the staff regulations if the necessities of the service require the abolition of the post or a reduction of the staff, or if the services of the individual concerned proved satisfactory.

(8). Retirement and Compensation

The Advisory Group of Experts submitted a report on this question which the Fifth Committee considered. After some discussion the Committee decided that the General Assembly should transmit this report to the Secretary-General for his consideration, and should instruct the Secretary-General to establish immediately a provident fund for members of the staff as well as to report to the second part of the first session of the General Assembly on proposals for a permanent staff retirement scheme. On the recommendation of the Fifth Committee the General Assembly, therefore, resolved as follows:

VIII. RETIREMENT AND COMPENSATION

THE GENERAL ASSEMBLY RESOLVES THAT:

28. The Secretary-General shall establish immediately a provident fund for members of the staff, giving consideration to the scheme outlined in Part I of the suggestions of the Advisory Group of Experts on the establishment of a staff retirement scheme and related questions (document A/C.5/20).

29. The Secretary-General shall submit to the second part of the first session of the General Assembly a report on the operation of the provident fund, suggesting such changes in the scheme as he may consider desirable.

30. The Secretary-General shall submit to the second part of the first session of the General Assembly proposals for a permanent staff retirement scheme to become operative 1 January 1947, taking due account of the suggestions of the Advisory Group of Experts, the various points raised during the general discussion of these suggestions in the Administrative and Budgetary Committee and other relevant considerations.

31. In establishing a permanent staff retirement scheme the Secretary-General shall give consideration to the desirability of adopting a system for the provision of benefits to widows and orphans of members of the staff, either

by a separate scheme or by the grant of a lump sum benefit on the death of the member.

32. The Secretary-General appointed at the first session of the General Assembly shall be provided with an annual retirement allowance of one-half of his net salary (excluding allowances) on his retirement, provided that he has completed his term of service with the United Nations, as set out in Chapter VIII, section 2, paragraph 18 of the Report of the Preparatory Commission.

33. (a) The Secretary-General shall submit to the second part of the first session of the General Assembly proposals for permanent schemes for injury compensation and compassionate benefits.

(6) Pending the adoption of a permanent scheme, the Secretary-General is authorized to indemnify a member of the staff who is injured as the result of an accident incurred in the course of his duties or to pay an indemnity to the staff member's estate should he die in such circumstances.

(c) Pending the adoption of a permanent scheme, the Secretary-General is authorized to indemnify a member of the staff who is compelled to discontinue his employment as a result of sickness directly attributable to his work in the service of the Organization or to pay indemnity to the staff member's estate should he die in such circumstances.

(9). Transmittal of the Preparatory Commission's Report to the Secretary-General

The General Assembly adopted the following resolution to transmit the section of the Preparatory Commission's Report concerning the Organization of the Secretariat to the Secretary-General for his guidance:

IX. TRANSMITTAL OF SECTION 2 OF CHAPTER VIII OF THE REPORT OF THE PREPARATORY COMMISSION

THE GENERAL ASSEMBLY RESOLVES THAT:

34. Section 2, Chapter VIII of the Report of the Preparatory Commission be transmitted to the Secretary-General for his guidance.

d. Budgetary and Financial Arrangements

On the recommendation of the Fifth Committee the General Assembly at its 31st plenary meeting on February 13, 1946, adopted a series of fifteen resolutions, including one annex, on the following subjects pertaining to the budgetary and financial arrangements of the United Nations:

A. Permanent and Financial Arrangements (Resolutions 1-3)

B. Advisory Group of Experts (Resolution 4)

C. Provisional Financial Regulations (Resolution 5)

Annex I. Provisional Financial Regulations

D. Travelling Expenses of Representatives (Resolution 6)

E. Recommendations of the Secretary-General Concerning Budgetary and Financial Questions (Resolution 7)

F. Formulation of the Budget and Management of Funds (Resolution 8)

G. Provisional Budget (Resolutions 9-10)

H. Working Capital Fund (Resolutions 11-15)

The Resolutions were based mainly upon the recommendations of the Preparatory Commission and its advisory Group of Experts.¹

(1). Permanent Budgetary and Financial Arrangements

The General Assembly resolved that the permanent budgetary and financial arrangements of the United Nations should be based on the recommendations of the Preparatory Commission. To assist the General Assembly in the consideration of such matters, the following standing committees were to be established:

(a) an Advisory Committee on Administrative and Budgetary Questions, to be appointed at the beginning of the second part of the first session of the General Assembly.

(b) a Committee on Contributions, to be appointed during the first part of the first session of the General Assembly for the purpose of preparing a detailed scale of apportionment of expenses of the United Nations for consideration at the second part of the first session of the General Assembly.

Following is the text of the resolution as adopted by the General Assembly:

A.

The permanent budgetary and financial arrangements of the United Nations should be so designed as to promote efficient and economical administration and command the confidence of Members.

THEREFORE THE GENERAL ASSEMBLY RESOLVES THAT:

1. Arrangements be made on the basis of the general principles set out in Section 2 of Chapter IX of the Report of the Preparatory Commission and of the Provisional Financial Regulations, for budgetary procedures, the collection and custody of funds, the control of disbursements and the auditing of accounts.

¹ See Chapter IX of the Report of the Preparatory Commission.

2. To facilitate the consideration of administrative and budgetary questions by the General Assembly and its Administrative and Budgetary Committee, there be appointed at the beginning of the second part of the first session of the General Assembly, an Advisory Committee on Administrative and Budgetary Questions of nine members (instead of seven as laid down in Rule 37 of the Provisional Rules of Procedure) with the following functions:

(a) to examine and report on the budget submitted by the Secretary-General to the General Assembly;

(b) to advise the General Assembly concerning any administrative and budgetary matters referred to it;

(c) to examine on behalf of the General Assembly the administrative budgets of specialized agencies and proposals for financial arrangements with such agencies;

(d) to consider and report to the General Assembly on the auditors' reports on the accounts of the United Nations and of the specialized agencies.

The Committee shall deal with personnel matters only in their budgetary aspects, and representatives of the staff shall have the right to be heard by the Committee.

3. A standing expert Committee on Contributions of ten members (instead of seven as laid down in Rule 40 of the Provisional Rules of Procedure) be appointed with instructions to prepare a detailed scale of apportionment of expenses, based on the principles set out in paragraph 13 of section 2 of Chapter IX of the Report of the Preparatory Commission for consideration at the second part of the first session.

(2). Advisory Group of Experts

The General Assembly adopted the following resolution concerning the appointment of an Advisory Group of Experts to assist the Secretary-General in elaborating administrative, budgetary and personnel plans:

B.

With a view to the integration of the administrative and budgetary planning of the Organization,

THE GENERAL ASSEMBLY:

4. RECOMMENDS that the Secretary-General appoint at an early date a small advisory group of experts, as described in paragraphs 23-26 of section 2 of Chapter IX of the Report of the Preparatory Commission to perform the functions suggested by the Preparatory Commission in paragraphs 23-26 of section 2 of Chapter IX of its Report, including those specified in the provisional financial regulations.

(3). Provisional Financial Regulations

The General Assembly adopted the following resolution concerning financial regulations recommended by the Preparatory Commission:

C.

Having made a general examination of the draft provisional financial regulations submitted by the Preparatory Commission,

THE GENERAL ASSEMBLY:

5. ADOPTS the Provisional Financial Regulations, as amended, and reproduced in annex I to this report.

ANNEX I

PROVISIONAL FINANCIAL REGULATIONS

I. THE FINANCIAL YEAR

Regulation 1

The financial year shall be the calendar year, 1 January to 31 December.

II. THE PROVISIONAL BUDGET

Regulation 2

The Secretary-General shall submit to the first part of the first session of the General Assembly a provisional budget for the financial year 1946. The provisional budget as adopted by the General Assembly shall remain in force pending its substitution by the adoption of the first annual budget of the Organization by the General Assembly during the second part of the first session.

Regulation 8

Estimates of expenditure to be incurred under the provisional budget shall be divided into two separate parts: the Secretariat and the organs served by it; the International Court of Justice. The first part shall be divided into general broad headings of expenditure, such as Salaries, Wages, Travelling Expenses, Incidental Expenses, Rent of Buildings, Office Equipment, Library and Contingencies, and shall be presented in a form to be determined by the Secretary-General after consultation with the Advisory Group of Experts.

Regulation 4

The provisional budget shall cover expenditures for the calendar year 1946, the costs of the Preparatory Commission and the costs incidental to the convening of the first session of the General Assembly incurred prior to 31 December 1945.

III. WORKING CAPITAL FUND

Regulation 5

Expenditures under the provisional budget shall be financed by a working capital fund, to consist of advances made by Members in accordance with a scale of allocation determined by the General Assembly.

Regulation 6

After the General Assembly has adopted the provisional budget, and established the total of the working capital fund, the Secretary-General shall

- (a) inform Members of their maximum commitments in respect of the working capital fund;
- (b) request them to remit their advances in amounts and at times as may be determined;
- (c) call upon Members thereafter, from time to time, as funds are required, to remit outstanding instalments of the advances agreed upon.

Regulation 7

All advances to the working capital fund shall be calculated and paid in the currency of the State in which the United Nations is situated.

IV. FIRST ANNUAL BUDGET

Regulation 8

The Secretary-General shall submit the first annual budget of the United Nations to the General Assembly during the second part of the first session. He shall arrange for this budget to be examined beforehand by the Advisory Group of Experts.

Regulation 9

Estimates of expenditure to be incurred under the first annual budget should be divided into separate parts and under broad headings of general expenditure as indicated in regulation 3. The exact form of estimates shall be determined by the Secretary-General after consultation with the Advisory Group of Experts.

Regulation 10

The budget shall be accompanied by:

- (a) a summary of the estimated expenditure under the separate parts divided into the appropriate general headings;
- (b) a statement of total income; and
- (c) a statement showing the amount to be contributed by each Member in accordance with the approved scale of contributions.

Regulation 11

After the General Assembly has adopted the budget and the total amount voted has been apportioned among Members on the scale agreed upon, the Secretary-General shall transmit all relevant documents to Members and request them to remit their contributions as soon as possible.

V. CURRENCY OF THE CONTRIBUTION

Regulation 12

The contributions of Members shall be assessed and paid in the currency of the State in which the United Nations has its headquarters.

VI. APPROPRIATION OF FUNDS

Regulation 13

The adoption of the budget by the General Assembly shall constitute an authorization to the Secretary-General to incur expenditures for the purposes for which credits have been voted up to the amounts so voted. The Secretary-General shall allot in writing the appropriations voted by the General Assembly to the various headings of expenditures prior to the incurring of obligations, commitments or expenditures therefore. He shall keep a record of such allotments and all liabilities incurred showing at all times the amount available under each heading.

VII. INTERNATIONAL CONTROL

Regulation 14

The Secretary-General shall:

- (a) establish detailed financial rules and budgetary procedure in order to ensure effective financial administration and the exercise of economy;
- (b) cause an accurate record to be kept of all capital acquisitions and all supplies purchased and used;
- (c) render to the auditors with the accounts a statement as at 31 December 1946, showing the supplies in hand and the assets and liabilities of the Organization;
- (d) cause all payments to be made on the documents which ensure that the services or commodities have been received and that payment has not previously been made;
- (e) designate the officials who may incur liabilities and make payments on behalf of the Organization;
- (f) maintain an internal financial control which shall provide for an effective current examination or review of financial transactions in order to ascertain:
 - (i) the regularity of the receipt, disposal and custody of all funds and other financial resources of the Organization;
 - (ii) the conformity of all expenditure with the estimates voted by the General Assembly; and
 - (iii) any uneconomic use of the resources of the Organization.

Regulation 15

Where in the discretion of the Secretary-General it seems desirable, tenders for supplies shall be invited by advertisement.

VIII. THE ACCOUNTS

Regulation 16

The accounts of the Organization shall be kept in the currency of the State in which the United Nations has its headquarters.

Regulation 17

There shall be established one cash control record to which shall be credited all cash

receipts accruing to the benefit of the Organization. The cash control record shall be divided into such subsidiary receipts classifications as may be deemed necessary.

Regulation 18

Cash shall be deposited in one or more bank accounts as required; branch accounts, or special funds which involve a separation of cash assets, shall be established as charges to the cash control record under appropriate regulations as to objects, purposes and limitations of such accounts and funds.

Regulation 19

The accounts shall consist of:

- (a) budget accounts showing within the appropriations:
 - (i) the original allotments;
 - (ii) the allotments after modification by any transfers;
 - (iii) the actual obligations or expenditures incurred; and
 - (iv) the unobligated balance of allotments.
- (6) cash account showing all cash receipts and actual disbursements made;
- (c) a working capital fund account;
- (d) property records showing:
 - (i) capital acquisitions;
 - (ii) equipment and supplies purchased and on hand; and
- (c) a record which will provide a statement of assets and liabilities at 31 December 1946.

IX. APPOINTMENT OF EXTERNAL AUDITORS

Regulation 20

Auditors, who shall be persons not in the service of the United Nations, shall be appointed in a manner to be determined by the General Assembly during the second part of its first session. The auditors shall be appointed for the purpose of auditing the accounts for the period ending 31 December 1946.

X. CUSTODY OF FUNDS

Regulation 21

The Secretary-General shall, in consultation with the Advisory Group of Experts designate the bank or banks in which the funds of the Organization shall be kept.

XI. TRANSFERS UNDER THE BUDGET DURING THE FINANCIAL YEAR 1946

Regulation 22

Transfers by the Secretary-General within the budget shall be permitted during the financial year 1946 and shall be effected only under his written authority.

(4). Travelling Expenses of Representatives to the General Assembly

The General Assembly adopted the following resolution in accordance with the recommendations of the Preparatory Commission:

D.

The opportunities of Members to participate in the activities of the United Nations should be equalized as far as possible.

THEREFORE THE GENERAL ASSEMBLY RESOLVES THAT:

6. The actual travelling expenses of representatives or their alternates to and from meetings of the General Assembly shall be borne by the United Nations budget provided that the number of persons whose expenses will be so paid is limited to five in all per Member. The maximum travelling allowances shall be restricted to the equivalent of first-class accommodation by recognized public transport via an approved route from the capital city of a Member to the place where the General Assembly is meeting, and shall not include the payment of subsistence, except where this is included as an integral part of the regular posted schedule for first-class accommodation for recognized public transport. Actual travelling expenses to and from the meetings of the General Assembly of representatives or their alternates shall be reimbursed to each Member by means of an adjustment in the Member's annual contribution.

(5). Recommendations of the Secretary-General concerning Budgetary and Financial Questions

The General Assembly adopted the following resolution suggesting that the Secretary-General recommend to the second part of the first session of the General Assembly any action required in regard to such administrative and budgetary questions as the form of the budget, provision of working capital, etc.

E.

THE GENERAL ASSEMBLY RESOLVES THAT:

7. The Secretary-General, after consultation with the Advisory Group referred to above, should be prepared to recommend to the General Assembly during the second part of the first session necessary action on administrative and budgetary questions, including the following:

- (a) the form of the budget;
- (b) procedure for the examination of the budget by the Advisory Committee on Administrative and Budgetary Questions, and for submission of the Committee's report to the General Assembly;
- (c) machinery for the control of expenditure;

- (d) means of meeting extraordinary expenditure;
- (e) provision of working capital;
- (f) character and scope of special funds; and
- (g) scope and method of audit of accounts and the procedure for the submission of the auditor's report to the Advisory Committee and the General Assembly.

(6). Formulation of the Budget and Management of Funds

The General Assembly decided to transmit the Preparatory Commission's recommendations concerning these matters to the Secretary-General for his information and consideration. Following is the text of the resolution:

F.

THE GENERAL ASSEMBLY:

8. Notes the observations made in paragraphs 5, 10 and 11 of section 2 of Chapter IX of the Report of the Preparatory Commission dealing with the formulation, presentation and execution of the budget, the collection and management of funds and the currency of account, and transmits them to the Secretary-General for his information and consideration.

(7). Provisional Budget for 1946

The Executive Secretary of the Preparatory Commission in conjunction with the Advisory Group of Experts drafted the provisional budget of the United Nations for 1946. At the twelfth meeting of the Fifth Committee the Chairman of the Advisory Group explained that the figures presented, which totalled \$24,975,000, constituted the minimum requirements. He also pointed out that the greatest care had been taken to allow the Secretary-General as full latitude as possible by permitting him to transfer credits within the major classifications of the budget.

In the course of the debate which ensued several representatives, including those of the Byelorussian S.S.R., China, Cuba, France, the Ukrainian S.S.R., the U.S.S.R., and Yugoslavia, considered that the budget was unduly high. It was true that the budget was small in comparison with war expenditures, but many countries had been rendered poor as a result of the war. To these the contributions to the proposed budget would add a tremendous burden, particularly if these contributions would have to be paid in dollar exchange. The budget of the League of Nations had been only \$8,000,000. The voting of credits larger than were strictly necessary

tended to encourage extravagance. A reduction of the proposed figures was deemed not only desirable but practicable. The proposed staff of the Secretariat of up to 2,470 was much too large. Economies could be effected in travel expenses, allowances, etc., and a proposed appropriation of \$3,000,000 for unforeseen expenditures could well be reduced. As the Secretary-General was authorized to make transfers from one item to another, it was not necessary for the total amounts appropriated to be so large.

The representatives of Belgium, Czechoslovakia, Mexico, Netherlands, New Zealand, Poland, and the United States, among others, favored the adoption of the budget as presented. In defence of the Advisory Group's recommendations it was pointed out that the total budget constituted only a small fraction of wartime expenditures, being roughly equivalent to one hour's war expenditure of the United States Government. Approval of the budget would be an act of faith in the Secretary-General as well as in the United Nations. The success of the United Nations should not be jeopardized through a lack of funds. To vote a small budget which might subsequently have to be increased would be very undesirable. On the other hand, the money appropriated might not all be spent. The present budget was provisional and provided no precedent whatever for the future. A comparison with the budget of the League of Nations was not conclusive, as the Charter of the United Nations was of much wider scope than the covenant of the League of Nations and the United Nations was carrying on many activities not carried on by the League. The League had had no Security Council permanently in session, no Economic and Social Council with as wide and varied responsibilities, no trusteeship system as elaborate as that of the United Nations.

Several representatives agreed to vote for the budget drawn up by the Advisory Group of Experts, on the understanding that the Secretary-General would exercise the greatest possible economy.

In view of the discussion which took place in the Fifth Committee, the Advisory Group of Experts at the fourteenth meeting of the Committee on February 5 presented a revised budget. An appropriation of \$200,000 for tax refunds to which several representatives had objected was eliminated. The appro-

priation for the United Nations Secretariat was reduced by more than \$1,000,000 and the appropriation for the General Assembly and the Councils was reduced by \$1,000,000. A further reduction of \$1,000,000 in the appropriation for unforeseen expenditures proposed by the representative of the U.S.S.R., and of \$82,750 in the appropriation for expenses of the International Court of Justice, which the Committee subsequently agreed to, brought the budget down to a total of \$21,500,000.

The resolution adopted by the General Assembly therefore read as follows:

G.

THE GENERAL ASSEMBLY RESOLVES THAT:

9. An amount of \$21,500,000 is hereby appropriated for the following purposes:

	\$(US)
Section I For expenses of the General Assembly and the Councils	1,500,000
Section II For expenses of the Secretariat	16,510,750
Section III For expenses of the International Court of Justice	617,250
Section IV For unforeseen expenses	2,000,000
Section V For the expenses of the Preparatory Commission and the cost of convening the General Assembly for the first part of the first session	872,000

10. The above amounts are to be available for the payment of obligations incurred prior to 1 January 1947. The Secretary-General may transfer by written order credits among or within the above listed classifications.

(8). The Working Capital Fund

The Secretary-General was instructed to submit the first annual budget of the United Nations to the second part of the first session of the General Assembly. At the same time the Committee on Contributions which was set up at the first part of the first session of the General Assembly¹ was to submit a detailed scale for the apportionment of expenses of the United Nations, taking into consideration the recommendations of the Preparatory Commission.

To cover the expenses of the organization during the first year as provided in the provisional budget, a Working Capital Fund was to be established to which the Member Governments would make advances. The Prepara-

tory Commission had recommended that the scale adopted for contributions to the Food and Agriculture Organization be used as the basis for a scale of contributions to the Working Capital Fund. This scale, which was to be purely provisional, would be superseded by the scale of contributions to be submitted by the Committee on Contributions during the second part of the first session of the General Assembly.

The Fifth Committee, to which this question was referred, appointed a Sub-Committee of twelve members at its meeting of January 28, 1946, to decide whether the scale for the first or the second financial year of FAO should be used in determining advances to the Working Capital Fund, and what assessments should be made for advances by countries which were Members of the United Nations but not of FAO. After considerable discussion the Sub-Committee agreed that the average between the first and the second year scales of FAO should be adopted as the scale for the Working Capital Fund. On this basis the Advisory Committee of Experts drew up the detailed scale of contributions shown below.

Following is the text of the resolution which the General Assembly adopted on the recommendation of the Fifth Committee:

H.

THE GENERAL ASSEMBLY RESOLVES THAT:

11. A working capital fund is established at the amount of \$25,000,000 (US).

12. Members shall make advances to the working capital fund in accordance with the attached provisional scale which is merely a matter of convenience and in no sense a precedent for the assessment of contributions.

13. These advances shall be readjusted at the time of the second part of the first session of the General Assembly in accordance with the scale to be adopted by the General Assembly for contributions of Members to the first annual budget.

14. Except for any readjustments which may result from a revision of the scale referred to in paragraph 3, advances to the working capital fund shall not be offset against contributions of Members to the first annual budget.

15. The General Assembly at the second part of its first session (September 1946) shall determine the amount at which the working capital fund should be maintained and the method and timing of consequential set-offs against contributions or other adjustments.

PROVISIONAL SCALE OF ADVANCES TO WORKING CAPITAL FUND		Proposed scale adjusted	Amount of advances (US dollars)
Argentina	.....	2,983	745,750
Australia	.....	2,875	718,750
Belgium	.....	1,329	332,250
Bolivia	.....	0,256	64,000
Brazil	.....	2,983	745,750
Byelorussian S.S.R.	.....	0,738	184,500
Canada	.....	4,362	1,090,500
Chile	.....	0,994	248,500
China	.....	6,400	1,600,000
Colombia	.....	0,610	152,500
Costa Rica	.....	0,049	12,250
Cuba	.....	0,610	152,500
Czechoslovakia	.....	1,447	361,750
Denmark	.....	0,640	160,000
Dominican Republic	.....	0,049	12,250
Ecuador	.....	0,049	12,250
Egypt	.....	1,497	374,250
El Salvador	.....	0,049	12,250
Ethiopia	.....	0,256	64,000
France	.....	5,602	1,400,000
Greece	.....	0,394	98,500
Guatemala	.....	0,049	12,250
Haiti	.....	0,049	12,250
Honduras	.....	0,049	12,250
India	.....	4,391	1,097,750
Iran	.....	0,610	152,500
Iraq	.....	0,384	96,000
Lebanon	.....	0,049	12,250
Liberia	.....	0,049	12,250
Luxembourg	.....	0,049	12,250
Mexico	.....	1,615	403,750
Netherlands	.....	1,428	357,000
New Zealand	.....	0,994	248,500
Nicaragua	.....	0,049	12,250
Norway	.....	0,640	160,000
Panama	.....	0,049	12,250
Paraguay	.....	0,049	12,250
Peru	.....	0,610	152,500
Philippines	.....	0,256	64,000
Poland	.....	1,231	307,750
Saudi Arabia	.....	0,295	73,750
Syria	.....	0,197	49,250
South Africa	.....	1,989	497,250
Turkey	.....	1,497	374,250
Ukrainian S.S.R.	.....	1,231	307,750
U.S.S.R.	.....	6,892	1,723,000
United Kingdom	.....	14,768	3,692,750
United States	.....	24,614	6,153,500
Uruguay	.....	0,502	125,500
Venezuela	.....	0,502	125,500
Yugoslavia	.....	0,738	184,600
		100,000	25,000,000

e. Applications from Nationals of Non-Member States for Permanent Employment with the Secretariat

Upon the proposal of the General Committee, the General Assembly, at its 26th plenary meeting on February 9, 1946, adopted a resolution concerning applications from nationals of non-Member States for employment with the United Nations Secretariat, the Executive Secretary of the Preparatory Commission having pointed out that in the absence of rules

to the contrary the Secretary-General would enjoy full discretion concerning the employment of nationals of any country or of stateless persons. The text of the resolution was as follows:

The General Assembly instructs the Secretary-General:

1. To receive and file such applications for employment with the Secretariat as may be received from nationals of non-member States.

2. To inform the governments of non-member States making enquiry with regard to application for employment that such applications will be received and filed, but that employment can only take place in accordance with the regulations of the Secretariat.

6. LEGAL MATTERS

a. Emoluments of the Judges of the International Court of Justice

The Preparatory Commission had recommended that the General Assembly fix the emoluments of the judges of the International Court of Justice early in the first session of the Assembly. On January 30, 1946, a Joint Sub-Committee of the Fifth (Administrative and Budgetary) and Sixth (Legal) Committees was formed at the suggestion of the Sixth Committee to consider this matter. The Chairman of the Joint Sub-Committee presented the following report to the Sixth Committee on February 5, 1946:

(1) The Preparatory Commission had recommended that the value of the emoluments of the judges of the International Court of Justice should be not less than that of the judges of the Permanent Court of International Justice during the period 1936 to 1939. The Sub-Committee recommended that those salaries be increased by twenty per cent to allow for the higher cost of living in The Hague since 1939.

(2) The allowances would remain the same as the allowances paid to the President and Vice-President of the Permanent Court of International Justice.

(3) The allowances for judges ad hoc should be increased by twenty per cent, from 100 to 120 florins per diem.

On the basis of the Joint Sub-Committee's report the Sixth Committee recommended and the General Assembly, at its 23rd plenary meeting on February 6, 1946, adopted the following resolution:

THE GENERAL ASSEMBLY RESOLVES THAT:
the emoluments of the judges of the International Court of Justice shall be fixed according to the following scale:

	Netherland florins
President:	
Annual salary	54,000
Special allowance	15,000
Vice-President:	
Annual salary	64,000
Allowance of 100 florins for every day on which he acts as President, up to a maximum of.....	10,000
Members:	
Annual salary	54,000

Judges referred to in Article 31 of the Statute:

Allowance of 120 florins for each day on which they exercise their functions, plus a daily subsistence allowance of 60 florins.

b. Pensions of the Judges and Staff of the International Court of Justice

The Joint Sub-Committee considering emoluments of the judges of the International Court of Justice proposed a resolution directing the Secretary-General to develop, in consultation with the Registrar of the International Court, a pension plan for the judges and Registrar of the Court. On February 5, 1946, the Sixth Committee, at the suggestion of the representative of Iraq, adopted an amendment to the Joint Sub-Committee's draft resolution to include not only the judges and the Registrar, but also the staff of the International Court in any pension scheme to be set up. The resolution as submitted by the Sixth Committee and adopted by the General Assembly at its 23rd plenary meeting on February 6, 1946, read as follows:

THE GENERAL ASSEMBLY is desirous of assuring that adequate and reasonable pensions be assured to the judges and the Registrar and the staff of the International Court of Justice and therefore directs the Secretary-General, in consultation with the Registrar of the Court, to develop a pension plan for judges and Registrar and staff for submission to the second part of the first session of the General Assembly.

c. Steps Necessary for Convening the International Court of Justice

The Preparatory Commission deemed it desirable that the International Court of Justice should meet as soon as possible after the

election of its members and that the use of premises in the Peace Palace at The Hague, the seat of the Court in accordance with Article 22 of the Statute of the Court, should be secured for the Court as soon as possible. The Preparatory Commission had instructed its Executive-Secretary to take the necessary steps to summon a first meeting of the Court at The Hague as soon as convenient and to make any arrangements necessary to ensure that premises would be available for the first meeting of the Court.

Pursuant to the recommendations of the Preparatory Commission, the General Assembly, on the basis of a report approved by the Sixth Committee, adopted at its 28th plenary meeting on February 10 the following resolution concerning the necessary steps for the convening of the International Court of Justice:

It is desirable that the International Court of Justice should meet as soon as possible after the election of its members by the General Assembly and the Security Council.

In correspondence with the Secretary of the Board of Directors of the Carnegie Foundation, the Executive Secretary has ascertained that the Board is willing to meet representatives of the United Nations at The Hague to begin preliminary negotiations in order to fix the conditions on which the premises in the Peace Palace at The Hague, which are required by the International Court of Justice, can be placed at the disposal of the Court.

THEREFORE THE GENERAL ASSEMBLY INSTRUCTS THE SECRETARY-GENERAL:

(1) To take the necessary steps to summon a first meeting of the Court at The Hague as soon as can be conveniently arranged after the election of the members;

(2) To appoint a Secretary and such other temporary officers as may be required to assist the Court and to act for so long as the Court desires during the period preceding the appointment of its Registrar and its officers;

(3) To conduct preliminary negotiations with the Board of Directors of the Carnegie Foundation, at The Hague or other convenient place, in order to fix the conditions on which the premises in the Peace Palace at The Hague, which are required by the International Court of Justice, can be placed at its disposal, the conditions being embodied in an agreement subject to the approval of the General Assembly.

d. Privileges and Immunities of the United Nations

Under Article 104 of the Charter, the United Nations is to enjoy in the territory of

each of its Members such legal capacity as may be necessary for the exercise of its functions and fulfilment of its purposes. Under Article 105 the General Assembly may make recommendations to the Member Governments concerning conventions on the privileges and immunities of representatives of Members and of officials of the United Nations.

Upon the recommendation of the Sixth Committee the General Assembly at its 31st plenary meeting on February 13, 1946, adopted six resolutions concerning the following subjects relating to the privileges and immunities of the United Nations:

- A. General Convention on Privileges and Immunities of the United Nations
- B. Draft Convention between the United Nations and the United States of America
- C. Privileges and Immunities of the International Court of Justice
- D. Co-ordination of the Privileges and Immunities of the United Nations and Specialized Agencies
- E. Insurance against Third Party Risks of Motor-Cars
- F. Pension Rights of Officials of Member Governments Transferred or Seconded for Service with the United Nations

(1) General Convention on Privileges and Immunities of the United Nations

The Preparatory Commission had submitted a draft general convention on privileges and immunities to be granted to the United Nations by all Member Governments. The Preparatory Commission's recommendations were referred to a Sub-Committee of the Sixth Committee, which on February 7, 1946, presented to the full Committee the following draft convention closely based on the recommendations of the Preparatory Commission:

A.
RESOLUTION RELATING TO THE ADOPTION OF
THE GENERAL CONVENTION ON PRIVILEGES AND
IMMUNITIES OF THE UNITED NATIONS, AND
TEXT OF THE CONVENTION.

THE GENERAL ASSEMBLY approves the annexed convention on the privileges and immunities of the United Nations and proposes it for accession by each Member of the United Nations.

CONVENTION ON THE PRIVILEGES AND
IMMUNITIES OF THE UNITED NATIONS

WHEREAS Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its

Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and

WHEREAS Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations 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:

CONSEQUENTLY the General Assembly by a resolution adopted on 13 February 1946 approved the following convention and proposes it for accession by each Member of the United Nations.

ARTICLE I

Juridical Personality

Section 1. The United Nations shall possess juridical personality. It shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) institute legal proceedings.

ARTICLE II

Property, Funds and Assets

Section 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5. Without being restricted by financial controls, regulations or moratoria of any kind,

- (a) The United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

- (6) The United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

Section 6. In exercising its rights under section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Section 1. The United Nations, its assets, income and other property shall be:

(a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(5) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III

Facilities in respect of Communications

Section 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favorable than that accorded by the Government of that Member to any other Government, including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10. The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV

The Representatives of Members

Section 11. Representatives of Members to the principal and subsidiary organs "of the

United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(6) inviolability for all papers and documents;

(c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;

(00 such other privileges, immunities and facilities, not inconsistent with the foregoing, as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12. In order to secure for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Section 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a State for the discharge of their duties shall not be considered as periods of residence.

Section 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently

a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15. The provisions of sections 11, 12 and 13 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.

Section 16. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V Officials

Section 17. The Secretary-General will specify the categories of officials to which the provisions of this article and article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18. Officials of the United Nations shall:

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the government concerned;
- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19. In addition to the immunities and privileges specified in section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21. The United Nations shall cooperate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

ARTICLE VI

Experts on Missions for the United Nations

Section 22. Experts (other than officials coming within the scope of article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- (c) inviolability for all papers and documents;
- (d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be

waived without prejudice to the interests of the United Nations.

ARTICLE VII

United Nations Laissez-Passer

Section 24. The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents, by the authorities of Members, taking into account the provisions of section 25.

Section 25. Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

Section 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passer on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE VIII

Settlement of Disputes

Section 29. The United Nations shall make provisions for appropriate modes of settlement of:

- (a) disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;
- (6) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

FINAL ARTICLE

Section 31. This convention is submitted to every Member of the United Nations for accession.

Section 32. Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Section 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Section 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

Section 35. This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Section 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

Although the Sixth Committee unanimously adopted the Sub-Committee's proposals, the representatives of the United States and Australia reserved the position of their Governments in regard to exemption from taxation of their nationals in the employ of the United Nations, while the representatives of Argentina, the Byelorussian S.S.R., the U.S.S.R., the Ukrainian S.S.R. and the United States reserved their position regarding immunity of United Nations officials from national service obligations.¹

- (2). Draft Convention between the United Nations and the United States of America

The Interim Committee on Headquarters revised and submitted to the first part of the first session of the General Assembly a draft convention between the United Nations and the host State which had been prepared by the Juridical Sub-Committee of Committee 8

¹ See Article V, Section 18, a and b, of the draft convention as quoted above.

of the Preparatory Commission. On the basis of this draft the Sub-Committee of the Sixth Committee on privileges and immunities prepared a draft treaty between the United Nations and the United States to serve as a basis of negotiations between the Secretary-General and the United States Government. The Sixth Committee approved this draft treaty on February 7, 1946. A special committee to assist the Secretary-General in these negotiations was to be established. Upon the recommendation of the General Committee the Sixth Committee decided that representatives of the countries as listed in the resolution should serve as members of this committee. Following is the text of the resolution and the draft convention adopted by the General Assembly:

B.

RESOLUTION RELATING TO NEGOTIATIONS WITH THE COMPETENT AUTHORITIES OF THE UNITED STATES OF AMERICA CONCERNING THE ARRANGEMENTS REQUIRED AS A RESULT OF THE ESTABLISHMENT OF THE SEAT OF THE UNITED NATIONS IN THE UNITED STATES OF AMERICA, AND TEXT OF A DRAFT CONVENTION TO BE TRANSMITTED AS A BASIS OF DISCUSSION FOR THESE NEGOTIATIONS.

1. THE GENERAL ASSEMBLY authorizes the Secretary-General (with the assistance of a committee composed of persons appointed by the Governments of Australia, Belgium, Bolivia, China, Cuba, Egypt, France, Poland, United Kingdom, Union of Soviet Socialist Republics) to negotiate with the competent authorities of the United States of America the arrangements required as a result of the establishment of the seat of the United Nations in the United States of America.

2. The following draft convention is transmitted by the General Assembly to the Secretary-General for use in these negotiations as a basis of discussion.

3. The Secretary-General shall report to the General Assembly the results of these negotiations.

4. Any agreement apart from purely temporary agreements with the competent authorities of the United States resulting from these negotiations shall be subject to approval by the General Assembly before being signed on behalf of the United Nations.

CONVENTION BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

(This draft has been prepared on the assumption that there will be no private persons living within the zone containing the seat of the United Nations.)

THE UNITED NATIONS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Desiring to conclude a convention for the purpose of carrying out the resolution adopted by the General Assembly..... to establish the seat of the United Nations in..... and to regulate questions arising as a result thereof:

Have appointed as their plenipotentiaries for this purpose:

The United Nations.....
Secretary-General

The Government of the
United States of America.....

who have agreed as follows:

ARTICLE I

Definitions

Section 1. In this convention:

(a) the expression "zone" means the area referred to in section 2, including any additions to it;

(6) the expression "law of the United States of America" includes federal, state, and local laws, however designated;

(c) the expression "Government of the United States of America" includes a State or a competent state authority wherever the context so requires;

(d) the expression "courts of the United States of America" includes federal and state courts;

(e) the expression "United Nations" means the International Organization established by the Charter of the United Nations.

ARTICLE II

The United Nations Zone

Section 2. The seat of the United Nations shall be the area situated..... and marked pink on the map which forms Annex I. Additions may be made later to this area in accordance with the provisions of section 8.

Section 3. The Government of the United States of America undertakes, on the entry into force of this convention, to cause to be vested in the United Nations possession immediately and full ownership as soon as possible of all land in the zone as shown in Annex I and of all buildings situated thereon at the time of transfer.

Section 4. The Government of the United States of America shall be responsible for expropriating and compensating so far as necessary and as soon as possible all interests in land and buildings conveyed to the United Nations.

Section 5. Having regard to section 4, the United Nations shall pay to the United States of America a fair price for any land and buildings conveyed to the United Nations. The amount so payable shall be credited to the United States of America in the accounts of

the United Nations and shall be set off, during such period as may be fixed, against contributions due from the United States of America. In default of agreement, this price and this period shall be determined by an expert selected by the President of the International Court of Justice.

Section 6. The United Nations shall have exclusive rights over the subsoil of land conveyed to it, and in particular the right to make constructions underground and to obtain therefrom supplies of water. It shall not, however, have the right to exploit minerals.

Section 7. The United Nations may establish in the zone any type of installation which it deems necessary for the purpose of its work, and in particular may establish its own radio telegraph sending and receiving stations, including broadcasting, teletype, and telephoto services. The United Nations shall make arrangements with the International Telecommunications Union with regard to wavelengths and other similar matters.

Section 8. The Government of the United States of America shall, at the request of the Secretary-General acting in pursuance of a resolution of the General Assembly, cause to be vested in the United Nations possession immediately and full ownership as soon as possible over such further land as may be required for the purpose of constructing an airport, railway station, or radio telegraphic station or for such other purposes as may be required by the United Nations. The provisions of sections 4, 5 and 6 shall apply to land so conveyed.

Section 9. In the event of the land conveyed in accordance with section 8 not being contiguous to the remainder of the zone, the Government of the United States of America shall guarantee unimpeded communication and transit between parts of the zone.

ARTICLE III

Law and Authority in the Zone

Section 10. The zone, including the air space above it and the subsoil below it, shall be inviolable.

Section 11. Save as otherwise provided in this convention, the zone shall be under the control and authority of the United Nations.

Section 12. Without prejudice to the generality of Section 11, the Government of the United States of America renounces jurisdiction over any matters relating to entry into the zone and to the conditions under which persons may remain or reside there, and over any matters relating to the construction or removal of buildings in the zone.

Section 13. Officers or officials of any authority in the territory of the United States of America, whether administrative, judicial,

military or police, shall not enter the zone to perform any official duties therein except with the permission of and under conditions agreed by the Secretary-General. The service of legal process, including the seizure of private property, shall take place within the zone under conditions approved by the Secretary-General.

Section 14. Without prejudice to the provisions which are contained in Annex II and subsequently in the General Convention referred to in section 32, and which relate to the immunities of officials of the United Nations and of the representatives of Members, the United Nations shall not permit the zone to become a refuge either for persons who are avoiding arrest under the law of the United States of America or are required by the Government of the United States of America for extradition to another country, or for persons who are endeavoring to avoid service of legal process.

Section 15. Subject to section 16, the law of the United States of America shall apply within the zone, and in particular the ordinary civil and criminal law.

Section 16. The United Nations may enact regulations making provisions of an administrative character for the zone. Any such regulation shall prevail over any provisions in the law of the United States of America which are inconsistent with it. It is agreed that within the zone the protection afforded by the Constitution of the United States to personal liberty and to the basic human freedoms of expression and worship shall not be lessened, and no form of racial discrimination shall be permitted.

Section 17. The courts of the United States of America shall, without prejudice to any provisions of Annex II and subsequently of the General Convention referred to in section 32, have jurisdiction over acts done and transactions taking place in the zone, in the same manner as they have over similar acts and transactions taking place outside the zone.

Section 18. The courts of the United States of America, when dealing with cases arising out of or relating to acts done or transactions taking place in the zone, shall take cognizance of the regulations enacted by the United Nations under section 16, though they shall not be obliged to inflict penalties for infraction of such regulations unless the Government of the United States of America has agreed to these regulations before the infraction was committed.

ARTICLE IV

Communications and Transit to and from the Zone

Section 19. The Government of the United States of America shall guarantee at all times adequate means of communication to and from the zone through the territory of the

United States of America, for the passage of persons, the transmission of postal correspondence and telegrams, and the transport of goods required for use and consumption in the zone.

Section 20. Representatives of Members, irrespective of the relations existing between their Government and the Government of the United States of America, officials both of the United Nations and of the specialized agencies, and the families of these representatives and officials, shall at all times enjoy the right of unimpeded and safe transit through the territory of the United States of America to and from the zone.

Section 21. The accredited representatives of news agencies, whether press, radio, or films, and of non-governmental organizations recognized by the United Nations for the purpose of consultation, shall also enjoy the rights referred to in section 20.

Section 22. Immigration and other regulations in force in the United States of America, regarding the entry and residence of foreigners, shall not be applied in such a manner as to interfere with the rights referred to in sections 20 and 21. Visas required by the persons referred to in those sections shall be granted without charge, without delay and without requirement of personal attendance for the issue of the visa.

Section 23. The Government of the United States of America shall give or cause to be given facilities for the issue of visas to, and for the use of the available means of transport by, persons coming from abroad (other than those referred to in sections 20 and 21) who desire to visit the zone. The Secretary-General of the United Nations and the Government of the United States of America shall, at the request of either of them, enter into discussion with regard to the application of this section.

Section 24. The provisions of this article shall not prevent the Government of the United States of America from taking precautions in the interests of national security, provided that such precautions shall not have the effect of interfering with the rights referred to in sections 19, 20 and 21.

ARTICLE V

Resident Representatives to the United Nations

Section 25. Persons accredited to the United Nations by Members as resident representatives and their staffs, whether residing inside or outside the zone, shall be recognized by the Government of the United States of America as entitled on its territory to the same privileges and immunities as that Government accords to the diplomatic envoys accredited to it, and the staffs of these envoys.

ARTICLE VI

Police Protection of the Zone

Section 26. The Government of the United States of America shall cause to be provided on the boundaries of the zone such police protection for the zone as is required, and shall be responsible for ensuring that the tranquility of the zone is not disturbed by the unauthorized entry of bodies of persons from outside or by disturbances in its immediate vicinity.

Section 27. If so requested by the Secretary-General, the Government of the United States of America shall cause to be provided a sufficient number of police to perform duties inside the zone for the preservation of law and order therein, and for the removal of persons who have committed or are suspected of having committed or of being about to commit offences, including infractions to the administrative regulations of the United Nations.

ARTICLE VII

Public Services for and the Amenities of the Zone

Section 28. The Government of the United States of America will exercise all the powers which it possesses to ensure that the zone shall be supplied on equitable terms with the necessary public services (including electricity, water, gas, post, telephone, telegraph, drainage, collection of refuse) and that these services shall not be interrupted. In case of any interruption or threatened interruption of any of these services, the Government of the United States of America will consider the needs of the zone as being of equal importance with the essential services of the United States Government itself. Consequently, in that event it will take all those steps which it would take in case of interruption or threatened interruption of these services to the essential Departments of the United States Government to ensure that the work of the United Nations is not prejudiced.

Section 29. The Government of the United States of America shall be responsible for ensuring that the amenities of the zone are not prejudiced and the purposes for which the zone is required are not obstructed by any use made of the land in its vicinity.

ARTICLE VIII

Matters Relating to the Operation of this Convention

Section 30. The Secretary-General and the Government of the United States of America shall settle by agreement the channel or channels through which shall be conducted correspondence relating to the application of the provisions of this convention and to other questions affecting the zone. If the Secretary-General so requests, the Government of the United States of America shall appoint a

special representative for the purpose of liaison with the Secretary-General.

Section 31. In so far as the fulfillment of this convention requires co-operation and action by any state or other non-federal authority of the United States of America, the Government of the United States will conclude with that state or authority such agreements as are necessary for this purpose. The conclusion of these agreements, together with the enactment of any necessary legislation by the United States and by the state, shall be completed before the notice is given which is required under section 35 to be given by the Government of the United States of America before this convention enters into force.

ARTICLE IX

Relation between this Convention and the General Convention

Section 32. Until the Government of the United States of America becomes a party to the General Convention relating to the privileges and immunities of the United Nations, the provisions of Annex II shall apply between the United Nations and the Government of the United States of America. Thereafter, those provisions shall be replaced by the provisions of the General Convention, which shall continue in force so long as the present Convention remains in operation.

Section 33. The provisions of this Convention shall be complementary to the provisions of the General Convention and, until the Government of the United States of America becomes a party to the General Convention, to the provisions of Annex II.

Section 34. In so far as any provision of this Convention and any provision of the General Convention (or of Annex II as the case may be) relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Convention shall prevail.

ARTICLE X
Final Provisions

Section 35. This Convention, having already been approved by a resolution of the General Assembly, shall enter into force as soon as the Government of the United States of America notifies the Secretary-General that it has all the powers necessary to fulfil the provisions of the Convention. The Government of the United States of America shall take every possible step to enable it to give this notification as soon as possible, and in any case not later than.....

Section 36. This Convention shall remain in force so long as the seat of the United

Nations is maintained in the territory of the United States of America.

Section 37. The seat of the United Nations shall only be removed from the territory of the United States of America if the United Nations should so decide.

Section 38. If the seat of the United Nations is removed from the territory of the United States of America, the Government of the United States of America shall pay to the United Nations an equitable sum for the land in the zone and for all buildings and installations thereon. An expert nominated by the President of the International Court of Justice shall decide, in default of agreement between the parties, what sum is equitable, having regard to

(a) the then value to the United States of America of the land, buildings, and installations; and

(6) the cost incurred by the United Nations in acquiring the land and in erecting the buildings and installations.

Section 39. Any difference between the United Nations and the Government of the United States of America concerning the interpretation or application of this Convention or of any supplementary agreement or agreements which is not settled by negotiation shall be referred to the arbitration of an umpire appointed for the purpose by the President of the International Court of Justice.

Section 40. Either party may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of the proceedings referred to in section 39. Pending the receipt of the opinion of the Court, an interim decision of the umpire shall be observed by both parties. Thereafter the umpire shall render a final decision, having regard to the opinion of the Court.

IN WITNESS THEREOF THE ABOVE-MENTIONED PLENIPOTENTIARIES HAVE SIGNED THIS CONVENTION:

DONE THIS.....DAY OF.....AT.....
IN DUPLICATE.

ANNEX I

MAP

(Not reproduced here)

ANNEX II

(This Annex was identical with the Articles in Section A reproduced on pp. 100-104 except for slight modification to make the Convention applicable specifically to the United States).

(3). Privileges and Immunities of the International Court of Justice

In accordance with the recommendations of the Preparatory Commission the Sixth Committee of the General Assembly decided that

the members of the Court should be consulted before any detailed proposals concerning the privileges and immunities of the Court were adopted. In accordance with the Commission's recommendations the General Assembly adopted the following resolution:

C.

RESOLUTION ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL COURT OF JUSTICE.

1. THE GENERAL ASSEMBLY, with a view to ensuring that the International Court of Justice shall enjoy the privileges, immunities and facilities necessary for the exercise of its functions and the fulfilment of its purposes, in the country of its seat and elsewhere, invites the members of the Court at their first session to consider this question and to inform the Secretary-General of their recommendations.

2. THE GENERAL ASSEMBLY decides that the question of the privileges and immunities of the Court shall be considered as soon as possible after the receipt of the recommendations of the Court.

3. THE GENERAL ASSEMBLY recommends that, until further action has been taken, the rules which have been applied to the Permanent Court of International Justice should be observed by Members in relation to the International Court of Justice.

(4). Co-ordination of the Privileges and Immunities of the United Nations and the Specialized Agencies

Based on the recommendation of the Preparatory Commission, the General Assembly adopted the following resolution concerning co-ordination of the privileges and immunities of the United Nations and the specialized agencies:

D.

RESOLUTION ON THE CO-ORDINATION OF THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES.

THE GENERAL ASSEMBLY considers that there are many advantages in the unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialized agencies.

While recognizing that not all specialized agencies require all the privileges and immunities which may be needed by others, and that certain of these may, by reason of their particular functions, require privileges of a special nature which are not required by the United Nations itself, the General Assembly considers that the privileges and immunities

of the United Nations should be regarded, as a general rule, as a maximum within which the various specialized agencies should enjoy such privileges and immunities as the appropriate fulfilment of their respective functions may require, and that no privileges and immunities which are not really necessary should be asked for.

THEREFORE THE GENERAL ASSEMBLY INSTRUCTS THE SECRETARY-GENERAL to open negotiations with a view to the re-consideration, in the light both of the General Convention adopted by the United Nations and of the considerations above, of the provisions under which the specialized agencies at present enjoy privileges and immunities.

(5). Insurance against Third Party Risks of Motor Cars of the Organization and Members of the Staff

As a matter of practical convenience the General Assembly adopted the following resolution concerning insurance of United Nations motor cars:

E.

RESOLUTION RELATING TO THE INSURANCE AGAINST THIRD PARTY RISKS OF MOTOR-CARS OF THE ORGANIZATION AND OF THE MEMBERS OF THE STAFF.

It has been found that a frequent source of difficulty is road accidents in which motor-cars, owned or driven by persons possessing immunity from legal process, are involved.

It is the intention of the United Nations to prevent the occurrence of any abuse in connection with privileges and facilities granted to it under Articles 104 and 105 of the Charter and the general convention on privileges and immunities, which determines the details of the application of these articles.

THEREFORE THE GENERAL ASSEMBLY INSTRUCTS THE SECRETARY-GENERAL to ensure that the drivers of all official motor-cars of the United Nations and all members of the staff, who own or drive motor-cars, shall be properly insured against third party risks.

(6). Pension Rights of Officials and Members Transferred or Seconded for Service with the United Nations

To encourage the employment as United Nations staff members of officials of Member Governments, the General Assembly adopted the following resolution:

F.

RESOLUTION RELATING TO ARRANGEMENTS TO BE MADE SO THAT OFFICIALS OF MEMBERS WHO ARE TRANSFERRED OR SECONDED FOR SERVICE WITH THE UNITED NATIONS SHOULD NOT LOSE THEIR ACCRUED PENSION BY REASON OF SUCH TRANSFER OR SECONDMENT.

In order to facilitate the engagement, as members of the staff of the United Nations, of persons who have accrued pension rights as officials, either of the central government of Members, or of subordinate governmental or other administrative authorities within the territory of Members, it is desirable that arrangements should be made to secure that accrued pension rights are not lost when such persons accept posts on the staff of the United Nations, by way either of transfer or of secondment.

THEREFORE, THE GENERAL ASSEMBLY RECOMMENDS THAT:

after such discussion with the Secretary-General as may be necessary to settle details the governments of Members adopt such legislative or administrative measures as may be required to preserve such pension rights.

e. Registration of Treaties and International Agreements

Article 102 of the Charter provides that "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."

The Preparatory Commission had recommended that the General Assembly instruct the Secretary-General to submit to the second part of its first session a report on the implementation of Article 102, and invite the governments of States not Members of the United Nations to send treaties and agreements for filing, registration and publication by the Secretariat.

This matter was discussed by the Sixth Committee (Legal). The representative of Panama proposed an amendment to the draft resolution to exclude Spain from the provisions of the resolution. This amendment was included in the preamble to the resolution. At the suggestion of the representative of the United Kingdom the resolution was further amended so as to direct the Secretary-General to publish treaties and agreements received from non-Member States instead of requiring the Secretary General to invite non-Member States to transmit them.

The resolution as adopted by the General Assembly at its 28th plenary meeting on February 10, 1946, therefore read as follows:

The Executive Secretary sent a circular letter to the Members of the United Nations on 8 November 1945 informing them that from the date of the entry into force of the Charter treaties and international agreements would be received and filed on a provisional basis until the adoption of detailed regulations prescribing the procedure to be followed in the registration and publication of treaties and international agreements under the provisions of Article 102 of the Charter. The Executive Secretary also invited the Governments of Members to transmit to the Secretariat for filing and publication treaties and international agreements not included in the treaty series of the League of Nations and entered into in recent years before the date of the entry into force of the Charter.

It is desirable, as a matter of practical convenience, that arrangements should be made for the publication of any treaties or international agreements which non-member States may voluntarily transmit and which have not been included in the treaty series of the League of Nations. These arrangements should not, however, extend to treaties or international agreements transmitted by any non-member State such as Spain, the Government of which has been founded with the support of the Axis powers and does not, in view of its origin, its nature, its record and its close association with the aggressor States, possess qualifications necessary to justify membership in the United Nations under the provisions of the Charter.

THEREFORE, THE GENERAL ASSEMBLY INSTRUCTS THE SECRETARY-GENERAL:

1. To submit to the General Assembly proposals for detailed regulations and other measures designed to give effect to the provisions of Article 102 of the Charter;

2. To invite the governments of Members of the United Nations to transmit to the Secretary-General for filing and publication, treaties and international agreements entered into in recent years, but before the date of entry into force of the Charter, which had not been included in the League of Nations treaty series, and to transmit for registration and publication treaties and international agreements entered into after the date of entry into force of the Charter.

3. To receive, from the governments of non-member States, treaties and international agreements entered into both before and after the date of entry into force of the Charter, which have not been included in the League of Nations treaty series and which they may voluntarily transmit for filing and publication; and to dispose of them in accordance with the foregoing provisions, and subject to such detailed regulations and other measures as may hereafter be adopted.

(7). Transfer of Functions, Activities and Assets of the League of Nations

a. Resolutions of the General Assembly

The Preparatory Commission had submitted a draft resolution on the transfer of certain functions, activities and assets of the League of Nations which was referred to the ad hoc League of Nations Committee of the General Assembly. On the recommendation of this Committee the Assembly at its 29th plenary meeting on February 12, 1946, adopted the following resolution, closely based on the Preparatory Commission's draft:

I

FUNCTIONS AND POWERS BELONGING TO THE LEAGUE OF NATIONS UNDER INTERNATIONAL AGREEMENTS

Under various treaties and international conventions, agreements and other instruments, the League of Nations and its organs exercise, or may be requested to exercise, numerous functions or powers for the continuance of which, after the dissolution of the League, it is, or may be, desirable that the United Nations should provide.

Certain Members of the United Nations, which are parties to some of these instruments and are Members of the League of Nations, have informed the General Assembly that, at the forthcoming session of the Assembly of the League, they intend to move a resolution whereby the Members of the League would, so far as this is necessary, assent and give effect to the steps contemplated below.

THEREFORE:

1. THE GENERAL ASSEMBLY reserves the right to decide, after due examination, not to assume any particular function or power, and to determine which organ of the United Nations or which specialized agency brought into relationship with the United Nations should exercise each particular function or power assumed.

2. THE GENERAL ASSEMBLY records that those Members of the United Nations which are parties to the instruments referred to above assent by this resolution to the steps contemplated below and express their resolve to use their good offices to secure the cooperation of the other parties to the instruments so far as this may be necessary.

3. THE GENERAL ASSEMBLY declares that the United Nations is willing in principle, and subject to the provisions of this resolution and of the Charter of the United Nations, to assume the exercise of certain functions and powers previously entrusted to the League of Nations, and adopts the following decisions, set forth in A, B, and C below.

A. Functions pertaining to a Secretariat

Under certain of the instruments referred to at the beginning of this resolution, the League of Nations has, for the general convenience of the parties, undertaken to act as custodian of the original signed texts of the instruments, and to perform certain functions, pertaining to a secretariat, which do not affect the operation of the instruments and do not relate to the substantive rights and obligations of the parties. These functions include: The receipt of additional signatures and of instruments of ratification, accession and denunciation; receipt of notice of extension of the instruments to colonies or possessions of a party or to protectorates or territories for which it holds a mandate; notification of such acts to other parties and other interested States; the issue of certified copies; and the circulation of information or documents which the parties have undertaken to communicate to each other. Any interruption in the performance of these functions would be contrary to the interests of all the parties. It would be convenient for the United Nations to have the custody of those instruments which are connected with activities of the League of Nations and which the United Nations is likely to continue.

THEREFORE:

THE GENERAL ASSEMBLY declares that the United Nations is willing to accept the custody of the instruments and to charge the Secretariat of the United Nations with the task of performing for the parties the functions, pertaining to a secretariat, formerly entrusted to the League of Nations.

B. Functions and Powers of a Technical and Non-Political Character

Among the instruments referred to at the beginning of this resolution are some of a technical and non-political character which contain provisions, relating to the substance of the instruments, whose due execution is dependent on the exercise, by the League of Nations or particular organs of the League, of functions or powers conferred by the instruments. Certain of these instruments are intimately connected with activities which the United Nations will or may continue.

It is necessary, however, to examine carefully which of the organs of the United Nations or which of the specialized agencies brought into relationship with the United Nations should, in the future, exercise the functions and powers in question, in so far as they are maintained.

THEREFORE:

THE GENERAL ASSEMBLY is willing, subject to these reservations, to take the necessary measures to ensure the continued exercise of these functions and powers, and refers the matter to the Economic and Social Council.

C. Functions and Powers under Treaties, International Conventions, Agreements and Other Instruments Having a Political Character

THE GENERAL ASSEMBLY will itself examine, or will submit to the appropriate organ of the United Nations, any request from the parties that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties, international conventions, agreements and other instruments having a political character.

II

NON-POLITICAL FUNCTIONS AND ACTIVITIES OF THE LEAGUE OF NATIONS OTHER THAN THOSE MENTIONED IN SECTION I

1. THE GENERAL ASSEMBLY requests the Economic and Social Council to survey the functions and activities of a non-political character which have hitherto been performed by the League of Nations in order to determine which of them should, with such modifications as are desirable, be assumed by organs of the United Nations or be entrusted to specialized agencies which have been brought into relationship with the United Nations. Pending the adoption of the measures decided upon as the result of this examination, the Council should, on or before the dissolution of the League, assume and continue provisionally the work hitherto done by the following League departments: the Economic, Financial and Transit Department, particularly the research and statistical work; the Health Section, particularly the epidemiological service; the Opium Section and the secretariats of the Permanent Central Opium Board and Supervisory Body.

2. THE GENERAL ASSEMBLY requests the Secretary-General to make provision for taking over and maintaining in operation the Library and Archives and for completing the League of Nations treaty series.

3. THE GENERAL ASSEMBLY considers that it would also be desirable for the Secretary-General to engage for the work referred to in paragraphs 1 and 2 above, on appropriate terms, such members of the experienced personnel by whom it is at present being performed as the Secretary-General may select.

III

TRANSFER OF THE ASSETS OF THE LEAGUE OF NATIONS TO THE UNITED NATIONS

THE GENERAL ASSEMBLY, having considered the report of the Committee set up by the Preparatory Commission to discuss and establish with the Supervisory Commission of the League of Nations a common plan for the transfer of the assets of the League of Nations, approves of both the report of the Committee set up by the Preparatory Commission and of the common plan submitted by it (document A/18 and Corr. 1, Add. 1 and 2.)

APPOINTMENT OF A NEGOTIATING COMMITTEE

THE GENERAL ASSEMBLY approves of the setting up of a small negotiating committee to assist the Secretary-General in negotiating further agreements in connection with the transfer of certain assets in Geneva, and in connection with the premises in the Peace Palace in The Hague. This committee shall consist of one representative designated by the delegations, if they so desire, of each of the same eight Members as previously constituted the Committee created by the Preparatory Commission: Chile, China, France, Poland, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom and United States of America.

b. The Common Plan

The common plan approved by the General Assembly in the third resolution above was agreed upon between a Committee appointed by the Preparatory Commission of the United Nations and the Supervisory Commission of the League of Nations. The text of the common plan was as follows:

1. The League of Nations agrees to transfer to the United Nations, and the United Nations agrees to receive on or about 1 August 1946, the precise date to be determined by the administrative authorities of the two Organizations, all material assets of the League of Nations shown in column I of the attached Schedule at the valuation shown in column II.

The League of Nations agrees that the shares in the total credit thus established shall be distributed between States entitled to participate, in accordance with percentages to be laid down by the League at its next Assembly.

The United Nations agrees:

(a) that the shares, thus established, of such of these States as are Members of the United Nations shall be credited to them respectively in the books of the United Nations: and

(b) that the General Assembly shall decide on the purposes to which these credits shall be applied and on the dates on which they shall be so applied; and further that these credits shall in any event, begin to be available not later than 31 December 1948.

The United Nations further agrees:

(a) that the International Labour Organization may use the Assembly Hall, together

The Schedule is not published here. The assets in column I included the following items: Secretariat building, Assembly Hall, library building, 203,446 square meters of real estate, furniture, fittings, typewriters, office supplies, books, archives, etc. The total value as shown in column II was 47,631,518.61 Swiss francs.

with the necessary committee rooms, office accommodation and other facilities connected therewith at times and on financial terms to be agreed from time to time between the United Nations and the International Labour Organisation;

(b) that the International Labour Organisation may use the library under the same conditions as other official users thereof.

2. The League of Nations shall take steps to discharge all its obligations as soon as practicable.

3. The League of Nations shall take steps to settle the question of contributions of Member States in arrears.

4. The League of Nations shall take steps to separate the interests of the International Labour Organisation in the assets of the League before transfer to the United Nations. It is understood that the International Labour Organisation building at Geneva will be transferred to that Organisation.

5. Any ex-officials of the League of Nations subsequently engaged by the United Nations shall enter service under conditions of employment established by the United Nations, and it will be for the League of Nations to take the necessary steps to make this possible.

6. It is understood that the League of Nations shall make arrangements, independently of the United Nations, with regard to the continued administration of the Staff Pension Fund and with regard to the pensions of the Judges of the Permanent Court of International Justice.

7. When the League has discharged all its obligations and made the necessary dispositions concerning the Working Capital Fund and regarding outstanding contributions, the remaining liquid assets shall be credited or distributed to Members of the League under a scheme to be determined by it.

8. Both the United Nations and the League of Nations shall authorize competent authorities to make any necessary agreements with the Swiss Authorities on all matters connected with the transfer of assets of the League of Nations to the United Nations.

c. Work of the Negotiating Committee

The negotiating committee set up by the General Assembly in the fourth resolution quoted above completed by March 5, 1946, its work of negotiating a preliminary agreement with the Directors of the Carnegie Foundation for the use of the premises in the Peace Palace at The Hague. In accordance with the resolution passed by the General Assembly at its 28th plenary meeting on February 10, 1946, the conditions set out in this agreement were to be embodied in an agreement subject to the approval of the General Assembly.

On April 4 the committee held the first of a series of meetings with representatives of the Swiss Federal Council at Berne. As a result of these discussions an interim arrangement was concluded regarding the immunities and privileges of the United Nations in Switzerland.

The committee then proceeded to Geneva, where a draft agreement on the Ariana site (headquarters of the League of Nations) was prepared pending the adoption by the League of Nations Assembly of the common plan approved by the General Assembly of the United Nations on February 12, 1946. The common plan was approved by the League Assembly on April 18, 1946, and on the following day the final texts of the Agreement on the Ariana site and of the Interim Arrangement on privileges and immunities of the United Nations in Switzerland were approved by the Committee and by the Swiss delegation.

The Agreement and the Interim Arrangement were signed on behalf of the United Nations by the Secretary-General, and on behalf of the Swiss Government by the Chief of the Swiss Federal Department. Both of these arrangements were temporary; permanent arrangements were to be made at a later date.

d. Transfer of Certain Functions and Assets

After appropriate consultations with the League authorities, the Secretary-General approved the following arrangements for the transfer of the buildings, library and archives of the League of Nations in accordance with the common plan.

The date of transfer of the buildings was to be July 31, 1946. Until this date, the maintenance costs were to be borne by the League of Nations; after that date the United Nations was to assume full charge and, for its guidance, the Secretary-General of the League of Nations had prepared a budget of the costs involved.

An inventory of the contents of the buildings drawn up before the London negotiations was being checked; the total value of these contents at the date of transfer was to be agreed upon between the two Secretaries-General.

The League of Nations had offered hospitality to the United Nations in the buildings until July 31, and after that date the United

Nations was to offer such hospitality (lighting, heating, office space, cleaning, local telephone charges and office supplies) as the League might require. All other costs were to be borne by the respective administrations by arrangement.

It was decided that the Library of the League of Nations, which was playing an increasingly important role in view of the destruction of many of the European libraries, should continue to function in Geneva until the whole question could be considered in connection with the permanent headquarters of the United Nations.

Those archives directly relating to functions of the League of Nations which had been, or would be, taken over by the United Nations were to be transferred at the same time as the functions concerned. With regard to the remainder of the archives, the Secretary-General proposed that a joint committee of the League of Nations and the United Nations Secretariat should be appointed to study this problem after the second half of the first session of the General Assembly.

It was found impracticable for the United Nations to assume all transferable functions of the League of Nations en bloc and at the same time that the physical assets were transferred. The interested departments of the Secretariat were making arrangements for the transfer of the various functions falling within their respective competency. The actual transfer operation was to be centralized through the Secretary-General and the office in Geneva, which would maintain the necessary liaison with the Secretary-General of the League of Nations.¹

The General Assembly, at its 29th plenary meeting on February 12, 1946, resolved that it would be desirable for the Secretary-General to engage for the work hitherto done by the Economic, Financial and Transit Departments, the Health Section, the Opium Section and the Permanent Central Opium Board and Drug Supervisory Body of the League of Nations, such members of the experienced League personnel as he might select. In agreement with the Secretary-General of the League, the negotiating committee undertook the task of interviewing members of the League Secretariat desirous of employment with the United Nations. The transfer of selected staff was to be effected either simultaneously with the transfer of the particular functions on which

the staff were employed, or, in the case of those members not concerned with a transferable function, after July 31, 1946. Arrangements were made that certain members required urgently for work with the United Nations should be seconded, pending the transfer of the service to which they belonged; in such cases, the salary paid by the League of Nations during the period of secondment was to be reimbursed by the United Nations.

8. HEADQUARTERS OF THE UNITED NATIONS

a. Resolution of the General Assembly

On the basis of the recommendations of the Preparatory Commission and its Interim Committee, the ad hoc Permanent Headquarters Committee recommended and the General Assembly, at its 33rd plenary meeting on February 14, 1946, adopted the following resolutions on the question of the headquarters of the United Nations:

THE GENERAL ASSEMBLY RESOLVES THAT:

I. PERMANENT HEADQUARTERS

(a) The permanent headquarters of the United Nations shall be established in Westchester (New York) and/or Fairfield (Conn.) counties, i.e. near to New York City.

(b) A Headquarters Commission shall proceed as soon as possible to the region mentioned in (a) above, with a view to carrying out an exhaustive study thereof and making recommendations to the General Assembly at the second part of its first session regarding the exact location to be selected within the aforementioned general region.

(c) The Headquarters Commission shall draw up plans based on the assumption that the United Nations will acquire approximately:

- (i) 2 square miles
- (ii) 5 square miles
- (iii) 10 square miles
- (iv) 20 square miles
- (v) 40 square miles

with details in each case of the approximate cost of acquiring the land and buildings within these areas.

(d) The Headquarters Commission shall ascertain what measures the federal, state and county authorities in the United States of America are prepared to take in order to control development in the territory adjacent to the zone.

(e) On the basis of the information thus provided, the General Assembly at the second

¹ For the transfer to the United Nations of certain non-political functions and activities of the League, see p. 110 ff.

part of its first session shall make a final decision as to:

- (i) The exact area required;
- (ii) The exact location of the permanent headquarters within the aforementioned Westchester-Fairfield region.

(f) This resolution does not imply any financial commitments of the United Nations (other than the expenses of the Headquarters Commission) and does not impose any financial obligations on its Members, and the General Assembly remains free to decide these questions at the second part of its first session according to Article 17, paragraphs 1 and 2, and Article 18, paragraph 2, of the Charter.

II. INTERIM HEADQUARTERS

The interim headquarters of the United Nations shall be located in New York City.

III. HEADQUARTERS COMMISSION

(a) A Headquarters Commission composed of representatives of Australia, Uruguay, China, France, Iraq, Netherlands, United Kingdom, Union of Soviet Socialist Republics and Yugoslavia shall be set up to carry out the tasks entrusted to it under the first part of this resolution regarding the permanent headquarters.

(b) The Headquarters Commission may be assisted by experts including planning engineers, lawyers, real estate experts, financial advisers and other appropriate experts who, at the request of the Secretary-General, shall be designated by the Government of the United States of America.

(c) The Secretary-General shall consult with the Headquarters Commission or the experts assisting it, as he may deem necessary or appropriate, on problems which may arise in connection with the temporary installation of the various organs of the United Nations in the United States of America, the material arrangements for the holding of the second part of the first session of the General Assembly in September 1946, and the housing of the delegates, secretariat and other personnel who may be required to reside for longer or shorter periods near the temporary headquarters of the Organization.

(d) The Secretary-General is authorized to pay the expenses of the members of and to compensate the experts attached to the Headquarters Commission on such basis and in such form as may appear to him most appropriate.

(e) The Headquarters Commission shall submit its final report on all matters referred to it to the General Assembly at the second part of its first session.

(f) The General Assembly, during the course of the second part of its first session, shall give consideration to the appointment of

a Planning Commission of experts as recommended, in Chapter X, section 3, in the Report of the Preparatory Commission.

6. The Interim Headquarters

The General Assembly having decided that the interim headquarters should be located in New York City, the Secretary-General sent representatives to that city at the end of February to find places for the meetings of the Security Council (beginning March 21), of the nuclear Commissions of the Economic and Social Council (April-May), of the Economic and Social Council itself (May-June) and to house several hundred members of the Secretariat coming from London.

The representatives of the Secretary-General were of the opinion that Hunter College was the best available site to meet the problems at hand. On February 25 they requested, on behalf of the Secretary-General, the use of three buildings in Hunter College until May 15, and the Mayor of New York City granted the request. The lease was signed on March 6. The Hunter College gymnasium was converted into a council chamber where the Security Council and the Economic and Social Council met.

On April 11 the Mayor of New York City offered to make available the City Building at Flushing Meadow for the use of the General Assembly, with suitable alterations and additions, if the Secretariat would move to the Sperry Plant at Lake Success. The Mayor announced that the City was ready to expend \$1,200,000 on the Flushing Meadow site.

On the same day the Secretary-General informed the Mayor that the United Nations (1) had selected the Sperry Plant as the site for the Secretariat and Councils, (2) would like to have the use of the City Building for the General Assembly, (3) would like an extension of the lease of Hunter College from May 15 to August 15, 1946.

On April 15 the Secretary-General sent a letter to the War Assets Administration (owner of the Sperry Plant) offering to lease certain parts of the Sperry Plant for a period of three years from July 1, 1946, with an option to renew for two further years. The total space leased by the United Nations was approximately 572,000 square feet. The Secretariat and the Councils were moved to the Sperry Plant on August 15. Meanwhile the City Building at Flushing Meadow was being altered for the General Assembly, which was

to meet on October 23. New York City contributed \$1,010,000 for the alterations to the City Building and \$900,000 for the roads and grounds.

c. The Work of the Headquarters Commission

The Headquarters Commission held its first meeting on May 7, 1946. Its first task was to advise the Secretary-General on: (1) housing problems concerning the interim site; (2) conversion of the Sperry Plant. A report to the Secretary-General was submitted after a two weeks' study which included eight plenary meetings of the Commission, some special consultations, visits to the site and meetings with various people who could advise the Commission on the matters under consideration.

The Commission then began to plan its main task, an exhaustive study of the Westchester-Fairfield area, directed toward the exact location for the permanent headquarters for recommendation to the General Assembly. It appointed a number of committees to facilitate its work.

The Headquarters Commission had been instructed to draw up plans based on the assumption that the United Nations would require a site of approximately either two, five, ten, twenty or forty square miles for its headquarters. It was assumed that this site should be within one and a half hours traveling time from midtown Manhattan; that it should have easy access to adequate railways and roads; and that it should be close enough to other communities, including New York City, to utilize facilities not available at the site.

The Commission instituted a study of the actual requirements of the United Nations and translated them into terms of space, both for the official buildings and for a possible community area. A medium building height of six stories, including a basement, was adopted to give future planners maximum freedom in choosing between horizontal and vertical type of architectural planning.

All requirements for the official buildings area were estimated for 7,000 permanent representatives and international personnel. Requirements for a community building area, containing dwellings for permanent and transient personnel and community facilities to serve them, were estimated for about 50,000 people. In the event that nearby towns could supply the needed service personnel, this figure could be reduced to about 27,000. Space calculations were made on the basis of both assumptions. In converting these population figures into land requirements, a density factor of twenty persons per net acre, about 13,000 people per square mile, was taken.

The Commission first considered 25 potential sites and then selected fifteen for closer study—three of each size. Advantages and disadvantages were carefully weighed. Finally one site in each group was judged to be the best for its size. The final selections were all in Westchester County.

While the terms of reference establishing the Headquarters Commission restricted the Commission's choice to the Westchester-Fairfield area, it was recognized that it was within the competence of the General Assembly to choose any locality.

D. SECOND PART OF THE FIRST SESSION OF THE GENERAL ASSEMBLY

The second part of the first session of the General Assembly began on October 23, 1946, and concluded on December 15. The opening meeting was devoted to speeches by the President of the General Assembly, the Acting Mayor of New York City and the President of the United States. During the 54 days of its session, the General Assembly held 35 plenary meetings and its committees and sub-committees 357 meetings.

1. Organizational Matters

a. Adoption of the Agenda and Distribution of Agenda Items among the Committees of the General Assembly

In accordance with Rule 33 of the Provisional Rules of Procedure, the General Committee of the General Assembly at its nineteenth and twentieth meetings, held on October 24 and 25, 1946, considered the provisional agenda of the second part of the first session of the Assembly.

At its 46th plenary meeting on October 31, 1946, the Assembly adopted the draft agenda submitted by the General Committee.

At the same time the General Assembly considered the General Committee's recommendations for the allocation of agenda items among the various committees of the Assembly. The representative of Australia considered that immediate and automatic referral of agenda items to committees was not desirable and that the General Assembly in plenary session should first express its views on important issues. He therefore introduced the following resolution:

In order to maintain the prestige of the General Assembly as a world forum for the public discussion of matters within the scope of the Charter and in order to facilitate the work of the session,

The General Assembly resolves to set down for discussion in plenary meeting before referring to a committee of the General Assembly those items on the provisional agenda for the present session in respect of which a general policy directive is desirable, and requests the General Committee to recommend what items on the agenda should be so set down.

The President of the Assembly pointed out that Rule 109 of the Provisional Rules of Procedure provided that items should be referred to committee before a decision thereon was taken by the Assembly. Adoption of the Australian proposal would duplicate discussion in plenary session and in committee, and it might thus be weeks before the committees could start on their work. In response to an appeal by the United Kingdom representative, the Australian representative withdrew his proposal. The General Assembly then approved the General Committee's recommendations concerning the distribution of agenda items to committees.

b. Appointment of Committees

(1). Main Committees

The Chairman of the Second Committee (Economic and Financial), Waclaw Kondorski (Poland), and the Chairman of the Third Committee (Social, Humanitarian and Cultural), Peter Fraser (New Zealand), were unable to attend the second part of the first session of the General Assembly. To fill the vacancies in these offices the Second Committee at its tenth meeting on November 7, 1946, unanimously elected Oscar Lange (Poland) as Chairman, and the Third Committee at its twelfth meeting on October 24, 1946, unanimously elected Sir Carl Berendsen (New Zealand).

(2). Standing Committees

i. Advisory Committee on Administrative and Budgetary Matters

In accordance with the General Assembly's resolution of February 13, 1946, an Advisory Committee on Administrative and Budgetary Matters of nine members was to be appointed during the second part of the first session of the General Assembly. At its 46th plenary meeting on October 31 the General Assembly referred the question of the election of the members of the Advisory Committee to the Fifth Committee (Administrative and Budgetary).

The Fifth Committee after some discussion decided to recommend the election of the members of the Advisory Committee not by countries but on the basis of their personal qualifications. Accordingly twenty names suggested by fifteen delegations were presented to the Fifth Committee at its 23rd meeting on November 12, 1946.

Before the Fifth Committee proceeded to a vote the representative of France proposed that the membership of the Advisory Committee be increased from nine to ten. The proposal was withdrawn after the Chairman of the Fifth Committee had pointed out that a recommendation to change the number of members of the Advisory Committee would unduly delay the election, as it would require approval by the General Assembly as a whole. A second French proposal, that members of the Advisory Committee should not be allowed to accept any remunerative employment with the United Nations or with a specialized agency during their term of office or for one or two years thereafter, was defeated by a vote of 17 to 13.

By secret ballot the Committee then selected the nine members to serve on the Advisory Committee and by further ballots chose three members to serve for a term of three years, and another three members to serve for a term of two years. The Fifth Committee further decided to recommend to the General Assembly that the Advisory Committee on Administrative and Budgetary Questions should be formed at once (although it would not formally begin to exercise its functions until January 1, 1947, the start of the financial year) so that during the current session of the Assembly it might give assistance and advice both to the Assembly and to the Secretary-General on all matters pertaining to administrative and budgetary questions.

At its 49th plenary meeting on November 19 the General Assembly unanimously adopted the

resolution proposed by the Committee as follows :

THE GENERAL ASSEMBLY

1. DECLARES the following persons to be elected as members of the Advisory Committee on Administrative and Budgetary Questions under the terms of reference laid down in Rule 40 of the Provisional Rules of Procedure.

Mr. Thanassis Aghnides	(Greece)
Mr. André Ganem	(France)
Mr. C. L. Hsia	(China)
Mr. Valentin I. Kabushko	(Union of Soviet Socialist Republics)
Mr. S. K. Kirpalani	(India)
Mr. Olyntho Machado	(Brazil)
Mr. G. Martinez-Cabanas	(Mexico)
Sir William Matthews	(United Kingdom)
Mr. Donald Stone	(United States)

2. DECLARES:

Mr. O. Machado
Sir William Matthews
Mr. Donald C. Stone

to be elected for a three-year term.

3. DECLARES:

Mr. Thanassis Aghnides
Mr. C. L. Hsia
Mr. Valentin I. Kabushko

to be elected for a two-year term.

ii. Committee on Contributions

By a resolution of February 13, 1946, the General Assembly appointed a Committee on Contributions of ten members, four members to serve for a three-year term and three members each to serve for two-year and one-year terms respectively. At its 49th plenary meeting on November 19, 1946, the General Assembly referred to the Fifth Committee the question of the election of three members of the Committee on Contributions to take the place of the three members elected for a one-year term, namely :

Paul Appleby — United States
Chi Chao-ting — China
Pavle Lukin — Czechoslovakia

The delegations of the United States, China and Czechoslovakia indicated that the above-mentioned representatives would be unable to continue their services, and that in the case of the re-election of the countries thus represented, the representatives should be replaced as follows:

James E. Webb — United States
K. V. Dzung — China
Jan Papanek — Czechoslovakia

At the 31st meeting of the Fifth Committee on November 27 the representative of Mexico suggested that the three members of the Committee of Contributions whose term of office

had expired should be re-elected. Certain members opposed this suggestion on the ground that such a system tended to render appointments permanent. The members of the Committee on Contributions should be elected on the basis of rotation, with due regard to equitable geographic distribution. By secret ballot the Fifth Committee selected Mr. Webb (United States), Mr. Dzung (China) and Mr. Papanek (Czechoslovakia) as members of the Committee on Contributions.

As regards the term of office of the members of the Committee on Contributions, the Fifth Committee decided to recommend that it should date from January 1, 1947, and not from February 13, 1947, and that Rule 42 of the Provisional Rules of Procedure should be amended accordingly.

At its 50th plenary meeting on December 7, 1946, the General Assembly unanimously adopted the resolution drafted by the Committee as follows :

1. THE GENERAL ASSEMBLY RESOLVES to amend Rule 42 of the Provisional Rules of Procedure for the General Assembly to read as follows:

"Rule 42

"The members of the Committee on Contributions, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for a period of three years corresponding to three financial years, as defined in the Regulations for the Financial Administration of the United Nations. Members shall retire by rotation and shall be eligible for re-election. The General Assembly shall elect the members of the Committee on Contributions at the regular session at which the term of office of members expires, or, in case of vacancies, at the next session."

2. THE GENERAL ASSEMBLY DECLARES the following persons to be elected for a three-year term as members of the Committee on Contributions under the terms of reference laid down in Rule 42 (as amended) of the Provisional Rules of Procedure for the General Assembly.

K. V. Dzung (China)
Jan Papanek (Czechoslovakia)
James E. Webb (United States)

c. Election of Members of Councils

(1). Election of Non-Permanent Members of the Security Council

Of the six non-permanent members of the Security Council (Australia, Brazil, Egypt, the first part of the first session of the General Mexico, Netherlands, Poland) elected during

Assembly, Egypt, Mexico and the Netherlands were to serve for a one-year term. To take the place of these three countries on the Security Council upon the expiration of their term of office, the General Assembly at its 32nd plenary meeting on November 19, 1946, elected Belgium, Colombia and Syria on the first ballot.

(2). Election of Members of the Economic and Social Council

The General Assembly during the second part of its first session had to elect six members of the Economic and Social Council for three-year terms to take the place of the six members elected for one-year terms during the first part of the first session of the General Assembly, namely: Colombia, Greece, Lebanon, Ukrainian S.S.R., United States and Yugoslavia.

At its 48th plenary meeting on November 19, 1946, the General Assembly on the first ballot elected New Zealand, the United States and Venezuela to membership in the Economic and Social Council. Lebanon was elected on the second ballot. Two further ballots were taken, but no country obtained the absolute majority required for election. Further balloting was postponed until the 50th plenary meeting of the General Assembly on December 7, 1946. On the sixth ballot the Byelorussian S.S.R. was elected. The choice for the last seat on the Council remained between the Netherlands and Turkey. Two further ballots proved inconclusive. In view of the deadlock further balloting was postponed.

At the 59th plenary meeting of the General Assembly on December 12, 1946, the representative of Belgium announced that his country, which had been elected to the Economic and Social Council during the first part of the first session of the General Assembly for a three-year term, was ready to give up its place on the Economic and Social Council on the condition that the General Assembly accept this solution and elect both the Netherlands and Turkey to the Council.

The representative of Yugoslavia, supported by the representative of Argentina and the U.S.S.R., pointed out that Belgium was free to withdraw from the Economic and Social Council, but that it was not possible to make the election of the Netherlands and Turkey a condition of withdrawal. In filling the vacancy left by the resignation of Belgium the General Assembly would have to proceed in accordance with its Rules of Procedure, which forbade nominations. The Belgian proposal in effect contained a nomi-

nation and was, therefore, contrary to the Rules of Procedure, which could not be changed except in accordance with Rule 117.

Other representatives, including those of China, Greece and the United States, supported the contention of the Belgian representative that the Belgian offer could be either accepted or rejected as a whole. If the proposal were not accepted, the Belgian representative stated, Belgium would not withdraw from the Economic and Social Council. The election to fill the vacancy created by Belgium's withdrawal would have to proceed in accordance with the rules of procedure, but acceptance of the Belgian proposal would constitute a "gentlemen's agreement" binding upon the Assembly. Several representatives considered, moreover, that the General Assembly was master of its own procedure and could construct its own rules when confronted with unique situations.

The representative of the Netherlands announced that in case of acceptance of the Belgian proposal his Government would be willing to succeed Belgium and to remain a member of the Economic and Social Council for the unexpired term of office of that country, namely, two years instead of three, thus enabling the General Assembly to elect Turkey for the regular three-year term.

By a vote of 34 to 4, with 9 abstentions, the General Assembly accepted the Belgian proposal. Accordingly, the Netherlands delegation withdrew its candidature and Turkey was elected for a three-year term. By a separate vote the Netherlands was elected to fill the vacancy created by the withdrawal of Belgium from the Economic and Social Council.

(3). Election of Members of the Trusteeship Council

Following approval by the General Assembly, on December 13, 1946, of the eight trusteeship agreements, the General Assembly, in accordance with Article 86 of the Charter, had to elect two members of the Trusteeship Council.

At the 63rd plenary meeting of the General Assembly on December 14, 1946, the representative of the U.S.S.R. announced that he considered the Trusteeship Agreements approved by the Assembly to be in contradiction to the terms of the Charter. They could not, therefore, in his Government's view, be used as a basis for the establishment of the Trusteeship Council, and the U.S.S.R. delegation could not participate in the election of members of the Trusteeship

Council. The representatives of the Byelorussian S.S.R., the Ukrainian S.S.R. and Yugoslavia made similar declarations.

By 36 and 34 votes respectively, the Assembly elected Mexico and Iraq as members of the Trusteeship Council. By 40 votes without opposition the General Assembly then approved the following resolution proposed by the Fourth Committee (Trusteeship):

The General Assembly approved, on 13 December 1946, in accordance with Article 85 of the Charter, the terms of the Trusteeship Agreements for New Guinea, Ruanda-Urundi, Camerouns under French administration and Togoland under French administration, Western Samoa, Tanganyika, Camerouns under British administration and Togoland under British administration.

In these agreements, Australia, Belgium, France, New Zealand and the United Kingdom have been designated as Administering Authorities.

The conditions necessary for the constitution of the Trusteeship Council can thus be fulfilled.

In accordance with Article 86 a, Australia, Belgium, France, New Zealand, and the United Kingdom will be members of the Trusteeship Council.

By application of Article 86 b, China the United States of America and the Union of Soviet Socialist Republics, being such of the Members mentioned by name in Article 23 of the Charter as are not administering Trust Territories, will also be members of the Trusteeship Council.

In accordance with Article 86 c it is necessary, in order 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, that two members should be elected by the General Assembly.

THEREFORE,

THE GENERAL ASSEMBLY

1. ELECTS Mexico and Iraq as members of the Trusteeship Council for a term of three years;

2. DIRECTS the Secretary-General to convoke the first session of the Trusteeship Council not later than 15 March 1947, and to draw up and communicate to each member of the Council the provisional agenda for that session at least thirty days in advance of the date of the session.

(4). Proposed Increase in the Membership of the Economic and Social Council

On November 2, 1946, the Argentine delegation submitted a request that the following proposal be included in the agenda of the General Assembly:

"That the number of members of the Economic and Social Council stipulated in Article 61, paragraph 1, be increased to twenty-four."

At the 24th meeting of the General Committee on November 5, 1946, several members expressed opposition to the inclusion, at such a late date, of an item involving an amendment to the Charter as it did not give Member Governments sufficient time for consideration. A suggestion by the representative of the United Kingdom that the proposal be submitted to the next regular session of the General Assembly was accepted by the Argentine delegation. By a vote of 11 to 2, therefore, the General Committee decided to include a statement in its report to the General Assembly, to the effect that the representative of Argentina had decided to submit his proposal for inclusion in the agenda of the second regular session of the General Assembly.

(5) Terms of Office of Members of the Councils

By a resolution of February 13, 1948, the General Assembly had decided that members of Councils elected in January 1946 should hold office for twelve months and that the Secretary-General should report to the second part of the first session of the General Assembly what changes in the Rules of Procedure might be necessary to implement the Assembly's decision.

This resolution was understood at the time to be limited to the single case of members elected in January 1946 for a term of one year. Accordingly the Secretary General in his report to the second part of the first session of the Assembly submitted amendments to the Rules of Procedure to give effect to this decision. If these amendments had been adopted, the terms of office of members of Councils would have been as follows:

(a) Members of Councils, elected in January 1946 for one year would hold office from January 1946 to January 1947.

(b) Members of Councils elected in January 1946 for two years would hold office from January 1946 to September 1947.

(c) Members of the Economic and Social Councils elected in January 1946 for three years would hold office from January 1946 to September 1948.

(d) Members of the Security Council elected at the second part of the first session would hold office from January 1947 to September 1948.

(e) Members of the Economic and Social Council elected at the second part of the first session would hold office from January 1947 to September 1949.

(f) Members of the Security Council elected at the second session would hold office from September 1947 to September 1949.

(g) Members of the Economic and Social Council elected at the second session would hold office from September 1947 to September 1950.

The Sixth Committee (Legal), to which the question was referred, considered that it was desirable to regularize the terms of office of all members of Councils and that the principles adopted for members elected for a one-year term applied equally to members elected for two-year or three-year terms. The Committee therefore adopted a proposal of the representative of the United States that the term of office of any member of a Council should begin on January 1 following his election by the General Assembly and should end on December 31 following the election of a member for the next term at the regular session of the General Assembly.

Several representatives considered that provision should be made to continue members of Councils in office in case the General Assembly failed to elect new members before January 1. Although recognizing that the terms of office of some members might expire before their successors had been elected if it were found impossible at any time to hold a regular session of the General Assembly, the Sixth Committee in its report to the General Assembly took the view that this difficulty arose directly from the Charter itself, and could not be rectified by any modification of the rules of procedure.

At its 47th plenary meeting on November 9, 1946, the General Assembly unanimously approved the report of the Sixth Committee and adopted the resolution drafted by the Committee as follows:

THE GENERAL ASSEMBLY,

1. APPROVES the report on the terms of office of Members elected to Councils presented by the Sixth Committee;

RESOLVES to replace Rule 87 of the amended provisional rules of procedure for the General Assembly and Rule J of the supplementary provisional rules of procedure for the first session of the General Assembly by the following Rules:

Rule 87

The term of office of Members shall begin on 1 January following their election by the General Assembly, and shall end on 31 December following the election of their successors.

Supplementary Rule J

Members of Councils elected for one, two and three years during the first part of the first regular session of the General Assembly shall hold office until 31 December 1946, 1947 and 1948 respectively. Their successors shall be elected during the second part of the first regular session and during the second and third regular sessions of the General Assembly re-

spectively, and shall take and continue in office in accordance with Rule 87.

d. Procedural Matters

(1). Installation of Assistant Secretaries-General

In accordance with the provisional staff regulations adopted by the General Assembly on February 13, 1946, Assistant Secretaries-General are required to take the oath of office at a public meeting of the General Assembly.

At the 35th plenary meeting of the General Assembly on October 24, 1946, the Secretary-General, Mr. Trygve Lie, presented the eight Assistant Secretaries-General whom he had appointed between the first and the second parts of the first session of the General Assembly:

Department of Security Council Affairs: Arkady A. Sobolev (U.S.S.R.)

Department of Economic Affairs: David Owen (United Kingdom)

Department of Social Affairs: Henri Laugier (France)

Department of Trusteeship and Information from Non-Self-Governing Territories: Victor Chi-Tsai Hoo (China)

Department of Public Information: Benjamin Cohen (Chile)

Legal Department: Ivan Kerno (Czechoslovakia)

Department of Conference and General Services: Adrian Pelt (Netherlands)

Department of Administrative and Financial Services: John B. Hutson (United States)

(2). Date of the Regular Session of the General Assembly

Rule 1 of the Provisional Rules of Procedure adopted by the General Assembly during the first part of its first session provided that "the General Assembly shall meet every year in regular session commencing on the first Tuesday after September 2." The Secretary-General submitted a proposal to the second part of the first session of the General Assembly to change the date of the Assembly's regular session from the first Tuesday after September 2 to the first Tuesday after October 2. The Secretary-General felt that this change would be in the interest of the efficiency of the whole organization. It would make it possible for the members of the Secretariat to take vacations during July and August, which for climatic reasons was very important. At the same time it would allow sufficient time to prepare adequately for the Assembly session.

¹Mr. Hutson later resigned and was succeeded by Mr. Byron Price (United States) in March 1947.

The General Assembly referred the proposal to the Fifth Committee (Administrative and Budgetary) with instructions to consult the Sixth Committee (Legal) on the legal aspects of the question. In the Fifth Committee several members opposed the proposal on the ground that the General Assembly sessions, if held in October, would conflict with meetings of the national parliaments of certain States. Leading statesmen might thus be unable to attend the Assembly sessions. Moreover, in some countries the fiscal year started on January 1. If the General Assembly sessions, were held too close to the end of the year, these countries could not take the Assembly's decisions into consideration in drawing up their budgets.

The question was referred to a Joint Sub-Committee of the Fifth and Sixth Committees, which, as a compromise, suggested that the regular sessions of the General Assembly should commence on the third Tuesday in September. A French proposal that the General Assembly should convene on the Tuesday between September 12 and 18 was not accepted by the Fifth Committee, which approved the Sub-Committee's report by 34 votes to 6 at its 32nd meeting on November 29. At its 31st meeting on December 6 the Sixth Committee approved the report of the Sub-Committee by 22 votes to 2. The General Assembly at its 50th plenary meeting on December 7, 1947, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY RESOLVES that Rule 1 of the Provisional Rules of procedure shall be amended to read:

"The General Assembly shall meet every year in regular session commencing on the third Tuesday in September."

- (3). Proposal to Hold the Next Session of the General Assembly in Europe.

The representative of the Ukrainian S.S.R. submitted a proposal that the second session of the General Assembly be held in Europe. At its 26th meeting on November 19, 1946, the General Committee of the General Assembly unanimously recommended inclusion of the proposal in the agenda of the second part of the first session of the General Assembly.

At the 67th plenary meeting of the General Assembly the representative of the Ukrainian S.S.R. stated that the permanent headquarters of the United Nations would not be ready in time for the second session of the General Assembly. The temporary facilities at Lake Success and Flushing Meadow, N. Y., he con-

sidered, were very inconvenient and representatives spent too much time traveling back and forth between the two sites. Moreover, the continent of Europe, which had a particular interest in the organization, had not yet seen it functioning on its own territory. In view of these considerations and in view of the fact that the former League of Nations buildings in Geneva were readily available, the Ukrainian representative urged strongly that the second session of the General Assembly be held in Europe. He submitted the following draft resolution:

GENERAL ASSEMBLY OF THE UNITED NATIONS

1. RESOLVES to convene the second regular session of the General Assembly of the United Nations in Europe.

2. AUTHORIZES the Secretary-General to determine the place in Europe where the second session of the General Assembly shall be convened.

The Secretary-General urged that, for administrative and technical reasons, the second session of the General Assembly should be held at the temporary headquarters of the United Nations in the United States. To transport a large staff from the United States to Europe would entail considerable additional expense.

After some discussion the General Assembly by a vote of 35 to 14, with 4 abstentions, rejected the Ukrainian draft resolution.

- (4). Measures to Economize the Time of the General Assembly

The Canadian Government requested that an item, "Measures to Economize the Time of the General Assembly," be included in the agenda of the second part of the first session of the General Assembly. The large number of international conferences which were being held, the Canadian Government considered, made it difficult for States to provide adequate representation at each conference. Moreover, unduly protracted conferences tended to diminish the prestige of the organizations which were responsible for calling them. The General Assembly, in particular, could not be successful in carrying out its important tasks if delegations did not include Ministers responsible for the formulation and carrying out of policy. The chances of these Ministers being able to be present during the whole period of the sessions of the General Assembly would be greater if the sessions were

not unduly prolonged. The Canadian Government therefore submitted a number of proposals designed to expedite the work of the General Assembly.

The General Committee, at its 25th meeting on November 6, 1946, created a sub-committee composed of Belgium, China, France, Panama, Syria, the Ukrainian S.S.R., the U.S.S.R., the United Kingdom and Canada (in an advisory capacity), to consider the question of measures to economize the time of the General Assembly which had been referred to the General Committee by the General Assembly. In the interest of better geographical distribution China was added to the Sub-Committee at the 26th meeting of the General Committee on November 19 in place of Uruguay.

The delegations of Canada and Norway and the Secretary-General submitted memoranda to the Sub-Committee suggesting means for improving the procedure of the General Assembly. After some discussion the Sub-Committee decided that the question before it was important and complicated and that it deserved a detailed study such as the Sub-Committee would be unable to make during the current session of the General Assembly. The Committee therefore suggested that the Secretary-General undertake such a study before the next session.

Some representatives thought that, in addition, a committee consisting of fifteen members should be constituted to consider between the first and second regular sessions the whole question of measures to economize the time of the General Assembly, together with the recommendations of the Secretary-General, and to report thereon to the second session of the General Assembly. The representative of the U.S.S.R., on the other hand, was of the opinion that the constitution of a committee was unnecessary and that the Secretary-General could appropriately submit his recommendations directly to the General Assembly at the opening of the second session.

The General Committee at its 27th meeting on December 13 approved the Sub-Committee's recommendations and decided to recommend to the General Assembly the adoption of the resolution drafted by the Sub-Committee. At its 67th plenary meeting on December 15, 1946, the General Assembly unanimously approved all but the last paragraph of the resolution. The last paragraph, which was voted on separately, was adopted by a vote of 34 to 5, with 6 abstentions. Following is the text of the resolution:

THE GENERAL ASSEMBLY,

RECOGNIZING that the agenda of future sessions will likely entail a heavy volume of work and that the experience acquired during the first session reveals that decisions could be reached more expeditiously through improvements in the Rules of Procedure and internal organization;

TAKING INTO CONSIDERATION the various proposals that have been submitted on measures to economize the time of the General Assembly and of the discussions pertaining thereto;

INVITES Members of the General Assembly to forward to the Secretary-General any suggestions they may wish to make regarding measures to economize the time of the General Assembly and proposed changes in the provisional rules of procedure;

DIRECTS the Secretary-General to make a study of measures to economize the time of the General Assembly, and of the Provisional Rules of Procedure, taking into account:

1. The memoranda submitted by the delegation of Canada;
2. Suggestions received from Members pursuant to the above invitation;
3. The views expressed in the Sub-Committee of the General Committee during its consideration of this question;
4. The experience acquired and the precedents established during the first session; and to prepare a report for circulation three months before the opening of the Second Session;

APPOINTS a Committee on Procedures and Organization consisting of fifteen Members to be designated by the Governments of

Argentina, Belgium, Canada, China, Cuba, Denmark, France, Greece, Haiti, Peru, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia,

which shall meet one week before the opening of the second regular session for the purpose of considering the report of the Secretary-General and of studying the provisional rules of procedure and internal organization of the General Assembly and to present a report thereon to the General Assembly at the beginning of the second regular session.

2. POLITICAL AND SECURITY MATTERS

- a. Admission of Afghanistan, Iceland and Sweden to Membership in the United Nations

The General Assembly at its 46th plenary meeting on October 31, 1946, referred to the First Committee (Political and Security) the Special Report by the Security Council to the General Assembly on the Admission of New Members. At its twelfth meeting on November 2, 1946, the First Committee unanimously

agreed to recommend to the General Assembly the admission to the United Nations of Afghanistan, Iceland and Sweden.

At the next meeting of the First Committee on November 5 the Rapporteur presented the following draft resolution:

The General Assembly has taken note of the recommendations of the Security Council on the admission of Afghanistan, the Republic of Iceland and Sweden to membership in the United Nations and of the report submitted by the First Committee which unanimously approved the recommendations of the Security Council;

THEREFORE
THE GENERAL ASSEMBLY DECIDES:

That Afghanistan, the Republic of Iceland and Sweden be admitted to membership in the United Nations.

The representative of Argentina submitted an amendment to the resolution drafted by the Rapporteur as follows:

The General Assembly has taken note of the applications for membership submitted to the Organization of the United Nations by Afghanistan, the Republic of Iceland and Sweden and of the recommendations of the Security Council...

The purpose of this amendment, the Argentine representative explained, was merely to clarify the text by indicating precisely the steps followed in approving applications for admission to membership in the United Nations. The vote on the amendment was 19 in favor to 14 against, with 16 abstentions. The Chairman of the First Committee ruled that the Argentine amendment was not adopted. He stated that the amendment was not a mere drafting change but that it represented a major modification of the method of admitting new Members by implying that the General Assembly could take note of applications and not only of the recommendations of the Security Council. The view was expressed that it was an attempt to modify Article 4 of the Charter. A two-thirds majority vote in the Committee was therefore required. Even if it were held that only a simple majority vote was required, 26 votes would be necessary for adoption of the amendment.

The Chairman's ruling was debated at length. The members who opposed the Chairman's ruling pointed out that the Committees of the General Assembly, according to the rules of procedure, took their decisions by a simple majority vote and not by a two-thirds majority and that abstentions were not to be counted in determin-

ing majorities. When a vote was taken on the Chairman's ruling it was rejected by 4 votes in favor to 46 against, with 1 abstention. The representative of the U.S.S.R. protested the decision and announced that his Government would not consider itself bound by it.

At its fourteenth meeting on November 6, 1946, the First Committee rejected by 33 votes to 11 a Czechoslovakian proposal to revise the text of the draft resolution further for the sake of clarification and voted 10 in favor to 35 against, not to reconsider the decision on the Argentine amendment. The Committee then adopted the Rapporteur's draft as amended by the Argentine delegation, by 47 votes to 3, with 1 abstention.

At its 47th plenary meeting on November 9, 1946, the General Assembly accepted a Danish drafting change designed to meet the objections of certain delegations to the resolution submitted by the First Committee. The Assembly then unanimously adopted the resolution as follows:

The General Assembly has taken note of the applications for membership submitted to the Organization of the United Nations, in accordance with the provisions of Article 4 of the Charter and rules 113 and 114 of the rules of procedure, by Afghanistan, the Republic of Iceland and Sweden;

Of the recommendations of the Security Council on the admission of Afghanistan, the Republic of Iceland and Sweden to membership in the United Nations;

And of the report submitted by the First Committee which unanimously approved the recommendations of the Security Council.

THEREFORE
THE GENERAL ASSEMBLY DECIDES:

That Afghanistan, the Republic of Iceland and Sweden be admitted to membership in the United Nations.

At the 48th plenary meeting of the General Assembly on November 19, 1946, Afghanistan, Iceland and Sweden were officially welcomed as Members of the United Nations and the representatives of these countries took their seats in the General Assembly.

b. Admission of Siam to Membership in the United Nations

On December 12, 1946, the Security Council unanimously recommended to the General Assembly that Siam be admitted to membership in the United Nations. Upon the recommendation of the General Committee, the General Assembly at its 67th plenary meeting on December 15,

1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY

Having taken note of the application for membership submitted to the Organization of the United Nations by Siam,

And of the recommendations of the Security Council on the admission of Siam to membership in the United Nations;

DECIDES, THEREFORE:

That Siam be admitted to membership in the United Nations.

On April 28, 1947, when the first special session of the General Assembly convened, Siam was formally admitted to membership in the United Nations.

c. Question of the Re-examination by the Security Council of Certain Applications for Admission to Membership in the United Nations

While recommending to the General Assembly that Afghanistan, Iceland and Sweden be admitted to membership in the United Nations, the Security Council did not make recommendations concerning the applications for membership which had been submitted by the People's Republic of Albania, the Mongolian People's Republic, the Hashemite Kingdom of Transjordan, Ireland and Portugal.

During the First Committee's consideration of the Security Council's report a number of representatives expressed the view that not only had the General Assembly the right to act on the Security Council's recommendation for the admission of Afghanistan, Iceland, and Sweden, but that it was within the General Assembly's competence to review the Security Council's entire proceedings regarding membership applications. In rejecting five of the eight applications submitted, the Security Council, these representatives considered, had based its decision on criteria not contained in the Charter. The aim of the United Nations was universality. The Security Council had exceeded its authority in setting up requirements for admission to membership other than those contained in Article 4 of the Charter: the peace-loving character of a State and its willingness and ability to fulfil the obligations of the Charter. Three similar proposals were submitted to the First Committee by the representatives of Egypt, Panama and the Philippine Republic recommending that the General Assembly return to the Security Council the applications of Albania, Mongolia, Trans-Jordan, Ireland and Portugal, and that the Security Council be asked to reconsider

these applications on the sole basis of the relevant Charter provisions.

The representative of the U.S.S.R. and several other representatives opposed these proposals on the ground that the question before the Committee was the admission of three new Members to the United Nations and not the proceedings of the Security Council. The Security Council, these representatives considered, was entirely competent to decide whether to recommend the admission of a new Member, and the Council's proceedings were not subject to review by the General Assembly. Every organ of the United Nations had the right to interpret the Charter in its own way and one organ could not question the interpretation given by another. The determining element in accepting or rejecting membership applications, the U.S.S.R. representative argued, was the applicant's contribution to the cause of the United Nations in their fight against fascism. Albania and Mongolia had made considerable contributions to the United Nations cause and therefore had been unjustly treated by not being admitted to the United Nations. Portugal had maintained close relations with the Franco regime during the war and Ireland, to say the least, had done nothing to assist the United Nations during the war. Moreover, neither of these two countries maintained diplomatic relations with the U.S.S.R., and should not be admitted to membership in the United Nations. As to Transjordan, there was no proof whether it was really independent.

On the recommendation of the Chairman, the First Committee at its fourteenth meeting on November 6 appointed a Sub-Committee to draw up a resolution on the basis of the three draft resolutions submitted by the representatives for Panama, Egypt and the Philippine Republic. The Sub-Committee drafted a text which was acceptable to the representatives of the three countries mentioned. The operative part of the resolution stated:

THE GENERAL ASSEMBLY RECOMMENDS

That the Security Council reconsider, in accordance with Article 4 of the Charter, applications for membership in the United Nations of the People's Republic of Albania, the Mongolian People's Republic, the Hashemite Kingdom of Transjordan, Ireland and Portugal.

At the seventeenth meeting of the First Committee on November 11, 1946, the representative of Czechoslovakia introduced an amendment which the representative of the Ukrainian

S.S.R. had introduced in the Sub-Committee, but which the Sub-Committee had not considered as being within its terms of reference. The amendment was to the effect that the Security Council should reconsider the applications for membership "strictly on their respective merits, especially in regard to their conduct in the course of the second World War."

Several representatives urged that no mention should be made of the role played by various countries during the war. The importance of this factor would diminish, it was pointed out, with the lapse of time. It was hoped eventually to admit even the ex-enemy States to the United Nations. The representative of Panama submitted a compromise text stating that ". . . the Security Council should take into consideration, among other factors, the attitude of the candidate States during the Second World War." This text was rejected by a vote of 35 to 11.

After accepting several drafting changes the First Committee adopted the resolution presented by the sub-committee by 42 votes without opposition and with 7 abstentions. At its 49th plenary meeting on November 19, 1946, the General Assembly adopted the text of the resolution as follows:

Applications for membership in the United Nations were submitted by the People's Republic of Albania, the Mongolian People's Republic, the Hashemite Kingdom of Transjordan, Ireland and Portugal;

The Security Council, which examined these applications, has not made any recommendations;

Since membership in the United Nations is open to all peace-loving States which accept the obligations contained in the Charter and which in the judgment of the Organization are able and willing to carry out these obligations, as stated in Article 4;

THEREFORE THE GENERAL ASSEMBLY RECOMMENDS that the Security Council re-examine the applications for membership in the United Nations of the above-mentioned States on their respective merits as measured by the yardstick of the Charter, in accordance with Article 4.

d. Rules Governing the Admission of New Members to the United Nations

Considering that the existing rules for the admission of new Members to the United Nations were not satisfactory, the representative of Australia on November 2, 1946, submitted the following draft resolution to the First Committee:

The General Assembly, recognizing that the admission of new Members to the United Nations is a corporate act of the whole Organization, requests the Security Council to appoint a committee to confer with a committee on procedures of the General Assembly with a view to preparing rules governing the admission of new Members which will be acceptable both to the General Assembly and to the Security Council.

In the preparation of such rules regard should be paid to the following principles:

(a) The admission of new Members is a corporate act.

(b) The General Assembly has primary and final responsibility in the process of admission.

(c) The Security Council, not having been given any general power covering all matters within the scope of the Charter, its recommendation for the admission of an applicant to membership should be based solely on the judgment of the Council that the applicant State is able and willing to carry out its obligations under those sections of the Charter which come within the competence of the Security Council.

At the seventeenth meeting of the First Committee on November 11, 1946, the Australian representative explained that in his view applications for admission to membership should be submitted first to the General Assembly, because the Assembly could take into account all factors and act on behalf of the organization as a whole. The Security Council was to decide concerning the ability of the applicant to fulfil the conditions of the Charter with regard to security. After receiving the Security Council's report the General Assembly would decide to accept or reject the Security Council's recommendations.

Many representatives were willing to accept the proposal to establish a committee to study the procedure for the admission of new Members, but most of them disagreed with the principles expressed in the Australian resolution. Others opposed the Australian proposal altogether, considering it an effort to undermine the position of the Security Council. In the view of these representatives, no new rules were necessary and the establishment of a mixed committee to decide on the procedure for the admission of new Members was contrary to the Charter, which provided that the General Assembly and the Security Council were each to work out their own rules of procedure.

In view of the criticism of the principles contained in the Australian resolution, the Australian representative at the eighteenth meeting

of the First Committee on November 12, 1946, agreed to omit all but the first paragraph of the resolution and to amend that paragraph to read as follows:

The General Assembly requests the Security Council to appoint a Committee to confer with a Committee on procedures of the General Assembly, with a view to preparing rules governing the admission of new Members which will be acceptable both to the General Assembly and to the Security Council.

This text was adopted by the First Committee by 29 votes to 9, with 7 absentions. At its 49th plenary meeting on November 19, 1946, the General Assembly adopted the resolution by 32 votes to 9, with 1 abstention.

On November 29, 1946, the Security Council appointed Brazil, China (Chairman) and Poland to serve on its Committee on Procedure for the Admission of New Members. The Committee was to "listen to the proposals which the Committee appointed by the General Assembly may have to make and to report those proposals back to the Council for further instructions."

The General Assembly's Committee on Procedure, composed of representatives of Australia, Cuba, India (Chairman), Norway and the U.S.S.R., held its first meeting on May 26, 1947.

The General Assembly's and the Security Council's Committees held a series of four conferences between May 28 and June 11. Discussion at these conferences was based on draft rules submitted by the representative of Australia. According to the rules proposed by the Australian representative the initiative for the admission of new members would be transferred from the Security Council to the General Assembly. The Security Council would examine the ability of an applicant State to carry out those obligations which were within the jurisdiction of the Council. If the Security Council did not recommend the admission of an applicant, it would have to refer its negative recommendation to the General Assembly.

The General Assembly Committee then held several meetings and drafted its proposals, which it submitted on June 30, 1947, to the Security Council with an explanatory letter.

e. Annual Report of the Security Council

In accordance with Article 24, paragraph 3, of the Charter, the Security Council submitted its Annual Report to the General Assembly; at

its 46th plenary meeting on October 31, 1946, the Assembly referred the report to the First Committee. On the recommendation of the First Committee the General Assembly at its 45th plenary meeting on December 11, 1946, unanimously adopted the following resolution, which was submitted by the representative of the Netherlands :

THE GENERAL ASSEMBLY HAVING received and discussed the report of the Security Council, RESOLVES to pass to the next item on the agenda.

f. Relations of Members of the United Nations with Spain

The delegations of Belgium, Czechoslovakia, Denmark, Norway and Venezuela requested that the question of relations between Spain and the United Nations be placed on the agenda of the second part of the first session of the General Assembly. On the recommendation of the General Committee the General Assembly at its 46th plenary meeting on October 31, 1946, referred the item to the First Committee (Political and Security).

By a letter of November 4, 1946, addressed to the President of the General Assembly, the Secretary-General, pursuant to Article 12, paragraph 2, of the Charter, notified the General Assembly that the Security Council had dropped the Spanish question from the list of items of which it was seized. The General Assembly took note of the Secretary-General's communication at its 47th plenary meeting on November 9, 1946.

At the 35th meeting of the First Committee on December 2, 1946, the representative of Poland stated that while the United Nations organization had emerged as a result of the joint efforts of the United Nations in their struggle against the Axis Powers, there still existed in Spain a surviving partner of the Axis. The Franco regime had become a rallying point for those who had seen their aims defeated by the United Nations. The Spanish question was a painful thorn in the living flesh of the United Nations. The organization as well as world peace and security would be menaced unless definite and final action was taken. Moral condemnation of Fascism was not sufficient. There was no truth in the argument that positive action against the Franco regime would actually strengthen it. On the contrary, what strengthened Franco was the conviction that the United Nations did not intend to act, or was incapable of doing so.

The representative of Poland therefore introduced two draft resolutions. The first resolution stressed that the Franco government should be barred from membership and participation in any of the organizations and agencies established by, or brought into relationship with the United Nations. The second resolution recalled the General Assembly's resolution of February 9, 1946. It further cited the findings of the Security Council's Sub-Committee which had investigated the Spanish question in May and June, 1946. The resolution concluded by stating that since that time the situation in Spain had deteriorated and had continued increasingly to disturb international relations. Therefore the General Assembly should recommend that each Member of the United Nations terminate forthwith diplomatic relations with the Franco regime.

A considerable number of representatives, including those of Belgium, the Byelorussian S.S.R., Chile, Czechoslovakia, Ethiopia, France, Guatemala, Mexico, Norway, Panama, the U.S.S.R., Uruguay, Venezuela and Yugoslavia, expressed views similar to those of the Polish representative and favored a break in diplomatic relations with the Franco regime. Although opposing intervention in the internal affairs of other States, the representatives of several Latin American countries stressed the fact that in their view collective action on the part of the United Nations and the breaking off of diplomatic relations in particular could not be considered intervention in the domestic affairs of Spain. Some representatives thought that the General Assembly should go a step further and recommend that each Member of the United Nations terminate not only diplomatic relations with the Franco government, but economic relations as well. The representative of the Byelorussian S.S.R. submitted an amendment to the Polish resolution to this effect.

While one group of representatives thus favored definite action on the part of the United Nations against the Franco regime, many were opposed to such a course on the ground that any such step as the collective breaking off of diplomatic relations with the Franco Government would constitute interference in the internal affairs of Spain in violation of Article 2, paragraph 7, of the Charter. Spain, they considered, had not taken any aggressive action against any Member of the United Nations. The Franco regime was not a direct threat to the peace, and

there was therefore no basis for action on the part of the United Nations. The overthrow of the Franco regime and its replacement by a democratic government could not be achieved by imposing external pressure. Breaking off diplomatic relations or imposing economic sanctions would result only in making worse the situation of the Spanish people and in creating in Spain a political and economic chaos conducive to civil war. Removal of foreign diplomatic representatives from Spain, moreover, would result in shutting off channels of information and of humanitarian intervention, while the imposition of economic sanctions would dislocate supplies and drastically interfere with world trade, thus retarding the recovery of the war-torn countries of Europe. The Spanish people would ultimately work out their own salvation, and external political or economic pressure could be of no help to them.

Representatives who expressed themselves in favor of a policy of non-intervention included those of Argentina, Canada, China, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, Nicaragua, Paraguay, Peru, the Philippine Republic, Sweden, the United Kingdom and the United States. At the 35th meeting of the First Committee on December 2, 1946, the United States representative submitted a resolution designed, in his view, to bring about a change of regime in Spain without civil strife and without foreign intervention. The resolution recommended that Spain be excluded from membership in the United Nations or any international agency related to it. The resolution then went on to state that

THE GENERAL ASSEMBLY,

recognizing that it is for the Spanish people to settle the form of their government; places on record its profound conviction that in the interest of Spain and of world co-operation the people of Spain should give proof to the world that they have a government which derives its authority from the consent of the governed; and that to achieve that end General Franco should surrender the powers of government to a provisional government broadly representative of the Spanish people, committed to respect, freedom of speech, religion, and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, And invites the Spanish people to establish the eligibility of Spain for admission to the United Nations.

A number of other proposals were submitted to the First Committee in the form of amendments either to the Polish or to the United States resolution. The representative of Colombia considered that it was not possible to remove Franco from office without his consent or without bringing about civil strife. He therefore submitted a resolution in which the Assembly expressed the hope that a change might be brought about in the existing social and political system of Spain through co-operation between the Spanish people and their present government. It also recommended to the Latin American Republics that they should offer their good offices to the Government of Spain, should the latter think them useful, in order to achieve the change in the social and political conditions of Spain necessary to enable it to become a Member of the United Nations. If such a course produced no results, the General Assembly at its second session could consider adopting the resolution submitted by the representative of Poland calling for a collective break in diplomatic relations with the Franco regime as well as the proposal of the Byelorussian S.S.R. for economic sanctions.

The representative of Norway expressed concern as to whether a resolution calling for a break in diplomatic relations with the Franco regime would be effectively implemented since recommendations of the General Assembly were not legally binding upon Members of the United Nations. It was important, he urged, that a recommendation to break off relations be adopted by the greatest possible majority and that this majority put it into effect. He therefore submitted an amendment to the Polish resolution proposing that Member States should notify the Secretary-General by January 5, 1947, if they were prepared to break off diplomatic relations with the Franco regime. If two-thirds of the Member States signified their willingness to sever relations, the Secretary-General should request these States to do so as of February 1, 1947. If less than two-thirds of the Member States declared themselves ready to break off diplomatic relations, the Secretary-General should inform the Member States that they were free to break off or not to break off relations with the Franco regime.

The representative of Yugoslavia favored adoption of the United States resolution, with the addition of a paragraph recommending to all Members of the United Nations that they sever diplomatic relations with the government of General Franco. The representative of Bel-

gium proposed to add to the United States resolution a recommendation to the effect that if within a reasonable time the political conditions cited in the United States resolution had not been realized, the Security Council consider adequate measures to be taken in order to remedy the situation. In the meantime the General Assembly should recommend to all Members of the United Nations that they recall immediately from Madrid, by way of warning, their ambassadors and ministers plenipotentiary accredited there.

The delegations of Chile, Guatemala, Mexico, Panama and Venezuela submitted a joint amendment to the United States resolution to omit the last two paragraphs of that resolution as quoted above and to replace them by the following text:

THE GENERAL ASSEMBLY

inasmuch as the United Nations, by the action they took in San Francisco, in Potsdam, in London, and more recently in Lake Success, have in fact collectively refused to maintain relations with the Franco regime, does hereby recommend that the Members of the United Nations take individually the same attitude they have taken collectively and refuse to maintain diplomatic relations with the present Spanish regime.

The Assembly further recommends that the States Members of the Organization report to the Secretary-General and to the next Assembly what action they have taken in accordance with this recommendation.

The First Committee discussed the various proposals at length at the 35th, 36th, 38th and 39th meetings. At its 39th meeting on December 4, 1946, the Committee accepted by 38 votes in favor, with 2 abstentions, a Cuban proposal to appoint a sub-committee of 11 members to draft a resolution based on the proposals and amendments submitted to the Committee which might be unanimously acceptable.

The Committee approved by 28 votes to 8, with 9 abstentions, the composition of the Sub-committee as follows, including the authors of resolutions or amendments to resolutions and the permanent members of the Security Council: Belgium, the Byelorussian S.S.R., Chile, China, Colombia, Cuba, France, Guatemala, Mexico, the Netherlands, Norway, Panama, Poland, the U.S.S.R., the United Kingdom, the United States, Venezuela and Yugoslavia.

At its 43rd meeting on December 9, 1946, the First Committee considered the Sub-Committee's report. The Sub-Committee had used the resolution submitted by the representative of the United States as a basis for discussion. The preamble of the resolution adopted by the Sub-Committee included paragraphs from both the

United States and the Polish resolutions and an amendment submitted by the representative of Belgium. The Sub-Committee further approved the first recommendation contained in the United States resolution, that the Franco government be debarred from membership in any international agency set up by, or brought into relationship with the United Nations. In place of the second recommendation of the United States resolution as quoted above, however, the Sub-Committee adopted the amendment submitted jointly by the delegations of Mexico, Venezuela, Guatemala, Panama and Chile recommending that the Members of the United Nations refuse to maintain diplomatic relations with the present Spanish regime.

In the First Committee the representative of the United States reintroduced, as an amendment to the Sub-Committee's text, the text of his recommendation which had been rejected by the Sub-Committee. The United States text was rejected by a vote of 22 in favor, 22 opposed, with 6 abstentions. The text adopted by the Sub-Committee was likewise rejected by a vote of 20 in favor and 20 opposed, with 10 abstentions.

As the Committee had rejected the two alternative texts before it, the representative of Belgium reintroduced his proposal that the Security Council should consider measures to be taken if a change in regime was not brought about in Spain within a reasonable time, and that in the meantime all Members of the United Nations should recall their ambassadors and ministers plenipotentiary. This proposal was adopted by a vote of 27 to 7, with 16 abstentions. The entire resolution was then adopted by 23 votes to 4, with 20 abstentions.

The report and draft resolution adopted by the First Committee were discussed at the 57th, 58th and 59th plenary meetings of the General Assembly. After many of the representatives had reiterated their points of view as previously expressed in the First Committee, the General Assembly at its 59th plenary meeting on December 12, 1946, adopted the resolution proposed by the First Committee as follows:

The peoples of the United Nations, at San Francisco, Potsdam and London condemned the Franco regime in Spain and decided that as long as that regime remains, Spain may not be admitted to the United Nations.

The General Assembly, in its resolution of 9 February 1946, recommended that the Members of the United Nations should act in accordance with the letter and the spirit of the declarations of San Francisco and Potsdam.

The peoples of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

The General Assembly recalls that in May and June 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The Sub-Committee of the Security Council charged with the investigation found unanimously:

"(a) In origin, nature, structure and general conduct, the Franco regime is a Fascist regime patterned on, and established largely as a result of aid from Hitler's Nazi Germany and Mussolini's Fascist Italy.

(b) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy Powers. First, for example, from 1941 to 1945, the Blue Infantry Division, the Spanish Legion of Volunteers and the Salvador Air Squadron fought against Soviet Russia on the Eastern front. Second, in the summer of 1940, Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco large numbers of Allied troops were immobilized in North Africa.

(c) Incontrovertible documentary evidence establishes that Franco was a guilty party with Hitler and Mussolini in the conspiracy to wage war against those countries which eventually in the course of the world war became banded together as the United Nations. It was part of the conspiracy that Franco's full belligerency should be postponed until a time to be mutually agreed upon."

THE GENERAL ASSEMBLY

CONVINCED that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

RECOMMENDS that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conferences or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.

THE GENERAL ASSEMBLY

FURTHER DESIRING to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations,

RECOMMENDS that, if within a reasonable time, there is not established a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation;

RECOMMENDS that all Members of the United Nations immediately recall from Madrid their ambassadors and ministers plenipotentiary accredited there.

THE GENERAL ASSEMBLY FURTHER RECOMMENDS that the States Members of the Organization report to the Secretary-General and to the next session of the Assembly what action they have taken in accordance with this recommendation.

(1). Action by Member Governments

On December 20, 1946, the Secretary-General sent a circular telegram to Member Governments requesting that he be informed, as soon as possible, of action taken by them in accordance with the above resolution. Fifty-five replies were received which revealed the following:

(a) Three States had recalled ambassadors or ministers following the adoption of the General Assembly's resolution: the Netherlands, the United Kingdom and El Salvador.

(b) Nineteen States had no ambassador or minister plenipotentiary accredited to Spain at the time of the adoption of the resolution: Brazil, Belgium, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Egypt, France, Greece, Nicaragua, Norway, Paraguay, Peru, Sweden, Turkey, the United States and Uruguay.

(c) Thirty States had no diplomatic relations with the Franco Government at the time of the adoption of the resolution: Afghanistan, Australia, Bolivia, the Byelorussian S.S.R., Canada, China, Czechoslovakia, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Lebanon, Luxembourg, Mexico, New Zealand, Panama, Philippine Republic, Poland, Saudi Arabia, Siam, Syria, the Union of South Africa, the Ukrainian S.S.R., the U.S.S.R., Venezuela and Yugoslavia.

(d) One State declared that it would adhere to the General Assembly resolution and had so advised its representative in Madrid: Liberia.

(e) One State replied that proper consideration would be given to the resolution and that the Secretary-General would be informed in due course: Dominican Republic.

(f) One State simply acknowledged receipt of the communication: Argentina.

(2) Resolution in Aid of the Spanish People
Submitted by the Representative of France

The representative of France submitted the following resolution to the Sub-Committee charged with the task of drawing up a generally acceptable resolution on the relations of Members of the United Nations with Spain:

THE GENERAL ASSEMBLY RECOGNIZES

1. That the majority of the Spanish people are in a situation of hardship because they are seriously deprived of food necessary to their existence.

2. That the Franco Regime exports considerable quantities of foodstuffs which are essential for the feeding of the impoverished Spanish people.

3. That the Franco Regime uses foreign exchange obtained from such exports to reinforce the political organization that has been repeatedly condemned by the United Nations.

THEREFORE

THE GENERAL ASSEMBLY RECOMMENDS

That the Members of the United Nations should forthwith put an end to all imports from Spain of foodstuffs and their products until the United Nations is assured that these products are no longer an immediate necessity for the food requirements of the Spanish people.

The Sub-Committee adopted the French proposal by 11 votes to 5, with 2 abstentions. At the 43rd meeting of the First Committee the representative of France stated that the impoverished condition of the Spanish people was known and that in his view a gesture saying that the United Nations would not allow Franco to export the people's necessities would be greatly appreciated. The representative of the United Kingdom opposed the French resolution on the ground that the measures proposed constituted partial economic sanctions, that such measures would interrupt channels of trade and would deprive Great Britain, for example, of its only source of fresh fruits and other products, thus lowering the food standards of the British people.

The First Committee rejected the French proposal by a vote of 32 to 10, with 4 abstentions.

g. Voting Procedure in the Security Council

Two items dealing with the voting procedure in the Security Council were submitted to the second part of the first session of the General

Assembly. The delegation of Australia requested the inclusion of the following item in the agenda:

The application of Article 27 of the Charter (dealing with the method of voting in the Security Council) in the proceedings of the Security Council during 1946, and including the exercise and the purported exercise of the right of veto upon Security Council decisions conferred by Article 27 and the circumstances connected therewith.

The representative of Cuba submitted a proposal for "the calling of a general conference of the Members of the United Nations in accordance with Article 109 of the Charter in order to modify Article 27 of the Charter in order to eliminate the so-called veto privilege." He submitted a second proposal for the calling of a general conference of the Members of the United Nations for the purpose of reviewing the Charter.

At the twentieth meeting of the General Committee on October 25, 1946, the representative of the U.S.S.R. moved that the Committee recommend that these items be not included in the agenda of the General Assembly. He considered that the principle of unanimity among the great powers constituted one of the most solid foundations of the United Nations and should not be subject to discussion or revision. The representative of the U.S.S.R. withdrew his motion after several members had expressed the view that the General Committee was not competent to decide on the merits of the question, and that the three items in question could not be excluded from the agenda.

The General Assembly at its 46th plenary meeting on October 31, 1946, decided that the item submitted by the representative of Australia and the two Cuban proposals be considered together and that they be referred to the First Committee. A proposal by the representative of Cuba to refer the matter jointly to the First and Sixth Committees was defeated by a vote of 14 to 11.

Five draft resolutions were submitted to the First Committee. The representative of Australia submitted the following resolution:

THE GENERAL ASSEMBLY,

MINDFUL of the Purposes and Principles of the Charter of the United Nations and having taken notice of the manner in which the power of veto conferred by Article 27 (3) of the Charter has been employed in the proceedings of the Security Council in relation to matters outside Chapter VII of the Charter

CONSIDERS that in some instances the use and the threatened use of such power of veto have not been in keeping either with the general purposes and principles of the Charter or with the understanding of the United Nations Conference on International Organization held at San Francisco, and therefore

EARNESTLY REQUESTS that the permanent members of the Security Council shall refrain from exercising this power of veto except in cases under Chapter VII of the Charter.

The representative of Cuba combined his two proposals for the calling of a general conference to eliminate the veto and the calling of a general conference to review the Charter. Accordingly he proposed that the General Assembly resolve (1) to convene a general conference for the purpose of reviewing the Charter, the conference to be held immediately after the conclusion of the Assembly, and (2) to appoint a special committee composed of all those Members of the United Nations which should suggest alterations in the Charter before February 1, 1947, this committee to carry out all of the necessary preparatory studies in connection with the general conference.

The representative of the Philippines submitted a resolution to amend Article 27, paragraph 3, of the Charter in such a way as to require the affirmative vote of three instead of all five permanent members of the Security Council for decisions on any matter of substance.

According to a fourth resolution, submitted by the representative of Peru, the General Assembly was to recommend the great powers "to make a more restricted use of the unanimity rule laid down in Article 27, paragraph 3, of the Charter, limiting it to cases in which they are able to state publicly in what way the solution proposed for an international problem affects their security." In addition the General Assembly was to recommend the great powers "to support juridical or pacific solutions based on concepts of international justice and morality and on the protection and defense of human rights advocated in the San Francisco Charter as a means of securing peace."

Finally, the Argentine delegation proposed that the General Assembly recommend to the Security Council that it should include in its rules of procedure a comprehensive definition of what are procedural matters, and an enumeration of such matters. By an affirmative vote of any seven members, the Council was to decide whether a case not foreseen in such an enumeration was procedural or not. Members of the

Security Council were to abstain from voting, moreover, if they were parties to a dispute which the Council tried to settle by peaceful means, and such an abstention would in no manner alter a decision by the voting members.

The First Committee discussed these proposals at its 19th, 20th, 21st, 22nd and 23rd meetings on November 14, 15, 16, and 18, 1946. Some members opposed the rule of unanimity on grounds of principle. The so-called veto, they considered, had been accepted by the small powers at San Francisco only because they were told that the great powers would not accept the Charter otherwise. It was contrary to the principle of the sovereign equality of all nations. The veto, far from promoting the unanimity of the great powers, was undermining it, for any power which knew that it could not suffer legal defeat was unlikely to compromise and go half-way to meet the opposing view. Experience had shown that the frequent exercise of the veto had hampered the work of the Security Council. The Charter, therefore, should be amended, and the veto eliminated altogether.

A large number of representatives criticized the way in which the veto power had been exercised in the Security Council, but considered any attempt to amend the Charter premature and ill-advised. The veto, certain of these representatives charged, had been made an instrument of national policy. It had not been exercised in exceptional cases only in the interests of the United Nations as a whole, as had been anticipated. The great powers had not lived up to the principles of the "Statement by the Delegations of the Four Sponsoring Governments on voting Procedure in the Security Council" issued by the delegations of China, the U.S.S.R., the United Kingdom and the United States during the San Francisco Conference.¹ Though not in favor of amending the Charter, many representatives submitted suggestions designed to limit the use of the veto and to improve the Security Council's procedure.

Of the five permanent members of the Security Council, the delegations of China, France, the United Kingdom and the United States maintained that the rule of unanimity was essential to the functioning of the United Nations. In accepting the veto the framers of the Charter had taken into account the existing political realities. The purpose of the veto was to obviate a divorce between the decisions of the Council

and the enforcement of these decisions. What difficulties the Security Council had encountered arose not from the voting procedure, but from differences of opinion on world problems. Nevertheless, the representatives of China, France, the United Kingdom and the United States expressed the hope that agreement among the great powers themselves would make it possible to modify and limit the use of the veto so as to promote the efficient conduct of the proceedings of the Security Council.

The suggested modifications in the application of the rule of unanimity brought forward by the representatives of China, France, the United Kingdom and the United States as well as by others, included the following:

(1) The permanent members of the Security Council should be requested to refrain from exercising the power of veto except in cases under Chapter VII of the Charter.

(2) The Security Council should be asked to reconsider its own rules of procedure. In particular, the Council should agree upon as complete a list as possible of types of decisions which were procedural and to which the veto therefore did not apply.

(3) The permanent members should be asked to reconsider their Statement on Voting Procedure made at San Francisco and to agree among themselves to extend its scope in the light of the experience of the last ten months.

(4) The veto should be made optional. A negative vote or an abstention by a permanent member should not automatically constitute a veto. This could be accomplished in three possible ways:

(a) a permanent member which wished to refrain from supporting a proposal should be given the right to state, before a vote was taken, whether it wished its negative vote or abstention to constitute a veto or not;

(b) the minority vote of a permanent member or its abstention should be considered as a veto only upon its express demand;

(c) the minority vote of a permanent member should be characterized as a veto unless it made a statement to the contrary.

(5) Abstention by a permanent member should not generally be regarded as a veto.

(6) The absence of a permanent member should not constitute a veto.

(7) If, in a given instance, a permanent member felt compelled to exercise the right of veto

¹ See pp. 23 ff.

it should state the grounds on which it based its conclusion that the interests of the organization as a whole required the exercise of the veto.

(8) A permanent member should not veto a proposal on the ground that it did not go far enough.

(9) States parties to a dispute should be encouraged to settle their differences by negotiation or other means before submitting the dispute to the Security Council.

(10) The Security Council, and the Great Powers in particular, should seek solutions to important questions by a procedure of conciliation, thus avoiding frequent recourse to a vote. Every effort should be made to reach agreement without the necessity of a vote.

The representative of the U.S.S.R., supported by several other representatives, opposed any modification of the rule of unanimity. The proposals advanced in the Committee, he considered, represented an attempt to abrogate the Charter. Without unanimity of the great powers peace could not be maintained. The small powers attacking the veto were trying to undermine that unanimity. The accusations of certain delegations alleging the wilful or unjust use of the unanimity rule lacked foundation. Such criticism was aimed at destroying the basic principles of the Charter. No delegation was obliged to vote contrary to its convictions. The principle of unanimity was realistic, functional and conducive to world peace, and it fulfilled the aims of a true international organization.

At its 23rd meeting on November 18, 1946, the First Committee by a vote of 38 to 6, with 5 abstentions, accepted a French proposal to adjourn discussion of the voting procedure in the Security Council for several days so as to give the five great powers a chance to consult with each other with a view to agreeing on a statement concerning the application of Article 27 which would be satisfactory to the other members of the General Assembly. The Committee resumed consideration of the veto question at its 33rd meeting on December 1, 1946, after discussions among the five great powers had failed to result in agreement.

The representative of Australia submitted a redraft of his resolution which he considered expressed the views of the First Committee. The first two paragraphs of the resolution remained the same as quoted above. The proposal that the General Assembly recommend to the permanent members of the Security Council

that they should refrain from exercising the veto power except in cases under Chapter VII (enforcement action) was omitted. Instead, the Australian representative proposed that the General Assembly should request the permanent members of the Security Council "to make every effort... to ensure that the use of the special voting privilege ... does not hinder or obstruct the Security Council in carrying out its solemn obligations in respect to the peaceful settlement of disputes." The General Assembly should recommend to the Security Council the early adoption of practices and procedures to assist in reducing the difficulties in the application of Article 27. In developing such procedures and practices the Security Council should take into consideration the views expressed by Members of the United Nations during the second part of the first session of the General Assembly.

The representative of the U.S.S.R. submitted the following resolution:

1. Whereas the United Nations organization is still at the initial stage of its activity, The General Assembly Deems it Essential for all states Members of the United Nations to seek further strengthening of the United Nations organization and improvement of the work of its bodies in every way, in accordance with the lofty principles and purposes of its Charter which have been recognized by all peace-loving nations.

2. Attaching particular importance to the joining of effort on the part of nations, large and small, in the development of friendly relations between them and in the establishment of a stable peace and security, The General Assembly Calls Upon The United Nations to extend international co-operation on the above basis while avoiding excessive regimentation and formalism in the activity of their bodies and contributing to the development of practical achievements in the field of political, economic and cultural co-operation between nations.

3. At the same time The General Assembly Expresses the Confidence that in the future the Security Council shall duly take into account the experience of its work during the preceding period with a view to secure conditions which would be as favourable as possible to the adoption of agreed decisions.

After further discussion the First Committee voted 33 to 8 to establish a sub-committee of fourteen members to reconcile the draft resolutions submitted by the delegations of Argentina, Australia, Cuba, Peru, the Philippine Republic and the U.S.S.R.

In the Sub-Committee the representative of the Philippine Republic withdrew his proposal in favor of the Cuban resolution. As the representatives of Cuba, Peru and Argentina felt that their proposals dealt with points of a special character, it was agreed, at their request, to return them to the plenary Committee. The representative of Peru subsequently withdrew his resolution.

Consequently it remained for the Sub-Committee to reconcile the draft resolutions of Australia and the U.S.S.R. The representatives of China, France, India, Poland and Venezuela submitted alternative texts in an effort to reconcile the opposing points of view. The representative of Australia incorporated certain elements of the Chinese and Venezuelan texts in the first and third paragraphs of his resolution. The representatives of the U.S.S.R., France, Poland and India agreed to withdraw their proposals in favor of the Chinese text, which included certain parts of the U.S.S.R., Australian and Polish texts.

As the Sub-Committee was unable to reconcile all of the resolutions referred to it, the First Committee at its 42nd meeting on December 8, 1946, proceeded to vote on the resolutions of Cuba, Argentina, Australia and China. The Chinese resolution was rejected by 24 votes to 13, with 5 abstentions. The Argentine and Cuban proposals were likewise rejected. The Australian resolution, which was voted upon paragraph by paragraph, was adopted with the exception of the second paragraph, which stated that the General Assembly considered that the use of the veto power in the Security Council had not been in keeping either with the general purposes and principles of the Charter or with the understanding of the United Nations Conference on International Organization. The representatives of France, the United Kingdom and the United States had previously stated that they could not support any resolution which included any criticism of the past work of the Security Council.

The representatives of the United Kingdom and the United States announced their support of the resolution as adopted by the First Committee. The representative of China considered that the most important consideration was to adopt a resolution which all the members of the Security Council could accept, because only the Security Council could implement the resolution, and that as several delegations had objected to the Australian resolution it would

not achieve the purpose it was intended to accomplish.

At its 60th plenary meeting on December 13, 1946, the General Assembly by a vote of 36 to 6, with 9 abstentions, approved the resolution as adopted by the First Committee. Of the five permanent members of the Security Council the United Kingdom and the United States voted in favor of the resolution, China and France abstained, and the U.S.S.R. voted in the negative. The text of the resolution was as follows:

THE GENERAL ASSEMBLY

MINDFUL of the purposes and principles of the Charter of the United Nations, and having taken notice of the divergencies which have arisen in regard to the application and interpretation of Article 27 of the Charter;

EARNESTLY REQUESTS the permanent members of the Security Council to make every effort, in consultation with one another and with fellow members of the Security Council, to ensure that the use of the special voting privilege of its permanent members does not impede the Security Council in reaching decisions promptly;

RECOMMENDS to the Security Council the early adoption of practices and procedures, consistent with the Charter, to assist in reducing the difficulties in the application of Article 27 and to ensure the prompt and effective exercise by the Security Council of its functions; and

FURTHER RECOMMENDS that, in developing such practices and procedures, the Security Council take into consideration the views expressed by Members of the United Nations during the second part of the first session of the General Assembly.

The Secretary-General, on January 2, 1947, transmitted the above resolution to the President of the Security Council.

h. Information on Armed Forces to be supplied by Members of the United Nations

By a letter of October 3, 1946, the representative of the U.S.S.R. requested that the question of the presence of troops of the United Nations in non-enemy territories be included in the agenda of the second part of the first session of the General Assembly. The Assembly referred the matter to the First Committee (Political and Security), which discussed it at its 25th, 26th, 27th, 28th, 29th and 30th meetings on November 21, 22, 25, 26, 27 and 28 respectively.

At the 25th meeting of the First Committee on November 21, 1946, the representative of the U.S.S.R. stated that during the war the maintenance of Allied troops on the territory of

friendly States was both necessary and inevitable to help in freeing peoples from the fascist yoke or to protect them from enemy invasion. Although the war was over, however, Allied troops in some instances remained in friendly countries in a position to interfere in their internal affairs, thus arousing uneasiness in the countries concerned.

In August 1946, the representative of the U.S.S.R. pointed out, he had suggested in the Security Council that all Member States submit information on their armed forces and air and naval bases located on the territory of non-enemy States. The Security Council had failed to include this proposal in its agenda. More recently, in the General Assembly, the United States had proposed widening the project to include information on Allied troops in former enemy States as well. The representative of the U.S.S.R. was ready to accept this proposal. Hence he submitted the following draft resolution to the First Committee:

THE GENERAL ASSEMBLY RECOMMENDS to the Security Council to take a decision to the effect that States Members of the United Nations should submit the following information to the Secretary-General and to the Security Council within a month:

1. At what points in the territory of Members of the United Nations or other States with the exception of former enemy territories and in what number, there are armed forces of other Members of the United Nations.
2. At what points in the former enemy States and in what number, there are armed forces of the Allied Powers and other Members of the United Nations.
3. At what points in the abovementioned territories there are air and naval bases and what is the size of their garrisons belonging to the armed forces of States Members of the United Nations.
4. The information to be provided under paragraphs 1, 2, and 3 should refer to the situation as it existed on 1 November 1946.

Adoption of this resolution, the U.S.S.R. representative considered, would enable the United Nations to obtain complete information on armed forces abroad. Such information was essential to the Security Council and the Military Staff Committee, which were studying the question of armed forces to be made available to the Security Council in implementation of Article 43 of the Charter.

The representative of the United States considered that the reports called for in the

U.S.S.R. resolution should be extended to cover all troops in active service throughout the world. The representatives of China and France supported the U.S.S.R. proposal, as well as the suggestion of the United States representative.

The representative of the United Kingdom considered that the question of the presence of troops of the United Nations in non-enemy and ex-enemy territories was closely linked with the question of a general regulation and reduction of armaments, which latter question had likewise been included in the agenda of the second part of the first session of the General Assembly at the request of the U.S.S.R. The United Kingdom representative therefore proposed that these two questions be considered together.

This proposal encountered the opposition of a number of representatives, including those of France and the U.S.S.R. The representative of France remarked that the problem of general disarmament should not deter the Committee from affirming first its intention to study the question of troops abroad, a problem distinct in itself and a first step in the solution of the disarmament problem. In the view of the representative of the U.S.S.R., combining the problem of a troop census with the question of general disarmament would prejudice the solution of both.

At the 27th meeting of the First Committee on November 25, 1946, the representative of the United Kingdom withdrew his proposal for a combined discussion of general disarmament and information on armed forces. Instead, he submitted the following proposals as an amendment to the U.S.S.R. resolution:

(1) The preamble of the U.S.S.R. resolution was to be reworded so as to indicate that the General Assembly considered the submission of information on armed forces as one aspect of the larger problem of the regulation and reduction of armaments, such information being of assistance in the implementation of Article 43 of the Charter.

(2) The information to be submitted in accordance with the U.S.S.R. resolution was to include not only armed forces but also "military type formations."

(3) In addition to the information called for in the U.S.S.R. resolution all States Members of the United Nations were to submit information as to the total number of their uniformed personnel on the active list, wherever stationed,

at home as well as abroad, including military type formations.

(4) All information was to be submitted by January 1, 1947, and should be immediately subjected to an effective United Nations system of verification on the spot by a committee to be established by the Security Council before January 1, 1947.

The representative of the United Kingdom expressed the view that information on troops abroad as called for in the U.S.S.R. resolution was entirely inadequate to enable the Military Staff Committee to implement Article 43, and he therefore questioned the U.S.S.R. delegation's purpose in requesting this information. The U.S.S.R. resolution, the United Kingdom representative stated, would bring returns from only three countries, whereas Article 43 provided that all Members of the United Nations were to make agreements with the Security Council. Hence it would be necessary to obtain information from all 54 Member States. Moreover, the troops maintained abroad by the governments concerned were to be withdrawn shortly, and information as to their numbers would be of little value to the Military Staff Committee in making agreements under Article 43. For these reasons the representative of the United Kingdom had proposed that all Members of the United Nations submit information as to the total of their uniformed personnel stationed at home as well as abroad.

Concerning his proposal for an immediate on-the-spot verification of the information to be submitted, the United Kingdom representative stated that such verification was necessary not only to give the peoples of the world confidence in the information submitted, but also to reconcile the figures furnished by Member Governments so as to put them on a comparable basis.

The representative of the United States supported the United Kingdom amendment to the U.S.S.R. resolution, with the exception of the proposed verification scheme, which he feared would cause delay. He therefore submitted the following text as a substitute for the United Kingdom proposal.

This information [on air and naval bases in foreign territories and on armed forces at home and abroad] should be descriptive of the situation existing on 15 December 1947 and should be supplied to the Secretary-General by 1 January 1947.

The representative of the U.S.S.R. considered that if troops remained in friendly States this

was a serious matter and the reasons for it should be explained. Otherwise the uneasiness reflected in world public opinion might damage morally the States involved and might also impair the moral authority of the United Nations. The Government of the U.S.S.R. was prepared to provide full information on its troops at home when the wider problem of the reduction of armaments was examined. He reiterated his view, however, that the question of troops abroad should not be combined with the question of general disarmament. If the U.S.S.R. proposal for a census of troops abroad were broadened to include information on forces on home territory, the U.S.S.R. representative asserted, it would be necessary to obtain at the same time full information on all types of armaments, including jet-propelled weapons, atomic arms and certain war materials. Information on armed forces at home without full information on armaments would be useless in considering the problem of general disarmament. The representative of the U.S.S.R. therefore submitted the following additional proposal.

THE GENERAL ASSEMBLY deems it necessary that all States Members of the United Nations should submit information regarding armed forces and armaments in their own territory, this information to be submitted when the Security Council will consider the proposals for general reduction of armaments.

The representative of the United Kingdom stated that his Government was not prepared to give information on atomic bombs, jet-propelled aircraft and other armaments except as a part of a combined collective security agreement when his Government was convinced that such an agreement was a reality and not a sham.

Two further proposals were submitted to the First Committee. The representative of Argentina submitted a draft resolution the operative part of which read as follows:

THE GENERAL ASSEMBLY RESOLVES,

1. To RECOMMEND to the Security Council to begin the study of a system for the regulation and general reduction of armaments;

2. To RECOMMEND to the Security Council to begin as soon as possible the study of the agreements referred to in Article 43 of the United Nations Charter, with a view to determining the number, type, and location of the armed forces which will have to be made available to it by Member States;

3. To RECOMMEND to the Security Council, for the purposes stated in the two preceding paragraphs and with a view to maintaining international peace and security, to invite all Member States to furnish information regarding the number and type of armed forces at their disposal within their respective frontiers and outside them.

The representative of Egypt submitted the following amendment to the U.S.S.R. resolution:

THE GENERAL ASSEMBLY CONSIDERS

that according to the letter and spirit of the Charter of the United Nations and to the principle of sovereign equality no State Member can station its armed forces on the territory of another Member except in the cases specified in the Charter.

THE GENERAL ASSEMBLY RECOMMENDS, THEREFORE, to States Members having such armed forces stationed on the territory of other Members to withdraw them without delay.

At its 29th meeting on November 27, 1946, the First Committee, voting paragraph by paragraph, adopted the proposed text submitted by the United Kingdom delegation as an amendment to the U.S.S.R. resolution, with the exception of the recommendation that information on armed forces submitted by Member States be verified by a committee to be established by the Security Council before January 1, 1947. In place of this latter recommendation the Committee adopted the text proposed by the representative of the United States. The resolution as a whole, which the First Committee adopted by a vote of 34 to 7, with 4 abstentions, therefore read as follows:

THE GENERAL ASSEMBLY

CONSIDERING that the items on its Agenda regarding "The presence of troops of the United Nations on non-enemy territories" and "The proposal on the general reduction of armaments" are concerned with two aspects of the same question, namely, the reduction and regulation of armaments;

RECOMMENDS, as a first step in a study of this question and to assist in the implementation of Article 43;

That all Members of the United Nations furnish the following information to the Secretary-General for communication to the Security Council and to other Members of the United Nations, and for publication:

1. At what points in the territory of Members of the United Nations or other States, with the exception of former enemy territories, and in what number, there are armed forces of other Members of the United Nations, including military type organizations.

2. At what points in the former enemy States and in what number, there are armed forces of the Allied Powers and other Members of the United Nations, including military type organizations.

3. At what points in the abovementioned territories there are air and naval bases, and what is the size of their garrisons, belonging to the armed forces of States Members of the United Nations.

4. What is the total number of their uniformed personnel on the active list, wherever stationed, at home as well as abroad, including military type organizations.

This information should be descriptive of the situation existing on 15 December 1946 and should be supplied to the Secretary-General by 1 January 1947.

Before the Committee had proceeded to vote on the United Kingdom recommendation as contained in paragraph 4 above, the representative of the U.S.S.R. had asked that this recommendation be amended to require Member States to submit at the same time information on their armaments. The Committee decided by 24 votes to 18, with 10 abstentions, not to vote on this amendment. The representative of the U.S.S.R. then asked for a vote on his previous proposal that Member States submit information on their armed forces and armaments in their own territory, this information to be submitted when the Security Council considered proposals for the general reduction of armaments.

The representative of the United Kingdom objected to a vote on this proposal on the ground that the Committee had not discussed its substance. The representative of the U.S.S.R. pointed out that the amendment had been submitted to the Committee two days previously and that the Committee had had ample time to consider it. The First Committee by a vote of 24 to 18, with 10 abstentions, decided not to vote on the U.S.S.R. proposal.

The representative of the United Kingdom likewise objected to a vote on the proposal submitted by the representative of Egypt, on the ground that it was not correctly an amendment but a new proposal, as it bore no relation to agreements to be concluded under Article 43 of the Charter. By 29 votes to 13, with 9 abstentions, the First Committee decided not to vote on the Egyptian proposal.

As the United Kingdom text as amended by the United States had been adopted by the First Committee, no vote was taken on the Argentine proposal.

The representatives of the U.S.S.R., Egypt and Argentina resubmitted their respective proposals to the First Committee when the Committee discussed the question of the general regulation and reduction of armaments. A Sub-Committee appointed by the First Committee to draft a commonly acceptable resolution on the question of general disarmament took these proposals into consideration in preparing its text.

When the General Assembly considered the report of the First Committee at its 52nd plenary meeting on December 8, 1946, the representative of the United Kingdom reintroduced in a somewhat revised form his proposal for a verification of the information to be submitted in accordance with the resolution adopted by the First Committee.

The representative of the U.S.S.R. stated that the First Committee's decision to include forces in home territory in the troop census originally proposed by the U.S.S.R. delegation was unacceptable. He therefore moved that the relevant paragraph of the resolution adopted by the First Committee be deleted. This proposal was supported by the representative of France, who considered that the submission of information on troops in non-enemy and ex-enemy territories would be useful in promoting the progressive and balanced reduction of these forces. It was therefore desirable to exclude the question of troops in home territory from the resolution and to consider it in connection with the question of general disarmament.

After further discussion at the 53rd plenary meeting of the General Assembly on December 10, 1946, the representative of the U.S.S.R. at the 54th plenary meeting asked the representatives of the United Kingdom and the United States whether they would be willing to report on their armed forces and armaments at home as well as abroad, the First Committee having previously decided not to vote on this proposal. The representative of the United Kingdom stated that, accepting the challenge of the representative of the U.S.S.R., his Government was prepared to give such a report if the U.S.S.R. would agree to the immediate establishment of international machinery of control and inspection operating not through national but through international agencies without "veto."

The representative of the U.S.S.R. in turn accepted this latter proposal on condition that information on armaments as well as troops be subject to verification. Accepting this further

suggestion, the representative of the United Kingdom submitted the following amendment to the resolution adopted by the First Committee:

THE GENERAL ASSEMBLY RECOMMENDS

1. The immediate establishment of an international supervisory commission operating within the framework of the Security Council, but in its operations not subject to the veto of any Power on the Security Council, which shall be entitled by agents of any nationality acting on its behalf, to verify and confirm on the spot in the territory of any Member State, any or all of the information submitted in accordance with any request of the General Assembly or of the Security Council as to armed forces or armaments.

2. When the said supervisory commission has been established, the Member States shall be required to submit full particulars of their armaments of different categories as well as of their forces under each of the paragraphs one to four above.

The representative of the U.S.S.R. stated that he accepted the amendment proposed by the United Kingdom in principle, but that the wording was not entirely satisfactory. He therefore suggested that the above text be referred for redrafting to the Sub-Committee of the First Committee on Disarmament. The representatives of China and France stated that they had not had sufficient time to study the new United Kingdom proposal. They therefore favored referring the matter to the Sub-Committee on Disarmament. The representative of the United States opposed any modification of the resolution adopted by the First Committee. His Government was not prepared to submit information on armaments except as a part of a program of general disarmament.

The President of the General Assembly cautioned Members not to act too hastily. If the Assembly should adopt the resolution of the First Committee, the U.S.S.R. proposal for submission of information on armaments as well as armed forces and the United Kingdom amendment as quoted above, it would mean that before January 1, 1947, all governments would have to send to the Security Council all the information on their armed forces and armaments. It would also mean, the President stated, that before January 15, 1947, the system of international control and verification would have to be established.

In view of the fact that the representatives of the U.S.S.R. and the United Kingdom did not

agree on the text of the United Kingdom amendment, the General Assembly decided to refer the matter to the Sub-Committee of the First Committee on Disarmament.

After long discussion the Sub-Committee concluded that there was no practical possibility of arriving at a balanced text incorporating the amendments submitted by the U.S.S.R. and the United Kingdom. Moreover, the Sub-Committee found that in dealing with the problem of disarmament it had at the same time dealt with the presence of troops on foreign territory. In the circumstances the Sub-Committee considered it logical to propose that the resolution adopted by the First Committee be dropped and that instead the following resolution be adopted:

THE GENERAL ASSEMBLY

DESIROUS of implementing, as soon as possible, the resolution of 14 December 1946 on the Principles governing the Regulation and Reduction of Armaments;¹

CALLS UPON the Security Council to determine, as soon as possible, the information which the States Members should be called upon to furnish, in order to give effect to this resolution.

The First Committee considered the report of the Sub-Committee at its 44th meeting on December 13, 1946. The representative of the U.S.S.R. objected that the First Committee was not competent to examine the new proposal and to drop the resolution previously adopted by the First Committee. The latter resolution therefore remained before the General Assembly to adopt or reject. A resolution to this effect submitted by the representative of Czechoslovakia was rejected by 26 votes to 6, with 7 abstentions. By 29 votes to 4, with 6 abstentions, the First Committee then voted to recommend to the General Assembly the adoption of the new resolution in place of the resolution previously adopted by the First Committee.

The General Assembly at its 63rd plenary meeting on December 14, 1946, adopted the substitute resolution as quoted by 36 votes to 6, with 4 abstentions.

i. Principles Governing the General Regulation and Reduction of Armaments

By a letter of October 29, 1946, the delegation of the U.S.S.R. submitted a "Proposal Concerning the General Reduction of Armaments" for inclusion in the agenda of the General Assembly. At its 46th plenary meeting on October 31, 1946, the Assembly referred the matter to the First Committee.

On November 26, 1946, the U.S.S.R. delegation submitted a supplementary proposal concerning the establishment of a system of international control and inspection. The U.S.S.R. delegation subsequently submitted the following resolution combining the abovementioned proposals:

1. With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations, the General Assembly recognizes the necessity of a general reduction of armaments.

2. The implementing of the decision concerning the reduction of armaments should include as the primary object the prohibition to produce and use atomic energy for military purposes.

3. To ensure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes, there shall be established within the framework of the Security Council, which has the primary responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed:

(a) A Commission for the control of the execution of the decision regarding the reduction of armaments;

(b) A Commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes.

4. The General Assembly deems it necessary that all States Members of the United Nations Organization should submit information regarding all their armed forces and armaments, this information to be submitted when the Security Council will consider the proposals for general reduction of armaments.

5. The General Assembly recommends that the Security Council should ensure the effective implementing of the principles laid down in Paragraphs 1, 2, and 3 above.

6. The General Assembly appeals to the Governments of all the States to give to the Security Council all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of its mission to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by the excessive expenditure on armaments which do not correspond to peaceful post-war conditions.

The First Committee discussed the question of a general regulation and reduction of armaments at its 30th, 31st, 32nd, 34th, 38th and 44th meetings held on November 28, 29, 30 and December 2, 4 and 13 respectively. Commenting

¹ See pp. 142, 143.

on the U.S.S.R. delegation's proposal, the Soviet representative stressed the necessity for taking serious measures to put an end to the armament race. Not only armed personnel, but military technique and technical means of war must be considered in the problem of disarmament. The Soviet delegation attached particular importance in this connection to the problem of atomic energy. The conclusion of a convention prohibiting both the production and use of atomic weapons was the first step the United Nations must take if a program of general disarmament was to be successful. The U.S.S.R. resolution therefore included a specific recommendation to this effect.

Many representatives commended the U.S.S.R. delegation for taking the initiative in submitting a proposal for the general reduction of armaments, and expressed agreement with the aims of the U.S.S.R. resolution. A number of representatives, however, felt that the wording of the U.S.S.R. resolution was too vague and that it was desirable to formulate more precisely the principles which would have to guide a general program of disarmament. Among the specific points raised by these representatives were the following:

(1) No general reduction of armaments could be undertaken without a corresponding development of a system of collective security which would afford all nations security from aggression. Those countries particularly which had fallen easy prey to nazi aggression in 1940, due to their military unpreparedness, insisted on an adequate degree of collective defense as a corollary to any program of general disarmament. To promote such a system of collective security the General Assembly should recommend that the Security Council expedite the conclusion of agreements with Member nations concerning the use of their armed forces on behalf of the United Nations in accordance with Article 43 of the Charter.

(2) No general reduction of armaments could be put into effect without an adequate system of international control and inspection to protect complying States against the hazards of violation or evasion. An international control commission should be established by a treaty or convention accepted by virtually all States, this international control commission to have access to the territory of all Member States and to enjoy full freedom to verify on the spot information submitted by Member Governments on the state of their armed forces and armaments.

(3) An international agency of control and inspection, although operating within the general framework of the Security Council, must be free in its operations from the application of the rule of unanimity. No power must have the right to veto the activities of an international disarmament body.

(4) Any program of general disarmament to be undertaken in the future must not interfere with or duplicate the work already undertaken by the United Nations Atomic Energy Commission. The most practical way to implement the U.S.S.R. delegation's proposal for atomic energy control was to urge the expeditious fulfillment of the Atomic Energy Commission's task.

(5) An effective system of safeguards and controls in the field of atomic energy must accompany any convention prohibiting the production and use of atomic weapons in the same way that safeguards must be applied in the field of conventional armaments.

Contrary to the view of the U.S.S.R. delegation, which considered the prohibition of atomic weapons as the problem of foremost importance to be solved first, most representatives felt that the various aspects of disarmament were inter-related and that the problems of general disarmament, atomic energy control, collective security and the development of adequate control measures must be studied simultaneously.

Embodying certain of the points outlined above, the delegations of Australia and Canada each submitted amendments to the U.S.S.R. proposal. Accepting in substance most of the suggestions of the Australian delegation, the representative of Canada submitted a revised text of his own amendment which read as follows:

1. With a view to strengthening international peace and security, in conformity with the Purposes and Principles of the United Nations, the General Assembly recognizes the necessity of an early and general regulation and reduction of armaments.

2. The General Assembly recommends to the Security Council that, as the first step towards a general regulation and reduction of armaments, the Security Council, without further delay, proceed to negotiate with Members of the United Nations under Article 43 of the Charter the special agreements making available to the Security Council on its call the armed forces and other assistance and facilities necessary for the purpose of maintaining international peace and security.

3. In order that atomic weapons and all other major weapons adaptable to mass destruction

shall be eliminated from national armaments at the earliest possible date, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its task under the terms of reference set forth in Section 5 of the General Assembly Resolution of 24 January 1946, by which the Commission is required to proceed with the utmost despatch and to make the following specific proposals:

"(a) for extending between all nations the exchange of basic scientific information for peaceful ends;

"(b) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

"(c) for the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction;

"(d) for effective safeguards by way of inspection and other means to protect complying states against the hazards of violation and evasions."

4. The General Assembly considers that, since the activities in the domain of atomic energy leading to peaceful and destructive ends are so intimately inter-related as to be almost inseparable, the control of atomic energy to ensure its use only for peaceful purposes, the elimination of atomic weapons from national armaments, and the provision of effective safeguards to protect complying states against the hazards of violations and evasions must be accomplished through a single international instrument or treaty designed to carry out these related purposes concurrently.

5. The General Assembly recommends a system for the general regulation and reduction of armaments based on a treaty or convention accepted by virtually all states and providing for effective international safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. It further recommends that there be set up, under the treaty or convention, a Permanent International Commission of Control with power to make such investigations, including the appointment of permanent inspectors and special commissions of enquiry, as it may deem necessary to detect a breach or threatened breach of the treaty or convention and of subsequent supplementary agreements on the regulation and reduction of armaments.

6. To the end that an international treaty or convention on disarmament may be concluded as soon as possible, the General Assembly recommends to the Security Council that, with the assistance of the Military Staff Committee, it submit plans at the earliest practicable date to the Members of the United Nations for the establishment of a system for the regulation of armaments as is provided for in Article 26 of the Charter.

7. The General Assembly, being confident that the attainment of these objectives would contribute greatly to the establishment of enduring peace and the maintenance of international security, and being convinced that it

would make possible a rise in the standards of living of all the peoples of the United Nations by lightening the heavy economic burden imposed on them by excessive expenditures for national armaments which do not correspond to peaceful postwar conditions, calls upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission to enable them to attain speedily the objectives set forth in this Resolution.

At the 31st meeting of the Security Council on November 29, 1946, the representative of the U.S.S.R. indicated that the Australian and Canadian amendments were not acceptable to the U.S.S.R. delegation. In answer to a question by the representative of the United Kingdom concerning the application of the veto to the work of the control commissions to be established in accordance with the U.S.S.R. resolution, the Soviet representative stated that the control system contemplated by the U.S.S.R. delegation was to be established within the framework of the Security Council. As a consequence "the conclusion must be drawn that this system would be subject to all the Charter provisions affecting the consideration by the Security Council of the questions within its competence." In answer to further questioning the U.S.S.R. representative stated that if renunciation of the "veto" were regarded as a basis for acceptance of the proposal for reduction of armaments, unanimity would hardly be possible. The representatives of the United Kingdom and the United States, on the other hand, stressed the fact that they would not accept any system of disarmament which would not eliminate the veto from the operation of an international system of control and inspection.

After further discussion the representative of France submitted a number of recommendations as amendments to the U.S.S.R. resolution. At the 34th meeting of the First Committee the representative of the United States submitted the following draft resolution:

1. With a view to strengthening international peace and security in conformity with the purposes and principles of the United Nations, the General Assembly recognizes the necessity of an early general regulation and reduction of armaments. Accordingly, the General Assembly recommends that the Security Council give prompt consideration to working out the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments pursuant to international treaties and agreements and to assure that such regulation and reduction will be generally observed by all partici-

pants and not unilaterally by only some of the participants.

2. The General Assembly recognizes that essential to the general regulation and reduction of armaments is the early establishment of international control of atomic energy and other modern technological discoveries to ensure their use only for peaceful purposes. Accordingly, in order to ensure that the general regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons the General Assembly recommends that the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before 31 December 1946, and facilitate the progress of the work of that Commission.

3. The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly, the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

4. The General Assembly calls upon the Governments of all States to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

At the 38th meeting of the First Committee the representative of the U.S.S.R. announced his willingness to accept the United States resolution as a basis of discussion and submitted a number of amendments to that resolution which would render it acceptable to the U.S.S.R. delegation. On the subject of the "veto" in relation to arms control, which appeared to be the major obstacle to agreement among the members of the Committee, the representative of the U.S.S.R. stated that "the rule of unanimity in the Security Council has nothing to do with the work of the control commissions. Therefore, it is incorrect to say that a permanent member with its 'veto' could prevent the implementation of a control system."

In view of this statement modifying the Soviet delegation's position as previously expressed, the Committee felt that a sub-committee would be able to reach agreement on a commonly acceptable draft. The First Committee therefore decided to establish a Sub-Committee

of twenty members, consisting of Argentina, Australia, Belgium, Brazil, Canada, China, Colombia, Czechoslovakia, Egypt, France, India, Mexico, the Netherlands, Norway, Poland, Syria, the Ukrainian S.S.R., the U.S.S.R., the United Kingdom and the United States.

When the First Committee had discussed the question of the presence of armed forces of Members of the United Nations in foreign territories and the question of information to be submitted by Member Governments on their armed forces and armaments, the representatives of the U.S.S.R., Argentina and Egypt had introduced proposals which the First Committee had not voted on. The representatives of the U.S.S.R. and Argentina therefore resubmitted their proposals in identical form to the First Committee in connection with the discussion of general disarmament. The Egyptian representative submitted a draft resolution similar to his original proposal.

These proposals were referred to the Sub-Committee, together with the proposals on the general regulation and reduction of armaments submitted by the representatives of Australia, Canada, France, the U.S.S.R. and the United States. The Sub-Committee adopted the United States resolution as the basis of its work. In addition to the proposals just mentioned, the Sub-Committee considered further amendments submitted by the delegations of India, the United Kingdom, and Canada. After a full discussion a drafting group consisting of the Chairman and the Rapporteur of the Sub-Committee and the representatives of Canada, China, Egypt, France, the U.S.S.R., the United Kingdom and the United States, was appointed. The draft proposal submitted by this group was, with some additions and changes, adopted by the Sub-Committee on December 12, 1946.

At its 44th meeting on December 13, 1946, the First Committee, after making some further drafting changes, unanimously and by acclamation adopted the resolution recommended by the Sub-Committee. Likewise by unanimous vote, the General Assembly at its 63rd plenary meeting on December 14, 1946, adopted the resolution, which read as follows:

1. In pursuance of Article 11 of the Charter and with a view to strengthening international peace and security in conformity with the Purposes and Principles of the United Nations,

THE GENERAL ASSEMBLY,

RECOGNIZES the necessity of an early general regulation and reduction of armaments and armed forces.

2. ACCORDINGLY,
THE GENERAL ASSEMBLY,

RECOMMENDS that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and armed forces and to assure that such regulation and reduction of armaments and armed forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter.

3. As an essential step towards the urgent objective of prohibiting and eliminating from national armaments atomic and all other major weapons adaptable now and in the future to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to ensure their use only for peaceful purposes,

THE GENERAL ASSEMBLY,

URGES the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of 24 January 1946.

4. In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons,

THE GENERAL ASSEMBLY,

RECOMMENDS that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.

5. THE GENERAL ASSEMBLY,

FURTHER RECOGNIZES that essential to the general regulation and reduction of armaments and armed forces is the provision of practical and effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

Accordingly,

THE GENERAL ASSEMBLY,

RECOMMENDS to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and the general regulation and reduction of armaments.

6. To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the prohibition of the use of atomic energy for military purposes and the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

THERE SHALL BE ESTABLISHED,

within the framework of the Security Council, which bears the primary responsibility for the maintenance of international peace and security, an international system, as mentioned in paragraph 4, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

7. THE GENERAL ASSEMBLY,

regarding the problem of security as closely connected with that of disarmament,

RECOMMENDS the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter;

RECOMMENDS the Members to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their armed forces stationed in ex-enemy territories, and the withdrawal without delay of their armed forces stationed in the territories of Members without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements.

FURTHER RECOMMENDS a corresponding reduction of national armed forces, and a general progressive and balanced reduction of national armed forces.

8. Nothing herein contained shall alter or limit the resolution of the General Assembly passed on 24 January 1946, creating the Atomic Energy Commission.

9. THE GENERAL ASSEMBLY,

CALLS upon all Members of the United Nations to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment and maintenance of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

j. Treatment of Indians in the Union of South Africa

By a letter of June 22, 1946, the Government of India requested that the question of the treatment of Indians in the Union of South Africa be included in the provisional agenda for the second part of the first session of the General Assembly.

At the nineteenth meeting of the General Committee on October 24, 1946, the representative of the Union of South Africa maintained that the question concerned not Indian nationals, but Indians nationals of the Union of South Africa. Therefore the question, according to Article 2, paragraph 7, of the Charter, was essentially within the domestic jurisdiction of the Union of South Africa and should be removed from the agenda.

The General Committee failed to support the request of the representative of the Union of South Africa. The representative of the United Kingdom moved that the question be referred to the Sixth Committee (Legal). The representatives of the U.S.S.R., India, and the Ukrainian S.S.R. considered the question to be primarily political and thought that it should be referred to the First Committee (Political and Security). The representative of the United States proposed that the question be referred both to the First and Sixth Committees. This proposal was amended by the representative of the U.S.S.R. to the effect that the matter be discussed by a joint meeting of the First and Sixth Committee. The proposals were referred to the General Assembly, which at its 46th plenary meeting on October 31, 1946, decided that the question should be considered jointly by the First and Sixth Committees.

The Joint First and Sixth Committee held six meetings on November 21, 25, 26, 27, 28 and 30, 1946, at which it discussed the question of the treatment of the Indians in South Africa.

Presenting his Government's case, the representative of India stated that the first Indians had come to the British colony of Natal as indentured laborers in 1860 in response to an appeal by the European settlers and by virtue of an agreement between the Government of India and the British Government which provided that Indians emigrating to South Africa were not to be subjected to any special laws different from those in force for Europeans. Although the Natal Government had continued to encourage the immigration of indentured

Indian laborers, increasing agitation against free Indian settlers had led to the enactment of discriminatory measures from 1855 on. When Mr. Gandhi was in South Africa he organized a campaign of passive resistance in 1907, and again in 1913, against various restrictive measures. This resulted in the Smuts-Gandhi agreement and the enactment of an Indian Relief Bill, which remedied the Indians' grievances and stopped immigration.

After the First World War, anti-Asiatic agitation reappeared. The Smuts-Gandhi agreement was then abandoned by the Union of South Africa and an agreement known as the Capetown Agreement was concluded between the Government of South Africa and the Government of India, which was renewed in 1932. This agreement had not been abrogated. Nevertheless, anti-Indian agitation continued and reached a climax in 1943 when the province of Natal passed the "Pegging Act," which imposed statutory restrictions in respect of the right of Asiatics to acquire land. In 1946 the Union Government passed the Asiatic Land Tenure and Indian Representation Act, the result of which was the complete segregation of Indians as regards both trade and residence.

Passage of this bill, the Indian Government considered, constituted a unilateral repudiation of the Capetown Agreement. It constituted a violation of the provisions of the United Nations Charter in regard to human rights and freedoms. Finally, the Indian Government contended that a situation had arisen which was likely to impair friendly relations between India and South Africa, for the Indian Government, in response to the measures adopted by the Union Government, had given notice of the termination of the trade agreement between the two countries and had recalled its High Commissioner from South Africa. In accordance with Articles 10 and 14 of the Charter the Indian Government was therefore submitting this situation for consideration by the General Assembly.

On November 20, 1946, the representative for India submitted the following resolution to the Joint First and Sixth Committee:

THE GENERAL ASSEMBLY, having taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa and having considered the matter,

IS OF THE OPINION THAT:

(a) the Union Government's discriminatory treatment of Asiatics in general and Indians in particular on the grounds of their race constitutes a denial of human rights and fundamental freedom and is contrary to the Charter,

(b) the Union Government's policy in general and the enactment of the Asiatic Land Tenure and Indian Representation Act of 1946, in particular, have impaired friendly relations between the two Member States, and unless a satisfactory settlement is arrived at immediately, these relations are likely to be further impaired.

THE GENERAL ASSEMBLY, THEREFORE, CONSIDERS that the Union Government should revise their general policy and their legislative and administrative measures affecting Asiatics in South Africa, so as to bring them into conformity with the principles and purposes of the Charter and requests the Union Government to report at the next session of the General Assembly the action taken by them in this behalf.

In reply to the arguments presented by the Indian delegation, the Government of the Union of South Africa submitted that the Governments of Natal and of South Africa had entered into agreements with the Government of India for the immigration of Indian laborers on the understanding that the Indians would be repatriated at the end of their term of indenture. Although Indians, for a time, were allotted land in South Africa in lieu of the agreed free passage home to India, the principle of ultimate repatriation had never been abandoned. But while the responsible Governments of South Africa had insisted on the temporary character of the Indians' stay in South Africa, the British and the Indian Governments had pressed South Africa to grant citizen rights to the Indians.

The Smuts-Gandhi Agreement and the Act of Parliament of 1914 were hailed by the Indians as a triumph for their cause of permanent domicile. In the subsequent years the Indians nourished and entered many of the urban avocations. The urban Indian influx and the growing commercial success of Indian traders had caused the deepest misgivings among the Europeans, who saw their whole future menaced by an alien civilization: hence certain restrictive measures enacted by the South African Government after the First World War.

The Capetown Agreement of 1927 was an attempt to obviate the necessity for such measures. In that agreement the Government of India formally recognized the right of South

Africa "to use all just and legitimate means for the maintenance of Western standards of life." The object of the agreement was twofold: (1) The Indian population in South Africa was to be reduced through a scheme of assisted emigration to India, to which end the Indian Government pledged its co-operation; (2) the "irreducible minimum" of Indians who would remain in South Africa and who would as far as practicable be assimilated to Western standards of life were to benefit by the application of "uplift" measures on the part of the South African Government.

But while, as a result of the Capetown Agreement, Indians in South Africa made great advances in education, social legislation, etc., the Indian Government, through adverse publicity and intimidation of prospective emigrants, the South African Government charged, brought about the failure of the assisted emigration scheme, with the result that the Indian population of South Africa increased rather than decreased.

As a result of the failure of repatriation, the Union Government was faced with the problem of adjusting race relations in Natal. The increasing penetration of European residential areas in the city of Durban during the war aroused the fears of the white inhabitants. Finally, the pressure of public opinion compelled the Government to pass the "Pegging Act" (1943), and still later the Asiatic Land Tenure and Indian Representation Act (1946).

The latter Act prevented Indians from acquiring land in certain areas reserved for white occupation, and vice versa. There was no discrimination, the representative of South Africa stated, as the law applied equally to Europeans and Indians. The Act, which was condemned by the Government of India as discriminatory, actually should be welcomed, for it formally recognized the South African Indian population for the first time as members of the South African community by giving the Indians two seats in the Provincial Council of Natal.

The representative of South Africa maintained that in the domain of its domestic affairs a State was not subject to control or interference and its actions could not be called into question by any other States. The Acts which had caused the Indian Government to break off trade relations with South Africa and to appeal to the United Nations were matters within the domestic jurisdiction of the Union. The Charter

did not permit a State to impair friendly relations with another State or to endanger the maintenance of peace and security because it disapproved of the manner in which the domestic affairs of any other State were conducted.

The South African representative further maintained that the Capetown Agreement of 1927 and the Joint Communiqué of 1932 were not instruments giving rise to treaty obligations.

Finally, the South African delegation contended that the Union Government had not violated any fundamental human rights within the terms of the Charter of the United Nations. Up to the present, the South African representative stated, there did not exist any internationally recognized formulation of such rights, and the Charter itself did not define them. Member States, therefore, did not have any specific obligations under the Charter. Moreover, political rights and freedoms, in the view of the South African representative, were not fundamental. Such an argument was tantamount to saying that the most progressive races should be retarded by the less progressive if the latter were in the majority. Equality in fundamental rights and freedom could be assured in a multi-racial State only by a measure of discrimination in respect of non-fundamental rights.

In view of the fact that the present case would form a precedent for the future, the representative of South Africa submitted a resolution proposing that the Joint First and Sixth Committee recommend to the General Assembly that an advisory opinion be sought from the International Court of Justice upon the question whether the matter before the Assembly was, under Article 2, paragraph 7, of the Charter essentially within the domestic jurisdiction of the Union of South Africa.

Many representatives opposed the South African proposal on the ground that the political aspects of the question far outweighed its legal aspects. The Assembly, these representatives considered, was fully competent to consider the matter. Contrary to the contention of the South African representative in regard to the Capetown Agreement, it was maintained that any solemn agreement between States constituted a treaty. As to the question of fundamental human rights and freedoms, it was agreed that by adopting the Charter, Member States had made a certain renunciation of their sovereignty. The Charter imposed upon

each Member an obligation to refrain from policies based upon race discrimination. To treat the Indian question as a legal matter would weaken the prestige of the United Nations, one of whose noblest tasks it was to promote respect for human rights and fundamental freedoms.

Representatives who supported the proposal of the South African delegation stressed the importance of the preliminary legal question of the General Assembly's competence. As one of the parties had denied the Assembly's competence, it was important to obtain a proper determination of the facts, an authoritative exposition of the law and a judicial application of the law to the facts so determined. Moreover, it was desirable to follow a course which was agreeable to the Government of South Africa. At the same time such a course could only be of benefit to the Indians, if the Court decided that the question was one of international jurisdiction.

The representatives of France and Mexico supported the contentions of the Indian delegation. They jointly submitted a draft resolution as an amendment to the resolution of the representative of India, embodying the same point of view, but phrased in more conciliatory language.

The representatives of Sweden and the United Kingdom submitted different draft resolutions with a view to referring the question to the International Court of Justice. These resolutions were later withdrawn in favor of the following text submitted jointly by the delegations of Sweden, the United Kingdom and the United States:

THE GENERAL ASSEMBLY,

HAVING taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa and having considered the matter, is of opinion that, since the jurisdiction of the General Assembly to deal with the matter is denied and since the questions involved are consequently of a legal as well as of a factual nature, a decision based on authoritatively declared juridical foundations is the one most likely to promote realization of those purposes of the Charter to the fulfillment of which all Members of the United Nations are pledged as well as to secure a lasting and mutually acceptable solution of the complaints which have been made.

THE ASSEMBLY THEREFORE RESOLVES THAT

The International Court of Justice is requested to give an advisory opinion on the question whether the matters referred to in the

Indian application are, under Article 2, paragraph 7 of the Charter, essentially within the domestic jurisdiction of the Union.

The Polish delegation submitted an amendment to the joint resolution of Sweden, the United Kingdom and the United States containing the following points: (1) the authority of the General Assembly to deal with the matter was undeniable; (2) the treatment of Indians in the Union of South Africa impaired friendly relations between two Member States of the United Nations; (3) the legislation now in force in the Union should be abolished or amended, so as to remove discrimination; (4) the two Governments should report to the second session of the General Assembly on the measures taken to this end.

The following further draft resolution was submitted by the delegation of Colombia:

1. WHEREAS the following proposal was unanimously approved by the General Assembly at its session of 19 November 1946:

"The General Assembly of the United Nations declares that it is in the higher interests of Humanity to put an immediate end to religious and so-called racial persecutions and discrimination, and calls on the Governments and responsible authorities to conform both to the letter and to the spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end."

2. WHEREAS the Indian delegation to this Assembly has requested the Assembly to take action with a view to the modification of the laws of the Union of South Africa which establish racial discrimination against the Indians.

RESOLVES

1. To request the International Court of Justice to give an advisory opinion on the following legal questions:

(a) Whether the Members of the United Nations, in accordance with the Preamble and Article 1, paragraph 3 of the Charter, are under obligation to amend immediately their internal legislation when it establishes racial discrimination incompatible with the text of the Charter.

(b) Whether the Members of the United Nations are entitled in the future to enact internal legislation embodying racial discrimination.

(c) Whether laws of racial discrimination constitute, or may be alleged by States to constitute matters of internal jurisdiction on which the General Assembly is debarred from making recommendations to the State or States concerned, to the Security Council or to the Economic and Social Council.

2. To request the Members of the United Na-

tions to inform the Secretary-General before 31 March 1947 of such of their internal laws as may establish racial discrimination, and to furnish him with the text of such laws. This information and the respective laws shall be published and made known by the Secretary-General to all Members of the Organization.

At the fifth meeting of the Joint First and Sixth Committee on November 28, 1946, the representative of China proposed the establishment of a small sub-committee, including the representatives of India and the Union of South Africa, to study the various proposals before the Committee and to submit a draft resolution suggesting a basis for resumption of negotiations by the two parties concerned for a satisfactory settlement of the case. The representative of Columbia submitted a similar proposal as an amendment to the Chinese resolution.

The representative of India opposed the appointment of a sub-committee as he did not think that there was any sound basis for a continuation of negotiations. Moreover, both the representatives of India and South Africa refused to sit on a sub-committee, but insisted on a vote in the plenary Committee on the principles involved. The Chinese and Colombian delegations therefore withdrew their proposals.

At the sixth meeting of the Joint First and Sixth Committee on November 30, 1946, the representative of India stated that his delegation was satisfied that it had obtained a full discussion of the vital issues at stake. So as not to seem vindictive and in order to facilitate the voting, the Indian representative withdrew his resolution in favor of the more conciliatory text submitted jointly by the representatives of France and Mexico. The representative of South Africa withdrew his resolution in favor of the joint resolution of Sweden, the United Kingdom and the United States. A vote was then taken on the French-Mexican text, which the Committee adopted by 24 votes to 19, with 6 abstentions.

At the 50th plenary meeting of the General Assembly on December 7, 1946, the representative of South Africa stated that the vote in the Committee had been indecisive. The resolution had been adopted by only 24 votes, less than an absolute majority of all of the Members of the United Nations. Moreover, under the voting procedure, the Committee had not really dealt with the South African suggestion to refer the matter to the International Court of Justice.

To condemn a Member State of the United Nations on very grave charges by such a vote would be monstrous and a course which the General Assembly could not countenance. He urged that in all justice and fairness the General Assembly was bound to pass its own judgment on the matter. Therefore the representative of South Africa resubmitted the text of the resolution of Sweden, the United Kingdom and the United States with a slight drafting change, as an amendment to the resolution adopted by the Joint First and Sixth Committee.

During the lengthy discussion which ensued at the 50th, 51st and 52nd plenary meetings of the General Assembly, many of the representatives restated their points of view as previously expressed in Committee.

Before the Assembly proceeded to a vote the question of whether a two-thirds majority was required was debated. In favor of a two-thirds majority vote the representative of South Africa, supported by a number of other delegations, maintained that all speakers had stressed the importance of the matter, and that it had been contended that the question impaired friendly relations between India and South Africa. It was therefore a question affecting the maintenance of peace and security in the sense of Article 18 of the Charter. Other representatives, including the representative of India, expressed the view that the enumeration in Article 18, paragraph 3, of categories of questions requiring a two-thirds majority was exhaustive and should be added to only in very exceptional cases. A decision to refer the matter to the Court would be a question of procedure, and the operative part of the resolution adopted by the Joint First and Sixth Committee merely called on the two Governments concerned to report to the next session of the General Assembly. By a vote of 29 to 24, with 1 abstention, the Assembly decided that a two-thirds majority was required.

The General Assembly then rejected the South African amendment to the resolution of the Joint First and Sixth Committee by a vote of 31 to 21, with 2 abstentions. By 32 votes to 15, with 7 abstentions, the General Assembly adopted the resolution recommended by the Joint First and Sixth Committee:

THE GENERAL ASSEMBLY,

HAVING taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter:

1. STATES that, because of that treatment, friendly relations between the two Member States have been impaired, and unless a satisfactory settlement is reached, these relations are likely to be further impaired;

2. IS OF THE OPINION that the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments, and the relevant provisions of the Charter;

3. THEREFORE REQUESTS the two Governments to report at the next session of the General Assembly the measures adopted to this effect.

The Secretary-General transmitted the above resolution to the Governments of India and the Union of South Africa in a letter dated January 21, 1947. In his reply, dated April 24, 1947, the Minister of External Affairs of India expressed his desire to act in full accordance with the terms and spirit of the resolution, and offered to the Government of the Union of South Africa his co-operation in any steps to implement it. On April 30, 1947, the Secretary-General transmitted this information to the representative of the Union of South Africa and requested to be informed of any steps being considered by his Government under the Assembly resolution.

During the months of May and June, the Governments of India and the Union of South Africa sent to the Secretary-General, for his information, copies of correspondence exchanged between them on the subject of implementing the Assembly's resolution on the treatment of Indians in the Union of South Africa.

3. ECONOMIC AND SOCIAL MATTERS

a. Activities of the Economic and Social Council

(1) Report of the Economic and Social Council

The General Assembly at its 46th plenary meeting on October 31, 1946, referred to the Joint Second and Third Committee the report of the Economic and Social Council, which the Council had submitted to the General Assembly in accordance with Article 15, paragraph 2, of the Charter and Rule 12 of the Provisional Rules of Procedure. Most of the questions dealt with in the report were covered by other items on the General Assembly's agenda.

In the course of the general discussion on the report a number of representatives expressed appreciation of the progress made in the organization of the Council, as well as of the effort

which the Council had made towards the solution of various important economic and social problems.

Certain representatives, on the other hand, expressed apprehension concerning the rising cost of projects which the Economic and Social Council might embark upon and recommended that wherever possible the Council should request financial reports before making decisions. Some representatives felt that the Council had failed to make substantial progress and deplored a tendency to use the Council as a forum for political questions. The view was further expressed that the Council had paid too much attention to long-term problems at the expense of urgent immediate tasks. A number of Latin-American representatives considered that representatives of Latin-American countries had been elected to fewer posts on the commissions of the Economic and Social Council than their voting strength in the General Assembly would seem to have entitled them to. The General Assembly should therefore recommend to the Council that it strive for a better geographical distribution.

At the first meeting of the Joint Second and Third Committee the New Zealand representative submitted a draft resolution noting with satisfaction the work accomplished by the Council and drawing its attention to the remarks made in the Joint Second and Third Committee and during the general debate in the General Assembly.

Certain delegations expressed the opinion that there was no need for such a general resolution, since most questions considered by the Economic and Social Council had been referred to the General Assembly and were being dealt with in separate resolutions. The Joint Committee, however, at its third meeting on November 23, 1946, adopted the resolution submitted by the representative of New Zealand.

At its 66th plenary meeting on December 15, 1946, the General Assembly adopted the resolution recommended by the Joint Second and Third Committee by 43 votes, with no opposition and 3 abstentions. The resolution read as follows:

THE GENERAL ASSEMBLY,

HAVING CONSIDERED the report of the Economic and Social Council submitted to it under Article 15, paragraph 2, of the Charter, and rule 12 of the provisional rules of procedure of the General Assembly;

NOTES with satisfaction that the Economic and Social Council has made substantial progress toward its organization for the effective fulfillment of its functions and responsibilities;

NOTES also with satisfaction, the efforts which the Economic and Social Council is making to solve the many difficult economic and social problems with which the world is confronted as a consequence of the recent world war;

DRAWS the attention of the Economic and Social Council to the remarks made in the Joint Second and Third Committee and during the general debate in the General Assembly.

(2) Request of the World Federation of Trade Unions for a closer connection with the Economic and Social Council

In connection with the general discussion on the report of the Economic and Social Council, the question of the consultative status of the World Federation of Trade Unions with respect to the Council was raised.

In a letter from the WFTU dated November 12, 1946, which was sponsored by the delegation of France and circulated among the members of the Joint Second and Third Committee, the WFTU expressed its desire to establish closer relations with the Economic and Social Council. On the basis of the Economic and Social Council's decision of June 21, 1946, the letter stated, co-operation between the WFTU and the Council could be achieved only by indirect contacts, with the prior approval of the Council's Standing Committee on Arrangements for Consultation with Non-Governmental Organizations. The WFTU, however, whose membership was greater than that of any other non-governmental organization and whose essential purpose was the improvement of social and economic conditions, the letter stated further, was closely bound up with all the fields of the Council's activities. Its proposals, therefore, should be exempted from preliminary screening. Hence the WFTU requested (1) the right to submit to the Council questions for insertion in the provisional agenda, and (2) the right to present written and verbal statements to the Council on all matters of concern to the WFTU.

Supporting the request of the WFTU, the representative of the U.S.S.R. submitted the following draft resolution:

HAVING CONSIDERED the application of the World Federation of Trade Unions to establish close connection with the Economic and Social Council and taking into consideration the Economic and Social Council's resolution of 21 June 1946, that "most close consultative connection should be established with the World Federation of Trade Unions,"

THE GENERAL ASSEMBLY RECOMMENDS that the Economic and Social Council grant to the World Federation of Trade Unions:

1. The right to submit for consideration by the Economic and Social Council questions intended for inclusion in the provisional agenda in accordance with the procedure applicable at the present time to specialized agencies;
2. the right to submit to the Council written and oral communications on all matters of interest to the Federation.

The representative of the U.S.S.R. subsequently accepted certain drafting changes proposed by the representative of Belgium.

A number of delegations opposed the U.S.S.R. resolution on the ground that the arrangements which the Economic and Social Council had made for consultation with the WFTU were entirely adequate. According to Article 71 of the Charter, moreover, it was the duty of the Economic and Social Council to arrange for consultation with non-governmental organizations. Therefore it was not appropriate that the General Assembly should give instructions to the Council regarding arrangements which the Council had already established after careful consideration of all the factors involved.

As to the specific requests of the WFTU, it was contended that to give the WFTU the right to submit items for inclusion in the Council's agenda would place the WFTU in the same position as the specialized agencies. This was contrary to Articles 70 and 71 of the Charter, which required the Economic and Social Council to make a distinction between specialized agencies and non-governmental organizations. To grant the WFTU the right to submit written and verbal statements to the Council would place the WFTU in a position superior to that of specialized agencies and governments not represented on the Council, which was contrary to the principles of the Charter. Finally, it was maintained that if the WFTU were given the right to deal directly with the Economic and Social Council, the same right would have to be extended to all non-governmental organizations in category (a)¹, with the result that the Council would no longer have control of its own agenda and its work might be hampered by numerous conflicting items submitted by different organizations.

In support of the U.S.S.R. resolution it was maintained that the request of the WFTU was in full accord with Article 71 of the Charter, for "consultation" in the sense of this Article not only did not exclude participation at meetings, but on the contrary presupposed such participation.

A number of delegations supported the pro-

posal that the WFTU be granted the right to submit items for inclusion in the Council's provisional agenda, but considered that the recommendation that the WFTU be given the right to participate in the Council's meetings went too far.

At its third meeting on November 23, 1946, the Joint Second and Third Committee adopted the preamble and the first part of the U.S.S.R. resolution by 22 votes to 15, with 2 abstentions. The second part, containing the recommendation that the WFTU be granted the right to present written and verbal statements to the Economic and Social Council on all matters of concern to the WFTU, was rejected by 24 votes to 14, with 3 abstentions.

When the General Assembly considered the report of the Joint Second and Third Committee at its 66th plenary meeting on December 15, 1946, the representative of the U.S.S.R. stated that he considered the Committee's decision wrong, as it restricted the justified rights of such an authoritative international organization of workers as the WFTU. Participation by the WFTU in the tasks of the Economic and Social Council would only facilitate the work of the Council and thereby assist in bettering the work of the organization as a whole. The representative of the U.S.S.R. therefore resubmitted his proposal, previously rejected by the Joint Second and Third Committee, as an amendment to the resolution as adopted by the Committee.

The General Assembly defeated the U.S.S.R. amendment by 28 votes to 15, with 10 abstentions, and adopted the following resolution recommended by the Joint Second and Third Committee by 25 votes to 22, with 6 abstentions.

THE GENERAL ASSEMBLY

HAVING CONSIDERED the request of the World Federation of Trade Unions, dated 12 November 1946, for the establishment of a closer connection with the Economic and Social Council and taking into account the decision of the Council of 21 June 1946 "that most close consultative connection should be established with the World Federation of Trade Unions,"

RECOMMENDS to the Economic and Social Council that it give to the World Federation of Trade Unions the right to submit to the Economic and Social Council questions for insertion in the provisional agenda, in accordance with the procedure now applicable to specialized agencies.

¹ i.e., "organizations which have a basic interest in most of the activities of the Economic and Social Council, and are closely linked with the economic or social life of the areas which they represent."

(3) Consultative Arrangements with Non-Governmental Organizations

After the Joint Second and Third Committee had voted in favor of the proposal that the General Assembly recommend to the Economic and Social Council that it give to the WFTU the right to submit to the Council questions for insertion in the provisional agenda, the representative of the United States declared that the principle of the equality of treatment of non-governmental organizations in the same category had to be adhered to. He therefore submitted a draft resolution to the effect that the General Assembly recommend to the Economic and Social Council that it grant to all non-governmental organizations in category (a) all the rights which had been granted to the WFTU.

In opposing this resolution several representatives remarked that the United States representative was contradicting himself, as he had previously, on grounds of principle, opposed the WFTU's request for closer collaboration with the Economic and Social Council. Methods of consultation with each organization, it was contended, had to be examined in each case according to its individual merits. There could be no general approach as envisaged in the United States resolution. Non-governmental organizations in category (a) included some national organizations, and it was not desirable to extend to such organizations the same privileges as were granted to such international organizations as the WFTU.

Other representatives considered that the Committee's decision to grant the WFTU the right to submit agenda items had been wrong. Although it was just in principle that similar rights should be accorded to organizations with a similar status, these representatives opposed the United States resolution because in their view it would extend the effect of a wrong decision already made.

At its fourth meeting on November 26, 1946, the Joint Second and Third Committee adopted the resolution submitted by the representative of the United States by 19 votes to 13, with 11 abstentions.

The representative of Greece considered that the resolution adopted by the Committee placed non-governmental organizations on the same footing as specialized agencies. The Committee's recommendation therefore went beyond the powers conferred upon the Economic and Social Council by Article 71 of the Charter.

Hence the representative of Greece submitted a draft resolution requesting an advisory opinion on the matter from the Sixth Committee (Legal). He withdrew his proposal after the Chairman of the Committee and several representatives had expressed the view that the resolution was out of order in view of the Committee's previous vote.

The General Assembly adopted the resolution recommended by the Joint Second and Third Committee at its 66th plenary meeting on December 15, 1946, by 33 votes to 11, with 8 abstentions. The text of the resolution was as follows:

THE GENERAL ASSEMBLY

HAVING CONSIDERED the report of the Economic and Social Council concerning arrangements for consultation with non-governmental organizations.

TAKES NOTE of the action of the Council to place certain non-governmental organizations in category (a);

EXPRESSES agreement with the general principle that all non-governmental organizations in category (a) should receive equal treatment in respect of consultative arrangements with the Council.

The delegation of Argentina submitted the following proposal to the Joint Second and Third Committee:

THE GENERAL ASSEMBLY OF THE UNITED NATIONS, AT THE SECOND PART OF ITS FIRST SESSION, RESOLVES

That the Economic and Social Council, on request, extend the benefit of the arrangements for consultation with non-governmental organizations to the labor federations of the American Republics, corporate bodies representing the working classes of the said countries, in order, with their co-operation, to supplement the study of the regional problems affecting the American peoples and that they may duly participate in the work of the Council, in accordance with Article 71 of the Charter.

In submitting this resolution, the representative of Argentina stated, it was the purpose of his delegation to make it possible for the trade unions of Argentina to be heard by the Council on matters which concerned them.

Several representatives objected that direct consultation with essentially national organizations was not justified in this case, as most labor organizations of the American Republics belonged to the WFTU, which represented the interests of labor in relation with the Economic and Social Council. Other representatives considered that the Economic and Social Council

had the needed authority to consult with any international or national organization it wished. The Argentine resolution, therefore, was an unnecessary repetition of existing provisions.

By a vote of 27 to 9, with 2 abstentions, the Joint Second and Third Committee rejected the resolution submitted by the Argentine delegation.

b. Relations with Specialized Agencies

(1) Approval of Agreements with Specialized Agencies and Relations with Specialized Agencies

In accordance with Article 63 of the Charter, the Economic and Social Council, during its second session, concluded agreements between the United Nations and the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the Food and Agriculture Organization of the United Nations (FAO). During its third session the Council concluded an agreement between the United Nations and the International Civil Aviation Organization (ICAO). These agreements were submitted to the General Assembly for its approval at the second part of the first session.

The general question of relations between the United Nations and the specialized agencies was included in the agenda of the second part of the first session of the General Assembly at the request of the delegation of France.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred these two items to the Joint Second and Third Committee. As the Committee considered that the approval of agreements with specialized agencies and the question of relations with these agencies were closely interrelated it decided to discuss the items jointly.

The representative of France submitted a draft resolution recommending that the General Assembly approve the proposed agreements with ILO, UNESCO, FAO and ICAO. With a view to co-ordinating the activities of the specialized agencies with those of the United Nations, the resolution further instructed the Economic and Social Council to report to the General Assembly within the space of three years on the progress of collaboration between the United Nations and the specialized agencies.

In the general discussion the need for co-ordination of the policies and activities of the specialized agencies and the Economic and Social Council was stressed. Some representatives expressed apprehension at the mounting

cost involved in the establishment of new specialized agencies and were of the opinion that no further specialized agencies should be established. More effective co-ordination would be possible if the Economic and Social Council entrusted certain tasks to its own commissions instead of adding to the growing number of specialized agencies. On the other hand, the view was expressed that the Economic and Social Council should limit itself to the task of co-ordinating the work of the specialized agencies and should not deal directly with substantive matters.

As to the agreements submitted for approval by the General Assembly, the representative of the U.S.S.R. was of the opinion that certain articles contained in the agreements were contrary to the provisions of the Charter, in particular those permitting specialized agencies to participate in the work not only of the Economic and Social Council but also of the Trusteeship Council, and the provisions concerning budgetary and financial arrangements. The U.S.S.R. representative therefore proposed to add to the French resolution a recommendation to the effect that the Economic and Social Council together with the specialized agencies concerned should re-examine the agreements between the United Nations and the specialized agencies with a view to bringing them into complete accord with the Charter.

In opposition to the the U.S.S.R. amendment it was stated that the Joint Second and Third Committee was not competent to make any changes in the draft agreements negotiated by the Economic and Social Council with the specialized agencies. Acceptance of the U.S.S.R. amendment would be tantamount to non-ratification of the agreements and would necessitate their renegotiation. The Committee could not at the same time approve the agreements and adopt an amendment which implied that these agreements were not in accord with the Charter of the United Nations.

By a vote of 21 to 3, with 6 abstentions, the Joint Second and Third Committee at its eighth meeting on December 3, 1946, rejected the amendment submitted by the representative of the U.S.S.R.

Several representatives expressed the view that the agreement with ICAO should not be approved, because Franco Spain was a Member of PICAQ (Provisional International Civil

Aviation Organization) and might become a Member of ICAO by ratifying the International Civil Aviation Convention. The representative of Poland therefore proposed to amend the resolution submitted by the French representative, to the effect that the General Assembly approve the draft agreement "... with the exception of the agreement with the International Civil Aviation Organization. In case Franco Spain is not a Member of the International Civil Aviation Organization, the agreement with that Organization is considered approved."

Several representatives who favored the exclusion of Spain from all specialized agencies pointed out that the First (Political and Security) Committee of the General Assembly was dealing with the question of the relations of the United Nations with Spain; hence it was not necessary for the Joint Second and Third Committee to act separately. The representative of Chile therefore submitted an amendment to the French resolution recommending that the General Assembly approve the agreement with ICAO, "provided that . . . that Organization complies with the decision of the General Assembly regarding Franco Spain." The representative of Belgium submitted a similar amendment.

The representatives of Belgium and Poland subsequently withdrew their amendments in favor of the Chilean text, whereupon the representative of the U.S.S.R. submitted the text proposed by the representative of Poland as his own amendment. The Committee rejected this latter amendment by 20 votes to 6, with 4 abstentions, and adopted the one submitted by the representative for Chile by 24 votes, with 7 abstentions.

As indicated, the resolution submitted by the representative of France contained a recommendation that the Economic and Social Council should report to the General Assembly within the space of three years concerning the progress of collaboration between the Council and the specialized agencies. The representative of China suggested that no time limit should be set for such a report. The General Assembly should be free to review the relations of the United Nations with the specialized agencies at any time it considered desirable. The representative of Australia proposed that the Economic and Social Council should render an

annual report to the General Assembly. By 10 votes to 5, with 8 abstentions, the Committee rejected the Chinese proposal. The Australian proposal was likewise lost, the vote being 10 to 10.

At its 10th meeting on December 8, 1945, the Joint Second and Third Committee voted to adopt, with some drafting changes, the resolution submitted by the representative of France and amended by the Committee. The General Assembly adopted the resolution presented by the Committee at its 85th plenary meeting on December 14, 1946, by 44 votes, without opposition and with 5 abstentions. The text of the resolution was as follows:

THE GENERAL ASSEMBLY,

WHEREAS agreements entered into by the Economic and Social Council with certain specialized agencies are now before the General Assembly for approval:

RESOLVES to approve the agreements with the International Labour Organization, the United Nations Educational, Scientific, and Cultural Organization, the Food and Agriculture Organization of the United Nations, and the International Civil Aviation Organization, provided that in the case of the agreement with the International Civil Aviation Organization, that Organization complies with any decision of the General Assembly regarding Franco Spain.

FURTHERMORE, considering it essential that the policies and activities of the specialized agencies and of the organs of the United Nations should be co-ordinated:

REQUESTS the Economic and Social Council to follow carefully the progress of such collaboration;

INSTRUCTS the Economic and Social Council to report on this question to the General Assembly within the space of three years, so as to keep the General Assembly informed and in order that the Council and the General Assembly may, if necessary, and after consultation with the said agencies, formulate suitable proposals for improving such collaboration.

In accordance with instructions of the General Assembly the relevant articles in the draft agreements with the specialized agencies on relations between the specialized agencies and the International Court of Justice were referred to the Sixth Committee (Legal) for examination and for report to the Joint Second and Third Committee.

By a resolution of October 17, 1946, the Economic and Social Council had recommended that all four specialized agencies — ILO, FAO,

UNESCO and ICAO — be granted general authorization to ask advisory opinions from the International Court of Justice.¹

In the discussion which ensued at the 27th and 28th meetings of the Sixth Committee held on December 3 and 4, 1946, respectively, a number of representatives expressed the opinion that it was neither necessary nor desirable to grant a general authorization to the specialized agencies to seek advisory opinions from the International Court of Justice. The specialized agencies could apply for authorization, in each case, to the Economic and Social Council or to the General Assembly. The specialized agencies, it was maintained, should not be placed on the same footing as the Economic and Social Council. The privilege of asking for advisory opinions from the Court should be granted only in special cases, in order to maintain the prestige of the Court and to avoid overburdening it with work.

In favor of granting a general authorization to the specialized agencies it was maintained that it would make for an unwieldy and time-wasting procedure if the specialized agencies were required to submit their requests for advisory opinions through the Economic and Social Council or the General Assembly. Frequent requests for advisory opinions would facilitate the creation of an international jurisprudence which would serve as the basis for the codification of international law. On the other hand, the authorization granted to the specialized agencies would be limited to matters within their competence, so that there was no real danger of overburdening the Court with work.

The representative of India submitted a resolution to the effect that the Sixth Committee was not in favor of authorizing the specialized agencies to request advisory opinions from the International Court. The Committee rejected this resolution by 26 votes to 7, with 4 abstentions.

The representative of Saudi Arabia considered that the General Assembly could grant authorization only by a unilateral act and not by an agreement. The relevant articles should therefore be omitted from the agreements with the specialized agencies. An amendment to this effect submitted by the Saudi Arabian representative was rejected by the Sixth Committee by 24 votes to 14, with 2 abstentions.

The representative of Mexico, supported by the representatives of Chile and the U.S.S.R., proposed granting specialized agencies the right to ask advisory opinions from the Court subject

to the approval of the Economic and Social Council, in accordance with the clause contained in the draft agreement with UNESCO. The representative of France, supported by the representative of Belgium, submitted a resolution stating that the Committee favored granting the specialized agencies the general authorization proposed by the Economic and Social Council, it being understood that the General Assembly might at any time revoke this authorization.

Voting separately on the agreements with ILO, FAO, UNESCO and ICAO, the Sixth Committee in each case rejected the proposal of the representative of Mexico and adopted the Franco-Belgian proposal. By letter of December 5, 1946, the Sixth Committee notified the Joint Second and Third Committee of its decision.

(2) Budgetary and Financial Relationships with Specialized Agencies

The Norwegian delegation to the third session of the Economic and Social Council had submitted an item on the subject of a consolidated budget and common fiscal services for the United Nations and the specialized agencies, but had later withdrawn it from the agenda because of the lack of adequate time for full discussion. As several other delegations had expressed their interest in the subject, the Secretary-General submitted a memorandum to the second part of the first session of the General Assembly on the possible development of common fiscal services or of a consolidated budget for the United Nations and the specialized agencies.

The General Assembly referred the question to the Fifth Committee (Administrative and Budgetary) for consideration. While the majority of representatives were in agreement as to the necessity of close budgetary and financial relationships between the United Nations and the specialized agencies, it was the general feeling of the Committee that further study was

¹ The draft agreement with ILO contained a general authorization. FAO had refused to accept a more restricted clause than that contained in the agreement with ILO and had approved the draft agreement with the United Nations, subject to further discussion of this question. The draft agreement with UNESCO required that agency to notify the Economic and Social Council of its intention to ask an advisory opinion of the International Court of Justice. If the Economic and Social Council did not approve the request, UNESCO could appeal to the General Assembly. UNESCO was willing to accept such a clause. The Assembly of ICAO was not scheduled to meet until April 1947 and no action had therefore been taken by ICAO on the draft agreement which PICAQ had negotiated with the Economic and Social Council.

necessary before the Committee could decide what form such relationships should take. Some representatives expressed hope that a consolidated budget might be established at a future date. Others opposed the establishment of a consolidated budget on the ground that the General Assembly under the Charter had no authority to approve such a budget.

At the 29th meeting of the Fifth Committee on November 21, 1946, the Committee's Rapporteur submitted a draft resolution which the Committee adopted with some drafting changes. At its 65th plenary meeting on December 14, 1946, the General Assembly unanimously adopted the following resolution proposed by the Fifth Committee:

THE GENERAL ASSEMBLY,
CONSIDERING paragraph 3 of Article 17 of the Charter of the United Nations providing that:

"The Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budget of such specialized agencies with a view to making recommendations to the agencies concerned.";

CONSIDERING the views expressed by the various delegations at the twenty-seventh meeting of the Fifth Committee that a system of close budgetary and financial relationships between the United Nations and the specialized agencies is desirable for giving effect to the provisions of the Charter;

REQUESTS the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions,

1. To continue exploratory discussions with the specialized agencies and to report and make recommendations to the next regular session of the General Assembly;

2. To append, if possible, to the United Nations budget for 1948, in the form of informative annexes, the budgets or proposed budgets of the specialized agencies for 1948 with a view to presenting to the General Assembly a comprehensive estimate of expenditures of the United Nations and specialized agencies;

3. To explore possible arrangements by which the budgets of the several specialized agencies might be presented to the General Assembly for approval;

4. To develop, at the earliest possible date in accordance with the budgetary and financial provisions of the agreements with the specialized agencies, arrangements for common fiscal controls and common budgetary, administrative and financial practices.

c. Report of the Committee on UNRRA

By a resolution of February 1, 1946, the General Assembly had established a Committee on

UNRRA. In accordance with the Assembly's resolution the Committee submitted a report on its activities to the second part of the first session of the General Assembly.

The Second Committee (Economic and Financial), to which this report was referred, unanimously adopted a resolution submitted by the representative of the United Kingdom at its 26th meeting on December 5, 1946. Likewise by unanimous vote, the General Assembly at its 55th plenary meeting on December 11, 1946, adopted the following resolution recommended by the Second Committee:

The General Assembly, at its twenty-first plenary meeting on 1 February 1946, established a Committee to encourage support of UNRRA during the final stages of its work.

The General Assembly has now received a report on the work of the Committee and has noted with satisfaction the extent to which Member Governments have supported the activities of UNRRA and have thus contributed so substantially to the relief and rehabilitation of those countries which had been devastated by the war.

The General Assembly has learned from the report of the Committee that, although expected contributions have been realized in a very large measure, a small proportion has not yet been made available, and that the Chairman of the Committee has been requested to draw the attention of the Governments concerned to the desirability of completing their contributions in order that UNRRA might receive the full amount required for the completion of its activities.

THE GENERAL ASSEMBLY, THEREFORE,
WARMLY THANKS the Chairman and members of the Committee on UNRRA for their efforts in fulfilment of the task entrusted to them;

URGES Member Governments concerned to consider sympathetically the communication from the Chairman of the Committee on UNRRA and to make available the balance of their expected contributions, in order that UNRRA may have at its disposal for the completion of its task the full amount recommended by the UNRRA Council.

d. Relief Needs after the Termination of UNRRA

In its resolution of February 1, 1946, establishing a Committee on UNRRA, the General Assembly instructed the Secretary-General to make arrangements with the Director-General of UNRRA whereby the General Assembly might be furnished with full reports on the work of UNRRA. In accordance with this reso-

lution the Director-General of UNRRA submitted an extensive report to the second part of the first session of the General Assembly on the progress made towards economic rehabilitation in the countries being assisted by UNRRA.

The General Assembly also received a recommendation from the Economic and Social Council on the question of relief needs in 1947 after the termination of UNRRA's activities. At its fifth session the Council of UNRRA had adopted a resolution recommending to the General Assembly of the United Nations the establishment or designation of an agency to review the needs in 1947 for urgent imports of basic essentials of life for the various receiving countries of UNRRA and to make recommendations regarding financial assistance that might be required to meet such needs. By a resolution of October 3, 1946, the Economic and Social Council endorsed the recommendation of the Council of UNRRA and recommended that the General Assembly take appropriate action as soon as possible.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred the question of post-UNRRA relief to the Second Committee (Economic and Financial) for consideration. The Second Committee discussed the question at its 12th, 16th, 17th and 18th meetings held on November 11, 14, 16 and 19 respectively, and again at its 26th, 27th, 28th and 29th meetings on December 5, 6, 7 and 9 respectively.

The Director-General of UNRRA, who was invited to participate in the Committee's discussions, told the Committee that the countries receiving UNRRA aid would be faced with a considerable deficit of foodstuffs after the termination of UNRRA's work in 1947. He urged that the United Nations adopt definite plans to remedy these deficits and continue to provide assistance on an international basis. To this end he proposed the establishment of a United Nations Emergency Food Fund of at least \$400,000,000 to which the Members of the United Nations would be called upon to contribute in money or in goods. This fund would operate until after the 1947 harvest, at which time the General Assembly could determine whether further action would be necessary.

The delegation of Denmark submitted a draft resolution embodying the proposal of the Director-General of UNRRA for the establishment of a United Nations Emergency Food Board.

The majority of the representatives who participated in the discussion stressed the fact that countries which hitherto had received UNRRA

aid would need further assistance in 1947 to provide for imports of food and other basic commodities; that existing agencies such as the Food and Agriculture Organization, the International Bank for Reconstruction and Development and the International Monetary Fund could deal only with long-range problems; and that the immediate needs therefore would have to be met through some other form of international action. Hence most representatives favored continued relief, after the termination of UNRRA, through an international agency such as that recommended by the Director-General of UNRRA and the Danish delegation.

The representatives of the United States and the United Kingdom, however, the two largest potential contributors to any international relief agency which the General Assembly might set up, opposed the establishment of such an agency. The representative of the United States considered that the world economic situation had improved considerably and that certain nations which had received UNRRA aid were now able to export their own products. His Government was aware, the United States representative stated, that some countries still needed relief, but it was opposed to the establishment of an international organization to handle the residual problem. Moreover, UNRRA resources would in the main be exhausted by the end of February. The most critical period would be the late winter and early spring. It was imperative, therefore, to move quickly and the United States Government favored simpler and more direct methods of relief than the establishment of an international agency. Hence, the United States representative submitted a draft resolution to the Second Committee providing for relief to be furnished by Members of the United Nations on a bilateral and voluntary basis. Specifically the resolution:

(1) directed the Secretary-General to transmit to all Members of the United Nations and international organizations concerned information on the needs for urgent imports of basic commodities in 1947 and on the financial assistance which might be required to meet such needs;

(2) called upon Members of the United Nations to assist in the furnishing of relief during the ensuing year and to develop their relief programs with the greatest possible speed;

(3) invited contributing governments to coordinate their respective programs by informal consultation so as to achieve the maximum results from their efforts.

The representative of the United Kingdom supported the resolution of the United States representative. He suggested that Members of the United Nations which were receiving or contributing relief, should use the Secretariat of the United Nations as a clearing house for information and the co-ordination of relief.

As a compromise, certain delegations suggested that contributions of money or in kind should be made by Members of the United Nations on a voluntary basis, with a United Nations committee, however, handling the task of collection and distribution. The representative of Brazil submitted a draft resolution which recommended the establishment of such an international pool of voluntary contributions. This pool was to be created and administered by a special committee consisting of representatives of the Secretary-General of the United Nations, of UNRRA, of the Sub-Commission on Devastated Areas of the Economic and Social Council, of FAO, of the International Emergency Food Council and of the International Bank for Reconstruction. This special committee, moreover, was (a) to survey essential food requirements of the devastated areas in 1947, their need for imports, and the prospective food supply position in the exporting areas; (b) to determine what proportion of those needs could be met with available exchange resources or expected foreign exchange receipts; (c) to consult with the governments of the countries requiring assistance and of potential supplying countries concerning the extension of credit facilities to the needy countries, either on a long or a short-term basis; and (d) to study the possibility of employing the sum in arrears due to UNRRA by Member countries, for the coverage of part of the needs of the devastated areas in 1947.

At its 18th meeting on November 19, 1946, the Second Committee (Economic and Financial) appointed a sub-committee of nineteen members to prepare a single draft resolution. After thorough discussion in three meetings the Sub-Committee was unable to reach any agreement on the basic issue as to whether relief was to be provided on a bilateral and voluntary basis, as proposed in the United States resolution, or whether relief was to be provided through an international agency as proposed in the resolution submitted by the representative of Denmark.

In his report to the Second Committee the Chairman of the Sub-Committee stated that the overwhelming majority of the Sub-Committee

had preferred the principle of action by an international agency. According to ordinary parliamentary practice, the Sub-Committee would have proceeded to vote on a draft proposal to implement the principle of international action. The representative of the United States and the United Kingdom, however, had explicitly stated before the Sub-Committee that they could not bow to the majority in this case and that they would not adhere to any decision of the Committee which did not meet their point of view. Even if contributions were to be on a voluntary basis, the representatives of the United States and the United Kingdom had informed the Sub-Committee that they would not give their contributions in conformity with principles established by an international agency. They wished to be free to judge on their own when and where relief was needed, and were convinced that the needs which would exist in 1947 could best be met through bilateral action, which would be more direct and immediate than action through an international agency. The representative of the U.S.S.R., on the other hand, informed the Sub-Committee that his Government was not prepared to make a contribution except to an international organization.

Although favoring international action, the majority of the Sub-Committee felt that it would not serve any useful purpose to vote for the establishment of an international agency which would not receive the support of the two largest contributing countries. The Sub-Committee therefore did not take a vote on the proposals before it, and decided by majority vote to refer the matter back to the Second Committee with the request that the Chairman of the Sub-Committee give a factual report.

At the 26th meeting of the Second Committee on December 5, 1946, the United States resolution was resubmitted in revised form as a resolution sponsored jointly by the representatives of the United States, the United Kingdom and Brazil. In addition to the recommendations contained in the original United States resolution, the revised resolution (1) recommended that all Members of the United Nations keep the Secretary-General informed concerning their plans for assisting in meeting relief needs in 1947 and the progress of their relief activities; (2) directed the Secretary-General to make available to all Members of the United Nations the information thus received, together with information concerning existing relief needs, in order that this information might be used by the Members of the United Nations to facilitate

the co-ordination of their respective relief programs; (3) directed the Secretary-General to facilitate informal consultation among governments concerning their relief plans and to furnish such technical assistance as governments might request.

The Director-General of UNRRA submitted a revised proposal to the Second Committee, which he hoped might be accepted by all members of the Committee. The resolution proposed that the General Assembly establish a United Nations Emergency Food Board whose functions would include:

(a) A review of the needs in 1947 for financing urgent imports of the basic essentials of life, particularly food, after the termination of UNRRA programs to the extent that they cannot be otherwise met;

(b) The making of recommendations as to the financial assistance that might be required to meet such needs as are found to exist as a result of foreign exchange difficulties which cannot be dealt with by existing agencies;

(c) The making of recommendations to governments as to allocations of resources which they make available for relief purposes on the basis of need and free from political considerations; and

(d) The making of periodic reports at such time and in such form as the Economic and Social Council may provide.

If the Committee should fail to accept this revised proposal, the Director-General of UNRRA urged that at least the following amendments to the resolution sponsored jointly by the representatives of the United States, the United Kingdom and Brazil should be adopted:

(1) The resolution should state that relief should be furnished "when and where needed," and that it should be free from political considerations; (2) provision should be made for formal, rather than informal consultation from time to time among governments concerning their relief plans.

The representatives of the United States and the United Kingdom opposed the revised resolution of the Director-General of UNRRA. They were, however, willing to accept the above amendments and submitted a draft of the joint resolution revised accordingly.

In view of the opposition of the United States and the United Kingdom to the establishment of an international agency, the representative of Denmark withdrew his resolution.

After further discussion at the 26th, 27th and 28th meetings of the Second Committee on De-

ember 5, 6, and 7 respectively, the representative of Canada submitted a compromise proposal as an amendment to the United States-United Kingdom-Brazil resolution. He proposed that a special technical committee be appointed, composed of eight experts in the fields of finance and foreign trade to be designated in their personal capacities by the Governments of Brazil, Canada, China, France, Poland, the U.S.S.R. the United Kingdom, and the United States. This committee would study minimum import requirements of countries which were suffering from considerable deficits in foodstuffs and other basic commodities, it would survey the available means of each country to finance such imports, and would report concerning the financial assistance which might be required. The report of the special technical committee was to be submitted to the Secretary-General for submission to Member Governments not later than January 15, 1947.

The representatives of the United States and the United Kingdom were willing to accept the Canadian proposal. The representative of Denmark and several other representatives who had supported the principle of international action urged support of the Canadian compromise for the sake of unanimity, although this compromise fell short of their aims.

At its 29th meeting on December 9, 1946, the Second Committee decided to increase the membership of the proposed special technical committee to ten, adding Argentina and Denmark to the list of members. The Committee then unanimously adopted the joint resolution of the United States, the United Kingdom and Brazil as amended by the representative of Canada.

As a means of helping to meet relief needs during 1947, the representative of Norway proposed that the General Assembly direct the Secretary-General of the United Nations to consider ways and means of collecting and utilizing contributions by individuals and organizations all over the world equivalent to the value of one day's work. This proposal, submitted in the form of an amendment to the joint resolution of the United States, the United Kingdom and Brazil, was adopted by the Second Committee at its 29th meeting on December 9, 1946, by 33 votes with 4 abstentions.

At its 56th plenary meeting on December 11, 1946, the General Assembly unanimously adopted the resolution recommended by the Second Committee, which read as follows:

THE GENERAL ASSEMBLY

TAKING NOTE of the UNRRA Council resolution (No. 100) of 16 August 1946, and of the related resolution adopted by the Economic and Social Council of 3 October 1946;

RECOGNIZING that certain countries will need financial assistance in 1947 to provide for imports of food and other basic essentials of life;

TAKING NOTE that this need for assistance may not, in all cases, be entirely met by international institutions and other public and private agencies available for this purpose;

RECOGNIZING that, in some countries, if such assistance is not provided, there will be hunger, privation and suffering during the winter, spring and early summer of next year;

TAKING NOTE of the urgent necessity of meeting this residual relief need promptly and of the expressed willingness of Members of the United Nations to do their part in attaining this end;

RECOGNIZING the desirability of meeting this need without wasteful duplication of effort;

CONSIDERING that one of the purposes of the United Nations is to be a centre for harmonizing the actions of nations in the attainment of their common ends, including international co-operation in solving international problems of an economic and humanitarian character;

REAFFIRMING the principle that at no time should relief supplies be used as a political weapon, and that no discrimination should be made in the distribution of relief supplies because of race, creed, or political belief:

1. ESTABLISHES: a Special Technical Committee whose functions shall be:

(a) To study the minimum import requirements of the basic essentials of life, particularly food and supplies for agricultural production of countries which the Committee believes might require assistance in the prevention of suffering or of economic retrogression which threatens the supply of these basic essentials;

(b) To survey the means available to each country concerned to finance such imports;

(c) To report concerning the amount of financial assistance which it believes may be required in the light of (a) and (b) above.

2. DECIDES that the Committee shall consist of ten experts in the field of finance and foreign trade to be designated by the Governments of Argentina, Brazil, Canada, China, Denmark, France, Poland, Union of Soviet Socialist Republics, United Kingdom, and United States of America to serve in their individual capacities and not as representatives of the Governments by which they are designated; and urges each Government to select a person of outstanding competence to serve on the Committee.

3. DIRECTS the Secretary-General to transmit to the Committee the information called for in the third paragraph of the above-mentioned resolution of the Economic and Social Council.

4. DIRECTS the Committee to submit its report to the Secretary-General for submission to Member Governments as soon as possible, but in any event not later than 15 January 1947.

5. CALLS UPON all Members of the United Nations to assist in the furnishing of relief when needed and where needed during the ensuing year, by developing their respective programmes with the greatest possible speed and, in appropriate cases, by extending special credit facilities to the needy countries.

6. RECOMMENDS that all Members of the United Nations keep the Secretary-General informed concerning their plans for assisting in meeting relief needs in 1947, and concerning the progress of their relief activities in this respect.

7. DIRECTS the Secretary-General:

(a) To make available to all Members of the United Nations the information received pursuant to paragraph 6 above, in order that this information, together with that transmitted pursuant to paragraph 4 above, may be used by the Members of the United Nations to facilitate the co-ordination, without wasteful duplication of effort, of their respective relief programmes and activities;

(b) To facilitate informal consultation among Governments concerning their relief plans and programmes; and to arrange for such consultation among Governments whenever, in his opinion, the purpose of this resolution would be promoted thereby;

(c) To furnish, within the limitations of available staff and funds, such technical assistance in respect of the 1947 relief programme as Governments may request.

8. (a) DIRECTS the Secretary-General to consider the ways and means of collecting and utilizing contributions, from persons, organizations and peoples all over the world, equivalent to the earnings of one day's work, for the purpose of helping to meet relief needs during 1947; and to report on the results of such consideration to Member Governments and to the Economic and Social Council at the earliest possible date;

(b) REQUESTS the Economic and Social Council to study the report made by the Secretary-General and to take whatever action it may deem appropriate in regard to this matter.

9. DIRECTS the Secretary-General to report at each session of the Economic and Social Council on the activities being carried out under this resolution.

Acting immediately upon the Assembly's instructions, the Secretary-General convened the Special Technical Committee referred to in the above mentioned resolution.

The experts designated as members of the committee were as follows: Argentina, Dr. José Eduardo Picerno; Brazil, Eurico Penteadó; Canada, Robert B. Bryce; China, Cheng Pao-nan; Denmark, Henrik Kauffmann; France, René Hoffherr (Albert Dollinger, alternate); Poland, Edward Iwaszkiewicz; the U.S.S.R., Nikolai I. Feonov; the United Kingdom, J. Hubert Penson; and the United States, Dallas W. Dort.

During the course of the sessions certain changes took place in the personnel of the Committee and the following additional experts participated in the work; Argentina, Salvador Graziadio; Brazil, Roberto de Oliveira Campos; Canada, Miss H. Dorothy Burwash, J. Richard Murray; Denmark, Jorgen Gelting; Poland, Stanislaw Raczkowski, J. Drewnowski; the U.S.S.R., Alexandre P. Morozov, Valentine Kobushko, Ivan Kamenev; and the United States, Harold B. Cleveland, Peter Strauss.

The Committee was convened to study the minimum import requirements of the basic essentials of life and the means available to each country concerned to finance such imports and to report upon the amount of financial assistance which it believed might be required. It reported unanimously on January 23, 1947, that relief assistance was required for 1947 in the following amounts:

Austria	\$143,500,000
Greece	84,300,000
Hungary	40,200,000
Italy	106,900,000
Poland	139,900,000
Yugoslavia	68,200,000

\$583,000,000

It reported further that it was unable to form any conclusions as to the relief needs of China, Korea, and Albania because of the insufficient data available, but that this should not preclude governments from continuing to study this matter with a view to determining what relief needs, if any, remained to be met. The Committee had been unable to review the needs of the Byelorussian S.S.R. and the Ukrainian S.S.R. because no replies were received from these two countries to the request of the Committee for information.

The conclusions and the findings of the Committee were transmitted by the Secretary-General, during the last week of January 1947, to all Members of the United Nations.

The Assembly resolution quoted above recommended that all Members of the United Nations keep the Secretary-General informed concern-

ing their plans for assisting in meeting relief needs in 1947. It directed the Secretary-General to make available to all Members the information thus received and to facilitate informal consultation among governments.

Accordingly, the Secretary-General arranged several meetings between representatives of some eighteen countries between January and May 1947; at these meetings informal statements of the plans contemplated by governments were presented and problems of co-ordination discussed. On May 24 the Secretary-General addressed a formal communication to all Members of the United Nations requesting information concerning their plans for assisting in meeting relief needs in 1947.

From the information available up to June 15, 1947, the Secretary-General stated in his annual report to the General Assembly, it was evident that plans designed to meet somewhat over one-half of the total financial assistance estimated by the Committee as required to meet the minimum import requirements for the basic essentials of life were receiving the consideration of Member Governments. The amounts reported likely to become available to individual countries indicated that the relief needs of the several countries, according to the Technical Committee's estimates of their needs, would be met in varying degrees, but that some among them seemed unlikely to receive any significant part of the assistance needed.

e. Transfer to the United Nations of Advisory Social Welfare Functions of UNRRA

By a resolution of October 1, 1946, the Economic and Social Council requested the Secretary-General of the United Nations to consult with the Director-General of UNRRA and to make studies and formulate recommendations with a view to the assumption by the United Nations of certain important advisory functions in the field of social welfare carried on by UNRRA.

In accordance with this resolution the Secretary-General arranged for joint consultations between representatives of UNRRA and the United Nations Secretariat, in an effort to obtain a clear idea of the extent and cost of the functions performed by UNRRA. On the basis of information obtained as a result of these consultations, the Secretary-General formulated his recommendations and submitted them to the second part of the first session of the General Assembly.

The Secretary-General estimated that the most important advisory functions carried on by UNRRA could be continued with a personnel totaling 51 advisers and administrative assistants. The expenses of this personnel would total \$509,689. In addition, the Secretary-General suggested that the General Assembly might wish to continue UNRRA's programs as regards (1) training fellowships for social welfare specialists, (2) the furnishing of material for demonstration and technical training in the field of rehabilitation of physically handicapped persons, and (3) distribution of literature on social welfare questions. The Secretary-General estimated the total expense of these programs (including expenses for advisory functions) at \$894,239.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred the Secretary-General's report to the Third Committee (Social, Humanitarian and Cultural), which in turn requested a Sub-Committee to study and report on this question. At its 41st meeting on December 7, 1946, the Third Committee considered the draft resolution submitted by the Sub-Committee, which recommended that the General Assembly :

(1) authorize the Secretary-General to make provision for the continuance of certain of the urgent and important advisory functions carried on by UNRRA;

(2) authorize the Secretary-General to include in the budget of the United Nations for 1947 the necessary funds for the continuance of these functions;

(3) request the Secretary-General to report to the Social Commission of the Economic and Social Council on the measures he would take in compliance with the General Assembly's resolution, and request the Commission during its first session to formulate recommendations concerning the continued action required to carry on the essential activities of UNRRA in the field of social welfare.

This draft resolution had not been unanimously agreed to by the Sub-Committee. As a result of consultations between them, the representatives of the United States and Yugoslavia presented several amendments to the Sub-Committee's text which were acceptable to both of them. At its 44th meeting on December 9, 1948, the Third Committee unanimously adopted the draft resolution as amended by the representatives of the United States and Yugoslavia.

In its report to the Third Committee the Sub-Committee recommended that the Secretary-

General be authorized to implement the decisions of the General Assembly before the meeting of the Social Commission, since the work of UNRRA would cease as of January 1, 1947. Considerable elasticity in the application of the program was recommended, so that it could be adapted to the requests which might be presented by Member Governments in accordance with their needs.

There was considerable discussion in the Sub-Committee as to the total figure and its distribution among the various items of the budgetary estimates submitted by the Secretary-General. Some representatives believed that the figures were too high and some that they were too low and that their distribution was subject to doubt. The Sub-Committee, however, did not feel competent to vote on the estimates, believing that the General Assembly could act on financial matters only on the advice of the Fifth Committee (Administrative and Budgetary). The findings and recommendations of the Sub-Committee were endorsed by the Third Committee.

The Secretary-General submitted revised budgetary estimates totaling \$370,188 to the Fifth Committee. The Fifth Committee at its 43rd meeting on December 12, 1946, approved this sum by 26 votes without opposition as a supplement to the budget estimates for 1947.

At its 65th plenary meeting on December 14, 1946, the General Assembly unanimously adopted the following resolution submitted by the Third Committee:

WHEREAS Article 86 of the Charter of United Nations provides:

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly;

2. 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;

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly;

WHEREAS the Economic and Social Council, on 1 October 1943, recommended the transfer to the United Nations of certain urgent and important advisory functions in the field of social welfare carried on by UNRRA, special consideration being given to the needs of children;

WHEREAS the General Assembly, after examining the report and the recommendations presented by the Secretary-General in document A/132, recognizes the necessity of transferring

to the United Nations the urgent and important advisory functions in the field of social welfare carried on by UNRRA.

THE GENERAL ASSEMBLY, THEREFORE

A. AUTHORIZES the Secretary-General:

1. In consultation with the Economic and Social Council, to make provision, with the co-operation of the specialized agencies where appropriate, for the continuance of the urgent and important advisory functions in the field of social welfare carried on by UNRRA; and for this purpose;

2. To include in the budget of the United Nations for 1947 the funds necessary for the assumption of the following functions, all of which are necessary for the accomplishment of an effective programme:

(a) For a requisite number of social welfare experts to provide, on the request of Governments which show the need for them, such advisory services, and to put into practice, over an appropriate period, new technical methods in any branch of social welfare;

(b) For enabling a requisite number of suitably qualified social welfare officials to observe, and familiarize themselves with the experience of other countries administering social welfare programmes;

(c) For providing advice, demonstration and instruction in connection with the manufacture of prosthetic appliances and the vocational training of physically handicapped persons and for furnishing the necessary demonstration equipment and tools;

(d) For the furnishing to the Member countries which have been devastated during the war technical publications helpful in the training of social welfare workers.

The furnishing of the experts shall be undertaken by the Secretary-General in agreement with the Governments concerned, and the selection of grant-holders shall be made by the Secretary-General on the basis of proposals received from Governments. The amount of service to be furnished to the various Governments shall be decided by the Secretary-General, and shall be reviewed by the Social Commission at its next session. The kind of service mentioned under (a), (b), (c) and (d) to be rendered to each country shall be decided by the Government concerned.

B. REQUESTS the Secretary-General to report to the Social Commission on the measures which he takes in compliance with the terms of the present resolution, and requests the Commission during its first session to formulate recommendations concerning the continued action required to carry on the essential advisory activities of UNRRA in the field of social welfare.

f. Establishment of an International Children's Emergency Fund

At its third session, on September 30, 1946, the Economic and Social Council had adopted a resolution, drafted by the Standing Committee of UNRRA in consultation with representatives of the Secretary-General of the United Nations and with the Acting President of the Economic and Social Council, recommending that the General Assembly arrange for the creation of an International Children's Emergency Fund subject to the Economic and Social Council; and that the Secretary-General of the United Nations, in consultation with the Director-General of UNRRA, the President of the Economic and Social Council and the Standing Committee of UNRRA prepare a draft resolution to establish the necessary international machinery for this purpose.

In compliance with this recommendation the Secretary-General, on October 30, 1946, transmitted a draft resolution to the second part of the first session of the General Assembly. The General Assembly referred the question to its Third Committee (Social, Humanitarian and Cultural), which in turn, on November 20, 1946, instructed a Sub-Committee to examine the Secretary-General's recommendations and to present a report.

The Sub-Committee took note of the situation facing Europe and parts of Asia during the next few years insofar as it affected the rehabilitation of children. Although the Sub-Committee stressed that in its view the prime responsibility for the rehabilitation of children rested with national governments, it concluded that many governments would not be able to meet all the existing needs as regards adequate food supplies for children, the rehabilitation and manning of children's institutions and the training of personnel. Although voluntary relief efforts were generous and widespread, the Sub-Committee considered that such efforts touched only the fringe of the problem. Hence the necessity for an International Children's Emergency Fund. The Sub-Committee worked out detailed recommendations for the operation of the Fund and drew up a resolution based in the main on the Secretary-Generals' draft resolution.

At its 44th meeting on December 7, 1946, the Third Committee voted to add Argentina and the Byelorussian S.S.R. to the list of members of the Executive Board of the Fund recommended by the Sub-Committee. Switzerland had likewise been suggested for membership of the

Board, but certain delegations opposed this recommendation on the ground that Switzerland was not a Member of the United Nations. It was decided to leave the question of Switzerland's representation for later consideration, as the Economic and Social Council could add new members to the Board on the latter's recommendation.

The Third Committee then unanimously adopted the report and the resolution of the Sub-Committee. Likewise by unanimous vote, the General Assembly, at its 56th plenary meeting on December 11, 1946, adopted the resolution recommended by the Third Committee, which read as follows:

I. THE GENERAL ASSEMBLY,

HAVING considered the resolution adopted by the Economic and Social Council at its third session recommending the creation of an International Children's Emergency Fund to be utilized for the benefit of children and adolescents of countries which were the victims of aggression, and recognizing the desirability of establishing such a Fund in accordance with Article 65 of the Charter of the United Nations;

DECIDES THEREFORE:

1. There is hereby created an International Children's Emergency Fund to be utilized and administered, to the extent of its available resources:

- (a) For the benefit of children and adolescents of countries which were victims of aggression and in order to assist in their rehabilitation;
- (b) For the benefit of children and adolescents of countries at present receiving assistance from the United Nations Relief and Rehabilitation Administration;
- (c) For child health purposes generally, giving high priority to the children of countries victims of aggression.

2. (a) The Fund shall consist of any assets made available by UNRRA or any voluntary contributions made available by Governments, voluntary agencies, individual or other sources. It shall be authorized to receive funds, contributions or other assistance from any of the foregoing sources; to make expenditures and to finance or arrange for the provision of supplies, material, services and technical assistance for the furtherance of the foregoing purposes; to facilitate and coordinate activities relating thereto; and generally to acquire, hold or transfer property, and to take any other legal action necessary or useful in the performance of its objects and purposes;

(b) The Fund, in agreement with the Governments concerned, shall take such measures as are deemed appropriate to ensure the proper utilization and distribution of supplies or other assistance which it provides. Supplies

or other assistance shall be made available to Governments upon approval by the Fund of the plans of operation drawn up by the Governments concerned. Provision shall be made for:

- (i) The submission to the Fund of such reports on the use of supplies and other assistance as the Fund may from time to time require;
- (ii) Equitable and efficient dispensation or distribution of all supplies or other assistance, on the basis of need, without discrimination because of race, creed, nationality status or political belief;
- (c) The Fund shall not engage in activity in any country except in consultation with, and with the consent of, the Government concerned;
- (d) The Fund shall appeal to all voluntary relief agencies to continue and intensify their activities and shall take the necessary measures in order to co-operate with these agencies.

3. (a) The Fund shall be administered by an Executive Director under policies, including the determination of programmes and allocation of funds, 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;

(b) The Secretary-General of the United Nations shall appoint the Executive Director, in consultation with the Executive Board;

(c) The Executive Board shall be composed of representatives of the following Governments:

Argentina	Netherlands
Australia	New Zealand
Brazil	Norway
Byelorussian S.S.R.	Peru
Canada	Poland
China	Sweden
Colombia	Ukrainian S.S.R.
Czechoslovakia	Union of South Africa
Denmark	United Kingdom
Ecuador	U.S.S.R.
France	United States
Greece	of America
Iraq	Yugoslavia

The Economic and Social Council, on the recommendation of the Executive Board, may designate other Governments as members of the Board. Membership may be changed by the General Assembly, on the recommendation of the Economic and Social Council, at any time after the first three years of the Fund's existence. The Board may, as occasions arise, invite representatives of specialized agencies for consultation on matters within their competence;

(d) The Board may designate from among its members such committees as it deems advisable in the interest of effective administration.

The Board shall elect its own Chairman

and its Vice-Chairman, and shall meet whenever convened by the Chairman, or upon the request of any three of its members. The first meeting of the Board shall be convened by the Secretary-General of the United Nations, at the earliest date feasible after the adoption of this resolution. Each member of the Board shall have one vote. A majority of the Board shall constitute a quorum and it shall vote by a majority of the members present and voting. Subject to the foregoing, the Board may establish its own rules of procedure.

4. (a) Staff and facilities required for the administration of the Fund shall be provided to the Board by the Secretary-General. The Fund may also utilize such staff, equipment and records as may be made available by the United Nations Relief and Rehabilitation Administration during the period of its existence;

(b) The United Nations shall make no charge to the Fund on account of staff and facilities, so long as these can be provided from the established services of the Secretariat and within the limits of the United Nations budget. If additional funds are necessary, money for such purposes shall be provided by the Fund;

(c) To the maximum extent feasible, the utilization of the staff and technical assistance of specialized agencies, in particular the World Health Organization or its Interim Commission, shall be requested, with a view to reducing to a minimum the separate personnel requirements of the Fund.

5. The Secretary-General shall not pay from the funds received to finance the United Nations budget any claims arising from the operation of the Fund, but the Executive Board is authorized to pay from the Fund claims arising from its operation.

6. The Secretary-General shall submit to the General Assembly an annual audit of the accounts of the Fund.

7. The Executive Board shall make periodic reports of its operations at such times and in such form as the Economic and Social Council shall provide.

8. A report shall be submitted to the fourth session of the Economic and Social Council containing a recommended programme and estimate of expenses incurred and to be incurred for the Fund for 1947 which shall be subject to the approval of the Council.

9. The activities of the Fund shall be reviewed by the General Assembly at its second session upon the basis of a special report from the Economic and Social Council.

II. The effective operation of the Fund is dependent upon the financial resources which are put at its disposal.

THEREFORE
THE GENERAL ASSEMBLY EXPRESSES the earnest hope that Governments, voluntary agencies and private individuals will give the Fund their generous support.

g. Refugees and Displaced Persons

By a resolution of October 3, 1946, the Economic and Social Council approved the draft Constitution of the International Refugee Organization for transmission to the second part of the first session of the General Assembly and submitted a draft resolution for adoption by the Assembly. The Economic and Social Council further transmitted to the General Assembly a draft Agreement on Interim Measures to be Taken in Respect of Refugees and Displaced Persons and the report of the ad hoc Committee on Finances of the IRO.

The General Assembly referred the draft Constitution of IRO, the draft resolution of the Economic and Social Council and the draft Agreement on Interim Measures to the Third Committee, with the exception of those sections of the Constitution dealing with finances, the provisional budget of the Organization and scales of contribution (Article 10 and Annex II).

(1) Constitution of the International Refugee Organization

At its 15th meeting on November 4, 1946, the Third Committee agreed to hold a general debate on the draft Constitution of IRO. During this debate, which continued at the 16th, 17th, 18th and 19th meetings of the Third Committee, held on November 4, 5, 6, 8, and 9 respectively, a large number of representatives expressed their views. As was the case in the previous discussions which took place in the General Assembly and the Economic and Social Council on the question of refugees, the main difference of opinion was between the countries of origin of the majority of refugees and displaced persons (the Byelorussian S.S.R., Poland, the Ukrainian S.S.R., the U.S.S.R. and Yugoslavia) on the one hand, and the countries administering refugee and displaced persons' camps in the occupied zones of Germany and Austria (the United States, the United Kingdom and France) and countries interested in the resettlement of refugees on the other hand.

The countries of origin maintained that the only practical solution of the refugee problem was repatriation. The Constitution of IRO should provide only for the repatriation of refugees and displaced persons and should not make any provision for resettlement of refugees outside their countries of origin. At least the resettlement functions of the Organization should be strictly limited. Persons who refused

to return to their countries of origin for political reasons should not be the concern of IRO. Moreover, effective provision should be made in the Constitution to ensure that fascist collaborators, war criminals, members of military formations and persons who had left their countries after the war should not receive any aid from IRO.

Further, the countries of origin charged that active propaganda was being carried on in the displaced persons' camps against repatriation by elements which were hostile to the U.S.S.R. and to the governments of the other countries of origin. The Constitution of IRO should make effective provision for the suppression of such propaganda. Persons who had compromised themselves by collaboration with fascist authorities should be removed from the camp administration. The administration of the camps should be designated under the control of the United Nations in agreement with the governments of the countries of origin. Provision should be made, moreover, for a more effective screening of war criminals and collaborators, and each country of origin should be furnished with lists of displaced persons nationals of that country.

Finally, the countries of origin desired a larger representation on the various organs of IRO — the Executive Committee, the Executive Commission or the Staff — than was provided for in the draft Constitution.

Some 50 amendments to the draft Constitution of IRO were submitted by the countries of origin, with the object of bringing the Constitution into line with their views.

Again, as in previous discussions, a considerable number of representatives, including notably those of the United Kingdom and the United States, opposed the recommendations of the countries of origin on the ground that repatriation should in no case be compulsory, that there were persons other than war criminals or collaborators who for valid reasons were unwilling to return to their countries of origin, and that such persons were properly the concern of IRO. Resettlement in the case of such persons provided the only solution to the refugee problem. As to propaganda in the displaced persons camps, the governments responsible for the administration of these camps denied the charges of the countries of origin. They maintained that the right of free speech should be maintained and considered that adequate facilities had been granted representatives of the countries of origin to present their govern-

ment's point of view to all persons in the camps.

Regarding war criminals, it was contended that the draft Constitution of IRO made adequate provision to ensure that such persons should not receive any aid.

The draft Constitution as a whole, it was maintained, had been the result of lengthy discussion in the Economic and Social Council and had been approved by the majority of that body. The General Assembly, therefore, should not undo the work so far accomplished and should approve the Constitution of IRO without major changes.

At its twentieth meeting on November 12, 1946, the Third Committee decided to discuss the draft Constitution article by article in plenary meeting. Before the Committee proceeded to this detailed discussion, the representative of Australia submitted a proposal recommending the establishment of a commission of the Economic and Social Council to handle the refugee problem instead of a specialized agency, as the establishment of such an agency would increase the financial burden which Member Governments would have to bear. In opposition to this proposal several representatives pointed out that expenses would depend on the type of work performed and not on the type of organization. A commission, if it were to fulfil all the tasks of IRO, would involve the same cost. Moreover, the creation of a commission of the Economic and Social Council would require a revision of the budget of the United Nations and would entail many other complicated problems. In view of these considerations the Third Committee rejected the Australian proposal.

A total of 65 amendments to the draft Constitution of IRO had been submitted by various delegations. The Third Committee devoted seventeen meetings to a detailed consideration of these amendments. It rejected 32 of them, adopted eighteen without change and adopted four in a modified form. Four amendments were withdrawn. At its 41st meeting on December 4, 1946, the Committee formally approved those articles of the Constitution to which no amendments had been proposed. At its 46th meeting on December 9, 1946, the Third Committee approved certain modifications in the preamble to the Constitution necessitated by changes which the Fifth Committee had adopted in the Articles which had been referred to it for consideration. The Committee then approved the draft Constitution as a whole (with the exception of Annex II) by a vote of 18 to 5, with 5 abstentions. The representatives of the U.S.S.R., Po-

land, the Byelorussian S.S.R., the Ukrainian S.S.R. and Yugoslavia voted in the negative. As the amendments suggested by the countries of origin had for the most part been rejected by the Committee, they felt that the Constitution was just as satisfactory as when it had been adopted by the Economic and Social Council and they informed the Committee that they could not therefore support it.

(2) Financial Provisions of the Constitution of IRO

The General Assembly referred those sections of the draft Constitution of IRO (Article 10 and Annex II) dealing with the finances of the Organization, the provisional budget and the scales of contributions to the Fifth Committee (Administrative and Budgetary). The Fifth Committee discussed the financial provisions of the Constitution at its 34th, 35th, 36th, 37th, 38th, 39th and 45th meetings held on December 3, 4, 5, 7, 9 and 13.

Thirteen amendments to Article 10 and Annex II had been submitted by various delegations. An amendment to Article 10 presented by the Byelorussian S.S.R. concerning the financing of the Organization was discussed at length. The amendment proposed:

(1) that the cost of the repatriation of refugees should be charged to Germany and Japan as the persons involved were in their present situation as a result of the action of the German and Japanese Governments;

(2) that all provision for large-scale resettlement be deleted from the provisional budget of IRO, as such resettlement was contrary to the main purpose of IRO, which was repatriation. The countries receiving refugees, it was suggested, should pay for the expense of transportation and installation, as they benefited from the additional manpower they would obtain.

Concerning the first proposal, a number of representatives suggested that it was not practical to make Germany and Japan pay for the cost of repatriation. Arrangements for repatriations had already been made and the German and Japanese economies could not assume further burdens. Whatever contribution they might be able to make in supplying foodstuffs, etc., had already been taken into consideration in calculating the cost of the care and repatriation of refugees. At its 36th meeting on December 5, 1946, the Committee by a vote of 16 to 12, the remaining members of the Committee abstaining, decided in principle that expenses connected with repatriation should be charged to Germany and Japan. After further debate,

the Committee at its 37th meeting on December 7 adopted by a vote of 28 to 6 the following wording suggested by the Chairman of the Committee:

. . . And that the expenses of repatriation to the extent practicable should be charged to Germany and Japan for persons displaced by those Powers from countries occupied by them.

The Committee adopted by 20 votes to 10 the suggestion of the representative of the United States that this wording be inserted in the preamble to the Constitution.

The second proposal of the representative of the Byelorussian S.S.R., that no provision be made in the budget for large-scale resettlement, was rejected by the Fifth Committee at its 36th meeting on December 5 by a vote of 18 to 2. After considerable discussion, the Committee at its 38th meeting on December 7 accepted by a vote of 16 to 11, with 10 abstentions, a French amendment to the effect that contributions to the budget for large-scale resettlement should be voluntary and not compulsory. The Committee had previously rejected a Yugoslav proposal that — as regards the operational budget of IRO — the assessment of the paying capacity of countries devastated by war should be left to their governments.

Despite the opposition of certain countries, the Committee adopted an amendment proposed by the representative of the United States that countries which did not fulfil their financial contributions should lose their right to vote in the General Council of the Organization.

Having adopted several other amendments and having rejected still further proposals, the Fifth Committee at its 38th meeting on December 7 adopted Article 10 of the Constitution as a whole by a vote of 12 to 6, with 14 abstentions.

All amendments proposed to Annex II — the provisional budget and scales of contributions — were rejected by the Committee. The administrative budget was approved in the amount of \$4,800,000. The Committee discussed its authority to act upon the operational budget of IRO. It was explained that IRO did not yet exist as a specialized agency and that the provisions of Article 17 of the Charter were not yet in effect with regard to it. The matter had come to the General Assembly by report of the Economic and Social Council, acting under Article 62. The Committee, therefore, examined the operational budget with a view to recommending its adoption by such States as would later become Members of IRO.

The representative of the U.S.S.R. proposed that the item of the operational budget for expenses of repatriation (\$16,460,000) should be eliminated in view of the principle adopted by the Committee that such expenses should be charged to Germany and Japan. The view of the delegation of the United States that all possible expenditures which could be charged to the German and Japanese economies under this head had already been charged and that the \$16,460,000 represented only costs which must be paid in hard currencies, prevailed by 14 votes to 7. The Committee approved the entirety of the operational budget (with the exception of expenses for large-scale resettlement) in the amount of \$151,060,500.

That part of the operational budget which was assigned to the cost of large-scale resettlement activities was approved in the amount of \$5,000,000. Several delegations believed that this item should be eliminated from the budget in view of the adoption of the amendment to Article 10 proposed by the French delegation, that contributions to the budget for large-scale resettlement should be on a voluntary basis. The Committee, however, decided that the item of \$5,000,000 for large-scale resettlement should be left as a part of the budget to indicate to the Director-General of IRO the direction in which he should proceed and the amount of the subscriptions to be sought during the first financial year. It was agreed that special reference should be made in Annex II to paragraph 4 of Article 10 of the Constitution, which included the French amendment.

The scales of contribution for the administrative and operational budgets (other than large-scale resettlement) were referred to the Sub-Committee on Contributions of the Fifth Committee, which reported on these items to the Fifth Committee at its 45th meeting on December 13. During the debate several delegations questioned the equity of the proportions which had been assigned to their countries. However, a motion of the delegation of Norway to refer the scale of contributions for the provisional operational budget (other than large-scale resettlement) back to the Sub-Committee on Contributions for further study was rejected by 13 votes to 6. The scale proposed in the report of the Sub-Committee for the provisional administrative budget of the Organization was accepted by the Fifth Committee by 19 votes to 0. The scale proposed for the provisional operational budget (other than large-

scale resettlement) was adopted by 9 votes to 7. The report of the Sub-Committee as a whole was adopted by 13 votes to 6.

At its 45th meeting on December 13 the Fifth Committee approved the following draft resolution for adoption by the General Assembly:

NOTING the discussions and decisions in the Fifth Committee concerning the financial provisions of the draft Constitution of the International Refugee Organization, as well as the budget of the International Refugee Organization and scales of contributions thereto:

THE GENERAL ASSEMBLY ADOPTS Article 10 and Annex II of the said draft Constitution, as set forth in Annexes I and II of the report of the Fifth Committee for incorporation in the draft Constitution and recommendation to Governments.

The General Assembly adopted the resolution recommended by the Fifth Committee at its 67th plenary meeting on December 15, 1946, by 30 votes in favor and 5 against, with 18 abstentions.

(3) Agreement on Interim Measures to be taken in respect of Refugees and Displaced Persons

Having approved the draft Constitution of the International Refugee Organization, the Third Committee considered the draft Agreement on Interim Measures submitted by the Economic and Social Council. This draft Agreement contemplated the establishment of a preparatory commission to take all necessary measures for the purpose of bringing IRO into effective operation as soon as possible, and to provide for an orderly transfer to IRO of the functions and assets of existing organizations dealing with refugees and displaced persons.

The representative of the U.S.S.R. considered that the Agreement on Interim Measures was not satisfactory and suggested that it be referred to the Economic and Social Council for further study. He expressed the view that the functions assigned to the proposed Preparatory Commission could be effectively carried out by the Secretariat of the United Nations. The representatives of Yugoslavia and Poland objected to that part of the Interim Agreement which authorized the Preparatory Commission of IRO to take over any of the functions, activities, assets and personnel of existing organizations dealing with refugees and displaced persons, provided that the Commission was satisfied that this was essential in order to accomplish the

orderly transfer to IRO of such functions and activities. This provision, the representatives of Poland and Yugoslavia maintained, conferred upon the Preparatory Commission of IRO all of the powers which would subsequently be entrusted to IRO. On the other hand, the Preparatory Commission would not be bound by the provisions of the Constitution of IRO, if the latter were not yet in force. This would create a dangerous situation and the provisional organization might tend to become permanent. The representative for Yugoslavia therefore proposed that this part of the Agreement on Interim Measures be omitted. The Committee rejected this proposal and approved the Agreement as a whole by a vote of 22 to 3, with 9 abstentions.

(4) Resolution Concerning the International Refugee Organization

After the Third Committee had approved the draft Constitution of IRO and the Agreement on Interim Measures, it proceeded to consider the draft resolution submitted by the Economic and Social Council approving the two instruments and urging Members of the United Nations to sign them.

The representative of Lebanon submitted an amendment to the draft resolution to the effect that the General Assembly should urge the Members of the United Nations to receive into their territory, so far as practicable, non-repatriable persons who were the concern of IRO. Member States, the representative of Lebanon considered, should do their part in absorbing refugees; the General Assembly should exert its moral pressure in order that the possibilities of resettlement should be studied without delay.

Several representatives opposed the amendment on the ground that the essential role of IRO was repatriation and not resettlement, and that the Lebanese amendment was contrary to the Constitution of IRO. With a drafting change proposed by the representative of France, the Committee adopted the Lebanese amendment and then adopted the amended resolution by a vote of 22 to 7, with 3 abstentions.

At its 67th plenary meeting on December 15, 1946, the General Assembly considered the report of the Third Committee (Social, Humanitarian and Cultural) on the Constitution of IRO, on the Agreement on Interim Measures and the draft resolution recommended by the Third Committee. The representative of the United Kingdom proposed an amendment to the draft Constitution of IRO which would permit

IRO to establish its headquarters in Geneva, instead of Paris as provided, if the General Council of the Organization should so decide. The General Assembly adopted this amendment by 18 votes to 11. By 35 votes to 5, with 18 abstentions, the General Assembly then adopted the resolution, which read as follows:

THE GENERAL ASSEMBLY,

NOTING that action has been taken pursuant to the resolution concerning refugees and displaced persons adopted by the General Assembly on 12 February 1946, as follows:

(a) The establishment by the Economic and Social Council of a Special Committee on Refugees and Displaced Persons under a resolution of the Council of 16 February 1946;

(b) The making of a report by the Special Committee to the second session of the Council;

(c) The adoption of a draft Constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council under a resolution of the Council of 21 June 1946;

(d) The circulation to Members of the United Nations for their comments of the draft Constitution and the report of the Committee on the Finances of the International Refugee Organization;

(e) The final approval by the Council of the Constitution, and of a provisional budget for the first financial year, the adoption by the Council of an Arrangement for a Preparatory Commission, and the transmittal of both these instruments to the General Assembly, under resolution of the Council of 3 October 1946;

HAVING CONSIDERED the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as approved by the Economic and Social Council;

CONSIDERING that every effort should be made to provide for the early establishment of the International Refugee Organization and the provision of measures during the interim period designed to facilitate such establishment;

THEREFORE,

(a) APPROVES the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as annexed hereto;¹

(b) REQUESTS the Secretary-General to open these two instruments for signature and, in the case of the Constitution, to open it for signature either with or without reservation as to subsequent acceptance;

(c) URGES Members of the United Nations to sign these two instruments and, where constitutional procedures permit, to sign the

¹ For text of the Constitution and the Agreement on Interim Measures, see Part Two, The Specialized Agencies.

Constitution without reservation as to subsequent acceptance;

(d) AUTHORIZES the Secretary-General to make such staff available to the Preparatory Commission as may be deemed necessary and desirable;

(e) URGES Members of the United Nations to give the most favourable consideration to receiving each into its territory at the earliest possible time, so far as may be practicable for permanent resettlement, its fair share of the non-repatriable persons who are the concern of the International Refugee Organization and this in conformity with the principles of the Organization.

(5) Proposed Establishment of a Commission to Investigate Conditions in Refugee and Displaced Persons' Camps

At the 43rd meeting of the Third Committee on December 6, 1946, the representative of the U.S.S.R. stated that in the course of the discussions which had taken place in the Third Committee concerning IRO, the U.S.S.R. delegation had brought to the attention of the Committee incidents which testified to the existence in refugee and displaced persons' camps of persons who had no right to receive assistance, who carried on anti-Soviet propaganda and who impeded the work of repatriation. These assertions had usually been denied by the authorities administering the camps. To put an end to mutual disagreement and reproaches and to reveal the true situation as it existed in the camps, the representative of the U.S.S.R. proposed the establishment of a commission of seven to nine members, including the U.S.S.R., Poland and Yugoslavia as the countries most directly concerned, to investigate the situation on the spot and to report to the fourth session of the Economic and Social Council.

The representative of the United States opposed this proposal. Re-examination of the U.S.S.R. charges, he stated, had failed to substantiate them. The proposed commission would merely provide a further vehicle for repetition of the same charges. The representative of the United Kingdom likewise denied the charges of the U.S.S.R. representative and expressed the opinion that the establishment of an investigating commission was unnecessary. Although denying U.S.S.R. charges as regards French administration of refugee camps, the representative of France favored the establishment of an investigating commission. A general study of the conditions of repatriation, he considered, could assist the Preparatory Commission and later the IRO in their task.

The Third Committee by a vote of 21 to 9, with 9 abstentions, rejected the proposal of the representative of the U.S.S.R.

(6) Arrangements and Measures to be taken by Members of the United Nations in connection with Displaced Persons, Refugees, Prisoners of War and Persons of Similar Status, pending the establishment of IRO

At the 46th meeting of the Third Committee the representative of Yugoslavia submitted a draft resolution to the effect that the General Assembly recommend to all Governments concerned:

(1) to dissolve at the earliest possible date all military and para-military organizations which were hostile to the government of a Member of the United Nations and which impeded the repatriation of bona fide refugees;

(2) to segregate from camps or other places of temporary location of refugees and displaced persons all persons who had recourse to violence and other forms of coercion or who exerted moral pressure on refugees with the aim of preventing them from expressing their desire to be repatriated and with a view to making it more difficult for the representatives of the countries of origin to establish proper relationships with nationals of their countries;

(3) to effect a careful screening of all war criminals, quislings and traitors, who should be handed over to the authorities of the countries against which they committed their crimes.

Finally, the Yugoslav proposal envisaged the establishment of closer co-operation between the countries of origin and the countries responsible for the administration of the camps, by means of bilateral ad hoc commissions working in the field.

The representatives of the United Kingdom and the United States declared that the Yugoslav proposal was based on the assumption that the accusations made against the military authorities responsible for the administration of the camps were justified, whereas the Governments of the two countries had formally denied such accusations. Hence they opposed the Yugoslav resolution. Other representatives opposing the resolution stated that the disbandment of military units and the punishment of traitors were the tasks of the military occupation authorities in Austria and Germany rather than of the United Nations.

The representative of France supported the Yugoslav resolution except for the proposed establishment of bilateral commissions. The Yugoslav proposal, he considered, was perfectly justified, inasmuch as it had been said in the

course of the debate on IRO that the screening of traitors and war criminals was not the task of IRO. It was reasonable, therefore, to propose a resolution which called upon national governments to deal with the matter.

The representative of France proposed a number of amendments to the Yugoslav resolution and proposed omission of the recommendation for the establishment of bilateral commissions. The Yugoslav representative accepted these amendments with the exception of the latter proposal. Voting paragraph by paragraph, the Third Committee adopted the Yugoslav resolution with the exception of the paragraph proposing the establishment of bilateral commissions.

At the 47th meeting of the Third Committee on December 10, the representative of Yugoslavia accepted a number of drafting changes suggested by various delegations. The Committee then unanimously adopted the revised Yugoslav resolution as a whole, with six members of the Committee abstaining.

At its 67th plenary meeting on December 16, the General Assembly adopted the resolution recommended by the Third Committee, which read as follows:

THE GENERAL ASSEMBLY,
WHEREAS

The resolution of the General Assembly of 12 February 1946 stipulates as the main task the early return of displaced persons to their homes,

The Constitution of the International Refugee Organization re-affirms this principle applying it to all persons coming under the care of the Organization,

The resolution of the General Assembly of 13 February 1946 on war criminals, quislings and traitors recommends the arrest and handing over of such persons to countries where they have committed their crimes,

The Special Committee on Refugees and Displaced Persons in its report found that "the presence of war criminals, quislings and traitors among refugees and displaced persons in their countries of present sojourn represents an obstacle to the free and unhampered exercise on the part of those persons of their right of option between returning and not returning to their countries of origin in full knowledge and appreciation of all relevant facts,"

The removal of any impediment to an early return of refugees and displaced persons to their homes and families and the handing over for trial of war criminals, quislings and traitors is not only desirable, but is an urgent task

and obligation requiring close co-operation of all authorities concerned:

RECOMMENDS to all Governments concerned that they take urgent and adequate measures to effect a careful screening of all displaced persons, refugees, prisoners of war and persons of similar status, with a view to identifying all war criminals, quislings and traitors; and, in such screening, give high priority to all persons or groups of persons who use duress or incite other persons to the use of duress towards refugees, displaced persons, prisoners of war and persons of similar status, with the aim:

- (a) Of preventing them from expressing the desire to return to their country of nationality or former habitual residence; or
- (b) Of raising obstacles in any form to written or oral contact with duly accredited representatives of the Government of the country of their nationality or former habitual residence.

h. World Shortage of Cereals and Other Food-stuffs

By a letter of December 5, 1946, the Director-General of the Food and Agriculture Organization of the United Nations transmitted to the Secretary-General of the United Nations the Report of the Special Meeting on Urgent Food Problems, and a World Food Appraisal for 1946-47 issued September 2, 1946, by FAO. These documents, together with the Report of Committee II of Commission C of the FAO Conference, issued September 12, 1946, were transmitted to the second part of the first session of the General Assembly by the Secretary-General. At the same time the Secretary-General submitted a report of his own concerning the measures which had been taken by the various organs of the United Nations and the specialized agencies to implement the resolution adopted by the General Assembly on February 14, 1946, calling upon Members to help alleviate the world shortage of cereals by conserving supplies and ensuring maximum production in the coming season.

The General Assembly at its 46th plenary meeting on October 21, 1946, decided to refer this question to the Second Committee (Economic and Financial) for consideration. The Second Committee considered the question at its 9th, 10th, 11th, 13th, 14th, 15th, 24th and 25th meetings held on November 5, 6, 8, 13, 13, 14 and December 2 and 3 respectively. The Committee studied the documents which had been provided by the FAO and which had been submitted by the Secretary-General. It also

heard statements from the Counsellor of FAO and from the Secretary-General of the International Emergency Food Council. The Committee agreed on the seriousness of the food situation in 1946-47 and on the necessity of urging governments and international organizations concerned to take immediate measures to alleviate the situation.

The representative of Canada suggested that it was unnecessary for the Second Committee to undertake a detailed discussion of the world food situation, in view of the fact that the problems of short-term distribution were under detailed examination by the International Emergency Food Council and that the long-term problems were being examined at the meeting of the FAO currently taking place in Washington, and in the Preparatory Commission of the Conference on Trade and Employment. Accordingly the representative of Canada submitted a draft resolution:

(1) urging the governments and international agencies concerned to adopt or retain measures necessary for reducing the deficit in breadgrains, rice, fats, and other foodstuffs and for facilitating the equitable distribution of the available supplies;

(2) re-emphasizing the need for governments and international agencies to continue and expand the publication of the fullest possible information concerning supplies and requirements of such foodstuffs in order that action might be guided by these facts.

A number of delegations stressed certain aspects of the world food situation of particular concern to them. The representatives of several South American countries drew attention to the problems faced by agricultural producing countries, the primary problem being a lack of agricultural machinery. The representative of Brazil submitted an amendment to the Canadian draft resolution to the effect that the General Assembly recommend to the industrialized countries that they take measures towards improving the supply and distribution of farm machinery, agricultural implements and transportation equipment, so as to enable the agrarian countries to increase their production and export of foodstuffs. The representative of Argentina submitted a draft resolution containing a similar recommendation and stressing the contributions which industrialized and agricultural countries respectively would have to make in supplying the countries of the world with machinery, commodities and foodstuffs.

The representative of Saudi Arabia stressed the problem of transportation and distribution and urged as an immediate emergency policy:

(1) the conscription of all transportation available, including military transportation, under the authority of a special international agency;

(2) the equitable international distribution amongst needy countries of the various cereals, with due regard to the peculiar local patterns of consumption and with full regard to the needs of non-agricultural importing countries.

The representative of Guatemala submitted an amendment to the Canadian resolution urging "governments and international agencies concerned to implement bilateral or multilateral international arrangements necessary for the co-ordination of production, sale and distribution of cereals, both for meeting immediate needs and for long-term plans."

Several representatives stressed the problem of an equitable distribution of existing supplies as being of foremost importance, while others—particularly representatives of countries devastated by war—drew attention to the difficulties involved in financing necessary food imports.

The representative of the United Kingdom submitted an amendment to the Canadian resolution embodying several of the recommendations submitted by other delegations. The United Kingdom representative proposed to add the following recommendations to the Canadian resolution:

(a) Industrial countries to take all appropriate measures for increasing the supply of agricultural machinery, spare parts, implements and fertilizers, and their export to countries in need of them, so that all agricultural countries may be enabled to increase food production, and especially bread-grains, rice and oils and fats, to the maximum extent.

(b) Countries which are largely agricultural to take all possible steps to increase output of foodstuffs, to secure maximum recovery from producers (by increasing distribution of incentive goods and by improving administration measures), and to improve, wherever necessary, transportation facilities for cereals and other foodstuffs.

(c) Consumer countries to carry out as far as practicable appropriate measures to regulate consumption including the maintenance of high extraction rates, the dilution of flour, restrictions on usage of bread-grains for beverages and other non-essential purposes, and the restriction of the feeding of bread-grains to animals.

The representative of Egypt proposed that Members of the United Nations should furnish FAO with periodic reports on the measures

taken to implement the recommendations of the General Assembly as proposed in the Canadian resolution and the United Kingdom amendment, and that FAO should furnish reports thereon to the Economic and Social Council.

The delegation of the U.S.S.R. submitted a draft resolution the operative part of which read as follows:

THE GENERAL ASSEMBLY

CALLS UPON the Governments and peoples of the countries Members of the United Nations:

1. To continue their efforts to increase the production of grain (food) as well as the other measures provided for in the General Assembly's resolution of February 14, 1946. The General Assembly recommends that measures be taken to prevent a reduction of areas under grain (food) cultivation.

2. To take the necessary steps towards economy in the consumption of food in countries having a surplus of grain and other foodstuffs, and also towards an increase of exports to countries suffering from a shortage of these products.

The export of grain and other foodstuffs to the needy countries should not be used to procure political or other advantages accruing to the exporting countries.

3. To take steps against unwarranted price increases of grain and other foodstuffs in order to protect the interests of urban consumers. As only monopolies and middlemen benefit from arbitrary price increases, such measures should not affect the interests of small and medium peasants and farmers.

4. In the case of highly industrialized countries to devote the maximum attention to the supply to needy countries of agricultural machinery, implements and fertilizers, the increase of transport facilities for the movement of grain and foodstuffs, and the creation in these countries of at least small factories and workshops for the manufacture of the most essential agricultural machines, implements and spare parts.

After discussing at some length the various proposals which had been submitted, the Second Committee appointed a Sub-Committee of nineteen members to draft a unanimously acceptable resolution. The Sub-Committee held ten meetings and submitted a draft resolution which the Second Committee considered at its 24th meeting on December 2, 1946.

The representative of the U.S.S.R. stated that the Sub-Committee's draft resolution included many points contained in the original draft resolution submitted by the U.S.S.R. delegation. Other suggestions of the representative of the U.S.S.R., however, had been rejected by the sub-committee. The U.S.S.R. representative therefore submitted four amendments to the

Sub-Committee's draft resolution. Two of these the Second Committee adopted in modified form, after having referred one of them to the Sub-Committee for redrafting.

The Second Committee at its 23rd meeting on December 5, 1946, unanimously adopted the resolution drafted by the Sub-Committee. Likewise by unanimous vote, the General Assembly adopted the resolution at its 55th plenary meeting on December 11, 1946. The text of the resolution was as follows:

At its thirty-third plenary meeting, on 14 February 1946, the General Assembly adopted a resolution urging action, both directly by Governments and through the international organizations concerned, to alleviate the anticipated serious shortage of bread grains and rice.

The General Assembly has learned with satisfaction of the extent to which the position in 1946 was improved, particularly with respect to bread grains, by the common effort of the United Nations, thus saving millions of lives during the critical months before the 1946 harvest.

The General Assembly recognizes, however, that the food situation is still unsatisfactory. A number of countries have not yet overcome the devastating results of the enemy occupation to which they were subjected, and are obliged on this account to continue emergency imports of grains, fats and other foodstuffs. A severe shortage of these foodstuffs exists in many European countries, even in some of those which before the war were themselves exporters. In a number of countries of Asia the shortage of cereals and other foodstuffs has led to undernourishment and even famine, resulting in heavy loss of human lives, as in the case of India and China. There is also a widespread shortage of livestock.

The General Assembly notes, moreover, that in 1945 and 1946 some countries of Europe and Asia were affected by drought and bad harvest, resulting in still further deterioration of their food situation. Some countries which were not under enemy occupation have even introduced bread rationing for the first time, for instance the United Kingdom. In addition, some countries of Latin America are experiencing food shortages and are obliged to import grain.

The General Assembly has learned with concern that expected supplies of bread grains, rice, fats and oils, dairy products, meat and sugar appear to be substantially inadequate to meet minimum requirements for human consumption in 1947. Many countries, especially those which have suffered from enemy occupation and those which do not produce sufficient foodstuffs to meet their own requirements, need agricultural supplies such as machinery, implements, fertilizers, pesticides and seeds.

In addition, international payment difficulties on the part of certain importing countries, as well as transport and other difficulties, threaten

to prevent the utilization of such food supplies as may be available.

At the same time, there is a tendency in some countries to reduce the areas under cultivation of cereals and other foodstuffs, which may cause unwarranted price increases and still further aggravate the food situation. Inflationary prices, and other price factors, in many cases constitute another obstacle to the production and distribution of food supplies to those in need.

THE GENERAL ASSEMBLY, THEREFORE,

URGES the Governments and international agencies concerned to adopt or continue measures designed to overcome the deficit during 1947 in bread grains, rice, fats and oils, dairy products, meat and sugar and to achieve the equitable allocation and prompt distribution of the available supplies free from political considerations; and, in particular,

RECOMMENDS:

1. Food producing countries to take all practicable steps

(a) to increase the output and collection of foodstuffs to the maximum extent;

(b) to prevent reduction and encourage an increase of areas under grain cultivation;

(c) to improve transportation facilities for cereals and other foodstuffs;

(d) to increase exports to countries suffering from a shortage of foodstuffs;

(e) to continue and strengthen international machinery with a view to utilizing exportable food supplies with due consideration for the urgency of the food requirements in the needy countries;

(f) to take measures against any unwarranted increases in the price of grain and other foodstuffs especially such as would be detrimental to the interests of consumers and would mainly favour speculative interests without resulting in any real advantages to the farming population;

2. countries which are largely industrial and which produce transportation equipment, agricultural implements, machinery, spare parts and supplies for the construction of workshops for manufacturing and repairing the essential categories of such materials, or which produce fertilizers, pesticides, seeds, and animal feeding stuffs, to take all appropriate and practicable measures for expanding production, increasing export, and facilitating transportation of such supplies to countries in urgent need of them, and for facilitating the construction in these countries of small factories and workshops for the manufacture and repair of the most essential agricultural machines, implements and spare parts, for increasing food production;

3. all countries to carry out as far as practicable appropriate and necessary measures to regulate consumption, including the maintenance of high extraction rates, the dilution of flour, restrictions on usage of bread grains, for beverages and other non-essential purposes, and

restrictions on the feeding of bread grains to animals;

4. governments and international agencies concerned to continue and expand publication of the fullest possible information on supplies and requirements of foodstuffs and materials mentioned in paragraphs 1 and 2 above and on action taken to carry out the recommendations contained in this resolution, in order that future action may be guided by full knowledge of the relevant facts;

6. that attention continue to be given to the need for measures necessary to enable importing countries to overcome international payment difficulties, in order that the above recommendations may be rendered effective in improving the food situation.

i. Economic Reconstruction of Devastated Areas

The Economic and Social Council at its third session considered the preliminary report of the Temporary Sub-Commission on Economic Reconstruction of Devastated Areas of the Economic and Employment Commission, and requested the Secretary-General of the United Nations to transmit to the General Assembly for consideration the report together with the relevant resolution of the Council of October 3, 1946.

The General Assembly at its 46th plenary meeting on October 31, 1946, referred this question to the Second Committee (Economic and Financial) for consideration. The Second Committee considered the matter at its 20th, 21st, 22nd, 23rd and 27th meetings held on November 20, 25, 27 and 30 and December 6 respectively.

During the discussion in the Second Committee several delegations stressed the view that the economic reconstruction of the devastated areas was not only a moral obligation of the United Nations but also an essential factor in the restoration of world economy and of international trade.

The representatives of Yugoslavia and Greece declared that the financial aspect of the problem of economic reconstruction of devastated areas was of the greatest importance. The representative of Greece submitted a draft resolution which stressed the importance of making adequate provision for meeting the needs of devastated areas for long-term and short-term loans on favorable conditions, special attention to be given to the needs of countries having limited foreign exchange resources. The resolution urged that the International Bank for Reconstruction and Development should come into full and effective operation at the earliest

possible date, so that it might be able, early in 1947, to make the fullest possible contribution towards the needs of economic reconstruction. The representative of Yugoslavia submitted certain amendments to this draft resolution.

The representative of Brazil called the Committee's attention to the problems faced by the raw material producing countries and suggested that the economic difficulties which these countries faced as a result of the war should be considered along with the needs of devastated countries. The industrial rehabilitation of devastated countries, the Brazilian representative considered, was closely related to the problems of the supply of raw materials. He therefore submitted a proposal to the effect that the General Assembly recommend to the Economic and Social Council that the latter undertake through its appropriate subsidiary organs a study of the resources, supply position and transport conditions of raw material producing countries with a view to enabling them to render fuller co-operation in the reconstruction work. Several representatives of Latin American countries expressed views similar to those of the Brazilian representative. The representative of Mexico submitted certain amendments to the Brazilian draft resolution.

The representative of Norway submitted a draft resolution recommending that the General Assembly approve the resolutions concerning the reconstruction of devastated areas adopted by the Economic and Social Council and that the Assembly, moreover, recommend that the Economic and Social Council, at its next session, give favorable consideration to the establishment of an economic commission for Europe.

The representative of the Philippine Republic called attention to the problems of the devastated areas of Asia and the Far East. The representative for China submitted an amendment to the Norwegian draft resolution proposing that the General Assembly recommend to the Economic and Social Council at its next session that it give careful consideration to the establishment of an economic commission for Asia as well as of an economic commission for Europe.

Several representatives expressed the view that this additional proposal of the Chinese representative might delay the establishment of an economic commission for Europe. The General Assembly, these representatives considered, should make a positive recommendation

concerning the establishment of an economic commission for Europe so that the Economic and Social Council would not postpone the creation of this commission until the next session of the General Assembly.

At its 23rd meeting on November 30, 1946, the Second Committee referred to a Sub-Committee the various proposals which had been submitted. The draft resolution which the Sub-Committee drafted was unanimously adopted by the Second Committee at its 27th meeting on December 6, 1946.

The General Assembly at its 55th plenary meeting unanimously adopted the resolution recommended by the Second Committee, which read as follows :

THE GENERAL ASSEMBLY,
TAKING NOTE of the Preliminary Report of the Temporary Sub-Commission on Economic Reconstruction of Devastated Areas and of the relevant resolution of the Economic and Social Council of 3 October 1946;

RECOGNIZING the urgent need for international co-operation in the reconstruction of devastated areas:

1. APPROVES the general resolution of the Economic and Social Council, the resolution on the Survey of the Economic Reconstruction of Devastated Areas in Asia and the Far East, and the resolution for continuing the work of the Sub-Commission on Devastated Areas in Europe;
2. URGES the Members of the United Nations, the Economic and Social Council, and the specialized agencies and inter-governmental organizations concerned, to take all possible steps, within their respective fields of activity, which may lead to the early solution of the problems of economic reconstruction of devastated areas;
3. DIRECTS the Secretary-General to transmit to the International Bank for Reconstruction and Development the opinion of the General Assembly that, if the economic reconstruction of devastated areas is not to be unduly delayed, the International Bank should come into full effective operation at the earliest possible date so that, in accordance with the special functions laid down for the Bank in its articles of Agreement, it may be able, early in 1947, to make the fullest possible contribution toward the needs of economic reconstruction;
4. RECOMMENDS that the Economic and Social Council and its Commissions consider undertaking as soon as possible, in co-operation with the specialized agencies concerned, a general survey of raw material resources needed for the economic reconstruction of devastated areas, with a view to recommending the adoption of the necessary measures

to increase and promote production and to facilitate transportation of those materials from the producing areas to the devastated areas;

5. FURTHER RECOMMENDS that, in order to give effective aid to the countries devastated by war, the Economic and Social Council at its next session, give prompt and favorable consideration to the establishment of an Economic Commission for Europe and an Economic Commission for Asia and the Far East.

j. Calling of an International Conference on Freedom of Information

During the first part of the first session of the General Assembly, the delegation of the Philippine Republic presented a draft resolution concerning the calling of an international press conference. On the recommendation of the General Committee, the General Assembly decided to place this question on the agenda of the second part of its first session.

On October 31, 1946, at its 46th plenary meeting, the General Assembly referred this question to the Third Committee (Social, Humanitarian and Cultural).

The delegation of the Philippine Republic submitted a new draft resolution, which came before the Third Committee on November 20, 1946.

The representative of the Philippine Republic emphasized that free interchange of information and unlimited opportunities for the peoples of the world to learn more about each other were the surest way of dispelling suspicion and promoting international understanding. His delegation had proposed the new resolution because it believed that the radio and motion pictures, in their purely informational aspects, must be considered together with the press; it therefore proposed an International Information Conference dealing not only with the press but likewise with other information media.

During the discussion reference was made to the importance of co-operation with the United Nations Educational, Scientific and Cultural Organization in planning the conference.

The representative of the United States of America supported the Philippine proposal and welcomed the fact that the conference would discuss all information media, including radio and films.

The representative of the United Kingdom also welcomed the suggestion that the conference should cover all media. He agreed that the Economic and Social Council should be given

the task of convening the conference, and considered that it should be held independently of any meeting of the General Assembly. He suggested that the United Nations Educational, Scientific and Cultural Organization, certain non-governmental organizations and press publishers, as well as relevant trade unions, should be represented.

With regard to the agenda of the conference, he submitted the following for consideration as practical objectives :

(a) To promote the widest and freest possible exchange of incoming and outgoing news, without government censorship in times of peace.

(b) To extend to bona fide press, film and radio correspondents, without discrimination, all reasonable facilities to travel and reside in the respective territories of the signatory governments, with complete freedom to carry on their activities and with equal access to all sources of news.

(c) To extend, within the respective territories of the signatory government, and without discrimination, the freest and widest possible opportunities for the distribution of news by bona fide news services.

(d) To extend access to available communication facilities to bona fide correspondents and news agencies without discrimination as to nationality.

The Chilean representative wished to add a fifth point to those submitted by the United Kingdom representative, namely, that an objective of the conference should be to prevent discrimination in the press against any countries or regions of the world.

Other representatives supported the resolution, the points most frequently emphasized being that in recent history the world had seen only too clearly that media of publicity were often used to disseminate, not true news but propaganda; that professional journalists, as well as editors and owners of the press, should be present at the conference; that all media should be represented; and that it was important to find a solution of the problem of presenting true news as well as of obtaining true news.

The representative of the U.S.S.R. considered that, under the present conditions, it was not desirable to widen the scope of the conference to include questions relating to radio and the films, since special conferences might be necessary to consider those specific problems. The representative of India felt that the matter could be more appropriately discussed and decided in the General Assembly.

By 41 votes to 0, the Third Committee decided to recommend to the General Assembly the adoption of the resolution (with minor drafting changes) as submitted by the representative of the Philippine Republic.

On December 5, 1946, the Third Committee discussed its draft report to the Assembly on the question of the proposed conference on freedom of information. The representative of France pointed out that the technical services of the United Nations Educational, Scientific and Cultural Organization could be of great assistance in the preparatory work for the proposed conference. He suggested an amendment to instruct the Economic and Social Council to undertake the convocation of the conference "with the co-operation of the United Nations Educational, Scientific and Cultural Organization." The amendment was defeated by 17 votes to 8. The Third Committee then unanimously adopted the report.

In accordance with rule 112 of the Provisional Rules of Procedure of the General Assembly, the Chairman of the Third Committee referred to the Fifth Committee, on November 21, 1946, the recommendation of the Third Committee that an international conference on freedom of information should be held during 1947, at such place as might be determined by the Economic and Social Council.

The Fifth Committee (Administrative and Budgetary) examined estimates prepared by the Secretary-General regarding the cost of such a conference (1) if held at the headquarters of the United Nations, (2) if held at Geneva and (3) if held elsewhere. The Committee approved without dissent the inclusion of \$28,000 in the estimates for 1947 to cover the costs of such a conference if held at headquarters. The Committee noted that, should another location be selected by the Economic and Social Council, the additional cost would, if necessary, be covered by the utilization of such provision for unforeseen expenses as might be made by the General Assembly under the Working Capital Fund.

At its 65th plenary meeting on December 14, 1946, the General Assembly unanimously adopted the following resolution recommended by the Third Committee:

THE GENERAL ASSEMBLY,
WHEREAS

Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated;

Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world;

Freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent;

Understanding and co-operation among nations are impossible without an alert and sound world opinion, which, in turn, is wholly dependent upon freedom of information;

RESOLVES THEREFORE, in the spirit of paragraphs 3 and 4 of Article 1 of the Charter, to authorize the holding of a conference of all Members of the United Nations on freedom of information;

INSTRUCTS the Economic and Social Council to undertake, pursuant to Article 60 and Article 62, paragraph 4, of the Charter, the convocation of such a conference in accordance with the following guiding principles:

(a) the purpose of the Conference shall be to formulate its views concerning the rights, obligations and practices which should be included in the concept of the freedom of information;

(b) delegations to the Conference shall include in each instance persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information;

(c) the Conference shall be held before the end of 1947, at such place as may be determined by the Economic and Social Council, in order to enable the Council to submit a report on the deliberations and recommendations of the Conference to the following regular session of the General Assembly.

k. Draft Declarations on the Rights and Duties of States and on Fundamental Human Rights and Freedoms

During the San Francisco Conference the representatives of Panama, Mexico and Cuba had proposed that the Conference should adopt a Declaration of the Rights and Duties of Nations and a Declaration of the Essential Rights of Man. The Conference did not find it possible to deal with the subject, however.

At the first part of the first session of the General Assembly the General Committee voted not to include in the agenda a proposal by the representative of Cuba that the Assembly discuss the matter of a Declaration on Fundamental Human Rights and the Rights and Duties of Nations¹.

¹ See p. 77.

The delegation of Panama had submitted a Draft Declaration on the Rights and Duties of States and a Draft Declaration on Fundamental Human Rights and Freedoms and had requested that the agenda of the second part of the first session of the General Assembly include consideration of these Draft Declarations.

(1) Draft Declaration on the Rights and Duties of States

The General Assembly at its 46th plenary meeting on October 31, 1946, referred to the First Committee the Draft Declaration on the Rights and Duties of States.

During the discussion which took place at the 40th and 41st meeting of the First Committee on December 5 and 6, 1946, the representative of Panama was commended for his excellent work. The Committee felt, however, that the question could not be thoroughly examined during the current session of the General Assembly. It therefore adopted unanimously a proposal submitted jointly by the representatives of El Salvador, Panama, Poland and the United States that consideration of the Draft Declaration on the Rights and Duties of States be postponed until the second session of the General Assembly and that in the meantime the Draft Declaration be submitted to the Member Governments for their comments and observations, to national and international bodies concerned with international law and to the Committee on the Codification of International Law established during the second part of the first session of the General Assembly.

On the recommendation of the First Committee the General Assembly at its 55th plenary meeting on December 11 unanimously adopted the following resolution:

THE GENERAL ASSEMBLY RESOLVES:

1. To request the Secretary-General to transmit immediately to all Member States of the United Nations and to national and international bodies concerned with international law, the text of the draft Declaration of the Rights and Duties of States presented by Panama, with the request that they submit their comments and observations to the Secretary-General before 1 June 1947;

2. To refer the said Declaration to the Committee established by the General Assembly during the present session to study the methods of codification of international law and to request the Secretary-General to transmit to this Committee the comments and observations as they are received from the Governments and institutions referred to in the preceding paragraph;

3. To request this Committee to report thereon to the second regular session of the General Assembly;

4. To include this matter in the agenda of the second regular session of the General Assembly.

(2) Draft Declaration on Fundamental Human Rights and Freedoms

The General Assembly at its 46th plenary meeting on October 31, 1946, referred the Draft Declaration on Fundamental Human Rights and Freedoms simultaneously to the First (Political and Security) and Third (Social, Humanitarian and Cultural) Committees.

At the 33rd meeting of the Third Committee on November 26 the representative of the United States submitted a resolution recommending that the Draft Declaration be referred to the Economic and Social Council for submission to the Commission on Human Rights. This Commission, one of whose tasks it was to draft an international bill of human rights, was the logical body, the United States representative and several others considered, to study the draft submitted by the representative of Panama. The representative of Panama, on the other hand, considered that the Committees of the General Assembly alone were competent to study the question. A joint sub-committee of the First and Third Committee should be established to examine the Panamanian draft. By 27 votes to 10 the Third Committee adopted the United States proposal.

At the 41st meeting of the First Committee the representative of Panama stated that the Third Committee had acted rather hastily in referring the matter to the Commission on Human Rights without a time limit and without instructions. He asked that the First Committee adopt a resolution similar to the one adopted concerning the Draft Declaration on the Rights and Duties of States. The First Committee decided, however, in favor of upholding the decision of the Third Committee. In order to meet the objection of the representative of Panama concerning a time limit on the work of the Commission of Human Rights, the First Committee added a paragraph to the resolution as adopted by the Third Committee, expressing the hope that the question would be referred back to the General Assembly for inclusion in the agenda of its second session. The Third Committee approved this amendment at its 45th meeting on December 9.

On the recommendation of the First and Third Committees the General Assembly, therefore, at its 55th plenary meeting on December 11 adopted the following resolution:

THE GENERAL ASSEMBLY,
WHEREAS

The Economic and Social Council has established a Commission on Human Rights and has resolved that the work of the Commission shall be directed towards submitting proposals, recommendations and reports to the Council concerning an international bill of rights.

RESOLVES THEREFORE to refer the draft Declaration on Fundamental Human Rights and Freedoms to the Economic and Social Council for reference to the Commission on Human Rights for consideration by the Commission in its preparation of an international bill of rights; and

EXPRESSES the hope that the question will be referred back to it in order that it may be included in the agenda of the second regular session of the General Assembly.

1. Persecution and Discrimination

By a letter of November 2, 1946, addressed to the President of the General Assembly, the representative of Egypt submitted a draft resolution on persecution and discrimination to the second part of the first session of the General Assembly. The resolution stated that it appeared from various governmental and unofficial investigations carried out in several States of Central Europe, among both Members and non-Members of the United Nations, that citizens belonging to religious minorities continued, in spite of the victory of the democracies, to be the object of persecution and of discrimination which rendered very difficult life in their native countries, where they had an absolute right to be on an equal footing with all other citizens. Such persecution and discrimination, the resolution stated further, constituted a total disregard of the most elementary humanitarian principles and was contrary to the purposes of the United Nations. The General Assembly therefore should call on the governments and responsible authorities of the areas concerned to put an end to such persecution and discrimination.

The General Committee of the General Assembly considered this proposal at its 25th meeting on November 6, 1946. A number of representatives objected to the reference made to certain countries of Central Europe. The General Committee therefore decided by a vote of 3 to 3, with 3 abstentions, not to recommend the Egyptian proposal for inclusion in the agenda of the second part of the first session of the General Assembly.

At the 47th plenary meeting of the General Assembly on November 9, 1946, the Egyptian representative submitted a revised text of his resolution dealing with the problem of persecution and discrimination in general terms without any reference to the countries of Central Europe. In its revised form the resolution met with no objection from any delegation.

At its 48th plenary meeting on November 19, 1946, the General Assembly unanimously adopted the resolution without first referring it to a Committee. The text of the resolution was as follows:

THE GENERAL ASSEMBLY DECLARES that it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination, and calls on the Governments and responsible authorities to conform both to the letter and to the spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end.

m. Political Rights of Women

On October 30, 1946, the delegation of Denmark submitted a draft resolution concerning the political rights of women to the second part of the first session of the General Assembly. On the recommendation of its General Committee, the General Assembly, at its 46th plenary meeting on October 31 decided to place this draft resolution on its agenda and to refer it to the Third Committee (Social, Humanitarian and Cultural).

The resolution, which made reference in its preamble to the provisions of the United Nations Charter concerning equal rights of men and women, contained the two following recommendations:

(1) THE GENERAL ASSEMBLY . . . recommends

that all Member States which have not already done so, adopt measures necessary to fulfil the purposes and ends of the Charter in this respect by granting women the same political rights as men and invites the Secretary-General to communicate this recommendation to all Governments of Member States.

(2) THE GENERAL ASSEMBLY recommends that the Security Council and the General Assembly in dealing with applications for membership give consideration to the political rights of women in the applicant State.

During the discussion which took place in the Third Committee at its 22nd and 23rd meetings, held on November 13 and 15 respectively, a considerable number of representatives spoke in

support of the resolution. Some representatives considered that women ought to be granted equal social and civil rights as well as equal political rights, and that a recommendation to this effect should be included in the resolution. Other representatives stressed the need for an effective implementation of the resolution and suggested that the General Assembly might refer the matter to the Economic and Social Council with a view to such implementation.

Concerning the second part of the resolution the representative of Denmark stated that the First Committee, after a protracted debate, had concluded its consideration of the question of the admission of new Members. In the circumstances, it was felt that a debate on the second part of the Danish proposal might lead to duplication of that discussion; therefore, in order to expedite the business of the General Assembly, the delegation of Denmark, with the consent of the Third Committee, withdrew that part of the resolution.

The Third Committee then adopted the resolution proposed by the Danish delegation by 41 votes to 0. At its 55th plenary meeting on December 11, 1946, the General Assembly unanimously adopted the following resolution:

THE GENERAL ASSEMBLY,
WHEREAS

In the Preamble of the Charter the peoples of the United Nations have reaffirmed faith in the equal rights of men and women, and in Article 1 it is stated that the purposes of the United Nations are, among others, to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to sex, and to be a centre for harmonizing the actions of nations in the attainment of these common ends,

WHEREAS

Certain Member States have not yet granted to women political rights equal to those granted to men,

THEREFORE:

(a) RECOMMENDS that all Member States which have not already done so, adopt measures necessary to fulfil the purposes and aims of the Charter in this respect by granting to women the same political rights as to men;

(b) INVITES the Secretary-General to communicate this recommendation to the Governments of all Member States.

n. National Red Cross and Red Crescent Societies

During its second session in June 1946 the Economic and Social Council was requested by

the Belgian Government to present to the second part of the first session of the General Assembly a proposal concerning co-operation between National Red Cross Societies.

At its third session the Economic and Social Council adopted on September 21, 1946, a resolution recommending that the General Assembly call the attention of Members to this question. This item was placed on the agenda of the General Assembly and was referred to the Third Committee by the General Assembly at its 46th plenary meeting on October 31, 1946.

The Third Committee considered the question at its 14th and 15th meetings on November 3 and 4, respectively. Three proposals were put forward:

(1) an amendment by the representative of the United Kingdom proposing that the Red Cross and Red Crescent Societies be brought into relation with the United Nations through the World Health Organization;

(2) a draft resolution submitted by the representative of France proposing that modifications and additions to the International Conventions of Geneva and The Hague be made, especially in regard to wounded and prisoners of war, and the protection of civilians;

(3) an amendment by the representative of Turkey proposing that the Red Crescent Societies be mentioned at the same time as the Red Cross Societies.

Several representatives expressed the view that the French and the United Kingdom amendments might complicate a simple resolution, which, it was urged, ought to be adopted unanimously as a tribute to the Red Cross and Red Crescent Societies for the work they had performed during the war. The two amendments were therefore withdrawn. The representative of France indicated that his draft resolution would be submitted to the Economic and Social Council at its next session.

The insertion of the term "Red Crescent" was approved by the Committee.

On the recommendation of the Third Committee, the General Assembly at its 49th plenary meeting on November 19, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY draws the attention of the Members of the United Nations to the fact that the following purposes are of special concern, namely:

(a) that the said Members should encourage and promote the establishment and co-operation of duly authorized voluntary National Red Cross and Red Crescent Societies;

(b) that at all times the independent voluntary nature of the National Red Cross and Red Crescent Societies be respected in all circumstances, provided they are recognized by their Governments and carry on their work according to the principles of the Geneva and The Hague Conventions and in the humanitarian spirit of the Red Cross and Red Crescent;

(c) that the necessary steps be taken to ensure that in all circumstances contact may be maintained between the National Red Cross and Red Crescent Societies of all countries, so as to enable them to carry out their humanitarian task.

o. Establishment of the World Health Organization

On September 17, 1946, in the course of its third session, the Economic and Social Council adopted a resolution recommending that the General Assembly take the necessary measures for the establishment of the World Health Organization.

This matter was placed on the agenda of the General Assembly and was referred to the Third Committee (Social, Humanitarian and Cultural), which, after discussing the question at its 33rd meeting on November 26, 1946, unanimously approved the resolution of the Economic and Social Council and recommended that governments be urged to ratify their signatures at the earliest possible date.

With regard to the question of the budget of the Interim Commission of the World Health Organization, the Committee had to decide whether, in its opinion, funds to be allotted by the United Nations for the purpose of financing the activities of the Interim Commission should be in the form of a loan or a grant. The representative of China proposed that the funds to be allotted should be in the form of a grant. The representative of the Ukrainian S.S.R. stated that the World Health Organization should draw its funds from the contributions normally made by the governments represented in the Organization. If the principle of making grants to specialized agencies were adopted a regrettable precedent would be established in that all Members of the United Nations would be forced to contribute to the financing of a specialized agency. The representative of the Ukrainian S.S.R. therefore proposed that funds allotted by the United Nations should be in the form of a loan.

In the interests of unanimity the Chinese proposal was withdrawn in favor of the Ukrainian proposal.

The matter was referred to the Fifth Committee (Administrative and Budgetary) for further detailed consideration and report. The Fifth Committee considered that the question was indissolubly bound up with decisions relating to the Working Capital Fund, and relating, in particular, to decisions of the Fifth Committee concerning interim financing of specialized agencies by the United Nations. It therefore referred this item to the Advisory Committee on Administrative and Budgetary Questions.

The Advisory Committee reported its findings to the Fifth Committee in its fourth report, dated December 10, 1946. This report contained the following recommendations concerning loans to specialized agencies:

The Secretary-General proposes that he should be enabled to use the funds to make, under adequate safeguards, temporary repayable advances for financing certain specialized agencies while the agencies concerned are in their initial formative period and are in need of time to collect contributions under their own budgets. A question of policy is involved, inasmuch as the Members of the United Nations are not, in all cases, members of the specialized agencies. Subject to acceptance by the Fifth Committee of the proposed policy, the Advisory Committee believes that the proposal should be made more flexible, but that at the same time, the safeguards should be more carefully defined. It recommends, therefore, that advances to agencies should be made only after careful examination of the need, and of the proposed financial resources of the agency concerned. The prior concurrence of the Advisory Committee would be required for advances aggregating more than \$2,000,000 (United States) or in excess of \$1,000,000 (United States) for any one agency.

The Fifth Committee adopted the report at its 44th meeting on December 13, 1946. Taking note of the resolution of the Third Committee, the Fifth Committee assured the Members of the General Assembly that the necessary funds for the implementation of the resolution would be made available.

On the recommendation of the Third Committee the General Assembly at its 65th plenary meeting on December 14, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY,

TAKES NOTE of the resolution adopted by the Economic and Social Council at its third session on 17 September 1946, regarding the establishment of the World Health Organization:

1. RECOMMENDS all Members of the United Nations to accept the Constitution of the World Health Organization at the earliest possible date;

2. INSTRUCTS the Secretary-General to take the necessary steps, as contemplated by the Final Act of the International Health Conference, to effect the transfer to the Interim Commission of the World Health Organization of the functions and activities of the League of Nations Health Organization which have been assumed by the United Nations;

3. RECOMMENDS all Members of the United Nations, and in particular those Members parties to the Rome Agreement of 1907 constituting the Office international d'hygiène publique, to accept, at the earliest possible date, the Protocol of the International Health Conference concerning the Office international d'hygiène publique;

4. APPROVES, in response to the application of the Interim Commission, a loan by the United Nations of a maximum sum of \$300,000 (U.S.) for the purpose of financing the activities of the Interim Commission from the commencement of its work to the end of the financial year 1946, and approves the inclusion in the budget of the United Nations for the financial year 1947 of a maximum sum of \$1,000,000 (U.S.) as a further loan for the purpose of financing the activities of the Interim Commission or the World Health Organization during that year;

6. AUTHORIZES the Secretary-General to transmit any recommendations made by the General Assembly in pursuance of paragraphs 1 and 3 above to all States which, whether Members of the United Nations or not, sent representatives or observers to the International Health Conference.

In pursuance of the above resolution, a circular letter, dated January 27, 1947, was sent by the Secretary-General to the States Members and non-Members of the United Nations which had previously sent representatives or observers to the International Health Conference. In conformity with the recommendations of the General Assembly's resolution the governments were requested to accept the Constitution of the World Health Organization at the earliest possible date as well as the Protocol concerning the Office international d'hygiène publique. Up to June 30, 1947, the Constitution had been accepted by fourteen States¹.

p. Housing and Town Planning

By a letter of October 26, 1946, addressed to the President of the General Assembly, the delegation of France requested that the question of housing and town planning be included in the

agenda of the second part of the first session of the General Assembly and it submitted a draft resolution.

The General Assembly at its 46th plenary meeting on October 31, 1946, referred the question to the Joint Second and Third Committee, which considered the matter at its 9th and 11th meetings on December 4 and 10 respectively. The French resolution proposed that the General Assembly:

(1) summon a preparatory conference of technical experts on housing and town planning to study the organization and unification of international exchanges of information relating in particular to demographic statistics, town planning principles, building techniques, and the economic, financial, legal and legislative aspects of town planning questions;

(2) establish, under the auspices of the Economic and Social Council, an International Information and Research Office on housing and town planning questions.

The representative of the United Kingdom agreed with the aims and principles of the French resolution, but expressed his opposition to any excessive increase in the number of international agencies. The Economic and Social Council and its commissions, he stated, had already been charged with a study of the housing problem; hence it was not necessary to establish any new international machinery. The representative of the United Kingdom therefore submitted a revised draft resolution which took into account the existing machinery of the United Nations. The representative of France accepted the revised text submitted by the representative of the United Kingdom.

The representative of the United States presented an amendment to the French-United Kingdom proposal, which also included certain changes suggested by the delegations of Chile and Venezuela. The resolution as amended was adopted unanimously by the Committee.

On the recommendation of the Joint Second and Third Committee the General Assembly at its 65th plenary meeting on December 14, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY,

CONSIDERING the magnitude and gravity of housing problems in various parts of the world, and the advisability of providing for exchange of views and constant liaison between the technical experts of the various nations;

¹ For further information on the World Health Organization see Part Two, The Specialized Agencies.

CONSIDERING the recommendations already made by the special meeting on emergency housing problems convened by the Emergency Economic Committee for Europe, and also of the recommendations of the Housing Sub-Committee of the Emergency Economic Committee for Europe:

DECIDES to recommend to the Economic and Social Council that it instruct the appropriate Commissions to expedite their study of housing problems, with special reference to the organization and unification of international exchanges of information relating, in particular, to town planning principles, building techniques and the climatic, economic and financial, legal and legislative aspects of housing and town planning questions; and to consider the desirability of holding an international conference of experts to advise on the need for establishing an international mechanism to collate such information, lay down guiding principles for new technical research on materials, methods of use and prefabrication, and to define standards capable of general application.

q. Provision of Expert Advice by the United Nations to Member States

By a letter of December 2, 1946, addressed to the Secretary-General of the United Nations, the Lebanese delegation requested the inclusion of the following item in the agenda of the second part of the first session of the General Assembly:

The creation by the United Nations of Advisory Boards of the proper disinterestedness and excellence in economic, social, health, administrative, educational and cultural matters, for the purpose of enabling the Members of the United Nations to draw upon such Boards for expert advice in connection with their own internal development.

In the course of the discussion which took place at the 25th meeting of the General Committee on November 6, 1946, certain members of the Committee opposed inclusion of this item in the agenda on the ground that the Economic and Social Council was the proper organ to deal with this matter and that the creation of new bodies would involve additional expense. The General Committee voted 11 to 2 to recommend to the General Assembly that the item be included in the agenda. The General Assembly at its 47th plenary meeting on November 9 agreed to include the item in its agenda and referred it to the Joint Second and Third Committee.

The Joint Committee considered the matter at its 11th and 12th meetings, held on December 6 and 10 respectively. The representative of

Lebanon stated that certain countries which were politically independent did not possess sufficient technical and economic means for their development without outside help. Such help, the Lebanese representative stressed, should be furnished through collective international action. Otherwise the less developed countries might have to resort to bilateral agreements to obtain assistance from more advanced countries, and this might endanger the economic independence of the former. The draft resolution submitted by the representative of Lebanon therefore recommended that the General Assembly refer to the Economic and Social Council for study and recommendation to the next session of the General Assembly the proposal for the creation of advisory boards of experts in the economic, financial, statistical, administrative, health, educational and other fields, whose function it would be to render expert advice and guidance to Member nations which desired their assistance.

The representatives of Australia, Canada, the U.S.S.R. and others, while expressing sympathy with the objectives of the Lebanese resolution, drew attention to the risk of overloading the Economic and Social Council with work in the early stages of its development, and to the fact that several specialized agencies were, by their constitutions, authorized to supply advice of the kind desired within their special fields. They suggested that consideration of the question be postponed.

The delegation of China proposed a number of amendments, and in particular the deletion of the second part of the draft Lebanese resolution, which contained a number of "considerations" which the Economic and Social Council should take into account in studying the matter. These amendments were accepted by the Lebanese representative.

The representative of the United States proposed to include in the resolution a reference to the co-operation of the specialized agencies with respect to the supplying of expert advice. In addition, he pointed out that individual countries constituted one of the possible sources of such assistance and he suggested, therefore, that the Economic and Social Council should seek the co-operation of Member Governments as well as of specialized agencies in supplying expert advice.

The representative of France pointed out, however, that the aim of the Lebanese draft resolution was to substitute the expert advice

of international organizations such as the United Nations and the specialized agencies for bilateral arrangements which often resulted in the undue economic dependence of one nation upon another.

The representative of Lebanon accepted the amendment of the United States concerning the co-operation of the specialized agencies. He declared that he was not, however, in favor of the recommendation concerning Member Governments. That amendment was rejected by the Joint Second and Third Committee.

The Committee, after considering several further amendments, adopted the revised Lebanese resolution by 26 votes to 0, with 4 abstentions.

On the recommendation of the Joint Second and Third Committee, the General Assembly at its 65th plenary meeting on December 14, 1946, unanimously adopted the following resolution :

THE GENERAL ASSEMBLY,

CONSIDERING that the Members of the United Nations are not yet all equally developed:

CONSIDERING that some Member Nations may need expert advice in the various fields of economic, social and cultural development;

RECOGNIZING the responsibility of the United Nations under the Charter for assisting in such development;

RECOGNIZING the importance of such development for the peace and prosperity of the world;

RECOGNIZING the responsibility of the specialized agencies in their respective fields;

DECIDES to refer to the Economic and Social Council for study the question of providing effective ways and means for furnishing, in co-operation with the specialized agencies, expert advice in the economic, social and cultural fields to Member nations who desire this assistance.

r. Translation of the Classics

By a letter of November 2, 1946, the representative of Lebanon requested the inclusion of the following item in the agenda of the second part of the first session of the General Assembly:

To initiate studies and make recommendations on the question of the translation and publication of the great classics of human thought in the various languages of the United Nations.

At the 24th meeting of the General Committee of the General Assembly certain members of the Committee opposed the inclusion of this item in the agenda of the General Assembly on the ground that the time of the Assembly was

very limited and that the proposal should be more appropriately referred to UNESCO. The General Committee voted 10 to 2 to recommend to the General Assembly that the item be included in the agenda. At its 47th plenary meeting the General Assembly agreed to this recommendation and referred the question to the Third Committee (Social, Humanitarian and Cultural).

The Third Committee at its 42nd meeting on December 5, 1946, considered a draft resolution submitted by the representative of Lebanon. The resolution proposed that the question of the translation of the classics be referred to the Economic and Social Council for study in consultation with UNESCO and for recommendation to the next session of the General Assembly.

Commenting upon his proposal, the representative of Lebanon stated that the soundest foundation of peace would be the sharing of certain fundamental concepts of all peoples. It was with the purpose of extending to all peoples the benefits of human culture that the Lebanese delegation submitted the proposal for a translation of the classics under the auspices of the United Nations. The Lebanese representative expressed the view that UNESCO was not a sufficiently universal organ to undertake the task. The entire collection of classics should be published under the auspices of the United Nations.

Other representatives insisted that UNESCO was the proper organization to deal with this question. The representative of the United States submitted an amendment, further modified at the suggestion of the representative for India, proposing that the General Assembly refer the question to the Economic and Social Council, which would transmit it to UNESCO for further consideration and suitable action. The Third Committee unanimously adopted this amendment and then unanimously adopted the revised resolution as a whole.

At the 45th meeting of the Third Committee on December 9 the representative of Saudi Arabia proposed that the works to be translated should be selected in such a way as to promote international good will and that the definition of classics should not be restricted to any period. Several representatives opposed this suggestion, considering that any given work either was a classic or was not, and that it should be judged on its literary merits solely. The Committee agreed to mention the views of the Saudi Arabian representative in its report to the General Assembly.

On the recommendation of the Third Committee the General Assembly at its 65th plenary meeting on December 14, 1946, unanimously adopted the resolution, which read as follows:

THE GENERAL ASSEMBLY,
RECOGNIZING that the translation of the world's classics into the languages of the Members of the United Nations will promote understanding and peace among nations by the creation of a community of culture in which the peoples of all nations may participate:

1. DECIDES to refer this question to the Economic and Social Council for reference to the United Nations Educational, Scientific and Cultural Organization for suitable action;

2. RECOMMENDS to the Economic and Social Council and to the United Nations Educational, Scientific and Cultural Organization the following principles to be considered in their study of this question:

(a) that the translation of the classics is a project of international concern and of great significance for the promotion of international cultural co-operation;

(b) that certain nations do not have sufficient facilities and resources for the authentic translation of numerous classics into their languages;

(c) that such translation is greatly conducive to their cultural development;

(d) that the definition of classics should not be limited by reference to any particular culture but should include products of all nations or cultures which are deemed by the highest authorities to have universal significance and permanent value.

s. World University Alliance

By a letter of November 2, 1946, addressed to the Secretary-General of the United Nations the Lebanese delegation requested that the following item be included in the agenda of the second part of the first session of the General Assembly:

To initiate studies and make recommendations concerning the possibility of the creation of a World University Alliance through which the universities, scholars, and students of the United Nations could collaborate with the United Nations, offering the results of their research and study as their benevolent contribution towards the achievement of the purposes and principles of the Charter.

At the 25th meeting of the General Committee certain representatives opposed the inclusion of this item in the agenda of the second part of the first session of the General Assembly. In accordance with a suggestion of the representative of France, the representative of

Lebanon withdrew his proposal, reserving the right to resubmit it to the next session of the General Assembly.

4. TRUSTEESHIP AND NON-SELF-GOVERNING TERRITORIES

a. Trusteeship Agreements

(1) Approval by the General Assembly

In its resolution on non-self-governing peoples of February 9, 1946, the General Assembly invited States administering territories under League of Nations Mandate to undertake practical steps for the implementation of Article 79 of the Charter by submitting Trusteeship Agreements for the approval of the General Assembly, preferably not later than during the second part of its first session.

In pursuance of this resolution, draft Trusteeship Agreements for eight of the mandated territories were submitted to the second part of the first session of the General Assembly for approval. The Agreements were communicated by the Government of Australia for New Guinea, by the Government of Belgium for Ruanda-Urundi, by the Government of France for the Cameroons under French Mandate and Togoland under French Mandate, by the Government of New Zealand for Western Samoa, and by the Government of the United Kingdom for Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate. The General Assembly referred these proposed Trusteeship Agreements to its Fourth Committee (Trusteeship) for consideration.

In the course of an extensive general discussion which took place at the 14th, 15th, 16th, 17th, 18th, 19th and 20th meetings of the Fourth Committee held on November 4, 5, 7, 8, 11, 13 and 14 respectively, the various representatives expressed their views as to the general principles which should govern the operation of the trusteeship system.

A considerable number of representatives expressed the view that the eight Trusteeship Agreements submitted by the Administering Authorities were susceptible of improvement in a number of ways. On the other hand, these representatives were of the opinion that the Agreements contained no violation of the fundamental principles of the Charter. Considering the early establishment of the Trusteeship Council to be the most urgent consideration, these representatives urged approval of the proposed Agreements despite certain imperfections.

The representative of the United States remarked that in accordance with Article 79 of the Charter, Trusteeship Agreements must be approved by the "States directly concerned." The phrase "States directly concerned," the United States representative maintained, should be interpreted to mean only the State administering the Trust Territory. Any other interpretation would cause difficulties and delays in the establishment of the Trusteeship Council. The representative of the United States suggested the following practical procedure:

(1) that a sub-committee should be established to consider the draft Trusteeship Agreements and to negotiate on behalf of the Fourth Committee with the governments which had submitted the Agreements;

(2) that States interested should be permitted to submit to the sub-committee and to the mandatory powers involved suggestions regarding the proposed Agreements;

(3) that after hearing such suggestions and after consultation with the sub-committee the mandatory powers involved suggestions re-sub-committee as to the acceptability of these suggestions;

(4) that the Agreements thus modified should be considered by the Fourth Committee and referred to the General Assembly with the Committee's recommendations.

The United States Government would be willing to accept the Trusteeship Agreements as they would be approved under this procedure, he said, provided that other nations were ready to do the same and would not insist on the right to veto any Agreement by claiming to be a "State directly concerned."

The representative of the U.S.S.R. criticized the mandatory powers for procrastinating in submitting Trusteeship Agreements, and more particularly criticized these powers for not submitting Trusteeship Agreements for all former League of Nations mandates. The Charter, the U.S.S.R. representative maintained, imposed a definite obligation on the Administering Authorities to place all former mandates under trusteeship.

The Trusteeship Agreements which had been submitted, the U.S.S.R. representative stated, had been drawn up in violation of Article 79 of the Charter, as they had not been concluded in concert with the powers "directly concerned." He disagreed with the view of the representative of the United States that this term should include only the Administering Authority.

The representative of China submitted a draft resolution to the effect that the General Assembly anticipated that those States which had not yet submitted draft Trusteeship Agreements in respect of territories hitherto held under mandate would take such steps as were necessary under Article 79 of the Charter, to the end that all such territories might be soon brought within the Trusteeship System. The Fourth Committee failed to adopt this proposal.

Another proposal not adopted by the Fourth Committee was one submitted by the representative of India to the effect that the Committee recommend that the Administering Authority for Trust Territories falling under Chapter XII of the Charter should as a rule be "the Organization itself" as indicated in Article 81 of the Charter.

Following the general discussion, the Fourth Committee at its 20th meeting on November 14 appointed a Sub-Committee of seventeen members to examine the eight proposed Agreements and make recommendations to the Committee on them. The Sub-Committee held 26 meetings. In the course of its deliberations it considered 229 proposed modifications of the texts of these Agreements. All members of the Fourth Committee not represented on the Sub-Committee were given the opportunity to propose modifications.

The governments concerned accepted for incorporation in the texts of their Agreements certain of the modifications either recommended to them by a majority vote of the Sub-Committee, or in some cases without a vote. In other cases the delegations concerned notified the Sub-Committee of the inability of their Governments to accept the recommended changes. In some cases, following discussion and declarations made by representatives of governments administering mandated territories, proposed modifications were withdrawn. Some of the delegations whose proposed modifications did not receive the majority support of the Sub-Committee, subsequently brought them before the Fourth Committee as a whole.

The Sub-Committee, following its article by article examination of the eight proposed Agreements, decided at its 25th meeting to recommend to the Fourth Committee approval of the Agreements with the exception of the preambles. The vote in each case was 12 for, 3 against and 2 abstentions, except in the case of the proposed Agreement for New Guinea, approval of which was recommended by a vote of 11 to 3, with 3 abstentions.

The preambles to the Trusteeship Agreements involved the question of "States directly concerned," on which the Sub-Committee failed to reach agreement in the course of its prolonged discussions. At the 24th meeting of the Sub-Committee on December 5 the Chairman of the Sub-Committee, on his own responsibility, had requested the representatives of the U.S.S.R. and the United States to undertake consultations in an effort to reach a solution acceptable to the Sub-Committee on the problem of "States directly concerned." At the 27th meeting of the Sub-Committee on December 9, the two representatives reported that these consultations had not succeeded.

At its 27th meeting the Sub-Committee rejected by a vote of 4 to 10, with 3 abstentions, a proposal of the delegation of the U.S.S.R. to set up a drafting sub-committee to find a general definition of "States directly concerned." A proposal of the delegation of the United States was approved by a vote of 13 to 3, with 1 abstention, to the effect that the following recommendation on the subject of "States directly concerned" be included in the report of the Rapporteur of the Fourth Committee:

Approval of any terms of Trusteeship by this session of the General Assembly should be on the following understanding with respect to "States directly concerned":

All Members of the United Nations have had an opportunity to present their views with reference to the terms of Trusteeship now proposed to the General Assembly for approval. There has, however, been no specification by the General Assembly of "States directly concerned" in relation to the proposed Trust Territories. Accordingly, the General Assembly in approving the terms of Trusteeship does not prejudice the Question of what States are or are not "directly concerned" within the meaning of Article 79. It recognizes that no State has waived or prejudiced its right hereafter to claim to be such a "State directly concerned" in relation to approval of subsequently proposed Trusteeship Agreements and any alteration or amendment of those now approved, and that the procedure to be followed in the future with reference to such matters may be subject to later determination.

The Sub-Committee then considered preambles for the eight Agreements, which omitted mention of Article 79. At its 28th meeting the Sub-Committee approved the preambles of the eight agreements by a vote of 13 to 2, with 2 abstentions.

The Fourth Committee considered the report of the Sub-Committee at its 21st, 22nd, 23rd, 24th, 26th and 27th meetings held on December

8, 9, 10, 11 and 12. A number of proposed modifications of the Trusteeship Agreements which had been rejected by the Sub-Committee were submitted to the Fourth Committee by the respective delegations.

A new article, proposed by the delegation of the U.S.S.R. to apply to all of the Agreements, provided that:

The present Agreement shall enter into force upon its approval by the General Assembly of the United Nations and shall remain in force for a period of . . . years and thereafter shall be reviewed and modified according to the degree of attainment of the purposes set forth in Article 76 of the Charter of the United Nations.

This proposal was adopted by a vote of 20 to 14, with 1 abstention. Following adoption of this proposal, the Fourth Committee rejected a U.S.S.R. suggestion that the period in the proposal be fixed at five years. Upon the proposal of the Chinese delegation the Fourth Committee, by a vote of 20 to 7, with 8 abstentions, then decided that the period should be fixed at ten years, which coincided with the period proposed by the representative of India.

A new clause for all of the Agreements proposed by the delegation of India provided that:

The Administering Authority shall administer the trust territory on behalf of and solely for the benefit of and in the interest of its people, and on the termination of the Trusteeship, all the powers of the Authority shall cease and it shall surrender the territory, together with all public property then existing, whether movable or immovable, to the people, whose right to sovereignty and independence shall always be recognized.

This proposal was approved by a vote of 19 to 16, with 2 abstentions.

A third modification adopted by the Fourth Committee was proposed by the U.S.S.R. delegation. It provided that the mandatory power should not be authorized to administer any Trust Territory "as an integral part" of any other territory under its control. The Fourth Committee adopted this modification by a vote of 16 to 15, with 3 abstentions.

The Fourth Committee rejected two similar proposals submitted by the delegations of the U.S.S.R. and of India to which these delegations and a number of other representatives attached particular importance. It was proposed that the mandatory power should not be permitted to establish military bases, to construct fortifications and to maintain armed forces in Trust Territories except on the basis of obligations to

the Security Council as defined in the Charter and subject to the approval of the Security Council. The U.S.S.R. proposal was rejected by a vote of 18 to 14, with 6 abstentions, and the Indian proposal by a vote of 18 to 16, with 4 abstentions.

At the 26th meeting of the Fourth Committee the delegations of Australia, Belgium, France, New Zealand and the United Kingdom explained to the Committee why the modifications recommended by the Fourth Committee as mentioned above were not acceptable to their Governments.

In view of the fact that the Mandatory Powers did not accept the modifications recommended by the Fourth Committee, the representatives of the U.S.S.R. and of India expressed the view that it would be pointless to vote on the texts of the Trusteeship Agreements which did not contain these modifications. The Committee should not voice approval of Agreements the modifications of which had not been accepted by the mandatory powers.

The Chairman of the Fourth Committee explained that if the Committee voted in favor of certain modifications of the Trusteeship Agreements, these would constitute recommendations to the mandatory power submitting the Agreement. If the mandatory power refused to accept the amendment recommended to it, the Committee would have to decide when it voted on the Agreements as a whole whether it considered the amendment of such importance that it should recommend to the General Assembly the rejection of the Agreement unless it contained the amendment in question. The mandatory power could not be compelled to accept any particular amendment.

At its 26th meeting on December 11, 1946, the Fourth Committee, by separate votes, approved the eight Trusteeship Agreements. The vote in each case was 35 to 8. The Fourth Committee further approved the Sub-Committee's recommendations concerning the preambles to the Agreements and the question of "States directly concerned."

At its 61st and 62nd plenary meetings on December 13, 1946, the General Assembly considered the report of the Fourth Committee. The representative of the U.S.S.R. expressed the view that the draft Trusteeship Agreements submitted for approval by the General Assembly violated the fundamental provisions of the Charter regarding the Trusteeship System. The U.S.S.R. representative therefore submitted the following resolution:

THE GENERAL ASSEMBLY CONSIDERS that the draft Trusteeship Agreements submitted for its consideration . . . have been drafted contrary to the fundamental requirements of the United Nations Charter regarding the Trusteeship System, that is:

(1) The proposed Trusteeship Agreements . . . cannot be considered as Trusteeship Agreements as Article 79 of the Charter provides that the terms of Trusteeship shall be agreed upon by the States directly concerned whereas so far it has not been determined which countries are directly concerned.

(2) The draft Agreements include the provision whereby the Territories in Trust shall be administered as an integral part of those States which are Administering Authorities, which in fact amounts to annexation of the territories in trust by the said States, whereas Article 76 of the Charter provides that the Trusteeship System shall promote the progressive development of the Trust Territories towards self-government.

(3) The proposed draft Agreements provide as one of the terms the establishment in Trust Territories of military, naval and air bases without the Security Council's consent, which is contrary to Article 83 of the Charter which requires the consent of the Security Council for the establishment of military, naval and air bases in Trust Territories.

THE GENERAL ASSEMBLY THEREFORE RESOLVES

(1) To reject the draft Agreements for the . . . territories under Mandate as being inconsistent with the Charter,

(2) To recommend to the Governments of the United Kingdom, France, Belgium, Australia, and New Zealand to submit for the consideration of the General Assembly new draft Trusteeship Agreements . . . drawn up in conformity with the Charter.

The General Assembly rejected this resolution by a vote of 34 to 6, with 11 abstentions.

Voting separately on each Agreement, the General Assembly then approved the eight Trusteeship Agreements by the following votes:

New Guinea: 41 to 6, with 5 abstentions;
 Ruanda-Urundi: 41 to 6, with 5 abstentions;
 French Camerouns and French Togoland: 41 to 5, with 6 abstentions;
 Western Samoa: 41 to 6, with 5 abstentions;
 Tanganyika: 41 to 6, with 5 abstentions;
 British Camerouns and British Togoland: 41 to 6, with 5 abstentions.

Accordingly, the General Assembly at its 62nd plenary meeting on December 13, 1946, adopted the following resolution:

THE GENERAL ASSEMBLY APPROVES separately the following eight Trusteeship Agreements:

1. The proposed Trusteeship Agreement for New Guinea submitted by the Government of Australia.

2. The proposed Trusteeship Agreement for Ruanda-Urundi submitted by the Government of Belgium.
3. The proposed Trusteeship Agreement for the Cameroons under French Mandate submitted by the Government of France.
4. The proposed Trusteeship Agreement for Togoland under French Mandate submitted by the Government of France.
5. The proposed Trusteeship Agreement for Western Samoa submitted by the Government of New Zealand.
6. The proposed Trusteeship Agreement for Tanganyika submitted by the Government of the United Kingdom.
7. The proposed Trusteeship Agreement for the Cameroons under British Mandate submitted by the Government of the United Kingdom.
8. The proposed Trusteeship Agreement for Togoland under British Mandate submitted by the Government of the United Kingdom.

(2) Text of Trusteeship Agreements

Following is the text of the Trusteeship Agreements as approved by the General Assembly:

1. TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF TOGOLAND UNDER BRITISH ADMINISTRATION

WHEREAS the territory known as Togoland under British Mandate and hereinafter referred to as the Territory has been administered in accordance with Article 22 of the Covenant of the League of Nations under a Mandate conferred on His Britannic Majesty; and

WHEREAS Article 75 of the United Nations Charter, signed at San Francisco on 26 June 1945, provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements; and

WHEREAS under Article 77 of the said Charter the international trusteeship system may be applied to territories now held under Mandate; and

WHEREAS His Majesty has indicated his desire to place the Territory under the said international trusteeship system; and

WHEREAS in accordance with Articles 75 and 77 of the said Charter, the placing of a territory under the international trusteeship system is to be effected by means of a Trusteeship Agreement;

Now THEREFORE the General Assembly of the United Nations hereby resolves to approve the following terms of trusteeship for the Territory.

Article 1

The Territory to which this Agreement applies comprises that part of Togoland lying to the west of the boundary defined by the Franco-British Declaration of 10 July 1919, as delimited and modified by the Protocol of 21 October

1929, executed by the Commissioners appointed in the execution of Article 2 (1) of the said Declaration.

Article 2

His Majesty is hereby designated as Administering Authority for the Territory, the responsibility for the administration of which will be undertaken by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

Article 3

The Administering Authority undertakes to administer the Territory in such a manner as to achieve the basic objectives of the international trusteeship system laid down in Article 76 of the United Nations Charter. The Administering Authority further undertakes to collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter, and to facilitate any periodic visits to the Territory which they may deem necessary, at times to be agreed upon with the Administering Authority.

Article 4

The Administering Authority shall be responsible (a) for the peace, order, good government and defence of the Territory and (b) for ensuring that it shall play its part in the maintenance of international peace and security.

Article 5

For the above-mentioned purposes and for all purposes of this Agreement as may be necessary, the Administering Authority:

(a) shall have full powers of legislation, administration and jurisdiction in the Territory, and shall administer it in accordance with his own laws as an integral part of his territory with such modification as may be required by local conditions and subject to the provisions of the United Nations Charter and of this Agreement;

(b) shall be entitled to constitute the Territory into a customs, fiscal or administrative union or federation with adjacent territories under his sovereignty or control, and to establish common services between such territories and the Territory where such measures are not inconsistent with the basic objectives of the international trusteeship system and with the terms of this Agreement;

(c) and shall be entitled to establish naval, military and air bases, to erect fortifications, to station and employ his own forces in the Territory and to take all such other measures as are in his opinion necessary for the defence of the Territory and for ensuring that it 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 Territory in carrying out the obligations towards the Security Council under-

taken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within the Territory.

Article 6

The Administering Authority shall promote the development of free political institutions suited to the Territory. To this end, the Administering Authority shall assure to the inhabitants of the Territory a progressively increasing share in the administrative and other services of the Territory; shall develop the participation of the inhabitants of the Territory in advisory and legislative bodies and in the government of the Territory, both central and local, as may be appropriate to the particular circumstances of the Territory and its peoples; and shall take all other appropriate measures with a view to the political advancement of the inhabitants of the Territory in accordance with Article 76 (b) of the United Nations Charter. In considering the measures to be taken under this article the Administering Authority shall, in the interests of the inhabitants, have special regard to the provisions of Article 5 (a) of this Agreement.

Article 7

The Administering Authority undertakes to apply in the Territory the provisions of any international conventions and recommendations already existing or hereafter drawn up by the United Nations or by the specialized agencies referred to in Article 57 of the Charter, which may be appropriate to the particular circumstance of the Territory and which would conduce to the achievement of the basic objectives of the international trusteeship system.

Article 8

In framing laws relating to the holding or transfer of land and natural resources, the Administering Authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land or natural resources may be transferred, except between natives, save with the previous consent of the competent public authority. No real rights over native land or natural resources in favour of non-natives may be created, except with the same consent.

Article 9

Subject to the provisions of Article 10 of this Agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all Members of the United Nations and their nationals and to this end:

(a) shall ensure the same rights to all nationals of Members of the United Nations as to his own nationals in respect of entry into and residence in the Territory, freedom of transit and navigation, including freedom of transit and navigation by air, acquisition of property both movable and immovable, the protection of person and property, and the exercise of professions and trades;

(b) shall not discriminate on grounds of nationality against nationals of any Member of the United Nations 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;

(c) shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

The rights conferred by this Article on nationals of Members of the United Nations apply equally to companies and associations controlled by such nationals and organized in accordance with the law of any Member of the United Nations.

Article 10

Measures taken to give effect to Article 9 of this Agreement shall be subject always to the overriding duty of the Administering Authority in accordance with Article 76 of the United Nations Charter 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 to maintain peace, order and good government. The Administering Authority shall in particular be free:

(a) to organize essential public services and works on such terms and conditions as he 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 of the Territory;

(c) where the interests of the economic advancement of the inhabitants of the Territory 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 or those in which the Government participates, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

Article 11

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 9 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 12

The Administering Authority shall, as may be appropriate to the circumstances of the Territory, continue and extend a general system of

elementary education designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult, and shall similarly provide such facilities as may prove desirable and practicable in the interests of the inhabitants for qualified students to receive secondary and higher education, including professional training.

Article 13

The Administering Authority shall ensure in the Territory complete freedom of conscience and, so far as is consistent with the requirements of public order and morality, freedom of religious teaching and the free exercise of all forms of worship. Subject to the provisions of Article 8 of this Agreement and the local law, missionaries who are nationals of Members of the United Nations shall be free to enter the Territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals in the Territory. The provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such control as he may consider necessary for the maintenance of peace, order and good government and for the educational advancement of the inhabitants of the Territory and to take all measures required for such control.

Article 14

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the Territory freedom of speech, of the press, of assembly, and of petition.

Article 15

The Administering Authority may arrange for the co-operation of the Territory, in any regional advisory commission, regional technical organization or other voluntary association of states, any specialized international bodies, public or private, or other forms of international activity not inconsistent with the United Nations Charter.

Article 16

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the United Nations Charter. Such reports shall include information concerning the measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council. The Administering Authority shall designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to the Territory are considered.

Article 17

Nothing in this Agreement shall affect the right of the Administering Authority to propose, at any future date, the amendment of this Agreement for the purpose of designating the

whole or part of the Territory as a strategic area or for any other purpose not inconsistent with the basic objectives of the international trusteeship system.

Article 18

The terms of this Agreement shall not be altered or amended except as provided in Article 79 and Articles 83 or 85, as the case may be, of the United Nations Charter.

Article 19

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations relating to the interpretation or application of the provisions of this Agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for in Chapter XIV of the United Nations Charter.

II. TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF THE CAMEROONS UNDER BRITISH ADMINISTRATION

WHEREAS the territory known as the Cameroons under British Mandate and hereinafter referred to as the Territory has been administered in accordance with Article 22 of the Covenant of the League of Nations under a Mandate conferred on His Britannic Majesty; and

WHEREAS Article 75 of the United Nations Charter, signed at San Francisco on 26 June 1945, provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements; and

WHEREAS under Article 77 of the said Charter the international trusteeship system may be applied to territories now held under Mandate; and

WHEREAS His Majesty has indicated his desire to place the Territory under the said international trusteeship system; and

WHEREAS in accordance with Articles 75 and 77 of the said Charter, the placing of a territory under the international trusteeship system is to be effected by means of a Trusteeship Agreement;

Now, THEREFORE, the General Assembly of the United Nations hereby resolves to approve the following terms of trusteeship for the Territory.

Article 1

The Territory to which this Agreement applies comprises that part of the Cameroons lying to the west of the boundary defined by the Franco-British Declaration of 10 July 1919, and more exactly defined in the Declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the Cameroons under French Mandate which was confirmed by the exchange of Notes between His Majesty's Government in the United Kingdom and the French Government of 9 January

1931. This line may, however, be slightly modified by mutual agreement between His Majesty's Government in the United Kingdom and the Government of the French Republic where an examination of the localities shows that it is desirable in the interests of the inhabitants.

Article 2

His Majesty is hereby designated as Administering Authority for the Territory, the responsibility for the administration of which will be undertaken by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

Article 8

The Administering Authority undertakes to administer the Territory in such a manner as to achieve the basic objectives of the international trusteeship system laid down in Article 76 of the United Nations Charter. The Administering Authority further undertakes to collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter, and to facilitate any periodic visits to the Territory which they may deem necessary, at times to be agreed upon with the Administering Authority.

Article 4

The Administering Authority shall be responsible (a) for the peace, order, good government and defence of the Territory and (b) for ensuring that it shall play its part in the maintenance of international peace and security.

Article 5

For the above-mentioned purposes and for all purposes of this Agreement, as may be necessary, the Administering Authority:

(a) shall have full powers of legislation, administration and jurisdiction in the Territory and shall administer it in accordance with his own laws as an integral part of his territory with such modification as may be required by local conditions and subject to the provisions of the United Nations Charter and of this Agreement;

(b) shall be entitled to constitute the Territory into a customs, fiscal or administrative union or federation with adjacent territories under his sovereignty or control, and to establish common services between such territories and the Territory where such measures are not inconsistent with the basic objectives of the international trusteeship system and with the terms of this Agreement;

(c) and shall be entitled to establish naval, military and air bases, to erect fortifications, to station and employ his own forces in the Territory and to take all such other measures as are in his opinion necessary for the defence of the Territory and for ensuring that it 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 Territory in carrying out the obligations towards the Security Council undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within the Territory.

Article 6

The Administering Authority shall promote the development of free political institutions suited to the Territory. To this end the Administering Authority shall assure to the inhabitants of the Territory a progressively increasing share in the administrative and other services of the Territory; shall develop the participation of the inhabitants of the Territory in advisory and legislative bodies and in the government of the Territory, both central and local, as may be appropriate to the particular circumstances of the Territory and its peoples; and shall take all other appropriate measures with a view to the political advancement of the inhabitants of the Territory in accordance with Article 76 (b) of the United Nations Charter. In considering the measures to be taken under this Article the Administering Authority shall, in the interests of the inhabitants, have special regard to the provisions of Article 5 (a) of this Agreement.

Article 7

The Administering Authority undertakes to apply in the Territory the provisions of any international conventions and recommendations already existing or hereafter drawn up by the United Nations or by the specialized agencies referred to in Article 57 of the Charter, which may be appropriate to the particular circumstances of the Territory and which would conduce to the achievement of the basic objectives of the international trusteeship system.

Article 8

In framing laws relating to the holding or transfer of land and natural resources, the Administering Authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land or natural resources may be transferred except between natives, save with the previous consent of the competent public authority. No real rights over native land or natural resources in favour of non-natives may be created except with the same consent.

Article 9

Subject to the provisions of Article 10 of this Agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all Members of the United Nations and their nationals and to this end:

(a) shall ensure the same rights to all nationals of Members of the United Nations as to his own nationals in respect of entry into and residence in the Territory, freedom of transit and navigation, including freedom of transit and navigation by air, acquisition of

property both movable and immovable, the protection of persons and property, and the exercise of professions and trades;

(b) shall not discriminate on grounds of nationality against nationals of any Member of the United Nations 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;

(c) shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

The rights conferred by this Article on nationals of Members of the United Nations apply equally to companies and associations controlled by such nationals and organized in accordance with the law of any Member of the United Nations.

Article 10

Measures taken to give effect to Article 9 of this Agreement shall be subject always to the overriding duty of the Administering Authority in accordance with Article 76 of the United Nations Charter 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 to maintain peace, order and good government. The Administering Authority shall in particular be free:

(a) to organize essential public services and works on such terms and conditions as he 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 of the Territory;

(c) where the interests of the economic advancement of the inhabitants of the Territory 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 or those in which the Government participates, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

Article 11

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 9 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 12

The Administering Authority shall, as may be appropriate to the circumstances of the Territory continue and extend a general system of elementary education designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult, and shall similarly provide such facilities as may prove desirable and practicable in the interests of the inhabitants for qualified students to receive secondary and higher education, including professional training.

Article 13

The Administering Authority shall ensure in the Territory complete freedom of conscience and, so far as is consistent with the requirements of public order and morality, freedom of religious teaching and the free exercise of all forms of worship. Subject to the provisions of Article 8 of this Agreement and the local law, missionaries who are nationals of Members of the United Nations shall be free to enter the Territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals in the Territory. The provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such control as he may consider necessary for the maintenance of peace, order and good government and for the educational advancement of the inhabitants of the Territory, and to take all measures required for such control.

Article 14

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the Territory freedom of speech, of the press, of assembly, and of petition.

Article 15

The Administering Authority may arrange for the co-operation of the Territory in any regional advisory commission, regional technical organization, or other voluntary association of states, any specialized international bodies, public or private, or other forms of international activity not inconsistent with the United Nations Charter.

Article 16

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the United Nations Charter. Such reports shall include information concerning the measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council. The Administering Authority shall designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to the Territory are considered.

Article 17

Nothing in this Agreement shall affect the right of the Administering Authority to propose, at any future date, the amendment of this Agreement for the purpose of designating the whole or part of the Territory as a strategic area or for any other purpose not inconsistent with the basic objectives of the international trusteeship system.

Article 18

The terms of this Agreement shall not be altered or amended except as provided in Article 79 and Article 83 or 85, as the case may be, of the United Nations Charter.

Article 19

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations relating to the interpretation or application of the provisions of this Agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for in Chapter XIV of the United Nations Charter.

III. TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF TANGANYIKA

WHEREAS the territory known as Tanganyika has been administered in accordance with Article 22 of the Covenant of the League of Nations under a Mandate conferred on His Britannic Majesty; and

WHEREAS Article 75 of the United Nations Charter, signed at San Francisco on 26 June 1945, provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements; and

WHEREAS under Article 77 of the said Charter the international trusteeship system may be applied to territories now held under Mandate; and

WHEREAS His Majesty has indicated his desire to place Tanganyika under the said international trusteeship system; and

WHEREAS in accordance with Articles 75 and 77 of the said Charter, the placing of a territory under the international trusteeship system is to be effected by means of a Trusteeship Agreement;

Now, THEREFORE, the General Assembly of the United Nations hereby resolves to approve the following terms of trusteeship for Tanganyika.

Article 1

The Territory to which this Agreement applies comprises that part of East Africa lying within the boundaries defined by Article 1 of the British Mandate for East Africa, and by the Anglo-Belgian Treaty of 22 November 1934, regarding the boundary between Tanganyika and Ruanda-Urundi.

Article 2

His Majesty is hereby designated as Administering Authority for Tanganyika, the responsibility for the administration of which will be undertaken by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

Article 3

The Administering Authority undertakes to administer Tanganyika in such a manner as to achieve the basic objectives of the international trusteeship system laid down in Article 76 of the United Nations Charter. The Administering Authority further undertakes to collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter, and to facilitate any periodic visits to Tanganyika which they may deem necessary, at times to be agreed upon with the Administering Authority.

Article 4

The Administering Authority shall be responsible (a) for the peace, order, good government and defence of Tanganyika, and (b) for ensuring that it shall play its part in the maintenance of international peace and security.

Article 5

For the above-mentioned purposes and for all purposes of this Agreement, as may be necessary, the Administering Authority:

(a) shall have full powers of legislation, administration, and jurisdiction in Tanganyika, subject to the provisions of the United Nations Charter and of this Agreement;

(b) shall be entitled to constitute Tanganyika into a customs, fiscal or administrative union or federation with adjacent territories under his sovereignty or control, and to establish common services between such territories and Tanganyika where such measures are not inconsistent with the basic objectives of the international trusteeship system and with the terms of this Agreement;

(c) and shall be entitled to establish naval, military and air bases, to erect fortifications, to station and employ his own forces in Tanganyika and to take all such other measures as are in his opinion necessary for the defence of Tanganyika and for ensuring that the 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 Tanganyika in carrying out the obligations towards the Security Council undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within Tanganyika.

Article 6

The Administering Authority shall promote the development of free political institutions

sued to Tanganyika. To this end, the Administering Authority shall assure to the inhabitants of Tanganyika a progressively increasing share in the administrative and other services of the Territory; shall develop the participation of the inhabitants of Tanganyika in advisory and legislative bodies and in the government of the Territory, both central and local, as may be appropriate to the particular circumstances of the Territory and its peoples; and shall take all other appropriate measures with a view to the political advancement of the inhabitants of Tanganyika in accordance with Article 76 (b) of the United Nations Charter.

Article 7

The Administering Authority undertakes to apply in Tanganyika the provisions of any international conventions and recommendations already existing or hereafter drawn up by the United Nations or by the specialized agencies referred to in Article 57 of the Charter, which may be appropriate to the particular circumstances of the Territory and which would conduce to the achievement of the basic objectives of the international trusteeship system.

Article 8

In framing laws relating to the holding or transfer of land and natural resources, the Administering Authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land or natural resources may be transferred, except between natives, save with the previous consent of the competent public authority. No real rights over native land or natural resources in favour of non-natives may be created except with the same consent.

Article 9

Subject to the provisions of Article 10 of this agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all Members of the United Nations and their nationals and to this end:

- (a) shall ensure the same rights to all nationals of Members of the United Nations as to his own nationals in respect of entry into and residence in Tanganyika, freedom of transit and navigation, including freedom of transit and navigation by air, acquisition of property both movable and immovable, the protection of person and property, and the exercise of professions and trades;
- (b) shall not discriminate on grounds of nationality against nationals of any Member of the United Nations in matters relating to the grant of concessions for the development of the natural resources of Tanganyika and shall not grant concessions having the character of a general monopoly;
- (c) shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations

The rights conferred by this Article on nationals of Members of the United Nations apply equally to companies and associations controlled by such nationals and organized in accordance with the law of any Member of the United Nations.

Article 10

Measures taken to give effect to Article 9 of this Agreement shall be subject always to the overriding duty of the Administering Authority in accordance with Article 76 of the United Nations Charter to promote the political, economic, social and educational advancement of the inhabitants of Tanganyika, to carry out the other basic objectives of the international trusteeship system, and to maintain peace, order and good government. The Administering Authority shall in particular be free:

- (a) to organize essential public services and works on such terms and conditions as he thinks just;
- (b) to create monopolies of a purely fiscal character in order to provide Tanganyika with the fiscal resources which seem best suited to local requirements, or otherwise to serve the interests of the inhabitants of Tanganyika;
- (c) where the interests of the economic advancement of the inhabitants of Tanganyika 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 agencies controlled by the Government or those in which the Government participates, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

Article 11

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 9 of this Agreement in any respect in which it does not give to the inhabitants, companies and associations of Tanganyika equality of treatment with the nationals, companies and associations of the State which it treats most favourably.

Article 12

The Administering Authority shall, as may be appropriate to the circumstances of Tanganyika, continue and extend a general system of elementary education designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult, and shall similarly provide such facilities as may prove desirable and practicable in the interests of the inhabitants for qualified students to receive secondary and higher education, including professional training.

Article 13

The Administering Authority shall ensure in Tanganyika complete freedom of conscience and, so far as is consistent with the requirement of public order and morality, freedom of religious teaching and the free exercise of all forms of worship. Subject to the provisions of Article 8 of this Agreement and the local law, missionaries who are nationals of Members of the United Nations shall be free to enter Tanganyika and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals in the Territory. The provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such controls as he may consider necessary for the maintenance of peace, order and good government and for the educational advancement of the inhabitants of Tanganyika, and to take all measures required for such control.

Article 14

Subject only to the requirement of public order, the Administering Authority shall guarantee to the inhabitants of Tanganyika freedom of speech, of the press, of assembly, and of petition.

Article 15

The Administering Authority may arrange for the co-operation of Tanganyika in any regional advisory commission, regional technical organization or other voluntary association of states, any specialized international bodies, public or private, or other forms of international activity not inconsistent with the United Nations Charter.

Article 16

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the United Nations Charter. Such reports shall include information concerning the measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council. The Administering Authority shall designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to Tanganyika are considered.

Article 17

Nothing in this Agreement shall affect the right of the Administering Authority to propose, at any future date, the amendment of this Agreement for the purpose of designating the whole or part of Tanganyika as a strategic area or for any other purpose not inconsistent with the basic objectives of the international trusteeship system.

Article 18

The terms of this Agreement shall not be altered or amended except as provided in Arti-

cle 79 and Article 83 or 85, as the case may be of the United Nations Charter.

Article 19

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations relating to the interpretation or application of the provisions of this Agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for in Chapter XIV of the United Nations Charter.

M. TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF NEW GUINEA

The Territory of New Guinea has been administered in accordance with Article 22 of the Covenant of the League of Nations and in pursuance of a mandate conferred upon His Britannic Majesty and exercised on His behalf by the Government of the Commonwealth of Australia.

The Charter of the United Nations, signed at San Francisco on 26 June 1945, provides by Article 75 for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements.

The Government of Australia now undertakes to place the Territory of New Guinea under the trusteeship system, on the terms set forth in the present Trusteeship Agreement.

Therefore the General Assembly of the United Nations, acting in pursuance of Article 85 of the Charter, approves the following terms of trusteeship for the Territory of New Guinea, in substitution for the terms of the Mandate under which the Territory has been administered.

Article 1

The Territory to which this Trusteeship Agreement applies (hereinafter called the Territory) consists of that portion of the island of New Guinea and the groups of islands administered therewith under the Mandate dated 17 December 1920, conferred upon His Britannic Majesty and exercised by the Government of Australia.

Article 2

The Government of Australia (hereinafter called the Administering Authority) is hereby designated as the sole authority which will exercise the administration of the Territory.

Article 3

The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter and in such a manner as to achieve in the Territory the basic objectives of the international trusteeship system, which are set forth in Article 76 of the Charter.

Article 4

The Administering Authority will be responsible for the peace, order, good government and defence of the Territory and for this purpose

will have the same powers of legislation, administration and jurisdiction in and over the Territory as if it were an integral part of Australia, and will be entitled to apply to the Territory, subject to such modifications as it deems desirable, such laws of the Commonwealth of Australia as it deems appropriate to the needs and conditions of the Territory.

Article 5

It is agreed that the Administering Authority, in the exercise of its powers under Article 4, will be at liberty to bring the Territory into a customs, fiscal or administrative union or federation with other dependent territories under its jurisdiction or control, and to establish common services between the Territory and any or all of these territories, if in its opinion it would be in the interests of the Territory and not inconsistent with the basic objectives of the trusteeship system to do so.

Article 6

The Administering Authority further undertakes to apply in the Territory the provisions of such international agreements and such recommendations of the specialized agencies referred to in Article 57 of the Charter as are, in the opinion of the Administering Authority, suited to the needs and conditions of the Territory and conducive to the achievement of the basic objectives of the trusteeship system.

Article 7

The Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for maintenance of international peace and security.

Article 8

The Administering Authority undertakes that in the discharge of its obligations under Article 3 of this Agreement:

1. It will co-operate with the Trusteeship Council in the discharge of all the Council's functions under Articles 87 and 88 of the Charter.

2. It will, in accordance with its established policy:

(a) take into consideration the customs and usages of the inhabitants of New Guinea and respect the rights and safeguard the interests, both present and future, of the indigenous inhabitants of the Territory; and in particular ensure that no rights over native land in favour of any person not an indigenous inhabitant of New Guinea may be created or transferred except with the consent of the competent public authority;

(b) promote, as may be appropriate to the circumstances of the Territory, the educational and cultural advancement of the inhabitants;

(c) assure to the inhabitants of the Territory, as may be appropriate to the particular circumstances of the Territory and its people, a progressively increasing share in the administrative and other services of the Territory;

(d) guarantee to the inhabitants of the Territory, subject only to the requirements of public order, freedom of speech, of the press, of assembly and of petition, freedom of conscience and worship and freedom of religious teaching.

V. TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION

WHEREAS the territory known as Togoland lying to the east of the line agreed upon in the Declaration signed on 10 July 1919 has been under French administration in accordance with the mandate defined under the terms of the instrument of 20 July 1922; and

WHEREAS, in accordance with Article 9 of that instrument, this part of Togoland has since then been "administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the provisions" of the mandate, and it is of importance, in the interests of the population of Togoland, to pursue the administrative and political development of the territories in question in such a way as to promote the political, economic and social advancement of the inhabitants in accordance with Article 76 of the Charter of the United Nations; and

WHEREAS France has indicated her desire to place under Trusteeship in accordance with Articles 75 and 77 of the said Charter that part of Togoland which is at present administered by her; and

WHEREAS Article 85 of the said Charter provides that the terms of the trusteeship agreements are to be submitted for approval by the General Assembly;

Now, THEREFORE, the General Assembly of the United Nations approves the following terms of trusteeship for the said Territory.

Article 1

The Territory to which the present Trusteeship Agreement applies comprises that part of Togoland lying to the east of the boundary defined by the Franco-British Declaration of 10 July 1919.

Article 2

The French Government, in its capacity of Administering Authority for this Territory under the terms of Article 81 of the Charter of the United Nations, undertakes to exercise the duties of trusteeship as defined in the said Charter, to promote the basic objectives of the trusteeship system laid down in Article 76, and to collaborate fully with the General Assembly and the Trusteeship Council in the discharge of their functions as defined in Articles 87 and 88.

Accordingly the French Government undertakes;

1. To make to the General Assembly of the United Nations the annual report provided for in Article 88 of the Charter, on the basis of the questionnaire drawn up by the Trusteeship Council in accordance with the said Article, and to attach to that report such

memoranda as may be required by the General Assembly or the Trusteeship Council.

To include in that report information relating to the measures taken to give effect to the suggestions and recommendations of the General Assembly or of the Trusteeship Council.

To appoint a representative and, where necessary, qualified experts to attend the meetings of the Trusteeship Council or of the General Assembly at which the said reports and memoranda will be examined.

2. To appoint a representative and, where necessary, qualified experts to participate, in consultation with the General Assembly or the Trusteeship Council, in the examination of petitions received by those bodies.

3. To facilitate such periodic visits to the Territory as the General Assembly or the Trusteeship Council may decide to arrange, to decide jointly with these bodies the dates on which such visits shall take place, and also to agree with them on all questions concerned with organizations and accomplishment of these visits.

4. To render general assistance to the General Assembly or to the Trusteeship Council in the application of these arrangements, and of such other arrangements as those bodies may make in accordance with the terms of the present Agreement.

Article 3

The Administering Authority shall be responsible for the peace, order and good government of the Territory.

It shall also be responsible for the defence of the said Territory and for ensuring that it shall play its part in the maintenance of international peace and security.

Article 4

For the above-mentioned purposes and in order to fulfill its obligations under the Charter and the present Agreement, the Administering Authority,

A. Shall:

1. Have full powers of legislation, administration and jurisdiction in the Territory and shall administer it in accordance with French law as an integral part of French territory, subject to the provisions of the Charter and of this Agreement;

2. Be entitled, in order to ensure better administration, with the consent of the territorial representative Assembly, to constitute this Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control and to establish common services between such territories and the Trust Territory, provided that such measures should promote the objectives of the international trusteeship system;

B. May:

1. Establish on the Territory military, naval or air bases, station national forces, and raise volunteer contingents therein.

2. Within the limits laid down in the Charter take all measures of organization and defence appropriate for ensuring:

(a) the participation of the Territory in the maintenance of international peace and security;

(b) the respect for obligations concerning the assistance and facilities to be given by the Administering Authority to the Security Council;

(c) the respect for internal law and order;

(d) the defence of the Territory within the framework of the special agreements for the maintenance of international peace and security.

Article 5

The Administering Authority shall take measures to ensure to the local inhabitants a share in the administration of the Territory by the development of representative democratic bodies, and in due course to arrange appropriate consultations to enable the inhabitants freely to express an opinion on their political regime and ensure the attainment of the objectives prescribed in Article 76 (b) of the Charter.

Article 6

The Administering Authority undertakes to maintain the application to the Territory of the international agreements and conventions which are at present in force there, and to apply therein any conventions and recommendations made by the United Nations or the specialized agencies referred to in Article 57 of the Charter, the application of which would be in the interests of the population and consistent with the basic objectives of the trusteeship system and the terms of the present Agreement.

Article 7

In framing laws relating to the holding or transfer of land, the Administering Authority shall, in order to promote the economic and social progress of the native population, take into consideration local laws and customs.

No land belonging to a native or to a group of natives may be transferred except between natives, save with the previous consent of the competent public authority, who shall respect the rights and safeguard the interests, both present and future, of the native population. No real rights over native land in favour of non-natives may be created except with the same consent.

Article 8

Subject to the provisions of the following Article, 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 to this end:

1. Shall grant to all nationals of Members of the United Nations 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;

2. 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;

3. Shall not discriminate on grounds of nationality against nationals of any Member of the United Nations 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;

4. Shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

The rights conferred by this Article on nationals of States Members of the United Nations apply equally to companies and associations controlled by such nationals and formed in accordance with the law of any Member of the United Nations.

Nevertheless, pursuant to Article 76 of the Charter, such equal treatment shall be without prejudice to the attainment of the trusteeship objectives as prescribed in the said Article 76 and particularly in paragraph (b) of that Article.

Should special advantages of any kind be granted by a Power enjoying the equality of treatment referred to above to another Power, or to a territory whether self-governing or not the same advantages shall automatically apply reciprocally to the Trust Territory and to its inhabitants, especially in the economic and commercial field.

Article 9

Measures taken to give effect to the preceding Article of this Agreement shall be subject always to the overriding duty of the Administering Authority in accordance with Article 76 of the Charter, 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 to maintain peace, order and good government. The Administering Authority shall in particular be free, with the consent of the territorial representative Assembly:

1. To organize essential public services and works on such terms and such conditions as it thinks just.

2. To create monopolies of a purely fiscal character in the interest of the Territory and in order to provide the Territory with the fiscal resources which seem best suited to local requirements;

3. To establish or to permit to be established under conditions of proper public control, in conformity with Article 76, paragraph (d) of the Charter, such public enterprises or joint undertakings as appear to the Administering Authority to be in the interest of the economic advancement of the inhabitants of the Territory.

Article 10

The Administering Authority shall ensure in the Territory complete freedom of thought and the free exercise of all forms of worship and of religious teaching which are consistent with public order and morality. Missionaries who are nationals of States Members of the United Nations shall be free to enter the Territory and to reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals throughout the Territory.

The Provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such control as may be necessary for the maintenance of public order and morality and for the educational advancement of the inhabitants of the Territory.

The Administering Authority shall continue to develop elementary, secondary and technical education for the benefit of both children and adults. To the full extent compatible with the interests of the population, it shall afford to qualified students the opportunity of receiving higher general or professional education.

The Administering Authority shall guarantee to the inhabitants of the Territory freedom of speech, of the press, of assembly and of petition, subject only to the requirements of public order.

Article 11

Nothing in this Agreement shall affect the right of the Administering Authority to propose at any future date the designation of the whole or part of the Territory thus placed under its trusteeship as a strategic area in accordance with Articles 82 and 83 of the Charter.

Article 12

The terms of the present Trusteeship Agreement shall not be altered or amended except as provided in Articles 79, 82, 83 and 85, as the case may be, of the Charter.

Article 18

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations, relating to the interpretation or the application of the provisions of the present Trusteeship Agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for in Chapter XIV of the Charter of the United Nations.

Article 14

The Administering Authority may enter, on behalf of the Territory, any consultative regional commission, technical organ or voluntary association of States which may be constituted. It may also collaborate, on behalf of the Territory, with international public or private institutions or participate in any form of international co-operation in accordance with the spirit of the Charter.

Article 15

The present Agreement shall enter into force as soon as it has received the approval of the General Assembly of the United Nations.

VI. TRUSTEESHIP AGREEMENT FOR THE
TERRITORY OF THE CAMEROONS
UNDER FRENCH ADMINISTRATION

WHEREAS the territory known as the Cameroons lying to the east of the line agreed upon in the Declaration signed on 10 July 1919 has been under French administration in accordance with the mandate defined under the terms of the instrument of 20 July 1922; and

WHEREAS, in accordance with Article 9 of that instrument, this part of the Cameroons has since then been "administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the provisions" of the mandate, and it is of importance, in the interests of the population of the Cameroons, to pursue the administrative and political development of the territories in question, in such a way as to promote the political, economic and social advancement of the inhabitants in accordance with Article 76 of the Charter of the United Nations; and

WHEREAS France has indicated her desire to place under trusteeship in accordance with Articles 75 and 77 of the said Charter that part of the Cameroons which is at present administered by her; and

WHEREAS Article 85 of the said Charter provides that the terms of trusteeship are to be submitted for approval by the General Assembly;

Now, THEREFORE, the General Assembly of the United Nations approves the following terms of trusteeship for the said Territory.

Article 1

The Territory to which the present Trusteeship Agreement applies comprises that part of the Cameroons lying to the east of the boundary defined by the Franco-British Declaration of 10 July 1919.

Article 2

The French Government in its capacity of Administering Authority for this Territory under the terms of Article 81 of the Charter of the United Nations, undertakes to exercise therein the duties of trusteeship as defined in the said Charter, to promote the basic objectives of the trusteeship system laid down in Article 76 and to collaborate fully with the General Assembly and the Trusteeship Council in the discharge of their functions as defined in Articles 87 and 88.

Accordingly the French Government undertakes:

1. To make to the General Assembly of the United Nations the annual report provided for in Article 88 of the Charter, on the basis of the questionnaire drawn up by the Trusteeship Council in accordance with the said Article, and to attach to that report such memoranda as may be required by the General Assembly or the Trusteeship Council.

To include in that report information relating to the measures taken to give effect to the suggestions and recommendations of the General Assembly or of the Trusteeship Council.

To appoint a representative and, where necessary, qualified experts to attend the meetings of the Trusteeship Council or of the General Assembly at which the said reports and memoranda will be examined.

2. To appoint a representative and, where necessary, qualified experts to participate, in consultation with the General Assembly or the Trusteeship Council, in the examination of petitions received by those bodies.

3. To facilitate such periodic visits to the Territory as the General Assembly or the Trusteeship Council may decide to arrange, to decide jointly with these bodies the dates on which such visits shall take place, and also to agree jointly with them on all questions concerned with the organization and accomplishment of these visits.

4. To render general assistance to the General Assembly or the Trusteeship Council in the application of these arrangements, and of such other arrangements as these bodies may take in accordance with the terms of the present Agreement.

Article 3

The Administering Authority shall be responsible for the peace, order and good government of the Territory.

It shall also be responsible for the defence of the said Territory and ensure that it shall play its part in the maintenance of international peace and security.

Article 4

For the above-mentioned purposes and in order to fulfil its obligations under the Charter and the present Agreement, the Administering Authority:

A. SHALL

1. Have full powers of legislation, administration and jurisdiction in the Territory and shall administer it in accordance with French law as an integral part of the French territory, subject to the provisions of the Charter and of this Agreement.

2. Be entitled, in order to ensure better administration, with the consent of the territorial representative Assembly, to constitute this Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control and to establish common services between such territories and the Trust Territory, provided that such measures should promote the objectives of the international trusteeship system.

B. MAY

1. Establish on the Territory military, naval or air bases, station national forces and raise volunteer contingents therein.

2. Within the limits laid down in the Charter take all measures of organization and defence appropriate for ensuring:

- (a) the participation of the Territory in the maintenance of international peace and security,
- (b) the respect for obligations concerning the assistance and facilities to be given by the Administering Authority to the Security Council,
- (c) the respect for internal law and order,
- (d) the defence of the Territory within the framework of the special agreements for the maintenance of international peace and security.

Article 5

The Administering Authority shall take measures to ensure to the local inhabitants a share in the administration of the Territory by the development of representative democratic bodies, and in due course, to arrange appropriate consultations to enable the inhabitants freely to express an opinion on their political regime and ensure the attainment of the objectives prescribed in Article 76 (b) of the Charter.

Article 6

The Administering Authority undertakes to maintain the application to the Territory, of the international agreements and conventions which are at present in force there, and to apply therein any conventions and recommendations made by the United Nations or the specialized agencies referred to in Article 57 of the Charter, the application of which would be in the interests of the population and consistent with the basic objectives of the trusteeship system and the terms of the present Agreement.

Article 7

In framing laws relating to the holding or transfer of land, the Administering Authority shall, in order to promote the economic and social progress of the native population, take into consideration local laws and customs.

No land belonging to a native or to a group of natives may be transferred, except between natives, save with the previous consent of the competent public authority, who shall respect the rights and safeguard the interests, both present and future, of the natives. No real rights over native land in favour of non-natives may be created except with the same consent.

Article 8

Subject to the provisions of the following Article, 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 to this end:

1. Shall grant to all nationals of Members of the United Nations 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.

2. Shall ensure the same rights to all nationals of Members of the United Nations as to his 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.

3. Shall not discriminate on grounds of nationality against nationals of any Member of the United Nations 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.

4. Shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

The rights conferred by this Article on the nationals of Members of the United Nations apply equally to companies and associations controlled by such nationals and formed in accordance with the law of any Member of the United Nations.

Nevertheless, pursuant to Article 76 of the Charter, such equal treatment shall be without prejudice to the attainment of the trusteeship objectives as prescribed in the said Article 76 and particularly in paragraph (b) of that Article.

Should special advantages of any kind be granted by a Power enjoying the equality of treatment referred to above to another Power, or to a territory whether self-governing or not, the same advantages shall automatically apply reciprocally to the Trust Territory and to its inhabitants, especially in the economic and commercial field.

Article 9

Measures taken to give effect to the preceding article of this Agreement shall be subject to the overriding duty of the Administering Authority, in accordance with Article 76 of the Charter, 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 to maintain peace, order and good government. The Administering Authority shall in particular be free, with the consent of the territorial representative Assembly:

1. To organize essential public services and works on such terms and such conditions as it thinks just.
2. To create monopolies of a purely fiscal character in the interest of the Territory and in order to provide the Territory with the fiscal resources which seem best suited to local requirements.
3. To establish or to permit to be established under conditions of proper public control, in conformity with Article 76, paragraph (d) of the Charter, such public enterprises or joint undertakings as appear to the Administering Authority to be in the interest of the economic advancement of the inhabitants of the Territory.

Article 10

The Administering Authority shall ensure in the Territory complete freedom of thought and the free exercise of all forms of worship and of religious teaching which are consistent with public order and morality. Missionaries who are nationals of States Members of the United Nations shall be free to enter the Territory and to reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals throughout the Territory.

The provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such control as may be necessary for the maintenance of public order and morality, and for the educational advancement of the inhabitants of the Territory.

The Administering Authority shall continue to develop elementary, secondary and technical education for the benefit of both children and adults. To the full extent compatible with the interests of the population it shall afford to qualified students the opportunity of receiving higher general or professional education.

The Administering Authority shall guarantee to the inhabitants of the Territory freedom of speech, of the press, of assembly and of petition, subject only to the requirements of public order.

Article 11

Nothing in this Agreement shall affect the right of the Administering Authority to propose at any future date the designation of the whole or part of the Territory thus placed under its trusteeship as a strategic area in accordance with Articles 82 and 83 of the Charter.

Article 12

The terms of the present Trusteeship Agreement shall not be altered or amended except as provided in Articles 79, 82, 83 and 85, as the case may be, of the Charter.

Article 13

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations, relating to the interpretation or the application of the provisions of the present Trusteeship Agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for by Chapter XIV of the Charter of the United Nations.

Article 14

The Administering Authority may enter, on behalf of the Territory, any consultative regional commission, technical organ or voluntary association of States which may be constituted. It may also collaborate, on behalf of the Territory, with international public or private institutions or participate in any form of international co-operation in accordance with the spirit of the Charter.

Article 15

The present Agreement shall enter into force as soon as it has received the approval of the General Assembly of the United Nations.

VII. TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF RUANDA-URUNDI

WHEREAS the territory known as Ruanda-Urundi has been administered in accordance with Article 22 of the Covenant of the League of Nations under a Mandate conferred upon Belgium;

WHEREAS Article 75 of the United Nations Charter signed at San Francisco on 26 June 1945 provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements;

WHEREAS under Article 77 of the said Charter the international trusteeship system may be applied to territories now held under mandate;

WHEREAS the Belgian Government has indicated its desire to place Ruanda-Urundi under the international trusteeship system; and

WHEREAS under Articles 75 and 77 of the Charter the placing of a territory under the international trusteeship system is to be effected by means of a trusteeship agreement;

Now, THEREFORE, the General Assembly of the United Nations hereby resolves to approve the following items of trusteeship for Ruanda-Urundi.

Article 1

The present Trusteeship Agreement shall apply to the whole of the territory of Ruanda-Urundi as at present administered by Belgium and as defined by Article 1 of the Belgian Mandate and by the Treaty concluded in London on 22 November 1934 by Belgium and the United Kingdom.

Article 2

By the present Agreement, the Belgian Government is designated as Administering Authority for Ruanda-Urundi in accordance with Article 75 of the Charter. The said Government shall assume responsibility for the administration of the said Territory.

Article 3

The Administering Authority undertakes to administer Ruanda-Urundi in such a manner as to achieve the basic objectives of the international trusteeship system laid down in Article 76 of the United Nations Charter. The Administering Authority further undertakes to 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 Article 87 of the United Nations Charter.

It likewise undertakes to facilitate such periodic visits to the Trust Territory as the General Assembly or the Trusteeship Council may decide to arrange, to decide jointly with these organs the dates on which such visits shall take place and also to agree jointly with them on all questions concerned with the organization and accomplishment of these visits.

Article 4

The Administering Authority shall ensure the maintenance of peace and order as well as the good government and defence of the Territory. The said Authority shall ensure that the Territory shall play its part in the maintenance of international peace and security.

Article 5

For the above-mentioned purposes, and in order to fulfil the obligations arising under the Charter and the present Agreement, the Administering Authority:

1. Shall have full powers of legislation, administration and jurisdiction in the territory of Ruanda-Urundi and shall administer it in accordance with Belgian law as an integral part of Belgian territory, subject to the provisions of the Charter and of this Agreement.
2. Shall be entitled to constitute Ruanda-Urundi into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty and to establish common services between such territories and Ruanda-Urundi, provided that such measures are not inconsistent with the objectives of the international trusteeship system and with the provisions of this Agreement.
3. May establish on the Trust Territory military bases, including air bases, erect fortifications, station its own armed forces and raise volunteer contingents therein.

The Administering Authority may likewise, within the limits laid down by the Charter, take all measures of organization and defence appropriate for ensuring:

The participation of the Territory in the maintenance of international peace and security.

The respect for obligations concerning the assistance and facilities to be given by the Administering Authority to the Security Council.

The respect for internal law and order.

The defence of the Territory within the framework of special agreements for the maintenance of international peace and security.

Article 6

The Administering Authority shall promote the development of free political institutions suited to Ruanda-Urundi. To this end the Administering Authority shall ensure to the inhabitants of Ruanda-Urundi an increasing share in the administration and services, both central and local, of the Territory; it shall further such participation of the inhabitants in the representative organs of the population as may be appropriate to the particular conditions of the Territory.

In short, the Administering Authority shall take all measures conducive to the political advancement of the population of Ruanda-Urundi in accordance with Article 76 (b) of the Charter of the United Nations.

Article 7

The Administering Authority undertakes to apply to Ruanda-Urundi the provisions of all present or future international conventions which may be appropriate to the particular conditions of the Territory and which would be conducive to the achievement of the basic objectives of the international trusteeship system.

Article 8

In framing laws relating to the ownership of land and the rights over natural resources, and to their transfer, the Administering Authority shall take into consideration native laws and customs and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land or native-owned natural resources may be transferred, except between natives, save with the previous consent of the competent public authority. No real rights over native land or native-owned resources of the sub-soil, in favour of non-natives, may be created except with the same consent.

Article 9

Subject to the provisions of the following article, 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 to this end:

1. Shall ensure to all nationals of Members of the United Nations the same rights as are enjoyed by its own nationals in respect of entry into and residence in Ruanda-Urundi, freedom of transit and navigation, including freedom of transit and navigation by air, the acquisition of property, both movable and immovable, the protection of person and property, and the exercise of professions and trades.
2. Shall not discriminate on grounds of nationality against nationals of any Member of the United Nations in matters relating to the grant of concessions for the development of natural resources of the Territory and shall not grant concessions having the character of a general monopoly.
3. Shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

The rights conferred by this article on the nationals of States Members of the United Nations apply equally to companies or associations controlled by such nationals and formed in accordance with the law of any Member of the United Nations.

Article 10

Measures taken to give effect to the provisions of the preceding article shall be subject always to the overriding duty of the United Nations and of the Administering Authority to promote the political, economic, social and cultural advancement of the inhabitants of the Territory, and to pursue the other objectives

of the trusteeship system as laid down in Article 76 of the Charter of the United Nations.

The Administering Authority shall, in particular, be free:

1. To organize essential public services and works on such terms and such conditions as it thinks just;
2. To create, in the interests of Ruanda-Urundi, monopolies of a purely fiscal character in order to provide the Territory with the resources which seem best suited to local requirements;
3. Where the interests or the economic advancement of the inhabitants of the Territory 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 or those in which the Government participates, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

Article 11

Nothing in this Agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies or associations the benefits of Article 9 of this Agreement in any respect in which it does not give to the inhabitants, companies and associations of Ruanda-Urundi equality of treatment with the nationals, companies and associations of the State which it treats most favourably.

Article 12

The Administering Authority shall develop the system of elementary education in the Trust Territory in order to reduce the number of illiterates, to train the inhabitants in manual skill, and to improve the education of the population. The Administering Authority shall, so far as possible, provide the necessary facilities to enable qualified students to receive higher education, more especially professional education.

Article 13

The Administering Authority shall ensure throughout the Trust Territory complete freedom of conscience, freedom of religious teaching and the free exercise of all forms of worship which are consistent with public order and morality; all missionaries who are nationals of any State Member of the United Nations shall be free to enter, travel and reside in the Trust Territory, to acquire and possess property, to erect religious buildings and to open schools and hospitals therein. The provisions of the present article shall not, however, affect the duty of the Administering Authority to exercise such control as may be necessary for the maintenance of public order and good government and also the quality and progress of education.

Article 14

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the Trust Territory freedom of speech, of the press, of assembly, and of petition.

Article 15

The Administering Authority may, on behalf of the Trust Territory, accept membership in any advisory regional commission (regional authority), technical organization, or other voluntary association of States. It may co-operate with specialized agencies, whether public or private, and participate in other forms of international co-operation not inconsistent with the Charter.

Article 16

The Administering Authority shall 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.

Such reports shall include information regarding the measures taken in order to give effect to the suggestions and recommendations of the General Assembly and of the Trusteeship Council.

The Administering Authority shall appoint an accredited representative to attend the meetings of the Trusteeship Council at which the reports of the Administering Authority for Ruanda-Urundi will be examined.

Article 17

Nothing in this Agreement shall affect the right of the Administering Authority to propose at any future date the designation of the whole or part of the Territory as a strategic area in accordance with Articles 82 and 83 of the Charter.

Article 18

The terms of the present Trusteeship Agreement may not be altered or amended except as provided in Articles 79, 83 or 85 of the Charter.

Article 19

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations relating to the interpretation or the application of the provisions of the present Trusteeship Agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for by Chapter XIV of the Charter of the United Nations.

VIII. TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF WESTERN SAMOA

WHEREAS the territory of Western Samoa has been administered in accordance with Article 22 of the Covenant of the League of Nations and pursuant to a mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of New Zealand;

AND WHEREAS the Charter of the United Nations signed at San Francisco on 26 June 1945, provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be the subject of trusteeship agreements;

AND WHEREAS under the said Charter the international trusteeship system may be applied to territories now held under mandate;

AND WHEREAS the Government of New Zealand have indicated their willingness that the said international trusteeship system be applied to Western Samoa;

AND WHEREAS the said Charter provides further that the terms of trusteeship are to be approved by the United Nations;

Now, THEREFORE, the General Assembly of the United Nations hereby resolves to approve the following terms of trusteeship for Western Samoa, in substitution for the terms of the aforesaid mandate.

Article 1

The Territory to which this Agreement applies is the territory known as Western Samoa comprising the islands of Upola, Savai'i, Manono, and Apolima, together with all other islands and rocks adjacent thereto.

Article 2

The Government of New Zealand are hereby designated as the Administering Authority for Western Samoa.

Article 8

The Administering Authority shall have full powers of administration, legislation and jurisdiction over the territory, subject to the provisions of this Agreement, and of the Charter of the United Nations, and may apply to the Territory, subject to any modifications which the Administering Authority may consider desirable, such of the laws of New Zealand as may seem appropriate to local conditions and requirements.

Article 4

The Administering Authority undertakes to administer Western Samoa in such a manner as to achieve in that Territory the basic objectives of the international trusteeship system, as expressed in Article 76 of the Charter of the United Nations, namely:

"(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 inter-dependence 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 foregoing objectives and subject to the provisions of Article 80."

Article 5

The Administering Authority shall promote the development of free political institutions suited to Western Samoa. To this end and as may be appropriate to the particular circumstances of the Territory and its peoples, the Administering Authority shall assure to the inhabitants of Western Samoa a progressively increasing share in the administrative and other services of the Territory, shall develop the participation of the inhabitants of Western Samoa in advisory and legislative bodies and in the government of the Territory, and shall take all other appropriate measures with a view to the political advancement of the inhabitants of Western Samoa in accordance with Article 76 (b) of the Charter of the United Nations.

Article 6

In pursuance of its undertakings to promote the social advancement of the inhabitants of the Trust Territory, and without in any way limiting its obligations thereunder, the Administering Authority shall:

1. Prohibit all forms of slavery and slave-trading;
2. Prohibit all forms of forced or compulsory labour, except for essential public works and services as specifically authorized by the local administration and then only in times of public emergency, with adequate remuneration and adequate protection of the welfare of the workers;
3. Control the traffic in arms and ammunition;
4. Control, in the interest of the inhabitants, the manufacture, importation and distribution of intoxicating spirits and beverages; and
5. Control the production, importation, manufacture, and distribution of opium and narcotic drugs.

Article 7

The Administering Authority undertakes to apply in Western Samoa the provisions of any international conventions and recommendations as drawn up by the United Nations or its specialized agencies which are, in the opinion of the Administering Authority, appropriate to the needs and conditions of the Trust Territory, and conducive to the achievement of the basic objectives of the international trusteeship system.

Article 8

In framing the laws to be applied in Western Samoa, the Administering Authority shall take into consideration Samoan customs and usages and shall respect the rights and safeguard the interests, both present and future, of the Samoan population.

In particular, the laws relating to the holding or transfer of land shall ensure that no native land may be transferred save with the prior consent of the competent public authority and that no right over native land in favour of any person not a Samoan may be created except with the same consent.

Article 9

The Administering Authority shall ensure in the Territory freedom of conscience and the free exercise of all forms of worship, and shall allow missionaries, nationals of any State Member of the United Nations, to enter into, travel and reside in the Territory for the purpose of prosecuting their calling. The provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such control as it may consider necessary for the maintenance of peace, order and good government.

Article 10

The Administering Authority shall ensure that the Trust Territory of Western Samoa shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the Administering Authority shall be entitled:

1. To establish naval, military and air bases and to erect fortifications in the Trust Territory.
2. To station and employ armed forces in the Territory.
3. To make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations toward the Security Council undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within the Trust Territory.
4. To take all such other measures in accordance with the Purposes and Principles of the Charter of the United Nations are in the opinion of the Administering Authority necessary to the maintenance of international peace and security and the defence of Western Samoa.

Article 11

The Administering Authority shall, as may be appropriate to the circumstances of the Trust Territory, continue and extend a general system of education, including post-primary education and professional training.

Article 12

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the Trust Territory, freedom of speech, of the press, of assembly and of petition.

Article 13

The Administering Authority may arrange for the co-operation of Western Samoa in any regional advisory commission, regional technical organization or other voluntary association of states, any specialized international bodies, public or private, or other forms of international activity not inconsistent with the Charter of the United Nations.

Article 14

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with the Charter of the United Nations and shall otherwise collaborate fully with the Trusteeship Council in the discharge of all the Council's functions in accordance with Articles 87 and 88 of the Charter. The Administering Authority shall arrange to be represented at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to Western Samoa are considered.

Article 15

The terms of this Agreement shall not be altered or amended except as provided in Article 79 of the Charter of the United Nations.

Article 16

If any dispute should arise between the Administering Authority and another Member of the United Nations, relating to the interpretation or application of the provisions of this Agreement, such dispute, if it cannot be settled by negotiation or similar means, shall be submitted to the International Court of Justice.

b. Establishment of the Trusteeship Council

Having approved the eight Trusteeship Agreements submitted by the mandatory powers concerned, the General Assembly proceeded to elect Mexico and Iraq as members of the Trusteeship Council and adopted a resolution proposed by the Fourth Committee on the establishment of the Trusteeship Council.¹

c. Future Status of South West Africa

The delegation of the Union of South Africa submitted a proposal to the second part of the first session of the General Assembly calling for approval by the General Assembly of the annexation of South West Africa by the Union of South Africa.

The General Assembly referred the question to the Fourth Committee (Trusteeship), which discussed it at its 14th, 15th, 16th, 17th, 19th and 20th meetings, held on November 4, 6, 7, 8, 13 and 14 respectively. In the course of the discussion the representative of the Union of South Africa stated that, due to the physical

¹ See p. 119 ff.

contiguity of South West Africa and the Union of South Africa and the former's ethnologic kinship with the rest of South Africa, the Union Government was legitimately concerned in securing the annexation of that territory, which had been awarded to the Union Government as a League of Nations Mandate after the First World War. South West Africa, the South African representative stated, was by now so thoroughly integrated with the Union that its formal incorporation was mainly required to remove doubts and to attract capital and enterprise needed for further development of the territory.

The European population of South West Africa, through the medium of the South West Africa Legislative Assembly, had unanimously expressed its wish to be included in the Union. The South African representative asserted that the wishes of the natives had been ascertained in an equally democratic but rather different form, with due regard to their differing tribal organizations and customs. The task of explaining the purpose of the consultation to the natives had been entrusted to the most experienced officials — native commissioners who had long resided among the natives and who understood fully the native mind. The result of this consultation, according to the South African representative, was as follows:

208,850 in favor of annexation;
33,520 opposed to annexation;
56,790 could not be consulted.

The South African representative expressed confidence that the United Nations would recognize that to give effect to the wishes of the population of South West Africa would be the logical application of the democratic principles of national self-determination.

The majority of the representatives in the Fourth Committee were opposed to the South African proposal for the annexation of South West Africa by the Union Government. The opinion was expressed that such annexation was not likely to be in the interests of the native population in view of the discriminatory policies in force in the Union, which severely restricted the natives' political and economic rights. Moreover, annexation, it was maintained, was contrary to the aims of the Trusteeship System. Approval of annexation on the part of the United Nations would be a step backward.

Most representatives expressed doubt that the natives of South West Africa had fully un-

derstood the nature and extent of the consultation conducted by the Union Government, or that the advantages of the trusteeship system had been clearly explained to them. In such circumstances, it was maintained, it was not possible for the natives to express their choice freely. The only appropriate action, therefore, which the United Nations could recommend was that the Union Government should place South West Africa under the United Nations trusteeship system.

After a general discussion in the Fourth Committee, the question was referred to a Subcommittee of nineteen members for detailed consideration. The representative of the U.S.-S.R. submitted the following resolution:

WHEREAS the United Nations Charter in Articles 77 and 79 provides that the Trusteeship System shall apply to territories now under Mandate;

WHEREAS, the possibility of incorporation of territories held under Mandate by Mandatory Powers is not provided for by the Charter but, on the contrary, is inconsistent with its principles which provide for the progressive development of peoples in Trust Territories towards self-government or independence;

WHEREAS, the lack of political autonomy of South West Africa does not give any guarantee for the expression of the actual will of the inhabitants of the territory and that, therefore, the possibility of recognizing the consultations with the peoples of South West Africa, of which the Government of the Union of South Africa informs the General Assembly in its statement, is excluded;

THE GENERAL ASSEMBLY,

REJECTS the proposal of the Union of South Africa regarding the incorporation of the territory of South West Africa, and

RECOMMENDS the Government of the Union of South Africa to submit for consideration by the General Assembly in accordance with Articles 77 and 79 of the Charter a draft Trusteeship Agreement for the territory of South West Africa.

The delegation of the United States submitted a resolution rejecting the South African proposal for annexation of South West Africa. This resolution was subsequently withdrawn in favor of a draft resolution sponsored jointly by the delegations of the United States and Denmark, which read as follows:

THE GENERAL ASSEMBLY,

HAVING CONSIDERED the statements of the delegation of the Union of South Africa regarding the question of incorporating the Mandated Territory of South West Africa into the Union;

NOTING with satisfaction that the Union of South Africa, by presenting this matter to the United Nations, recognizes the interest and concern of the United Nations in the matter of the future status of territories now held under Mandate;

RECALLING that the Charter of the United Nations provides in Articles 77 and 79 that the Trusteeship System shall apply to territories now under Mandate as may be subsequently agreed;

REFERRING to the resolution of the General Assembly of 9 February 1946 with respect to the placing of Mandated Territories under Trusteeship, and inviting the Union of South Africa to give further consideration to this invitation;

HOPEFUL that agreement between the United Nations and the Union of South Africa may hereafter be reached regarding the future status of the mandated territory of South West Africa;

ASSURED by the Delegation of the Union of South Africa that, pending such agreement, the Union Government will continue to administer the territory as heretofore in the spirit of the principles laid down in the Mandate;

CONSIDERS that the data before this General Assembly do not justify action of the General Assembly approving the incorporation into the Union of South Africa of the Mandated Territory of South West Africa.

The representative of Cuba submitted a draft resolution which contained a part of the preamble of the United States resolution and then followed in the main the text of the U.S.S.R. resolution.

The representative of India submitted a draft resolution which recommended that the mandated territory of South West Africa be placed under the International Trusteeship System and that the mandatory power concerned be requested, in accordance with Article 79 of the Charter, to prepare and submit forthwith a Trusteeship Agreement to the United Nations.

The Indian and Cuban resolutions were subsequently withdrawn in favor of the following resolution sponsored jointly by the delegations of India and Cuba:

THE GENERAL ASSEMBLY,

HAVING CONSIDERED the statements of the delegations of the Union of South Africa regarding the question of incorporating the Mandated Territory of South West Africa into the Union;

NOTING with satisfaction that the Union of South Africa, by presenting this matter to the United Nations, recognizes the interest and concern of the United Nations in the matter of the future status of territories now held under Mandate;

WHEREAS it is the intention of the Charter that the Trusteeship System shall apply to territories now under Mandate;

WHEREAS, the possibility of the incorporation of territories held under Mandate by Mandatory Powers is not provided for by the Charter, but, on the contrary, is inconsistent with its principles which provide for the progressive development of peoples in trust territories towards self-government or independence;

WHEREAS, the African inhabitants of South West Africa have not yet secured political autonomy, and further, are unable at the present stage of their political and educational development to express their considered opinions on such an important question as the incorporation of their territory;

THE GENERAL ASSEMBLY,

REJECTS any solution involving the incorporation of the territory of South West Africa in the Union of South Africa; and

RECOMMENDS that the Mandated Territory of South West Africa be placed under the international Trusteeship System and that the Government of the Union of South Africa be requested to submit for the consideration of the General Assembly a Trusteeship Agreement for the aforesaid territory.

When a vote was taken on the three texts which were thus before the Sub-Committee, the U.S.S.R. resolution was rejected by 12 votes to 2, with 5 abstentions. The Indian-Cuban resolution was rejected by 6 votes to 11, with 2 abstentions. The Danish-United States resolution was then accepted by 12 votes to 6, with 1 abstention.

When the Fourth Committee considered the report of the Sub-Committee the Indian delegation reintroduced the Indian-Cuban draft resolution to take the place of the Danish-United States text adopted by the Sub-Committee. The representative of the U.S.S.R. likewise reintroduced his resolution. The Fourth Committee by a vote of 17 to 15, with 4 abstentions, adopted the Indian-Cuban text instead of the text accepted by the Sub-Committee.

The United States and Danish delegations thereupon reintroduced their draft resolution, which had been accepted by the Sub-Committee but rejected by the Fourth Committee, for consideration by the General Assembly in plenary meeting.

At the 64th plenary meeting of the General Assembly on December 14, 1946, however, it was announced that the delegations of the United States, Denmark and India had entered into negotiations and that as a result of these negotiations they had agreed to submit a joint

compromise text in the form of an amendment to the resolution submitted by the Fourth Committee. This new resolution was adopted by the General Assembly by a vote of 37 to 0, with 9 abstentions. The text of the resolution was as follows:

THE GENERAL ASSEMBLY,

HAVING CONSIDERED the statements of the delegation of the Union of South Africa regarding the question of incorporating the mandated territory of South West Africa in the Union;

NOTING WITH SATISFACTION that the Union of South Africa, by presenting this matter to the United Nations, recognizes the interest and concern of the United Nations in the matter of the future status of territories now held under mandate;

RECALLING that the Charter of the United Nations provides in Articles 77 and 79 that the trusteeship system shall apply to territories now under mandate as may be subsequently agreed;

REFERRING to the resolution of the General Assembly of 9 February 1946, inviting the placing of mandated territories under trusteeship;

DESIRING that agreement between the United Nations and the Union of South Africa may hereafter be reached regarding the future status of the mandated territory of South West Africa;

ASSURED BY the delegation of the Union of South Africa that, pending such agreement, the Union Government will continue to administer the territory as heretofore in the spirit of the principles laid down in the mandate;

CONSIDERING that the African inhabitants of South West Africa have not yet secured political autonomy or reached a stage of political development enabling them to express a considered opinion which the Assembly could recognize on such an important question as incorporation of their territory:

THE GENERAL ASSEMBLY, THEREFORE,

Is UNABLE To ACCEDE to the incorporation of the territory of South West Africa in the Union of South Africa; and

RECOMMENDS that the mandated territory of South West Africa be placed under the international trusteeship system and invites the Government of the Union of South Africa to propose for the consideration of the General Assembly a trusteeship agreement for the aforesaid territory.

"The Government of the Union of South Africa was formally notified of this decision by the General Assembly in a letter from the Secretary-General dated January 22, 1947."

d. Submission of Information under Article 73 (e) of the Charter

In its resolution on non-self-governing peoples of February 9, 1946, the General Assembly drew attention to the fact that the obligations of Chapter XI of the Charter were already in full force. It requested the Secretary-General to include in his annual report a statement summarizing any information transmitted to him by Members of the United Nations under Article 73 (e) of the Charter.

By a letter of June 29, 1946, the Secretary-General drew the attention of the Members to the resolution and asked for their consideration of certain preliminary problems arising from it. In particular the letter invited the Members to give their opinion on the following matters:

1. The factors to be taken into account in determining which were the Non-Self-Governing Territories referred to in Chapter XI of the Charter;

2. An enumeration of the Non-Self-Governing Territories subject to their jurisdiction;

3. A general indication of the form in which they might desire to supply information or the form in which they thought information might be most usefully transmitted by the Members directly concerned.

On the basis of replies received from Member Governments the Secretary-General submitted a report on the question of information on Non-Self-Governing Territories to the second part of the first session of the General Assembly.

The General Assembly referred the question to the Fourth Committee, which in turn referred it to a Sub-Committee of nineteen members for detailed consideration.

A number of problems were discussed in connection with the Sub-Committee's task of preparing a draft resolution for adoption by the Fourth Committee and the General Assembly. These included the following:

(1) The resolution drafted by the Sub-Committee enumerated the territories in respect of which the governments responsible for their administration had submitted information or had indicated their intention of doing so. Eight Members of the United Nations had transmitted such information or declared their intention of doing so; the territories thus covered numbered 75.

(2) While enumerating these territories, the Committee, after discussion, agreed not to attempt a formal definition of Non-Self-Governing Territories.

(3) The Sub-Committee's resolution stressed the "value of the association of Non-Self-Governing Territories in the work of the specialized agencies."

(4) The Sub-Committee agreed that Member States should be invited to submit by June 30 of each year the most recent information available, but fixed no definite period of time which such information was to cover.

(5) Concerning the nature of information to be transmitted, certain representatives considered that this information should include only "statistical and other information of a technical nature relating to the economic, social and educational conditions" in the Trust Territories in accordance with Article 73 (e). Other representatives considered that information on the political advancement of non-self-governing peoples should likewise be submitted. The Sub-Committee generally agreed that although the submission of information on political progress was not mandatory under Article 73 (e), it was of great importance and much to be desired.

The paragraphs of the draft resolution concerning the procedure to be followed in the use of the information submitted evoked considerable difference of opinion. The delegations of Denmark, the Netherlands, the United Kingdom and the United States jointly submitted the following draft proposal:

THE GENERAL ASSEMBLY,

1. INVITES the Members transmitting information to send to the Secretary-General by 30 June of each year the most recent information which is at their disposal.

2. RECOMMENDS that the information transmitted in the course of 1947 by Members of the United Nations under Article 73 (e) of the Charter should be summarized, analyzed and classified by the Secretary-General and included in his report to the second session of the General Assembly, in order that in the light of the experience gained the General Assembly may be able to decide whether any other procedure may be desirable for dealing with such information in future years.

3. RECOMMENDS that the Secretary-General communicate to the specialized agencies the information transmitted, with a view to making all relevant data available to their expert and deliberative bodies.

4. RECOMMENDS that the Secretary-General consult the specialized agencies with a view to formulating proposals for consideration by the General Assembly at its second session to

ensure that the advice, expert knowledge and experience of the specialized agencies are used to the best advantage.

The Chinese representative, supported by several other members of the Sub-Committee, expressed the view that the Trusteeship Council was the natural and logical authority to receive and examine information transmitted under Chapter XI. The Chinese representative therefore proposed that the General Assembly recommend that the Trusteeship Council, upon its establishment, be invited to receive and examine the Secretary-General's summary and the information on which this summary was based, with a view to aiding the General Assembly in its consideration of the information transmitted under Chapter XI of the Charter.

To this proposal it was objected that the duties of the Trusteeship Council were outlined in Chapters XII and XIII of the Charter and that therefore the Council was not constitutionally qualified to exercise functions concerned with information transmitted under Chapter XI of the Charter. In answer to this objection it was stated that Chapters XI, XII and XIII as a whole had been conceived as parts of general principles of trusteeship and that the Trusteeship Council, as one of the principal organs of the United Nations, should be entrusted with a special mandate by the General Assembly to examine the information transmitted under Chapter XI.

A third draft proposal, submitted by the representative of Cuba, called for the establishment of an ad hoc committee to examine, prior to the second session of the General Assembly, the information submitted by Member Governments. In favor of the Cuban proposal it was maintained that the collection and analysis of information submitted under Article 73 (e) might involve political considerations such as should not be entrusted to the Secretariat, but rather to a special body created by the General Assembly.

The Sub-Committee rejected the Chinese and Cuban proposals, the former by a vote of 10 to 9, and the latter by a vote of 10 to 8, with 1 abstention. The joint proposal of the representatives of Denmark, the Netherlands, the United Kingdom and the United States was then adopted by a vote of 10 to 4, with 5 abstentions.

When the Fourth Committee considered the report of the Sub-Committee the question of the procedure to be followed in the use of information submitted in accordance with Article 73 (e) was again discussed at some length. The

representative of Cuba reintroduced his proposal for the establishment of an ad hoc committee to examine the information, as an amendment to the resolution adopted by the Sub-Committee.

By 21 votes to 12, with 4 abstentions, the Fourth Committee adopted the Cuban amendment. The resolution as a whole was then adopted by 23 votes to 12, with 3 abstentions. The representative of France, who considered that the establishment of an ad hoc committee was contrary to the provisions of Article 73 (e) of the Charter, reserved his position as to whether the French Government could undertake to send a representative to the ad hoc Committee.

The Fourth Committee recommended that the General Assembly elect the eight members of the ad hoc Committee provided for in the resolution.

At its 64th plenary meeting on December 14, 1946, the General Assembly, voting paragraph by paragraph, adopted the resolution recommended by the Fourth Committee. The resolution as a whole was then adopted by a vote of 27 to 7, with 13 abstentions.

At its 65th plenary meeting on December 14, 1946, the General Assembly proceeded to the election of the members of the ad hoc Committee. On the first ballot Brazil, China, Egypt, India, the Philippine Republic and the U.S.S.R. were elected. By a second ballot Cuba was chosen a member of the Committee. A third ballot resulted in an indecisive vote between Uruguay and Norway. A further ballot at the 66th plenary meeting of the General Assembly on December 15, 1946, resulted in the election of Uruguay.

Following is the text of the resolution adopted by the General Assembly:

The General Assembly notes that information approved a resolution on Non-Self-Governing Peoples. By this Resolution the Secretary-General was requested to include in his annual report on the work of the Organization a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73 e of the Charter relating to economic, social and educational conditions in the territories for which they are responsible, other than those in which Chapters XII and XIII apply.

The General Assembly on 9 February 1946, has been transmitted by the Governments of Australia concerning conditions in Papua; France concerning conditions in French West Africa, French Equatorial Africa, French Somaliland, Madagascar and Dependencies,

French Establishments in Oceania, Indo-China, French Establishments in India, New Caledonia and Dependencies, Saint Pierre et Miquelon, Morocco, Tunisia, the New Hebrides under Anglo-French Condominium, Martinique, Guadeloupe and Dependencies, French Guiana, and Reunion (without prejudice to the future status of these territories); New Zealand concerning conditions in the Cook Islands (without prejudice to any interpretation of the expression "Non-Self-Governing Territories" in view of the fact that the Cook Islands are an integral part of New Zealand); the United Kingdom concerning conditions in Barbados, Bermuda, British Guiana, British Honduras, Fiji, Gambia, Gibraltar, Leeward Islands, Mauritius, St. Lucia, and Zanzibar Protectorate; and the United States concerning conditions in Alaska, American Samoa, Guam, Hawaii, Panama Canal Zone, Puerto Rico and the Virgin Islands.

The General Assembly also notes that the following Governments have declared their intention of transmitting information; Belgium on the Belgian Congo; Denmark on Greenland; the Netherlands on the Netherlands Indies, Surinam and Curacao; New Zealand on the Tokelau Islands; and the United Kingdom on Aden (Colony and Protectorate), Bahamas, Basutoland, Bechuanaland Protectorate, British Somaliland Protectorate, Brunei, Cyprus, Dominica, Falkland Islands, Gold Coast (Colony and Protectorate), Grenada, Hong Kong, Jamaica, Kenya (Colony and Protectorate), Malayan Union, Malta, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena and Dependencies, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Swaziland, Trinidad and Tobago, Uganda Protectorate, and the High Commission Territories of the Western Pacific (Gilbert and Ellice Islands Colony, British Solomon Islands Protectorate, Pitcairn Islands).

The value of the association of Non-Self-Governing Territories in the work of the specialized agencies as a means of attaining the objectives of Chapter XI of the Charter has been stressed.

The procedures to be followed by the Organization in connection with the information transmitted by Members regarding Non-Self-Governing Peoples have been carefully examined.

The Guatemalan representative made a reservation to the effect that the Guatemalan Government did not recognize British sovereignty over this territory.

The Panamanian delegation issued a declaration maintaining that the inclusion of the Panama Canal Zone among the Non-Self-Governing territories mentioned in Article 73 (e) of the Charter was an error, as its sovereignty had never been transferred to the United States.

In regard to the Falkland Islands the delegation of Argentina made a reservation to the effect that the Argentine Government did not recognize British sovereignty in the Falkland Islands. The delegation of the United Kingdom made a parallel reservation, not recognizing Argentine sovereignty in these islands.

THEREFORE, THE GENERAL ASSEMBLY,

1. INVITES the Members transmitting information to send to the Secretary-General by 30 June of each year the most recent information which is at their disposal;
2. RECOMMENDS that the information transmitted in the course of 1947 by Members of the United Nations under Article 73 e of the Charter should be summarized, analysed and classified by the Secretary-General and included in his report to the second session of the General Assembly, in order that in the light of the experience gained, the General Assembly may be able to decide whether any other procedure may be desirable for dealing with such information in future years.
3. RECOMMENDS that the Secretary-General communicate to the specialized agencies the information transmitted, with a view to making all relevant data available to their expert and deliberative bodies;
4. INVITES the Secretary-General to convene, some weeks before the opening of the second session of the General Assembly, an ad hoc Committee composed in equal numbers of representatives of the Members transmitting information under Article 73 e of the Charter and of representatives of Members elected, by the General Assembly at this session, on the basis of an equitable geographical distribution;
5. INVITES the Secretary-General to request the Food and Agriculture Organization, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization and the International Trade Organization, when constituted, to send representatives in an advisory capacity to the meetings of the ad hoc Committee;
6. INVITES the ad hoc Committee to examine the Secretary-General's summary and analysis of the information transmitted under Article 73 e of the Charter with a view to aiding the General Assembly in its consideration of this information, and with a view to making recommendations to the General Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the specialized agencies are used to the best advantage.

e. Regional Conferences of Representatives of Non-Self-Governing Territories

By a letter of November 1, 1946, the representative of the Philippine Republic submitted for inclusion in the agenda of the second part of the first session of the General Assembly a proposal for the holding of a conference of Non-Self-Governing peoples to which Chapter XI of the Charter applied. A draft resolution submitted by the Philippine representative read in part as follows:

THE GENERAL ASSEMBLY,

1. RESOLVES to authorize the holding of a conference of non-self-governing peoples to which Chapter XI of the Charter applies.
2. REQUESTS the Economic and Social Council to convoke said conference, in accordance with the following guiding principles:

(a) The conference shall be purely informative in character and the discussions shall be conducted with a view to enabling the Economic and Social Council to formulate proper recommendations, and the General Assembly to take appropriate action, to effectively insure the fulfillment of the obligations assumed by the metropolitan powers in the declaration regarding non-self-governing territories embodied in Chapter XI of the Charter.

(b) Delegates shall be elected by the representative organs of each territory entitled to participate in the conference; in the absence of any representative organ, delegates shall be selected in such manner as to ensure proper representation as far as may be permitted by the particular circumstances of the territory concerned.

(c) The conference shall be held in such place as may be determined by the Economic and Social Council and at such time as would enable said Council to submit its report on the proceedings of the conference, together with its recommendations, before the opening of the next regular session of the General Assembly.

3. URGES the Economic and Social Council to initiate studies and to formulate recommendations to the end that the conference may become a permanent body, enlarging the scope of its functions, and defining its relations with other specialized international organizations.

At the 25th meeting of the General Committee of the General Assembly the representatives of the U.S.S.R., the Ukrainian S.S.R. and China spoke in support of the Philippine proposal. The representatives of France and the United Kingdom opposed the inclusion of the proposal in the agenda of the second part of the first session of the General Assembly on the ground that the calling of a conference of non-self-governing peoples by the Economic and Social Council was contrary to the United Nations Charter, which authorized the Economic and Social Council to call only inter-governmental conferences. The representatives of the United States expressed the view that the General Committee was not competent to discuss the merits of the question and that it should be included in the agenda. By a vote of 8 to 2, with 1 abstention, the General Committee recommended inclusion of the proposal in the agenda and recommended that it be referred simultaneously to

the Fourth (Trusteeship) and Sixth (Legal) Committees.

The General Assembly at its 47th plenary meeting on November 9, 1946, adopted the General Committee's recommendation.

The Fourth Committee referred the question to a Sub-Committee of nineteen members, but consideration in the Sub-Committee was deferred until the Sixth Committee had had time to express its views on the legal questions involved.

In view of the legal objections which the Philippine proposal had encountered in the course of the discussion in the General Committee, the representative of the Philippine Republic submitted a revised resolution at the 25th meeting of the Sixth Committee on November 30, 1946. This read as follows:

THE GENERAL ASSEMBLY,

CONSIDERING that the resolution on non-self-governing peoples adopted during the first part of the first session of the General Assembly draws attention to the fact that the obligations accepted by Members of the United Nations under Chapter XI are already in full force;

RECOGNIZING the importance of the declaration contained in Chapter XI of the Charter especially as it concerns the peace and security of the world, and the political, economic, social, and educational advancement of the peoples of non-self-governing territories as well as their just treatment and protection against abuses; and

NOTICING the development of the Caribbean Commission under the auspices of certain Members of the United Nations with responsibilities for the administration of non-self-governing territories in this region, which has taken the initiative in establishing in the Caribbean area regional representative conferences wherein opportunity has been afforded to the peoples of Non-Self-Governing Territories to consult together in matters of common concern;

RECOMMENDS to all Members having or assuming responsibilities for the administration of Non-Self-Governing Territories that the promising steps now being made on a regional basis, particularly in connection with the holding of regional representative conferences, such as in the Caribbean area, be adopted and developed in other areas in order to give effect to the provisions and the spirit of Chapter XI of the Charter to the end that the traditions, wishes and aspirations of non-self-governing peoples may be given expression.

The Philippine representative expressed the view that his revised draft resolution should meet any objection that his proposal was not entirely in accord with the Charter. Instead of

calling for a world conference of non-self-governing peoples to be convened by the Economic and Social Council with a view to creating a permanent institution, the revised resolution called for the convening of regional conferences of non-self-governing peoples by the Administering Authorities concerned. No State could honestly claim, the Philippine representative asserted, that a recommendation by the General Assembly to an Administering Authority aimed at carrying out the provisions of Chapter XI of the Charter would be an intrusion on its sovereignty.

The representative of France objected that the second Philippine proposal was not really a revision but was an entirely new proposal and that it was therefore not properly before the Committee, but that it should be referred to the General Assembly for instructions. After a lengthy procedural discussion as to whether the Philippine representative was at liberty to withdraw his original proposal and whether the revised proposal was properly before the Committee, the Sixth Committee voted 24 to 14 that the revised proposal was before it for consideration. By a vote of 27 to 12 the Sixth Committee then decided that there was no legal objection to the revised Philippine proposal.

In the course of the deliberations of the Sub-Committee of the Fourth Committee, amendments to the Philippine proposal were submitted by the delegations of Belgium, Cuba, Egypt, France, the Netherlands, the U.S.S.R. and the United Kingdom. All of these amendments failed to secure adoption and, but for a slight drafting change, the Sub-Committee adopted the resolution as submitted by the Philippine representative and as quoted above.

When the matter came before the Fourth Committee the representative of the U.S.S.R. resubmitted his rejected amendment, which, as subsequently modified by the representative of the Ukrainian S.S.R., was to the effect that the last two paragraphs of the Philippine resolution be omitted and that instead the General Assembly recommend that the Economic and Social Council, together with the Administrative Authorities concerned, organize the convocation of regional conferences of representatives of Non-Self-Governing Territories in order to give the peoples of Non-Self-Governing Territories the opportunity of expressing their wishes and aspirations. The Fourth Committee adopted the U.S.S.R. amendment by a vote of 18 to 15, with 2 abstentions.

The representative of France stated that from the beginning of the discussions the French delegation had reserved the position of its Government, pointing out the irregular character of the circumstances in which the proposal had been introduced and discussed, and stressing that the suggested provisions were not in conformity with the Charter. The French representative declared that the French Government did not consider itself committed by the resolution and that it would be unable to apply stipulations contrary to the provisions of the Charter. The representative of the United Kingdom requested that note should be taken of the fact that the resolution which had been adopted could in no way affect the sovereign rights of States which were the basis of the United Nations. The representatives of Australia, Belgium, Denmark, the Netherlands, New Zealand, the Union of South Africa and the United States made statements to the same effect. The representative of Canada stated that he had voted against the resolution because he considered it was not entirely in accordance with the Charter.

When the Fourth Committee's recommendations came before the General Assembly for consideration at its 64th plenary meeting on December 14, 1946, the representative of the United States appealed to the Members of the Assembly to reject the Fourth Committee's decision. The procedure which the resolution would establish, the United States representative stated, would clearly violate the basic provisions of the Charter. Non-Self-Governing Territories which were not Trust Territories were not under the jurisdiction of the United Nations. Chapter XI depended on the voluntary action of the States concerned for its implementation. The United Nations had no authority to intervene in such territories. Such authority remained with the national governments concerned. The General Assembly could not constitutionally send the Economic and Social Council on a political mission into the national territory of a Member State in order to ascertain the aspirations of the peoples and to convene political conferences amongst the inhabitants. Once it was admitted that conferences might be convened over the heads of governments, there was no reason why in similar circumstances conferences of all kinds of racial or political minorities should not be called.

The representative of the United Kingdom and France expressed similar views. The rep-

resentative of India, on the other hand, pointed out that the resolution called for the convening of conferences by the Economic and Social Council "together with the Member States concerned." Therefore no conference could be called without the agreement of the Administering Power. It would be a grave mistake, the Indian representative asserted, to oppose the resolution, for the aspirations and wishes of peoples of Non-Self-Governing Territories had to be given a means of expression.

In an effort at compromise the representative of China introduced an amendment to the effect that the Economic and Social Council "invite the Administering Authorities" to organize regional conferences, rather than that the Council should organize such conferences "together with the Administering Authorities concerned."

Likewise in an effort at compromise, the representative of Cuba reintroduced the amendment which he had previously introduced in the Sub-Committee, which provided that the General Assembly recommend to the Administering Authorities concerned the convening of regional conferences of representatives of non-self-governing peoples. The Economic and Social Council would thus have no part in the calling of these conferences.

The Cuban amendment was opposed by certain representatives on the ground that if the General Assembly merely called on States to invite conferences of non-self-governing peoples, this might cause indefinite delay. The General Assembly, however, adopted the Cuban amendment by a vote of 23 to 14, with 7 abstentions. The resolution as a whole was then adopted by 31 votes to 1, with 1 abstention.

Following is the text of the resolution as adopted by the General Assembly:

THE GENERAL ASSEMBLY,

CONSIDERING that the resolution on Non-Self-Governing Peoples adopted during the first part of the first session of the General Assembly draws attention to the fact that the obligations accepted by Members of the United Nations under Chapter XI are already in full force;

RECOGNIZING the importance of the declaration contained in Chapter XI of the Charter especially as it concerns the peace and security of the world, and the political, economic, social and educational advancement of the peoples of Non-Self-Governing Territories as well as their just treatment and protection against abuses;

RECOMMENDS all Members having or assuming responsibilities for the administration of Non-Self-Governing Territories to convene

conferences of representatives of Non-Self-Governing Peoples chosen or preferably elected in such a way that the representation of the people will be ensured to the extent that the particular conditions of the territory concerned permit, in order that effect may be given to the letter and spirit of Chapter XI of the Charter and that the wishes and aspirations of the Non-Self-Governing Peoples may be expressed.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

a. Budgets of the United Nations for the Financial years 1946 and 1947 and Working Capital Fund

The General Assembly at its 46th plenary meeting on October 31, 1946, instructed the Fifth Committee (Administrative and Budgetary) to consider the first and second annual budgets of the organization. The Secretary-General had submitted preliminary budget estimates totaling \$19,627,964 for the year 1946 and \$23,790,008 for 1947.

In the course of a general discussion on the budget estimates which extended from the 18th meeting through the 26th meeting of the Fifth Committee, held between November 1 and 16, a considerable number of representatives emphasized the need for economy. In particular, it was suggested that the staff of the United Nations Secretariat might be reduced, or at least not further enlarged. The representative of the U.S.S.R. proposed in this connection that the staff of the Secretariat should be reduced by 30 or 40 per cent.

The representative of the United States stated that in case of an unduly large budget the Members would either be so heavily assessed that membership would become burdensome or even impossible for certain governments, or one or two nations would have to pay so large a share of the organization's expenses that the maintenance of universal and equal authority might be jeopardized. He said that he therefore shared the anxiety expressed by other representatives about the mounting cost of the organization and urged the greatest possible economy. He objected to the assessment of nearly 50 per cent of the expenses on the United States Government, as recommended by the Committee on Contributions.¹

The Secretary-General, in explaining the estimates he had submitted, stressed the fact that the estimates represented the minimum requirements for adequately carrying on the work of the organization. He stated that the increase in expenditure for personnel for 1947 resulted

chiefly from the fact that the 1947 figures covered a full year of employment, whereas in 1946 about one half of the total personnel would be employed during the latter part of the year only.

Supporting the Secretary-General's proposals several representatives urged that the question of economy should not be made an obstacle to the work of the United Nations. The primary consideration should be whether the fundamental objectives of the organization would be achieved. The budget was a translation into figures of the program entrusted by the General Assembly to the Secretary-General, so that the program itself would have to be revised if a reduction of the budget was to be achieved.

After the general principles to be followed in the examination of the first and second annual budgets had been determined by the full Committee, it was decided to refer the task of detailed examination to the Advisory Committee on Administrative and Budgetary Questions which had been elected at the 49th plenary meeting of the General Assembly.² Although the regular terms of office of the members of the Advisory Committee were not to begin until January 1, 1947, the Fifth Committee requested that the Advisory Committee furnish information and advice on the first and second annual budgets during the second part of the first session of the General Assembly.

Besides examining the preliminary budget estimates for 1946 and 1947, the Fifth Committee, as well as the Advisory Committee, considered a series of supplementary estimates submitted by the Secretary-General to cover the cost of approved programs. The preliminary estimates and supplementary estimates for 1947 totalled \$30,052,028.

On the recommendation of the Advisory Committee, the Fifth Committee at its 44th meeting on December 13, 1946, approved a total budget of \$19,390,000 for the year 1946 and a total budget of \$27,740,000 for the year 1947. As will be noted, the amount approved for the 1947 budget constituted a reduction of more than \$2,300,000 in the total proposed by the Secretary-General for expenditure during 1947.

The Fifth Committee also considered the proposals of the Secretary-General relating to the Working Capital Fund in 1947. The Secretary-General had recommended that the Working

¹ See p. 217 ff.

² See pp. 116, 117.

Capital Fund be maintained at \$25,000,000, and that, in view of the fact that the 1947 budget contained no provision for unforeseen or extraordinary expenditures, he should be authorized to draw on the Working Capital Fund for such contingencies.

After a preliminary discussion the Fifth Committee referred the question to the Advisory Committee on Administrative and Budgetary Questions. The members of the Advisory Committee were for the most part in favor of maintaining the Working Capital Fund at \$25,000,000, as suggested by the Secretary-General, and were opposed to any reduction below \$20,000,000.

When the Fifth Committee considered the report of the Advisory Committee at its 44th meeting on December 13, 1946, the representative of the U.S.S.R. stated that the United Nations had not had an approved budget when it had been decided during the first part of the first session to establish a Working Capital Fund of \$25,000,000. With the 1946 and 1947 budgets approved, there was no need for such a large Working Capital Fund, as most of the organization's expenses could be met from the regular contributions received by the Member Governments. A reserve of one or two months' normal expenditure would be sufficient. He therefore suggested that the Working Capital Fund be reduced to \$3,000,000.

The representative of Norway agreed with the views expressed by the representative of the U.S.S.R., but considered that \$3,000,000 might nevertheless prove inadequate. He suggested that the Working Capital Fund be fixed at \$10,000,000. Similarly the United States representative expressed the view that a budget which required a reserve of an amount almost equal to its total must be considered defective. Unforeseen contingencies should not reach a hundred per cent margin. He recommended a Working Capital Fund of \$15,000,000. The representative of France recommended a Working Capital Fund of \$20,000,000.

On the other hand the representatives of China, India, Mexico, and the United Kingdom, among others, considered that it would be dangerous to reduce the Working Capital Fund, because various Member Governments might have difficulty in paying their contributions. The organization should not run the risk of being short of funds pending the receipt of contributions by Member Governments.

The Fifth Committee rejected by a vote of 22 to 16 the proposal that the Working Capital Fund be maintained at \$25,000,000. By 20 votes to 18 the Committee decided that the Fund should be maintained at \$20,000,000 for the year 1947. The Fifth Committee also decided by 24 votes to 14 that the amount which the Secretary-General should be authorized to draw from the Working Capital Fund to meet unforeseen expenses in 1947 should be \$2,000,000. It further decided, by a vote of 24 to 6, that the amount which the Secretary-General should be authorized to draw to meet combined unforeseen and extraordinary expenses should be \$3,000,000.

On the recommendation of the Fifth Committee the General Assembly at its 63rd plenary meeting on December 14, 1946, approved the following resolution concerning the 1946 and 1947 budgets and concerning the Working Capital Fund:

(I.) APPROPRIATION RESOLUTION
Financial Year 1946

THE GENERAL ASSEMBLY RESOLVES THAT

For the financial year 1946:

1. An amount of \$19,390,000 (U.S.) is hereby appropriated for the following purposes:

Appropriation Section	Purpose of Appropriation Part I	Amount Dollars (U.S.)
I	For expenses of travel of representatives to the General Assembly and travel of members of Committees and Commissions	885,800
II	For expenses of Personnel Services	6,492,979
III	For expenses of Common Services	4,238,610
IV	For expenses of establishment of Headquarters and initial recruitment of staff	6,143,121
V	For unforeseen expenses	250,000
VI	For expenses of the Preparatory Commission and the cost of the first part of the first session of the General Assembly to 31 January 1946	902,282
	Total, Part I	\$18,912,792
	Part II	
VII	For expenses of the International Court of Justice	320,097
VIII	For expenses of the Registry and Common Services of the International Court of Justice	157,111
	Total, Part II	\$ 477,208
	Total, Parts I and II	\$19,390,000

2. Amounts not exceeding the above are to be available for the payment of obligations incurred prior to 1 January 1947. The Secretary-General may, by written order, transfer credits between Sections within Part I and between Sections within Part II. The Secretary-General shall report to the 1947 session of the General Assembly all such transfers together with the circumstances relating thereto.

(2.) Appropriation Resolution,
Financial Year 1947

THE GENERAL ASSEMBLY RESOLVES THAT:
For the financial year 1947:

1. An amount of \$27,740,000 (U.S.) is hereby appropriated for the following purposes:

Appropriation Section	Purpose of Appropriation Part I	Amount Dollars (U.S.)
	For expenses of travel of representatives to the General Assembly and travel of members of Committees and Commissions	1,090,500
II	For expenses of Personnel Services	13,999,223
III	For expenses of contributions to the Staff Provident Fund, Provisional Staff Retirement Scheme, and related benefits	2,301,179
IV	For expenses of Common Services	5,966,500
	For expenses of establishment of Headquarters and initial recruitment of staff	3,074,000
VI	For expenses of Advisory Social Welfare Functions	670,186
	Total, Part I	\$27,101,588
	Part II	
VII	For expenses of the International Court of Justice	387,894
VIII	For expenses of the Registry and Common Services of the International Court of Justice	250,518
	Total, Part II	\$ 638,412
	Total, Parts I and II	\$27,740,000

2. Amounts not exceeding the above are to be available for the payment of obligations incurred during the period 1 January 1947 to 31 December 1947.

3. The Secretary-General shall make primary allotment of the appropriations voted by objects of expenditure; transfers between the primary allotments within Sections shall be permissible only on the written authority of the Secretary-General.

(3.) Working Capital Fund, and
Provision of Working Capital

THE GENERAL ASSEMBLY RESOLVES THAT:

The working capital fund shall be maintained for the financial year 1947 at the amount of \$20,000,000 (U.S.).

Members shall make advances to the working capital fund in accordance with the scale adopted by the General Assembly for contribution of Members to the second annual budget.

There shall be set off against this new allocation of advances, the amounts paid as advances to the working capital fund by Members in accordance with the provisional scale adopted by the General Assembly at the first part of the first session; provided, however, that should the advances paid by any Member under the provisional scale exceed the advance due under the scale adopted for contributions to the second annual budget, the excess shall be offset against the contributions due from that Member under the first annual budget and should an excess still remain, against the contributions due from that Member under the second annual budget.

The Secretary-General is authorized:

(a) To advance from the working capital fund such sums as may be necessary to finance the 1946 and 1947 annual budgets, including supplementary appropriations, pending receipt of contributions; sums so advanced shall be reimbursed as soon as receipts from contributions are available for the purpose.

(b) To advance such sums in 1947 as may be necessary to meet unforeseen or extraordinary expenses, provided that the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions is obtained for any advances beyond a total of \$2,000,000 (U.S.) to meet unforeseen expenses and for advances beyond a total of \$3,000,000 (U.S.) to meet combined unforeseen and extraordinary expenses.

Of these amounts the Secretary-General shall make available to the President of the International Court, at his request, such sums as may be necessary to meet the expenses occasioned by holding sessions of the Court away from The Hague, under Article 22 of the Statute of the Court; provided that the concurrence of the Secretary-General shall be required for the advance of sums in excess of a total of \$70,000 (U.S.). The Secretary-General shall report to the next convened General Assembly all advances made under this clause and the circumstances relating thereto and shall make provision in the estimates for reimbursement of the working capital fund, except when such advances are recoverable from some other source;

(c) To advance loans to certain specialized agencies, repayable within two years, for the purpose of financing their initial operations, up to such amounts as may seem necessary and appropriate having regard to the proposed financial resources of the agency concerned;

provided that the concurrence of the Advisory Committee shall be required for loans aggregating more than \$2,000,000 (U.S.) or in excess of \$1,000,000 (U.S.) for any one agency;

(d) To advance sums not exceeding \$675,000 (U.S.) from the working capital fund to establish a staff housing fund for the purpose of financing advance rental payments, guarantee deposits, and working capital requirements for housing the staff of the Secretariat. Such advances shall be reimbursed to the working capital fund following recovery of the rental advances, guarantee deposits and working capital advances;

(e) To advance sums not exceeding \$300,000 (U.S.) from the working capital fund to establish a revolving fund for the purchase of motor vehicles for re-sale to staff members to assist them in carrying out their duties. No new obligations shall be incurred from this fund after 31 March 1947, after which date the fund should be liquidated as outstanding loans are repaid, the advances to the fund being then reimbursed to the working capital fund;

(f) To advance sums not exceeding \$50,000 (U.S.) from the working capital fund to establish a revolving fund to finance loans to staff members for purchase of furniture and household goods. Such advances shall be reimbursed to the working capital fund at such times as the revolving fund is reduced or terminated;

(g) To advance sums not exceeding \$100,000 (U.S.) from the working capital fund to establish a revolving fund to finance other self-liquidating purchases and activities; provided that the concurrence of the Advisory Committee on Administrative and Budgetary Questions shall be required for advances in excess of a total of \$50,000 (U.S.).

b. Scale of Contributions to the United Nations for the Financial Years 1946 and 1947 and to the Working Capital Fund

The General Assembly, at its 31st plenary meeting on February 13, 1946, appointed a Committee on Contributions, with instructions to prepare a detailed scale of apportionment of expenses for consideration by the General Assembly at the second part of the first session.¹

The Committee on Contributions met for three sessions, the first two for approximately one week and the third for more than three weeks. The first session began on June 18, 1946, the second on July 22 and the third on September 9, 1946.

The first session of the Committee was spent on a general discussion and preliminary exploration of the issues involved. During the interval between the first and second sessions of the Committee, a sub-committee, with the assistance of technical consultants, examined in great detail all available data on estimates of national

income, population, and per capita income. At the second session, the Committee examined this material and also information bearing on war damage and temporary dislocation of national economies resulting from the war. At the third and final session the Committee reviewed all the material available and prepared its report for submission to the second part of the first session of the General Assembly.

In its report the Committee stated that its final recommendations depended essentially on its judgment, arrived at from consideration of all available economic data bearing on capacity to pay. Having taken into consideration relative national incomes, temporary dislocations of national economies and increases in capacity to pay arising out of the war, availability of foreign exchange and relative per capital national incomes, the Committee felt that the scale of contributions which it had drawn up provided an appropriate estimate of the Members' capacity to pay for the years 1946, 1947 and 1948. The Committee had confined its work to making an estimate of relative capacity to pay, leaving the question of ceiling provisions and other factors which raised political issues to be discussed by the General Assembly, if it so desired.

Following is the scale of contributions as recommended by the Committee on Contributions:

Country	Relative Apportionments Based on Capacity to Pay
Argentina	1.50
Australia	1.80
Belgium	1.20
Bolivia	0.07
Brazil	1.20
Byelorussian S.S.R.	0.20
Canada	3.10
Chile	0.40
China	2.75
Colombia	0.33
Costa Rica	0.02
Cuba	0.25
Czechoslovakia	1.05
Denmark	0.70
Dominican Republic	0.04
Ecuador	0.04
Egypt	0.70
El Salvador	0.03
Ethiopia	0.07
France	5.50
Greece	0.15
Guatemala	0.04
Haiti	0.02
Honduras	0.02
India	3.75
Iran	0.40
Iraq	0.15
Lebanon	0.05
Liberia	0.02
Luxembourg	0.04

¹ See pp. 58, 59.

Mexico	0.54
Netherlands	1.40
New Zealand	0.45
Nicaragua	0.02
Norway	0.45
Panama	0.04
Paraguay	0.02
Peru	0.17
Philippines	0.25
Poland	1.10
Saudi Arabia	0.07
Syria	0.10
South Africa	1.02
Turkey	0.90
Ukrainian S.S.R.	0.80
U.S.S.R.	6.00
United Kingdom	10.50
United States	49.89
Uruguay	0.15
Venezuela	0.24
Yugoslavia	0.30
	100.00

In the general discussion which had taken place in the Fifth Committee of the General Assembly on budgetary matters, the representative of the United States had opposed the recommendation of the Committee on Contributions as regards the share of 49.89 per cent to be paid by the United States Government. When the Fifth Committee considered the report of the Committee on Contributions the United States representative reiterated his opposition to this assessment, which in his Government's view threatened to impair the sovereign equality of nations. He declared that a ceiling of 25 per cent should be set on all contributions, and that, as an emergency measure only, his Government would be willing to pay up to 33 per cent of the budget for 1947. The United States representative further recommended that when the Fifth Committee decided upon the 1947 allocation, the decision should be confined to a single year and should not extend to the financial year 1948 as would be the case in accordance with rule 43 of the Provisional Rules of Procedure of the General Assembly. The Fifth Committee should instruct the Committee on Contributions or the Advisory Committee on Administration and Budgetary Questions to re-examine the whole question of assessments and report to the second regular session of the General Assembly in 1947.

Concerning the question of ceilings on contributions the representative of Mexico, who had acted as Chairman of the Committee on Contributions, explained that the Committee had felt that any ceiling should not be such as to permanently obscure the relationship between the contribution of a nation and its capacity to

pay. After the scale which the Committee on Contributions had submitted to the General Assembly had been fixed, it had been apparent that a ceiling would violate this principle.

The representative of Canada expressed the view that placing a ceiling on contributions would create difficulties for States other than the United States, since no government could be expected to agree to a contribution higher on a per capita basis than the per capita contribution of the United States. If a ceiling were to be placed on the percentage of the budget to be contributed by the United States, and that ceiling were to be substantially below the present percentage, it would be necessary to extend a ceiling to all Member States whose per capita contribution would otherwise exceed that of the United States taxpayer.

The representative of the United Kingdom stated that if the economic criteria laid down in the terms of reference of the Committee on Contributions were to be considered valid, it would be illogical to reduce the United States contribution. The United States had the highest national and per capita income of any country in the world. There was no problem for the United States of securing foreign currency as the budget was drawn up in United States dollars and most of the money would be spent in the United States. A change in the United States contribution could be only arbitrary, for it could not be decided at what point the sovereign equality of nations was being infringed. The representative of the United Kingdom considered it dangerous to depart from the principle of capacity to pay.

A number of countries which had been devastated by war stated that their assessments were too high. Pre-war figures concerning national income having been the only statistics available, it was felt that the reduction in national income as a result of war devastation had not been taken sufficiently into consideration. Certain countries in the Sterling area suggested that they should be permitted to pay in Sterling instead of in United States dollars.

At its 24th meeting on November 13, 1946, the Fifth Committee agreed to a suggestion of the representative of Mexico that a sub-committee be appointed to consider the report of the Committee on Contributions in the light of the previous discussion. At the 25th meeting of the Fifth Committee on November 15, 1946, it was agreed that Canada, China, Egypt,

France, Mexico, the Netherlands, Poland, the U.S.S.R., the United Kingdom, the United States and Uruguay should compose the Sub-Committee.

The Sub-Committee presented to the Fifth Committee a revised scale which reduced the United States contribution from 49.89 per cent to 39.89 per cent and which increased the percentages to be paid by other countries accordingly. The Sub-Committee also recommended that the question of contributions be reviewed in 1947, as proposed by the representative of the United States. By 33 votes to 0, the Fifth Committee at its 44th meeting on December 13, 1946, adopted the Sub-Committee's recommendations.

On the recommendation of the Fifth Committee the General Assembly at its 63rd plenary meeting on December 14, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY RESOLVES:

1. That the scales of assessment for (a) the 1946 budget and (b) the 1947 budget and the Working Capital Fund shall be as follows:

Country	1946 Appor- tionment Per Cent	1947 Budget and Working Capital Fund Appor- tionment Per Cent
Argentina	1.94	1.85
Australia	2.00	1.97
Belgium	1.42	1.35
Bolivia	0.08	0.08
Brazil	1.94	1.85
Byelorussian S.S.R.	0.23	0.22
Canada	3.35	3.20
Chile	0.47	0.45
China	6.30	6.00
Colombia	0.39	0.37
Costa Rica	0.04	0.04
Cuba	0.30	0.29
Czechoslovakia	50.9	0.90
Denmark	0.81	0.79
Dominican Republic	0.05	0.05
Ecuador	0.05	0.05
Egypt	0.81	0.79
El Salvador	0.05	0.05
Ethiopia	0.08	0.08
France	6.30	6.00
Greece	0.17	0.17
Guatemala	0.05	0.05
Haiti	0.04	0.04
Honduras	0.04	0.04
India	4.09	3.95
Iran	0.47	0.45
Iraq	0.17	0.17
Lebanon	0.06	0.06
Liberia	0.04	0.04
Luxembourg	0.05	0.05
Mexico	0.66	0.63
Netherlands	1.47	1.40

New Zealand	0.52	0.50
Nicaragua	0.04	0.04
Norway	0.52	0.50
Panama	0.05	0.05
Paraguay	0.04	0.04
Peru	0.21	0.20
Philippines	0.30	0.29
Poland	1.00	0.95
Saudi Arabia	0.08	0.08
South Africa	1.15	1.12
Syria	0.12	0.12
Turkey	0.93	0.91
Ukrainian S.S.R.	0.88	0.84
U.S.S.R.	6.62	6.34
United Kingdom	11.98	11.48
United States of America	39.89	39.89
Uruguay	0.18	0.18
Venezuela	0.28	0.27
Yugoslavia	0.34	0.33
Afghanistan	—	0.05
Iceland	—	0.04
Sweden	—	2.35
	100.00	100.00

2. That, notwithstanding the provisions of rule 43 of the provisional rules of procedure, the scale of assessments for the apportionment of expenses of the United Nations shall be reviewed by the Committee on Contributions in 1947 and a report submitted for the consideration of the General Assembly at the session to be held in September 1947.

3. That as it may be more convenient for the United Nations to adopt a unit basis of assessment in lieu of the percentage basis, the Committee on Contributions is directed to give consideration to the relative merits of each method.

4. That new Members be required to contribute to the annual budget of the year in which they are first admitted, at least 33 1/3 per cent of their percentage of assessment determined for the following year, applied to the budget for the year of their admission.

5. That, having regard to the admission of the three new Members in 1946, the advances to the working capital fund be readjusted on the basis of the scale to be adopted for the contributions of Members to the annual budget for 1947.

c. Housing Allowances and Cost of Living Allowances for Staff of the United Nations

In the course of discussions of the Fifth Committee relating to the second annual budget of the United Nations, the representative of Yugoslavia proposed that special attention be given by the Fifth Committee and by the General Assembly to the difficulties of the staff of the United Nations in meeting the cost of living (especially the cost of accommodation) in New York. At the 44th meeting of the Fifth Committee on December 13, 1946, the representative of Yugoslavia submitted a proposal for the payment of housing allowances and cost of living allowances to members of the Secretariat.

In addition to being charged against certain items already appropriated by the General Assembly, the allowances were to be financed, according to the Yugoslav proposal, through:

- (1) the saving resulting from the reorganization of the Secretariat;
- (2) the saving resulting from the reduction of the present staff;
- (3) the saving resulting from the elimination of certain sections or divisions of the Secretariat whose work had been or would be taken over by various specialized agencies.

Moreover, the Secretary-General was to be authorized to pay a bonus to staff members if at the end of six months or more a sufficient saving was made by means of a reorganization of the Secretariat.

At its 45th meeting the Fifth Committee rejected by 21 votes to 6 a motion by the representative of Yugoslavia that his proposal should be sent to the Secretary-General with the Committee's endorsement of its principles. The Committee decided by 23 votes to 0 that the proposal should be referred to the Advisory Committee on Administrative and Budgetary Questions, and unanimously agreed to send it also to the Secretary-General.

At its 66th plenary meeting on December 15, 1946, the General Assembly took note of the Fifth Committee's report on this matter.

d. Travelling Expenses of Members of Commissions of the Economic and Social Council

At the first part of its first session the General Assembly adopted a resolution to the effect that the United Nations should pay the travelling expenses of representatives attending the General Assembly. Moreover, persons serving as members of commissions or sub-commissions of the Economic and Social Council in their personal capacities as experts are paid both cost of transportation and subsistence allowances by the United Nations. No provision was made, however, for the payment of either transportation costs or subsistence allowances to persons attending meetings of the Council or commissions as representatives of governments.

Considering this arrangement unsatisfactory, the Economic and Social Council at its third session adopted a resolution on October 3, 1946, recommending that the General Assembly adopt a resolution providing for payment by the United Nations of actual travel expenses and

daily subsistence allowances to members of commissions and sub-commissions of the Economic and Social Council.

The Secretary-General of the United Nations transmitted this resolution to the second part of the first session of the General Assembly, together with a memorandum of his own concerning the budgetary implications of the Economic and Social Council's proposal. The Secretary-General suggested that if travel and subsistence allowances were paid to members of commissions and sub-commissions of the Economic and Social Council, the General Assembly might wish to consider establishing the same terms for members of the commissions or committees of the other two Councils.

The General Assembly referred the matter to the Fifth Committee (Administrative and Budgetary), which considered it at its 24th and 26th meetings held on November 13 and 16 respectively. The Delegation of the United States stated that the payment of travel expenses and subsistence allowances was defended as a means of equalizing the financial burden on nations located at varying distances from the seat of the United Nations and in order to ensure the effective participation of the members in the work of the commissions and sub-commissions. This reasoning, according to the United States delegation, was valid insofar as it affected actual transportation expenses, but did not apply to subsistence expenses during sessions, as these expenses were the same for all members. Accordingly, the United States delegation submitted, as a substitute for the resolution of the Economic and Social Council, a resolution to the effect that reimbursement by the United Nations to Member Governments should be restricted to actual transportation expenses.

The Fifth Committee adopted the substitute resolution submitted by the representative of the United States.

On the recommendation of the Fifth Committee, the General Assembly at its 49th plenary meeting on November 19, 1946, unanimously adopted the resolution, which read as follows:

THE GENERAL ASSEMBLY RESOLVES THAT:

The actual travelling expenses of members of Commissions and Sub-Commissions of the Economic and Social Council to and from meetings of the Commissions or Sub-Commissions and actual expenses for travel on business of the Commissions or Sub-Commissions shall be

borne by the budget of the United Nations. The maximum travelling allowances to and from meetings of each Commission or Sub-Commission shall be restricted to the equivalent of first-class accommodation by recognized public transport via an approved route from the capital city of the Member State to the place where the Commission or Sub-Commission is meeting, and shall not include the payment of subsistence except where this is included as an integral part of the regular posted schedule for first-class accommodation for recognized public transport. Actual travelling expenses shall be reimbursed to each Member by means of an adjustment in the Member's annual contribution.

e. Appointment of External Auditors

In its resolution on budgetary and financial arrangements of February 13, 1946, the General Assembly had resolved that "the Secretary-General . . . shall be prepared to recommend to the General Assembly during the second part of its first session necessary action on . . . the scope and method of audit of accounts and the procedure for the submission of the auditor's report to the Advisory Committee and to the General Assembly."

In accordance with this resolution, the Secretary-General submitted a report and a draft resolution to the second part of the first session of the General Assembly on the question of the appointment of external auditors. At its 46th plenary meeting on October 81, 1946, the General Assembly referred the matter to the Fifth Committee (Administrative and Budgetary).

The Secretary-General's proposals were discussed by the Fifth Committee at its 27th meeting on November 18, 1946. Alternative proposals with respect to the length of the term of office of the auditors and the employment of commercial auditing firms were introduced by the delegation of the United States. The Secretary-General accepted the United States proposals with some modifications and the Secretariat presented a new document combining the Secretary-General's suggestions and those of the delegation of the United States. Certain revisions in form suggested by the delegation of the U.S.S.R. at a later meeting were accepted and the resolution as a whole was unanimously adopted at the 30th meeting of the Fifth Committee on November 25, 1946.

On the basis of the plan adopted, the Committee proceeded, at its 30th meeting, to the selection by secret ballot of the members of the Board of Auditors. In this connection several delegations expressed dissatisfaction with the

selection of the heads of auditing systems of certain countries, as provided in the resolution, without knowledge of the personal qualifications of the appointees. The delegation of Norway reserved its position on the proposed plan, suggesting that the matter should be reviewed at the next session of the General Assembly. It was the sense of the Committee, however, that the question of personal qualifications was taken care of by the fact that the Committee was choosing the chief audit official of the countries selected.

On the first ballot Canada received 36 votes, Sweden 29, the Ukrainian S.S.R. 18 and the United States 6. On the succeeding ballot, the Ukrainian S.S.R. was chosen by 31 votes as the third representative on the Board. As indicated in the resolution, the term of office for the first country, Canada, was to continue until June 30, 1950; for Sweden until June 30, 1949; and for the Ukrainian S.S.R. until June 30, 1948.

On the recommendation of the Fifth Committee, the General Assembly unanimously adopted the following resolution at its 50th plenary meeting on December 7, 1947:

THE GENERAL ASSEMBLY RESOLVES,

(a) That the Auditor-General (or other title) of the UKRAINIAN SOVIET SOCIALIST REPUBLIC and the Auditor General (or other title) of SWEDEN and the Auditor-General (or other title) of CANADA be appointed as external Auditors of the accounts of the United Nations and of the International Court of Justice, and of such specialized agencies as may be designated by the appropriate authority. Should the necessity arise, an Auditor may designate a representative to sit on the Board in his absence;

(b) That the term of office of each Auditor shall continue until 30 June 1948, 30 June 1949 and 30 June 1950 in the order in which they are named above;

(c) That in 1947, and every year thereafter, the General Assembly at its regular session shall appoint an Auditor to take office from 1 July of the following year and to serve for a period of three years;

(d) That the Auditors in office shall constitute the Board of Auditors, which shall elect its own Chairman and adopt its own rules of procedure;

(e) That the Board, subject to the budgetary provision made by the General Assembly for the cost of audit, and after consultation with the Advisory Committee on Administrative and Budgetary Questions relative to the scope of the audit, may conduct the audit under the provisions of this resolution in such manner as it thinks fit and may engage commercial public auditors of international repute;

(f) That if any member of the Board ceases to hold the national office described in paragraph (a) of this resolution he shall cease to be a member of the Board, on which he shall be succeeded by his successor in the national office described;

(g) That the Board of Auditors shall submit its report, together with the certified accounts and such other statements as it thinks necessary, to the General Assembly to be available to the Advisory Committee on Administrative and Budgetary Questions not later than 1 June following the end of the financial year to which the accounts relate. The Advisory Committee shall forward to the General Assembly its comments, if any, on the audit report;

(h) That the audit should be carried out by the Board of Auditors having full regard to the following requirements of the General Assembly:

(i) The Auditors should satisfy themselves:

(1) That the accounts, including the balance sheet, represent a correct record of duly authorized financial transactions of the financial year;

(2) That money has not been expended or obligated other than for the purpose or purposes for which the appropriations voted by the General Assembly were intended to provide, except insofar as the Secretary-General has authorized transfers within the budget, and that the expenditure conforms to the authority which governs it;

(3) That transfers from the Working Capital Fund or other funds have received the necessary authority.

(ii) The Auditors, after satisfying themselves that the vouchers have been examined and certified as correct by the accounting organization, may, in their discretion and having regard to the character of the examination within the department, in any particular case admit the sums so certified without further examination, provided however, that, if the General Assembly or the Advisory Committee on Administrative and Budgetary Questions on behalf of the General Assembly, requests that any accounts be examined in greater detail, the Auditors shall take action accordingly.

(iii) The Auditors shall examine such store or stock accounts as are maintained by the organization the financial accounts of which they are auditing.

(iv) The Auditors shall have free access at all convenient times to the books of account and all information relevant to the accounts of the organization concerned. Requests for official files which may deal with matters of policy should only be made through the Assistant Secretary-General for Administrative and Financial Services.

(v) The Auditors should not criticize purely administrative matters, but it is within their discretion to comment upon the financial consequences of administrative action. Audit examination should not be undertaken before ac-

counting effect has been given to transactions, nor should accounts and vouchers be examined until they have been duly rendered available by the department concerned.

(vi) Objections to any items which may arise during audit should be communicated immediately to the accounting department concerned. As a general rule, criticism should not be made in the Auditors' report without first affording the accounting department an opportunity of explanation.

(vii) Documentary or other information obtained from a department should not be published by the Auditors without reference having been made to the duly authorized official of the organization or agency concerned.

(viii) The Auditors certifying the accounts shall prepare a joint report of each account certified, in which they should mention:

(1) The extent and character of their examination or any important changes therein;

(2) Matters affecting the completeness or accuracy of the accounts, such as:

(a) Information necessary to the correct interpretation of the account;

(b) Any amounts which ought to have been received but which have not been brought to account;

(c) Expenditure not properly vouched;

(3) Other matters which should be brought to the notice of the General Assembly, such as:

(a) Cases of fraud or presumptive fraud;

(b) Wasteful or improper expenditure of United Nations' money or stores (notwithstanding that the accounting for the transactions may be correct);

(c) Expenditure likely to commit the United Nations to further outlay on a large scale;

(d) Any defect in the general system or detailed regulations governing the control of receipts and expenditure, or of stores;

(e) Expenditure not in accordance with the intention of the General Assembly, after making allowance for duly authorized transfers within the budget;

(f) Expenditure in excess of appropriations, as amended by duly authorized transfers within the budget;

(g) Expenditure not in conformity with the authority which governs it.

(4) The accuracy or otherwise of the stores records as determined by stock-taking and examination of the records.

In addition, the reports may contain reference to:

(5) 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.

(ix) The Auditors, or such of their officers as they may delegate should jointly certify each account in the following terms:

"The above accounts have been examined in accordance with our directions. We have obtained all the information and explanations that we have required, and we certify, as the result of the audit, that, in our opinion, the above account is correct"; adding, should it be necessary, "subject to the observations in our report."

(x) The Auditors shall have no power to disallow items in the accounts, but shall recommend to the Secretary-General for appropriate action such disallowances as the Board is prepared to recommend to the General Assembly based on its audit of the accounts and records. The Board shall bring to the attention of the General Assembly any cases where its recommendations for disallowance have not been acted upon by the Secretary-General.

f. Simultaneous Interpretation

The General Assembly during the first part of its first session had recommended that the Secretary-General make a thorough inquiry into the question of the installation of telephonic systems of interpretation and, if possible, arrange for the establishment of such a system for the second part of the first session.

In accordance with this resolution the Secretary-General arranged for studies of various systems of simultaneous interpretation to be made, especially of the system used at the war crimes trials in Nürnberg. On the basis of these studies one large and one small committee room at Lake Success were equipped for simultaneous interpretation.

During the second part of its first session the General Assembly referred the question of simultaneous interpretation to the Fifth Committee (Administrative and Budgetary). The Secretary-General submitted a report to the Fifth Committee of the General Assembly on the studies and experiments which had been conducted, and subsequently submitted his recommendations to the Committee.

The Secretary-General considered that, although simultaneous interpretation was very useful, it was not a panacea solving all interpretation problems. During general debate it was obvious that simultaneous interpretation was adequate and permitted a great economy of time. However, when the deliberations entered the phase of drafting and precise decisions, the successive interpretation method would normally appear preferable. Thus the Secretary-General concluded that in the interest of efficient conduct of affairs both systems should be available.

Specifically the Secretary-General recommended that one more large conference room, one additional small committee room and the Economic and Social Council Chamber at Lake Success be equipped for simultaneous interpretation. The Secretary-General suggested further that it would be most desirable also to purchase one mobile (wireless) simultaneous interpretation unit consisting of about 2,500 sets, for the purpose of servicing meetings held away from headquarters. If required, this unit could also be used to save time during the general debate in plenary sessions of the Assembly.

The question was discussed at length at the 31st meeting of the Fifth Committee on November 27, 1946. The representatives of Denmark, France, Norway, the U.S.S.R. and China were in general agreement that the system should be continued but should not replace entirely the system of successive interpretation. It was pointed out that, while the major advantage of the simultaneous interpretation system was the time saved for committees and Councils, under certain circumstances, when drafting problems or debate necessitated, successive interpretation was preferable.

There was a difference of opinion among the delegations concerning the extent to which the simultaneous system should be developed. The representative of the U.S.S.R. suggested that only one more committee room be equipped until a more thorough study of the cost could be made. The representative of the United Kingdom believed that the delegations would want the system installed in most of the committee rooms prior to the next session of the General Assembly.

The representative of the United Kingdom suggested that special attention be given to the Secretary-General's note on the wireless interpretation system. Since it appeared that such wireless equipment might be available before the next session of the Assembly, he believed it wiser not to take any final decision concerning wired installations.

The following resolution proposed by the Rapporteur of the Fifth Committee was adopted unanimously by the Committee at its 33rd meeting on December 2, 1943, and by the General Assembly at its 50th plenary meeting on December 7, 1946:

THE GENERAL ASSEMBLY

HAVING CONSIDERED the report of the Secretary-General and the observations made by

several representatives in the Fifth Committee:

1. TAKES no decision, for the time being, on the simultaneous interpretation system but recommends the continuation of the present practices until the next session of the General Assembly, when a final decision should be taken.

2. REQUESTS the Secretary-General to equip before the next session a second conference room and a second committee room with simultaneous interpretation apparatus.

3. REFERS the proposal for equipment of a second conference room and of a second committee room for consideration to the Advisory Committee on Administrative and Budgetary Questions, which should also examine the advisability from a budgetary point of view of installing a wireless system of simultaneous interpretation in preference to the present equipment.

q. Tax Equalization

In its resolution concerning administrative and budgetary matters of February 13, 1946, the General Assembly had adopted the following principles concerning tax equalization:

(1) Emoluments of staff members of the United Nations should be immune from income taxation by Member Governments.

(2) Members of the staff subject to national taxation should be reimbursed by the organization.

(3) Consideration of a staff contributions scheme should be postponed pending further study.

In accordance with the General Assembly's resolution the Secretary-General submitted a report on the question of tax equalization to the second part of the first session of the General Assembly, reporting on the action taken by the various Member Governments with a view to exempting their nationals who were members of the United Nations Secretariat from taxation and the administrative measures taken by the Secretariat to reimburse staff members subject to taxation.

The Secretary-General submitted a draft resolution the first part of which recommended that the General Assembly urge all Members to take early action to exempt from taxation salaries and allowances paid out of the budget of the United Nations. The second part of the draft resolution concerned a staff contributions scheme and recommended that the General Assembly appoint a committee to consider whether a staff contributions plan should be established

for the United Nations and the specialized agencies and, if so, to outline the principles of such a plan. This Committee should report to the General Assembly before the end of the second part of its first session.

The General Assembly at its 46th plenary meeting on October 31, 1946, referred the Secretary-General's report to the Fifth Committee (Administrative and Budgetary) for consideration. The Fifth Committee considered the matter at its 22nd, 23rd and 33rd meetings on November 8 and 12 and December 2, 1946, respectively.

After review of the decisions and recommendations made by the General Assembly at the first part of its first session and extensive discussion of the principles involved in immunity from taxation, the Fifth Committee voted unanimously to recommend the adoption by the General Assembly of the first part of the Secretary-General's draft resolution urging that Members take early action to exempt from taxation salaries and allowances paid out of the budget of the United Nations.

A draft resolution submitted by the delegation of the U.S.S.R. provided:

(a) that all Members who had not already totally exempted from tax salaries and allowances paid out of the Organization's budget should be invited to take immediate steps in the matter;

(b) that refunds to members of the United Nations Secretariat of national taxes paid by them as from 1 January 1947 should cease; and

(c) that the Secretary-General should seek agreement with the Governments which, by 1 January 1947, had accorded the desired tax exemption, for repayment to the United Nations of tax refunds made by the Organization to their nationals.

The Committee decided to reject the Soviet proposal for the cessation of tax refunds as from January 1, 1947. In the light of this decision the delegation of the U.S.S.R. did not insist on a vote on the third recommendation of the above draft resolution concerning the recovery of tax refunds.

The second part of the Secretary-General's draft resolution concerning the appointment of a committee to study a staff contributions plan was debated at length. The representative of the United Kingdom submitted an amendment to the effect that the committee to be established should report to the second session of the General Assembly and not to the second part of

the first session, thus providing more time for study. The Fifth Committee adopted this amendment, but subsequently rejected the resolution in its revised form by 20 votes to 17.

A proposal made by the Chairman that the entire question of a staff contributions plan be examined by the Advisory Committee on Administrative and Budgetary Questions, which should, if it thought advisable, request the Secretary-General to submit new proposals to the next session of the General Assembly was accepted by 20 votes to 5, with 13 abstentions.

On the recommendation of the Fifth Committee the General Assembly at its 50th plenary meeting on December 7, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY RESOLVES THAT:

1. In order to achieve full application of the principle of equity among Members and equality among personnel of the United Nations, Members which have not yet completely exempted from taxation salaries and allowances paid out of the budget of the Organization are requested to take early action in the matter.

2. The question of a staff contributions plan in lieu of national taxation is referred to the Advisory Committee on Administrative and Budgetary Questions, which may request the Secretary-General to submit new proposals to the next regular session of the General Assembly.

h. Privileges and Immunities of the Staff of the Secretariat of the United Nations

In accordance with Section 17 of Article V of the Convention on the Privileges and Immunities of the United Nations the Secretary-General had to make recommendations as to the categories of officials to which the provisions of Articles V and VII should apply. The Secretary-General submitted a report to the second part of the first session of the General Assembly recommending that the provisions of Articles V and VII should apply to all members of the staff of the United Nations with the exception of those who were recruited locally and were assigned to hourly rates. The Secretary-General submitted a draft resolution for adoption by the General Assembly.

The matter was referred to a Joint Sub-Committee of the Fifth and Sixth Committees. With minor changes the Sub-Committee adopted the resolution submitted by the Secretary-General. The Fifth Committee at its 32nd meeting on November 29, 1946, and the Sixth Committee at its 31st meeting on December 6, 1946, unani-

mously adopted the report of the Joint Sub-Committee.

On the recommendation of the Fifth and Sixth Committees the General Assembly at its 50th plenary meeting on December 7, 1946, unanimously adopted the following resolution.

THE GENERAL ASSEMBLY

HAVING CONSIDERED the proposal of the Secretary-General that, in accordance with Section 17 of Article V of the Convention on the Privileges and Immunities of the United Nations, the categories of officials to which the provisions of Articles V and VII shall apply should include all members of the staff of the United Nations with the exception of those who are recruited locally and are assigned to hourly rates;

APPROVES the granting of the privileges and immunities referred to in Articles V and VII of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1945, to all members of the staff of the United Nations with the exception of those who are recruited locally and are assigned to hourly rates.

i. Provisional Scheme for Staff Retirement and Insurance Funds and Related Benefits

In its resolution of February 13, 1946, concerning the organization of the Secretariat, the General Assembly instructed the Secretary-General to prepare schemes for staff retirement, for widows' and orphans' benefits and staff childrens' allowances and education grants and to report thereon to the second part of the first session of the General Assembly.

In order to prepare suitable schemes the Secretary-General arranged for the appointment of an expert Working Party consisting of:

- D. Norman Chester, Chairman
(United Kingdom)
- E. Schoenbaum(Czechoslovakia)
- N. E. Sheppard.....(Canada)
- Rainard B. Robbins, Consulting Actuary to
the Working Party.

The Working Party submitted detailed recommendations to the Secretary-General, who submitted a report thereon to the second part of the first session of the General Assembly together with his own recommendations for a scheme for staff retirement and related benefits (children's allowances and medical care for members of the staff).

At its 46th plenary session on October 31, 1946, the General Assembly referred the Secretary-General's report to the Fifth Committee

(Administrative and Budgetary), which considered it at its 33rd, 34th, 42nd and 43rd meeting on December 2, 3, and 12.

After considering the general principles involved in the proposed scheme the Fifth Committee referred the proposals to a Joint Sub-Committee of the Fifth and Sixth Committees. The Joint Sub-Committee examined in detail the administrative and legal aspects of the plan and made its recommendations to the Fifth Committee on December 10, 1946.

The Fifth Committee considered the report of the Joint Sub-Committee at its 42nd meeting on December 12, 1946. While the majority of representatives considered it desirable that the proposed staff retirement scheme be extended to the specialized agencies as soon as practicable, a number considered that the proposed plan should apply to the United Nations only and that no provision should be made for its extension to the specialized agencies. An amendment to this effect submitted by the representative of the U.S.S.R. was rejected by the Fifth Committee by a vote of 24 to 5. By a vote of 20 to 9 the Committee rejected a Soviet proposal that approval of the report of the Joint Sub-Committee be deferred to the next session of the General Assembly.

The Fifth Committee by a vote of 28 to 0 decided to recommend the adoption of the proposed pension scheme to take effect as from the date proposed (January 27, 1947) but only on condition that the scheme should be regarded as provisional during its first year and should be open to complete review in the light of experience. A number of representatives expressed the view that the contributions from the United Nations and from the contributors were high in relation to the benefits proposed and considered that this point, in particular, should be thoroughly examined on the review of the scheme. The Committee noted that the draft regulations for the scheme as revised by the Joint Sub-Committee had made it quite clear (Section 37) that any amendments which might be made to the scheme at the next session of the General Assembly would apply to all the participants in the scheme, even though they were participants before the amendments were made. The Committee further noted that on the recommendation of the Sub-Committee it was proposed to draw this point to the particular attention of the members of the staff before they were admitted to the scheme.

The Sixth Committee (Legal), which was charged with the examination of the legal aspects of the question, informed the Fifth Committee that in view of the purely provisional character of the proposed scheme the Sixth Committee did not consider it necessary to raise any legal objections. Certain delegations made some reservations with respect to the extension of the scheme to the specialized agencies.

At its 43rd meeting on December 11, 1946, the Fifth Committee chose three members and three alternate members of the Staff Benefit Committee in accordance with the regulations adopted by the Committee.

On the recommendation of the Fifth Committee the General Assembly at its 66th plenary meeting on December 15, 1946, adopted the following resolutions:

(1) Provisional Staff Retirement Scheme and Provident Fund

In order to have conditions of employment which will attract qualified candidates from any part of the world, a staff retirement scheme, which should be provisional in character for an initial period of operation, must be provided on an adequate basis, with provision for an equitable transition from the Staff Provident Fund established pursuant to the resolution of the General Assembly of 13 February 1946 on the organization of the Secretariat.

THE GENERAL ASSEMBLY, THEREFORE,

ADOPTS the United Nations Joint Staff Pension Scheme Provisional Regulations as set forth in Annex I;

RESOLVES that the Staff Provident Fund be continued in operation so long as there are staff members covered by the Provident Fund who are not admitted to the Pension Scheme under the above regulations; provided, however, that no new members shall be admitted to the Provident Fund after the said regulations come into force;

REQUESTS that, if it has not already done so, each Member Government take steps, in accordance with the recommendation adopted by the General Assembly at its thirty-first plenary meeting on 13 February 1946 to preserve the existing pension rights of persons accepting posts as members of the staff of the Secretariat, pending the conclusion of an agreement with the United Nations under section 12 of the above-mentioned regulations;

RESOLVES that the Secretary-General shall, as soon as practicable, approach Member Governments individually with a view to the negotiation of agreements under this section 12.

(2) Appointment by the General Assembly of certain Members of the Staff Benefit Committee

THE GENERAL ASSEMBLY, having adopted the

United Nations Joint Staff Pension Scheme Provisional Regulations,

DECLARES the persons shown below to be elected for three years as members of the United Nations Staff Benefit Committee established under section 20 of the said regulations:

MEMBER:

Mr. R. Lebeau..... (Belgium)
Mr. P. M. Chernyshov..... (U.S.S.R.)
Mr. A. J. Altmeyer..... (United States)

ALTERNATES:

Mr. S. K. Kirpalani..... (India)
Mr. G. Peissel..... (France)
Mr. Diego Mejia..... (Colombia)

(3) Regulations for payment of Children's Allowances and Education Grants

THE GENERAL ASSEMBLY ADOPTS as additions to the Provisional Staff Regulations, with effect from 1 January 1947, the provisions relating to children's allowances and education grants set out in Annex II.

(4) Medical Care for Members of the Staff

RECOGNIZING the necessity for assuring to members of the staff adequate and prompt medical care,

THE GENERAL ASSEMBLY AUTHORIZES the Secretary-General:

1. To enter into arrangements with the Health Insurance Plan of Greater New York and the Associated Hospital Service for the application of the Plan and the Service on a suitable basis to members of the staff;

2. To pay out of the general budget of the United Nations on behalf of each staff member belonging to the Plan and the Service that part of the cost of his membership which exceeds one per cent of his salary or wages in the case of a staff member earning \$5,000 (U.S.) or less per annum, and two per cent of his salary or wages in the case of a staff member earning more than \$5,000 (U.S.);

RESOLVES that the Secretary-General shall report to the next regular session of the General Assembly on the advisability of continuing the above arrangements as a means of assuring adequate and prompt medical care for members of the staff.

ANNEX I

UNITED NATIONS JOINT STAFF PENSION SCHEME PROVISIONAL REGULATIONS

Section 1

Definitions

"Member organization" means a specialized agency brought into relationship with the United Nations in accordance with the provisions of Articles 57 and 63 of the Charter which has been admitted to the United Nations' Joint Staff Pension Scheme under section 28 of these regulations.

"Age of retirement" means the end of the month in which the participant reaches the age of sixty years or such later age as may be de-

termined in the staff regulations applying to the participant concerned for the termination of appointment by retirement.

"Pensionable remuneration" means the basic remuneration determined by the participant's terms of employment to be pensionable, but excluding all special grants and allowances such as children's allowances, education grants, expense allowances, cost-of-living allowances, payments for over-time, fees, honoraria and payments for any expenses incurred in the service of the United Nations or of a member organization. If part or the whole of the basic pensionable remuneration is paid in kind, the value of such payments, if not stated in the terms of employment, shall be determined by the Joint Benefit Committee.

"Final average remuneration" means the average pensionable remuneration of the participant during the last sixty months of contributory service before the termination of employment, provided that where the participant has less than sixty months of contributory service the final average remuneration shall mean the average pensionable remuneration during the actual period of contributory service.

"Contributory service" means the number of complete months for which contributions have been paid on the pensionable remuneration or counted for this purpose under sections 3, 18 and 19.

Section 2

Participation

Every regular full-time employee of the United Nations, including the Registrar and staff of the International Court of Justice, and of each member organization, under sixty years of age at the time he enters such employment, will be subject to these regulations, provided that his appointment is made without limit of time or that his appointment is for a fixed period and his participation is provided for in the letter of appointment.

Section 3

Reckoning of Temporary Service

When a person who has been in the employment of the United Nations or of a member organization in a non-pensionable capacity accepts an appointment which brings him within the scope of these regulations, his period of service before he became subject to the regulations may be treated as contributory service, provided he pays into the Pension Fund a sum equal to the contributions which he would have paid had he been subject to these regulations throughout this period and provided that this period of service is continuous with his service after the commencement of the appointment which brings him within the scope of these regulations. For the purposes of this section intervals of not more than thirty days in the period of service shall be considered as not breaking the continuity of service but shall not be included in the period of contributory service.

BENEFITS

Section 4

Retirement Benefits

Whenever a participant retires on reaching the age of retirement, or such later age as may have been approved in his case by the competent authority in accordance with the staff regulations applying to him, he will be entitled during the remainder of his life to a retirement benefit, payable on a monthly basis, equal to one-sixtieth of his final average remuneration multiplied by one-twelfth of his contributory service at the date of his retirement.

A participant may elect to receive part of his retirement benefit in the form of a lump sum equal to not more than one-third of the actuarial value of his benefit.

Section 5

Disability Benefits

Whenever the employment of a participant ceases before he has reached the age of retirement because of his inability to perform satisfactorily his duties as a staff member of the United Nations or of a member organization due to physical or mental impairment, and subject to section 8, he shall be entitled, while such disability continues, to disability benefit calculated in the same manner as the retirement benefit, provided that this disability benefit shall not be smaller than one-third of the final average remuneration or than the retirement benefit that he would have been entitled to at the age of retirement (on the assumption that his final average remuneration remained unchanged), whichever is the less.

Section 6

Commencement of Disability Benefit

The Joint Benefit Committee shall determine, in accordance with the procedure described in the administrative rules made under these regulations, when a participant qualifies for disability benefit, provided that the payment of disability benefit shall not begin before the participant has exhausted his right to any larger payment under the staff regulations applying to him.

Until the recipient of a disability benefit reaches the age of retirement, the Joint Benefit Committee may from time to time require evidence of the continuance of disability and review the participant's eligibility to disability benefit in the light of such evidence.

Section 7

Death Benefits

Subject to section 8, the following death benefits shall be payable under these regulations:

(a) If a married male participant dies, his widow shall be entitled to a widow benefit amounting to half of the benefit which would have been paid to the participant had he qualified for a disability benefit at the time of his death. This benefit shall cease on the widow's re-marriage.

(b) If a married man who is a recipient of a retirement or disability benefit dies, his widow, provided she was his wife at the time of the cessation of his service with the United Nations or member organization, shall be entitled to a widow benefit half as large as the benefit being paid to the deceased at the time of his death. This benefit shall cease upon the widow's re-marriage.

(c) Upon ceasing to be entitled to a widow benefit under (a) and (b) by reason of re-marriage the widow shall be entitled to a lump sum payment equal to twice the annual amount of her widow pension.

(d) Upon the death of a participant who leaves no widow, there may be paid, at the discretion of the Joint Benefit Committee, for such period as they may determine, a dependent's benefit to one dependent, the benefit to be not greater than that payable to a widow under (a) above.

(e) If a recipient of a retirement or a disability benefit dies, not being a man leaving a widow entitled to a benefit under (b) above, there may be paid, at the discretion of the Joint Benefit Committee, for such period as they may determine, a dependent's benefit to one dependent, the benefit to be not greater than that payable to a widow under (b) above.

Section 8

Initial Medical Examination

The Joint Benefit Committee may require any employee, before admission to the full benefits under these regulations, to undergo a medical examination as prescribed by them.

If the results of this medical examination are not to the satisfaction of the Joint Benefit Committee, the participant concerned shall not be entitled to the benefits under sections 5 and 7 until he has completed five years' employment with the United Nations or a member organization or with two or more of these bodies.

Section 9

Withdrawal Benefits

Where a participant ceases to be employed by the United Nations or by a member organization prior to reaching the age of retirement for reasons other than disability, death or summary dismissal for serious misconduct as provided for in the staff regulations applying to him, he shall be entitled to the following withdrawal benefits:

(a) If the participant has completed less than five years of contributory service, he shall be paid a sum equal to his own contributions to the Pension Fund with the addition of simple interest at the rate of two per cent per annum.

(b) If the participant has completed five or more years of contributory service, he shall continue, for a period equal to one month for each full year of contributory service, to be eligible for the disability or death benefit based on his contributory service at the date

he ceased to be employed by the United Nations or by a member organization. At the end of that period, he shall be entitled to a lump sum payment equal to the actuarial equivalent, at the date service ceased, of the benefit that would have been payable to him if he had reached the age of retirement at the date his service ceased.

A lump sum shall not be payable if during this period the participant had become entitled to the payment of a disability benefit, or his widow or dependent to a widow or dependent's benefit.

(c) At the request of a participant the Joint Benefit Committee may pay the lump sum due under (b) at a date earlier than that prescribed, but the participant shall cease to be eligible for death or disability benefit on the date that such payment is made.

(d) A participant who has reached the age of fifty-five years, has ten or more years of contributory service, and retires before the age of sixty, may elect to be paid, instead of the withdrawal benefit provided for in paragraph (b), a retirement benefit equal to the actuarial equivalent, at the date his service ceased of the benefit that would have been payable to him if he had reached the age of retirement at the date his service ceased.

Where a participant leaves the service by reason of disability or dies without becoming entitled to disability or death benefits under sections 5 and 7, as a result of a decision of the Joint Benefit Committee under section 8, he, or his estate, shall be paid a sum equal to his own contributions to the Pension Fund with the addition of simple interest at the rate of two per cent per annum.

Section 10

Summary Dismissal for Serious Misconduct

If the Secretary-General of the United Nations or the competent authority of the member organization concerned so recommends, the Joint Benefit Committee shall, to the extent so recommended and notwithstanding the provisions of section 9, pay a participant summarily dismissed for serious misconduct under the staff regulations applying to him, or the widow or dependent of such a participant, an amount equal to either the whole or any part of the benefits he would have been entitled to had he ceased to be employed for reasons other than summary dismissal for serious misconduct.

Section 11

Re-employment

If a person to whom a withdrawal benefit has previously been paid under section 9 becomes a participant on a new appointment the following provision shall apply: upon payment into the Pension Fund of the lump sum in respect of withdrawal benefit received under section 9 (a), (b) or (c) or of the amounts received under section 9 (d), together with compound interest at 2½% per annum, his contributory

service will be deemed to include the period of contributory service to his credit at the time of his withdrawal.

Section 12

Preservation of Pension Rights

In order to secure continuity of pension and staff benefit rights the Secretary-General of the United Nations may conclude with any Member Government an agreement adjusting the provisions of these regulations so far as the participants covered by the agreements are concerned. These agreements shall in each case be subject to the approval of the General Assembly.

PENSION FUND

Section 13

Establishment of the Pension Fund

A Pension Fund shall be established to meet the liabilities resulting from these regulations. The Pension Fund shall be the property of the United Nations, shall be administered separately from the other assets of the United Nations, and shall be used solely for the purposes provided for in these regulations.

Section 14

Payments into the Pension Fund

The Pension Fund shall be maintained by:

- (a) The contributions of the participants;
- (b) The payments of the United Nations and of the member organizations;
- (c) The income earned by investment;
- (d) Any other income appropriate to the purposes of the Fund.

Section 15

Contributions of Participants

Subject to section 19, seven per cent of the pensionable remuneration of each participant shall be deducted from his remuneration and paid each month to the Pension Fund.

During any period of sick leave on full or half pay, participants shall continue to contribute to the Pension Fund by deduction from such payments on the basis of their full pensionable remuneration.

During any period of authorized leave without pay (including sick leave without pay), a participant may continue to contribute to the Pension Fund by paying his own contribution and the contribution that would normally be payable under section 16 or 19 of these regulations by the United Nations or the member organization by which he is employed. Such contributions must be made on the basis of his full pensionable remuneration. In cases approved by the Secretary-General in the case of the United Nations' staff and by the competent authority in the case of the staff of member organizations, the United Nations or the member organization may continue to pay the contribution otherwise due under section 16 or 19 of these regulations notwithstanding that the participant is not in receipt of pensionable remuneration, and in such cases the participant will pay only his own contribution.

Section 16

Payments by the United Nations and each Member Organization

The United Nations and each member organization shall pay to the Pension Fund in respect of the participants employed by them:

(a) Each month a contribution of an amount equal to fourteen per cent of the total monthly pensionable remuneration of these participants;

(b) Each month such additional contributions as are necessary to maintain the Fund in a position to meet the obligations in respect of participants to whom the provisions of Sections 3, 18 and 19 apply;

(c) Any amount necessary under section 11 to bring a participant's payments up to the then actuarial value of the added contributory service.

Section 17

Deficiency Payments

If at any time an actuarial valuation shows that the assets of the Pension Fund may not be sufficient to meet the liabilities under the regulations, there shall be paid into the Fund by the United Nations and each member organization the sum necessary to make good the deficiency. The United Nations and each member organization shall contribute to this sum an amount proportionate to the total contributions which each paid under section 16 during the three years previous to the date chosen for the actuarial valuation through which it was revealed that the assets of the Fund might not be sufficient to meet the liabilities.

Section 18

Service in Unhealthy Areas

Whenever a participant is employed for more than three months in an area classified by the Joint Benefit Committee as being specially detrimental to health, his actual contributory service during the whole of the period he is employed there shall be doubled for any purpose in which contributory service is used in these regulations as a basis for the calculation of benefits.

Section 19

Special Provisions for Persons Entering the Employment of the United Nations or of a Member Organization after the Age of Forty

The Secretary-General in respect of United Nations' employees and the competent authority in respect of employees of member organizations may decide that any person eligible for participation in the Fund who enters the service of the United Nations or of a member organization after the age of forty, may, for the purpose of calculating the number of years of contributory service to be used as a basis of benefits, have his actual number of months of such service multiplied by the figure stated in the second column of the following table. The participant concerned must, however, agree to pay, in lieu of the contribution provided for in

section 15, the contribution as stated in the third column corresponding to the multiplier above. No such person, however, shall be authorized to choose an age stated in column (1) higher than his actual age on the date of his appointment.

Chosen Age	Months of contributory service to count for each month of actual contributory service	Percentage contribution to be deducted from participant's pensionable remuneration %
40	1.00	7.00
41	1.05	7.35
42	1.11	7.77
43	1.18	8.26
44	1.25	8.75
45	1.33	9.31
46	1.43	10.01
47	1.54	10.78
48	1.67	11.69
49	1.82	12.74
50 and any year up to the year preceding age of retirement	2.00	14.00

ADMINISTRATION OF THE PENSION FUND

Section 20

United Nations Staff Benefit Committee

The United Nations Staff Benefit Committee shall consist of three members elected for three years by the General Assembly, three members appointed by the Secretary-General and three members, who must be participants, elected for three years by the participants by secret ballot. Where questions directly affecting participants employed in the Registry of the International Court of Justice are under consideration, a member appointed by the Registrar shall be entitled to attend the meetings of the Staff Benefit Committee. The Assembly and the participants shall respectively elect for three years three alternate members.

The members of the United Nations Staff Benefit Committee and their alternates may be re-elected.

Section 21

Agency Staff Benefit Committees

Each member organization shall have a Staff Benefit Committee, which shall include representatives of the body of the member organization corresponding to the General Assembly of the United Nations, of the chief executive officer and of the participants of the organization, selected in accordance with the procedure adopted by the competent body of that organization.

Section 22

Joint Benefit Committee

The Joint Benefit Committee shall consist of three members appointed by the Staff Benefit Committee of the United Nations and three members appointed by each of the Staff Benefit Committees of the member organizations.

Section 23

Secretary of the Joint Benefit Committee

Upon the recommendation of the Joint Benefit Committee, the Secretary-General of the United Nations shall appoint a secretary and other officer or officers to act in the absence of the secretary. Subject to the administrative rules and the decision of the Joint Benefit Committee, the payment of all benefits under these regulations must be certified by the secretary or the officer authorized to act in his absence.

Section 24

Power of Delegation

Subject to section 23, the Joint Benefit Committee may delegate to the Staff Benefit Committees of the United Nations and of each member organization some or all of its discretionary powers relating to the grant of a benefit under these regulations in respect of the application of these powers to the participants and beneficiaries of the bodies concerned.

Section 25

Investment of Assets of the Fund

Subject to the complete separation to be maintained between the Fund's assets and other assets of the United Nations as provided in section 13, the investment of the assets of the Fund shall be decided upon by the Secretary-General, after consultation with an Investments Committee, and after having heard any observations or suggestions by the Joint Benefit Committee concerning the investments policy and the general administration of the Fund's assets. The Investments Committee shall consist of three members appointed by the Secretary-General after consultation with the Advisory Committee on Administrative and Budgetary Questions, subject to the subsequent approval of the General Assembly.

Section 26

Staff

Subject to section 23, the Secretary-General shall provide the staff required by the Joint Benefit Committee as well as the staff necessary for the keeping of the accounts and records of the Fund and the payment of benefits.

Section 27

Administrative Expenses

Expenses incurred in the administration of these regulations by the Joint Benefit Committee and by the Staff Benefit Committee of the United Nations shall be met out of the general budget of the United Nations.

Expenses incurred in the administration of these regulations by the Staff Benefit Committee of a member organization, including travelling expenses and allowances of representatives attending meetings of the Joint Benefit Committee shall be met out of the general budget of that organization.

Section 28

Admission of Specialized Agencies

Subject to its acceptance of these regulations, any specialized agency which has entered into relationship with the United Nations under Articles 57 and 63 of the Charter shall be entitled to become a member organization of the United Nations Joint Staff Pension Scheme, provided that agreement has been reached with the Secretary-General of the United Nations as to any payments necessary to be made by the specialized agency to the Pension Fund in respect of the new obligations incurred by the Fund through its admission, and as to other transitional arrangements that may be necessary, including the extent to which these regulations are to be applied to existing employees of the specialized agency.

GENERAL PROVISIONS

Section 29

Actuarial Equivalents

Equivalents shall be calculated on such assumptions concerning rate of interest, mortality, invalidity and other data as may be adopted by the Joint Benefit Committee after having received advice from a qualified actuary or actuaries. These assumptions may be subject to change from time to time by the Committee.

Section 30

Currency

Contributions and benefits shall be calculated in the currency in which the pensionable remuneration is fixed for the terms of employment.

Payments of benefits may be made in the currency selected from time to time by the recipient at the rate of exchange prevailing at the date of payment.

Section 31

Actuarial Valuations

The Joint Benefit Committee shall have an actuarial valuation, of the Pension Fund made not later than one year after the appointed date by a qualified actuary or actuaries and thereafter at least every three years. The actuarial report shall state the assumptions on which the calculations are based, shall describe the method of valuation used, shall state the results of the investigations; and the recommendations, if any, for any appropriate action. The report shall be presented to the Joint Benefit Committee and to the Secretary-General of the United Nations and to the competent authority of each member organization.

Upon the receipt of the actuarial report, the Joint Benefit Committee shall make proposals to the General Assembly and to member organizations as to any action to be taken as a result thereof. Copies of the actuarial report and of any such proposals shall be forwarded to the Advisory Committee on Administrative and Budgetary Questions.

Section 32

Non-assignability of Rights

A participant or a beneficiary may not assign his rights under these regulations to another person.

Section 33

Debts owing to the Fund

Any payment due from a participant to the Pension Fund and unpaid at the date of his becoming entitled to any benefit under these regulations, shall be a first charge upon and be deductible from the benefit.

Section 34

Documentary Evidence

Every participant and every beneficiary under these regulations shall furnish all necessary documentary evidence regarding himself and his wife and dependents in accordance with the administrative rules.

Section 35

Annual Report

The Joint Benefit Committee will present annually to the General Assembly of the United Nations and to the member organizations a report, including a balance-sheet, on the operation of these regulations. The Secretary-General will inform each member organization of any action taken by the General Assembly upon the report.

Section 36

Administrative Rules

The Joint Benefit Committee shall make administrative rules necessary for the carrying out of these regulations. These administrative rules shall be reported by the Secretary-General to the General Assembly and by the Joint Benefit Committee to the member organizations.

Section 37

Amendments

These regulations may be amended by the General Assembly and the regulations so amended shall take effect in regard to the participants in the scheme, including those who were participants before the regulations were amended, as from the date specified by the General Assembly, without prejudice to any benefits to which a participant, or a widow or dependent of a participant, may have become entitled under these regulations, as a result of retirement, disability, death or withdrawal, before the amended regulations took effect.

Section 38

Appointed Date

These regulations, including the following transitional provisions, shall come into force on 27 January 1947.

TRANSITIONAL PROVISIONS RELATING TO THE UNITED NATIONS

Section A

Transfer of Balances

The credit of a participant in the Staff Provident Fund shall be transferred to the Pension Fund on the date on which he becomes a participant in the Pension Fund.

Section B

United Nations Payment

The United Nations shall pay into the Pension Fund a sum equal to seventy-five per cent of the amounts transferred under Section A.

Section C

Transfer of Contributory Service

For the purpose of these regulations, the period in respect of which a participant contributed to the Staff Provident Fund shall be counted as contributory service.

Section D

Former Members of the Provident Fund who Fail to Pass the Medical Examination

If a participant in the Pension Fund, who, as a result of a decision of the Joint Benefit Committee under section 8, is not entitled, during a period of five years, to disability and death benefits under sections 5 and 7, ceases during that period to be employed by the United Nations or by a member organization for any reason, including disability or death, other than summary dismissal for serious misconduct as defined in the staff regulations applying to him, and if that participant was a member of the Provident Fund at the date of his joining the Pension Fund, he (or his estate), shall be paid, in lieu of the sum otherwise due under section 9, an amount equivalent to that which would have been paid had he remained a member of the Provident Fund.

Section E

Administration of the Fund

Until such time as a member organization is admitted to the United Nations Joint Staff Pension Scheme under section 28, the United Nations Staff Benefit Committee shall exercise the powers and perform the functions of the Joint Benefit Committee, and for the time being, the Secretary of the United Nations Staff Benefit Committee, appointed on the recommendation of the Committee by the Secretary-General, shall exercise the powers and perform the functions of the Secretary of the Joint Benefit Committee.

Section F

Election of Members of the Staff Benefit Committee

Notwithstanding the provisions of section 20, the first election of the three members of the United Nations Staff Benefit Committee, and their alternates, elected by the participants, shall be for a one-year term, and the second election shall be for a two-year term.

ANNEX II

ADDITIONAL PROVISIONAL REGULATIONS TO BE ADDED TO THE PROVISIONAL STAFF REGULATIONS AS APPROVED BY THE GENERAL ASSEMBLY AT THE FIRST PART OF THE FIRST SESSION

XII. Children's Allowances and Education Grants

Regulation 80

As from 1 January 1947, every full-time member of the staff with the exception of those specifically excluded by resolution of the General Assembly and of those recruited for a period of service not expected to exceed ninety days, shall be entitled to a children's allowance of \$144 (U.S.) per annum in respect of each child under the age of sixteen years, or, if the child is in full-time attendance at a school or a University (or similar educational institution) under the age of eighteen or twenty-two years respectively. A full-time member of the staff excluded on account of the temporary nature of his employment shall begin to be entitled to a children's allowance after he has completed ninety days service. 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.

Regulation 81

The allowance shall continue to be payable in respect of his children to a full-time member of the staff who becomes entitled under the United Nations Joint Staff Pension Scheme Provisional Regulations to a retirement or a disability benefit and to a widow if in receipt of a widow benefit.

Regulation 32

Upon the death of a person who receives a children's allowance under these regulations and following the death of the other parent, there shall be paid to the legal guardian of each child an allowance of \$288 (U.S.) per annum.

Regulation 33

Each full-time member of the staff, with the exception of those specifically excluded by a resolution of the General Assembly, entitled to receive a children's allowance under Regulation 30, who is employed by the United Nations in a country other than his own country as is specified in his letter of appointment shall be entitled to the following education grant:

- (a) the sum of \$144 (U.S.) per annum for each child, in respect of whom a children's allowance is payable, in full-time attendance at a school or a University in his home country, provided that where a child attended such an educational institution for a period of less than two-thirds of any one scholastic year, the allowance shall be reduced to such proportion of \$144 (U.S.) as the period so attended bears to a full scholastic year;
- (b) once in each scholastic year the travelling expenses of the outward and return journey of such a child by a route approved by the Secretary-General.

If both parents are members of the staff of the United Nations only one grant will be paid in respect of each of their children.

Regulation 84

The Secretary-General may decide in each case whether allowances or grants under Regulations 30 and 33 shall extend to adopted children or stepchildren.

j. Administrative Tribunal

By resolution of February 13, 1946, the General Assembly authorized the Secretary-General to appoint a small advisory committee possibly including representatives of the staff to draft for submission to the second part of the first session of the General Assembly a statute for an administrative tribunal

In pursuance of this resolution the Secretary-General set up an Advisory Committee composed as follows:

- | | |
|------------------------------------|------------------------------|
| Th. Agnides (Greece)—Chairman | } Members of the Secretariat |
| Manley O. Hudson (United States) | |
| Joseph Nisot (Belgium) | |
| Ladislav Radimsky (Czechoslovakia) | |
| Jean Herbert | |
| M. Pérez Guerrero | |
| Marc Schreiber | |
| Isobel Wallace | } |
| David M. Levitan | |

The Committee met at Lake Success from September 16 to 26, 1946, and submitted a report to the Secretary-General, together with a draft statute of a United Nations administrative tribunal which would be competent to adjudicate upon appeals alleging non-observance of contracts of employment, including pertinent staff regulations, made by officials of the Secretariat of the United Nations, but which would not deal with matters of internal administration of the Secretariat.

The Secretary-General transmitted this report of the second part of the first session of the General Assembly, which referred it to the Fifth Committee (Administrative and Budgetary). The Fifth Committee considered the matter at its 25th and 26th meetings on November 15 and 16.

The representative of the United States considered that it was difficult to differentiate between disputes involving alleged non-observance of legal rights and disputes arising from normal difference in judgment on problems of internal administration of the Secretariat. The establishment of an administrative tribunal

such as that proposed by the advisory committee would dangerously undermine the authority of the Secretary-General and the sovereignty of the General Assembly. Moreover, as the draft statute provided, *inter alia*, that the tribunal might order the payment to the applicant of compensation for injury sustained, such compensation to be paid by the United Nations, the General Assembly's authority over budgetary matters might be impinged upon.

The representative of the United States considered that the staff of the Secretariat would be protected adequately if it had recourse to a council established within the Secretariat for the purpose of arbitrating disputes. The United States representative therefore submitted the following draft resolution:

THE GENERAL ASSEMBLY RESOLVES:

(a) that the appropriate medium for arbitrating such differences as may arise between the staff and the administration of the Secretariat is an administrative council composed of representatives of the staff and the administration;

(b) that the Secretary-General take the necessary steps at the appropriate time to create facilities within the Secretariat for the settlement of such differences as may arise between the staff and the administration.

A number of other representatives expressed the view that there was no need for an administrative tribunal and that the Secretary-General should have final authority in all matters affecting personnel.

The representatives of the United Kingdom and France, among others, supported the proposed establishment of an administrative tribunal on the ground that an impartial body was needed as a check on the sovereignty of the organization.

After considerable discussion the Fifth Committee at its 26th meeting on November 16, 1946, accepted a proposal of the representative of the United Kingdom to postpone a decision on the question of the establishment of an administrative tribunal until the next session of the General Assembly,

k. Organization and Administration of the Secretariat

The Secretary-General submitted reports to the second part of the first session of the General Assembly on the organization and work of the Secretariat and on the selection and training of staff. The General Assembly at its 46th plenary meeting on October 31, 1946, referred these reports to the Fifth Committee.

At its 20th meeting the Fifth Committee, without discussion, noted the Secretary-General's report on the organization and work of the Secretariat.

Problems relating to the selection and training of staff were discussed at some length at the 20th meeting of the Fifth Committee and were reintroduced at the 42nd meeting by a discussion of a proposed resolution submitted by Venezuela. This resolution reaffirmed the provisions of Articles 100 and 101 of the United Nations Charter regarding the selection of staff, and reasserted the responsibility of the Secretary-General in carrying out these provisions. The Committee voted against presenting a resolution on this subject to the General Assembly, the majority taking the view that such a resolution was not necessary, though expressing general approval of the contents of the resolution under discussion. In a discussion of the basic criteria of selection of staff emphasis was laid upon the necessity of continuing to improve the geographical distribution of the Secretariat staff, while at the same time achieving the highest standards of efficiency, competence and integrity.

At its 66th plenary meeting on December 15, 1946, the General Assembly took note of the Fifth Committee's report concerning the above questions.

l. Provisional Financial Regulations of the United Nations

The Secretary-General of the United Nations submitted a report on the provisional financial regulations of the organization to the second part of the first session of the General Assembly.

In his report the Secretary-General stated that the provisional financial regulations adopted during the first part of the first session of the General Assembly had proved satisfactory from the point of view of initial operations. In general, however, the present regulations were designed to apply to the financial year 1946 and therefore, the Secretary-General suggested, they should be re-enacted with appropriate changes in order to make them applicable to the financial year 1947 and succeeding years. Moreover, some additional rules were necessary to meet the needs of the financial administration. The Secretary-General therefore submitted a list of suggested amendments to the existing regulations.

The Secretary-General's report pointed out that notwithstanding these amendments and additions, it was still desired to regard the regulations as provisional until further experience had been gained, and in the light of that experience, draft proposals for permanent financial regulations would be submitted for the consideration of the General Assembly at its second session in September 1947.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred the question of financial regulations to the Fifth Committee (Administrative and Budgetary), which considered the amendments suggested by the Secretary-General, as well as a number of amendments proposed by the representative of France at its 29th, 30th, and 33rd meetings on November 21, 25 and December 2, 1946, respectively. After discussing certain of the regulations in detail, the Committee unanimously adopted the revised provisional financial regulations as a whole, which were to cover the period from the date of their approval by the General Assembly up to the end of 1947.

On the recommendation of the Fifth Committee the General Assembly at its 55th plenary meeting on December 11, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY RESOLVES:

That the following provisional financial regulations be adopted and that the Secretary-General be instructed to submit draft financial regulations to the Advisory Committee on Administrative and Budgetary Questions for consideration and final adoption by the General Assembly at its regular annual session in 1947.

PROVISIONAL FINANCIAL REGULATIONS

These provisional financial regulations are to cover the period from the date of their approval by the General Assembly to the end of the year 1947.

THE FINANCIAL YEAR

Regulation 1

The financial year shall be the calendar year, 1 January to 31 December.

THE BUDGET

Regulation 2

The Secretary-General shall submit to the regular annual session of the General Assembly a budget for the following financial year.

Regulation 3

The budget shall be examined, before presentation to the General Assembly, by the Advisory Committee on Administrative and Budgetary Questions, which shall submit a

report on the budget to all Members at least four weeks prior to the opening of the regular annual session of the General Assembly.

Regulation 4

The budget shall be divided into parts, sections and chapters, and shall be accompanied by:

- (a) A detailed statement of the estimated expenditure provided for under each chapter;
- (b) A statement showing the amount to be contributed by each Member in accordance with the approved scale of contributions;
- (c) A statement of the estimated additional income under appropriate headings.

Regulation 5

The budget and the report of the Advisory Committee shall be submitted to the General Assembly and referred to the competent Committee for consideration and report to the Assembly.

The General Assembly shall vote the budget by the majority required under the provisions of Article 18, paragraph 2, of the Charter of the United Nations.

PROVISION OF FUNDS

Regulation 6

The budgetary requirements shall be financed from contributions from Members, in amounts to be determined by the General Assembly. Pending the receipt of such contributions the budget may be financed from the Working Capital Fund.

Regulation 7

The General Assembly shall determine the amount of the Working Capital Fund and any sub-divisions thereof.

Regulation 8

After the General Assembly has adopted the budget, and determined the amount of the Working Capital Fund and its subdivisions, the Secretary-General shall:

- (a) Transmit all relevant documents to Members;
- (b) Inform Members of their commitments in respect of annual contributions and of advances to the Working Capital Fund;
- (c) Request them to remit their contributions and advances to the Working Capital Fund.

Regulation 9

Annual contributions and advances to the Working Capital Fund shall be assessed and paid in the currency of the State in which the United Nations has its headquarters.

APPROPRIATION OF FUNDS

Regulation 10

The adoption of the budget by the General Assembly shall constitute an authorization to the Secretary-General to incur obligations and expenditures for the purposes, and during the period, for which credits have been voted and

up to the amounts so voted. The Secretary-General shall cause an allotment in writing to be made from the appropriations approved by the General Assembly to the various headings of expenditures prior to the incurring of obligations, commitments or expenditures therefor. He shall cause a record to be kept of such allotments and all obligations incurred showing at all times the amount available under each heading.

INTERNAL CONTROL

Regulation 11

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 an accurate record to be kept of all capital acquisitions and all supplies purchased and used;

(c) Render to the Auditors with the accounts a statement as at 31 December of the financial year concerned, showing the supplies in hand and the assets and liabilities of the Organization;

(d) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or commodities have been received and that payment has not previously been made;

(e) Designate the officials who may incur obligations and make payments on behalf of the Organization;

(f) Maintain an internal financial control which shall provide for an effective current examination or review of financial transactions in order:

(i) To ensure the regularity of the receipt, disposal and custody of all funds and other financial resources of the Organization;

(ii) To ensure the conformity of all expenditures with the estimates voted by the General Assembly;

(iii) To obviate any uneconomic use of the resources of the Organization.

Regulation 12

Tenders for equipment, supplies and other requirements shall be invited by advertisement, except where the Secretary-General deems that, in the interest of the United Nations, a departure from the rule is desirable.

THE ACCOUNTS

Regulation 13

The accounts of the Organization shall be kept in the currency of the State in which the United Nations has its headquarters.

Regulation 14

There shall be established one cash control record in which shall be recorded all cash receipts accruing to the benefit of the Organization. The cash control record shall be divided into such subsidiary receipts classifications as may be deemed necessary.

Regulation 15

Cash shall be deposited in one or more bank accounts as required; branch accounts, or special funds which involve a separation of cash assets, shall be established as charges to the cash control record under appropriate regulations as to objects, purposes and limitations of such accounts and funds.

Regulation 16

The accounts shall consist of:

(a) Budget accounts showing within the appropriations:

(i) The original allotments;

(ii) The allotments after modification by any transfers, carried out in accordance with the provisions of regulation 19;

(iii) The obligations incurred;

(iv) The unobligated balances of allotments;

(b) A cash account showing all cash receipts and actual disbursements made;

(c) Separate accounts for the Working Capital Fund and any other fund which may be established;

(d) Property records showing:

(i) Capital acquisitions;

(ii) Equipment and supplies purchased, used, and on hand.

(e) Such records as will provide for a statement of assets and liabilities at 31 December of each financial year.

APPOINTMENT OF EXTERNAL AUDITORS

Regulation 17

Auditors, who shall be persons not in the service of the United Nations, shall be appointed in a manner to be determined by the General Assembly. The Auditors shall be appointed for periods to be determined by the General Assembly.

CUSTODY OF FUNDS

Regulation 18

The Secretary-General shall designate the bank or banks in which the funds of the Organization shall be kept.

TRANSFERS UNDER THE BUDGET DURING THE FINANCIAL YEAR

Regulation 19

Transfers by the Secretary-General within the budget may be made only to the extent permitted by the terms of the budget resolution adopted by the General Assembly.

AVAILABILITY OF APPROPRIATIONS

Regulation 20

The balance of appropriations remaining unobligated at 31 December of the financial year to which they relate shall be surrendered by consequential adjustment made in the budget next presented.

Regulation 21

Payments for outstanding obligations as at 31 December shall be made between 1 January

and the last day of February and charged to the accounts of the previous financial year. At 1 March the unliquidated balance of such obligations shall be carried forward to the accounts of the then current financial year.

Regulation 22

Appropriations shall remain available, to the extent that obligations are incurred under them, for a period not exceeding three years from the first day of the financial year to which they relate. Any part of the appropriation remaining unexpended shall be surrendered, by adjustment in the budget next presented.

TRUST AND OTHER SPECIAL FUNDS

Regulation 23

Appropriate separate accounts shall be maintained for trust or other special funds for the purpose of accounting for unclaimed monies, monies received and held in suspense and for projects where the transactions involve a cycle of operations. The purpose and limits of each trust or other special fund established shall be clearly defined by the appropriate authority.

INVESTMENTS

Regulation 24

The Secretary-General may make short-term investments of monies which are not needed for immediate requirements and will inform the Advisory Committee periodically of the investments which he has made.

COUNCIL RESOLUTIONS INVOLVING UNITED NATIONS EXPENDITURES

Regulation 25

No resolution involving expenditure from United Nations funds shall be approved by a Council unless the Council has before it a report from the Secretary-General on the financial implications of the proposals, together with an estimate of the costs involved in the specific proposal.

6. LEGAL MATTERS

a. Administration of the International Court of Justice

At its 46th plenary meeting on October 31, 1946, the General Assembly referred certain questions relating to the administration of the International Court of Justice to the Fifth (Administrative and Budgetary) and Sixth (Legal) Committees for joint consideration. The Fifth and Sixth Committees established a Joint Sub-Committee to consider these questions.

(I.) Currency in which the Emoluments of the Judges and the Registrar of the International Court of Justice should be fixed.

During the first part of its first session the General Assembly decided that the salaries of the judges of the International Court of Jus-

tice should be fixed in the Netherlands florins.¹

By letter of April 13, 1946, the President of the Court informed the Secretary-General that the Court had suggested that the salaries of the judges, as fixed in florins, should be converted into United States dollars at the rate of the day on which the judges were appointed, i.e. February 6, 1946. The salaries of the Registrar and other officials of the Court should be fixed in United States dollars.

The Secretary-General submitted the question to the General Assembly for its consideration. At its second meeting on November 9, 1946, the Joint Sub-Committee of the Fifth and Sixth Committees examined the Court's request.

The Joint Sub-Committee was advised by the President of the International Court of Justice that since the writing of his letter of April 13, 1946, the Government of the Netherlands had established most satisfactory arrangements for the transfer and exchange of funds by the members and Registrar of the Court. Accordingly the President requested that he be permitted to withdraw the request contained in his letter.

In view of this request the Sub-Committee recommended that no further action be taken in this matter.

(2.) Salary of the Registrar of the International Court of Justice

Article 32 (6) of the Statute of the International Court of Justice provides that the salary of the Registrar should be fixed by the General Assembly on the proposal of the Court.

At its session held on April 11, 1946, the Court adopted the recommendation that the salary of the Registrar should be assimilated to that of a Director of the Secretariat of the United Nations and that his salary should be fixed at 25,000 florins per annum, augmented by the sum of 10,000 per annum, in view of the depreciation of the Dutch florins since 1940 and in view of the rise in the cost of living. The total emoluments of the Registrar would thus be 35,000 florins.

At its fifth meeting on November 14, 1946, the Joint Sub-Committee of the Fifth and Sixth Committees unanimously resolved that the annual salary of the Registrar be assimilated to that of a Top-Ranking Director of the United Nations Secretariat, and be fixed accordingly

¹ See pp. 88, 89.

at 29,150 Netherlands florins. The Joint Sub-Committee recommended further that the difference (5,850 florins) between the salary recommended by the Court (35,000 florins) and the salary approved by the Sub-Committee (29,150 florins) be paid to the Registrar as a non-pensionable allowance.

- (3.) Conditions under which the Members of the International Court of Justice and the Registrar should have their Travel Expenses refunded

Article 32 (7) of the Statute of the International Court of Justice provides that the General Assembly shall fix the conditions under which the members of the Court and the Registrar shall have their travel expenses refunded. Accordingly the Secretary-General submitted to the second part of the first session of the General Assembly a draft resolution which had been drawn up after consultation between the Registrar of the Court and the Secretary-General.

At its 6th and 7th meetings on November 15 and 16 the Joint Sub-Committee of the Fifth and Sixth Committees considered the proposed resolution and made a number of changes. The Sub-Committee unanimously recommended the adoption of the amended resolution.

The Fifth Committee at its 30th meeting on November 25 and the Sixth Committee at its 29th meeting on December 5, 1946, unanimously adopted the report of the Joint Sub-Committee concerning the above three questions.

On the recommendation of the Fifth and Sixth Committees the General Assembly at its 55th plenary meeting on December 11, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY,

RESOLVES that the decision taken at the first part of the first session fixing the emoluments of the Judges in Netherlands florins remain unchanged;

DIRECTS that the annual salary of the Registrar of the International Court of Justice shall be assimilated to that of a top-ranking director of the Secretariat of the United Nations and shall accordingly be fixed at 29,150 Netherlands florins; and that the difference between the salary recommended by the Court (35,000 florins) and the salary approved by the General Assembly shall be paid to the Registrar as a non-pensionable allowance;

ADOPTS the Travel and the Subsistence Regulations of the International Court of Justice, as amended and reproduced in Annex I.

ANNEX I

TRAVEL AND SUBSISTENCE REGULATIONS OF
THE INTERNATIONAL COURT OF JUSTICE

Travel Expenses

1. The United Nations shall pay, subject to the conditions of these regulations, the travel expenses of the members and of the Registrar of the International Court of Justice, necessarily incurred on duly authorized official journeys.

The following shall be deemed to be duly authorized official journeys:

(a) Where the person concerned takes up residence at the seat of the Court,

(i) A journey from his home, at the time of appointment, to the seat of the Court, in connection with the transfer of his residence;

(ii) A return journey every second calendar year after the year of appointment from the seat of the Court to his home at the time of appointment;

(iii) A journey upon termination of appointment from the seat of the Court to his home at the time of appointment, or to any other place provided that the cost of the journey is not greater than the cost of a journey to his home at the time of appointment.

The above provisions apply also to members who take up residence in compliance with Article 23 of the Statute of the International Court of Justice.

Where the wife and/or dependent children of a member of the Court or of the Registrar reside with him at the seat of the Court, the United Nations shall reimburse the travel expenses for journeys as above.

(b) Where a member of the Court does not reside at the seat of the Court, one return journey for himself and one near relative each year from his permanent residence to the seat of the Court, provided such journey is necessarily undertaken on official business at the decision of the Court or at the request of the President.

(c) When a session of the Court is held at a place other than the seat of the Court, the journey necessarily performed in attending the session.

(d) Other journeys on official business, undertaken with the authority of the President.

2. Travel expenses shall comprise actual transportation costs by ordinary first class transport on railroads, airlines, steamboat, and other usual means of conveyance, and shall include expenses normally incidental to transportation, e.g., taxicab fares from station, etc.

The cost of transportation of baggage in excess of weight or size carried free by transportation companies will not be allowable as an expense unless the excess is necessarily carried for official business reasons.

3. All travel will be by the most direct route, provided that travel by other routes may be

allowed under written authority of the President when the official necessity therefore is satisfactorily established, but in other cases the travel expenses and subsistence allowance payable shall not exceed the amounts which would have been payable had the journey been by the most direct route.

Subsistence Allowances

4. A per diem allowance in lieu of subsistence expenses shall be paid to members of the Court and to the Registrar while in official travel status under Regulation 1 (a) (i), 1 (a) (iii), 1 (c) or 1 (d) above. The per diem will be regarded as covering all charges for meals, lodging, fees and gratuities, and other personal expenses.

5. The rates of subsistence allowance shall be for each period of twenty-four hours after the time of departure:

(a) For the President \$25 (U.S.), or the equivalent thereof in other currency;

(b) For other members of the Court \$20 (U.S.), or the equivalent thereof in other currency;

(c) For the Registrar \$15 (U.S.), or the equivalent thereof in other currency, provided that where he accompanies a member of the Court he shall receive \$20 (U.S.), or the equivalent thereof in other currency.

Where the traveller receives either full subsistence (i.e., breakfast, lunch and dinner) or accommodation (but not both), the cost of which is payable by the United Nations, the rates of allowance shall be reduced to \$12 (U.S.), or the equivalent thereof in other currency. Where the traveller receives both full subsistence and accommodation, the cost of which is payable by the United Nations (e.g. where the cost of a passage includes both), he shall be paid a daily allowance of \$3 (U.S.), or the equivalent thereof in other currency.

6. (a) Where a member of the Court or the Registrar, undertaking an official journey, is accompanied by his wife and/or dependent children, under Regulation 1 (a) (i) or 1 (a) (iii), a subsistence allowance of one-half of the appropriate rate payable to the member of the Court or to the Registrar in respect of that journey will be payable in respect of each dependent;

(b) Where dependents are travelling unaccompanied on an authorized journey under Regulation 1 (a) (i) or 1 (a) (iii), the full rate of subsistence allowance will be payable in respect of one adult and one-half of that rate to each other dependent.

Application and Duration of Subsistence Allowances

1. Subsistence allowances shall be payable while the traveller is in travel status, i.e., while performing temporary duty at a place to and

from which it is impracticable for him to travel daily from his home or from the seat of the Court, provided that no allowance shall be payable in respect of periods of leave or absence taken during periods of temporary duty.

Submission and Payment of Accounts

8. A detailed expense account must be rendered in support of each claim for reimbursement of travel expenses or subsistence allowance as soon as possible after completion of the trip. The claims should show every item of expense except where such expenses are to be covered by a subsistence allowance, and every advance drawn from any United Nations source, and must, as far as possible, be supported by receipts showing the service to which the payment is related. All expenses must be shown in the actual currency in which they were made and must be certified as having been necessarily and solely incurred in the discharge of the official business of the Court.

Effective Date

9. These regulations shall become effective as of 1 January 1947. Journeys completed before that date shall be dealt with under the Travel Regulations of the Permanent Court of International Justice.

b. Pensions of the Judges and the Staff of the International Court of Justice

By resolution of February 6, 1946, the General Assembly had instructed the Secretary-General in consultation with the Registrar of the Court to develop a pension plan for the judges, Registrar and staff of the International Court of Justice for submission to the second part of the first session of the General Assembly.

The question was referred to the Working Party established by the Secretary-General to consider the question of a permanent staff retirement scheme. At the request of the Secretary-General, the Registrar of the Court on June 13, 1946, submitted a memorandum expressing his views on the subject. The Working Party submitted its recommendations in a letter, dated August 20, 1946, addressed to the Assistant Secretary-General for Administrative and Financial Services.

So far as the staff members of the International Court were concerned the Working Party included these in the general scheme for a United Nations Pension Fund. Concerning the Registrar, the Working Party concluded that his position was similar to that of an Assistant Secretary-General: of the United Nations and

the Working Party's recommendations concerning Assistant Secretaries-General should therefore apply to the Registrar of the Court.

In the case of the judges of the Court, however, the Working Party pointed out that their term of office was so limited that no normal pension plan could cover them. The Working Party therefore submitted detailed recommendations for a pension scheme for the judges.

On the basis of the Registrar's views as expressed in his memorandum of June 13, 1946 and on the basis of the Working Party's recommendations, the Secretary-General submitted a Proposed Pension Plan for Members of the International Court of Justice to the second part of the first session of the General Assembly.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred the question to the Fifth and Sixth Committees for joint consideration. A Joint Sub-Committee established by the Fifth and Sixth Committees considered the report of the Secretary-General on November 11 and 13. After making certain changes in the proposed plan the Joint Sub-Committee unanimously recommended adoption of the plan in its amended form.

The Fifth Committee at its 30th meeting and the Sixth Committee at its 29th meeting on December 5, 1946, unanimously adopted the report of the Joint Sub-Committee.

On the recommendation of the Fifth and Sixth Committees the General Assembly at its 55th plenary meeting on December 11, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY ADOPTS the proposed pension plan for members of the International Court of Justice, as amended and reproduced in Annex I.

ANNEX I

PENSION SCHEME REGULATIONS FOR MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

1. The members of the Court who have ceased to hold office shall be entitled to retiring pensions provided that the members concerned:

- (a) Have not resigned;
- (b) Have not been required to relinquish their appointment for reasons other than the state of their health;
- (c) Have completed at least five years of service.

2. Notwithstanding the provisions of regulations 1 (c) above and 6 below, members elected at the first part of the first session of the General Assembly for a period of three years only, shall, on retirement after completion of that period of service, and provided they are not

subsequently re-elected, be entitled to the same pension as though five years' service had been completed.

3. Except as provided in regulation 2, a member who retires before the completion of five years' service shall not be entitled to a pension, provided that the Court may, by a special decision based on the fact that the member concerned is in a precarious state of health and has insufficient means, grant him financial assistance not exceeding the pension to which he would have been entitled had he completed five years' service.

4. If a member resigns after having completed at least five years of service, the Court may, by special decision, grant him such pension as seems equitable, but not exceeding an amount calculated as in regulation 6.

5. The payment of a pension shall not begin until the member concerned has reached the age of sixty. In an exceptional case, however, the pension may, by a decision of the Court, be made payable in whole or in part to the person entitled thereto before he reaches that age.

6. Subject to the provisions above, a member shall be entitled to the payment of a pension equivalent to one three hundred and sixtieth of his salary in respect of each complete month passed in the service of the Court, the amount being calculated:

(a) For members who have held the office of President, on their annual salary and special annual allowance;

(b) For members who have held the office of Vice-President, on their annual salary and special allowances;

(c) For other members, on their annual salary;

averaged in each case over the whole period of service.

If a person entitled to a pension is re-elected to office, the pension shall cease to be payable during his new term of office. At the end of this period, however, the amount of the pension shall be redetermined as provided for above, on the basis of the total period during which he discharged his duties.

7. No pension payable under these regulations shall exceed one-third of the annual salary, excluding any allowances.

8. Pensions shall be calculated in terms of the currency in which the salary of the member concerned is fixed by the General Assembly.

9. Upon the death of a member, his widow may be granted, by decision of the Court, a widow's pension of not less than one-twelfth of the annual salary (excluding allowances) of the member, but amounting to not more than one-half of the pension which would have been payable to the member had he qualified for it at the time of his death. This pension shall cease on the widow's re-marriage.

10. Upon the death of a former member who was in receipt of a retirement pension under these regulations, his widow, provided she was his wife at the time of his retirement from the

Court, may be granted, by decision of the Court, a widow's pension of not less than one-twelfth of the annual salary (excluding allowances) of the former member, but not more than one-half of that being paid to the deceased at the time of his death; or where a partial pension is being paid under regulation 5 above, a widow's pension of one-half of such larger amount as the member would have been entitled to had his pension commenced at the age of sixty. This pension shall cease on the widow's re-marriage.

11. Upon the death of a member or a former member while in receipt of a pension granted under these regulations, who leaves no widow eligible for a pension under regulation 9 or 10 above, there may be paid, by a decision of the Court, for such period as it may determine, a dependent's pension to each dependent child of the deceased, provided that the total amount of pensions so payable shall not exceed the amount which would have been payable to the widow under regulation 9 or 10 above. No payment shall be made to a child over the age of twenty-one, or after the date of marriage, whichever is earlier.

12. All pensions provided for above shall be regarded as expenses of the Court, within the meaning of Article 33 of the Statute of the Court.

c. Privileges and Immunities of Members of the International Court of Justice

By resolution of February 13, 1946, the General Assembly invited the members of the International Court of Justice to consider at their first session the question of the privileges, immunities and facilities which the members of the Court should enjoy and to inform the Secretary-General of their recommendations.

With a view to giving effect to the General Assembly's resolution, negotiations took place between representatives of the Netherlands Foreign Ministry and representatives of the Court. These negotiations led to an agreement on the general principles that should govern the matter.

On the basis of this agreement the Court submitted detailed recommendations to the Secretary-General of the United Nations, which the latter transmitted to the second part of the first session of the General Assembly.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred the question to the Sixth Committee (Legal). A Sub-Committee of the Sixth Committee as well as the Sixth Committee itself examined the Court's recommendations in detail. The President of the Court (J. G. Guerrero) and the Registrar (E. Hambro) took part in the discussions.

Following the discussion in the Sub-Committee, a draft resolution was prepared by the Sub-Committee's Rapporteur. At the 22nd meeting of the Sixth Committee on November 22, 1946, various delegations submitted amendments to the Rapporteur's draft resolution. After consulting with the delegations concerned, the Rapporteur submitted a revised text at the 23rd meeting of the Sixth Committee on November 28, 1946, which the Committee adopted unanimously.

On the recommendation of the Sixth Committee the General Assembly at its 55th plenary meeting on December 11, 1946, unanimously adopted the following resolution:

By a resolution adopted on 13 February 1946, the General Assembly, with a view to insuring that the International Court of Justice should enjoy the privileges, immunities and facilities necessary for the exercise of its functions and the fulfilment of its purposes, in the country of its seat and elsewhere, invited the Court at its first session to consider this question and to inform the Secretary-General of its recommendations.

The Court has accordingly examined the problem in its various aspects during its first session, held at The Hague from 3 April to 6 May 1946, and has transmitted to the General Assembly its conclusions.

The General Assembly considered the recommendations of the Court during the second part of its first session, and the report of its Sixth Committee:

THE GENERAL ASSEMBLY

1. APPROVES the agreements concluded between the International Court of Justice and the Netherlands Government, as recorded in the exchange of letters between the President of the Court and the Minister for Foreign Affairs of the Netherlands (Annex).

2. RECOMMENDS that if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there.

3. RECOMMENDS that judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys.

This provision should also apply to the Registrar and to any officer of the Court acting as Registrar.

4. RECOMMENDS THAT

(a) Officials of the Court should enjoy in any country where they may be on the business of the Court, or in any country through which they may pass on such business, such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

The Registrar and any officer of the Court, acting as Registrar, should, while on the business of the Court, be accorded diplomatic privileges and immunities.

(b) Inasmuch as these privileges and immunities are granted to officials of the Court in the interests of the International Court of Justice, and not for the personal benefit of the individuals themselves, the Registrar of the Court, with the President's approval, should have the right and the duty to waive the immunity in any case where, in his opinion, the immunity would impede the course of justice, and can be waived without prejudice to the interests of the Court. In the case of the Registrar, the Court should have the right to waive immunity.

5. RECOMMENDS THAT:

(a) (i) The agents, counsel and advocates before the Court should be accorded, during the period of their missions, including the time spent on journeys in connection with their missions, the privileges and immunities provided for in article IV, sections 11, 12 and 13 of the Convention on the privileges and immunities of the United Nations under the conditions of Article IV, section 15, of that Convention, (ii) Assessors of the Court should be accorded, during the period of their missions, including the time spent on journeys in connection with their missions, the privileges and immunities provided for in article VI, section 22, of the Convention on the privileges and immunities of the United Nations.

(iii) Witnesses, experts and persons performing missions by order of the Court should be accorded, during the period of their missions, including the time spent on journeys in connection with their missions, the privileges and immunities provided for in article VI, section 22, of the Convention on the privileges and immunities of the United Nations.

(b) Inasmuch as the privileges and immunities referred to above under (a) are granted in the interests of the good administration of justice and not for the personal benefit of the individuals themselves, the appropriate authority should have the right and the duty to waive the immunity in any case where, in its opinion, the immunity would impede, and can be waived without prejudice to the course of justice.

For this purpose, the competent authority in the case of agents, counsel and advocates repre-

senting a State will be the State concerned. In other cases (including those of assessors of the Court, persons performing missions by order of the Court and the witnesses or experts), the competent authority will be the International Court of Justice or, when the Court is not sitting, the President of the Court.

6. RECOMMENDS THAT:

(a) The authorities of Members should recognize and accept United Nations laissez-passer, issued by the International Court of Justice to the members of the Court, the Registrar and the officials of the Court, as valid travel documents, taking into account the provisions of sub-paragraph (b).

(b) Applications for visas (where required) from the judges of the Court and the Registrar should be dealt with as speedily as possible. All other holders of laissez-passer should receive the same facilities when the applications for visas are accompanied by a certificate that they are travelling on the business of the Court. In addition, all holders of laissez-passer should be granted facilities for speedy travel.

(c) Similar facilities to those specified in subparagraph (b) should be accorded to experts and other persons who, though not the holders of United Nations laissez-passer delivered by the International Court of Justice, have a certificate that they are travelling on the business of the Court.

ANNEX

EXCHANGE OF LETTERS BETWEEN THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE AND THE MINISTER FOR FOREIGN AFFAIRS OF THE NETHERLANDS

1. Letter from the President of the International Court of Justice to the Minister for Foreign Affairs of the Netherlands.

The Hague, 26 June 1946

Monsieur le Ministre,

As Your Excellency is aware, the General Assembly of the United Nations, on 19th January 1946, instructed its Sixth Committee to consider the question of the privileges, immunities and facilities to be granted to the United Nations. In accordance with these instructions, the Sixth Committee prepared a number of draft resolutions. One of these relates to the adoption of a General Convention containing an Article V, in which the privileges, immunities, exemptions and facilities to be enjoyed as a general rule by the officials of the Organization are set out.

As regards the International Court of Justice, the Sixth Committee devoted to it a special resolution. After considering the question of the privileges and immunities to be accorded to members of the Court, to the Registrar and the Court's staff, and to the agents, counsel and advocates of the parties, the resolution recommended that, to ensure that the Court shall

enjoy the privileges, immunities and facilities necessary for the exercise of its functions and the fulfilment of its purpose, in the country of its seat and elsewhere, the Court shall make recommendations, to be forwarded to the Secretary-General.

The Assembly's reason for dealing separately with the case of the International Court of Justice and for asking it to formulate proposals was that the Court's Statute, which is annexed to, and forms an integral part of, the Charter, provides in Article 19, that, when engaged on the business of the Court the members of the Court shall enjoy diplomatic privileges; while Article 42 lays down that the agents, counsel and advocates of the parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties. Another reason was, doubtless, that the Court is an organism whose members with their small staff, perform duties of a special character and whose requirements are consequently different from those of the other organs of the United Nations.

In any case, as regards Netherlands territory, negotiations have taken place between representatives of the Netherlands Foreign Ministry and representatives of the Court, with a view to giving effect in the most satisfactory way possible to the above-mentioned Assembly resolution. In accordance with the excellent relations that have always existed between international judicial bodies and the Government of the Netherlands, these conversations led to an agreement on the general principles that should govern the matter.

These principles are set out in the Appendix to the present note. In communicating this document to Your Excellency, I have the honour to ask you to confirm that its content is in accordance with the agreement reached.

I would add the following: In the report in which the Court forwards its recommendations on privileges and immunities, the Secretary-General is requested to ask the General Assembly to declare the agreement reached between the Netherlands Government and the Court to be satisfactory. Special mention is made of the traditional liberality of the Netherlands in this matter.

On the other hand, I trust that you will agree with me that the questions of precedence, formerly dealt with in paragraph IV of the General Principles annexed to the letters exchanged on 22 May 1928, between the President of the Permanent Court of International Justice and the Netherlands Minister for Foreign Affairs, remains outside the present agreement. I should be grateful if you would confirm your agreement on this point.

I have etc.

(signed) J. G. Guerrero
President of the International
Court of Justice

APPENDIX

1. As concerns the privileges, immunities, facilities and prerogatives, within the territory of the Netherlands, of members and staff of the International Court of Justice, of other than Dutch nationality:

(a) The members of the Court will, in a general way, be accorded the same treatment as heads of diplomatic missions accredited to Her Majesty the Queen of the Netherlands. As regards the privileges, immunities and facilities above-mentioned, this provision applies also to the Registrar of the Court and to the Deputy Registrar when acting for the Registrar.

(b) The Deputy Registrar of the Court will, in a general way, be accorded the same treatment as counsellors attached to diplomatic missions at The Hague.

The higher officials of the Court—first secretaries and secretaries—will, in a general way, be accorded the same treatment as secretaries attached to diplomatic missions at The Hague.

(c) The other officials of the Court will be treated as officials of comparable rank attached to diplomatic missions at The Hague.

2. Members of the Court, the Registrar and higher officials of the Court who are of the Netherlands nationality, are not answerable to the local jurisdiction for acts performed by them in their official capacity and within the limits of their duties.

Netherlands nationals of whatever rank are exempt from direct taxation on the salaries allotted to them from the Court's budget.

3. The wives and unmarried children of members of the Court, the Registrar and the higher officials of the Court, when of non-Netherlands nationality shall receive the same treatment as the head of the family if they live with him and are without profession. The household of the family (governesses, private secretaries, servants, etc.) occupy the same position as is accorded in each case to the domestic staff of diplomatic persons of comparable rank.

4. Privileges and immunities are granted in the interests of the administration of international justice and not in the personal interest of the beneficiary.

As concerns officials of the Registry, the Registrar, with the President's approval, may withdraw their immunities, with due regard to the principle laid down in the previous paragraph. In the case of the Registrar, this duty shall rest with the Court.

5. The assessors of the Court and the agents, counsel and advocates of the parties, shall be accorded such privileges, immunities and facilities for residence and travel as may be required for the independent exercise of their functions.

Witnesses and experts shall be accorded the immunities and facilities necessary for the fulfilment of their mission.

2. Letter from the Minister for Foreign Affairs of the Netherlands to the President of the International Court of Justice

The Hague, 26 June 1946

Monsieur le President,

I have the honour to acknowledge receipt of Your Excellency's letter of 26th June, in which you draw my attention to the resolution of the Sixth Committee of the United Nations General Assembly, concerning privileges and immunities to be granted to the International Court of Justice.

I was much pleased to note that Your Excellency was good enough to mention that the conversations that took place between representatives of the Court and representatives of my Ministry were marked by a continuance of the excellent relations that prevail by tradition between international judicial organizations and Her Majesty's Government, and I hasten to assure Your Excellency that Her Majesty's Government also has a happy recollection of the relations that existed between it and the Permanent Court of International Justice.

In accordance with Your Excellency's request, I wish to confirm that the Appendix attached to your above-mentioned letter fully corresponds to the agreement reached during the conversations and exactly reproduces the Netherlands Government's views on the subject.

I note with much satisfaction that in the report in which the Court forwards its recommendations concerning privileges and immunities—requesting the Secretary-General of the United Nations to beg the General Assembly to declare the agreement reached between the Netherlands Government and the Court entirely satisfactory—special mention is made of the liberal traditions of the Netherlands in this matter.

With reference to the last paragraph of Your Excellency's letter above-mentioned, I beg to confirm that it is understood that the question of precedence formerly dealt with in paragraph IV of the General Principles attached to the letters exchanged between the President of the Permanent Court of International Justice and the Netherlands Minister for Foreign Affairs, dated 22 May 1928, remains outside the present agreement.

I have, etc.

(signed) J. H. van Royen
Minister for Foreign Affairs

d. Agreement Concerning the Premises of the Peace Palace at The Hague

By resolution of February 10, 1946, the General Assembly had instructed the Secretary-General to conduct preliminary negotiations with the Board of Directors of the Carnegie Foundation in order to fix the conditions on which the premises in the Peace Palace at The

Hague, which were required by the International Court of Justice, could be placed at the Court's disposal. The General Assembly approved the establishment of a small negotiating committee to assist the Secretary-General in negotiations with the Carnegie Foundation.

Two agreements were concluded with the Carnegie Foundation. The first provided that the premises in the Peace Palace were to be rented to the International Court of Justice as from April 1, 1946, at a rent of 48,000 florins per year on certain conditions laid down in detail in the agreement. The second agreement concerned the repayment of two loans which had been granted by the Netherlands Government to the Carnegie Foundation to meet the expenses of alterations to the Peace Palace. It was agreed that the United Nations should take over the liability for the refunding of these two loans, making certain yearly payments to the Carnegie Foundation until such time as the loans were completely paid off.

The Secretary-General and the negotiating committee submitted to the second part of the first session of the General Assembly a joint report on their negotiations with the Carnegie Foundation.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred the matter to the Fifth and Sixth Committees for joint consideration. A Joint Sub-Committee established by the Fifth and Sixth Committees considered the joint report of the Secretary-General and the negotiating committee and recommended to the Fifth and Sixth Committee the approval of both agreements.

The representatives of Chile and of the U.S.S.R. joined in the Sub-Committee's recommendation insofar as it applied to the first agreement relating to the use of the Peace Palace, but reserved their position concerning the second agreement, relating to the repayment of the loans.

The Fifth Committee at its 32nd meeting held on November 29, 1946, considered the report of the Joint Sub-Committee. The representative of the U.S.S.R., supported by the representative of the Ukrainian S.S.R., maintained that the second agreement should not be approved because such approval amounted to an assumption of liabilities in connection with the winding up of the assets and liabilities of the League of Nations.

On the other hand, the representatives of China, Norway, the Netherlands and the Union of South Africa maintained that the agreement for repayment of loans was part of the use charge for the premises of the Peace Palace. These representatives maintained that it was impossible to separate the rental charges and the repayment of loans, both of which were part of the same agreement. The Fifth Committee decided by 29 votes to 9 to consider the two agreements as a whole and not as two parts and approved both agreements by a vote of 35 to 6.

The Sixth Committee considered the report of the Joint Sub-Committee at its 20th and 30th meetings, held on December 5 and 6, 1946. The representatives of the U.S.S.R. and of Chile reiterated, on behalf of their respective delegations, the objections which they had raised in respect of the second agreement. In this they were supported by the representative of Yugoslavia. At the request of the Soviet representative the Committee voted separately on each of the two agreements. The first agreement, relating to the use of the Peace Palace, was approved unanimously. The second, concerning the repayment of loans, was approved by 26 votes to 4, with 1 abstention.

On the recommendation of the Fifth and Sixth Committees, the General Assembly at its 55th plenary meeting on December 11, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY

APPROVES the agreement between the United Nations and the Carnegie Foundation concerning the use of the Peace Palace at The Hague and concerning the repayment of loans as set forth in Annexes A and B.

ANNEX A

AGREEMENT BETWEEN THE UNITED NATIONS AND THE CARNEGIE FOUNDATION CONCERNING THE USE OF THE PREMISES OF THE PEACE PALACE AT THE HAGUE

Article I

The Carnegie Foundation shall allow the International Court of Justice, for so long as the said Court shall be sitting at The Hague, the use of the Peace Palace as from 1 April 1946, subject to the following conditions.

Article II

The annual contribution payable by the International Court of Justice in respect of the use of the Peace Palace, is hereby fixed at 48,000 Netherlands florins.

Article III

The said contribution shall be payable in quarterly instalments, each of one quarter of the total sum, on 1 July, 1 October, 1 January and 1 April. The first payment shall be made on 1 July 1946,

Article IV

The Court shall have the permanent and exclusive use of the following rooms:

Nos. 8, 9, 10, 11, 13, 27, 28, 38, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 301, 302, 303 and 306, as well as the room known as the "Refectory" and the adjacent premises appertaining thereto.

Whilst the Court and its Chambers are in session, the Court shall have the use of the Great Court Room (No. 2) with the ante-chamber (No. 3) as well as of rooms Nos. 1 and 25. On days on which the Court is not meeting in public, the said premises may be used by other institutions.

The Court shall be entitled to the joint use of all the other premises of the Palace necessary for its work, in accordance with agreements to be concluded in each particular case with the Foundation.

Members of the Court and its officials shall enjoy on the same footing as the other members and officials of the other institutions occupying the Peace Palace:

- (1) The entrances and exits, vestibules, corridors and stairways;
- (2) The cloak-rooms and lavatories adjacent to the premises occupied;
- (3) The lifts and similar parts of the Palace intended for general use.

Article V

The existing Library shall be kept carefully up-to-date and supplied with additions as necessary. The Foundation will give favourable consideration to any suggestion on this subject from the Court or its members.

The Secretary-General expresses the hope that the Foundation will assign adequate funds for bringing and keeping the library at the Peace Palace up-to-date.

Members and officials of the Court may consult books in the Library at all times provided they comply with the regulations in force; apart from the hours during which the Library is open to the public, they shall have access thereto from 9 a.m. until 6:30 p.m. on every working day during or immediately before meetings of the Court or its Chambers.

Article VI

Furniture and other objects bought by the League of Nations on behalf of the Permanent Court of International Justice, and now intended for the use of the International Court of Justice, shall be the property of the United Nations and shall, where necessary, be replaced at the expense of the United Nations.

Should any pieces of furniture belonging to the Foundation and installed in premises of which the Court has the permanent or temporary use become unusable, they shall be replaced at the Foundation's expense.

Article VII

The costs of rental and maintenance of telephones connecting the premises of which the Court has the permanent or temporary use, both with one another and with the town, as well as the costs of using the telephone exchange which is not directly connected with the town, shall be borne by the Foundation.

In the absence of an agreement to the contrary in each particular case, the said exchange shall be in operation until 6 p.m. and, whilst the Court or its Chambers are in session, until 7 p.m.

It is understood that the expenses referred to above are entirely covered by the United Nations contribution referred to in Article II above.

Article VIII

The United Nations assumes no responsibility for the maintenance of the building and the grounds appertaining thereto.

The heating, lighting and cleaning of those parts of the building of which the Court has the permanent or temporary use shall be defrayed by the Foundation. The temperature of the premises used as offices or conference rooms shall not be below 18° Centigrade. The cleaning shall be carried out in such conditions and at such hours that the occupants are not disturbed in their work.

The Foundation shall bear the costs arising out of the municipal water supply used by members or officials of the Court.

It is understood that the sum referred to in Article II above constitutes full and complete payment of the charges herein referred to.

Article IX

The service personnel hired by the Foundation shall be at the Court's disposal under the same conditions as it is at the disposal of any other institution established in the Peace Palace.

It is agreed that the working hours of at least one member of this personnel shall be determined with due regard, so far as possible, to the service requirements of the International Court of Justice.

The Court shall be free to engage at its own cost and for its own exclusive service officials belonging to the category of service personnel. Such officials shall in no way be under the authority of any other institution.

It is agreed that the expenses in respect of additional service personnel engaged as a result of the establishment of the International Court of Justice at the Peace Palace are fully covered by the contribution referred to in Article II above.

Article X

The officials of the Foundation shall hand without delay to the chief registry clerk of the Court or his deputy any postal or telegraphic communication delivered to the Peace Palace and addressed to the Court or to one of its members or officials.

Article XI

While the Court or its Chambers are in session, paying or other visitors not connected with one of the institutions established at the Palace may not, without agreement to the contrary in each particular case, enter the Peace Palace except between 1 p.m. and 3 p.m. They may not enter rooms which they have been forbidden to enter by the competent officials of the Court.

Article XII

Any payment which may be required and levied by the Netherlands authorities, whether governmental or municipal, put of funds paid to the Foundation by the United Nations or on the occasion of the payment of such funds, or in respect of the Peace Palace or the grounds appertaining thereto, shall be defrayed by the Foundation.

Article XIII

The present agreement is concluded for a period of three years and shall be automatically renewable for further periods of one year unless prior notice of termination is given by one of the Parties within three months preceding the expiration of each period.

In cases of differences of opinion regarding the possible modification of Article II, the Parties shall have recourse to arbitration.

Article XIV

It is expressly understood that the question of the establishment of the International Court of Justice at the Peace Palace exclusively concerns the United Nations and the Carnegie Foundation, and is consequently outside the jurisdiction of any other organization; the Foundation declares its readiness to accept all the responsibilities arising out of this principle.

Article XV

The present agreement shall enter into force immediately upon its approval by the General Assembly of the United Nations.

ANNEX B AGREEMENT BETWEEN THE UNITED NATIONS AND THE CARNEGIE FOUNDATION CONCERNING THE REPAYMENT OF LOANS

To enable the Carnegie Foundation to refund to the Netherlands Government the balances of the loans contracted by it in 1927 and 1932 for the purpose of making certain alterations to the premises of the Permanent Court of International Justice, which are now to be used by the International Court of Justice, the United Nations shall pay to the Carnegie Foundation the following sums:

1. On 1 July 1946, and thereafter every six months, a sum of 5,000 Netherlands florins until the total amount of 125,000 florins has been refunded;

2. On 1 July 1946, and thereafter every six months, a sum of 5,000 Netherlands florins, until the total amount of 170,000 florins has been refunded, followed by a final instalment of 1,249.26 florins, payable on 1 July 1963.

This obligation shall cease if the Carnegie Foundation gives the International Court of Justice notice of termination, in accordance with Article XIII, paragraph 1 of the Agreement concerning the use of the Peace Palace.

The present agreement shall come into force on the date of its approval by the General Assembly of the United Nations.

e. Application of Articles 11 and 12 of the Statute of the International Court of Justice

During the election of the members of the International Court of Justice differences of opinion had arisen as to the proper procedure to be followed by the General Assembly (and the Security Council) under the Statute of the Court.¹ These differences had led to a suggestion that the Court itself should be asked to give an advisory opinion as to the requirements of Articles 11 and 12. The General Assembly, however, had decided to refer the question to the second part of the first session of the General Assembly for consideration by the Sixth Committee (Legal).

Accordingly, the General Assembly at its 46th plenary meeting on October 31, 1946, referred the matter to the Sixth Committee. The representative of the United States submitted an interpretation of Articles 11 and 12 and recommended that the Sixth Committee adopt this interpretation. A number of representatives expressed their willingness to accept the United States interpretation if the Committee would agree to it unanimously, in which case they would not insist that the matter be referred to the International Court of Justice for an advisory opinion. Other representatives considered that it would be preferable in any case to ask the Court for an advisory opinion.

At its 17th meeting on November 11, 1946, the Sixth Committee unanimously adopted the United States interpretation and drafted a rule of procedure for adoption by the General Assembly. The Committee recommended that the General Assembly should adopt this rule provisionally and subject to the concurrence of the Security Council. At the present stage, the Committee recommended, no action should be

taken to request an advisory opinion on the matter from the International Court of Justice.

On the recommendation of the Sixth Committee the General Assembly unanimously adopted the following resolution:

THE GENERAL ASSEMBLY

APPROVES the report on the application of Articles 11 and 12 of the Statute of the International Court of Justice presented by the Sixth Committee.

RESOLVES to adopt provisionally and subject to the concurrence of the Security Council the following rule of procedure:

Rule 99A

Any meeting of the General Assembly held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

TRANSMITS the foregoing rule to the Security Council for its consideration.

By a letter of June 10, 1947, the President of the Security Council requested the Secretary-General to transmit to the General Assembly, at its next session, a resolution concerning the application of Articles 11 and 12 of the Statute of the Court adopted by the Security Council at its 130th meeting on June 4, 1947.

f. Conditions on which Switzerland may become a Party to the Statute of the International Court of Justice

By a letter of October 26, 1946, from the Head of the Swiss Federal Political Department, the Swiss Federal Council expressed a desire to be informed of the conditions on which Switzerland could become a party to the Statute of the International Court of Justice. According to Article 93, paragraph 2, of the United Nations Charter the conditions must be determined by the General Assembly upon the recommendation of the Security Council.

At its 80th meeting on November 15, 1946, the Security Council adopted the recommendations of its Committee of Experts concerning this matter.

At its 50th plenary meeting on December 7, 1946, the General Assembly referred the Security Council's report to the Sixth Committee

¹ See p. 62.

(Legal). At its 32nd meeting on December 9, 1946, the Sixth Committee decided to recommend to the General Assembly the adoption of the Security Council's recommendations and also submitted a draft resolution for adoption by the General Assembly.

At its 56th plenary meeting on December 11, 1946, the General Assembly unanimously adopted the resolution recommended by the Sixth Committee, which read as follows:

The Chief of the Swiss Federal Political Department, in a letter forwarded to the Secretary-General of the United Nations on 26 October 1946, by the Swiss Consul-General in New York, expressed the desire of the Swiss Federal Council to ascertain the conditions on which Switzerland could, in pursuance of Article 93, paragraph 2, of the Charter, become a party to the Statute of the International Court of Justice.

Article 93, paragraph 2, of the Charter provides that 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.

The Security Council considered and adopted at its eightieth meeting, held on 15 November 1946, a report and recommendation on this matter from its Committee of Experts.¹

The General Assembly has considered and adopted, on the recommendation of its Sixth Committee, the report and recommendation of the Security Council.

THE GENERAL ASSEMBLY THEREFORE DETERMINES, in pursuance of Article 93, paragraph 2, of the Charter, and upon the recommendation of the Security Council, the conditions on which Switzerland may become a party to the Statute of the International Court of Justice, as follows:

Switzerland will become a party to the Statute of the Court on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of Switzerland and ratified as may be required by Swiss constitutional law, containing:

- (a) Acceptance of the provisions of the Statute of the International Court of Justice;
- (b) Acceptance of all the obligations of a Member of the United Nations and under Article 94 of the Charter;
- (c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government.

g. Authorization of the Economic and Social Council to request Advisory Opinions of the International Court of Justice

On October 21, 1946, during its third session, the Economic and Social Council had adopted a resolution recommending that in accordance with Article 96, paragraph 2, of the Charter the General Assembly authorize the Council to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of its activities.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred the Economic and Social Council's resolution to the Sixth Committee (Legal), which considered it at its 20th meeting on November 18, 1946.

The representative of Saudi Arabia expressed the view that the principal function of the Court was to dispense international justice rather than to give advisory opinions. The General Assembly should be careful not to overburden the Court with requests for advisory opinions. The General Assembly, therefore, should not, the representative of Saudi Arabia considered, give blanket authorization to request advisory opinions to the Economic and Social Council or any other body, but authorization should be granted for each individual case.

A number of representatives pointed out that on the other hand the Court itself could refuse to give an advisory opinion and that under the Charter the Economic and Social Council (or any other organ) could ask for advisory opinions only on matters arising within the scope of its activities.

By 34 votes to 0, the Sixth Committee adopted a resolution authorizing the Economic and Social Council to request advisory opinions from the International Court of Justice. The General Assembly at its 55th plenary meeting on December 11, 1946, unanimously adopted the resolution, which read as follows:

The General Assembly, under Article 96, paragraph 2, of the Charter, is empowered to authorize other organs of the United Nations and specialized agencies to request advisory opinions of the International Court of Justice on legal questions arising within the scope of their activities.

The Economic and Social Council, as one of the principal organs of the United Nations and by virtue of the functions and powers conferred upon it under Chapter X of the Charter of the United Nations, has wide responsibilities

in diverse fields of economic and social co-operation, in the fulfilment of which it may need to request advisory opinions of the International Court of Justice.

In addition, by virtue of the terms of Article 63 of the Charter, the function of co-ordinating the activities of specialized agencies brought into relationship with the United Nations has been conferred upon the Economic and Social Council. To enable the Council adequately to discharge its co-ordinating responsibility, it should be authorized to request advisory opinions on all legal questions within its scope, including legal questions concerning mutual relationships of the United Nations and the specialized agencies.

THE GENERAL ASSEMBLY THEREFORE AUTHORIZES the Economic and Social Council to request advisory opinions of the International Court of Justice on legal questions arising within the scope of the activities of the Council.

h. Accessions to the Convention on the Privileges and Immunities of the United Nations

During the first part of its first session the General Assembly had adopted a Convention on the Privileges and Immunities of the United Nations. The Secretary-General submitted a report to the second part of the first session of the General Assembly on the state of accessions to the Convention, which the General Assembly referred to the sixth Committee (Legal).

The question was discussed by a Sub-Committee of the Sixth Committee, which through its Rapporteur submitted a draft resolution which the Sixth Committee adopted unanimously.

On the recommendation of the Sixth Committee the General Assembly unanimously adopted the resolution, which read as follows:

The General Assembly, on 13 February 1946, approved the Convention on the Privileges and Immunities of the United Nations and proposed it for accession by all Members.

During the second part of its first session, the General Assembly considered a report by the Secretary-General on the state of accessions to this Convention.

It is essential for the efficient exercise of the functions of the Organization and the fulfilment of its purposes that the provisions of the Convention be brought into force in all Member States. So long as the Convention is not fully in effect there is danger of confusion, of a lack of co-ordination between the rules applied in various States, and the probability of judicial decisions and administrative acts adversely affecting the position of the United Nations in the country of the headquarters and elsewhere.

THE GENERAL ASSEMBLY, THEREFORE,

INVITES Members of the United Nations to accede at as early a date as possible to the Convention on the Privileges and Immunities of the United Nations:

RECOMMENDS that Members, pending their accession to the Convention, should follow, so far as possible, the provisions of the Convention in their relations with the United Nations, its officials, the representatives of its Members and experts on missions for the Organization.

i. Interim Arrangement on the Privileges and Immunities of the United Nations concluded with the Swiss Federal Council and Agreement Concerning the Ariana Site

The Secretary-General had submitted to the second part of the first session of the General Assembly a report on the negotiations with the Swiss Federal authorities in connection with the transfer to the United Nations of the Geneva buildings and certain other assets of the League of Nations.

The Secretary-General's report contained the Interim Arrangement on Privileges and Immunities of the United Nations in Switzerland and the Agreement Concerning the Ariana Site which were drawn up in April 1946 by the United Nations Negotiating Committee on League of Nations Assets and the Swiss Federal Council, and which entered into force on the date of their signature by the Secretary-General, i.e. July 1, 1946.

The report also contained a review of later discussions between the Secretary-General and the Swiss Federal authorities and the text of two letters dated October 22, 1946, from the Head of the Swiss Political Department, the first dealing with a point of interpretation concerning the Interim Arrangement on Privileges and Immunities and the second dealing with the question of radio facilities for the United Nations in Switzerland.

The General Assembly, at its 46th plenary meeting on October 31, 1946, referred the Secretary-General's report to the Sixth Committee (Legal). The report was given detailed consideration by a Sub-Committee of the Sixth Committee.

The Sub-Committee was of the opinion that the Interim Arrangement on Privileges and Immunities and the Agreement on the Ariana Site were entirely satisfactory, and that an expression of the General Assembly's appreciation of the results obtained should be conveyed

to the Secretary-General and to the Negotiating Committee on League of Nations Assets, as well as to the Swiss Federal authorities. The Sub-Committee further considered that it could recommend approval of the interpretation of the Interim Arrangement contained in the letter from the Head of the Federal Political Department referred to above.

The Sub-Committee did not feel it necessary to discuss the matter of radio facilities for the United Nations in Switzerland at this stage, in the hope that assurances concerning the transfer to the United Nations of wave-lengths previously registered for the use of Radio-Nations might shortly be received from the Swiss Federal authorities, as requested by the Secretary-General. Once the assurances had been received, the matter of radio facilities would fall entirely within the competence of the Fifth Committee (Administrative and Budgetary).

At its 23rd meeting on November 28, 1946, the Sixth Committee unanimously approved the report of the Sub-Committee.

On the recommendation of the Sixth Committee the General Assembly at its 65th plenary meeting on December 14, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY,
HAS TAKEN NOTE with satisfaction of the report by the Secretary-General on the negotiations with the Swiss Federal Council;

CONSIDERS that the documents set out in that report, including the letter of 22 October 1946 from the Head of the Swiss Federal Political Department relating to the use of the United Nations buildings in Geneva, constitute a satisfactory basis for the activities of the United Nations in Switzerland;

APPROVES THEREFORE the arrangements concluded with the Swiss Federal Council.

j. Arrangements required as a result of the Establishment of the Permanent Headquarters of the United Nations in the United States of America

By resolution of February 13, 1946, the General Assembly had entrusted the Secretary-General with the task of negotiating with the competent authorities of the United States of America the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in the United States.

The resolution of February 13, 1946, also provided that in these negotiations the Secretary-General should be assisted by a committee of ten members.

The General Assembly referred to the Sixth Committee a joint report by the Secretary-General and the Negotiating Committee on the negotiations that had taken place with the authorities of the United States of America. The negotiations had resulted in a draft agreement making the necessary arrangements for the immunities, privileges and facilities required by the United Nations.

In its report to the General Assembly the Sixth Committee stated that these negotiations had been based on the assumption that the permanent headquarters of the United Nations would be located in a rural area. The decision of the General Assembly, however, that the permanent headquarters should be located in the City of New York would necessitate some modification of the draft agreement in order to adapt it to the circumstances of an urban site. Further negotiations would therefore be necessary, and the agreement could not be submitted for the approval of the General Assembly until its second session.

The Sixth Committee therefore recommended and the General Assembly at its 65th plenary meeting on December 14, 1946, adopted the following resolution:

THE GENERAL ASSEMBLY TAKES NOTE of the joint report by the Secretary-General and the Negotiating Committee on the negotiations with the authorities of the United States of America concerning the arrangements required as a result of the establishment of the seat of the United Nations in the United States of America:

THE GENERAL ASSEMBLY, having decided that the permanent headquarters of the United Nations shall be located in the City of New York, recognizes that any agreement with the United States relating to the permanent headquarters will need to be adapted to the circumstances of this site.

RESOLVES, THEREFORE:

1. That the Secretary-General be authorized to negotiate and conclude with the appropriate authorities of the United States of America an agreement concerning the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in the City of New York;

2. That in negotiating this agreement the Secretary-General shall be guided by the provisions of the draft agreement set forth in document A/67;

3. That the agreement referred to in paragraph 1 shall not come into force until approved by the General Assembly;

4. That, pending the coming into force of the agreement referred to in paragraph 1, the Secretary-General be authorized to negotiate and conclude arrangements with the appropriate authorities of the United States of America to determine on a provisional basis the privileges, immunities and facilities needed in connection with the permanent headquarters of the United Nations. In negotiating these arrangements, the Secretary-General shall be guided by the provisions of the draft agreement set forth in document A/67;

5. That the Government of the United States of America be requested to take the necessary steps as soon as possible to put into effect the Convention on the Privileges and Immunities of the United Nations, and to give effect to such arrangements as may be reached in accordance with paragraph 4 of this resolution.

In February 1947 negotiations took place between officials of the United Nations and representatives of the United States Federal authorities and of the City and State of New York which resulted in agreement on most of the provisions of the arrangements.

An exchange of views took place later on a small number of remaining points. On June 26, 1947, the text of an agreement between the United Nations and the United States was signed by the Secretary-General and the Secretary of State of the United States. This agreement was to be submitted by the Secretary-General to the General Assembly for approval during the second regular session.

k. Official Seal and Emblem of the United Nations

The Secretary-General of the United Nations submitted a report to the second part of the first session of the General Assembly on the official seal and emblem of the United Nations.

The General Assembly referred the report to the Sixth Committee (Legal), which considered it at its 21st and 25th meeting on November 20 and 30, 1946. The Secretary-General's report stated that the symbol which at present appeared on the Charter of the United Nations, as well as on badges, passes, letterheads, etc., of the United Nations was a modification of the design created by members of the Presentation Branch of the United States Office of Strategic Services in April 1945 in response to a request for a button design for the San Francisco Conference.

The Secretary-General urged that it was desirable for the General Assembly to adopt this or any other design of its choice as the official seal and emblem of the United Nations. He

further recommended that the General Assembly take appropriate measures for the legal protection of whatever emblem it might choose against use by unauthorized private persons or societies. The Secretary-General therefore submitted a draft resolution recommending appropriate national legislative action by the governments of all the Member States.

The Sixth Committee after due consideration recommended that the General Assembly adopt, with slight modifications, the seal and emblem of the United Nations presently in use, the design of which was described as follows:

A map of the world representing an azimuthal equidistant projection centered on the North Pole, inscribed in a wreath consisting of crossed conventionalized branches of the olive tree; in gold on a field of smoke blue with all water areas in white.

The projection of the map extends to 60° south latitude and includes five concentric circles.

On the basis of the Secretary-General's recommendations, the Sixth Committee further adopted a resolution concerning the legal protection of the seal and emblem of the United Nations.

On the recommendation of the Sixth Committee the General Assembly at its 50th plenary meeting on December 7, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY

1. RECOGNIZES that it is desirable to approve a distinctive emblem of the United Nations and to authorize its use for the official seal of the Organization;

RESOLVES THEREFORE that the design reproduced below shall be the emblem and distinctive sign of the United Nations and shall be used for the official seal of the Organization.

2. CONSIDERS that it is necessary to protect the name of the Organization and its distinctive emblem and official seal;

RECOMMENDS THEREFORE:

(a) that Members of the United Nations should take such legislative or other appropriate measures as are necessary to prevent the use, without authorization by the Secretary-General of the United Nations, and in particular for commercial purposes by means of trade marks or commercial labels, of the emblem, the official seal and the name of the United Nations, and of abbreviations of that name through the use of its initial letters;

(b) that the prohibition should take effect as soon as practicable but in any event not later than the expiration of two years from the adoption of this resolution by the General Assembly;

(c) that each Member of the United Nations, pending the putting into effect within its territory of any such prohibition, should use its best endeavours to prevent any use, without authorization by the Secretary-General of the United Nations, of the emblem, name, or initials of the United Nations, and in particular for commercial purposes by means of trade marks or commercial labels.

OFFICIAL SEAL AND EMBLEM OF THE
UNITED NATIONS



I. Registration and Publication of Treaties and
International Agreements

By a resolution of February 10, 1946, the General Assembly had instructed the Secretary-General "to submit to the General Assembly proposals for detailed regulations and other measures designed to give effect to the provisions of Article 102 of the Charter."¹ Accordingly the Secretary-General submitted to the second part of the first session of the General Assembly draft regulations for the registration, filing and publication of treaties and international agreements. These draft regulations were referred to the Sixth Committee (Legal) for consideration.

The Sixth Committee referred these draft regulations to a Sub-Committee and delegations not represented on this Sub-Committee were invited to submit in writing any amendments they wished to propose to the regulations. Proposed amendments were received and considered by the Sub-Committee, from the delegations of Argentina, France, Poland, Saudi Arabia, Uruguay, Venezuela and Yugoslavia.

At its 33rd meeting on December 13, 1946, the Sixth Committee considered and unanimously adopted the report of the Sub-Committee and the revised regulations which the latter had submitted.

Acting upon the recommendation of the Sixth Committee the General Assembly at its 65th plenary meeting on December 14, 1946, unanimously adopted the following resolution and regulations:

THE GENERAL ASSEMBLY

CONSIDERING it desirable to establish rules for the application of Article 102 of the Charter of the United Nations which provides as follows:

"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."

RECOGNIZING, in making provision therefor, the importance of orderly registration and publication of such treaties and international agreements and the maintenance of precise records;

ADOPTS accordingly, having given consideration to the proposals of the Secretary-General submitted pursuant to the resolution of the General Assembly of 10 February 1946, the following regulations:

PART ONE
REGISTRATION
Article 1

1. Every treaty or international agreement, whatever its form and descriptive name entered into by one or more Members of the United Nations after 24 October 1945, the date of the coming into force of the Charter, shall as soon as possible be registered with the Secretariat in accordance with these regulations.

2. Registration shall not take place until the treaty or international agreement has come into force between two or more of the parties thereto.

3. Such registration may be effected by any party or in accordance with Article 4 of these regulations.

4. The Secretariat shall record the treaties and international agreements so registered in a Register established for that purpose.

Article 2

1. When a treaty or international agreement has been registered with the Secretariat, a certified statement regarding any subsequent action which effects a change in the parties thereto, or the terms, scope or application thereof, shall also be registered with the Secretariat.

2. The Secretariat shall record the certified statement so registered in the Register established under article 1 of these regulations.

Article 3

1. Registration by a party, in accordance with article 1 of these regulations, relieves all other parties of the obligation to register.

2. Registration effected in accordance with article 4 of these regulations relieves all parties of the obligation to register.

Article 4

1. Every treaty or international agreement subject to article 1 of these regulations shall be registered ex officio by the United Nations in the following cases:

¹ See p.109.

- (a) Where the United Nations is a party to the treaty or agreement;
- (b) Where the United Nations has been authorized by the treaty or agreement to effect registration.

2. A treaty or international agreement subject to article 1 of these regulations may be registered with the Secretariat by a specialized agency in the following cases:

- (a) Where the constituent instrument of the specialized agency provides for such registration;
- (b) Where the treaty or agreement has been registered with the specialized agency pursuant to the terms of its constituent instrument;
- (c) Where the specialized agency has been authorized by the treaty or agreement to effect registration.

Article 5

1. A party or specialized agency, registering a treaty or international agreement under article 1 or 4 of these regulations, shall certify that the text is a true and complete copy thereof and includes all reservations made by parties thereto.

2. The certified copy shall reproduce the text in all the languages in which the treaty or agreement was concluded and shall be accompanied by two additional copies and by a statement setting forth, in respect of each party:

- (a) The date on which the treaty or agreement has come into force;
- (b) The method whereby it has come into force (for example: by signature, by ratification or acceptance, by accession, etc.).

Article 6

The date of receipt by the Secretariat of the United Nations of the treaty or international agreement registered shall be deemed to be the date of registration, provided that the date of registration of a treaty or agreement registered ex officio by the United Nations shall be the date on which the treaty or agreement first came into force between two or more of the parties thereto.

Article 7

A certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency and also to all signatories and parties to the treaty or international agreement registered.

Article 8

I. The Register shall be kept in the five official languages of the United Nations. The Register shall comprise in respect of each treaty or international agreement a record of:

- (a) The serial number given in the order of registration;
- (b) The title given to the instrument by the parties;
- (c) The names of the parties between whom it was concluded;

- (d) The dates of signature, ratification or acceptance, exchange of ratifications, accession, and entry into force;
- (e) The duration;
- (f) The language or languages in which it was drawn up;
- (g) The name of the party or specialized agency which registers the instrument and the date of such registration;
- (h) Particulars of publication in the treaty series of the United Nations.

2. Such information shall also be included in the Register in regard to the statements registered under article 2 of these regulations.

3. The texts registered shall be marked *ne varietur* by the Secretary-General or his representative, and shall remain in the custody of the Secretariat.

Article 9

The Secretary-General, or his representative, shall issue certified extracts from the Register at the request of any Member of the United Nations or any party to the treaty or international agreement concerned. In other cases he may issue such extracts at his discretion.

PART Two

FILING AND RECORDING

Article 10

The Secretariat shall file and record treaties and international agreements, other than those subject to registration under article 1 of these regulations, if they fall in the following categories:

- (a) Treaties or international agreements entered into by the United Nations or by one or more of the specialized agencies;
- (b) Treaties or international agreements transmitted by a Member of the United Nations which were entered into before the coming into force of the Charter, but which were not included in the treaty series of the League of Nations;
- (c) Treaties or international agreements transmitted by a party not a Member of the United Nations which were entered into before or after the coming into force of the Charter which were not included in the treaty series of the League of Nations, provided, however, that this paragraph shall be applied with full regard to the provisions of the resolution of the General Assembly of 10 February 1946 set forth in the Annex to these regulations.

Article 11

The provisions of articles 2, 5, and 8 of these regulations shall apply, *mutatis mutandis*, to all treaties and international agreements filed and recorded under article 10 of these regulations.

¹ The Annex consisted of the resolution of the General Assembly reproduced on p. 109.

PART THREE
PUBLICATION

Article 12

1. The Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered, or filed and recorded, in the original language or languages followed by a translation in English and in French. The certified statements referred to in article 2 of these regulations shall be published in the same manner.

2. The Secretariat shall, when publishing a treaty or agreement under paragraph 1 of this article, include the following information: the serial number in order of registration or recording; the date of registration or recording; the name of the party or specialized agency which registered it or transmitted it for filing, and in respect of each party the date on which it has come into force and the method whereby it has come into force.

Article 13

The Secretariat shall publish every month a statement of the treaties and international agreements registered, or filed and recorded, during the preceding month, giving the dates and numbers of registration and recording.

Article 14

The Secretariat shall send to all Members of the United Nations the series referred to in article 12 and the monthly statement referred to in Article 13 of these regulations.

In accordance with the above regulations adopted by the General Assembly 48 treaties and agreements were received for registration up to May 31, 1947 and 28 for filing and recording. As of June 30, 1947, the first volume of treaties was in process of publication.

m. Affirmation of the Principles of International Law Recognized by the Charter of the Nürnberg Tribunal

In a draft resolution submitted to the Sixth Committee in the course of its consideration of the question of the progressive development of international law and its codification, the representative of the United States proposed that the General Assembly reaffirm the principles of international law recognized by the Charter of the Nürnberg Tribunal and the Judgment of the Tribunal and that the General Assembly should direct the Committee on the Codification of International Law (which it was proposed to establish) to treat as a matter of primary importance the formulation of the principles of the Charter of the Nürnberg Tribunal and of the Tribunal's judgment in the context of

a general codification of offences against the peace and security of mankind or in an international code.

On the recommendation of its Sub-Committee which was considering the progressive development of international law the Sixth Committee at its 32nd meeting on December 9, 1946, adopted a resolution based in the main on the draft resolution submitted by the representative of the United States.

At its 55th plenary meeting on December 11, 1946, the General Assembly unanimously adopted the resolution, which read as follows:

THE GENERAL ASSEMBLY,

RECOGNIZES the obligation laid upon it by Article 13, paragraph 1, sub-paragraph a, of the Charter, to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

TAKES NOTE of the Agreement for the establishment of an International Military Tribunal for the prosecution and punishment of the major war criminals of the European Axis signed in London on 8 August 1945, and of the Charter annexed thereto, and of the fact that similar principles have been adopted in the Charter of the International Military Tribunal for the trial of the major war criminals in the Far East, proclaimed at Tokyo on 19 January 1946.

THEREFORE,

AFFIRMS the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgment of the Tribunal;

DIRECTS the Committee on the codification of international law established by the resolution of the General Assembly of 11 December 1946, to treat as a matter of primary importance plans for the formulation, in the context of a general codification of offences against the peace and security of mankind, or of an International Criminal Code, of the principles recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal.

n. The Crime of Genocide

The General Assembly at its 47th plenary meeting on November 9, 1946, referred to the Sixth Committee a draft resolution submitted by the representatives of Cuba, India and Panama, drawing the attention of the Economic and Social Council to the crime of genocide and inviting the Council to study the problem and to report on the possibility of declaring genocide an "international crime".

The Sixth Committee discussed the question at its 22nd, 23rd and 24th meetings on

November 22, 28 and 29 respectively. The representative of Cuba stated that at the Nürnberg trials it had not been possible to punish certain cases of genocide because they had been committed before the beginning of the war. Fearing that such crimes might remain unpunished in the future owing to the principle of non crimen sine lege, the representative of Cuba urged that genocide be declared an international crime.

The representative of the United Kingdom expressed the view that the General Assembly should not merely recommend to the Economic and Social Council that it study the matter, but should clearly state at once that aggressive war and genocide constituted punishable crimes. International law should limit the omnipotence of certain States over their citizens and in certain cases protect the citizens against their own government. The representative of the United Kingdom therefore submitted an amendment to the draft resolution before the Committee to the effect that the General Assembly "declares that genocide is an international crime for which the principal authors, accomplices and States concerned will be held responsible."

The representative of France stated that French law did not recognize criminal responsibility on the part of States. He therefore wished to amend the United Kingdom text to read as follows: "The General Assembly . . . declares that genocide is an international crime for which the principal authors and accomplices, whether statesmen or private individuals, should be punished."

The representative of India proposed that a recommendation should be added to the United Kingdom text to the effect that:

The General Assembly requests Members to call upon their Governments to ensure that national laws treat the crime of genocide on an equal footing with piracy, traffic in women, children and slaves, and other crimes which have always been recognized as violating the dignity of human beings.

The representative of the U.S.S.R. proposed that the Economic and Social Council be asked to undertake preparatory studies with a view to drafting an international convention against attacks on particular racial groups.

The representative of Saudi Arabia urged the desirability of agreeing to a protocol on genocide similar to the protocols dealing with

narcotics and piracy. He submitted to the Sixth Committee a draft protocol to serve as a basis of consideration. Such a protocol, the Saudi-Arabian representative stated, should contain:

- (1) a definition of genocide;
- (2) an enumeration of all the acts that fall within the definition;
- (3) provisions for assuring the prevention and repression of genocide.

The representative of Poland submitted a proposal for the punishment of those responsible for the propagation and dissemination of hatred against national, racial, or religious groups as a step preparatory to the crime of genocide. The representative of Chile submitted an amendment combining several of the amendments submitted by other representatives.

At its 24th meeting on November 29, 1946, the Sixth Committee decided to entrust a Sub-Committee with the task of drafting a unanimously acceptable resolution on the basis of various proposals submitted. The report and draft resolution submitted accordingly by the Sub-Committee were unanimously adopted by the Sixth Committee at its 32nd meeting on December 9, 1946.

On the recommendation of the Sixth Committee the General Assembly at its 55th plenary meeting on December 11, 1946, unanimously adopted the following resolution:

Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.

Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.

The punishment of the crime of genocide is a matter of international concern.

THE GENERAL ASSEMBLY, THEREFORE,

AFFIRMS that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds—are punishable;

INVITES the Member States to enact the necessary legislation for the prevention and punishment of this crime;

RECOMMENDS that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide, and, to this end,

REQUESTS the Economic and Social Council to undertake the necessary studies with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

o. Progressive Development of International Law and its Codification

(1.) Resolution of the General Assembly

Under Article 13, paragraph 1a, of the Charter of the United Nations the General Assembly is to "initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification." An item relating to the implementation by the General Assembly of its obligations under this article was placed on the agenda of the second part of the first session of the General Assembly. The Secretariat prepared a memorandum surveying previous efforts in the field of codification of international law under the League of Nations and under the Inter-American System and giving the history of Article 13, paragraph 1, sub-paragraph (a) of the Charter.

The matter was referred to the Sixth Committee (Legal) of the General Assembly, which at its 21st meeting on November 20, 1946, referred it to a Sub-Committee. The Sub-Committee regarded it as desirable that a committee be established to prepare a report on the methods which might suitably be adopted by the General Assembly in implementation of its obligations under Article 13, paragraph 1 a, of the Charter. The Sub-Committee was agreed that a considered and comprehensive report on these methods should be available to the General Assembly before it formulated any definite plan for the progressive development of international law and its codification. The Sub-Committee was further agreed that a study of existing projects and of the methods followed by official and unofficial bodies engaged in promoting the development and formulation of public and private international law was necessary to the work of the proposed committee and that it might be helpful to such a committee to have the written comments of any Member of the

United Nations which cared to submit them.

The Sub-Committee recommended that the General Assembly establish a committee of government representatives of fourteen members to study the most appropriate method of procedure. It considered that a committee of fourteen was not so large as to impair its efficiency, nor so small as to prevent the principal legal systems of the world from being represented. The Sub-Committee recommended that the General Assembly appoint the members of the committee on the codification of international law on the recommendation of the President of the Assembly.

When the Sixth Committee considered the Sub-Committee's report at its 31st meeting on December 6, 1946, the question of the number of members of which the proposed committee was to be composed aroused some discussion. Several representatives advocated a larger membership. Finally a membership of sixteen was approved. Several members stressed that the text of the draft resolution approved by the Sub-Committee implied that the governments should appoint experts in international law as their representatives on the proposed committee. Subject to the amendment as to the number of the membership, the Sixth Committee unanimously adopted the report and draft resolutions submitted by its Sub-Committee.

At the 55th plenary meeting of the General Assembly on December 11, 1946, the President of the Assembly recommended that the following countries be included in the Committee on International Law: Argentina, Australia, China, Colombia, Egypt, France, India, the Netherlands, Panama, Poland, Sweden, the U.S.S.R., the United Kingdom, the United States, Venezuela and Yugoslavia. The President then proposed that the membership be increased to seventeen by the addition of Brazil to the list. The General Assembly unanimously approved the list of seventeen members suggested by the President and then unanimously adopted the following resolution:

THE GENERAL ASSEMBLY

RECOGNIZES the obligation laid upon it by Article 13, paragraph 1, sub-paragraph a, of the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

REALIZES THE NEED for a careful and thorough study of what has already been accomplished in this field as well as of the projects and activities of official and unofficial bodies

engaged in efforts to promote the progressive development and formulation of public and private international law, and the need for a report on the methods whereby the General Assembly may most effectively discharge its obligations under the above mentioned provision:

THEREFORE,

RESOLVES to establish a Committee of seventeen Members of the United Nations to be appointed by the General Assembly on the recommendation of the President, each of these Members to have one representative on the Committee;

DIRECTS the Committee to study:

(a) The methods by which the General Assembly should encourage the progressive development of international law and its eventual codification;

(b) Methods of securing the co-operation of the several organs of the United Nations to this end;

(c) Methods of enlisting the assistance of such national or international bodies as might aid in the attainment of this objective;

and to report to the General Assembly at its next regular session.

REQUESTS the Secretary-General to provide such assistance as the Committee may require for its work.

(2.) Work of the Committee on the Progressive Development of International Law and Its Codification

The Committee on the Progressive Development of International Law and its Codification met for its first session at Lake Success, New York, from May 12 to June 17, 1947. It consisted of the following members:

MEMBER COUNTRIES

Argentina	Representative	Enrique Ferrer Vieyra
Australia	Representative	W. A. Wynes
	later replaced by	A. H. Body
Brazil	Representative	Gilberto Amado
China	Representative	Shuhsi Hsü
Colombia	Representative	Antonio Rocha
	later replaced by	R. S. Guerreiro
Egypt	Representative	Wabid Rafaat
France	Representative	Henri D. de Vabres
	Alternate	Michel Leroy Beaulieu
India	Representative	Sir Dalip Singh
Netherlands	Representative	J. G. de Beus

Panama	Representative	Roberto de la Guardia
Poland	Representative	Alexander Rudzinski
	Alternate	Alexander Bramson
Sweden	Representative	Erik Sjöborg
	Alternate	B. Q. S. Petréň
U.S.S.R.	Representative	Vladimir Koretsky
United Kingdom	Representative	J. L. Brierly
	Alternates	M. E. Bathurst
		Richard Best
United States of America	Representative	P. C. Jessup
Venezuela	Representative	Carlos Eduardo Stolk
	Alternate	Perez Perozo
Yugoslavia	Representative	Milan Bartos

Officers of the Committee were: Sir Dalip Singh (India), Chairman; Professor Vladimir Koretsky (U.S.S.R.) and Dr. Antonio Rocha (Colombia), who was later replaced by Professor Yepes, Vice-Chairmen; Professor J. L. Brierly (U.K.), Rapporteur.

Several representatives of the Committee submitted memoranda or written statements containing suggestions for the methods to be followed in the task of development and codification of international law (Argentina, Brazil, China, the Netherlands, Poland, Sweden, the U.S.S.R., the United Kingdom and the United States).

The Committee after a thorough discussion made a number of recommendations to the General Assembly.

(a) Establishment of an International Law Commission (ILC)

The Committee agreed that effect could best be given to the provisions of Article 13, paragraph 1 a, of the Charter by the establishment of a commission, composed of persons of recognized competence in international law, for the purpose of carrying out the progressive development of international law and its eventual codification. They discussed the question whether it would be desirable to establish separate commissions for public, for private and for penal international law, but decided unanimously to recommend to the General Assembly the establishment of a single commission to be called the International Law Commission (ILC). The Committee decided by a majority that the Commission should consist of fifteen members.

Two main methods for the selection of the members of the International Law Commission were suggested: one that the judges of the International Court of Justice should be invited to make the appointments; the other was a plan based, with some slight modifications, on the method prescribed for the election of the judges of the Court. A large majority of the Committee preferred the second of these methods, and the Committee therefore recommended the following procedure:

(a) The government of each State Member of the United Nations should nominate, as candidates for membership of the ILC, not more than two of its own nationals, and not more than eight persons of other nationalities. In making their nominations, the Governments are recommended to consult their highest courts of justice, their legal faculties and schools of law, their national academies and national sections of international academies devoted to the study of law and, where such exist, the national groups in the Permanent Court of Arbitration.

(b) The Secretary-General of the United Nations should submit this panel of candidates to the Security Council and the General Assembly, which would elect fifteen persons following the principle laid down in Article 3 and the procedure contained in Articles 8-12 of the Statute of the International Court of Justice. The Committee desires to recommend that special emphasis be laid on the provisions of Article 9 of the Statute.

(c) In the event of a casual vacancy occurring in the membership of the Commission, a majority of the Committee thought that the Commission itself might nominate a certain number of persons from among those whose names were on the panel of candidates, and that the Security Council might choose from among the persons so nominated a member of the Commission to hold office until the next General Assembly, when the vacancy could be filled by the same procedure as that followed in the election of the original fifteen members.

(d) All the members of the Committee were agreed that the members of the International Law Commission should receive a salary proportionate to the dignity and importance of their office, but there was some difference of opinion on the question whether they should be required to render full-time service. By a majority of nine votes to five the Committee thought that this would be both desirable and necessary. It was agreed that the Commission should have its headquarters at the seat of the United Nations, though it might decide from time to time to hold its sessions at other places; and that the Secretary-General should be requested to make available

to it the services of the Division for the Development and Codification of International Law of the Secretariat. The budget of the Commission should include items for the salaries of members, for the expenses of meetings, travel, etc.

The Committee hoped that the ILC might be a permanent body, but they also felt that it might be desirable, in the first instance, to establish it on a provisional basis. They recommended, therefore, that its members be elected for a term of three years, but that they be eligible for re-election if the commission was continued in being after this experimental period.

The various recommendations on the task of the International Law Commission were for the most part the result of majority decisions. The Committee distinguished between the two parts of the task of the proposed ILC: (a) the development of international law, by which was understood the drafting of conventions on subjects which had not yet been regulated by international law or in regard to which the law had not yet been developed or formulated in the practice of States; and (b) codification involving the more precise formulation and systematization of the law in areas where there had been extensive State practice, precedent and doctrine. The Committee recognized that the terms employed were not mutually exclusive, as, for example, in cases where the formulation and systematization of the existing law might lead to the conclusion that some new rule should be suggested for adoption by States in order to fill gaps or make necessary corrections. The Committee decided that the ILC should present all of its drafts to the General Assembly in the form of multipartite conventions. It also decided that with regard to development of international law the governments should be consulted both at the initial and at the final stage of the procedure before a draft convention be put before the General Assembly. However, with regard to codification the governments should only be requested to submit any comments after the ILC considered a draft to be in satisfactory form.

In recommending different procedures to be followed by the ILC with regard to the two parts of its task the Committee also had in mind that the field of international law was so vast that the members of the ILC could not be experts on all subjects and therefore it recommended that for the development of

international law Rapporteurs and sub-committee members might be appointed from outside the ILC membership. However, for the task of codification this was not considered necessary as there would already be a vast documentation on any subjects which the ILC would undertake, so that its members could easily form their opinion. Both with regard to development of international law and its codification the ILC should be authorized to consult scientific institutions, and if necessary individual experts, and also in both cases the drafts which the Commission considered to be in satisfactory form should be given the widest possible publicity and the governments should be requested to submit any comments within a reasonable time.

For the field of development of international law the Committee decided to recommend that the ILC should be authorized to consider projects and draft conventions recommended by governments, other United Nations organs, specialized agencies and those official bodies established by intergovernmental agreement to further the progressive development of international law and its codification, transmitted to it through the Secretary-General and for these projects it recommended a procedure distinguishing between projects not yet formulated and projects already formulated as draft conventions.

With regard to codification of international law the Committee decided to recommend to the General Assembly that it adopt a resolution instructing the ILC to survey the whole field of customary international law together with any relevant treaties with a view to selecting topics for codification, having in mind previous governmental and non-governmental projects; that if the ILC found that to take over a particular topic was desirable or necessary, it should present its recommendations to the General Assembly in the form of draft articles of multipartite conventions; and that, if the General Assembly should request the ILC to prepare a draft convention on any subject or to explore the necessity or desirability of preparing such a draft convention, the ILC should give precedence to complying with such request. The Committee decided on a procedure for codification and agreed that after its various stages one or more sets of draft articles of multipartite conventions with an explanatory report should be submitted to the General Assembly with

recommendations which might be either: (a) that no further action be taken in view of the fact that the report has already been published, or (b) that the General Assembly should adopt all or part of the report by resolution, or (c) that the General Assembly should recommend the draft to States for the conclusion of a convention, or (d) that the General Assembly should convoke a special conference to consider the conclusion of the convention.

The Committee then considered a number of suggested means of encouraging the progressive development of international law by improvements in the technique of multipartite instruments.

Another matter considered by the Committee was the utility and importance of encouraging the ratification of and accession to multipartite conventions already concluded.

The Committee recommended that the ILC consider ways and means of making the evidence of customary international law more readily available by the compilation of digests of State practice, and by the collection and publication of the decisions of national and international courts on international law questions.

(b) Co-operation of the ILC with United Nations Organs

The Committee was also asked by the General Assembly to study methods of securing the co-operation of the several organs of the United Nations in the task of the progressive development of international law and its eventual codification. On this point the Committee recommended:

(a) That the ILC should be authorized, if need be, to consult with any of the organs of the United Nations on any draft or project the subject matter of which is relevant to the functions of the particular organ.

(b) That in projects referred to it by a competent organ of the United Nations the ILC should be authorized, if it thinks it desirable, to make interim reports to the concerned prior to submitting its final report to the General Assembly. This resolution was carried by a majority in the Committee. A minority of the members dissented from it on the ground that, in their view, it would not be in accordance with the provisions of the Charter for any organ of the United Nations, other than the General Assembly, to refer a project to the ILC.

(c) That all ILC documents which are circulated to governments should also be circulated to the organs of the United Na-

tions for their information, and that such organs should be free to supply any data or make any suggestions to the Commission.

(c) Co-operation of the ILC with National or International Bodies

The Committee was also asked to study methods of enlisting the assistance of such national or international bodies as might aid it in the attainment of its objective of encouraging the progressive development of international law and its eventual codification. On this point the Committee recommended:

(a) That the ILC should be authorized to consult any national or international organization, official or non-official, on any matter entrusted to it, if and when it believes that such a procedure might aid it in the attainment of its objectives. A minority of the members of the Committee were of the opinion that such consultation should be limited to organizations included in the list referred to in the sub-paragraph following.

(b) That for the purpose of the distribution of ILC documents the Secretary-General, after consultation with the ILC, should draw up a list of national and international organizations dealing with questions of international law. In drawing up this list the Secretary-General would take into account the necessity of having the national organizations of all the members of the United Nations represented on the list.

(c) That, in the consultations referred to in sub-paragraph (a) and in the compilation of the list referred to in sub-paragraph (b) of this paragraph, the Commission and the Secretary-General should take into account the resolutions of the General Assembly and of the Economic and Social Council concerning relations with Franco Spain, and that organizations which collaborated with the Nazis and Fascists should be excluded both from consultation and from the list.

(d) By a majority, the Committee decided to refer specially to the necessity and importance of frequent consultation between the ILC and the organs of the Pan-American Union whose task is the codification of international law in the Inter-American System, without, however, disregarding the claims of other systems of law. Three members of the minority dissenting from this resolution desire it to be recorded that in their opinion this resolution, by singling out the Pan-American Union for special mention, creates for that Union a privileged position, and thereby violates the principle of equality between nations and between systems of law. They are of the opinion that the resolution might be taken to imply that the work of States, other than those represented in the Pan-American Union, is of less importance for the ILC, and that the ILC need not main-

tain equally close contact with such other States.¹

(d) Incorporation of the Principles of the Nürnberg Charter into International Penal Law

The Committee noted that the General Assembly had requested it to propose plans for the formulation of the Nürnberg principles. It decided not to undertake the actual formulation of those principles, which would clearly be a task demanding careful and prolonged study. The Committee therefore concluded that it was not called upon to discuss the substantive provisions of the Nürnberg principles, and that such a discussion would be better entrusted to the ILC.

The Committee recommended that the ILC should be invited to prepare:

(a) a draft convention incorporating the principles of international law recognized by the Charter of the Nürnberg Tribunal and sanctioned by the judgment of that Tribunal, and

(b) a detailed draft plan of general codification of offences against the peace and security of mankind in such a manner that the plan should clearly indicate the place to be accorded to the principles mentioned in sub paragraph (a) of this paragraph.

The Committee further recorded its opinion that this task would not preclude the ILC from drafting in due course a code of international penal law.

The Committee also decided by a majority to draw the attention of the General Assembly to the fact that the implementation of the principles of the Nürnberg Tribunal and its Judgment, as well as the punishment of other international crimes which might be recognized as such by international multipartite conventions, might render desirable the existence of an international judicial authority to exercise jurisdiction over such crimes.

The representatives of Egypt, Poland, the United Kingdom, the U.S.S.R. and Yugoslavia asked that their dissent from this decision be recorded. In their opinion the

¹As it was felt that the ILC should not do anything which might detract from the work being done in the field of the development and codification of private international law by the Hague Conference on Private International Law, the Committee recommended that the ILC when dealing with questions in the field of private international law should consider the appropriateness of consultation with the Netherlands Government.

question of establishing an international court fell outside the terms of reference from the General Assembly to the Committee.

(e) Draft Declaration on the Rights and Duties of States

By a resolution of December 11, 1946, the General Assembly instructed the Secretary-General of the United Nations to transmit to all Member States of the United Nations, and to national and international bodies concerned with international law, the text of a Draft Declaration on the Rights and Duties of States presented by Panama with the request that they should submit their comments and observations to the Secretary-General before June 1, 1947. The resolution also referred, the Declaration to the Sixth Committee, and requested the Secretary-General to transmit to it the comments and observations as they were received.

The Committee, noting that a very limited number of comments and observations from the Member States and national and international non-governmental bodies had been received, and considering that the majority of these comments and observations recommended postponement of the study of the substance of this question, recommended that the General Assembly entrust further studies concerning this subject to the ILC and that the ILC should take the Draft Declaration presented by Panama as one of the bases of its study.

(f) The Crime of Genocide

The Committee had before it, under cover of a letter from the Secretary-General of the United Nations, the text of the draft convention for the prevention and punishment of the crime of genocide, drawn up by the Secretariat with the assistance of experts in the field of international and criminal law.

In a letter to the Secretary-General of the United Nations, the Committee pointed out that it fully realized the urgency, which was expressed in the recommendations contained in the resolution of the General Assembly of December 11, 1946,¹ of organizing co-operation between States with a view to facilitating the speedy prevention and punishment of the crime of genocide.

The Committee noted, however, that the text prepared by the Secretariat of the United Nations, owing to lack of time, had not yet been referred to the Member Governments

for their comments, as was contemplated in the Resolution of the Economic and Social Council; it regretted that, in the absence of information as to the views of the governments, it felt unable at present to express any opinion on the matter.

7. TRANSFER OF FUNCTIONS, ACTIVITIES AND ASSETS OF THE LEAGUE OF NATIONS

a. Transfer to the United Nations of Certain Non-Political Functions and Activities of the League of Nations

By resolution of February 12, 1946, the General Assembly had requested the Economic and Social Council "to survey the functions and activities of a non-political character which have hitherto been performed by the League of Nations, in order to determine which of them should, with such modifications as are desirable, be assumed by the organs of the United Nations or be entrusted to specialized agencies brought into relationship with the United Nations." The Council was further instructed to assume provisionally the technical activities of certain departments of the League of Nations Secretariat.²

By resolution of February 16, 1946, the Economic and Social Council requested the Secretary-General to undertake the survey called for by the General Assembly and to take the steps necessary for the provisional assumption and continuance of the work hitherto done by certain departments of the League of Nations Secretariat.

In a report to the Economic and Social Council dated September 26, 1946, the Secretary-General stated that once the commissions of the Economic and Social Council and the Secretariat of the United Nations and the specialized agencies were fully organized, it was probable that the economic and social activities of the League would have been absorbed insofar as this was appropriate. This process would not be complete for some time, however. In the meantime the conveyance, on August 1, 1946, of the assets of the League of Nations to the United Nations³ had made it possible for the United Nations Secretariat to assume provisionally and to the extent called for the work previously performed by

¹ See pp. 254-256.

² See p. 110.

³ See pp. 111, 112.

the various branches of the League of Nations Secretariat dealing with non-political activities. Moreover, a number of commissions of the Economic and Social Council had already made proposals to the Council concerning the assumption of the functions formerly fulfilled by the League organs in their respective fields and the Council had adopted resolutions on these proposals. In his report the Secretary-General submitted a detailed survey of these proposals.

The Secretary-General recommended that where it had not yet been done the commissions of the Economic and Social Council and the specialized agencies should study and report on the conditions under which the functions of the League of Nations might be assumed, insofar as it was desirable and did not involve any overlapping of activities.

On October 2, 1946, the Economic and Social Council took note of the Secretary-General's report and transmitted it to the second part of the first session of the General Assembly for consideration. The Secretary-General submitted a draft resolution to the General Assembly to the effect that the General Assembly should (1) authorize and request the Secretary-General to assume and continue the non-political functions and activities of the League of Nations Secretariat; (2) authorize and request the Economic and Social Council to assume and continue the non-political functions and activities of the League of Nations previously performed by the various committees and commissions of the League, in each case this authorization to exclude (a) functions and activities exercised pursuant to international agreements, and (b) functions and activities entrusted to specialized agencies.

At its 46th plenary meeting on October 31, 1946, the General Assembly referred the question of the transfer of certain non-political functions and activities of the League of Nations to the Joint Second and Third Committee with instructions to consult with the Sixth Committee on any legal questions involved.

In the course of the discussion which took place at the ninth meeting of the Joint Second and Third Committee on December 4, 1946, the representative of the U.S.S.R. expressed the view that the draft resolution submitted by the Secretary-General was too vague, as it did not define the non-political

functions and activities of the League of Nations which were to be assumed by the Secretary-General, by the Economic and Social Council and by the specialized agencies respectively. The General Assembly, the representative of the U.S.S.R. considered, had instructed the Economic and Social Council to make a study of the functions to be assumed by the United Nations. The Council, however, had merely transmitted the Secretary-General's report to the General Assembly without any recommendations of its own. The representative of the U.S.S.R. therefore proposed that the whole question be referred back to the Economic and Social Council for further study.

The Joint Second and Third Committee rejected the U.S.S.R. proposal. The Committee then adopted the resolution as submitted by the Secretary-General and referred it to the Sixth Committee for its opinion.

During the discussion which took place at the 31st and 32nd meetings of the Sixth Committee on December 6 and 9 the representative of the U.S.S.R. reiterated his objections. His proposal that the whole matter be referred back to the Economic and Social Council for further study was supported by the representatives of France, India and Yugoslavia. By a vote of 19 to 4, with 6 abstentions, the Sixth Committee, however, adopted the following resolution proposed by the representative of the United Kingdom:

The Sixth Committee advises the Joint Second and Third Committee that the resolution proposed by the Secretary-General does not present any legal difficulty and that it is entirely proper from a legal point of view.

On the recommendation of the Joint Second and Third Committee, the General Assembly at its 65th plenary meeting on December 14, 1946, unanimously adopted the following resolution:

In accordance with the resolution adopted by the General Assembly on 12 February 1946 and the resolution adopted by the Economic and Social Council on 16 February 1946, the Secretary-General submitted to the Economic and Social Council, at its third session, a report dated 26 September 1946 concerning the provisional assumption and continuation of certain non-political functions and activities of the League of Nations, other than those exercised pursuant to international agreements.

The Economic and Social Council took note of the Secretary-General's report on 2 October 1946 and has transmitted it to the General Assembly.

The General Assembly recognizes that it is desirable for the United Nations to assume and continue the non-political functions and activities of the League of Nations which are described in the report of the Secretary-General dated 26 September 1946.

THE GENERAL ASSEMBLY, THEREFORE, AUTHORIZES AND REQUESTS the Secretary-General to assume and continue the non-political functions and activities of the League of Nations previously performed by the League of Nations Secretariat, with the exception of:

- (a) those functions and activities exercised pursuant to international agreements;
- (b) those functions and activities entrusted to specialized agencies which have been, or are to be, brought into relationship with the United Nations, under Articles 57 and 63 of the Charter.

The Secretary-General shall exercise the functions and activities authorized by this paragraph, subject to such policies as may be established by the Economic and Social Council.

AUTHORIZES AND REQUESTS the Economic and Social Council to assume and continue the non-political functions and activities of the League of Nations previously performed by the various committees and commissions of the League with the exception of:

- (a) those functions and activities exercised pursuant to international agreements;
- (b) those functions and activities entrusted to specialized agencies, which have been, or are to be, brought into relationship with the United Nations, under Articles 57 and 63 of the Charter.

This resolution shall not affect any decision of the General Assembly with respect to functions and activities exercised by the League of Nations pursuant to international agreements.

- b. Transfer to the United Nations of Powers exercised by the League of Nations under the International Agreements and Conventions and Protocols on Narcotic Drugs

The Economic and Social Council submitted to the second part of the first session of the General Assembly a report on the transfer to the United Nations of powers exercised by the League of Nations under the international agreements and conventions and protocols on narcotic drugs. This report contained:

(1) a resolution adopted by the Economic and Social Council recommending that the General Assembly approve the assumption by the United Nations of the functions and powers exercised, by the League of Nations in respect to narcotic drugs;

(2) a draft resolution recommended by the Economic and Social Council for adoption by the General Assembly;

(3) a draft protocol to be signed by the Members of the United Nations who were parties to the six agreements, conventions and protocols dated between 1912 and 1936 by which international control of narcotic drugs was provided for, this protocol to effect, as between the signatories, the necessary alterations in the earlier instruments. The draft protocol contained an annex showing the necessary amendments to be made in these instruments.

The draft protocol, which had been originally drawn up by the Secretariat, had been revised by a Drafting Committee appointed by the Economic and Social Council. The Economic and Social Council invited the Secretariat to scrutinize the work of the Drafting Committee and to suggest further alterations, if necessary. The Secretariat accordingly examined the draft protocol and its annex and in a memorandum to the General Assembly the Secretary-General suggested a certain number of modifications and corrections.

The General Assembly referred the Economic and Social Council's report and the Secretary-General's memorandum to the Third Committee (Social, Humanitarian and Cultural), which examined these documents at its 14th meeting on November 2, 1946. The Chairman of the Committee, as well as several of the members, addressed an urgent appeal to the Members of the United Nations to sign the protocol in question during the current session of the Assembly, in order to avoid any interruption of the international control of narcotics. In this connection it was pointed out that the Secretary-General, acting on the instructions of Economic and Social Council, had asked those Members of the United Nations which were parties to the agreements, conventions and protocols on narcotic drugs, to give their representatives to the present session of the General Assembly full powers to sign the protocol.

The Third Committee unanimously adopted the draft protocol and annex with the

amendments suggested by the Secretariat and likewise adopted the draft resolution recommended by the Economic and Social Council. The relevant documents were then referred to the Sixth Committee, which at its 18th and 19th meetings on November 12 and 14 examined the legal questions involved in detail and submitted to the Third Committee a report which the latter decided to include in its report to the General Assembly.

At its 49th plenary meeting on November 19, 1946, the General Assembly, on the recommendation of the Third Committee, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY,
DESIROUS of continuing and developing the international control of narcotic drugs,
APPROVES the Protocol which accompanies this resolution;

URGES that it shall be signed without delay by all the States who are Parties to the Agreements, Conventions and Protocols mentioned in the Annex;

RECOMMENDS that, pending the entry into force of the aforesaid Protocol, effect be given to its provisions by the Parties to any of these Agreements, Conventions and Protocols,

INSTRUCTS the Secretary-General to perform the functions conferred upon him by the Protocol, signed on 11 December 1946, amending the international Agreements, Conventions and Protocols relating to narcotic drugs which were concluded in the years 1912, 1925, 1931 and 1936;

DIRECTS the Economic and Social Council and the Secretary-General in view of the General Assembly's resolution on the relations of Members of the United Nations with Spain, adopted on 9 February 1946, to suspend all action under this Protocol and the abovementioned Agreements, Conventions and Protocols with respect to the Franco Government in Spain so long as this Government is in power.

PROTOCOL AMENDING THE AGREEMENTS, CONVENTIONS AND PROTOCOLS ON NARCOTIC DRUGS CONCLUDED AT THE HAGUE ON 23 JANUARY 1912, AT GENEVA ON 11 FEBRUARY 1925, AND 19 FEBRUARY 1925, AND 13 JULY 1931, AT BANGKOK ON 27 NOVEMBER 1931, AND AT GENEVA ON 26 JUNE 1936

The States Parties to the present Protocol, considering that under the international Agreements, Conventions and Protocols relating to narcotic drugs which were concluded on 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, the League

of Nations was invested with certain duties and functions for whose continued performance it is necessary to make provision in consequence of the dissolution of the League, and considering that it is expedient that these duties and functions should be performed henceforth by the United Nations and the World Health Organization or its Interim Commission, have agreed upon the following provisions:

Article I

The States Parties to the present Protocol undertake that as between themselves they will, each in respect of the instrument to which it is a party, and in accordance with the provisions of the present Protocol, attribute full legal force and effect to, and duly apply the amendments to those instruments which are set forth in the Annex to the present Protocol.

Article II

1. It is agreed that, during the period preceding the entry into force of the Protocol in respect of the International Convention relating to Dangerous Drugs of 19 February 1925, and in respect of the International Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 13 July 1931, the Permanent Central Board and the Supervisory Body as at present constituted shall continue to perform their functions. Vacancies in the membership of the Permanent Central Board may during this period be filled by the Economic and Social Council.

2. The Secretary-General of the United Nations is authorized to perform at once the duties hitherto discharged by the Secretary-General of the League of Nations in connection with the Agreements, Conventions and Protocols mentioned in the Annex to the present Protocol.

3. States which are Parties to any of the instruments which are to be amended by the present Protocol are invited to apply the amended texts of those instruments so soon as the amendments are in force, even if they have not yet been able to become Parties to the present Protocol.

4. Should the amendments to the Convention relating to Dangerous Drugs of 19 February 1925, or the amendments to the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 13 July 1931, come into force before the World Health Organization is in a position to assume its functions under these Conventions, the functions conferred on that Organization by the amendments shall, provisionally, be performed by its Interim Commission.

Article III

The functions conferred upon the Netherlands Government under articles 21 and 25 of the International Opium Convention signed

at The Hague on 23 January 1912, and entrusted to the Secretary-General of the League of Nations with the consent of the Netherlands Government, by a resolution of the League of Nations Assembly dated 15 December 1920, shall henceforward be exercised by the Secretary-General of the United Nations.

Article IV

As soon as possible after this Protocol has been opened for signature the Secretary-General shall prepare texts of the Agreements, Conventions and Protocols revised in accordance with the present Protocol and shall send copies for their information to the Government of every Member of the United Nations and every non-member State to which this Protocol has been communicated by the Secretary-General.

Article V

The present Protocol shall be open for signature or acceptance by any of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs of 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936 to which the Secretary-General of the United Nations has communicated a copy of the present Protocol.

Article VI

States may become Parties to the present Protocol by

- (a) Signature without reservation as to approval,
- (b) Signature subject to approval followed by acceptance or
- (c) Acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article VII

1. The present Protocol shall come into force in respect of each Party on the date upon which it has been signed on behalf of that Party without reservation as to approval, or upon which an instrument of acceptance has been deposited.

2. The amendments set forth in the Annex to the present Protocol shall come into force in respect of each Agreement, Convention and Protocol when a majority of the Parties thereto have become Parties to the present Protocol.

Article VIII

In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register and publish the amendments made in each instrument by the present Protocol on the dates of the entry into force of these amendments.

Article IX

The present Protocol, of which the Chinese, English, French, Russian and Spanish texts

are equally authentic, shall be deposited in the archives of the United Nations Secretariat. The Agreements, Conventions and Protocols to be amended in accordance with the Annex being in the English and French languages only, the English and French texts of the Annex shall equally be the authentic texts and the Chinese, Russian and Spanish texts will be translations. A certified copy of the Protocol, including the Annex, shall be sent by the Secretary-General to each of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs of 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, as well as to all Members of the United Nations and non-member States mentioned in article IV.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol on behalf of their respective Governments on the dates appearing opposite their respective signatures.

DONE at Lake Success, New York, this eleventh day of December one thousand nine hundred and forty-six.

ANNEX

1. AGREEMENT CONCERNING THE MANUFACTURE OF, INTERNAL TRADE IN, AND USE OF PREPARED OPIUM, WITH PROTOCOL AND FINAL ACT, SIGNED AT GENEVA ON 11 FEBRUARY 1925

In articles 10, 13, 14 and 15 of the Agreement "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations" and "the Secretariat of the United Nations" shall be substituted for "the Secretariat of the League of Nations".

In articles 3 and 4 of the Protocol, "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations".

2. INTERNATIONAL CONVENTION RELATING TO DANGEROUS DRUGS, WITH PROTOCOL, SIGNED AT GENEVA ON 19 FEBRUARY 1925

For article 8 the following article shall be substituted:

"In the event of the World Health Organization, on the advice of an expert committee appointed by it, finding that any preparation containing any of the narcotic drugs referred to in the present chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which in practice preclude the recovery of the said drugs, the World Health Organization shall communicate this finding to the Economic and Social Council of the United Nations. The Council will communicate the finding to the Contracting Parties, and thereupon the provisions of the present Convention

will not be applicable to the preparation concerned."

For article 10, the following article shall be substituted:

"In the event of the World Health Organization, on the advice of an expert committee appointed by it, finding that any narcotic drug to which the present Convention does not apply is liable to similar abuse and productive of similar ill-effects as the substances to which this chapter of the Convention applies, the World Health Organization shall inform the Economic and Social Council accordingly and recommend that the provisions of the present Convention shall be applied to such drugs.

"The Economic and Social Council shall communicate the said recommendation to the Contracting Parties. Any Contracting Party which is prepared to accept the recommendation shall notify the Secretary-General of the United Nations, who will inform the other Contracting Parties.

"The provisions of the present Convention shall thereupon apply to the substance in question as between the Contracting Parties who have accepted the recommendation referred to above."

In the third paragraph of article 19 "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations."

The fourth paragraph of article 19 shall be deleted.

In articles 20, 24, 27, 30, 32 and 38 (paragraph 1) "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations" and "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations" wherever these words occur.

In article 32 "the International Court of Justice" shall be substituted for "the Permanent Court of International Justice."

Article 34 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947 the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations, and the non-member States to which the Secretary-General has communicated a copy of the Convention."

Article 35 shall read as follows:

"After the 30th day of September 1925 the present Convention may be acceded to by any State represented at the Conference at which this Convention was drawn up and which has not signed the Convention, by any Member of the United Nations, or by any non-member State mentioned in article 34.

"Accessions shall be effected by an instrument communicated to the Secretary-General of the United Nations to be deposited in the archives of the Secretariat of the United Nations. The Secretary-General shall at once notify such deposit to all the Members of the United Nations signatories of the Convention and to the signatory non-member States mentioned in article 34 as well as to the adherent States."

Article 37 shall read as follows:

"A special record shall be kept by the Secretary-General of the United Nations showing which States have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Contracting Parties and shall be published from time to time as may be directed."

The second paragraph of article 38 shall read as follows:

"The Secretary-General of the United Nations shall notify the receipt of any such denunciations to all the Members of the United Nations and to the States mentioned in article 34."

3. INTERNATIONAL CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS WITH PROTOCOL OF SIGNATURE, SIGNED AT GENEVA ON 13 JULY 1931

In article 5, paragraph 1, the words "to all the Members of the League of Nations and to the non-member States mentioned in article 27" shall be replaced by the words "to all the Members of the United Nations and to the non-member States mentioned in article 28."

For the first sub-paragraph of paragraph 6 of article 5, the following sub-paragraph shall be substituted:

"The estimates will be examined by a Supervisory Body consisting of four members. The World Health Organization shall appoint two members and the Commission on Narcotic Drugs of the Economic and Social Council and the Permanent Central Board shall each appoint one member.

"The Secretariat of the Supervisory Body shall be provided by the Secretary-General of the United Nations who will ensure close collaboration with the Permanent Central Board."

In article 5, paragraph 7, the words "December 15th in each year" shall be substituted for the words "November 1st in each year," and the words "through the intermediary of the Secretary-General of the United Nations to all the Members of the United Nations and non-member States referred to in article 28" shall be substituted for the words "through the intermediary of the Secretary-General, to all the members of the League of Nations and non-member States referred to in article 27."

For paragraphs 2, 3, 4 and 5 of article 11, the following paragraphs shall be substituted:

"2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the Secretary-General of the United Nations, who shall advise the other High Contracting Parties and the World Health Organization.

"3. The World Health Organization, acting on the advice of an expert committee appointed by it, will thereupon decide whether the product in question is capable of producing addiction (and is in consequence assimilable to the drugs mentioned in sub-group (a) of Group I), or whether it is convertible into such a drug (and is in consequence assimilable to the drugs mentioned in sub-group (b) of Group I or in Group II).

"4. In the event of the World Health Organization, on the advice of the expert committee appointed by it, deciding that the product is not itself a drug capable of producing addiction, but is convertible into such a drug, the question whether the drug in question shall fall under sub-group (b) of Group I or under Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Commission on Narcotic Drugs of the Economic and Social Council, and the third by the two members so selected.

"5. Any decision arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary-General of the United Nations, who will communicate it to all States Members of the United Nations and the non-member States mentioned in article 28."

In paragraphs 6 and 7 of article 11, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General."

In articles 14, 20, 21, 23, 26, 81, 32, and 33, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations."

In article 21 for the words "by the Advisory Committee on Traffic in Opium and other Dangerous Drugs" shall be substituted the words "by the Commission on Narcotic Drugs of the Economic and Social Council."

For the second paragraph of article 25, the following paragraph shall be substituted:

"In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Par-

ties, be referred, to the International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907, for the Pacific Settlement of International Disputes."

For the last paragraph of article 26 the following paragraph shall be substituted:

"The Secretary-General shall communicate to all Members of the United Nations or non-member States mentioned in article 28 all declarations and notices received in virtue of the present article."

Article 28 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention."

Article 29 shall read as follows:

"The present Convention may be acceded to on behalf of any Member of the United Nations or any non-member State mentioned in article 28. The instruments of accession shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States mentioned in article 28."

In the first paragraph of article 32, the last sentence shall read as follows:

"Each denunciation shall operate only as regards the High Contracting Party on whose behalf it has been deposited."

The second paragraph of article 32 shall read as follows:

"The Secretary-General shall notify all the Members of the United Nations and non-member States mentioned in article 28 of any denunciation received."

In the third paragraph of article 32, the words "High Contracting Parties" shall replace the words "Members of the League and non-member States bound by the present Convention."

In article 33, the words "High Contracting Party" and "High Contracting Parties" shall replace the words "Member of the League of Nations or non-member State bound by this Convention" and "Members of the League of Nations or non-member States bound by this Convention."

4. AGREEMENT FOR THE CONTROL OF OPIUM SMOKING IN THE FAR EAST, WITH FINAL ACT, SIGNED AT BANGKOK ON 27 NOVEMBER 1931

In articles V and VII "the Secretary-General of the United Nations" shall be substi-

tuted for "the Secretary-General of the League of Nations."

5. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ILLICIT TRAFFIC IN DANGEROUS DRUGS SIGNED AT GENEVA ON 26 JUNE 1936

In articles 16, 18, 21, 23 and 24, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations."

For article 17, second paragraph, the following paragraph shall be substituted:

"In case there is no such agreement between the Parties the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907, for the Pacific Settlement of International Disputes."

Paragraph 4 of article 18 shall read as follows:

"The Secretary-General shall communicate to all the Members of the United Nations and to the non-member States mentioned in article 20 all declarations and notices received in virtue of this article."

Article 20 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations, and the non-member States to which the Secretary-General has communicated a copy of the Convention."

Paragraph 1 of article 21 shall read as follows:

"The present Convention shall be open to accession on behalf of any Member of the United Nations or non-member state mentioned in article 20."

In paragraph 1 of article 24, the words "High Contracting Party" shall be substituted for the words "Member of the League or non-member State."

The second paragraph of article 24 shall read as follows:

"The Secretary-General shall notify all the Members of the United Nations and non-member States mentioned in article 20 of any denunciations received."

In paragraph 3 of article 24 the words "High Contracting Parties" shall replace the words "Members of the League or non-member States bound by the present Convention."

Article 25 shall read as follows:

"Request for the revision of the present Convention may be made at any time by any High Contracting Party by means of a notice addressed to the Secretary-General of the United Nations. Such notice shall be communicated by the Secretary-General to the other High Contracting Parties and, if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention."

c. Utilization by UNESCO of the Property Rights of the League of Nations in the International Institute of Intellectual Cooperation

By resolution of April 17, 1946, the 21st and last Assembly of the League of Nations had transferred its property rights in the International Institute of Intellectual Cooperation, to the United Nations.

With a view to transferring to UNESCO the functions and activities of the International Institute of Intellectual Cooperation, the Economic and Social Council, by resolution of October 3, 1946, recommended that the Secretary-General report to the next session of the General Assembly on the conditions under which it would be appropriate to utilize the assets of the League of Nations in the Institute. The Secretary-General accordingly made a study of the assets of the Institute and submitted a report and a draft resolution to the second part of the first session of the General Assembly.

The Fifth Committee (Administrative and Budgetary), to which the matter was referred, considered the Secretary-General's report at its 24th meeting on November 13, 1946, and unanimously adopted the draft resolution proposed by the Secretary-General.

On the recommendation of the Fifth Committee the General Assembly at its 49th plenary meeting on November 19, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY,

1. RECOMMENDS that as soon as possible after UNESCO has been definitely established, it shall take over, in accordance with Article XI, paragraph 2, of its Charter, such of the functions and activities of the International Institute of Intellectual Co-operation as may be performed within the scope of the program adopted at the UNESCO General Conference, as set forth in the draft agreement between the United Nations and

UNESCO, under the terms of Article 63 of the United Nations Charter;

2. FURTHER RECOMMENDS that an agreement be concluded between UNESCO and the Institute before 81 December 1946, in order to facilitate the assumption, by UNESCO of the functions and activities referred to in paragraph 1 of the present resolution;

3. INVITES the Secretary-General, in order to ensure, under the auspices of UNESCO, the continuity of the work performed by the International Institute of Intellectual Co-operation, to authorize UNESCO to utilize the assets of the Institute transferred by the League of Nations to the United Nations.

d. Transfer of the Assets of the League of Nations

The "Common Plan" for the transfer of assets of the League of Nations to the United Nations approved by the General Assembly of the United Nations on February 12, 1946, and by the Assembly of the League of Nations on April 18, 1946, had provided, inter alia for the transfer to the United Nations of the buildings and properties of the League of Nations in Geneva.

In a report to the second part of the first session of the General Assembly the Secretary-General stated that the detailed arrangements for the transfer of the ownership of the assets in question, apart from the financial conditions mentioned in the Common Plan, were embodied in an "Agreement Concerning the Execution of the Transfer to the United Nations of Certain Assets of the League of Nations" signed on July 19, 1946, by Sean Lester, Secretary-General of the League of Nations, and Włodzimierz Moderow, representative of the Secretary-General of the United Nations in Geneva. A "Protocol Concerning the Execution of Various Operations in the Transfer to the United Nations of Certain Assets of the League" was signed on August 1, 1946. The United Nations was registered in the Geneva land register on August 1, 1946, as the owner of the properties concerned. The legal transfer of all of the properties of the League of Nations in Geneva thus took place on August 1, 1946.

The remaining task, according to the Secretary-General's report, was to establish a final valuation of the assets, in accordance with the terms of the Common Plan. The Secretary-General recommended that he be authorized by the General Assembly to prepare a definite

schedule in consultation with the Advisory Committee on Administrative and Budgetary Questions and the League authorities, and that the schedule so prepared should be considered as final.

The General Assembly at its 46th plenary meeting on October 31, 1946, referred the question of the transfer of the assets of the League of Nations to the Fifth Committee. At its 34th meeting on December 3, 1946, the Fifth Committee by 34 votes to 0 approved the conclusions of the report presented by the Secretary-General, together with the Agreement and the Protocol mentioned above.

On the recommendation of the Fifth Committee the General Assembly at its 50th plenary meeting on December 7, 1946, unanimously adopted the following resolution:

THE GENERAL ASSEMBLY RESOLVES THAT,

1. The Agreement concerning the execution of the transfer to the United Nations of certain assets of the League of Nations and the Protocol concerning the execution of various operations in the transfer to the United Nations of certain assets of the League of Nations, arrived at in accordance with the provisions of the Common Plan with respect to the transfer of certain assets of the League of Nations, are approved as they appear in Annexes I and II of this resolution.

2. The Secretary-General is authorized to prepare a definite schedule for establishing a final valuation of these assets, in accordance with the terms of the Common Plan, in consultation with the Advisory Committee on Administrative and Budgetary Questions and the League authorities; and therefore that such a schedule agreed upon by the Advisory Committee, the League authorities and the Secretary-General shall be considered as final.

ANNEX I

AGREEMENT CONCERNING THE EXECUTION OF THE TRANSFER TO THE UNITED NATIONS OF CERTAIN ASSETS OF THE LEAGUE OF NATIONS, SIGNED ON 19 JULY 1946

Whereas the General Assembly of the United Nations, by a resolution adopted on 12 February 1946, and the Assembly of the League of Nations, by a resolution adopted on 18 April, 1946, respectively approved the Common Plan for the transfer to the United Nations of certain assets of the League of Nations, on the financial conditions mentioned in the aforesaid Plan.

The League of Nations, represented by Mr. Sean Lester, Secretary-General, and the

United Nations represented by M. Włodzimirz Moderow, Director, representative of the Secretary-General of the United Nations at Geneva, have concluded the present Agreement for the purpose of determining the details of the transfer of the ownership of the assets in question, apart from the financial conditions mentioned in the Common Plan.

Article 1

The transfer of rights in respect of immovable property shall relate to the following items:

1. All transferable rights which, in virtue of the Agreement concluded on 26 March 1929 between the Swiss Confederation and the League of Nations, the latter possesses over the Ariana site and the buildings erected by it on that site;

2. The rights possessed by the League of Nations in respect of the Sécheron property, as defined in the Agreement of 26 March 1929, referred to in paragraph 1 above;

3. The full ownership enjoyed by the League of Nations in properties situated in Geneva and at Pregny, with an area of 203,446 square metres, consisting of various plots of land with four villas and their outbuildings;

4. The following rights:

(a) The servitudes constituted in favour of the League of Nations in the Bill of Sale dated 14 June 1938, by which the Latvian Government acquired a property situated in the Commune of Geneva (Petit-Saconnex district), and the right of pre-emption reserved to the League of Nations;

(b) The servitudes constituted in favour of the League of Nations in the Bill of Sale dated 7 March 1940, concluded between the Société immobilière de la Place des Nations and the League of Nations, and the right of purchase reserved to the League of Nations.

Article 2

The transfer of rights in respect of movable property shall relate to the following items:

(a) The fittings, furniture, office equipment and books, and the stock of supplies which are in the aforementioned premises and which are the property of the League of Nations;

(b) The books and collections of the Library;

(c) The fittings, furniture, office equipment and books, and the stock of supplies for the use of the Permanent Court of International Justice which are the property of the League of Nations;

(d) The fittings, furniture, office equipment and books and the stock of supplies which are or were in the branch offices of the League of Nations and which have remained the property of the League of Nations;

(e) Any fittings, furniture, office equipment, books and stock of supplies which would become the property of the League of Nations in consequence of the dissolution of organizations or institutes subsidiary thereto;

(f) The stocks of supplies held by suppliers, which are the property of the League of Nations;

(g) The archives of the League of Nations and of the Permanent Court of International Justice;

(h) All other corporeal property belonging to the League of Nations.

Article 3

It is understood that gifts presented to the League of Nations by Governments, public bodies or private individuals, whether they have become part of the buildings or whether they have retained the character of movable property, shall be transferred to the United Nations on the same terms as those on which the said gifts were presented.

Article 4

It is recalled that, in accordance with the terms of the Common Plan:

(a) The International Labour Organization may use the Assembly Hall together with the necessary committee rooms, office accommodation and other facilities connected therewith at times and on financial terms to be agreed from time to time between the United Nations and the International Labour Organization; and

(b) The International Labour Organization may use the Library under the same conditions as other official users thereof.

Article 5

The United Nations shall assume the following obligations which the League of Nations has undertaken to transfer to the acquirers of certain of its immovable property, namely:

(a) As provided in the Act of 2 July 1940, by which the Republic and Canton of Geneva sold to the League of Nations the landed property situated in the Commune of Geneva, Petit-Saconnex district (plot 7033, sheet 4, with an area of 19 acres and 91 metres), the buyer, in the event of re-sale, shall undertake not to exercise his right to build on the said plot otherwise than in conformity with the legal provisions relevant in the matter;

(b) As provided in Article 3 of the Agreement of 20 February 1941, between the Services industriels de Genève and the League of Nations, obligations in respect of underground mains shall be transferred to the acquirer of the land;

(c) As provided in Article 6 of the Arrangement of 18 July 1942, between the Swiss Postal and Telegraph Services and the League of Nations, obligations in respect of underground mains shall be transferred to the acquirer of the land.

Article 6

The movable objects transferred shall be listed in an inventory drawn up by the League of Nations and verified jointly by the United Nations at the time of the transfer.

Article 7

The transfers provided for in the present Agreement shall take place on 1 August 1946.

Article 8

1. In conformity with item 8 of the report by the Committee of the United Nations accompanying the Common Plan (United Nations document A/18, 28 January 1946), the United Nations shall, during the liquidation of the League of Nations, allow the latter to use without any charge the premises and the furniture and equipment with which they are provided, together with the supplies necessary for the continuation of its activities until the date of the transfer of the said activities to the United Nations or of their termination.

2. Subsequently, for the work of liquidation of the League of Nations, until the completion of that liquidation, the United Nations shall grant, free of charge, the use of the premises and the furniture and equipment with which they are provided and available supplies in reasonable quantities.

Article 9

A protocol shall be drawn up between the League of Nations and the United Nations in order, if need be, to supplement the present Agreement and to settle any practical questions arising out of the transfer.

Article 10

The present Agreement shall enter into force on the date on which it shall have been signed by the Secretary-General of the League of Nations and the Secretary-General of the United Nations, or by their representatives.

DONE AND SIGNED AT GENEVA ON 19 JULY 1946, in four copies, two in French and two in English, the texts in both languages being equally authentic, of which two texts, one French and one English, were handed to the representatives of the League of Nations and the two remaining texts to the representatives of the United Nations.

For the League of Nations :

(signed) Sean Lester

For the United Nations

(signed) W. Moderow

ANNEX II

PROTOCOL CONCERNING THE EXECUTION OF VARIOUS OPERATIONS IN THE TRANSFER TO THE UNITED NATIONS OF CERTAIN ASSETS OF THE LEAGUE OF NATIONS, SIGNED 1 AUGUST 1946

Mr. Sean Lester, Secretary-General of the League of Nations, and Mr. Włodzimierz Moderow, Director, Representative of the Secretary-General of the United Nations in Geneva:

NOTE that, in application of the Common Plan, approved by a resolution of the General Assembly of the United Nations, dated 12 February 1946, and by a resolution of the Assembly of the League of Nations, dated 18 April 1946, and of a subsequent Agreement dated 19 July 1946, concerning the execution of the transfer to the United Nations of certain assets of the League of Nations, the following operations were effected on 1 August 1946:

1. The transfer of rights in respect of the League of Nations buildings and other immovable property was effected on 1 August 1946, and the necessary entries having been made this day in the Land Register of the Republic and Canton of Geneva.

2. The transfer of the ownership and possession of the movable property was also effected on 1 August 1946.

In accordance with Article 6 of the Agreement of 19 July 1946, the movable objects transferred have been listed in an inventory drawn up by the League of Nations which is in course of being verified by the United Nations. A Protocol will be drawn up placing on record the completion of this operation.

3. A final valuation of the assets will be made in accordance with the terms of the Common Plan. It will be the subject of a special protocol.

(signed) Sean Lester
W. Moderow

Geneva, 1 August 1946.

The Common Plan provided that the valuation of the assets transferred should be based on the original cost to the League of Nations, the credit so established to be apportioned in accordance with percentages to be established by the League. The shares thus established of States Members of the United Nations were to be credited to them in the accounts of the United Nations, those of non-Member States to be dealt with by the League.

In accordance with the terms of the above resolution adopted by the General Assembly the valuation of the League assets transferred was established in consultation with the Advisory Committee on Administrative

and Budgetary Questions and the League authorities at 46,194,569.29 Swiss francs, which, converted at the rate of exchange effective on the date of transfer (August 1, 1946), represented \$10,809,529.21. This sum was entered in the accounts as of December 31, 1946, as credit due to Member States, but as of June 30, 1947, no information had been received from the League of Nations as to its apportionment.

Assets which had been acquired by the League of Nations by gift, or purchased from endowment funds were transferred to the United Nations without charge. These included furnishings at the Palais des Nations and books in the library, as well as the library building itself, which cost \$1,312,545.39; also the assets of the International Institute of Intellectual Cooperation, which were not shown in the League's accounts nor in the accounts of the Institute, but which are shown in the United Nations accounts at the nominal value of \$1. The League of Nations further transferred or agreed to transfer to the United Nations the assets of certain trust funds held for specific purposes, with a total value of approximately \$527,000.

8. HEADQUARTERS OF THE UNITED NATIONS

The General Assembly during the first part of its first session had decided to locate the permanent headquarters of the United Nations in the Westchester-Fairfield region near New York City and to establish a Headquarters Commission of nine members to make an exhaustive study of the area and to recommend possible sites of from two to 40 square miles for consideration at the second part of the first session of the General Assembly.¹

Having completed its studies, the Headquarters Commission submitted a detailed report to the General Assembly. The Commission had chosen five alternative sites in the Westchester-Fairfield area, one each of two, five, ten, twenty and 40 square miles and had examined them in detail. The two and five square mile sites recommended were located in the White Plains-Harrison area. The ten square mile site was located east of Peekskill in the Yorktown-Cortlandt region. The twenty and 40 square mile sites were located in the Somers-Yorktown area. The Commission had collected all possible information which might facilitate a decision by the Gen-

eral Assembly as to the exact location of the United Nations headquarters, but had not made any recommendations of its own concerning the site of the headquarters.

The agenda of the second part of the first session of the General Assembly included an item concerning the "Report of the Headquarters Commission and appointment of a Planning Commission of Experts." At the 24th meeting of the General Committee of the General Assembly, on November 5, 1946, the representative of the United States announced that, due to the difficulty of finding a suitable site for the headquarters of the United Nations, the United States delegation felt compelled to abandon its previous position of neutrality in the matter. The United States representative therefore proposed to amend the above agenda item to include "consideration of possible alternative sites for permanent headquarters in the New York area and in the San Francisco Bay area which may be available without cost or at reasonable cost." An offer received from New York City of Flushing Meadow Park and a three square mile site offered by San Francisco in the Crystal Springs area should be taken into consideration, the United States representative urged.

The representative of the Ukrainian S.S.R. proposed to amend the agenda item further to include "consideration of the possibility of fixing the temporary or permanent headquarters of the organization in Europe." The representatives of the United States and China objected that this amendment would reverse the decision taken in London to locate the headquarters of the United Nations in the United States. The representative of the United Kingdom raised the same objection in regard to the United States proposal, as the General Assembly in London had voted against locating the headquarters of the United Nations on the West Coast of the United States and had chosen the Westchester-Fairfield region.

The General Committee by a vote of 7 to 2, with 3 abstentions, rejected the Ukrainian amendment. The United States amendment was adopted by a vote of 8 to 3, with 1 abstention.

When the General Assembly considered the proposed modification of the agenda item at its 47th plenary meeting on November 9, 1946,

¹ See pp. 113, 114.

the representative of the United Kingdom moved an amendment to authorize the Headquarters Committee to consider sites in the United States other than New York or San Francisco. This amendment was adopted by a vote of 28 to 15, with 2 abstentions. The amended United States proposal was adopted by 33 votes to 2, with 1 abstention.

At the 16th meeting of the Headquarters Committee on November 11, 1946, a number of members urged that speed was essential in the choice of a site for the permanent headquarters and urged that consideration of additional sites in the United States be limited and that the Committee should not examine a large number of new offers. After discussion the Committee agreed to limit consideration to the four following areas: New York, San Francisco, Boston and Philadelphia.

At its 17th meeting on November 14, 1946, the Committee by a vote of 39 to 2, with 2 abstentions, then adopted a proposal of the representative of the United States to establish a sub-committee consisting of the Chairman, the Vice-Chairman, the Rapporteur of the Headquarters Committee and the representatives of Australia, Belgium, Bolivia, China, Cuba, Egypt, France, Iraq, the Netherlands, Poland, the U.S.S.R., the United Kingdom, the United States, Uruguay and Yugoslavia. This sub-committee was to consider the relative merits of alternative sites in the four areas mentioned which might be available without cost or at reasonable cost and was to report to the Headquarters Committee in ample time for debate by the Committee and report to the General Assembly.

The Sub-Committee visited three sites in the New York area (the White Plains-Harrison area, Mohansic Park and Flushing Meadow Park), two sites in the San Francisco Bay area (the Presidio, a federal military reservation and the Crystal Springs area), three sites in the Boston area (the Blue Hills site, the Framingham site and the North Shore site) and the Belmont-Roxborough area in Philadelphia. On the basis of the data it had gathered on each of these sites the Sub-Committee recommended to the Headquarters Committee the following sites: in the first instance the site of Belmont-Roxborough in Philadelphia and the site of the Presidio in San Francisco, these two sites being regarded by the Sub-Committee as of equal merit; in the second instance the White Plains-Harrison site near New York.

The Headquarters Committee discussed the Sub-Committee's report at its 18th to 24th meetings, held from December 4 to December 9. A large number of representatives expressed themselves in favor of the Presidio site in San Francisco. These included notably the States members of the Arab League, a number of Central and South American States and certain States of the Far East and the Pacific area. The representatives of Cuba, New Zealand, Poland, South Africa and the United Kingdom, among others, favored the Philadelphia site. Among the countries expressing themselves in favor of New York City were Czechoslovakia, Norway, the U.S.S.R. and Yugoslavia.

Many European countries opposed a site in the San Francisco area because of the distance from most of the capitals of the world. At the 20th meeting of the Headquarters Committee on December 5, 1946, the representative of the United States announced that the President of the United States intended to put the Presidio site at the disposal of the United Nations free of charge, subject to the ratification of Congress. This statement was interpreted by some representatives to imply United States support for the San Francisco site.

The representative of the U.S.S.R. stated that under no condition would the U.S.S.R. delegation go to San Francisco. Although the U.S.S.R. delegation favored New York, it was willing to accept Philadelphia as a compromise. The United States in turn should, he urged, withdraw the San Francisco offer.

To clarify his position, the representative of the United States stated that the offer of the Presidio site had been made in response to inquiries from the Headquarters Committee and was not intended to influence the views of the Committee members. His Government, the representative of the United States announced, was in favor of a site on the Atlantic coast, for it considered that the Headquarters of the United Nations should not be too far removed from Europe.

After further discussion the representative of the United States, at the 23rd meeting of the Headquarters Committee on December 9, 1946, proposed that the Committee recommend to the General Assembly that the permanent headquarters of the United Nations

be located on the eastern seaboard of the United States and that the choice between the various possible sites proposed in the Philadelphia, Boston and New York areas be postponed until the next session of the General Assembly. Meanwhile a thorough investigation should be made of any new sites which might be proposed in those areas.

A number of representatives maintained that if a final decision was to be postponed, San Francisco should not be excluded from further consideration. Other representatives opposed further delay as being detrimental to the prestige of the United Nations.

At the 24th meeting of the Headquarters Committee on December 9, 1946, the representative of the United States submitted his proposal for postponement of a decision in revised form. According to this resolution, which was offered as an amendment to the report of the Sub-Committee, (1) consideration of the question of which site in the United States should be the permanent headquarters of the United Nations would be postponed to the next session of the General Assembly; (2) the Secretary-General was to suggest the best site available (without cost or at reasonable cost) in the New York and Boston areas, these sites to be considered together with the Presidio site in San Francisco and the Belmont-Roxborough site in Philadelphia; (3) the Secretary-General was to distribute his report concerning the various proposed sites to the Members of the United Nations on or before July 1, 1947.

At the 25th meeting of the Headquarters Committee on December 11, 1946, the representative of the United States announced an offer of a gift from John D. Rockefeller, Jr., to be used for the purchase of a headquarters site in Manhattan. Mr. Rockefeller was ready to give \$8,500,000 if the United Nations accepted an offer for the sale of property in Manhattan between First Avenue and Franklin D. Roosevelt Drive and between 42d and 48th streets. Certain conditions were enumerated, notably that the gift was to be made at the time of the closing of the purchase of the property. Several of the conditions would require the City of New York to give to the United Nations streets included in the prospective site, certain other parcels of land, bulkheads, piers, etc. Another condition was that the gift should not be taxed. The United Nations would have to make a decision re-

garding the acceptance or rejection of the offer within 30 days from December 10, 1946. The representative of the United States proposed that the Headquarters Committee should appoint a small sub-committee which would study the offer, inspect the site and report on the following day.

A number of representatives considered that the United States proposal to postpone a decision should be voted on first, and that no new offers should be considered at such a late stage in the proceedings of the General Assembly. Other representatives considered that Mr. Rockefeller's offer had modified the situation considerably and that the Committee could not arrive at a satisfactory decision without studying that offer. The representative of the U.S.S.R., in supporting the United States proposal for the appointment of a sub-committee, suggested that the sub-committee consist of the nine members of the Headquarters Commission and the representative of the United States. By a vote of 39 to 7 the Headquarters Committee adopted the proposal for the establishment of a sub-committee.

At the 26th meeting of the Headquarters Committee on December 12, 1946, the Sub-Committee reported that it had visited the proposed site and had questioned several officials of the City of New York concerning the possibilities of the site. The Sub-Committee had reached the conclusion that the site would be excellent for the construction of a vertical type of urban headquarters.

The representative of the United States announced that he was withdrawing his proposal for a postponement of a decision on a headquarters site and instead submitted two other draft resolutions. The first of these provided for acceptance by the United Nations of the offer of Mr. Rockefeller's gift of \$8,000,000 for the acquisition of the East River site. The second resolution requested the Secretary-General to prepare the plans and financial estimates for the construction of the buildings and other facilities of the proposed permanent headquarters of the United Nations.

The representative of Egypt introduced a substitute proposal to defer a decision until the next session of the General Assembly. The Headquarters Committee rejected the Egyptian proposal by 36 votes to 6, with 5 abstentions. The United States resolution involving

acceptance of Mr. Rockefeller's gift was then adopted by a vote of 33 to 7, with 6 abstentions. The second United States resolution requesting the Secretary-General to prepare plans for the future headquarters was adopted unanimously after the Committee had accepted some amendments.

At the 65th plenary meeting of the General Assembly the Chairman of the Headquarters Committee appealed for a unanimous vote on the choice of the Manhattan site for the headquarters of the United Nations. The General Assembly, by a vote of 46 to 7, adopted the following resolutions:

I. THE GENERAL ASSEMBLY,

TAKES NOTE, with a feeling of sincere gratitude, of the offer made by Mr. John D. Rockefeller, Jr., in a letter dated 10 December 1946, to give to the United Nations the sum of \$8,500,000 (U.S.), on certain terms and conditions, to make possible the acquisition by the United Nations of a tract of land in New York City in the area bounded by First Avenue, East 48th Street, the East River and East 42nd Street;

NOTES also the assurance given by the City of New York to fulfill the terms and conditions applicable to it on which the aforesaid offer has been made, and the assurances given by the representative of the United States of America with respect to certain other terms and conditions of the aforesaid gift;

RESOLVES, THEREFORE:

1. That the offer of Mr. John D. Rockefeller, Jr., hereinabove mentioned, be accepted subject to the terms and conditions therein stated;

2. That the permanent headquarters of the United Nations shall be established in New York City in the area bounded by First Avenue, East 48th Street, the East River and East 42nd Street;

3. That the Secretary-General be authorized to take all steps necessary to acquire the land hereinabove described together with all appurtenant rights, and to receive the aforesaid gift of \$8,500,000 (U.S.), and to apply the said gift to the acquisition of the land as provided in the terms of the offer;

4. That the Secretary-General be authorized to lease the structures now on the site until the work of demolition is undertaken, or to undertake demolition, as appears more appropriate;

5. That nothing in this resolution shall be deemed to restrict the authority of the Secretary-General to take any action which he may otherwise be authorized to take;

6. That Part I of the resolution adopted at the thirty-third plenary meeting of the General Assembly on 14 February 1946 relating

to the permanent headquarters of the United Nations, is hereby repealed.

II. THE GENERAL ASSEMBLY RESOLVES:

1. That the Secretary-General is hereby requested to prepare recommendations with respect to the matters set forth below pertaining to the establishment of the permanent headquarters. He is further requested to prepare a report on these matters to be distributed to the Members of the United Nations on or before 1 July 1947 for consideration at the next regular session of the General Assembly:

(a) General plans and requirements for official buildings and other necessary facilities;

(b) Arrangements for accommodations, housing developments and related facilities, on or off the site, for personnel of the Secretariat, specialized agencies and national delegations and their staffs, and for the families of such personnel;

(c) Approximate costs of construction and development;

(d) Financial and other arrangements;

(e) Any other matters pertaining to the development of the site which the Secretary-General feels the General Assembly should consider at its next regular session.

2. In carrying out the responsibilities set forth in paragraph 1 of this resolution, the Secretary-General shall be assisted by:

(a) An advisory committee consisting of representatives of the following Members:

Australia, Belgium, Brazil, Canada, China, Colombia, France, Greece, India, Norway, Poland, Syria, Union of Soviet Socialist Republics, United Kingdom, United States of America and Yugoslavia.

(b) Consultants and experts who, at the request of the Secretary-General, shall be designated by the Government of the United States of America, or by Governments of other Member States, or local authorities.

Early in January 1947, with the approval of the Headquarters Advisory Committee authorized by the General Assembly, a Headquarters Planning Office was established under a Director of Planning, with an international administrative and technical staff. On January 21, 1947, Wallace K. Harrison was appointed Director of Planning. As special advisers, the following ten eminent architects and engineers were chosen, from nominations made by Member Governments, to serve on a Board of Design Consultants:

N. D. Bassov (U.S.S.R.)
 Gaston Brunfaut (Belgium)
 Ernest Cornier (Canada)
 Charles E. LeCorbusier (France)
 Liang Ssu-Cheng (China)
 Sven Markelius (Sweden)
 Oscar Niemeyer (Brazil)
 Howard Robertson (United Kingdom)
 Garnett Soilleux (Australia)
 Julio Vilamajo (Uruguay)

Arrangements were made with the City of New York authorities and a general understanding was reached as to the developments which the City and the United Nations would carry out both inside and around the site. The City of New York agreed to meet the conditions of the Rockefeller gift by transferring to the United Nations certain property, streets and rights for use and occupancy of the waterfront on the East River. In addition, the City acquired certain portions of property within the site by condemnation process for transfer to the United Nations. As of June 30, 1947, the City was acquiring the necessary property to widen 39th and 40th Streets, First Avenue and 47th Street so as to provide easier access to the United Nations site. Certain zoning regulations were adopted for the control of the height of buildings in the area.

The United Nations on its part complied with all of the conditions of the Rockefeller gift and agreed to pay the cost of reconstruction of Franklin D. Roosevelt Drive and approaches, if required. A sum of \$125,000 was paid to the City of New York for the planning of this reconstruction. The United Nations, furthermore, agreed to pay all costs of relocating residential tenants living in apartment buildings located in the site, to demolish all structures within the site according to a schedule which would permit the City to carry out its program concordantly and to plan the construction of buildings and garages in accordance with the general structural safety and fire prevention standards agreeable to the City.

As of June 30 plans were completed for the demolition of properties on the site and work was to begin on July 8, 1947. It was expected that most of the site would be cleared by early autumn.

In accordance with the General Assembly's resolution the Secretary-General prepared for submission to Member Governments a detailed report on all of the various aspects of planning for the new headquarters. All building plans were subject to approval by the General Assembly at its second regular session scheduled to convene on September 16, 1947.

E. FIRST SPECIAL SESSION

1. CALLING OF THE SESSION

On April 2, 1947, the head of the United Kingdom delegation to the United Nations, Sir Alexander Cadogan, sent a letter to the Acting Secretary-General of the United Nations, Dr. Victor Hoo, requesting on behalf of the Government of the United Kingdom that the question of Palestine be placed on the agenda of the next regular session of the General Assembly. The letter also asked that a special session be called to constitute and instruct a special committee to prepare for the consideration of the question.

The letter stated:

I have received the following message from my Government:—

"His Majesty's Government in the United Kingdom request the Secretary-General of the United Nations to place the question of Pal-

estine on the agenda of the General Assembly at its next regular Annual Session. They will submit to the Assembly an account of their administration of the League of Nations Mandate and will ask the Assembly to make recommendations, under Article 10 of the Charter, concerning the future government of Palestine.

In making this request, His Majesty's Government draw the attention of the Secretary-General to the desirability of an early settlement in Palestine and to the risk that the General Assembly might not be able to decide upon its recommendations at its next regular annual session unless some preliminary study of the question had previously been made under the auspices of the United Nations. They therefore request the Secretary-General to summon, as soon as possible, a special session of the General Assembly for the purpose of constituting and instructing a special committee to prepare for the consideration, at the regular session of the Assembly, of the question referred to in the preceding paragraph."

A telegram was immediately sent by the Acting Secretary-General to the other Members of the United Nations informing them of this request, and asking them to notify him if they concurred in the summoning of a special session of the General Assembly. The telegram stated that if within 30 days a majority of Members had concurred, the special session would be convoked in accordance with the rules of procedure.

Forty Members replied. All with the exception of Ethiopia agreed to the holding of the special session.

As a majority of Members had concurred in the request of the United Kingdom by April 13, the Secretary-General summoned the special session to meet at Flushing Meadow, New York on April 28. At the same time the Secretary-General communicated to Members the provisional agenda for the session.

2. ORGANIZATION OF THE SESSION

The General Assembly convened at Flushing Meadow on April 28. The session was opened by the Chairman of the Belgian delegation, F. van Langenhove.

At the opening meeting of the session—the 68th meeting of the General Assembly—Oswaldo Aranha, the chairman of the Brazilian delegation was elected President by 45 out of 50 votes. The Chairmen of the Canadian, Chilean, Saudi Arabian, Swedish and U.S.S.R. delegations each received one vote. There were four abstentions.

On the suggestion of the President, it was agreed to follow the usual procedure of electing a General Committee and referring to it the consideration of the agenda.

As the General Committee consists of the President, the seven Vice-Presidents and the Chairmen of the six committees, the Assembly at its 68th plenary meeting proceeded to elect its seven Vice-Presidents. Chief representatives of the following countries were elected: China, Ecuador, France, India, the U.S.S.R., the United Kingdom and the United States.

To complete the composition of the General Committee, the six Main Committees met and elected the following Chairmen:

- First Committee... Lester B. Pearson
(Canada)
- Second Committee... Jan Papanek
(Czechoslovakia)
- Third Committee... Mahmoud Hassan Pasha
(Egypt)

Fourth Committee... Herman G. Ericksson
(Sweden)

Fifth Committee... Jozef Winiewicz
(Poland)

Sixth Committee... Tiburcio Carias Jr.
(Honduras)

These elections were reported to the 69th plenary meeting of the General Assembly on April 28, which requested the General Committee to consider the provisional agenda and the supplementary list and report to the General Assembly. The General Committee was also asked to consider communications from organizations which had written expressing their views on the business of the special session.

The following nine Members were elected to the Credentials Committee on the proposal of the Acting President at the opening meeting: Argentina, Australia, Denmark, Lebanon, Peru, the Ukrainian S.S.R., the U.S.S.R., the United States and Yugoslavia.

The Committee reported to the 69th plenary meeting on April 28 that 22 delegations had fully satisfied the requirements and that provisional credentials had been received for the other countries represented.

The Committee reported again to the 79th plenary meeting on May 15 that 33 delegations had submitted credentials since the committee's first meeting and that these had been in order. All delegations had therefore received full powers.

3. AGENDA OF THE SESSION

a. Items Proposed

Apart from organizational and procedural matters, the only item on the provisional agenda was one providing for "constituting and instructing a special committee to prepare for the consideration of the question of Palestine at the second regular session," the item submitted by the Government of the United Kingdom.

Certain other Members had, however, requested the inclusion of an additional item—"The termination of the mandate over Palestine and the declaration of its independence." This had been requested by Egypt and Iraq on April 21 and by Syria, Lebanon and Saudi Arabia on April 22. In accordance with the rules of procedure the item was placed on the Supplementary List of Additional Agenda Items, and was referred for consideration to the General Committee along with the item suggested by the United Kingdom.

b. Consideration of Agenda

The General Committee considered the provisional agenda and the supplementary list at its 28th, 29th, 30th and 31st meetings on April 29 and 30.

The Egyptian representative urged that the additional item proposed by the Arab States for inclusion on the agenda should be considered at the same time as the item proposed by the United Kingdom as the two were closely connected, and the Arab proposal was more concrete and went further.

The Chairman ruled, however, that under the rules of procedure the provisional agenda had to be considered first and then any additional agenda items, which could be placed on the agenda only by a two-thirds majority of the General Assembly.

At its 28th meeting the General Committee recommended that the item "Constituting and instructing a special committee to prepare for the consideration of the question of Palestine at the second regular session" should be placed on the agenda of the General Assembly and referred to the First Committee.

At its 29th meeting on April 29 the General Committee began consideration of the supplementary list containing the item proposed severally by Egypt, Iraq, Lebanon, Saudi Arabia and Syria: "The termination of the mandate over Palestine and the declaration of its independence." The representatives of Iraq, Lebanon, Saudi Arabia and Syria were invited to take part in the discussion of the item in accordance with Rule 34 of the Provisional Rules of Procedure. This rule provides that "a Member of the General Assembly which is not a member of the General Committee and which has requested the inclusion of an additional item on the agenda, shall be entitled to attend any meeting of the General Committee at which its request is discussed, and may participate, without vote, in the discussion of that item."

In urging that the additional item they had proposed be placed on the agenda, the representatives of the five Arab States stressed the following points:

(1) The real question at issue was the recognition of the independence of Palestine, which, it was claimed, had already been expressly recognized in the Covenant of the League of Nations and in statements and declarations by the Allied powers. The Balfour Declaration and the League Mandate for Palestine had violated the principles of the Covenant

and had resulted in the imposition of one people on another without the latter's consent. Neither the Declaration nor the Mandate had ever been recognized by the Arabs. The other mandated territories which had formed part of the Ottoman Empire had already been granted independence and there was no sound reason to make a distinction between them and Palestine.

(2) The problem was not one of fact-finding but of establishing principles. The situation in Palestine had arisen because of the principles in the Palestine Mandate and the Balfour Declaration, which were based on expediency, power politics, local interests and local pressure. These were inconsistent with the Covenant of the League of Nations and the Charter of the United Nations. The Charter provided that where other obligations were inconsistent with the Charter, the obligations under the Charter should prevail.

(3) All that was necessary in Palestine was to apply the principles of the Charter and declare an independent Palestine along democratic lines with equal rights for all citizens. This did not need a committee. Such a committee could only retard the settlement of a situation which, due to the activities of political Zionism, was daily getting more tense throughout the Arab world.

(4) The only appropriate way of bringing the question of Palestine before the United Nations was (a) to notify the General Assembly that the territory was qualified for independence; (b) to submit to the General Assembly a draft trusteeship agreement for the territory; or (c) to relinquish the mandate. The item proposed by the Arab States was in accordance with the Charter, since it provided that the discussion on the question should be directed towards the termination of the mandate.

(5) The whole question should be discussed since (a) the matter was urgent, (b) the committee should be adequately instructed, (c) it would in fact be impossible to avoid the question. Moreover, representatives had not come from all over the world just to appoint a committee.

(6) If there was no agreement on principles it would be of no use to appoint a committee, since the committee would have to work in the light of principles. If principles were accepted it might not be necessary to appoint a committee, but in any case the principles should be established first.

(7) Independence was the only just solution. It was, moreover, a question on which the two parties most directly concerned—the Jews and the Arabs—were formally in agreement.

(8) To discuss the independence of Palestine would not be prejudging the solution of the

problem, since it had already been envisaged in the Covenant of the League of Nations. Not to discuss independence would be prejudging the question to a much greater extent.

(9) To discuss independence did not mean that it would have to be granted immediately or by any fixed date.

(10) To discuss the independence of Palestine need not prejudice the interests of the Jews, since their case could be heard. In any case the Jewish question was a completely separate one from the Palestine problem.

Against the inclusion of this item on the agenda it was urged:

(i) To exclude this item from the agenda would not preclude independence as an ultimate issue for the solution of the Palestine problem. Independence was recognized as the objective of all the Class "A" Mandates.

(ii) The question was complicated and needed careful, impartial and objective study. The matters of substance involved could best be discussed at the next session of the General Assembly after the committee's report had been received.

(iii) The committee should consider all the material and all evidence from all sources. Its terms of reference should take into account every aspect of the problem. It would be prejudging the issue to discuss only one possible solution as suggested in the Arab proposal—there were, for example, different ideas on the form of independence for Palestine.

(iv) The matter was urgent and a full debate on the substance of the question at the special session would entail long discussions and delay the setting up of the special committee so that it might not be able to consider the question adequately by the time the next session of the General Assembly convened.

(v) The discussion of the Arab proposal would not create a good atmosphere in Palestine, conducive to the objective studies which the committee would have to make. If a general debate on the substance of the question was held at the special session, the presentation of individual views would lead only to the confusion of the issue.

(vi) The United Kingdom proposal was practical—it involved the setting up of a committee and agreeing on its terms of reference. If the special session did this it would be justified. Whatever was essential in the Arab item would automatically be considered in the formulation of the committee's terms of reference.

(vii) In view of the importance and the difficulty of the question, it was necessary to arrive at a solution that would obtain world support. That support could be obtained only

if the question had been thoroughly studied and considered in an atmosphere free from political pressure.

(viii) Many of the delegations to the special session which had come prepared to consider the procedural question of setting up a committee and determining its terms of reference were not briefed to discuss the substance of the question.

(ix) The question of substance should not be considered until the views of the Jews as well as of the Arabs were heard.

It was suggested, that since certain delegations had requested to debate on the substance of the question at the special session, it should be granted since a refusal might be misunderstood. The decision could be taken at the next session of the Assembly, but a preliminary discussion would facilitate the work of the special committee.

The special committee, it was pointed out, however, would have to take into consideration the termination of the mandate when considering the future government of Palestine. The Indian representative suggested to the Arab States that since everyone agreed that independence should be the objective of any settlement of the Palestine question, they should not press their proposition to a vote.

The Egyptian representative stated that he was prepared not to insist on a vote at that time, though, in reply to a question from the Chairman, he stated that he had no authority to withdraw the proposal. Iraq, Lebanon, Saudi Arabia and Transjordan also stated that they would not withdraw their proposals. The Chairman then ruled that since the proposal had not been formally withdrawn, it would have to be voted on. The result of the voting on the Arab proposal was 1 in favor, 8 against and 5 abstentions.

The report of the General Committee recommending that the item submitted by the United Kingdom be placed; on the agenda of the General Assembly and referred to the First Committee (Political and Security) but not recommending the inclusion of the item submitted by the Governments of Egypt, Iraq, Syria, Lebanon and Saudi Arabia, was considered by the General Assembly at its 70th and 71st meetings on May 1, 1947.

The recommendation to place on the agenda the item proposed by the United Kingdom calling for the constitution of a special committee and to refer the question to the First Committee was adopted, although it was suggested

by certain representatives (1) that the inclusion of both items be considered together; (2) that the setting up of a special committee was unnecessary, since the facts were already available; (3) that the question could be solved by the termination of the mandate and the granting of independence to Palestine; (4) that the question should be referred not only to the First Committee, but also to the other Main Committees, since it involved questions within their terms of reference; and (5) that the question should be dealt with in plenary session and not be referred to any committee. The Chairman in stressing the broad character of the First Committee pointed out that an agenda item must, under the rules of procedure, be referred to a committee unless the General Assembly decided otherwise.

The General Assembly then considered the report of the General Committee referring to the non-inclusion in the agenda of the item suggested by the Arab States, "the termination of the Mandate over Palestine and the declaration of its independence." Against the report of the General Committee and in favor of including in the agenda the item proposed by the five Arab States it was urged that (1) the General Committee was a procedural committee and had made a political decision, thereby exceeding its powers; (2) one of the reasons given for the refusal to admit this item on the agenda was the lack of information, but sufficient information was available to debate the question and in any case information would be required in order to instruct the special committee; (3) another reason given for the refusal of the item was the possible repercussions of a general debate on the state of affairs in Palestine, but the General Assembly should not be influenced by lawlessness; (4) it was possible to include both items in the agenda, and since it had been agreed that independence was an objective of all Category "A" Mandates it could be used as a guide post for the special committee; (5) to reject the item might give the false impression that the General Assembly did not attach much importance to the independence of Palestine.

Against the inclusion of the item in the agenda it was contended that the question should be closely examined and all points of view heard, and that the Assembly would be better qualified to consider the substance of the question after the special committee had completed its study.

To secure unanimity a compromise was suggested by the representatives of El Salvador and Colombia, supported by the representatives of Cuba, Haiti and Iran. This was to the effect that, since it had been agreed that the special committee to be appointed would have to have as one of its terms of reference the study of the termination of the mandate and the independence of Palestine, and since some of the Arab representatives had stated that they did not wish the Assembly to make an immediate pronouncement on the independence of Palestine and the termination of the Mandate and others had accepted the idea of the establishment of a committee, therefore these two proposals could be linked by introducing a phrase to the effect that the special committee which was to prepare a report on the question of Palestine would have to study the termination of the Mandate over Palestine and the declaration of its independence.

The President ruled that the suggestion could not be voted on since there was no formal proposal in writing. He stated, however, that as soon as the agenda was adopted there would be full freedom of debate, without any restriction whatever, on the whole problem of Palestine, including the question of independence and the termination of the mandate. This interpretation was questioned by the Indian and Australian representatives, who submitted that, if the question of the independence of Palestine and the termination of the mandate were not placed on the agenda and were afterwards raised again, it would be ruled out of order, since the General Assembly would then be able only to consider the question of constituting and instructing the special committee. The United States representative stated that if the question of the independence of Palestine and the termination of the mandate were not placed on the agenda that would leave on the agenda only the question of constituting and instructing the special committee, but that the question of independence for Palestine would have to be considered by the First Committee when considering the terms of reference for the special committee.

When the question of including the item of the supplementary list "The termination of the Mandate over Palestine and the declaration of its independence" in the agenda of the General Assembly was put to the vote, 15 Members voted in favor of including the item, 24 against and 10 abstained.

4. POSITION OF THE UNITED KINGDOM

In the General Committee's discussions on the agenda, certain representatives asked for an explanation of a recent statement made by a United Kingdom Government spokesman in the House of Lords. They stated that it implied that the United Kingdom was not prepared to say if it would accept the Assembly's recommendations.

The United Kingdom representative in reply quoted the statement made in the House of Lords, which said "I cannot imagine His Majesty's Government carrying out a policy of which it does not approve," and drew a distinction between it and the non-acceptance by the United Kingdom of a recommendation of the Assembly. He pointed out that any recommendation made by the Assembly might have to be enforced, and questioned whether, if this were a decision which the United Kingdom could not reconcile with its conscience, it would "single-handed be expected to expend blood and treasure in carrying it out." He said that he hoped to make a statement explaining his Government's position.

In reply to a suggestion made in the First Committee by the representative of the Jewish Agency for Palestine—that the account of the mandate promised by the United Kingdom Government should be rendered not to the next session of the General Assembly but to the special committee—the United Kingdom representative on May 8 stated that his Government would be entirely at the disposal of the special committee if it were set up and would give it all possible information, including an account of the administration of the Mandate.

In reply to a question by the Lebanese representative at the First Committee's 52nd meeting on May 9, the United Kingdom representative stated that the United Kingdom had tried for years to solve the problem of Palestine, but, having failed, had brought it to the United Nations. If the United Nations could find a just solution which would be accepted by both parties, "it could hardly be expected that we should not welcome such a solution." The United Kingdom should not, however, have the sole responsibility for enforcing a solution not accepted by both parties and which "we could not reconcile with our conscience." The question of the acceptance of any recommendation by the Assembly should also be addressed to other interested parties and to all the Members of the United Nations.

5. COMMUNICATIONS FROM NON-GOVERNMENTAL ORGANIZATIONS

At its 69th meeting on April 28, the General Assembly decided to refer to the General Committee communications from organizations which had written to the Secretary-General asking for the opportunity of expressing their views concerning the items of business for which the special session had been called. It was agreed that these communications, and similar ones received from other agencies, should also be referred to the General Committee. The General Committee was to recommend to the plenary meeting a procedure for dealing with the communications.

The General Committee voted at its 31st meeting on April 30, by 11 votes to 0, with 3 abstentions, to defer consideration of the communications until it had presented its report on the agenda to the plenary meeting, though some representatives expressed the view that representatives of the Jewish people should be heard before the agenda was decided.

The General Committee considered the question of communications from non-governmental organizations at its 32nd and 33rd meetings on May 2.

The requests before the Committee were:

(1) From the Jewish Agency for Palestine, requesting authorization for the Agency to attend the meetings of the special session and participate in the discussions.

(2) From the Zionist Organization of America, requesting that its proposal for the solution of the Palestine question be brought before the special session.

(3) From the Hebrew Committee of National Liberation in Washington, requesting that the Hebrew National Delegation be granted a seat in the special session.

(4) From the Political Action Committee for Palestine, requesting the opportunity to testify before the special session.

a. Jewish Agency for Palestine

The Polish representative proposed that the General Committee recommend to the General Assembly the following resolution:

The General Assembly, resolved to give careful consideration to the point of view of the Jewish people on the Palestine question, decides to invite the representatives of the Jewish Agency for Palestine to appear before the General Assembly for consultation.

In submitting this draft resolution the Polish representative emphasized (1) the connection between the Jewish population of Palestine and

the Palestine problem; (2) the particular interest of Poland, from which country many of the Palestine Jews had come, in the question; and (3) the special status of the Jewish Agency for Palestine, which had been named in the Mandate as representing Jewish interests in Palestine.

Other representatives spoke in favor of hearing the Jewish Agency, but some representatives felt it would be preferable for non-governmental organizations to be heard by the special committee, particularly since the question before the General Assembly was the procedural one of creating a committee.

The view was also expressed that only States should be heard in the General Assembly as the Charter had not provided for hearing non-governmental organizations there. To admit one organization, it was thought, would create a precedent, and the dignity of the General Assembly might be lowered. Some representatives thought that this rule should also apply to the committees of the Assembly. Others felt that since the Charter did not forbid the hearing of non-governmental organizations by the General Assembly in plenary session, it was permissible. The view was also expressed that the Jewish Agency was in a special category, and that it should be heard by the First Committee.

The Egyptian representative explained, in reply to various statements, that the Arab States did not represent the Palestinian Arab population.

The Czechoslovak representative suggested an amendment to the Polish draft resolution to provide that the General Assembly would invite "the representatives of the Jewish Agency for Palestine to appear before the plenary meeting of the General Assembly for the purpose of stating their views on this question." This amendment was accepted by the Polish representative.

The United States representative suggested the following amendment to the Polish-Czechoslovak proposal:

The General Committee, having considered the communications referred to it by the President of the General Assembly from the Jewish Agency and other organizations requesting that they be permitted to express their views on the Palestine problem, recommends to the General Assembly that it refer these communications to the First Committee for its decision.

In making this proposal the United States representative pointed out that it was the func-

tion of the General Committee as a procedural committee only to recommend to the Assembly the procedure for dealing with the matter, not to decide on the substance of the question. He also made the following points: that since the Arab side of the case had been heard, the Jewish side should also be heard; that the Jewish Agency was in a special category and should be heard before the First Committee, but that this should not constitute a precedent for hearing other organizations; that the Agency should only make statements on the item on the agenda, and that it should be remembered that it did not speak for all the Jews of the world.

On the suggestion of the United Kingdom representative, the United States representative agreed to insert in the resolution "as well as any communications of a similar character which may be submitted to this special session."

The Chairman ruled that the United States proposal was a separate resolution rather than an amendment to the Polish-Czechoslovak resolution.

The Polish proposal, as amended by Czechoslovakia, was therefore voted upon first. It was rejected, securing 3 votes in favor, 8 against and 3 abstentions.

The United States proposal, as amended by the United Kingdom, was then approved by 11 votes in favor, 0 against and 3 abstentions. The proposal, as amended, read:

The General Committee, having considered the communications referred to it by the President of the General Assembly from the Jewish Agency and other organizations requesting that they be permitted to express their views on the Palestine problem,

Recommends to the General Assembly that it refer these communications, as well as any communications of a similar character which may be submitted to this Special Session, to the First Committee for its decisions.

The report of the General Committee was considered by the General Assembly at its 72nd, 73rd, 74th and 75th meetings on May 3 and 5.

The general view was expressed that both sides of the case should be heard, although there was some difference of opinion as to whether they should be heard in the plenary meetings, in the First Committee or in the special committee. The fear was again expressed that to discuss the substance of the Palestine problem in the special session might prejudice chances of its solution. On the one hand it was held that such a debate was necessary to instruct the special committee, on the other that

the committee should be instructed by the facts of the case, not by the General Assembly. The proposal of the General Committee was also criticized on the ground that it provided only for the sending of communications to the First Committee and did not stipulate that the organizations should be heard.

The special position of the Jewish Agency as a public body recognized in the Mandate for Palestine was also mentioned in the debate.

At the 73rd plenary meeting the Polish representative opposed the report of the General Committee on the ground that there were no procedural differences between the General Assembly and its committees and that the arguments to bar the Jewish Agency from the plenary meetings were not convincing. He re-introduced the Polish-Czechoslovak resolution which had been defeated in the General Committee.

Resolutions were presented to the 74th plenary meeting on May 5 by Uruguay, Chile and Argentina, and amendments to the report of the General Committee by Yugoslavia and the Byelorussian S.S.R. All five proposals suggested that the Jewish Agency for Palestine should be invited to state its views before the First Committee. The Yugoslav amendment suggested that "other representatives of the population of Palestine" should also be given a hearing before the First Committee. The Chilean and Argentine resolutions proposed that other communications should be referred to the First Committee.

At this point a cable received from the Arab Higher Committee was read to the General Assembly. The cable stating that the Committee represented the Arabs of Palestine and had chosen a delegation, composed of Emile Ghory, Rajai Hussein, Henry Kattan, Wasef Kamal, Isa Nakleh and Rasem Khaldi, to represent the Committee before the special session and to speak on its behalf. The Committee requested that due recognition should be given to the delegation.

A letter was also read from the delegation nominated by the Arab Higher Committee applying for its representatives to attend the Assembly's deliberations and be heard on the problem.

At the suggestion of the President, the five delegations which had made proposals to the plenary meeting produced a single draft resolution. This text, which was presented to the 75th plenary meeting on May 5, was as follows:

THE GENERAL ASSEMBLY RESOLVES:

1. That the First Committee grant a hearing to the Jewish Agency for Palestine on the question before the Committee;

2. To send to that same Committee for its decision those other communications of a similar character from the Palestinian population which have been received by this Special Session of the General Assembly or may later on be submitted to it."

The Cuban representative, in supporting this text, explained that he had withdrawn for the sake of unanimity a motion to the effect that all petitions to be heard in the Assembly, coming from Arab and Jewish sources, should be referred to the First Committee and that the First Committee should be instructed to hear as many representatives of the parties involved as possible.

The Polish-Czechoslovak proposal and the joint resolution were opposed on the grounds that: it was not true that the Palestinian Arab case had been put before the Assembly, since the Arab States did not represent the Palestinian Arabs; it would be prejudging the issue to decide on the particular character of an agency which had been established by virtue of a mandate which was being contested; there was no constitutional ground for the Jewish Agency to be heard before the United Nations and it had never been heard before the League of Nations; it was unfair to differentiate between the representatives of the Jews and of the Arabs of Palestine.

At the end of the 73rd plenary meeting on May 3 the President had closed the list of speakers. At the 75th meeting on May 5 the Lebanese representative protested against the closing of the list of speakers on the ground that since the list had been closed six new documents had been presented to the Assembly. On the matter being put to the vote 12 representatives voted in favor of re-opening the debate, and 32 against.

The General Assembly then voted on the Polish-Czechoslovak proposal, which provided for the hearing of the Jewish Agency for Palestine before the plenary meeting. The proposal was defeated by 8 votes in favor and 39 against.

The General Assembly then adopted by 44 votes in favor, 7 against and 3 abstentions, the joint proposal of Chile, Uruguay, the Byelorussian S.S.R., Yugoslavia and Argentina.

6. Consideration by the First Committee

The First Committee at its 46th meeting on May 6 began its consideration of the question

of granting a hearing to non-governmental organizations. At this meeting the Committee elected the member of the Committee for Mexico as Vice-Chairman and the member of the Committee for Denmark as Rapporteur.

Resolutions were proposed by the United States and by Argentina on the implementation of the General Assembly's resolution.

The United States resolution proposed that arrangements should be made by the Chairman before the Committee took final action on the item on its agenda—the question of constituting and instructing the special committee—“to give an opportunity to the Jewish Agency for Palestine, as well as to any other organization representative of a considerable element of the population of Palestine” to appear before the Committee and present its views on the terms of reference of the special committee. It further proposed that either (a) the recommendations of the United Kingdom as the Mandatory should be taken into consideration by the Committee in determining whether an organization claiming to represent considerable elements of the population of Palestine should be heard, or (b) no organization should be considered representative of a considerable element of the population of Palestine unless a statement to that effect was received from the delegation of the Mandatory. (Later the United States representative withdrew the first alternative). Finally it proposed that no organization should be permitted to express its views on the substance of the Palestine problem before the Committee, but should reserve such views for a hearing before the special committee.

The Argentine resolution proposed that the First Committee grant a hearing to the Jewish Agency for Palestine, the representative of the Arab population and the representative of the Jewish population of Palestine. All hearings, the resolution proposed, would be about the appointment and instruction of the special committee.

The Chairman read to the Committee a communication received from the Arab Higher Committee withdrawing its request for a hearing in view of the discrimination shown by the Assembly in deciding in plenary session that the Jewish Agency for Palestine should be invited, whereas the request of the Arab Higher Committee, which represented the majority of the population of Palestine, had been sent with

other requests to the First Committee for decision.

In the Committee's discussions the opinion was expressed that, notwithstanding the action of the Arab Higher Committee in withdrawing its request for a hearing, the representatives of the Arab population of Palestine should be heard by the Committee. Some speakers felt that the Committee's hearings should be restricted to representatives of the Jewish Agency and the Arab Higher Committee. In reply to a question from the United States representative, the representative of the United Kingdom stated that the Arab Higher Committee was representative of the Arab population of Palestine.

c. Joint Resolution

The United States representative proposed a joint resolution combining the previous United States and Argentine proposals.

This read as follows:

THE FIRST COMMITTEE RESOLVES:

1. To grant a hearing to:

- (a) The Jewish Agency for Palestine
- (b) The Arab Higher Committee of Palestine

2. That arrangements be effected by the Chairman, before this Committee takes final action with regard to the item on the agenda, to give an opportunity to the Jewish Agency for Palestine, the Arab Higher Committee as representative of the views of the Arab population, as well as to any other organization representative of a considerable element of the population of Palestine, to appear before this Committee and present such views as such organization or organizations may have to offer with regard to what the terms of reference of the Special Committee to be set up by this session of the Assembly should be.

3. That the recommendations of the Delegation of the Mandatory be taken into consideration by this Committee in determining whether an organization maintaining that it represents considerable elements of the population of Palestine should be allowed to appear before the Committee.

4. That no organization be permitted to express its views with regard to the substance of the Palestine problem before this Committee; that any organization which desires to express views of this character should apply for a hearing to the Special Committee which it is the purpose of this session of the General Assembly to establish.

The joint resolution was considered clause by clause. The first clause was adopted; certain changes of wording were made in the second clause.

On the proposal of the representative of Australia the Committee decided that a sub-committee of five, and not the Mandatory, should advise on whether any organization other than the Jewish Agency or the Arab Higher Committee represented considerable elements of the population of Palestine. The United States representative indicated that he would agree to this, provided a suggestion made by the Brazilian representative that the sub-committee should include the Mandatory were adopted. The Chairman proposed that the sub-committee should consist of the members of the Committee from Colombia, Iran, Poland, Sweden and the United Kingdom. The Indian representative, however, maintained that to refer the question to a sub-committee was only to defer it, and sponsored the original proposal, as amended. The proposal to appoint a sub-committee was carried by 31 votes in favor and 4 against.

Several representatives spoke in favor of eliminating the fourth paragraph of the joint resolution providing that no organization should be permitted to express its views on the substance of the Palestine problem. Two reasons were advanced for this: (1) that the statements of the organizations should not be restricted, and that they would be competent only to speak on the substance of the question and not on procedural questions; (2) that the paragraph was unnecessary since the draft resolution already provided that the organizations should speak on the question of constituting the committee and that it was the Chairman's function to rule a speaker out of order.

An amendment proposed by France that "No organization shall be permitted to express views before the Committee which are not directly related to the purpose and object of this committee as defined in paragraph 2 above" was accepted by the United States representative, the Argentinian representative explaining that he would have to vote for the deletion of the paragraph as he was in favor of free debate.

The French proposal was put to the vote and was lost by 19 votes in favor to 22 against. The Chairman declared that the paragraph was therefore deleted from the resolution.

The representatives of the Arab States expressed appreciation of the attitude of delegations in expressing the wish to hear representatives of the Arabs of Palestine, but stated that they would abstain from voting since the decision by the General Assembly, which was a superior body to the First Committee, had discriminated against the Arabs of Palestine.

The resolution was carried at the 47th meeting of the First Committee on May 6 by 40 votes in favor, 0 against and 7 abstentions.

The text of the resolution, as adopted, read:

THE FIRST COMMITTEE RESOLVES:

1. To grant a hearing to the Jewish Agency for Palestine and to the Arab Higher Committee of Palestine.

2. That arrangements be effected by the Chairman, before this Committee takes any final decision with regard to the item on the agenda, to give an opportunity to the Jewish Agency for Palestine, the Arab Higher Committee as representative of the views of the Arab population, as well as to any other organization representative of a considerable element of the population of Palestine, to appear before this Committee and present such views as such organization or organizations may have to offer with regard to the constituting and instructing of the special committee which may be set up by this session of the Assembly.

3. That a sub-committee of five members, consisting of representatives of Colombia, Poland, Iran, Sweden and the United Kingdom, shall be established to advise the Committee whether any other organization represents a considerable element of the population of Palestine.

The Chairman then wrote to the Secretary of the Palestine-Arab delegation, transmitting the text of the resolution and stating: "In view of this resolution, you may wish to reconsider the withdrawal of the request of the Palestine-Arab delegation to be heard with regard to the constituting and instructing of the special committee referred to in the above resolution."

d. Arab Higher Committee

At the 48th meeting of the First Committee on May 7 the Indian representative proposed that, since the Arab Higher Committee would not come before the First Committee until the Committee's recommendation had been endorsed by the General Assembly, a plenary meeting be called "to consider the following resolution, that the First Committee grant a hearing to the Arab Higher Committee on the question before the Committee."

Certain representatives felt that such a procedure was unnecessary since an invitation had been extended to the Arab Higher Committee, the views of Members were clear, and such a move could have little meaning; others supported the proposal on the ground that it would secure the participation of the Arab Higher Committee.

The resolution was adopted.

At its 76th plenary meeting on May 7 the General Assembly considered the resolution proposed by the First Committee.

The President proposed that the General Assembly adopt the following resolution:

THE GENERAL ASSEMBLY affirms that the decision of the First Committee to grant a hearing to the Arab Higher Committee gives a correct interpretation of the Assembly's intention.

The view was again expressed that to pass such a resolution was illogical, and might weaken the previous decisions of the Assembly and of the First Committee.

The General Assembly voted, however, by 39 votes in favor, 1 against and 11 abstentions to adopt the resolution.

e. Statements by the Jewish Agency

Following the decision of the General Assembly on May 6 to grant a hearing to the Jewish Agency for Palestine before the First Committee, the President telegraphed the Jewish Agency informing them of the Assembly's decision and requesting the names of their authorized representatives.

A reply was received from the Jewish Agency on May 8 accepting the invitation and nominating as its authorized representatives David Ben-Gurion, Dr. Abba Hillel Silver, Moshe Shertok, Hayim Greenberg, Mrs. Rose Halprin, Nahum Goldman and Dr. Emanuel Neumann.

The First Committee at its 50th meeting on May 8 heard a statement by the representative of the Agency, Dr. Silver.

Dr. Silver referred to the satisfaction of the Jewish Agency that the problem of Palestine would now be reviewed by an international body, as it had been aggravated by unilateral action on the part of the Mandatory Power, without the sanction or supervision of the international body which had created the trust and defined its limits and purposes. The administration of Palestine since the outbreak of the War had, said Dr. Silver, been conducted by the Mandatory as though it were vested with the sovereignty of the territory, instead of being a trustee under the Mandate.

Dr. Silver stressed the importance to the Jewish people of the question of Palestine, and pointed out that the Jewish Agency was recognized in the Mandate as a public body authorized to speak for all the Jewish people on questions affecting the Jewish National Home. The Jewish Agency was the only recognized public

body in the Mandate. The Mandate stated that it was to advise and co-operate with the Administration of Palestine on economic, social and other questions affecting the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and to assist in the development of the country. It was also to co-operate with the Administration in permitting close settlement by Jews on the land, and was given a preferred status regarding the construction and operation of public works and the development of the natural resources of the country. The Jewish Agency therefore represented the organized Jewish community in Palestine—the National Council of Palestine Jews—and the Jewish people of the world since it was charged under the Mandate "to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home."

Dr. Silver maintained that "the Jewish people" and "the Jewish National Home" were key terms and should be so regarded by the committee of inquiry. They were the basic concepts of the Balfour Declaration and of the Mandate under which Palestine was, or should be administered to-day. These international commitments, made a quarter of a century ago, recognized the historic rights and present needs of the Jewish people and could not now be erased. Moreover, the United Nations Charter proclaimed the principle of respect for obligations arising from treaties and also stated in the Chapter dealing with trusteeship (which was therefore particularly appropriate to mandated territories) that nothing in that Chapter should alter in any way the rights of States or peoples or the terms of existing international instruments to which Members of the United Nations might be parties.

The Jewish National Home was still in the making. The right of the Jews to reconstitute their National Home in Palestine had never been cancelled or questioned by any international community. The Mandatory, which had been charged with safeguarding the opportunity for the development of the National Home, had interfered with and circumscribed it. That opportunity should now be restored.

Dr. Silver quoted statements from British and American leaders recognizing that the Jewish National Home had not yet been established and looking forward to continued Jewish immigration into Palestine and the creation of a Jewish State. He also quoted a resolution

adopted by the British Labour Party in 1945 in favor of allowing Jewish immigration into Palestine until the Jews became a majority there.

The international obligation to ensure the continuous development of the Jewish National Home should, said Dr. Silver, be kept in mind by the special committee.

Dr. Silver suggested that the Mandatory should give an account of its administration to the committee of inquiry rather than to the next session of the General Assembly, since the committee could not make helpful recommendations for the future government of Palestine without considering what was wrong with the present administration.

He also suggested that the committee should visit Palestine to see the record of the Jewish pioneering achievements there despite very great handicaps. What had been built by the Jews in Palestine had benefited not only them but also the Arabs and other non-Jewish communities. Dr. Silver quoted a letter written by Emir Feisal at the Peace Conference following the First World War expressing sympathy towards the Zionist Movement and favoring the return of the Jews to Palestine. The concepts of social justice and modern scientific method being developed in Palestine would, Dr. Silver maintained, serve as a stimulus to the progress of the entire Near East.

The Committee, he maintained, should also consider the potentialities of the country which, if properly developed, would support a much greater population. More projects, which would lead to economic and social improvement in Palestine, as well as in all neighboring countries, were awaiting development pending a satisfactory political solution.

The Committee, he maintained, should look into the fundamental causes of unrest and violence in Palestine and he instanced: (1) that shiploads of refugees were being driven from the shores of the Jewish National Home by a Mandatory Government which had assumed, as its prime obligation, the facilitating of Jewish immigration into the country; and (2) that the Mandatory Government, which had assumed the obligation of encouraging close settlement of the Jews on the land, was severely restricting Jewish settlement to an area of less than six per cent of the country, and was enforcing discriminatory racial laws although both the Mandate and the Charter condemned this.

Dr. Silver expressed the hope that the committee of inquiry would visit the Displaced

Persons Camps in Europe and see the misery there, two years after V-E Day. Most of the displaced persons, he said, were desperately eager to go to the Jewish National Home. He appealed for a relaxation of the restrictive measures on immigration into Palestine and a return to the status before the White Paper policy of 1939 was imposed. This, he said, would not only help the displaced persons but would relieve the present tensions in Palestine and enable the deliberations of the Committee to be carried on in an atmosphere of moderation and good will.

In conclusion Dr. Silver affirmed the faith of the Jewish people in the ultimate triumph of moral principles and claimed that the Jewish people of Palestine should be admitted to membership in the United Nations.

Supplementary statements on the terms of reference of the special committee were made by the representatives of the Jewish Agency, Moshe Shertok and David Ben-Gurion, at the 52nd and 55th meetings of the First Committee on May 9 and 12.

On May 9, Moshe Shertok stated that the crisis in Palestine resulted from the fact that the present policy of the Mandatory Government conflicted with its obligations to the Jewish people, and that the crux of the matter was the problem of Jewish immigration into Palestine. He criticized the draft resolution then being considered by the Committee on the grounds that it prejudged the issue which should be investigated by the special committee by mentioning only independence as the goal towards which the future government of Palestine should aim, whereas the primary objective of the trust under which Palestine was administered was the establishment of the Jewish National Home, and these two questions were organically connected. He therefore favored the inclusion of a phrase previously proposed by the United States, to the effect that the Committee should bear in mind "various other issues connected with the problem of Palestine."

He further criticized the paragraph in the working paper prepared by the Sub-Committee of the First Committee relating to the interests of "all the inhabitants of Palestine" and the religious interests there of Islam, Jewry and Christendom, on the ground that the interests of Jewish people were also fundamentally relevant to the purpose of the inquiry, and suggested that a reference should be made to them

or that the paragraph should contain only a reference to the religious interests of the three faiths. He maintained that the Charter guaranteed the existing rights of all peoples in territories under mandate, pending their transformation to trust territories, and that it would not be proper to prejudge the issue by disregarding the rights involved.

On May 12 Mr. Ben-Gurion stated that the Mandatory Power had not been charged with a solution of the Palestine problem, but with carrying out a settlement defined in the Mandate, the restoration of Palestine to the Jewish people. The failure of the Mandatory was the failure to carry out this settlement. The White Paper of 1939 had violated the Mandate's terms, and had been condemned by the Permanent Mandates Commission, by political leaders in the United Kingdom and by the Anglo-American Committee of Inquiry. It was responsible for the present state of affairs in Palestine, and the first task of the special committee should be to determine how to ensure that the international obligations to the Jewish population of Palestine were faithfully fulfilled.

He stated, also, that in Palestine there was a distinct Jewish nation, based on its historical connection with the country and its work of reconstruction and rebuilding. The growth of this nation could not be arrested, because (1) there were large numbers of homeless Jews whose only hope was in their National Home; and (2) more than two-thirds of Palestine was waste land said by the Arabs to be uncultivable but cultivated by the Jews because it was the only land they could call their own.

The Arabs were not being asked to receive the Jewish immigrants. They came to Jewish towns and villages, not to Arab towns and villages.

The Jews had no conflict with the Arab people. They were rebuilding Palestine, and a Jewish-Arab partnership based on equality and mutual assistance would help the regeneration of the whole Middle East. In conclusion Mr. Ben-Gurion suggested as a solution of the problem a Jewish State and a Jewish-Arab alliance.

f. Statements by the Arab Higher Committee

The representative of the Arab Higher Committee, Henry Rattan, made a statement to the 52nd meeting of the First Committee on May 9.

Mr. Kattan began by saying that the Arab people were deeply anxious to find a just and

lasting solution to the problem of Palestine because it was the problem of their present life and future destiny. Their existence as a people was threatened and they hoped for support in their struggle for their national right of self-determination.

Mr. Kattan outlined conditions in Palestine before the First World War. Palestine had been included in the Ottoman Empire as part of Syria. It had an Arab character, had been inhabited for several centuries by Arabs; its customs, traditions and culture were Arab as well as its towns and villages. Small communities of Jews, Armenians and Kurds lived in Palestine, as in other Arab countries, in peace and security. The Jews in Palestine in 1914 represented about six or seven per cent of the total population. They had their own schools, synagogues and communal institutions, but they had no national or political aims hostile to the Arabs, and merged harmoniously with the Arab structure.

The Arabs at that time enjoyed rights of citizenship equal to those enjoyed by the Turkish citizens of the Ottoman Empire. They rose to the highest executive, legislative and administrative positions. They wished, however, to establish a purely Arab state, independent of the Ottoman Empire. In this they were encouraged by the Allied Governments since it fitted in with Allied plans for the War. The United Kingdom, in particular, made pledges for the recognition and establishment of Arab independence. The pledge of Sir Henry McMahon, United Kingdom High Commissioner in Egypt, to King Hussein of Hedjaz, then Sherif of Mecca, recognizing the independence of the Arabs within the frontiers proposed by King Hussein excluded parts of Syria lying to the west of the districts of Damascus, Horns, Hama and Aleppo, but did not exclude the part of Syria now known as Palestine.

The Balfour Declaration was issued in November 1917, without the consent or the knowledge of the Arabs, in contradiction to the McMahon Pledge of 1915. In reply to a request from King Hussein for an explanation, the United Kingdom Government in the Hogarth Message pledged that Jewish settlement in Palestine would be allowed only in so far as was consistent with "the political and economic freedom of the Arab population."

Other declarations followed. In February 1918 the acting British agent in Jeddah wrote to the Sherif of Mecca reaffirming British pledges regarding the liberation of the Arab peoples.

In June 1918 the British Government in the Declaration to the Seven stated that it was the Government's policy that the future government of the regions occupied by Allied forces should be based on the consent of the governed. In November 1918 an Anglo-French Declaration said that the aim of the two Governments in the liberated territories, including Syria and Mesopotamia, was the emancipation of the peoples and the establishment of national governments and administrations, deriving their authority from the initiative and free choice of the indigenous populations. The two Governments did not wish to impose on the populations of these regions any particular institutions.

The special committee should therefore, said Mr. Kattan, investigate the pledges given to the Arabs recognizing their independence, before and after the Balfour Declaration.

The Arabs, said Mr. Kattan, made a substantial contribution to the Allied victory. He quoted from the report of the British Military Commission of Inquiry of 1920, which stated that the Arabs fought under the impression that they were fighting for the liberation of their fatherland and "that the British Government would undertake the formation of an independent Arab State comprising Palestine."

Apart from the breaking of pledges, the claim of the Arabs for the termination of the Mandate and recognition of their independence rested on the claim that the country belonged to them and that they were entitled to independence as their natural right.

The pledges, however, nullified contradictory assurances given to the Jews if the Balfour Declaration meant more than a cultural home. They also showed that the administration of the country in a manner contrary to the wishes of the majority of the inhabitants was a glaring injustice.

The Balfour Declaration and the policy it enunciated was the root cause of all the troubles in Palestine and the Middle East. It was made without the consent, or the knowledge of the people most directly affected, it was contrary to the principles of national self-determination and democracy and the principles contained in the Charter of the United Nations, and was inconsistent with the pledges given to the Arabs both before and after it was issued. The special committee should enquire into its legality, validity and ethics.

Moreover, the principle laid down in Article 22 of the Covenant of the League of Nations was that the well-being and development of the

peoples inhabiting territories which had ceased to be under the States which formerly governed them was a sacred trust of civilization. In particular it was stated that the existence as independent nations of certain communities detached from the Turkish Empire—i.e. the Arab Nation—could be provisionally recognized subject to administrative advice and assistance by a mandatory until they were able to stand alone.

Despite the pledges given by Great Britain and the Allied Governments, Wilson's Fourteen Points, Article 22 of the Covenant and the riots and opposition of the people of Palestine, the Mandate embodied the Balfour Declaration.

The special committee should consider the inconsistency of the Mandate with Article 22 of the Covenant of the League of Nations. The Mandate derived its authority from the Covenant and if inconsistent with the Covenant was *ultra vires*. There was no provision in the Covenant enabling the embodiment in the Mandate of provisions prejudicial to the interests of the people of the country.

The special committee should also consider that the Mandate was intended to be provisional and transitory. Other territories placed under "A" Mandates were now independent. In support of his contention that there was no reason for differentiating between the Arabs of Palestine and of the other Arab countries, Mr. Kattan quoted a statement made by Mr. Bevin in the House of Commons in 1947: "In other States in the Middle East, we also took on Mandates and they have all led to self-government. I want to state that the cultural development of the Arabs and Jews in Palestine is of as high a standard as in any other Arab State." It was not a convincing argument to say that the Mandate should be continued since its cessation would lead to bloodshed between Jews and Arabs, because the whole history of the Mandate had been one of bloodshed and troubles. Moreover the power of the Mandatory could not legally outlive the League of Nations, which had delegated that power to it. The Charter, while not interfering with existing rights, did not confer validity on an agency or Mandate which had ceased to be valid.

The special committee should also consider the conflict between the provisions of the Mandate obliging the Mandatory to facilitate Jewish immigration and the obligations undertaken by the United Kingdom Government under the Charter. If these obligations were to establish the Jewish National Home and facilitate Jewish

immigration against the will of the original inhabitants of the country and the majority of the population, they were in conflict with the Purposes and Principles of the Charter. They also conflicted with the resolution adopted by the General Assembly in December 1946, which disapproved of the resettlement of displaced persons where that was likely to disturb friendly relations with other countries or cause genuine apprehension to the indigenous population of non-self-governing territories.

The special committee should further consider the practical application of the Mandate. This, said Mr. Kattan, would show (1) that it was not exercised within the scope and for the purposes contemplated by Article 22 of the Covenant; (2) that it was not exercised for the benefit of the original inhabitants of the country; and (3) that its continuation was creating a situation affecting peace and good order in Palestine and threatening peace and security in the Middle East. It would also show how the Arabs had lost civil and political rights they had enjoyed prior to the Mandate, how immigration facilitated under the Mandate was threatening the existence of the Arab Nation and had led to the troubles in Palestine; how there were no self-governing institutions; how lives had been lost in enforcing the Mandate and allowing Jewish immigration against the wishes of the inhabitants of Palestine; and how much money had been spent on police posts and fortresses as compared with schools and hospitals.

The problem was not an Arab-Jewish problem. Arab opposition to Jewish immigration would be equally strong against any group attempting to force immigrants into the country against the will of the Arabs. It was not economic. To argue that the Jews could colonize the country better than the Arabs would justify any aggression by more advanced against less advanced nations. It was not connected with the refugee problem, which was a humanitarian problem in the solution of which all countries should share. In the view of the Arab population all immigration of Jews into Palestine was illegal, and a recommendation should be made to the Mandatory to stop all Jewish immigration. Further the problem was not one of historical connection. History could not be put back twenty centuries to give away a country on the ground of a transitory historic association, or the map of the whole world would have to be redrawn.

In conclusion Mr. Kattan stated his hope that the special committee and the General Assembly would see that the apparently complex problem could be solved on the basis of the principles of the Charter only by recognizing the independence of Palestine.

The representative of the Arab Higher Committee, Emile Ghory, made some supplementary observations on the terms of reference of the special committee at the 55th meeting of the First Committee on May 12. He expressed the apprehension of the Arab Higher Committee concerning the inclusion of any terms of reference contemplating a solution of the problem which might conflict with the right of Palestine to complete independence as one undivided whole. The Arabs were entitled to their independence, which had been recognized by the Covenant of the League of Nations and of which they had been unjustly and illegally deprived as a consequence of the Mandate. They would refuse to consider any solution implying the loss or diminution of their sovereignty over the whole of the country.

He also emphasized that any attempt to solve the question of refugees and displaced persons at the expense of the Arabs would meet with their resolute opposition and would prejudice the chances of a successful inquiry and just solution. To link the refugee problem with the problem of Palestine would prejudge the inquiry in favor of the Zionists and would make it necessary for the Arabs to reconsider their attitude to the inquiry. He stated that the continued Jewish immigration was bound to prejudice the issue and he urged that a recommendation should be made to the United Kingdom Government to put an immediate and complete stop to all immigration while the question was being considered.

g. Questions Addressed to the Jewish Agency and the Arab Higher Committee

At its 50th meeting on May 8, the First Committee decided that oral questions might be addressed to the representatives of the Jewish Agency and Arab Higher Committee and that these might later be supplemented by written questions. The replies might be made either orally or in writing.

Questions were addressed orally to the representative of the Jewish Agency at the First Committee's 50th meeting on May 8, and oral replies were given by the representatives of the Agency at the First Committee's 54th meeting on May 12.

Questions were addressed orally to the representatives of the Arab Higher Committee at the First Committee's 52nd meeting on May 9 and oral replies were given by the representatives of the Arab Higher Committee at the First Committee's 55th meeting on May 12.

The main points of the questions and answers were as follows:

By the representative of Poland, to both organizations

Who represented the organization concerned, how many organizations? How was the Executive Committee established and organized and how did it work?

Reply of the Jewish Agency

The Zionist Organization had been recognized as the Jewish Agency in the Mandate. The World Zionist Organization was at that time 25 years old. Subsequently certain non-Zionist groups joined in forming an enlarged Jewish Agency, but the Zionist Organization remained the main driving force. The World Zionist Organization had now local organizations in more than 60 countries. The Organization contained political parties. Its Congresses, which met every two years after a general election in all countries, elected the Executive. The present Executive was elected by the 360 representatives to the 22nd Zionist Congress in Basle last December, which in turn was elected by nearly two million Zionist voters throughout the world. The Executive had headquarters in Jerusalem and branches with resident members in New York, London and Paris.

The Jewish Agency represented not only the Jews in Palestine, but all the Jews throughout the world who were devoted to the idea of the Jewish National Home. The Agency was not merely an organ of national representation but an institution of nation-building, of immigration, development and settlement. In Palestine it directed large-scale practical development work, and in the war mobilized the Jewish war effort in Palestine.

Reply of the Arab Higher Committee

The Arab Higher Committee in Palestine was represented by those of its members who were resident in that country, where it had its own organization and offices. The Arab Higher Committee was, itself, the executive. Its decisions were made by majority vote and were executed through its own officials.

By the representative of India to the Jewish Agency

What was the number of Jews from outside in Palestine in 1900, in 1930 and in 1939 when the White Paper of 1939 was issued by the British Government?

Reply of the Jewish Agency

With regard to all the questions bearing on immigration, if it were granted that the Jewish people were in Palestine of right, then the implications of that premise would have to be accepted—for example, they must be allowed to resettle in unlimited numbers provided they did not worsen the lot of existing inhabitants who were also there of right. If that basic premise were not granted, there would be little to discuss. If this historical right were admitted, it would not be a question of redrawing the map of the world since the position of the Jewish people as a homeless people firmly attached to its birthplace was unique.

With regard to the question of the Indian representative, the figures of the Jewish population in Palestine were 50,000 in 1900, 165,000 in 1930 and 475,000 in 1939. At present it was about 630,000, and was greater than the Arab population at the end of the First World War. In one sense they were all immigrants: the return had started in the early 1880's and had been practically continuous since then; but in another sense they were not "from outside" as they were all convinced of their right to return. The Jews were not received by the Arabs but settled in their own right and made a living by their own efforts and not at the expense of anyone else.

To the Arab Higher Committee

Was it or was it not a fact that until 1900, not more than 4,500 Jews had gone to Palestine, that until 1920 not more than about 45,000 had gone, that by 1930 the numbers of immigrants had risen to over 150,000 and that by 1939 this had risen to about 600,000 when the White Paper restricting Jewish immigration was issued. Were these immigrants Arab speaking, Hebrew speaking or Yiddish speaking? Was Yiddish a Hebrew language or a mixture of Polish, Lithuanian, Roumanian, etc. and Hebrew, with a Hebrew script? Were these immigrants easily assimilable in Palestine?

Reply of the Arab Higher Committee

The number of Jews in Palestine had increased as follows: for 1900: no official figures; in 1918: 56,000 Jews; in 1930: 165,000 Jews; in 1939: 445,000 Jews. Between 1920 and 1930, 105,000 Jewish immigrants had entered Palestine; between 1931 and 1939, 218,000. These were figures of registered immigrants. Since 1939, not including illegal immigrants, over 100,000 Jewish immigrants had entered the country.

Few of the immigrants spoke Hebrew. They spoke Yiddish, which was a jargon of Western and Eastern languages, or the language of their country of origin.

They were not easily assimilable in Palestine.

By the representative of India to the Jewish Agency

What were the ages of the various communities of National Jewry living in Europe who

would like to go back to the national home, how long had they lived in Europe and were they easily assimilable in Palestine?

Reply of Jewish Agency

European Jewry was old but age had not made for security. Jews had lived in Spain for a millenium when in 1492 they were despoiled and expelled, only those who became Christians being allowed to remain. Jews had lived in Poland since the eleventh or twelfth century, but in the seventeenth were the victims of massacres. There had been pogroms under the Russian Czars in the nineteenth and twentieth centuries and in the last War nearly all Polish Jewry, amounting to three million persons, was wiped out by the nazis. In Germany, Jews had settled in the fourth century, but most of them had been destroyed in the fourteenth. By the twentieth they had been largely assimilated before their destruction by the Nazis. Anti-Semitism was still rife in Germany and other parts of Europe.

The Jews were easily assimilable in the Jewish community in Palestine, which was the one Jewish community with a self-contained economic system and an independent cultural life which was eager and able to receive them.

By the representative of India to the Jewish Agency

Since the Nazi Government in Europe had been suppressed, was there any reason why refugees could not be resettled in their natural German home where they spoke the language of the country and were more easily assimilable?

Reply of the Jewish Agency

Most of the refugees came from countries other than Germany and were refugees because they could not be resettled in Europe; in the two years they had waited no one had come forward with an alternative to Palestine, but in any case they wanted to go to the only country where they felt at home individually and collectively.

By the representative of South Africa to the Jewish Agency

In stating that the Committee of inquiry should look into the condition of the homeless Jews in Europe, did Dr. Silver mean that the committee should look into that situation as a whole or only in relation to the question of continuing immigration into Palestine.

Reply of the Jewish Agency

Only in Palestine could the problem of the displaced persons be permanently and constructively solved. The Committee should also study the problem of various Jewish communities in European, Arab and Oriental countries who lived under precarious sufferance or active persecution.

By the representative of Poland to the Jewish Agency

Had there been any attempt at collaboration between the Jews and Arabs in Palestine?

Reply of the Jewish Agency

Arabs and Jews had co-operated successfully in municipal, commercial and labor affairs. Arabic was taught in all Jewish secondary schools and in a large number of primary schools. The Jewish Agency spread knowledge of Arabic in Jewish settlements and promoted friendly relations between them and their Arab neighbors. Considering their differences of background, the native Arab and the immigrant Jew mixed well. Practical co-operation was today hampered by the political conflict over the country's future. The Jews came to Palestine not to fight the Arab world but to live at peace with it, to integrate themselves into the modern structure of reviving Asia and to help to build a bridge between it and the rest of the world. Their experience in development might assist the social and economic progress of the Middle East and beyond. Their partnership with their neighbors could, however, be based only upon equality of status and mutual respect, and the Jews could not surrender their claim to develop their own civilization and be self-governing.

In replying to this question the spokesman for the Jewish Agency stated:

"At the head of the Arab Higher Committee of Palestine stands a man who, apart from other well-known aspects of his activity, was directly involved during the war in the nazi policy of the extermination of the European Jews."

Exception was taken to this statement by the spokesman of the Arab Higher Committee, who, at the 55th meeting of the First Committee on May 12 defended the position of the Grand Mufti on the ground that his attitude "represented a natural stand taken in self-defence" against the British policy of taking their country away from the Arabs and giving it to another people. He had been an enemy of British policy as had General Smuts in South Africa or George Washington in the United States.

By the representative for Poland to the Arab Higher Committee

Had there been any attempts at collaboration between the Jewish Agency and the Arab High Committee?

Reply of the Arab Higher Committee

The Jewish Agency was a body created under the Mandate to co-operate in the administration of Palestine and on certain questions affecting the establishment of a Jewish National Home. As the Arabs had not recognized the Mandate or the Balfour Declaration they could not co-operate with a body set up under the Mandate which aimed at the realization of Zionist aims in Palestine.

By the representative of India to the Jewish Agency

Dr. Silver had instanced a conciliatory statement made by an Arab leader in 1919—was there any reason why the Arabs were resisting immigration now?

Reply of the Jewish Agency

The uncompromising opposition now voiced by the Arabs to Jewish immigration did not invalidate the broader conception expressed in the Feisal-Weizmann agreement, which showed how Jewish and Arab aspirations might be harmonized within a wider framework. Sir Henry McMahon had stated that Palestine was not included in the promises made by him to the Arabs and this had been understood at the time by the late King Hussein. Transjordan, which was originally included in the Balfour Declaration, was today an Arab State.

By the representative of India to the Jewish Agency

Why were public servants of the Government of the United Kingdom who were doing their duty under extremely difficult circumstances being "picked off today by violence" ?

Reply of the Jewish Agency

Because the disastrous policy of the White Paper of 1939 was still in force. The Jewish Agency condemned this terrorism and was supported in that attitude by the large majority of the organized Jewish community.

By the representative of Guatemala to the Arab Higher Committee

Did the Arabs take sides in the tense political situation in Palestine?

Reply of the Arab Higher Committee

Arabs and Jews in Palestine had prior to the Balfour Declaration merged harmoniously in the Arab national structure of the country. This harmonious relationship had given way to armed conflicts as a result of the Balfour Declaration and the policy of the mandate connected with it, but could be restored when the Zionists relinquished their political ambitions in Palestine. This could be achieved by the establishment of an independent state of Palestine which would not facilitate the realization of political ambitions of an alien minority against the majority of the inhabitants. Arab opposition to Jewish immigration was not based on racial prejudices.

The Arabs were deeply concerned over the situation in Palestine and the resulting state of insecurity, lawlessness and damage to the economy of the country. The deterioration of the situation was due to lack of fairness and of determination on the part of the authorities in Palestine to stem it, contrary to their attitude during the Arab revolt from 1937 to 1939. The restraint shown by the Arabs could not be taken to mean indifference or be taken as a gauge of their future attitude.

By the representative of India to both organizations

Did the representatives of the two organizations recognize that there was a clear distinction between a Jewish National Home and a Jewish State? Did the representative of the Jewish Agency recognize that the statement made by

a representative of the British Labour Party referred to a Jewish National Home and not a Jewish State and did the representative of the Arab Higher Committee realize that a national Jewish home was not inconsistent with an independent and sovereign Arab Palestine State?

Reply of the Jewish Agency

The distinction recognized by the Jewish Agency between a Jewish State and a Jewish National Home was that the establishment of the Jewish National Home was a process the consummation of which was the setting up of a Jewish State. The remarks of Hugh Dalton showed that this point had been understood by those responsible for the 1944 statement on Palestine of the British Labour Party Executive. Unlike other mandates in Category "A," the Palestine Mandate contained no clause declaring that the object of the Mandate was to prepare the country for independence. Its primary purpose was the establishment of the Jewish National Home. The ultimate goal must be independence, but if its purpose was to be fulfilled and Jewish interests not sacrificed, then a Jewish State must come into being. A Jewish National Home could not fulfill its primary purpose of being open to Jews in need of it if it remained under non-Jewish sovereignty. An Arab minority in a Jewish State would be secure, if for no other reason than that it would be surrounded by Arab States, but a Jewish minority in an Arab State would have no security. To provide for the independence of Palestine without safeguarding the independence of the Jews as a people would be to take the problem out of its context and "load the dice heavily against the Jews."

Reply of the Arab Higher Committee

The Arab Higher Committee was not prepared to consider any solution based on the Balfour Declaration. The Arabs had expressed their opposition to this Declaration by all means at their disposal — e.g. their protests, strikes and uprisings in Palestine during the last 29 years.

A Jewish National Home was not inconsistent with a sovereign Arab Palestinian State. United Kingdom statements of policy of 1922 and 1938 and the interpretations of two Jewish writers — Mr. Sokoloff, the president of the Zionist Organization, in his history of Zionism, written in 1918, and Professor Norman Bentwich in "The Mandate System," published in 1924 — repudiated the idea that the Jewish National Home implied a Jewish State.

By the representative of Yugoslavia to the Arab Higher Committee

In the case of the formation of a sovereign State of Palestine what would be the relations between the various national groups and between the Arabs and Jews? Was there any plan worked out for the constitutional organization of the future sovereign State of Palestine?

Reply of the Arab Higher Committee

The constitutional organization of an independent and sovereign State of Palestine would be based on democratic lines in accordance with the principles and purposes of the United Nations Charter and would be similar to constitutional organizations in democratic countries.

By the representative of India to the Arab Higher Committee

Was it or was it not a fact that by 1915 it was well-known that the Dead Sea contained chemicals with a value of about \$5,000,000,000, and that by now the value of its chemicals and minerals was understood to be about \$3,000,000,000,000? Was it a fact that many people from outside were interested in these figures?

Reply of the Arab Higher Committee

A governmental commission of inquiry had in 1925 estimated the value of the mineral deposits of the Dead Sea at £240,000,000,000. The possibilities of the Dead Sea and the economic and political interests involved were outlined in a speech by Viscount Templeton in the House of Lords on March 20, 1929. He had said that the importance of the Dead Sea and the interest taken in it by a British group dated back to 1916.

By the representative of Colombia to both organizations

What were the views of the two organizations regarding the composition of the investigating committee?

Reply of the Jewish Agency

So far as the composition of the special committee was concerned the Jewish Agency would not differentiate between big and small powers or suggest the exclusion of any government because it had a policy on Palestine. Parties directly concerned should be excluded — for example, the United Kingdom Government, and the Arab States — unless it were agreed that the Committee should have one Arab and one Jewish member.

Reply of the Arab Higher Committee

In view of the statements made by representatives that there was an absence of neutrality, it was difficult to express any views concerning the composition of the proposed committee.

h. Other Organizations

At its 47th meeting on May 6 the First Committee referred to Sub-Committee 5, consisting of representatives of Colombia, Poland, Iran, Sweden and the United Kingdom, the question of whether organizations (other than the Jewish Agency for Palestine and the Arab Higher Committee) from which requests for hearings had been received represented a considerable element of the population of Palestine.

Sub-Committee 5 under the chairmanship of Mr. Hagglof (Sweden) held two meetings on May 7 and 9, and examined the requests from the following organizations: Agudas Israel World Organization; Political Action Committee for Palestine; Progressive Zionist District 95 of New York, Zionist Organization of America; Hebrew Committee of National Liberation; Committee for Freedom of North Africa; Palestine Communist Party Central Committee; Institute of Arab American Affairs; Young Egypt Party; League for Peace with Justice in Palestine; Union for the Protection of the Human Person; United Israel World Union, Inc.; Church of God, Faith of David, Inc.; Catholic Near East Welfare Association.

The Sub-Committee found that some of the requests originated with organizations established outside Palestine and that the other requests came from organizations which, although established in Palestine, did not, in the opinion of the Sub-Committee, represent a sufficiently considerable element of the population of that country. The Sub-Committee therefore decided unanimously to advise the First Committee not to grant a hearing to the organizations which had lodged applications, it being well understood, however, that this decision did not exclude the possibility of all these organizations being heard by the committee of investigation once it had been established. This report was adopted by the First Committee without discussion at its 52nd meeting on May 9.

A telegram was received by the Chairman of the First Committee and the Secretary-General on May 12 from the Agudas Israel World Organization protesting that the failure to hear their representatives was "undeserved discrimination against religious Jewish people contrary to the Charter of the United Nations."

6. CONSTITUTING AND INSTRUCTING THE SPECIAL COMMITTEE

a. Preliminary Discussion

The General Assembly at its 70th plenary meeting on May 1 referred to the First Committee the question of constituting and instructing a special committee, to prepare for the consideration of Palestine at the Assembly's next regular session.

The First Committee began a general discussion of this item at its 48th meeting on May 7. Two draft resolutions were presented to the Committee, one by the United States and one by Argentina.

The United States resolution provided for the establishment of a committee of inquiry consisting of representatives of Canada, Czechoslovakia, Iran, Netherlands, Peru, Sweden and Uruguay. The committee should be instructed

to assemble, analyze, and collate all pertinent data on the question; to receive testimony from interested Governments and from such non-governmental organizations and individuals as the committee in its discretion may deem appropriate; to study the various issues which are involved and to submit to the next regular session of the General Assembly such proposals for the solution of the problem of Palestine as it may determine to be useful for the effective consideration of the problem by the General Assembly.

The draft resolution also provided that the committee should sit wherever it thought desirable, should receive on request information from the Mandatory and other Members, and should have the necessary facilities, travel and subsistence expenses and finances.

The Argentine draft resolution stated that it was advisable that the committee be a small one, "provided that proportional geographical representation is ensured to the States Members according to their distribution throughout the five continents"; that the powers of the committee should be defined so that it might have all the authority which only the General Assembly could confer; that in view of their responsibility the five countries permanently represented on the Security Council should not be excluded; and that likewise the special interest of the five Arab States and of the Jews in Palestine should be considered. The investigating committee should consist of eleven members—China, France, U.S.S.R., United Kingdom, United States, one State chosen by lot from Egypt, Iraq, Lebanon, Saudi Arabia and Syria and five other States, chosen by lot as follows:

- one from the American Continent other than the United States;
- one from the Pacific: Australia, New Zealand, the Philippine Republic,
- one from the African Continent: Ethiopia, Liberia, the Union of South Africa, provided Egypt was not chosen by lot to represent the Arab States;
- one from Asia: Afghanistan, India, Iran, Siam and Turkey, if Egypt was chosen by lot to represent the Arab States.

The draft resolution provided that the committee should have "the widest powers both to record facts and to make recommendations." It was to hear the United Kingdom as the Mandatory and also one representative of the Arabs

resident in Palestine, one representative of the Jews resident in Palestine and one representative of the Jewish Agency.

A resolution was presented by El Salvador to the 50th meeting of the First Committee on May 8. It provided that the special committee should propose to the General Assembly the solution or solutions it thought "most convenient to ensure to Palestine the destiny which it deserves, in accordance with the aspirations of its People." The special committee was to consider the interests of the different groups in Palestine, including the Arabs and Jews, the interests of the Christian world in Palestine and of the Christian population there. The special committee was to bear in mind that the ultimate purpose of any plan for the future of Palestine should be "the freedom and independence of this nation at the most appropriate time."

In the general discussion the opinion was expressed that the special committee should have wide powers, that it should go where it thought necessary, hear all parties and take note of all possible solutions in making its recommendations.

As regards the composition of the special committee, two different views were expressed: (1) that the committee should be composed of "neutral" countries, and should not include the permanent members of the Security Council, and (2) that it should include the permanent members of the Security Council.

In favor of the first alternative it was urged that the special interests of the Great Powers meant that they would not be impartial and that their inclusion in the committee might result in political discussions which would delay its work, that the committee must not only be impartial but must also give the impression of being impartial. It was also felt that the United Kingdom as the Mandatory was an interested party and should not therefore sit on the committee, and that either all or none of the permanent members of the Security Council should be included.

On the other hand it was urged that the permanent members should be included because of their special responsibilities and that recommendations agreed to by them from the start would be more easily accepted and enforced.

The United States, United Kingdom and China stated that they were against the inclusion on the committee of the permanent members of the Security Council, but that if asked to serve they would do so.

The Polish representative suggested that the committee should be composed of eleven members as follows: the five permanent members of the Security Council, two representatives of the Latin American countries, one Arab country, one representative from Africa or Asia, one from Western Europe, and one from Eastern Europe. This was supported by the delegate for the U.S.S.R., who felt that the same factors taken into account when the Security Council was constituted should be taken into account in the constitution of the committee.

In the course of the debate it was decided to consider successively (1) the terms of reference, (2) the composition and (3) the administrative organization of the special committee.

b. Terms of Reference

At the conclusion of its 51st meeting on May 8, the First Committee appointed a Sub-Committee (Sub-Committee 6, consisting of representatives of Argentina, China, Australia, Czechoslovakia, Egypt, El Salvador, France, the U.S.S.R. and the United States) to combine into one text the proposals of Argentina, the United States and El Salvador.

The Sub-Committee held two meetings on May 8 and 9 and produced a working paper in the form of a draft resolution as follows:

Whereas the General Assembly of the United Nations has been called into special session for the purpose of constituting and instructing a special committee to prepare for the consideration at the next regular session of the Assembly of the future government of Palestine,

THE GENERAL ASSEMBLY RESOLVES:

1. that the special committee shall have the widest powers to ascertain and record facts;
2. that it shall receive testimony, by whatever means it considers appropriate in each case, from the mandatory power, from representatives of the population of Palestine, and from such other Governments, non-governmental organizations and individuals, as it may wish to consult;
3. that the committee shall bear in mind the principle that independence for the population of Palestine should be the ultimate purpose of any plan for the future of that country;
4. that it shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine;
5. that its report shall be communicated to the Secretary-General, if possible by 15 August 1947, but in any event not later than 1 September 1947, in order that it may be circulated to the Member States of the United Nations in time for consideration by the second regular session of the General Assembly;

6. that the special committee shall give most careful consideration to the interests of all the inhabitants of Palestine and also to the religious interests in Palestine of Islam, Jewry and Christendom.

The U.S.S.R. representative at the First Committee's 52nd meeting on May 9, presented an amendment to the Sub-Committee's draft resolution. This provided that the special committee should (1) study in detail the situation in Palestine "by carrying out investigation on the spot," (2) should assemble, analyze and collate all data relating to the question, receive verbal and written testimony from interested governments, and from non-governmental organizations and individuals "whom the committee will deem appropriate to grant a hearing," and "should study various other issues connected with the problem of Palestine"; (3) submit proposals on the solution of the problem of Palestine "including a proposal on the question of establishing without delay the independent State of Palestine."

In explaining his amendment, the U.S.S.R. representative said that it originally had been submitted to the Sub-Committee as an amendment to the United States resolution, and that his delegation had no objection in principle to the Sub-Committee's draft, but that it might be made more concrete by the insertion of the first paragraph of the Soviet proposal and by a reference to independence as a possible solution of the problem.

The Indian representative presented a resolution amalgamating the Sub-Committee's draft and the amendments proposed by the U.S.S.R. and on May 10, the Philippine, Iraq and Polish representatives presented further proposals.

The Philippine proposal was based on the working paper prepared by the Sub-Committee, the U.S.S.R. and Indian proposals and certain suggestions made by the Jewish Agency for Palestine and the Arab Higher Committee. It suggested the insertion in the preamble of a reference to the fact that the special session had been called "at the request of the Government of the United Kingdom." It provided that "the special committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine"; and that it should conduct investigations on the spot and receive written or oral testimony from the mandatory power, from representatives of the population of Palestine, and from such other governments,

nun-governmental organizations and individuals "as it may deem proper to grant a hearing." The texts concerning the independence of Palestine and the consideration of religious interests were left as in the working paper.

A new provision was included urging that the special committee should "consider what measures need to be taken to insure peace, justice and harmony among the people of Palestine preparatory to its emergence as an independent and democratic State."

The proposal presented by Iraq provided (1) that the special committee should "have the widest powers to ascertain and collect facts relevant to the future government of Palestine"; (2) that it should "examine the development of the situation in Palestine, in the light of the purposes and principles of the Charter, with a view to assessing rights and claims"; (3) that it should receive testimony from governments, non-governmental agencies and individuals "it deems fit to consult"; (4) that the committee "shall be guided by" the principle that the independence of Palestine was the primary purpose of any plan for its future government; and (5) that "the committee shall consider in its study on the future government of Palestine, the bearing of the situation in Palestine on international co-operation, peace and security in the Middle East."

The Polish amendment proposed that the committee should have the widest powers to ascertain and record facts and "study in detail the situation in Palestine by carrying out an investigation on the spot and elsewhere wherever necessary, including the displaced persons camps and Cyprus." Its proposals to the General Assembly on the solution of the problem were to include "a proposal on the question of establishing by the United Nations the independent, democratic state of Palestine." It was to give consideration not only to religious interests in Palestine, but also "to the rights of the Arab and the Jewish people in Palestine." Other delegates also suggested changes of wording to the working paper.

In the Committee's discussions certain differences of opinion were expressed on (1) whether the terms of reference should be broad and general or whether they should be defined; (2) whether the question of the displaced persons in Europe should be linked with the problem of Palestine or whether they constituted a separate problem; (3) whether "independence" should be mentioned as the primary purpose for the future government of Palestine, since the

term was capable of differing interpretations or whether independence was the only issue; (4) whether the committee should be mainly a fact-finding committee or whether its terms of reference should indicate concrete ends.

At the conclusion of its 53rd meeting on May 10, the Committee voted 32 in favor and 11 against to charge Sub-Committee 6, enlarged to include representatives of Iraq, the Philippines, India and Colombia, with drafting, if possible, a unanimous text on the terms of reference of the special committee, or, if agreement should prove impossible, with proposing alternative texts.

The Sub-Committee met on May 10 and drafted a text, which was submitted to the First Committee at its 54th meeting on May 12. Alternative texts were submitted on the paragraphs referring to the future of Palestine, and the interests of the inhabitants of Palestine and the religious interests in Palestine of Islam, Judaism and Christianity. The text submitted by the Sub-Committee was as follows:

WHEREAS the General Assembly of the United Nations has been called into special session in pursuance of the request of the Government of the United Kingdom for the purpose of constituting and instructing a special committee to prepare for the consideration at the next regular session of the Assembly of the future government of Palestine,

THE GENERAL ASSEMBLY RESOLVES that:

1. A special committee be created for the above-mentioned purpose consisting of the representatives of
2. The special committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine.
3. The special committee shall determine its own procedure.
4. The special committee shall conduct investigations in Palestine, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments and from such organizations and individuals as it may deem necessary.

5A. The special committee shall bear in mind the principle that independence for the population of Palestine should be the purpose of any plan for the future of that country.¹

5B. The special committee shall be guided by the principle that the independence for the

¹ Where The Sub-Committee was unable to reach unanimity, alternative texts are included.

people of Palestine should be the purpose of any plan for the future of that country.

5C. The special committee shall bear in mind the principle that independence for the population of Palestine should be the ultimate purpose of any plan for the future of that country.

5D. The special committee shall be guided by future of that country, the principle that the independence of Palestine should be the purpose of any plan for the

6A. The special committee shall give most careful consideration to the interests of all the inhabitants of Palestine and also to the religious interests in Palestine of Islam, Judaism and Christianity.

6B. The special committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity.

(The majority of the members of the Sub-Committee were in favor of omission of both texts of Paragraph 6).

7. The special committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine.

(The Representative of the Union of Soviet Socialist Republics and the Representative of India proposed the addition to the above of the following words):

"including a proposal on the question of establishing without delay the independent democratic state of Palestine"

8. The special committee's report shall be communicated to the Secretary-General if possible by 15 August 1947, but in any event not later than 1 September 1947, in order that it may be circulated to the Member States of the United Nations in time for consideration by the second regular session of the General Assembly.

The draft resolution was criticized by certain representatives on the one hand because it contained no definite recommendation on the realization of independence for Palestine as soon as possible, and no recommendation that the committee should act in accordance with the terms of the Charter and that the terms of the debate had linked the question with the displaced persons camps, thereby prejudicing the issue. On the other hand, it was criticized on the ground that it did not mention specifically the displaced persons camps or provide adequately for the main purpose of seeing how the immigration of the Jews and the freedom of the Arabs from foreign interests could be reconciled.

The Polish representative suggested that the special committee should consider the following

questions: how the terms of the Mandate had not been fulfilled; how the immigration of the Jews and the national aspirations of the Arabs (e.g. freedom from the protectorate of great powers and subservience to foreign oil interests) could be reconciled; the way and time when a free democratic State in Palestine, guaranteeing equal political, national, cultural and linguistic rights to both nations could be introduced. The committee should also investigate alternative solutions, such as the formation of a separate Arab and a separate Jewish State in Palestine; it should examine the credentials of various political groups, especially the political role of former nazi collaborators; and the position of Jews in displaced persons camps, recommending the transfer to Palestine as soon as possible of those who wanted to go; that it should examine the possibility of economic activity by the United Nations and specialized agencies and particular States to raise the standard of living of the non-Jewish population; that it should examine the protection of religious interests in the various Holy Places.

The Syrian representative in criticizing the suggested terms of reference of the special committee outlined the maximum Arab concessions, as put forward at conferences between the United Kingdom Government and the States of the Arab League from September 9 to October 2, 1946, and from January 23 to February 14, 1947.

These concessions included:

Creation of a provisional executive council to be composed of Arabs and Jews, and presided over by the British representative;

summoning by free election in which all citizens of Palestine, without discrimination as to nationality, creed, or faith, would participate, of a constituent assembly to promulgate an organic, democratic constitution guaranteeing:

the unity of the State with the elected legislature;

the sanctity of the Holy Places with freedom of access and worship;

religious courts for matters of personal status;

rights of citizenship;

the right to employ the Hebrew language as a second official language in areas where speakers of that language form an absolute majority;

communal parliamentary representation in proportion to the number of citizens;

further immigration to be prohibited until the independent Government of Palestine provides otherwise;

supervision by the United Nations over the status of the Holy places and shrines;

after the election and convocation of parliament, the elected head of the State to assume power under the constitution, thereupon terminating the Mandate, and declaring Palestine a completely independent State.

It had been contemplated, the Syrian representative said, that these steps would take a maximum of two years.

The representative of Iraq and Lebanon associated themselves with the statement of the Syrian representative, and with his criticisms of the terms of reference of the special committee.

At its 55th meeting on May 12, the First Committee began a clause-by-clause consideration of the text proposed by Sub-Committee 6.

The Chilean representative introduced an amendment to the Preamble to refer to "the question of Palestine" instead of to "the future government of Palestine," on the ground that the problem of Palestine was wider in scope than the mere taking of a decision on its future government.

The amendment was carried by 36 votes in favor, 10 against and 6 abstentions.

At the suggestion of the United Kingdom representative it was therefore decided to omit "in pursuance of the request of the Government of the United Kingdom" because the United Kingdom request had referred to the "future government of Palestine."

A Polish amendment to Paragraph 2, providing that the special committee should investigate on the spot "and elsewhere, wherever necessary, including the displaced persons camps" was defeated by 10 votes in favor, 33 against and 6 abstentions.

Paragraph 3 was adopted unanimously.

An amendment to paragraph 4 was introduced by Panama and Guatemala to insert "wherever it may deem convenient" after "the special committee shall conduct its investigation in Palestine," on the grounds that the committee would require to take testimony from the Mandatory, and see for itself what proportion of the Jews in the displaced persons camps wanted to go to Palestine.

This amendment, as altered in accordance with a suggestion by the Australian representative to read "wherever it may deem useful," was adopted by 36 votes in favor, 8 against and 4 abstentions. The paragraph as amended was adopted by 43 votes in favor, 8 against and 1 abstention.

The United States representative proposed another alternative to paragraph 5: "The spe-

cial committee, in studying the future governance of Palestine, shall give full consideration to guarantees of the rights necessary to the peace and independence of its peoples," on the ground that this avoided prejudgment of the question and made it clear that the special committee's business was to study and report upon the subject.

Certain representatives declared that they could not understand the paragraph and that it would be difficult for the special committee to interpret. The U.S.S.R. representative suggested an amendment to the new paragraph:

The special committee in studying the problem of Palestine shall give full consideration to guarantees of the rights of its people necessary to the peace and independence of that country-

A proposal of the French representative to delete paragraph 5 on the ground that it did not add anything to the special committee's instructions and would be difficult to apply was adopted by a vote of 29 in favor, 10 against, with 14 abstentions.

The Australian representative proposed the deletion of paragraph 6 since it also added nothing to the instructions of the special committee, which would have to take into account religious interests as well as other interests and would also have to consider the interests of the population of Palestine, and since it was logical, if paragraph 5 was omitted, to omit paragraph 6. The proposal was negatived, with 19 votes in favor, 25 against and 7 abstentions.

Paragraph 6B of the Sub-Committee's proposed text was then adopted by 27 votes in favor, 9 against and 18 abstentions.

The U.S.S.R. and Indian representatives proposed to add to paragraph 7 that the special committee's recommendations should include "a proposal on the question of establishing without delay the independent democratic State of Palestine" on the ground that if religious interests were specified political interests should also be specifically mentioned.

The proposal was lost by 15 votes in favor, 26 against, and 12 abstentions.

A Polish amendment to insert "including a proposal on the establishing by the United Nations of the independent democratic State of Palestine," was lost by 10 votes in favor, 25 against and 18 abstentions.

The original paragraph proposed by the Sub-Committee was adopted by 44 votes in favor and 7 against.

Paragraph 8, after slight amendments, was adopted by 45 votes in favor, with 6 abstentions.

c. Composition of the Committee

The First Committee at its 56th meeting on May 13 resumed consideration of the discussion of the composition of the special committee on the basis of the draft resolutions proposed by Argentina and the United States on May 7.

The Argentine representative withdrew his draft resolution, on the ground that the spokesman for the Jewish Agency had opposed the inclusion of the United Kingdom, as an interested party, on the special committee, and that all five permanent members of the Security Council should be included or none of them.

New proposals were submitted by the representatives of Poland, the U.S.S.R., Australia and Venezuela. An amendment to the United States draft resolution was submitted by the representative of Chile.

The Polish proposal was that the special committee should be composed of eleven members, as follows: the five permanent members of the Security Council, two countries from Latin America, one country from the Arab States, one country from Africa, one country from Asia, one country from Eastern Europe.

The U.S.S.R. proposal was that the special committee should consist of those Member States which were on the Security Council. The U.S.S.R. proposed as an alternative that the Committee should include the permanent members of the Security Council, one State representing Western Europe, one State representing Eastern Europe, two States representing Latin America, one Arab State, one State representing the Far East and Africa.

The Australian proposal was that the special committee should consist of eleven members, not including the permanent members of the Security Council.

A Venezuelan proposal urged insertion of a sentence providing that the countries elected to the special committee "shall elect persons of high moral character and of recognized competence in international law and international affairs with the understanding that these persons shall act impartially and conscientiously, bearing in mind the purposes and principles of the Charter of the United Nations."

Objections were raised by certain representatives that if this paragraph were formally included in the resolution it might be taken to indicate a doubt as to whether countries would name competent and impartial representatives, and the Chairman suggested that a paragraph be inserted in the report associating the Com-

mittee with the views expressed by the Venezuelan representative. The Venezuelan delegate therefore withdrew his proposal. The reference to "competence in international law" was not included in the report as certain representatives considered this qualification too specialized.

The Chilean amendment proposed to add to the list of States mentioned in the United States draft resolution: Guatemala and Yugoslavia.

The debate in the Committee centered on (1) whether the permanent members should be included or not, (2) what was an equitable geographical representation.

Certain representatives urged the importance of aiding the special committee's work by establishing it by a substantial majority. In an effort to achieve a compromise on the question of the inclusion of the permanent members of the Security Council, the Norwegian representative suggested the appointment of a commission containing representatives of the permanent members, and from the commission a working committee to be composed of members with no direct interest in Palestine should be chosen. The working committee should report to the commission on September 1, and the commission's report should be made to the regular session of the Assembly. The Chairman pointed out, however, that the First Committee was bound by the terms of reference it had already adopted, which provided for completion of the report to the General Assembly by September 1. The Norwegian representative withdrew the proposal as it had not received the support of the committee.

The Committee voted on the proposals as follows:

The two U.S.S.R. proposals each received 6 votes in favor, 26 against, and 21 abstentions, and were therefore lost;

The Polish proposal received 7 votes in favor, 26 against, and 20 abstentions, and was therefore lost;

The Australian proposal received 13 votes in favor, 11 against and 29 abstentions, and was accepted. It provided that the special committee should consist of eleven Members, excluding the permanent members of the Security Council.

The Committee then elected by 35 votes in favor, 4 against and 13 abstentions the States proposed in the United States draft resolution and the Chilean amendment. It was decided that the two remaining members of the committee

should be elected on a geographical basis to represent the South Pacific and Asia. Australia was elected from the South Pacific, receiving 21 votes against 20 received by the Philippines. India was elected from Asia, receiving 34 votes against 7 received by Siam.

The composition of the special committee as a whole, consisting of representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, the Netherlands, Peru, Sweden, Uruguay and Yugoslavia, was approved by 39 votes in favor, 3 against with 10 abstentions.

d. Administrative Organization

The Committee then considered the administrative organization of the special committee on the basis of three final paragraphs of the draft resolutions submitted by the United States on May 7. These read:

THE GENERAL ASSEMBLY

Requests the Secretary-General to enter into suitable arrangements with the proper authorities of any State in whose territory the committee may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the committee.

Authorizes the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each Government represented on the committee on such basis and in such form as he may determine most appropriate in the circumstances.

Authorizes the Secretary-General to advance from the Working Capital Fund such funds as may be required to finance the expenses of the committee without regard to existing limitations on such advances.

The last paragraph was withdrawn as unnecessary since funds were already provided for from the Working Capital Fund. The other two paragraphs were adopted without objection.

e. Final Resolution

The resolution adopted by the First Committee was as follows:

The First Committee recommends to the General Assembly the adoption of the following resolution:

WHEREAS the General Assembly of the United Nations has been called into special session for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next regular session of the Assembly a report on the question of Palestine,

THE GENERAL ASSEMBLY RESOLVES that:

1. A Special Committee be created for the above-mentioned purpose consisting of the representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia;

2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine;

3. The Special Committee shall determine its own procedure;

4. The Special Committee shall conduct investigations in Palestine and wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments and from such organizations and individuals as it may deem necessary;

5. The Special Committee shall give most-careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity;

6. The Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine;

7. The Special Committee's report shall be communicated to the Secretary-General not later than 1 September 1947, in order that it may be circulated to the Members of the United Nations in time for consideration by the second regular session of the General Assembly;

THE GENERAL ASSEMBLY

8. REQUESTS the Secretary-General to enter into suitable arrangements with the proper authorities of any State in whose territory the Special Committee may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Special Committee;

9. AUTHORIZES the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each Government represented on the Special Committee on such basis and in such form as he may determine most appropriate in the circumstances.

In the course of the discussion the Iranian representative had suggested that the representatives of the governments which were elected to the special committee should make a statement to the effect that their government would give them no instructions and wide discretionary powers so that they could investigate according to their conscience and in conformity with the purpose and principles of the Charter. After the resolution had been adopted the Iranian representative made a statement on behalf

of his Government to the effect that it would give complete freedom to its representative on the special committee.

f. Reservations

The representative of Lebanon requested that the following statement be inserted in the Report:

.... I have to say a word in explanation of my voting. I shall abstain from voting because I do not want to commit myself in any way regarding this document. This non-committal and abstention, far from meaning unconcern, actually signifies the deepest concern. The ground of this concern is the fact that not only has any mention of independence for Palestine been severely suppressed from the terms of reference, but also the basis on which this extraordinary session of the General Assembly was convened in the first place has insensibly shifted, during the last two weeks, from preparing for advising the United Kingdom Government on the future government of Palestine to preparing for the consideration of the so-called problem of Palestine in general, a phrase which by its very generality may mean anything and, therefore, is really unacceptable.

If for no other reason than this essential, and I might also add dangerous, indefiniteness which permeates this entire document, I for my part am wholly unable to subscribe to it one way or the other. Therefore, I respectfully reserve the position of my Government regarding every future occasion.

The representative of Syria made a statement reserving the position of his Government and declaring his intention of voting against the resolution as adopted by the committee, on the ground that a definite proposal for the independence of Palestine was deleted by a great majority of the committee and that another proposal that a solution should be based on the provisions of the Charter of the United Nations and the Covenant of the League of Nations had been overlooked.

The representative of Iraq associated himself with the statement by the Syrian representative and the representative of Egypt with that of the Lebanese representative. The representative of Saudi Arabia endorsed both statements.

g. Final Plenary Meetings

The Report of the First Committee was considered by the General Assembly at its 77th, 78th and 79th plenary meetings on May 14 and 15.

The Arab States protested against the suggested terms of reference of the special committee on the grounds that they contained no mention of the independence of Palestine, or the principles of the Charter; that the "future government" of Palestine had been replaced by

the vague term "problem" of Palestine; that the clause relating to the consideration of the interests of all the inhabitants of Palestine had been omitted; that the mandate to the special committee to conduct investigations wherever it deemed useful had been expressly intended to enable the committee to visit the displaced persons camps and bring about a connection between the two problems; that the proposed terms of reference would not make for peace in the Middle East. They reserved the attitude of their Governments on the question.

The Egyptian representative made a statement for the record, saying that he would have to vote against the First Committee's report, and reserving the attitude of his Government, for the following reasons:

1. The decisions of the First Committee were not in line with the legal and political remedies his delegation believed necessary for a just and lasting solution of the Palestine problem.

2. The reference to the independence of Palestine had been removed, and the First Committee was not within its rights in deleting the reference to "the future government of Palestine" and substituting for it a reference to "the question of Palestine."

Various representatives pointed out that the special committee would be bound to take account of the statements and declarations made in the discussions in addition to its terms of reference. No decision of substance had been taken, and the terms of reference were not intended to prejudge the issue.

The U.S.S.R. representative, emphasizing that the discussion of the acute political problem of Palestine had placed on the United Nations the responsibility for a solution, thought that the special committee should study the factual situation in Palestine, which would show that the Mandate had not justified itself. He stated that the task of the committee was to reconcile the lawful interests of Arabs and Jews in Palestine, if possible by the creation of a single Arab-Jewish State with equal rights for Arabs and Jews, and, if not, by two separate States, one Arab and one Jewish.

The Polish representative submitted again the Polish proposal that the special committee should have eleven members, including the permanent members of the Security Council.

The Assembly voted first on paragraph 1 of the resolution giving the membership of the special committee. This was carried by 40 votes in favor, with 13 abstentions and none against.

The Preamble and the rest of the resolution was then voted on and carried by 45 votes in favor, and 7 against.

The resolution as a whole was then adopted by 45 votes in favor and 7 against.

7. APPEAL FOR PEACE IN PALESTINE

Certain representatives, including the Indian representative on April 30 and the New Zealand representative on May 3, appealed for peace in Palestine while the question was being considered by the Special Committee.

At the General Assembly's 78th session on May 14 the Norwegian representatives moved the following resolution:

The General Assembly calls upon all Governments and peoples to refrain, pending action by the General Assembly on the report of the special committee on Palestine, from the threat or use of force or any other action which might create an atmosphere prejudicial to an early settlement of the question of Palestine.

This was endorsed by other representatives, and, on the suggestion of El Salvador, the Norwegian representative agreed to insert after "calls upon all Governments and peoples" "and particularly upon the inhabitants of Palestine." The resolution was adopted by the General Assembly, with no votes against.

8. OTHER QUESTIONS

a. Welcome to Siam

At the 68th meeting of the General Assembly on April 28, Siam was formally welcomed as a member to the General Assembly. The General Assembly at its previous plenary meeting on December 15, 1946, had voted to admit Siam to the United Nations, and its instrument of adherence to the Charter had been presented on the following day.

The Indian, Chinese, and Danish representatives made speeches, referring to the ties of their countries with Siam and welcoming its admission to the United Nations. The representative of Siam in his speech referred to the love of peace, freedom and tolerance, democratic regime and tradition of international co-operation of his country.

6. Address by President of Mexico

At its 72nd meeting on May 3, the General Assembly was addressed by Miguel Aleman, the President of the Republic of Mexico. President Aleman stated that only the fulfillment of obligations within a program of international co-operation would bring durable peace. He expressed the hope that the peace treaties would soon be completed. International co-operation

must be "founded on a scrupulous observance of the rights of States." It was the obligation of the United Nations to strengthen the foundations of a universal community through the spread of education, the development of international trade on a basis satisfactory to all nations and the raising of the standard of living. The obstacles encountered showed that the structure of the new world must be built on complete knowledge of the problems involved, and on a full agreement concerning measures for their solution. President Aleman stressed the value of regional arrangements, and the contribution in this field of the American Republics.

9. SPECIAL COMMITTEE ON PALESTINE

The Special Committee on Palestine held its first meeting on May 26, 1947, at Lake Success, New York.

The membership of the Committee was as follows:

- Australia — John D. L. Hood
- Canada — I. C. Rand
- Czechoslovakia—Karel Lisicky
- Guatemala —Jorge García Granados
- India — Sir Abdur Rahman
- Iran — Nasrollah. Entezam
- Netherlands — N. S. Blom
- Peru — Alberto Ulloa
- Sweden — Emil Sandstrom
- Uruguay — Enrique Rodríguez Fabregat
- Yugoslavia — Vladimir Simic

On May 29 the Secretary-General sent a circular letter to Members of the United Nations transmitting a copy of a letter from the Permanent Representative of the United Kingdom to the United Nations. The United Kingdom letter asked that Member States should do all in their power to discourage illegal immigration into Palestine while the issue remained sub judice. The Secretary-General expressed the hope that consideration would be given to the letter in the light of the resolution adopted by the General Assembly.

At its second meeting on June 2 the Committee elected Chief Justice Emil Sandstrom, of Sweden, as Chairman, and Dr. Alberto Ulloa, of Peru, as Vice-Chairman.

It approved unanimously a letter to be sent to those organizations which had applied to be heard before the Special Session of the General Assembly inviting them to submit written statements to the Committee on or before June 6. (On June 6 the Committee decided against the hearing of any organization during the Committee's work in New York). On June 3 the Committee approved an official communique

containing a notification of its arrival in Palestine and announcing the holding of hearings. The communique requested that organizations and individuals who wished to do so should submit written statements as soon as possible and that those qualified persons who wished to be heard orally should apply in writing for a hearing. The Committee later decided that July 5 should be the deadline for the receipt of written statements and requests for oral hearings.

At its second and third meeting on June 2 and 3 the Special Committee adopted provisional rules for procedure, including a provision for the appointment of liaison officers to the Committee by the Mandatory Power, the Arab Higher Committee and the Jewish Agency for Palestine.

The Government of Palestine appointed D. C. MacGillivray as liaison officer and H. C. Dodds to assist on administrative matters.

The Jewish Agency appointed Aubrey S. Eban and David Horowitz as liaison officers. The Arab Higher Committee, however, in reply to the communication from the Secretary-General of the United Nations informing them that they had the right to appoint a liaison officer, cabled as follows:

Arab Higher Committee Palestine desire convey to United Nations that after thoroughly studying the deliberations and circumstances under which the Palestine fact finding committee was formed and the discussion leading to terms of reference, they resolved that Palestine Arabs should abstain from collaboration and desist from appearing before said committee for following main reasons. Firstly, United Nations refusal adopt natural course of inserting termination mandate and declaration independence in agenda Special United Nations Session and in terms of reference. Secondly, failure detach Jewish world refugees from Palestine problem. Thirdly, replacing interests Palestine inhabitants by insertion world religious interests although these are not subject of contention. Furthermore Palestine Arabs natural rights are self-evident and cannot continue to be subject to investigation but deserve to be recognized on the basis of principles of United Nations Charter.

The first group of members of the Special Committee left for Palestine on June 10.

Following the program on which it had decided, the Committee first heard representatives of the Government of Palestine and of the Jewish Agency (the Arab Higher Committee having decided to abstain from collaboration) and then proceeded to tour the country.

ANNEX I.

DELEGATIONS TO THE GENERAL ASSEMBLY¹

A. FIRST PART OF THE FIRST SESSION		
Argentina	Representatives	Lucio Manuel Moreno Quintana Felipe A. Espil Pablo Santos Munoz
	Alternates	Adolfo Scilingo Ricardo J. Siri
Australia	Representatives	N. J. O. Makin J. A. Beasley Lt.-Col. W. R. Hodgson
	Alternates	Alan Watt K. H. Bailey E. R. Walker Paul Hasluck A. H. Tange
Belgium	Representatives	P. H. Spaak Ch. de Visscher H. A. Rolin F. van Langenhove G. Kaeckenbeeck
	Alternates	P. Orts M. Bourquin F. Dehousse
Bolivia	Representatives	Carlos Salamanca Eduardo del Portillo
	Alternates and Advisers	Juan Peñaranda Minchin Carlos Romero
Brazil	Representatives	L. M. de Souza Dantas J. J. Moniz de Aragão C. de Freitas-Valle V. Leitão da Cunha
Byelorussian Soviet Socialist Republic	Representatives	Kuzma V. Kiselev Mrs. Evdokia I. Uralova Aleksy F. Kulikov Frol P. Shmigov Vassily P. Smoliar

The Charter of the United Nations provides that no Member may have more than five representatives in the General Assembly. Replacements for those delegates who served only a short time account for the fact that in some instances more than five delegates for a Member State are listed in this Annex.

The General Assembly

305

Canada		Ecuador	
Representatives	L. S. St. Laurent J. G. Gardiner Paul Martin Vincent Massey	Representatives:	Humberto Albornoz Homero Viteri Lafronte Antonio Parra Velasco Alberto Puig-Arosemena
Alternates	H. H. Wrong J. E. Read L. D. Wilgress Pierre Dupuy Gordon Graydon S. H. Knowles	Egypt	
		Representatives	Abdel Hamid Badawi Pasha Abdel Fattah Amr Pasha Mamdouh Riaz Ahmed Saroit Bey Mohammed Awad
Chile		Alternates	
Representatives	Manuel Bianchi Germán Vergara Enrique Gajardo Gonzalo Montt	El Salvador	
Alternate	León Subercaseauz	Representatives	J. Gustavo Guerrero Rodolfo Barón Castro Samuel Jorge Dawson
China		Alternate	
Representatives	Wang Shih-chieh V. K. Wellington Koo Foo Ping-sheung Tsien Tai	Ethiopia	
Alternates	P. C. Chang Victor Chi-tsai Hoo Wunsz King Lone Liang	Representatives	Aklilou Abte-Wold Blatta Ephrem T. Medhen Tafarra Worq Zaudie G. Heywot
Colombia		France	
Representatives	Darío Echandía Carlos Lleras Restrepo Eduardo Zuleta Angel	Representatives	Georges Bidault Marius Moutet Francois Billoux Joseph Paul-Boncour René Massigli René Cassin Léon Jouhaux Mrs. P. Lefauchex Gaston Monnerville
Alternates		Alternates	
Costa Rica		Greece	
Representative	Fernando Soto Harrison	Representatives	John Sofianopoulos Constantine Rendis Thanassis Aghnides Kyriakos Varvaessos Demetrius Caclamanos George Exintaris Jerome Pintos Dimitri Lambros Dimitri Tsaoussis Dimitri Arghyropoulos John Siropoulos
Cuba		Alternates	
Representatives	Guillermo Belt Guillermo de Blanck Ernesto Dihigo Guy Pérez Cisneros Luis Marino Perez	Guatemala	
Deputy Representative and Adviser	Felipe Pazos	Representatives	Enrique Muñoz-Meany General Miguel Ydígoras-Fuentes Jorge Luis Arriola
Czechoslovakia		Haiti	
Representatives	Jan Masaryk Hubert Ripka Josef Soltesz Jan Belehrádek Ivo Ducháček Jan Lichner Ivan Kerno Charles Lisicky Jaromir Spacek Ladislav Radimsky	Representative	Léon Laleau
Alternates		Honduras	
Denmark		Representative	Tiburcio Carias, Jr.
Representatives	Gustav Rasmussen Hartvig Frisch Per Federspiel Ole Bjorn Kraft Hermod Lannung	India	
Alternates	Count Eduard Reventlow Ib Norlund William Borberg	Representatives	Sir Ramaswami Mudaliar Sir Samuel Runganadhan Sir V. T. Krishnamachari
Dominican Republic		Iran	
Representatives	Temístocles Messina Andrés Pastoriza Francisco A. Gonzalvo Federico C. Alvarez Miss Minerva Bernardino	Representatives	Hassan Taqizadeh Mostafa Adl Bagher Kazemi Nasrollah Entezam Ali Soheiny Jalal Abdoh Fazlollah Nabil Abolhassan Hakimi Colonel Assadollah Bayendor
		Alternates	

Iraq		Paraguay	
Representative	Ali Jawdat al-Ayubi	Representative	General Andrés Aguilera
Alternatives	Shaker el-Wadi	Peru	
Lebanon		Representatives	Alberto Ulloa
Representatives	Hamid Bey Frangié		Ricardo Rivera Schreiber
	Riad Bey El-Solh		Hector Boza
	Yessef Bey Salem		Alberto Area Parró
	Camille Chamoun	Alternates	Gonzalo N. de Aramburu
Alternates	Victor Khouri		Jorge Vásquez
	Nadim Dimechkié		Fernando Berckemeyer
			Luis Alvarado
Liberia		Philippine Commonwealth	
Representatives	Gabriel L. Dennis	Representatives	Pedro López
	Baron R. A. de Lynden		Tomás L. Cabili
	Wilmot A. David		Manuel V. Gallego
Luxembourg		Poland	
Representatives	Joseph Bech	Representatives	Wincenty Rzymowski
	André Clasen		Władysław Kiernik
	Albert Wehrer		Wacław Barcikowski
	Alphonse Als		Jan Stanczyk
	Jean-Pierre Kremer	Alternates	Zygmunt Modzelewski
Mexico			Henryk Strasburger
Representatives	Alfonso de Rosenzweig Díaz		Stanisław Osiecki
	Roberto Córdova		Wacław Konderski
	Luis Padilla Nervo		Jerzy Michałowski
	Federico Jiménez O'Farril		Józef Winiewicz
	Gustavo Martínez Cabañas		Włodzimierz Moderow
Netherlands		Saudi Arabia	
Representatives	W. Schermerhorn	Representatives	H. R. H. the Amir Faisal ibn Abdul Aziz
	E. N. van Kleffens		Sheikh Hafiz Wahba
	J. H. van Roijen	Syria	
Jonkheer E. F. M. J. Michiels van Verduynen		Representatives	Faris el-Khoury
			Najeeb Al-Armanazi
			Nazem Al-Koudsi
Alternates	A. Th. Lamping		F. Zeineddine
	Baron F. M. van Asbeck	Turkey	
	J. Tinbergen	Representatives	Hasan Saka
Chevalier J. B. de van der Schueren			Saffet Arıkan
	Mrs. H. Verwey		Emin Ali Sipahi
New Zealand			Sevket Fuad Keçeci
Representatives	Peter Fraser	Alternates	Cevat Acıkalın
	R. M. Campbell		Nizamettin Ayaslı
	A. D. McIntosh		Nedim Veysel Ilkin
	J. V. Wilson	Ukrainian Soviet Socialist Republic	
	Miss Jean R. McKenzie	Representatives	Dmitro Z. Manuilsky
Nicaragua			Mikola P. Bajan
Representative	Eduardo Aviles Ramirez		Mikola I. Petrovsky
Norway			Olexa D. Voïna
Representatives	Trygve Lie		Vasil A. Tarasenko
	Erik Andreas Colban	Union of South Africa	
	Carl J. Hambro	Representatives	G. Heaton Nicholls
	Terje Wold		H. T. Andrews
	Jacob S. Worm-Müller		L. Egeland
	J. Strand Johansen	Alternates	A. H. H. Mertsch
Alternates	Finn Moe		R. Jones
	Finn Dahl		D. B. Sole
	Konrad Nordahl	Union of Soviet Socialist Republics	
	Mrs. Frieda Dalen	Representatives	Andrei Y. Vyshinsky
	H. C. Berg		Andrei A. Gromyko
Panama			Feodor T. Gousev
Representatives	Roberto Jiménez		Anatolii I. Lavrentiev
	Demetrio A. Porras		Vasilii V. Kuznetsov

The General Assembly

307

United Kingdom		Alternates	C. V. Kellway
Representatives	C. R. Attlee Ernest Bevin P. J. Noel-Baker Miss Ellen Wilkinson Sir Hartley Shawcross	Major-General	J. A. Chapman W. D. Forsyth J. Brack A. Wynes
Alternates	Glenvil Hall Hector McNeil A. Henderson A. Creech-Jones Major Kenneth Younger	Belgium	Representatives
United States		Alternates	Walter Loridan Joseph Nisot Roland Lebeau G. Daufresne de la Chevalerie
Representatives	James F. Byrnes Edward R. Stettinius, Jr. Tom Connally Arthur H. Vandenberg Mrs. Franklin D. Roosevelt	Bolivia	Representatives
Alternates	Sol Bloom Charles A. Eaton Frank Walker John Foster Dulles John G. Townsend, Jr.	Representatives	Adolfo Costa du Rels Ernesto Sanjines Humberto Palza Raul Diez de Medina
Uruguay		Brazil	Representatives
Representatives	Roberto E. MacEachen Antonio Gustavo Fusco Hector Payssé Reyes Benjamin Fernandez y Medina	Representatives	P. Leão Velloso Carlos Martins João Carlos Muniz Antonio Camillo de Oliveira Gilberto Amado
Advisers and Alternates	Eduardo D. de Arteaga Gustavo A. Rey Alvarez Julio A. Lacarte Muró	Alternates	Henrique de Souza Gomes Enrico Penteadó Edgar de Mello Olyntho Machado
Venezuela		Byelorussian S.S.R.	Representatives
Representatives	Roberto Picon Lares Carlos Eduardo Stolk Eduardo Arroyo Lameda	Representatives	Kuzma V. Kiselev Alexey G. Bondar Frol P. Shmigov Vyatcheslav I. Formashev Grygory G. Novitsky
Yugoslavia		Canada	Representatives
Representatives	Edvard Kardelj Sava Kosanovic' Stanoje Simic' Ljubo Leontic' Stoyan Gavrilovic'	Representatives	Louis S. St. Laurent Paul Martin W. McL. Robertson John Bracken M. J. Coldwell J. T. Haig H. L. Keenleyside M. W. Mackenzie George J. McIlraith L. D. Wilgress
Alternates	Ales Bebler Milovan Zoricic' Andrija Stampar Vladimir Rybár Vladimir Dedijer	Alternates	
B. SECOND PART OF FIRST SESSION			
Afghanistan		Chile	Representatives
Representatives	A. Hosayn Aziz Said Tadjeddin	Representatives	Félix Nieto del Río German Vergara Donoso Enrique Gajardo Juan Pradenas Mrs. Amanda Labarca Hugo Miranda
Alternates	José Arce Enrique V. Corominas Rodolfo Munoz	Alternate	
Argentina		China	Representatives
Representative		Representatives	V. K. Wellington Koo Quo Tai-chi Liu Shih-shun P. C. Chang Liu Chieh C. J. Pao Shao-Hwa Tan Y. T. Tu C. L. Hsia
Alternates		Alternates	
Australia			
Representatives	N. J. O. Makin D. B. Copland K. H. Bailey A. S. Watt Paul Hasluck		

Colombia		El Salvador	
Representatives	Alfonso Lopez Roberto Urdaneta Arbeláez Jorge Soto del Corral Eduardo Zuleta Angel	Representatives	Jose Antonio Quiros Hector David Castro Ernesto A. Nuñez Carlos Leiva
Alternates	Eliseo Arango Emilio A. Toro Jesus Maria Yepes	Ethiopia	
Costa Rica		Representatives	Blatta Ephrem T. Medhen Ato Araya Abebe
Representatives	Francisco de Paula Gutiérrez Ricardo Fournier Fernando Madrigal Arturo Morales	Alternates	Ato Getahoun Tesemma Ato Seifou Yennessou
Cuba		France	
Representatives	Guillermo Belt Ernesto Dihigo Guy Perez Cisneros Francisco Aguirre	Representatives	Alexandre Parodi Léon Jouhau Paul-Emile Naggiar Couve de Murville
Czechoslovakia		Alternates	Hervé Alphan Maurice Dejean Jacques Fouques-Duparc Mrs. P. Lefauchaux Jacques Rueff
Representatives	Jan Masaryk Vladimir dementis Juraj Slavik Jan Papanek Joseph Hanc	Greece	
Alternates	Ivan Horvath Karel Lisicky Jaromir Spacek Ladislav Radimsky Jaroslav Halbhuber	Representatives	Constantine Tsaldaris Stefane Stephanopoulos Thanassis Aghnides Vassili Dendramis Panayotis Pipinelis
Denmark		Alternates	Cimon Diamantopoulos Constantine Sakellaropoulos Nicolas G. Lely Alexandre Argyropoulos Alexandre Kyrrou
Representatives	Gustav Rasmussen Hartvig Frisch Per Federspiel Ole B. Kraft	Guatemala	
Alternates	Hermod Lannung Henrik Kauffman Ib Noerlund Georg Cohn William Borberg Mrs. Bodil Begtrup	Representative	Eugenio Silva Pena
Dominican Republic		Alternates	Jorge Garcia Granados Jose Luis Mendoza Mario Monteforte Toledo
Representatives	Emilio Garcia Godoy Jesus Maria Troncoso Roberto Despadrel Temistocles Messina	Haiti	
Alternates	Miss Minerva Bernavdino Tulio M. Cestero Andres Pastoriza Joaquin Balaguer Ricardo Perez Alfonseca Carlos Sanchez y Sanchez	Representatives	Joseph Charles Emile Saint-Lot Hérard Roy
Ecuador		Honduras	
Representatives	Francisco Illescas Homero Viteri Lafronte Nefalí Ponce Manuel Navarro	Representative	Tiburcio Carias, Jr.
Egypt		Alternate	Jorge Fidel Duron
Representatives	Mohamed Hussein Haekel Pasha Abdel Razak A. El-Sanhoury Pasha Mahmoud Hassan Pasha	Iceland	
Alternates	Helmy Bahgat Badawi Bey Mahmoud Bey Fawzi Mohamed Amin Rostem Bey Abdel-Hakim El-Rifai Bey	Representatives	Thor Thors Finnur Jonsson Bjarni Benediktsson Olafur Johannesson
		India	
		Representatives	Mrs. Vijaya Lakshmi Pandit M. C. Chagla Rajah Sir Maharaj Singh Frank Anthony Nawab Ali Yawar Jung K. P. S. Menon R. M. Deshmukh V. K. Krishna Menon P. N. Saprú
		Iran	
		Representatives	Ahmad Ghavam Nasrollah Entezam Ghassam Ghani Fazollah Nabil
		Alternate	

The General Assembly

309

Iraq		Panama	
Representatives	Ali Jawdat al-Ayubi Abdulla Bakr	Representatives	Ricardo J. Alfaro Roberto Jiménez Jorge E. Boyd
Alternates	Abdalmajid Mahmud Mumtaz El-Umari	Alternates	Octavio Mendez Pereira Germán Gil Guardia Hernan Porras Arthuro de la Guardia
Lebanon		Paraguay	
Representatives	Camille Chamoun Charles Malik Victor Khoury G. Hakim	Representative	Cesar R. Acosta
Alternates	Edouard Ghorra Ramiz Shamma	Alternates	Colonel Manuel Gonzales Riquelme Captain Juan Paez
Liberia		Peru	
Representatives	C. Abayomi Cassell Frederick A. Price H. Lafayette Harmon	Representatives	Alberto Ulloa Juan Bautista de Lavalle Hector Boza Alberto Area Parró Raul Porras
Alternates		Alternates	
Luxembourg		Philippine Republic	
Representatives	Joseph Bech Hugues Le Gallais Albert Calmes Pierre Elvinger	Representatives	General Carlos P. Romulo Mariano J. Cuenco Pedro C. Hernaez Raul T. Leuterio Lorenzo Sumulong
Alternates		Alternates	Leonides S. Virata Major Salvador P. Lopez Colonel Amado N. Bautista Judge José D. Ingles
Mexico		Poland	
Representatives	Francisco Catillo Nájera Luis Padilla Nervo Fernando Casas Aleman Rafael de la Colina Gustavo Martinez Cabañas	Representatives	Wincenty Rzymowski Oscar Lange Hilary Minc Jozef Putek Jozef Winiewicz
Alternates		Alternates	Jozef Olszewski Ludwik Grosfeld Waclaw Konderski Janusz Zoltowski Ignacy Zlotowski
Netherlands		Saudi Arabia	
Representatives	Baron C. G. W. H. van Boetzelaer van Oosterhout E. N. van Kleffens J. H. van Roijen M. P. L. Steenberghe J. A. W. Burger	Representatives	H.R.H. Amir Faisal al Saud Hafiz Wahba Asad al-Faqih
Alternates	Father L. J. C. Beaufort W. C. Beucker Andreae N. S. Blom Miss G. H. van der Molen E. M. J. S. Sassen	Alternates	Abdul Monim Raid Bey Ibrahim Sulaiman Ali A. Alireza Ahmed A. Jabbar
New Zealand		Sweden	
Representatives	Sir C. A. Berendsen David Wilson J. V. Wilson	Representatives	Oesten Unden Axel Gjoeres Herman Eriksson
Alternates	Mrs. A. F. R. McIntosh T. O. W. Brebner C. G. R. McKay G. R. Laking	Alternates	
Nicaragua		Syria	
Representatives	Mariano Argüello-Vargas Guillermo Sevilla-Sacasa Octavio Salinas	Representatives	Faris el-Khouri Costi K. Zurayk Rafik Asha
Alternates		Alternate	
Norway		Turkey	
Representatives	Halvard M. Lange Wilhelm Munthe Morgenstierne Carl J. Hambro Terje Wold Finn Moe	Representatives	Huseyin Ragip Baydur Muzaffer Goker
Alternates	Jacob S. Worm-Müller J. Strand Johansen Mrs. Aase Lionaes Frede Castberg Ole Colbjørnsen	Representatives	Dmitro Z. Manuilsky A. M. Baranovsky A. D. Voina L. I. Medved

		C. FIRST SPECIAL SESSION	
Union of South Africa	Field-Marshal J. C. Smuts	Afghanistan	Abdol Hosayn Aziz
Representatives	G. Heaton Nicholls	Representative	
	D. D. Forsyth	Argentina	Jose Arce
	H. T. Andrews	Representatives	Rodolfo Munoz
Alternates	D. G. Shepstone	Alternate	Jose Eduardo Picerno
	C. L. Steyn	Australia	
	T. H. Eustace	Representatives	Lt.-Col. W. R. Hodgson
	J. R. Jordaan		J. D. L. Hood
	D. B. Sole	Belgium	
	Seymour Jacklin	Representative	Fernand van Langenhove
U.S.S.R.	Viacheslav M. Molotov	Alternate	Joseph Nisot
Representatives	Andrei Y. Vyshinski	Bolivia	
	Fedor T. Gousev	Representative	Humberto Palza
	Andrei A. Gromyko	Alternate	Antonio Mogro Moreno
Alternates	Nikolai V. Novikov	Brazil	
	Kirill V. Novikov	Representatives	Oswaldo Aranha
	Vladimir S. Geraschenko		João Carlos Muniz
	Boris E. Stein	Alternate	Henrique de Souza Gomez
	Alexandr A. Lavrishev	Byelorussian S.S.R.	
	Amazasp A. Arutiunian	Representative	Leonid I. Kaminsky
United Kingdom	Ernest Bevin	Canada	
Representatives	Philip Noel-Baker	Representative	L. B. Pearson
	Sir Hartley Shawcross	Chile	
	Hector McNeil	Representative	Hernan Santa Cruz
Alternates	Sir Alexander Cadogan	Alternate	Joaquin Larraín
	Ivor Thomas	China	
	A. G. Bottomley	Representative	Quo Tai-chi
	Flight Lieut. F. Beswick	Alternate	C. L. Hsia
	Percy Wells	Colombia	
	Kenneth Younger	Representatives	Alfonso Lopez
United States	Warren R. Austin		Alberto Gonzalez Fernandez
Representatives	Tom Connally		Emilio Toro
	Arthur H. Vandenberg		Edmundo de Holte Castello
	Mrs. Franklin D. Roosevelt	Costa Rica	
Alternates	Sol Bloom	Representative	Francisco de Paula Gutiérrez
	Charles A. Eaton	Cuba	
	Helen Gahagan Douglas	Representative	Guillermo Belt
	John Foster Dulles	Alternate	Carlos Blanco
	Adlai E. Stevenson	Czechoslovakia	
Uruguay	Juan Carlos Blanco	Representative	Jan Papanek
Representatives	Roberto E. MacEachen	Alternate	Ladislav Radimsky
	Jose A. Mora	Denmark	
	Juan Carlos Arrosa	Representatives	Henrik de Kauffman
Alternate	César Montero de Bustamente		William Borberg
	Roberto Fontaina	Dominican Republic	
Venezuela	Carlos Eduardo Stolk	Representative	Max Henriquez-Urena
Representatives	Eduardo Arroyo Lameda	Alternates	Joaquin E. Salazar
	Pedro Zuloaga		Horacio Vicioso
Yugoslavia	Stanoje Simic'	Ecuador	
Representatives	Save Kosanovic'	Representative	Neftali Ponce
	Ljubo Leontic'	Alternate	Clemente Duran-Ballen
	Vlado Popovic'	Egypt	
Alternates	Abes Bebler	Representatives	Mahmoud Hassan Pasha
	Dimitrije Vlahov		Mahmoud Bey Fawzi
	Dusan Petrovic'	El Salvador	
	Milan Bartos	Representative	Hector David Castro
	Stane Krasovec	Ethiopia	
	Leo Mattes	Representatives	Ras Imru Haile Selassie
			Ato Getahoun Tesemma

The General Assembly

311

France Representative Alternate	Alexandre Parodi Claude de Boisanger	Philippine Republic Representative Alternates	General Carlos P. Romulo Leonides S. Virata Major Salvador P. Lopez
Greece Representatives	Vassili Dendramis Christos Diamantopoulos John Kalergis	Poland Representatives Alternate	Oscar Lange Josef Winiewicz Alfred Fiderkiewicz
Guatemala Representative	Jorge Garcia Granados	Saudi Arabia Representative Alternate	H. R. H. Amir Faisal al-Saud Assad Al-Faqih
Haiti Representative	Mauclair Zephirin	Siam Representative Alternate	Prince Wan Waithayakon Nai Thanat Khoman
Honduras Representative	Tiburcio Carias, Jr.	Sweden Representative Alternate	Herman G. Eriksson Gunnar Hagglof
Iceland Representative	Thor Thors	Syria Representatives	Faris el-Khouri Naim Antaki Farid Zeineddine Costi K. Zurayk Rafik Asha
India Representative	M. Asaf Ali	Turkey Representative Alternate	Huseyin Ragip Baydur Sevki Alhan
Iran Representative Alternate	Nasrollah Entezam Abolghassem Panahy	Ukrainian S.S.R. Representative	Ivan Aleksandrovich Tolkhunov
Iraq Alternates	Fadhil Jamali Ali Jawdat Burhan Udin Bashayan Hashim El Hilli	Union of South Africa Representative Alternates	Harry T. Andrews Robert Webster William Dirkse Van Schalkwyk Henry Martin Moolman
Lebanon Representatives Alternate	Charles Malik Victor Khoury Ramiz Shamma	U.S.S.R. Representatives	Andrei A. Gromyko Semen K. Tsarapkin Alexei N. Krasilnikov
Liberia Representative	Frederick A. Price	United Kingdom Representative Alternate	Sir Alexander Cadogan J. M. Martin
Luxembourg Representative	Hugues Le Gallais	United States of America Representative Alternate	Warren R. Austin Herschel V. Johnson
Mexico Representative Alternate	Luis Padilla Nervo Raul Noriega	Uruguay Representative Alternate	Enrique Rodriguez Fabregat Roberto Fontaina
Netherlands Representatives Alternate	J. H. van Kojen W. M. Snouck Hurgronje Maria Z. N. Witteveen	Venezuela Representative Alternate	Carlos Eduardo Stolk Pedro Zuloaga
New Zealand Representative Alternate	Sir Carl August Berendsen John Stanhope Reid	Yugoslavia Representatives	Sava Kosanovic' Vladimir Velebit Milan Bartos Joza Brilej Erih Kos
Nicaragua Representative Alternate	Guillermo Sevilla-Sacasa Juan José Martinez-Lacayo		
Norway Representative	Finn Moe		
Panama Representative	Mario de Diego		
Paraguay Representative	Cesar R. Acosta		
Peru Representatives	Juan Bautista de Lavalley Carlos Holguin de Lavalley Jose E. Bustamente Corzo		

ANNEX II. OFFICERS OF THE GENERAL ASSEMBLY

- A. FIRST AND SECOND PARTS OF THE FIRST REGULAR SESSION¹
- President of the General Assembly
Paul-Henri Spaak (Belgium)
- Vice-Presidents of the General Assembly
- | | |
|-----------------------|----------------|
| China | United Kingdom |
| France | United States |
| Union of South Africa | Venezuela |
| U.S.S.R. | |
- Credentials Committee
- | | |
|---------------------|--------------|
| Byelorussian S.S.R. | Paraguay |
| China | Philippines |
| Denmark (Chairman) | Saudi Arabia |
| France | Turkey |
| Haiti | |
- General Committee
- President of the General Assembly
- Vice-Presidents of the General Assembly
- Chairmen of the Main Committees
- First Committee (Political and Security)
- | | |
|---------------|-------------------------------|
| Chairman | Dmitro Z. Manuilsky (Ukraine) |
| Vice-Chairman | Joseph Bech (Luxembourg) |
| Rapporteur | H. V. Lafronte (Ecuador) |
- Second Committee (Economic and Financial)
- Chairmen
- | |
|--------------------------------------|
| Waclaw Konderski (Poland)—first part |
| Oscar Lange (Poland)—second part |
- Vice-Chairmen
- | |
|---|
| Pedro Lopez (Philippines)-first part |
| Pedro Hernández (Philippines)-second part |
- Rapporteurs
- | |
|---|
| Eduardo del Portillo (Bolivia)—first part |
| Ernesto Sanjinés (Bolivia)-second part |
- Third Committee (Social, Humanitarian and Cultural)
- Chairmen
- | |
|--|
| Peter Fraser (New Zealand)—first part |
| Sir Carl Berendsen (New Zealand)—second part |
- Vice-Chairmen
- | |
|---|
| Fernando Soto Harrison (Costa Rica) |
| —first part |
| Francisco de Paula Gutiérrez (Costa Rica) |
| —second part |
- Rapporteurs
- | |
|--|
| Mrs. Frieda Dalen (Norway)—first part |
| Mrs. Aase Lionaes (Norway)—second part |
- Fourth Committee (Trusteeship)
- | | |
|---------------|---|
| Chairman | Roberto E. MacEachen (Uruguay) |
| Vice-Chairman | Blatta Ephrem Tewelde Medhen (Ethiopia) |
- Rapporteurs
- | |
|--|
| Ivan Kerno (Czechoslovakia)—first part |
| Karel Lisický (Czechoslovakia)-second part |
- Fifth Committee (Administrative and Budgetary)
- | | |
|---------------|-----------------------------|
| Chairman | Faris el-Khoury (Syria) |
| Vice-Chairman | Ales Bebler (Yugoslavia) |
| Rapporteur | Thanassis Aghnides (Greece) |
- Sixth Committee (Legal)
- Chairmen
- | |
|--------------------------|
| Roberto Jiménez (Panama) |
| Per Federspiel (Denmark) |
- Vice-Chairman
- Rapporteurs
- | |
|---|
| W. E. Beckett (United Kingdom)-first part |
| K. H. Bailey (Australia)—second part |
- Committee on Contributions
- To Serve for a Term of Three Years:
- | |
|-----------------------------------|
| Gustavo Martínez-Cabanás (Mexico) |
| Seymour Jacklin (South Africa) |
| Nicolai V. Orlov (U.S.S.R.) |
| J. P. Brigden (Australia) |
- To Serve for a Term of Two Years:
- | |
|----------------------------------|
| M. Baumont (France) |
| Sir Cecil Kisch (United Kingdom) |
| Nedim el-Pachachi (Iraq) |
- To Serve for a Term of One Year:
- | |
|---------------------------------|
| Paul H. Appleby (United States) |
| Chi Chao-ting (China) |
| Pavle Lukin (Yugoslavia) |
- League of Nations Committee
- | | |
|---------------|---------------------------------------|
| Chairman | Erik Andreas Colban (Norway) |
| Vice-Chairman | Hafiz Wahba (Saudi Arabia) |
| Rapporteur | H. T. Andrews (Union of South Africa) |
- Permanent Headquarters Committee
- | | |
|---------------|---------------------------------|
| Chairman | Eduardo Zuleta Angel (Colombia) |
| Vice-Chairman | L. D. Wilgress (Canada) |
| Rapporteur | Nasrollah Entezam (Iran) |
- Committee on Negotiations with the League of Nations
- | | |
|-----------------------|-------------------------|
| Y. Dao | (China) |
| H. Elting, Jr. | (United States) |
| Sir William Matthews | (United Kingdom) |
| Alvaroz Munoz | (Chile) |
| George Peissel | (France) |
| D. B. Sole | (Union of South Africa) |
| W. Moderow (Chairman) | (Poland) |
- Headquarters Commission
- | | |
|-------------------------------|------------------|
| Nicolai D. Bassov | (U.S.S.R.) |
| Charles Le Corbusier | (France) |
| Kien-Wen Yu | (China) |
| Sir Angus Fletcher (Chairman) | (United Kingdom) |
| Stoyan Gavrilovic' | (Yugoslavia) |
| Alternate: Alexander Franic' | (Australia) |
| Paul Hasluck | (Iraq) |
| Alternate: J. C. Moore | (Netherlands) |
| Awni Khalidy | (Uruguay) |
| San De Ranitz | |
| Juan Felipe Yriax | |

¹Except where otherwise indicated the same officers served during the first and second parts of the first session of the General Assembly.

Committee on Negotiations with
the United States

K. H. Bailey (Chairman)¹ (Australia)
G. Belt (Cuba)
J. Cahen-Salvador (France)
Mahmoud Bey Fawzi (Egypt)
Shushi Hsü (China)
J. Nisot (Belgium)
A. Rudzinski (Poland)
C. Salamanca (Bolivia)
V. F. Tepliakov (U.S.S.R.)
H. McKinnon Wood² (United Kingdom)

Committee on UNRRA

Sol Bloom (Chairman) (United States)
T. O. W. Brebner (New Zealand)
Mme LeFaucheux (France)
A. P. Morozov (U.S.S.R.)
P. Noel-Baker (United Kingdom)
Aake Ording (Norway)
Cheng Paonan (China)
Ludwig Rajchman (Poland)
J. M. Tronconso (Dominican Republic)
A. Verdelis (Greece)

¹ Mr. Body acted for Australia after the departure of Mr. Bailey.

² Mr. Wood was elected Chairman of the Committee after the departure of Mr. Bailey.

B. FIRST SPECIAL, SESSION OF THE
GENERAL ASSEMBLY

President of the General Assembly
Oswaldo Aranha (Brazil)

Vice-Presidents of the General Assembly
China U.S.S.R.
Ecuador United Kingdom
France United States
India

Credentials Committee
Argentina Ukrainian S.S.R.
Australia U.S.S.R.
Denmark United States
Lebanon Yugoslavia
Peru

General Committee

President of the General Assembly
Vice-Presidents of the General Assembly
Chairmen of the Main Committees

First Committee (Political and Security)
Chairman Lester B. Pearson (Canada)
Vice-Chairman Luis Padilla Nervo (Mexico)
Rapporteur Henrik de Kauffman (Denmark)

Second Committee (Economic and Financial)
Chairman Jan Papanek (Czechoslovakia)

Third Committee (Social, Humanitarian
and Cultural)
Chairman Mahmoud Hassan Pasha (Egypt)

Fourth Committee (Trusteeship)
Chairman Herman G. Eriksson (Sweden)

Fifth Committee (Administrative and
Budgetary)
Chairman Jozef Winiewicz (Poland)

Sixth Committee (Legal)
Chairman Tiburcio Carias, Jr. (Honduras)

ANNEX III

PROVISIONAL RULES OF PROCEDURE OF THE
GENERAL ASSEMBLY

(As amended during the first and second parts
of the first session)

I—SESSIONS

Rule 1

The General Assembly shall meet every year
in regular session commencing on the third
Tuesday in September.

Rules

The General Assembly may fix a date for a
special session.

Rule 3

Special sessions of the General Assembly
shall also be held within fifteen days of the
receipt by the Secretary-General of a request
for such a session either from the Security
Council or from a majority of the Members
of the United Nations.

Rule 4

Any Member of the United Nations may
request the Secretary-General to summon a

special session. The Secretary-General shall
thereupon 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 a majority
of the Members concur in the request, a special
session of the General Assembly shall be sum-
moned in accordance with the provisions of
Rule 3.

Rule 5

Sessions shall be held at the headquarters
of the United Nations unless convened else-
where in pursuance, of a decision of the General
Assembly at a previous session or at the re-
quest of a majority of the Members of the
United Nations.

Rule 6

The General Assembly may decide at any
session to adjourn temporarily and resume its
meetings at a later date.

Rule 7

The Secretary-General shall notify the Members of the United Nations at least sixty days in advance of the opening of a regular session.

Rule 8

The Secretary-General shall notify the Members of the United Nations at least fourteen days in advance of the opening of a special session convoked at the request of the Security Council, and at least ten days in the case of a request by a majority of the Members.

Rule 9

Copies of the notice summoning each session shall be addressed to all other organs and commissions of the United Nations and to the specialized agencies referred to in Article 57, paragraph 2, of the Charter.

II-AGENDA

Rule 10

The provisional agenda for a regular session shall be drawn up by the Secretary-General.

Rule 11

The provisional agenda for a regular session shall be communicated to the Members of the United Nations at least sixty days before the opening of the session. The provisional agenda of a special session, summoned at the request of the Security Council, shall be communicated 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, shall be communicated at least ten days before the opening of the session.

Rule 12

The provisional agenda of a regular session shall include:

(a) report of the Secretary-General on the work of the Organization;

(b) **reports from** the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, the subsidiary organs of the General Assembly, specialized agencies (where such reports are called for under agreements entered into);

(c) all items whose inclusion has been ordered by the General Assembly at a previous session;

(d) all items proposed by the other organs of the United Nations;

(e) all items proposed by any Member of the United Nations;

(f) all items pertaining to the budget for the next financial year and the report on the accounts for the last financial year; and

(g) all items which the Secretary-General deems it necessary to put before the General Assembly.

Rule 13

Any Member of the United Nations may, at least twenty-five days before the date fixed for the opening of a regular session, request the inclusion of additional items in the agenda. These items shall be placed on a supplementary list, which shall be communicated to the Members of the United Nations at least fifteen days before the date fixed for the opening of the session. The General Assembly shall decide whether items on the supplementary list shall be included in the agenda of the session.

Rule 14

The provisional agenda, together with the supplementary list, shall be submitted to the General Assembly for approval as soon as possible after the opening of the session.

Rule 15

During any regular session of the General Assembly items may be revised, and may be added to or deleted from the agenda by a majority of the Members present and voting. Consideration of additional items shall, unless the General Assembly, by a two-thirds majority of the Members present and voting, decides otherwise, be postponed until four days after they have been placed on the agenda, and until a committee has reported upon them.

Rule 16

No proposal for a modification of the allocation of expenses for the time being in force shall be inserted in the agenda unless it has been communicated to the Members of the United Nations at least ninety days before the date fixed for the opening of the session.

Rule 17

When a special session is called, the agenda for the session shall be confined to the items communicated by the Secretary-General to the Members of the United Nations, unless the General Assembly, by a two-thirds majority of the Members present and voting, decides to include additional items.

Rule 18

Any Member of the United Nations may, at least four days before the date fixed for the

opening of a special session, request the inclusion of additional items in the agenda. Such items shall be placed on a supplementary list which shall be communicated to the Members of the United Nations as soon as possible.

III—DELEGATIONS

Rule 19

The delegation of a Member shall consist of not more than five representatives and five alternate representatives, and as many advisers, technical advisers, experts and persons of similar status as may be required by the delegation.

Rule 20

The credentials of representatives, and the names of members of a delegation shall be submitted to the Secretary-General if possible not less than one week before the date fixed for the opening of the session. The credentials shall be issued either by the Head of the State or by the Minister for Foreign Affairs.

Rule 21

An alternate representative may act as a representative upon designation by the Chairman of the delegation.

Rule 22

Upon designation by the Chairman of the delegation, advisers, technical advisers, experts or persons of similar status may act as members of committees. Persons of this status shall not, however unless designated as alternate representatives, be eligible for appointment as Chairmen, Vice-Chairmen or Rapporteurs of committees or for seats in the General Assembly.

IV—CREDENTIALS COMMITTEE

Rule 23

A Credentials Committee shall be elected at the beginning of each session. It shall consist of nine members, who shall be appointed by the General Assembly on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives and report without delay.

Rule 24

Any representative to whose admission a member has made objection shall be seated provisionally with the same rights as other representatives, until the Credentials Committee has reported and the General Assembly has given its decision.

V—PRESIDENT AND VICE-PRESIDENTS

Rule 25

At the opening of each session of the General Assembly the Chairman of that delegation from which the President of the previous session was elected shall preside until the General Assembly has elected a President for the session.

Rule 26

The General Assembly shall elect a President and seven Vice-Presidents, who shall hold office until the close of the session at which they are elected. The Vice-Presidents shall be elected on the basis of ensuring the representative character of the General Committee.

Rule 27

If the President finds it necessary to be absent during a meeting or any part thereof, he shall appoint one of the Vice-Presidents to take his place.

Rule 28

If the President is unable to perform his functions, a new President shall be elected for the unexpired term.

Rule 29

A Vice-President acting as President shall have the same powers and duties as the President.

Rule 30

The President, or Vice-President acting as President, shall not vote but shall appoint another member of his delegation to vote in his place.

Rule 81

In addition to exercising the powers which are conferred upon him elsewhere by these Rules, the President shall declare the opening and closing of each plenary meeting of the session, shall direct the discussions in plenary meeting, and at such meetings ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order, and subject to these Rules, shall have complete control of the proceedings at any meeting.

VI—GENERAL COMMITTEE

Rule 82

The General Committee shall consist of fourteen members, no two of whom shall be nationals of the same State, and shall be so constituted as to ensure its representative character. It shall comprise the President of the General

Assembly, who shall preside, seven Vice-Presidents, who shall be elected on the basis of ensuring the representative character of the Committee, and the chairmen of the six Main Committees, who shall be nominated and elected by the Committees on the basis of equitable geographical distribution, experience and personal competence.

Rule 33

The General Committee shall at the beginning of each session consider the provisional agenda, together with the supplementary list, and shall make a report thereon to the General Assembly. It shall consider applications for the inclusion of additional items in the agenda and shall report thereon to the General Assembly. It shall assist the President and the General Assembly in drawing up the agenda for each plenary meeting, in determining the priority of its items, and in the co-ordination of the proceedings of all committees of the General Assembly. Finally, it shall assist the President in the general conduct of the work of the General Assembly which falls within the competence of the President. It shall not, however, decide any political question.

Rule 34

A Member of the General Assembly which has no representative on the General Committee, and which has requested the inclusion of an additional item in the agenda, shall be entitled to attend any meeting of the General Committee at which its request is discussed, and may participate, without vote, in the discussion of that item.

Rule 35

Proposals to refer any portion of the report of the Secretary-General to one of the Main Committees without debate shall be decided upon by the General Assembly without previous reference to the General Committee.

Rule 36

The General Committee may revise the resolutions adopted by the General Assembly, changing their form but not their substance. Any such changes shall be reported to the General Assembly for its consideration.

VII—ADMINISTRATIVE AND BUDGETARY QUESTIONS

Rule 37

The General Assembly shall establish regulations for the financial administration of the United Nations.

Advisory Committee on Administrative and Budgetary Questions

Rule 38

The General Assembly shall appoint an Advisory Committee on Administrative and Budgetary Questions (hereinafter called the "Advisory Committee"), with a membership of nine, including at least two financial experts of recognized standing.

Rule 39

The members of the Advisory Committee, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for re-election. The two financial experts shall not retire simultaneously. The General Assembly shall elect the members of the Advisory Committee at the regular session at which the term of members expires, or, in case of vacancies, at the next session.

Rule 40

The Advisory Committee shall be responsible for expert examination of the budget of the United Nations, and shall assist the Administrative and Budgetary Committee of the General Assembly. At the commencement of each regular session it shall submit to the General Assembly a detailed report on the budget for the next financial year and on the accounts of the last financial year. It shall also examine on behalf of the General Assembly the administrative budgets of specialized agencies and proposals for financial and budgetary arrangements with such agencies. It shall perform such other duties as may be assigned to it under the regulations for the financial administration of the United Nations.

Committee on Contributions

Rule 41

The General Assembly shall appoint an expert Committee on Contributions, consisting of ten members.

Rule 42

The members of the Committee on Contributions, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall

serve for a period of three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for re-election. The General Assembly shall elect the members of the Committee on Contributions at the regular session at which the term of office of members expires, or, in case of vacancies, at the next session.

Rule 43

The Committee on Contributions shall advise the General Assembly concerning the apportionment under Article 17, paragraph 2, of the Charter of the expenses of the Organization among Members, broadly according to capacity to pay. The scale of payments when once fixed by the General Assembly shall not be subject to a general revision for at least three years, unless it is clear that there have been substantial changes in relative capacities to pay. It should also advise the General Assembly on the contributions to be paid by new Members; on appeals by Members for a change of assessment; and on the action to be taken with regard to the application of Article 19 of the Charter, which deals with Members who are in arrears in the payment of their financial contributions to the Organization.

VIII—SECRETARIAT

Rule 44

When the Security Council has submitted its recommendation on the appointment of the Secretary-General, the General Assembly shall consider the recommendation and vote upon it by secret ballot in private meeting.

Rule 45

The Secretary-General shall act in that capacity in all meetings of the General Assembly, its committees and subsidiary organs. He may appoint a member of the staff to act in his place at meetings of the General Assembly.

Rule 46

The Secretary-General shall provide and direct the staff required by the General Assembly and any committees or subsidiary organs which it may establish.

Rule 47

The Secretary-General shall make an annual report, and such supplementary reports as are required, to the General Assembly on the work of the Organization. He shall communicate the annual report to the Members of the United

Nations at least forty-five days before opening of the session.

Rule 48

The Secretary-General, with the consent of the Security Council, shall notify 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 shall similarly notify 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.

Rule 49

The Secretary-General may at any time, upon invitation of the President, make to the General Assembly either oral or written statements concerning any question which is being considered by the General Assembly.

Rule 50

The Secretariat, acting under the authority of the Secretary-General, shall receive, print, translate and distribute documents, reports and resolutions of the General Assembly, its committees and organs; interpret speeches made at the meetings; draft, print and circulate the summary records of the session; have the custody and proper preservation of the documents in the archives of the General Assembly; publish the reports of the meetings; distribute all documents of the General Assembly to the Members of the United Nations, and, generally, perform all other work which the General Assembly may require.

Rule 51

The General Assembly shall establish regulations concerning the staff of the Secretariat.

IX—LANGUAGES

Rule 52

Chinese, English, French, Russian and Spanish shall be the official languages of the General Assembly. English and French shall be the working languages.

Rule 53

Speeches made in either of the working languages shall be interpreted into the other working language.

Rule 54

Speeches made in any of the other three official languages shall be interpreted into both working languages.

Rule 55

Any representative may make a speech in a language other than the official languages. In

this case, he shall himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

Rule 56

Verbatim records shall be drawn up in the working languages. A translation of the whole or part of any verbatim record into any of the other official languages shall be furnished if requested by any delegation.

Rule 57

Summary records shall be drawn up as soon as possible in the official languages.

Rule 58

The Journal of the General Assembly shall be issued in the working languages.

Rule 59

All resolutions and other important documents shall be made available in the official languages. Upon the request of any representative, any other document shall be made available in any or all of the official languages.

Rule 60

Documents of the General Assembly shall, if the General Assembly so decides, be published in any languages other than the official languages.

X—RECORDS

Rule 61

Verbatim records of all plenary meetings shall be drawn up by the Secretariat and submitted to the General Assembly after approval by the President. Verbatim records shall also be made of the proceedings of the Main Committees established by the General Assembly. Other committees or sub-committees may decide upon the form of their records.

Rule 62

Resolutions adopted by the General Assembly shall be communicated by the Secretary-General to the Members of the United Nations within fifteen days after the termination of the session.

XI—PUBLICITY OF MEETINGS

Rule 63

The meetings of the General Assembly and its Main Committees shall be held in public unless the body concerned decides that exceptional circumstances require that the meeting be held in private. Meetings of other committees and subsidiary organs shall also be held

in public unless the body concerned decides otherwise.

Rule 64

All decisions of the General Assembly taken at a private meeting shall be announced at any early public meeting of the General Assembly. At the close of each private meeting of the Main Committees, other committees and sub-committees, the Chairman may issue a communique through the Secretary-General.

XII—CONDUCT OF BUSINESS

Rule 65

A majority of the Members of the General Assembly shall constitute a quorum.

Rule 66

No representative may address the General Assembly 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 President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 67

The Chairman and the Rapporteur of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by their committee.

Rule 68

During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the President in accordance with the Rules of Procedure. A representative may appeal against the ruling of the President. The appeal shall immediately be put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting.

Rule 69

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority in the debate. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion.

Rule 70

The General Assembly may limit the time allowed to each speaker.

Rule 71

A representative may at any time move the closure of the debate whether or not any other representative has signified his wish to speak.

If application is made for permission to speak against the closure it may be accorded to not more than two speakers.

Rule 72

The President shall take the sense of the General Assembly on a motion for closure. If the General Assembly is in favour of the closure the President shall declare the closure of the debate.

Rule 73

Resolutions, amendments and substantive motions shall be introduced in writing and handed to the Secretary-General, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies.

Rule 74

Parts of a proposal may be voted on separately if a representative requests that the proposal be divided.

Rule 75

If two or more amendments are moved to a proposal, the General Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed, and so on, until all the amendments have been put to the vote.

Rule 76

When an amendment revises, adds to or deletes from a proposal, the amendment shall be voted on first, and if it is adopted, the amended proposal shall then be voted on.

XIII—VOTING

Rule 77

Each Member of the General Assembly shall have one vote.

Rule 78

Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of members of the Economic and Social Council, the election of members of the Trusteeship Council in

accordance with paragraph 1, c, of Article 86 of the Charter, 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.

Rule 79

Decisions of the General Assembly on questions other than those provided for in Rule 78, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting.

Rule 80

The General Assembly shall normally vote by show of hands or by standing, but any representative in plenary or committee meetings of the General Assembly may request a roll-call which shall then be taken in the English alphabetical order of the names of the Members.

Rule 81

The vote of each Member participating in any roll-call shall be inserted in the record.

Rule 82

In addition to the provisions for the use of a secret ballot set forth elsewhere in these Rules, all elections and all decisions relating to tenure of office shall be taken by secret ballot. There shall be no nominations.

Rule 83

If, when only one person or Member is to be elected, no candidate obtains in the first ballot the majority required in Rule 78 or 79 a second ballot shall be taken, confined to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the President shall decide between the candidates by drawing lots. When a two-thirds majority is required, the balloting shall be continued until one candidate secures two-thirds of the votes cast.

Rule 84

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required in Rule 78 or 79 shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining

places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, the number of candidates being not more than twice as many as the places remaining to be filled.

Rule 85

If a vote is equally divided on matters other than elections, a second vote shall be taken at the next meeting; this meeting shall be held within forty-eight hours of the first vote, and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

XIV—ELECTION OF MEMBERS OF COUNCILS

General Provisions

Rule 86

The General Assembly shall elect the members of Councils by secret ballot.

Rule 87

The term of office of members shall begin on January 1, following their election by the General Assembly, and shall end on 31 December following the election of their successors.

Rule 88

Should a member cease to belong to a Council before his term of office expires, a by-election shall be held separately at the next session of the General Assembly to elect a member for the unexpired term.

Rule 89

When one seat is to be filled, the General Assembly shall follow the procedure set forth in Rule 83.

Rule 90

When two or more seats are to be filled, the General Assembly shall follow the procedure set forth in Rule 84.

The Security Council

Rule 91

The General Assembly shall each year, in the course of its regular session, elect three non-permanent members of the Security Council for a term of two years.

Rule 92

In the election of non-permanent members of the Security Council, due regard shall be specially paid, 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 purposes of the

Organization, and also to equitable geographical distribution.

Rule 93

A retiring member of the Security Council shall not be eligible for immediate re-election.

The Economic and Social Council

Rule 94

The General Assembly shall each year, in the course of its regular session, elect six members of the Economic and Social Council for a term of three years.

Rule 95

A retiring member of the Economic and Social Council shall be eligible for immediate re-election.

The Trusteeship Council

Rule 96

When a trusteeship agreement has been approved and a Member of the United Nations has become an administering authority of a trust territory in accordance with Article 83 or 85 of the Charter, the General Assembly shall determine, in accordance with Article 86, whether a Member which is not an administering authority of a trust territory shall be elected to the Trusteeship Council. If it is determined that an additional member of the Trusteeship Council is required, the General Assembly shall elect a member at the session in which the trusteeship agreement is approved.

Rule 97

At each session the General Assembly shall, in accordance with Article 86 of the Charter, elect members to fill any vacancies.

Rule 98

A non-administering member of the Trusteeship Council shall be elected for a term of three years and shall be eligible for immediate re-election.

XV—ELECTION OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

Rule 99

The election of the members of the International Court of Justice shall take place in accordance with the Statute of the Court.

Rule 99a¹

Any meeting of the General Assembly held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

XVI—COMMITTEES

Rule 100

The General Assembly may set up such committees and subsidiary organs as it deems necessary for the performance of its functions.

Rule 101

The Main Committees of the General Assembly are:

- (1) Political and Security Committee (including the regulation of armaments);
- (2) Economic and Financial Committee;
- (3) Social, Humanitarian and Cultural Committee;
- (4) Trusteeship Committee;
- (6) Administrative and Budgetary Committee; and
- (6) Legal Committee.

Rule 102

Each delegation may designate one member for each Main Committee, and for any other committee that may be constituted upon which all Members have the right to be represented. It may also assign to these committees advisers, technical advisers, experts or persons of similar status.

Rule 103

Items relating to the same category of subjects shall be referred to the committee or committees dealing with that category of subjects. Committees shall not introduce new items on their own initiative.

Rule 104

Each committee shall elect its own Chairman, Vice-Chairman and Rapporteur. These officers shall be elected on the basis of equitable geographical distribution, experience and personal competence.

Rule 105

Each committee may set up sub-committees, which shall elect their own officers.

Rule 106

The Secretary-General or a member of the Secretariat designated by him may make to

any committee or sub-committee any oral or written statement which the Secretary-General considers desirable.

Rule 107

The procedure set forth in Rules 65 to 76 shall apply to proceedings of committees of the General Assembly.

Rule 108

Decisions in the committees of the General Assembly shall be taken by a majority of the members present and voting.

Rule 109

Unless the General Assembly itself decides otherwise, it shall not make a final decision upon items on the agenda until it has received the report of a committee on these items.

Rule 110

Discussion of a report of a Main Committee in a plenary meeting of the General Assembly shall take place if at least one-third of the members of the Committee consider such a discussion to be necessary.

Rule 111

Decisions involving expenditure shall be subject to the regulations for the financial administration of the United Nations.

Rule 112

No resolution involving expenditure shall be voted by the General Assembly until the Administrative and Budgetary Committee of the General Assembly has had an opportunity of stating the effect of the proposal upon the budget of the United Nations.

XVII—ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

Rule 113

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall be accompanied by a declaration of its readiness to accept the obligations contained in the Charter.

Rule 114

If the applicant State so requests, the Secretary-General shall inform the General Assembly, or the Members of the United Nations

¹ Adopted provisionally by the General Assembly subject to the concurrence of the Security Council.

if the General Assembly is not in session, of the application.

Rule 115

If the Security Council recommends the applicant State for membership, the General Assembly shall consider whether the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and shall decide, by a two-thirds majority of the Members present and voting, upon its application for membership.

Rule 116

The Secretary-General shall inform the applicant State of the decision of the General Assembly. If the application is approved, membership will become effective on the date on which the applicant State presents to the Secretary-General an instrument of adherence.

XVIII—AMENDMENTS

Rule 117

These Rules of Procedure may be amended by a decision of the General Assembly taken by a majority of the Members present and voting, after a committee has reported on the proposed amendment.

SUPPLEMENTARY RULE OF PROCEDURE ON THE CALLING OF INTERNATIONAL CONFERENCES BY THE ECONOMIC AND SOCIAL COUNCIL

Pending the adoption, under paragraph 4 of Article 62 of the Charter, of definite Rules for the calling of international conferences, the Economic and Social Council may, after due consultation with Members of the United Nations, call international conferences in conformity with the spirit of Article 62 on any matter within the competence of the Council, including the following matters: international trade and employment; the equitable adjustment of prices on the international market, and health.