

## II. The General Assembly

### A. THE CHARTER AND THE GENERAL ASSEMBLY<sup>1</sup>

The General Assembly is the only one of the six principal organs of the United Nations which consists of all the Members of the United Nations. It is essentially a deliberative, overseeing and reviewing 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. The only exception to this is that the Assembly may not make recommendations on disputes or situations that are being dealt with by the Security Council, unless the Security Council requests it to do so. The Assembly receives and considers annual and special reports from the Security Council, including an account of the measures that the Council has decided upon or taken to maintain international peace and security. The Assembly also receives and considers reports from the other organs of the United Nations.

#### 1. Functions and Powers

The functions and powers of the General Assembly fall into the following main categories: maintenance of international peace and security; promotion of international political, economic and social co-operation; operation of the International Trusteeship System. The Assembly has also various organizational, administrative and budgetary functions.

##### a. MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

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 gov-

erning 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.

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

<sup>1</sup> 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, 60-64, 66, 85-88, 93, 96-98, 101, 105, 108-9 of the Charter, and Articles 4, 7-12, 32-33, 69 of the Statute of the International Court of Justice.

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

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

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

(2) promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

The functions and powers of the United Nations with respect to international economic and social co-operation are vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council.<sup>2</sup>

c. OPERATION OF THE INTERNATIONAL  
TRUSTEESHIP SYSTEM

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.<sup>3</sup>

d. ORGANIZATIONAL, ADMINISTRATIVE AND  
BUDGETARY FUNCTIONS

The General Assembly elects the non-permanent members of the Security Council, the members of the Economic and Social Council, and such members of the Trusteeship Council as may be necessary to ensure that 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 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 recommendation of the Security Council, the General Assembly may admit any state to membership in the United Nations; suspend the exercise of the rights and privileges of membership by any Member against which preventive or enforcement action has been taken by the Security Council; and expel from the United Nations any Member which has persistently violated the Principles of the Charter.

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

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 of 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 by a two-thirds vote of the General Assembly or of a General Conference called to amend the Charter and ratified by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

## 2. Voting and Procedure

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

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

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

<sup>2</sup>See pp. 500-1.

<sup>3</sup>See p. 727.

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

A Member of the United Nations which is in arrears in the payment of its financial contributions

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

The General Assembly meets in regular annual sessions 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.<sup>4</sup>

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

## B. ORGANIZATION OF THE GENERAL ASSEMBLY

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

At each session the General Assembly elects a President and seven Vice-Presidents, who hold office until the close of the session at which they are elected. If the President finds it necessary to be absent during a meeting or any part thereof, he 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) Main Committees
- (2) Procedural Committees<sup>5</sup>
- (3) Standing Committees<sup>5</sup>
- (4) ad hoc Committees<sup>5</sup>

### 1. Main Committees

There are six Main Committees:

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

Second Committee—Economic and Financial;

Third Committee—Social, Humanitarian and Cultural;

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

Fifth Committee—Administrative and Budgetary;

Sixth Committee—Legal.

These Main Committees correspond to the major fields of responsibility of the General Assembly. They have the function 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, the admission, suspension and expulsion of Members; any political and security matters within the scope of the Charter; the general principles of co-operation in the maintenance of international peace and security and the principles governing disarmament and the regulation of armaments; the promotion of international co-operation in the political field and the peaceful adjustment of situations likely to impair the general welfare and friendly relations among nations.

The Economic and Financial Committee concerns itself with the economic and financial aspects

<sup>4</sup> The rules of procedure of the General Assembly provide that a special session may also be called at the request of any Member of the United Nations concurred in by the majority of the Members.

<sup>5</sup>For membership and lists of representatives in committees, see Annex III, pp. 319-22.

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. 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.

The Trusteeship Committee considers items relating to the International Trusteeship System. It may also consider any matters arising under Chapter XI relating to Non-Self-Governing Territories.

The Administrative and Budgetary Committee considers matters pertaining to the budget of the organization, the changes in the assessments of Members and financial and budgetary arrangements with the specialized agencies. It also considers administrative questions and matters relating to the organization of the Secretariat.

The 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.

## 2. Procedural Committees

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

The Credentials Committee, which consists of nine members, is appointed at the beginning of each session by the General Assembly on the proposal of the President. The Committee examines and reports on the credentials of representatives.

The General Committee consists of fourteen members, no two of whom may be members of the same delegation, and is so constituted as to ensure its representative character. It comprises the President of the General Assembly, who presides, the seven Vice-Presidents and the Chairmen of the six Main Committees. The General Committee studies the provisional agenda and the supplementary list,<sup>6</sup> considers requests for the inclusion of additional

items in the agenda and reports to the plenary meeting. It assists the President of the General Assembly in drawing up the agenda for each plenary meeting, in determining the priority of agenda 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 may not, however, decide any political question.

## 3. Standing Committees

Two Standing Committees are provided for in the General Assembly's rules of procedure: an Advisory Committee on Administrative and Budgetary Questions and a Committee on Contributions.

The Advisory Committee on Administrative and Budgetary Questions examines the budget of the United Nations and advises the General Assembly on other administrative and financial matters referred to it. It consists of nine members, including at least two recognized financial experts. The members of the Advisory Committee are appointed on the basis of broad geographical representation, personal qualifications and experience; they serve for three years. The members of the Committee retire by rotation and are eligible for re-election.

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 also reports 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.

<sup>6</sup>See Rules of Procedure, Annex IV, pp. 322-32, new Rules 13 and 17 (old Rules 13, 14 and 18). The General Assembly revised its rules of procedure, including the numbering of the rules, at the second regular session (see p. 37). As the second regular session was held under the rules of procedure as adopted at the first session, references in the text concerning the second regular session are made to the old rules. For text of rules of procedure adopted at the first session, see Yearbook of the United Nations, 1946-47, pp. 313-22; see also document A/71/Rev.1.

The General Assembly is also assisted in its work by a Board of Auditors, an Investments Committee and a United Nations Staff Benefit Committee.

The Board of Auditors consists of the Auditor-General (or corresponding official) of three Member Governments of the United Nations appointed by the General Assembly for three years. Its members retire by rotation. The members of the Board of Auditors serve as external Auditors of the accounts of the United Nations, the International Court of Justice and of designated specialized agencies. The Board submits to the General Assembly an annual report, which is made available to the Advisory Committee on Administrative and Budgetary Questions.

The Investments Committee, which consists of three members appointed for three years by the Secretary-General, after consultation with the Advisory Committee on Administrative and Budgetary Questions and subject to the approval of the General Assembly, advises the Secretary-General in regard to the investment of special and other funds under the control of the United Nations as well as the pensions funds.

The United Nations Staff Benefit Committee consists 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 secret ballot. The Committee is charged

with the administration of the Pension Scheme.

At its second session the General Assembly established an International Law Commission<sup>7</sup> to be composed of fifteen persons of recognized competence in international law elected for three-year terms of office by the General Assembly from a list of candidates nominated by Member Governments. The Commission's function is to promote the progressive development of international law and its codification. It is primarily concerned with public international law, but is not precluded from entering the field of private international law.

#### 4. Ad hoc Committees

In addition to Main, Procedural and Standing Committees, the General Assembly may appoint such ad hoc committees or commissions as may be required from time to time for special purposes.

In the period under review the Assembly established the following ad hoc committees and commissions: Interim Committee of the General Assembly,<sup>8</sup> United Nations Temporary Commission on Korea,<sup>9</sup> United Nations Special Committee on the Balkans,<sup>10</sup> United Nations Palestine Commission,<sup>11</sup> Special Committee on Information Transmitted under Article 73 e of the Charter<sup>12</sup> and Headquarters Advisory Committee.<sup>13</sup> These committees and commissions were established by the General Assembly during its second session, from September 16 to November 29, 1947.

### C. MEMBERSHIP, SESSIONS AND PRESIDENTS<sup>14</sup> OF THE GENERAL ASSEMBLY

The General Assembly consists of all the Members of the United Nations.<sup>15</sup>

During the period under review (July 1, 1947, to September 21, 1948) the General Assembly held two sessions:

Second Regular Session, September 16 to November 29, 1947;

Second Special Session, April 16 to May 14, 1948.

Both of these sessions were held at the United Nations interim headquarters, at Lake Success and Flushing Meadow, New York.

The President of the second regular session was

Oswaldo Aranha (Brazil); the President of the second special session was Jose Arce (Argentina).

The International Law Commission was established at the second session of the General Assembly, but its members were not elected until the third session.

<sup>8</sup>For the terms of reference of this Committee, see pp. 80-81.

<sup>9</sup>For the terms of reference of this Commission, see p. 88.

<sup>10</sup>For the terms of reference of this Committee, see pp. 74-75.

<sup>11</sup>For the terms of reference of this Commission, see pp. 248, 249, 251, 252.

<sup>12</sup>For the terms of reference of this Committee, see p. 155.

<sup>13</sup>For the terms of reference of this Committee, see p. 225.

<sup>14</sup>For list of Vice-Presidents and Officers of the Main Committees, see Annex II, pp. 318-19.

<sup>15</sup>For list of Members, see Appendix II, Roster of the United Nations.

## D. SECOND REGULAR SESSION<sup>1</sup>

### 1. Opening of the Session and General Debate

The second regular session of the General Assembly convened at Flushing Meadow, New York, on September 6, 1947.

The temporary President, Oswaldo Aranha, of Brazil, upon opening the session, stressed the heavy responsibility resting upon the United Nations "to clear away world-wide misgivings and perplexities" and to lay the foundations for real peace. "The problem, therefore, at this time," he stated, "is to impart to all peoples and to all men in all regions a thorough confidence in our Organization. Only thus can we disarm them for war and equip them for cordiality and peace." Recalling the universal desire for peace, Mr. Aranha expressed belief that there was but "a single road to peace, however, which all must follow. . . . The work that was begun at San Francisco must culminate in New York, here at the United Nations."

The Mayor of New York, William O'Dwyer, extended the City's greetings to the General Assembly.

At the 92nd plenary meeting on September 30, 1947, the President of the Assembly welcomed the President of the International Court of Justice, Jose Gustavo Guerrero; the Director-General of the Pan American Union, Alberto Camargo Lleras; and the representatives of the following specialized agencies: the International Labour Organisation (Sir Guildhaume Myrddin-Evans, Chairman of the Governing Body; Leon Jouhaux and J. D. Zellerbach, Vice-Chairmen; Edward Phelan, Director-General of the International Labour Office), the Food and Agriculture Organization of the United Nations (Sir John Boyd Orr, Director-General), the United Nations Educational, Scientific and Cultural Organization (Walter H. C. Laves, Deputy-Director) and the International Civil Aviation Organization (Edward Warner, Chairman of the Council).

This was the first session of the General Assembly at which specialized agencies were represented in accordance with the agreements approved by the General Assembly during the second part of its first session. Specialized agencies not yet in relationship with the United Nations and non-governmental organizations in category A were represented by observers.

In the course of its second session, which ended November 29, the General Assembly held 49 plenary meetings and 445 meetings of committees and sub-committees; it adopted 93 separate resolutions.

Thirty-nine countries participated in the general debate, which lasted from the 82nd plenary meeting on September 17 to the 90th plenary meeting on September 23. In the course of this debate the representatives outlined the general views of their governments on major problems confronting the United Nations, such as the voting procedure in the Security Council (the problem of the "veto"); the control of atomic energy; the regulation and reduction of armaments; the problems of Palestine, Korea, Greece and Indonesia; the widening rift between the Eastern and the Western Powers; the admission of new Members to the United Nations; problems of postwar reconstruction and of economic stability and development. Following is a list of delegations which participated in the general debate:

	Plenary Meeting	Date (in Sept. 1947)
Argentina	85th	19
Australia	83rd	18
Brazil	86th	19
Byelorussian S.S.R.	85th	19
Canada	83rd	18
Chile	83rd	18
China	83rd	18
Colombia	88th	22
Cuba	89th	22
Czechoslovakia	87th	20
Dominican Republic	89th	22
Ecuador	90th	23
Egypt	87th	20
El Salvador	84th	18
France	87th	20
Greece	86th	19
India	85th	19
Iraq	84th	18
Lebanon	87th	20
Liberia	87th	20
Mexico	82nd	17
Netherlands	87th	20
New Zealand	87th	20
Peru	84th	18
Philippines	83rd	18
Poland	82nd	17
Saudi Arabia	89th	22

<sup>16</sup>A more detailed account of the debates at the second regular session of the General Assembly is given in the United Nations Weekly Bulletin, Vol. III, Nos. 13-24.

	Plenary Meeting	Date (in Sept. 1947)
Siam	87th	20
Sweden	86th	19
Syria	88th	22
Turkey	89th	22
Ukrainian S.S.R.	89th	22
Union of South Africa	86th	19
U.S.S.R.	84th	18
United Kingdom	88th	22
United States	82nd	17
Uruguay	82nd	17
Venezuela	84th	18
Yugoslavia	89th	22

At the conclusion of the general debate the Secretary-General addressed the Assembly. He supported the principle of universal membership of the United Nations and expressed the hope that action might be taken at an early date, if possible during the current session of the General Assembly, to bring into the United Nations all nations which had applied for membership. With regard to the political situation in general, the Secretary-General remarked that the cornerstone of the United Nations — Big Power co-operation — was being shaken by open differences between the Powers. Nevertheless he stated his emphatic opinion that this situation did not constitute a threat to the existence of the United Nations. The "veto" issue, moreover, he considered, was more a symptom than a cause of the differences among the Great Powers.

Big Power disagreement did, however, hamper the work of the United Nations, the Secretary-General declared. He deplored the fact that the United Nations had been able only to a limited degree to fulfil its great obligations in the economic and social fields. It would be a grave thing for humanity if political differences and political suspicions should deny the United Nations the power to accomplish its great humanitarian work. Just as it was co-operation among the Powers which created the organization, it was disunity among them which created the greatest difficulties today. It was intolerable, the Secretary-General stated, to think that these differences should ever be allowed to lead to war, and he appealed to the members of the General Assembly to find a way to return to the spirit of the Preamble of the Charter of the United Nations: ". . . to practice tolerance and live together in peace with one another as good neighbours . . ."

The Secretary-General urged that the most important administrative task awaiting the Assembly was to take a decision regarding the new United Nations headquarters.

## 2. Organizational Matters

### a. ADOPTION OF THE AGENDA AND DISTRIBUTION OF AGENDA ITEMS TO COMMITTEES

At its 35th, 36th, 37th and 38th meetings on September 17, 19, 20 and 21 the General Committee considered the provisional agenda for the second session of the General Assembly (A/329), containing 43 items, the supplementary list (A/369), containing 19 items, two additional items proposed by the United States (A/BUR/85) and an additional item proposed by the U.S.S.R. (A/BUR/86). Of the total of 65 agenda items proposed, the General Committee recommended 61 for inclusion in the agenda of the second session of the General Assembly.

Of the remaining four items, one, "Reports from the Specialized Agencies", was postponed until the Economic and Social Council had considered the reports; an Argentine proposal that the Assembly should adopt a formal resolution granting India and Pakistan full membership within the United Nations was withdrawn; and two items proposed by Ecuador, concerning the Draft Charter of International Human Rights and a Draft Declaration on Duties and Rights of States, were deleted, since Ecuador requested that the first item should be transmitted to the Economic and Social Council and explained that the second should be considered as embodying its comments on the Draft Declaration on the Rights and Duties of States presented by Panama.

As the provisional agenda revealed that the probable work load would be unevenly distributed among the Main Committees of the General Assembly, the General Committee, upon the recommendation of the Secretary-General (A/BUR/83), decided at its 35th meeting on September 17, 1947, to recommend to the General Assembly the establishment of an ad hoc Committee on the Palestinian Question, on which all Members would have the right to be represented. All agenda items dealing with the Palestine question would be referred to this Committee, thus relieving the heavy agenda of the First (Political and Security) Committee.

The General Committee further decided to recommend to the General Assembly that an ad hoc Committee on Headquarters be established, consisting of the members of the Headquarters Advisory Committee appointed at the previous session (resolution 100(I) of December 14, 1946<sup>17</sup>),

<sup>17</sup>See Yearbook of the United Nations, 1946-47 p 275.

namely Australia, Belgium, Brazil, Canada, China, Colombia, France, Greece, India, Norway, Poland, Syria, U.S.S.R., United Kingdom, United States and Yugoslavia.

At its 38th meeting on September 21, the General Committee agreed upon the allocation of agenda items among committees.

The General Assembly considered the report of the General Committee (A/392) at its 90th and 91st plenary meetings on September 23, 1947. The representatives of Iraq and Lebanon opposed the creation of an ad hoc committee to deal with the Palestine question. The General Assembly, however, by a vote of 29 to 11, with 6 abstentions, decided in favor of the establishment of an ad hoc Committee on the Palestinian Question and an ad hoc Committee on Headquarters.

The General Assembly approved all items recommended by the General Committee for inclusion in the agenda. Considerable discussion, however, took place on the question of including the following three items: (1) the problem of the independence of Korea, (2) suggestions to countries concerned with the peace treaty with Italy, and (3) threats to the political independence and territorial integrity of Greece. After considerable discussion the General Assembly voted to include these items in the agenda.<sup>18</sup>

At its 40th meeting on October 1, 1947, the General Committee decided to recommend to the General Assembly the inclusion of a further four additional items (A/BUR/88-91) in the agenda (A/392/Add.3). The General Assembly approved this recommendation at its 95th plenary meeting on October 1, 1947.

## b. ELECTION OF OFFICERS OF THE GENERAL ASSEMBLY

### (1) Election of the President

At its 81st plenary meeting on September 16, 1947, the General Assembly proceeded to elect its President for the second session. On the first ballot Oswaldo Aranha (Brazil) obtained 26, H. V. Evatt (Australia) 23 and Jan Masaryk (Czechoslovakia), six votes. On the second ballot, which was confined to the two candidates receiving the highest number of votes on the first ballot, Mr. Aranha obtained 29 votes and Mr. Evatt, 22. Mr. Aranha was thus elected President of the second session.

### (2) Election of the Vice-Presidents

At its 81st plenary meeting on September 16, 1947, the General Assembly elected its seven Vice-Presidents. Six Members received the necessary

majority for election on the first ballot:

United Kingdom .....	48 votes
United States .....	48 votes
China .....	47 votes
France .....	47 votes
Mexico .....	44 votes
U.S.S.R. ....	44 votes

On the second ballot, confined to the two Members obtaining the highest number of votes short of a two-thirds majority, the Ukrainian S.S.R. (23) and Cuba (13), these two Members each obtained 27 votes. Neither country having obtained the majority necessary for election, the President, in accordance with rule 83<sup>19</sup> of the provisional rules of procedure, decided between the candidates by lot. As a result, Cuba was elected as the seventh Vice-President of the General Assembly.

## c. ELECTION OF OFFICERS AND MEMBERS OF COMMITTEES

### (1) Main Committees

Each of the six Main Committees of the General Assembly met on September 16, 1947, to elect its Chairman. The Vice-Chairmen and Rapporteurs were elected at subsequent meetings. The results of the elections were as follows:

First (Political and Security) Committee

Chairman: Joseph Bech (Luxembourg), elected by 42 votes at the 58th meeting on September 16, 1947.

Vice-Chairman: Adolfo Costa du Rels (Bolivia), elected unanimously at the 59th meeting on September 24, 1947.

Rapporteur: Per Federspiel (Denmark), elected by 41 votes at the 59th meeting on September 24, 1947;<sup>20</sup> later replaced by Henrik Kauffmann (Denmark), elected unanimously at the 68th meeting on October 7, 1947.

Second (Economic and Financial) Committee

Chairman: Hernan Santa Cruz (Chile), elected unanimously at the 31st meeting on September 16.

Vice-Chairman: C. L. Patijn (Netherlands), elected unanimously at the 32nd meeting on September 24.

Rapporteur: Josef Hanc (Czechoslovakia), elected unanimously at the 32nd meeting on September 24.

Third (Social, Humanitarian and Cultural) Committee

Chairman: Oscar Lange (Poland), elected unanimously at the 50th meeting on September 16.

Vice-Chairman: A. Dash Wilson (Liberia), elected unanimously at the 51st meeting on September 24.

Rapporteur: Charles Malik (Lebanon), elected unanimously at the 51st meeting on September 24, 1947.

<sup>18</sup>For details concerning these questions see pp. 81-88 on Korea; pp. 93-94 on the Italian peace treaty; pp. 63-75 on Greece.

<sup>19</sup>The rules of procedure of the General Assembly were revised during the second regular session; see Annex IV, rule 85, p. 328. This session was conducted under the old rules, see Yearbook of the United Nations, 1946-47, pp. 313-22, and doc. A/71/Rev.I.

<sup>20</sup>Mr. Federspiel was recalled to Denmark.



Fourth (Trusteeship) Committee

Chairman: Sir Carl August Berendsen (New Zealand), elected unanimously at the 29th meeting on September 16.

Vice-Chairman: Kuzma V. Kiselev (Byelorussian S.S.R.), elected unanimously at the 30th meeting on September 24.

Rapporteur: Max H. Dorsinville (Haiti), elected unanimously at the 30th meeting on September 24.

Fifth (Administrative and Budgetary) Committee

Chairman: Sir Fazl Ali (India), elected unanimously at the 47th meeting on September 16.

Vice-Chairman: Joza Vilfan (Yugoslavia), elected unanimously at the 48th meeting on September 24.

Rapporteur: Gosta Bagge (Sweden), elected unanimously at the 48th meeting on September 24;<sup>21</sup> later replaced by Richard Bergstrom (Sweden), elected unanimously at the 98th meeting on November 12.

Sixth (Legal) Committee

Chairman: Faris el-Khoury (Syria), elected unanimously at the 35th meeting on September 16.

Vice-Chairman: Max Henriquez-Ureña (Dominican Republic), elected by a large majority at the 36th meeting on September 24.

Rapporteur: Georges Kaeckenbeeck (Belgium), elected unanimously at the 36th meeting on September 24, 1947.

(2) Procedural Committees

(a) CREDENTIALS COMMITTEE

At its 80th plenary meeting on September 16, 1947, the General Assembly, upon the proposal of the temporary President, appointed the following countries to be members of the Credentials Committee: Chile,<sup>22</sup> Czechoslovakia, Honduras, Iran, New Zealand, Norway, Poland, Siam, United Kingdom. At its first meeting on September 16, 1947, the Credentials Committee elected Iran as its Chairman.

The Committee reported to the 81st plenary meeting of the General Assembly that 35 delegations had fully satisfied the requirements, that fifteen Member States had submitted provisional credentials for their representatives and that five Member States had not submitted credentials. On the recommendation of the Committee the Assembly decided that representatives of countries which had submitted provisional credentials and those which had not yet submitted credentials should sit provisionally with all the rights of the other representatives.

The Credentials Committee met again on November 26, 1947, to examine the documents submitted since its first meeting. It reported to the closing meeting of the General Assembly, the 128th plenary meeting on November 29, 1947, that all Member States represented at the second session of the General Assembly had submitted full powers and credentials which satisfied the requirements of the rules of the General Assembly.

The Committee's report was adopted without discussion.

(b) GENERAL COMMITTEE

According to rule 32 of the provisional rules of procedure, the General Committee consists of the President of the Assembly, the seven Vice-Presidents and the Chairmen of the six Main Committees. The composition of the General Committee, therefore, was as follows:

Oswaldo Aranha (Brazil), President of the Assembly—Chairman

Chief representatives of the following countries (Vice-Presidents of the Assembly):

China	U.S.S.R.
Cuba	United Kingdom
France	United States
Mexico	

Chairmen of Main Committees:

Sir Fazl Ali (India)
Joseph Bech (Luxembourg)
Sir Carl August Berendsen (New Zealand)
Faris el-Khoury (Syria)
Oscar Lange (Poland)
Hernan Santa Cruz (Chile)

(3) Standing Committees

(a) ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

At the second part of its first session (resolution 72 (I)) the General Assembly had appointed the following to be members of the Advisory Committee for Administrative and Budgetary Questions for a period of one year:<sup>23</sup>

Andre Ganem (France)
S. K. Kirpalani (India)
Gustavo Martinez Cabañas (Mexico)

As the term of office of these three members was due to expire December 31, 1947, the General Assembly had to appoint three new members, to serve for a period of three years (A/365).

The General Assembly referred the question to the Fifth Committee. At the 57th meeting of the Fifth Committee on October 7, the Chairman called for nominations of three persons to be recommended as members of the Advisory Committee. At the time of the election, the 77th meeting of the Fifth Committee on October 25, three nominations had been submitted. The candidates obtained the following number of votes in the Fifth Committee:

Andre Ganem (France).....	37 votes
Jan Papánek (Czechoslovakia).....	38 votes
Nivarti Sundaresan (India).....	38 votes

<sup>21</sup>Mr. Bagge resigned to resume his duties at the University of Stockholm.

<sup>22</sup>Chile was later replaced by Bolivia.

<sup>23</sup>See Yearbook of the United Nations, 1946-47, pp. 116-17.

In consequence the Fifth Committee recommended to the General Assembly that these three persons be appointed members of the Advisory Committee.

On the recommendation of the Fifth Committee the General Assembly at its 104th plenary meeting on November 1, 1947, adopted the following resolution without objection:

"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. Andre Ganem (France)

Mr. J. Papanek (Czechoslovakia)

Mr. N. Sundaresan (India)

"2. Declares these members to be elected for a three-year term."<sup>24</sup>

#### (b) COMMITTEE ON CONTRIBUTIONS

At the first part of its first session the General Assembly had appointed the following to be members of the Committee on Contributions for a period of two years:<sup>25</sup>

Henri de Baumont (France)

Sir Cecil Kisch (United Kingdom)

Nedim El-Pachachi (Iraq)

As the term of office of these three members was due to expire on December 31, 1947, the General Assembly at its second session had to appoint three new members to serve for a period of three years.

The General Assembly referred the question to the Fifth Committee. At the 57th meeting of the Committee on October 7, 1947, the Chairman asked for nominations. Five names were submitted to the Committee. When a vote was taken at the 77th meeting of the Fifth Committee on October 25, 1947, each of the five candidates nominated received the following number of votes:

Harry Campion (United Kingdom) .....	42 votes
Rafik Asha (Syria) .....	32 votes
Henri de Baumont (France) .....	28 votes
Maria Z. N. Witteveen (Netherlands) .....	23 votes
Erik Lundberg (Sweden) .....	12 votes

As only two candidates had received the necessary two-thirds majority for election, a second ballot was taken. The vote was limited to the two candidates receiving the next highest number of votes on the first ballot. The result was: 21 votes for Henri de Baumont and 29 votes for Maria Z. N. Witteveen. The French delegation then expressed a desire to withdraw Mr. Baumont's candidacy. The Chairman ruled, however, that this was not permissible. When a third ballot was taken Mr. Baumont received 11 votes and Miss Witteveen

39. The Fifth Committee therefore recommended Miss Witteveen's appointment.

On the recommendation of the Fifth Committee (A/432) the General Assembly at its 104th meeting on November 1, 1947, adopted the following resolution (149 (II)) without objection:

"The General Assembly

"1. Declares the following persons to be elected as members of the Committee on Contributions under the terms of reference laid down in rule 42 of the provisional rules of procedure:

Mr. R. Asha (Syria)

Mr. H. Campion (United Kingdom)

Miss M. Z. N. Witteveen (Netherlands)

"2. Declares these members to be elected for a three-year term."<sup>26</sup>

#### (4) Ad hoc Committees

##### (a) Ad hoc COMMITTEE ON THE PALESTINIAN QUESTION

At its first meeting on September 25, 1947, the ad hoc Committee on the Palestinian Question elected the following officers by acclamation:

Chairman: Herbert V. Evatt (Australia)

Vice-Chairman: Prince Subha Svasti Svastivat (Siam)

Rapporteur: Thor Thors (Iceland)

##### (b) Ad hoc COMMITTEE ON HEADQUARTERS

At its first meeting on September 24, 1947, the ad hoc Committee on Headquarters unanimously elected the following officers:

Chairman: Warren Austin (United States)

Vice-Chairman: Finn Moe (Norway)

Rapporteur: Alexis Kyrrou (Greece)

#### d. ELECTION OF MEMBERS OF COUNCILS

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

At its second session the General Assembly had to elect three non-permanent members of the Security Council, as the terms of office of Australia, Brazil and Poland, which had been elected by the General Assembly during the first part of its first session on January 12, 1946,<sup>27</sup> were due to expire December 31, 1947. In accordance with Article 23, paragraph 2, of the Charter these countries were not immediately re-eligible.

As a result of the first ballot, taken at the 92nd plenary meeting of the General Assembly on Sep-

<sup>24</sup> For membership of the Advisory Committee, see Annex III, p. 319.

<sup>25</sup> See Yearbook of the United Nations, 1946-47, p. 59.

<sup>26</sup> For membership of the Committee on Contributions, see Annex III, p. 319.

<sup>27</sup> See Yearbook of the United Nations, 1946-47, pp. 59-60.

tember 30, 1947, the following Members received the necessary two-thirds majority:

Argentina .....	41 votes
Canada .....	41 votes

The second ballot was limited to the two Members receiving the highest number of votes short of the two-thirds majority required for election, the Ukrainian S.S.R. (33) and India (29). The Ukrainian S.S.R. received 29 votes and India 24. Two further ballots, taken at the 93rd plenary meeting of the General Assembly on September 30, 1947, likewise proved inconclusive. A proposal by the Chairman to proceed to the election of the members of the Economic and Social Council and the Trusteeship Council before completing the election of the non-permanent members of the Security Council was, however, rejected by the Assembly by a vote of 35 to 6, with 5 abstentions. Although two further ballots failed to resolve the deadlock, the Assembly by a vote of 30 to 14, with 2 abstentions, rejected a motion for adjournment. When the seventh ballot again was inconclusive the Assembly voted to adjourn. Two further ballots were taken at the 94th plenary meeting of the General Assembly on October 1, 1947, but failed to result in the election of either of the two candidates and the Assembly proceeded to the election of the members of the Economic and Social Council. Balloting for the election of a third non-permanent member of the Security Council was resumed at the 96th plenary meeting of the General Assembly on October 20, 1947. The tenth and eleventh ballots again resulted in a deadlock between the Ukrainian S.S.R. and India.

At the 109th plenary meeting of the General Assembly on November 13, 1947, the President of the Assembly announced that he had received a communication from the representative of India, stating that India desired to withdraw its candidature for a seat on the Security Council. Hence, on the 12th ballot the Ukrainian S.S.R. received 35 votes and India 2. The Ukrainian S.S.R., therefore, was elected a non-permanent member of the Security Council for two years.

The representative of India stated that India's candidature for a seat on the Security Council was based solely on its desire to see that this principal organ of the United Nations, on which special responsibilities were laid, was fully representative of all the important regions of the world; with the retirement of Australia from the Council, the Indian Ocean area would be left wholly unrepresented. On the other hand it was not India's desire that the work of the General Assembly should be

held up by continuing a deadlock which seemed to offer no chance of immediate solution. It was for these reasons that the Indian delegation had decided to withdraw from the contest.

The President of the Assembly thanked the representative of India for the above statement and congratulated the Indian delegation, which "by its gesture has made a contribution to the spirit of co-operation and unity of the General Assembly".<sup>28</sup>

#### (2) Election of Six Members of the Economic and Social Council

The General Assembly at its second session had to elect six members of the Economic and Social Council. The terms of office of the following six countries which had been elected for two years during the first part of the first session of the General Assembly on January 12, 1946,<sup>29</sup> were due to expire on December 31, 1947:

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

These countries were, according to the Charter, eligible for re-election. The six new members to be elected were to serve for three years.

The Assembly proceeded to elect the members of the Economic and Social Council at its 94th plenary meeting on October 1, 1947. As a result of the first ballot the following Members received the required number of votes:

Brazil .....	55 votes
United Kingdom.....	49 votes
Denmark .....	45 votes
U.S.S.R.....	45 votes

As only four countries had received the two-thirds majority necessary for election, a second ballot was taken which was confined to the five countries receiving the highest number of votes short of a two-thirds majority. They were Australia (37), Poland (29), Iran (26), Greece (13) and India (13). (According to the rules of procedure the second and subsequent ballots should be limited to twice the number of candidates as there are posts to be filled—four in this case. As Greece and India, however, had received the same number of votes, the Chairman ruled that the second ballot should include the five countries receiving the highest number of votes.) On the second ballot Australia received 38 votes and was consequently elected. Poland and Iran, the two Members receiving the next highest number of votes, received

<sup>28</sup> For list of members of Security Council, see Security Council, p. 337.

<sup>29</sup> See Yearbook of the United Nations, 1946-47, p. 60.

31 and 21 votes, respectively; the third ballot was therefore limited to these two Members, Poland, receiving 36 votes and Iran 21. A fourth ballot resulted in the election of Poland by 39 votes, Iran obtaining 18 votes.<sup>30</sup>

(3) Election of Two Members of the Trusteeship Council

On April 2, 1947, the Security Council approved the Trusteeship Agreement submitted by the United States in respect of the Pacific Islands formerly under Japanese Mandate. On July 18, 1947, the United States Government approved this Agreement. Hence, the United States, which had been a member of the Trusteeship Council by virtue of the fact that it is a permanent member of the Security Council (Article 86, paragraph 1b, of the Charter) became, as of July 18, 1947, a member of the Trusteeship Council administering a Trust Territory. In accordance, therefore, with the provisions of Article 86, paragraph 1c, of the Charter, which provides that the total number of members of the Trusteeship Council should be equally divided between those Members of the United Nations which administer Trust Territories and those which do not, it was necessary for the General Assembly during its second session to elect two additional members of the Trusteeship Council (A/356).

The Assembly proceeded to the election of two members of the Trusteeship Council at its 95th plenary meeting on October 1, 1947. As a result of the first ballot the following four Members received the highest number of votes:

Philippines .....	23 votes
Norway .....	23 votes
Costa Rica .....	20 votes
Siam .....	15 votes

As no country had received the two-thirds majority necessary for election on the first ballot, a second ballot was taken which was limited to these four Members. The result of the second ballot was as follows:

Philippines .....	34 votes
Norway .....	29 votes
Costa Rica .....	25 votes
Siam .....	22 votes

After two further ballots had proved inconclusive, the Assembly postponed further balloting. The fifth and sixth ballots were taken at the 96th plenary meeting of the General Assembly on October 20, 1947, but failed to break the deadlock.

The seventh ballot was taken at the 109th meeting of the General Assembly on November 13, 1947, and again failed to result in the election of

any of the four Members. The President pointed out that on the last ballot nineteen delegations had voted for only one Member, and he appealed to all delegations to vote for two Members so as not to continue the deadlock in the voting.

As a result of the eighth ballot the Philippines was elected a member of the Trusteeship Council by 41 votes, Costa Rica receiving 32 and Norway 15 votes.

On the ninth ballot, which was limited to these two Members, Costa Rica received 33 votes and Norway 24. Norway thereupon announced its withdrawal as a candidate for a seat on the Trusteeship Council. As a result Costa Rica was elected on the tenth ballot by 46 votes.<sup>31</sup>

At the 109th plenary meeting of the General Assembly, the President announced that the Sixth Committee had approved a recommendation that the rules of procedure be amended in such a way as to permit the newly elected members of the Trusteeship Council to take office immediately upon election rather than on January 1, 1948. The General Assembly approved this recommendation, in view of the fact that the Trusteeship Council's second session was to convene on November 29, 1947.

#### e. PROCEDURAL MATTERS

(1) Proposal to Hold the Third Session of the General Assembly in Europe

The delegations of France and Sweden jointly, on November 1, 1947, submitted a proposal to hold the third regular session of the Assembly in Europe (A/BUR/92/Rev.I). The Secretary-General, in consultation with a Committee of nine members designated by the President of the General Assembly, was to choose the city where the session should be held.

The General Committee, at its 41st meeting on November 3, 1947, agreed unanimously to recommend to the General Assembly that this proposal be considered as to its substance in plenary meeting and that it be referred to the Fifth Committee for study and report on its administrative and budgetary implications. The General Assembly approved the General Committee's recommendation at its 108th plenary meeting on November 3, 1947 (A/452).

On November 7, 1947, the Secretary-General submitted to the Fifth Committee an estimate of the additional cost of holding the third session of

<sup>30</sup> For list of members, see Economic and Social Council, p. 501.

<sup>31</sup> For list of members, see Trusteeship Council, p. 727.

the General Assembly in Europe instead of at headquarters. Compared to the estimated costs at headquarters, the additional cost of holding the session in Geneva, the Secretary-General reported, would amount to \$1,336,344, and at a site other than Geneva to \$1,482,562, a difference of approximately \$146,000 (A/C.5/205). The Fifth Committee referred the Secretary-General's report to the Advisory Committee on Administrative and Budgetary Questions. Having studied the Secretary-General's report, the Advisory Committee reported that the additional cost of holding the session in Geneva probably would not exceed \$901,875, approximately \$430,000 less than the Secretary-General had estimated. The Advisory Committee agreed that holding a session at a place other than Geneva would probably involve an additional cost of approximately \$146,000 (A/C.5/214).

The Fifth Committee considered the Advisory Committee's report at its 97th meeting on November 12, 1947. The Secretary-General expressed the view that it would not prove possible to hold a session in Geneva at an additional cost of only \$901,875, as estimated by the Advisory Committee. If the Fifth Committee should accept the Advisory Committee's estimates, he felt that he should reserve his right to consult with the Advisory Committee in due course and to offer it evidence that its estimate was too low, and that it would be necessary to draw upon the Working Capital Fund. After considerable discussion, the Fifth Committee agreed to accept the Advisory Committee's estimate of an additional expense of \$901,875, if the session were held in Geneva, but in view of the many uncertainties in connection with the estimates and the Secretary-General's reservation about accepting the Advisory Committee's figure, it was considered that the Secretary-General should, in consultation with the Advisory Committee, have recourse to the Working Capital Fund if the appropriations finally provided by the General Assembly proved inadequate. The Fifth Committee agreed that holding a session in Europe at a location other than Geneva would increase the cost by approximately \$146,000 (A/473).

At its 113th and 114th plenary meetings on November 14 and 15, the General Assembly considered the question of holding the third regular session of the General Assembly in Europe. The representatives of France, Sweden, Poland and the U.S.S.R. expressed themselves in favor of the proposal on the ground that 1948 would be the last year prior to the establishment of the permanent headquarters of the United Nations in New York.

Since working conditions at the temporary headquarters were not entirely satisfactory—the chief difficulty being the long distance between New York, Flushing Meadow and Lake Success—it was considered that the work of the General Assembly would be completed more rapidly and more efficiently in a place where the members of delegations and of the Secretariat resided near their place of work, thus allowing the General Assembly to step up its schedule of meetings and consequently to shorten the duration of the session.

Concerning the budgetary implications of the proposal to hold the third regular session of the General Assembly in Europe, representatives supporting the proposal maintained that the extra expense falling on the United Nations would be offset by savings to many of the delegations because of the fact that representatives would not have to travel so far and also of the lower cost of living in Europe. The difficulties which certain countries experienced in obtaining dollar exchange would also be alleviated if the third regular session of the General Assembly were to be held in Europe.

Apart from these practical considerations, it was urged that holding a session of the General Assembly away from headquarters would be useful in order to stress the international character of the United Nations. In particular, the problems of the reconstruction and rehabilitation of Europe would be before the General Assembly and it was therefore desirable to give representatives an opportunity to observe conditions in Europe at first hand. At the same time Europeans could become better acquainted with the functioning and work of the United Nations.

Opposition to the French-Swedish proposal was expressed by the representatives of the United Kingdom, New Zealand, Australia, China and Canada, who considered that the additional cost of holding the next session of the Assembly in Europe would probably exceed the estimates of the Advisory Committee on Administrative and Budgetary Questions. The United Nations should not incur this extra expense at a time when every effort was being made to reduce the budget of the organization to the utmost extent possible. As to the delegations, it was maintained that not only was there little possibility of savings on their part, but that many of them would be burdened with extra costs because of the necessity of sending representatives to Europe in addition to maintaining their permanent offices in New York. In case the session were to be held in Geneva, Swiss francs would be as hard to obtain as dollars, so that "soft currency" countries would derive no

benefit from the move. Holding the session away from headquarters, moreover, would seriously impair the general efficiency of the work of the General Assembly. Except for impelling reasons, therefore, sessions of the General Assembly should not be held away from headquarters.

The representative of the Netherlands considered that as a rule Assembly sessions should be held at headquarters, but stated that his delegation might consider the French-Swedish proposal favorably on the condition that the exceptional character of the move be clearly stated in the resolution.

The representative of Cuba introduced an amendment (A/481) to the joint resolution which provided that the country where the session of the General Assembly was to be held should reimburse to the United Nations the additional cost of holding the session away from headquarters.

After lengthy discussion the General Assembly rejected the Cuban amendment by 27 votes to 16, with 11 abstentions. Before a vote was taken on the French-Swedish resolution (A/452) the President ruled that a simple majority only was required to carry the proposal, but that the appropriation for the cost of a European session would require a two-thirds majority. The Assembly adopted the French-Swedish resolution by a vote of 32 to 17, with 5 abstentions. The appropriation was approved at the Assembly's 121st plenary meeting on November 20, 1947, when the Assembly approved the third annual budget of the United Nations.

The text of the resolution (184(II)), adopted by the General Assembly at its 114th meeting on November 15, reads as follows:

"The General Assembly,

"Considering that, under the provisions of rule 5 of the provisional rules of procedure, the General Assembly may, in accordance with a decision adopted at a previous session, or at the request of the majority of the Members, be convened at a place other than the United Nations Headquarters,

"Decides that the third regular session of the General Assembly shall be held in Europe;

"Requests the Secretary-General, in consultation with a committee of nine members designated by the President of the General Assembly, to choose the city where the third regular session of the General Assembly shall be held."

On the proposal of the President, the General Assembly, at its 115th plenary meeting on November 15, 1947, appointed the following to be members of the Committee to be established in accordance with the above resolution: Australia,

Byelorussian S.S.R., Ethiopia, India, Lebanon, Netherlands, Norway, Panama, Uruguay. The Netherlands later withdrew from membership On the Committee; as The Hague was being considered as a possible site for the Assembly session, the Netherlands Government did not wish its representative to participate in the Committee's discussions.

In pursuance of the General Assembly's resolution the Secretary-General informally consulted a number of European delegations as to whether their governments would welcome the Assembly session's being held in their respective countries. The Governments of Belgium, Czechoslovakia, France, the Netherlands, and Switzerland informed him that they desired to receive the General Assembly. The Governments of Denmark and Sweden stated that they would be unable to receive the General Assembly in 1948.

On November 28, 1947, the Secretary-General sent the governments concerned a summary of the basic requirements for a regular session of the General Assembly in regard to conference space, office and hotel accommodation, transportation, local staff, etc., and asked them how far and in what manner these requirements could be met and what facilities each government felt it would be in a position to offer. After having studied these basic requirements, the Government of Czechoslovakia informed the Secretary-General that it did not feel prepared to offer the necessary facilities at this time.

Between January 9 and January 28, 1948, the Secretary-General, accompanied by a small staff of experts, visited Geneva, Berne, Paris, Brussels, The Hague, Amsterdam and Rotterdam.

On February 12, 1948, the Secretary-General submitted a detailed report to the nine-member Committee (A/524). As a result of his examination of the physical facilities offered by the various governments, the Secretary-General concluded that it would be physically possible to hold the third regular session of the General Assembly in any of the four following cities: Geneva, Paris, Brussels, The Hague. As conditions, however, varied greatly from one city to another, the Secretary-General submitted a review of his findings, taking into consideration such factors as cost, transportation, accommodation for visitors, recruitment of local personnel, currency exchange.

On the basis of the Secretary-General's report, the Committee unanimously agreed that Paris would be the most suitable location for the third regular session of the General Assembly and advised the Secretary-General to this effect. The

Secretary-General, accordingly, chose Paris as the site of the third regular session of the General Assembly and entered into the necessary negotiations with the French Government (A/526).

The French Government agreed to make available to the United Nations the Palais de Chaillot, near the Eiffel Tower, and to convert it at the expense of the French Government so as to provide a main Assembly Hall with approximately 3,000 seats, main committee rooms and all necessary sub-committee rooms. It was stated that, in addition, the building was large enough to provide all the necessary space for a delegates' lounge, press lounge, restaurant and Secretariat offices. As a result of the devaluation of the French franc it was expected that the estimated cost of holding the session in Paris—\$1,089,000—might be reduced.

(2) Procedures and Organization of the General Assembly

By resolution 102(I) of December 15, 1946, the General Assembly, at the second part of its first session, had instructed the Secretary-General to make a study of measures to economize the time of the General Assembly and a study of the provisional rules of procedure.<sup>32</sup> The Assembly had invited all Member governments to forward to the Secretary-General any suggestions they might wish to make. This report was to be examined one week before the opening of the session by a Committee on Procedures and Organization of fifteen members to be designated by the Governments of: Argentina, Belgium, Canada, China, Cuba, Denmark, France, Greece, Haiti, Peru, Ukrainian S.S.R., U.S.S.R., United Kingdom, United States and Yugoslavia.<sup>33</sup>

In accordance with this resolution the Secretary-General, on July 8, 1947, submitted a report (A/316 and Add 1) containing:

(a) a summary of the Secretary-General's suggestions for steps that might be taken to economize the time of the General Assembly, in particular proposals with respect to the inclusion of items on the agenda, suggestions with a view to accelerating the debates and avoiding unnecessary repetition and recommendations as to the material arrangements which would tend to expedite the work of the Assembly, such as the increased use of simultaneous interpretation, the preparation and observance of strict schedules of meetings;

(b) the Secretary-General's suggested revision of the rules of procedure; and

(c) copies of suggestions received from the Governments of: Dominican Republic, Australia, Guatemala, Netherlands, Argentina, New Zealand, Denmark, United Kingdom and Norway.

The Committee on Procedures and Organization met for the first time at Lake Success on Sep-

tember 9, 1947. The Committee held fifteen meetings between September 9 and September 15.<sup>34</sup> It submitted a report to the second session of the General Assembly (A/388), which contained:

(a) a series of suggestions, the adoption of which would, in the opinion of the Committee, assist considerably in expediting the work of the General Assembly; and

(b) a proposed redraft of the provisional rules of procedure, based on the draft rules submitted by the Secretary-General.

According to an analysis submitted by the Canadian delegation (A/393), the revisions in the rules of procedure recommended by the Committee were substantial in their number and in their importance. Of the existing 117 rules of procedure, the Committee recommended the revision or deletion of 59. At the same time the Committee recommended a considerable number of new rules, the total number of rules being increased from 117 to 150. Some of the new rules were based upon existing rules, but twelve of them were entirely new.

Of the eighteen chapters of the rules of procedure, the Committee had considered all except the following:

(a) Chapter VII, dealing with Administrative and Budgetary Matters. The Advisory Committee on Administrative and Budgetary Questions had suggested a number of changes in this Chapter. The Committee on Procedures and Organization considered that the Fifth Committee of the General Assembly should study the rules contained in Chapter VII before their final adoption.

(b) Chapter IX (Languages) and Chapter X (Records). The Committee was informed that a special study was being made by the Secretariat of the application of the rules on languages and records and that a full report on these matters would be made to the General Assembly.

(c) Chapter XVII, concerning the admission of new Members to the United Nations. A committee established by the General Assembly during the second part of its first session had been entrusted with the task of preparing rules governing the admission of new Members after

<sup>32</sup>At the first part of its first session, the General Assembly, on January 11, 1946, had adopted the Provisional Rules of Procedure of the General Assembly, which had been drawn up by the Preparatory Commission. During the first and second parts of the first session, various amendments were introduced into these rules, and certain new rules added. (See A/C.6/182 and Yearbook of the United Nations, 1946-47, pp. 56, 58, 60, 62-64, 69-70, 119, 120.) All the changes thus introduced during the first session are to be found in the Provisional Rules of Procedure of the General Assembly, issued by the Secretariat on April 28, 1947 (A/71/Rev.1); see Yearbook of the United Nations, 1946-47, pp. 313-22.

<sup>33</sup>See Yearbook of the United Nations, 1946-47, pp. 121-22.

<sup>34</sup>For details of the work of the Committee see docs. A/AC12/1-15, A/AC12/SR.1-15.

consultation with a corresponding committee of the Security Council (resolution 36(I)).<sup>35</sup>

The Committee on Procedures and Organization submitted a draft resolution for adoption by the General Assembly which provided, *inter alia*, that the Assembly should adopt provisionally, for the second session of the General Assembly, the revised provisional rules of procedure recommended by the Committee on Procedures and Organization. The General Assembly should then establish a Committee on Rules of Procedure on which all members of the General Assembly should have the right to be represented, this Committee to hold its first meeting on October 13, 1947. This Committee should study the revised rules provisionally adopted by the Assembly and, on the basis of further comments and suggestions from the members of the General Assembly, from the Fifth Committee (regarding Chapter VII in particular) and from the Secretary General (regarding Chapters IX and X in particular), should submit to the General Assembly, before the conclusion of its second session, its recommendations for further revision of the revised provisional rules of procedure.

The General Committee considered the report of the Committee on Procedures and Organization (A/388) at its 39th meeting on September 29, 1947. The President expressed doubt as to whether at the present stage it would be wise to put into practice a new set of rules, as recommended by the Committee on Procedures and Organization. It was very important, he considered, that any revisions should be fully studied. He therefore submitted a draft resolution to take the place of the draft resolution submitted by the Committee on Procedures and Organization, which provided that the report of the Committee should be referred to the Sixth Committee for study and report and that Chapters VII, IX and X of the provisional rules should be referred to the Fifth Committee, which should report thereon to the Sixth Committee.

The representative of the U.S.S.R. likewise considered that further study of the rules was necessary, but that the rules proposed by the Committee on Procedures and Organization should be referred to the Sixth Committee only.

The representatives of the United Kingdom and of the United States, on the other hand, favored immediate adoption, on a provisional basis, of the revised rules of procedure, as recommended by the Committee on Procedures and Organization. The representative of the United States, however, opposed the creation of a separate committee on

rules of procedure. He maintained that the Sixth Committee had previously dealt with procedural questions, and the report of the Committee on Procedures and Organization should, therefore, be referred to the Sixth Committee.

The representative of the United Kingdom urged that if the matter were referred to the Sixth Committee for further study, it should at least be instructed to report to the General Assembly in time for the rules to be adopted at the second session. In addition, the President, in consultation with the General Committee, should consider carrying out the general suggestions and recommendations submitted by the Committee on Procedures and Organization with a view to economizing the time of the General Assembly.

The President agreed to amend his draft resolution in accordance with these two suggestions advanced by the representative of the United Kingdom. The General Committee (A/392/Add.2) agreed to recommend to the General Assembly the adoption of the resolution in its amended form as follows:

"The General Assembly

"1. Refers to the Sixth Committee Part III of the report of the Committee on Procedures and Organization for consideration and report as soon as possible;

"2. Refers to the Fifth Committee Chapter VII (Administrative and Budgetary Questions), Chapter IX (Languages), and Chapter X (Records) of the Provisional Rules of Procedure, and any recommendations of the Advisory Committee on Administrative and Budgetary Questions thereon;

"3. Instructs the Fifth Committee to submit to the Sixth Committee its recommendations, if any, for the revision of these chapters so that the Sixth Committee can make the rules of these chapters consistent in form and language with the other rules of the revised Provisional Rules of Procedure;

"4. Instructs the Sixth Committee to submit its recommendations, if any, on revisions of Chapters IX and X for incorporation into the Provisional Rules of Procedure;

"5. Instructs the Sixth Committee to submit to the General Assembly its recommendations on the revision of the Provisional Rules of Procedure in sufficient time before the conclusion of the Second Session to ensure their full consideration thereat; and

"6. Requests its President, in consultation with the General Committee, to consider means of carrying out the recommendations and suggestions contained in Part II of the report of the Committee on Procedures and Organization, and to report to the General Assembly thereon from time to time in his discretion."

The General Assembly approved the General Committee's report without objection at its 93rd plenary meeting on September 30, 1947.

<sup>35</sup> See Yearbook of the United Nations, 1946-47, pp. 125-26. The new rules on the admission of new Members were studied and incorporated into the rules of procedure.



The Fifth Committee considered Chapters VII, IX and X of the revised rules of procedure in great detail at its 65th and 66th meetings on October 16, its 67th and 68th meetings on October 17, its 83rd and 84th meetings on November 3, its 85th meeting on November 4 and its 89th meeting on November 6.

On November 7, 1947, the Fifth Committee reported the results of its deliberations to the Sixth Committee (A/C.6/187). In connection with Chapter VII of the provisional rules of procedure, the Fifth Committee recommended a number of changes and additions. With regard to Chapters IX and X, the Fifth Committee considered that no changes were necessary.

The Sixth Committee, at its 40th meeting on October 2, 1947, appointed a sub-committee to study the rules of procedure proposed by the Committee on Procedures and Organization. The sub-committee was composed of the representatives of the Byelorussian S.S.R., Canada, China, Denmark, France, Syria, U.S.S.R., United Kingdom, United States, Uruguay and Venezuela (see (A/C.6/SR.40)).

Fourteen meetings of the sub-committee were devoted to a thorough examination of the provisional rules of procedure, with the exception of the three chapters that had been referred to the Fifth Committee and of Chapter XII (Admission of New Members), which the General Assembly had referred to the First Committee. During its 15th meeting the sub-committee studied the views of the Fifth Committee on Chapters VII, IX and X of the provisional rules of procedure and submitted recommendations aimed at making the rules in these chapters consistent with the other chapters of the provisional rules of procedure (A/C.6/182 and Corr. 1 and A/C.6/185).

The sub-committee thus submitted to the Sixth Committee a complete text (A/C.6/182 and Corr. 1) of the rules of procedure with commentaries showing the reasons for the changes proposed by the sub-committee in the text that had been drawn up by the Committee on Procedures and Organization.

In the course of its 56th and 57th meetings on November 12 and 13 the Sixth Committee examined the report of the sub-committee (A/C.6/182 and Corr. 1; A/C.6/185) as well as a number of amendments submitted by the delegations of India (A/C.6/188), Norway (A/C.6/183), the United Kingdom (A/C.6/184), the U.S.S.R. (A/C.6/186), the United States (A/C.6/W.6) and Yugoslavia (A/C.6/W.9). The Sixth Committee adopted (A/482) a number of

the amendments proposed, while rejecting others.

On the proposal of the United Kingdom the Sixth Committee approved by 25 votes to 6 a draft resolution which provided that the General Assembly adopt the rules as submitted by the Sixth Committee as its rules of procedure, these rules to enter into force on January 1, 1948.

At its 118th plenary meeting on November 17, 1947, the General Assembly, without objection, but with 6 abstentions, adopted the rules of procedure and the resolution proposed by the Sixth Committee.<sup>36</sup> The text of the resolution (173 (II)) follows:

"The General Assembly

"Approves the text of the rules of procedure as set out in the Annex to this report;<sup>37</sup>

"Adopts these rules of procedure as its rules of procedure;

"Decides that they shall enter into force on 1 January 1948 with the exception of rules 127 and 135 which shall enter into force immediately."

### (3) Drafting of **Rules** for the Calling of **International Conferences**

The sub-committee of the Sixth Committee to which the rules of procedure of the General Assembly were referred for study (see above) submitted to the Sixth Committee a draft resolution concerning the study of rules for the calling of international conferences. The Sixth Committee approved this draft resolution.

On the recommendation of the Sixth Committee (A/482 and Add. 1) the General Assembly, at its 118th plenary meeting on November 17, 1947, unanimously adopted the resolution (173 (II)) as follows:

"The General Assembly

"Invites the Secretary-General to prepare, in consultation with the Economic and Social Council, draft rules for the calling of international conferences, as provided in paragraph 4 of Article 62 of the Charter, for consideration at the third session of the General Assembly."

### (4) Simultaneous Interpretation

By resolution 75 (I) of December 7, 1946,<sup>38</sup> the General Assembly requested the Secretary-General to equip a second conference room and a second committee room with simultaneous interpretation apparatus, but referred to the Advisory Committee on Administrative and Budgetary Matters the question whether, from a budgetary

The rules of procedure concerning the admission of new Members which had been referred to the First Committee were approved by the General Assembly at its 122nd plenary meeting on November 21, 1947. See p. 47.

<sup>37</sup>For text of the revised rules (A/520), see Annex IV, pp. 322-32.

<sup>38</sup>See Yearbook of the United Nations, 1946-47, pp 223-24.

point of view, it would be advisable to install wireless in preference to telephonic equipment.

In January 1947, preliminary tests were conducted with wireless equipment in connection with the meetings of the Economic and Employment Commission and of the Economic and Social Council.

In the course of its session held from April 10 to 28, 1947, the Advisory Committee on Administrative and Budgetary Questions, on the recommendation of the Secretary-General, decided that further large-scale experiments with the wireless system, using rented equipment, should be made in a Council chamber. The Advisory Committee also decided that instead of a second committee room referred to in the General Assembly's resolution of December 7, 1946, a further conference room should be equipped for telephonic simultaneous interpretation, as experience had shown that it was not worth while to equip small committee rooms for simultaneous interpretation. Finally, the Advisory Committee urged that the Assembly should, during its second session, reach a final decision regarding the extent to which simultaneous interpretation should be used (A/CN.1/1, p. 15).

On November 26, 1947, the Secretary-General submitted a report to the second session of the General Assembly (A/383 and Corr. 1 and Rev. 1). All the experience gained during the year, the Secretary-General stated, had led to the conclusion that the wireless system of simultaneous interpretation was efficient from the technical point of view and that it offered the great advantages of mobility and eliminated the necessity of complex installation.

As to the extent to which simultaneous interpretation could usefully be employed, the Secretary-General stated that the simultaneous system was particularly well suited for formal debates, but that it had also proved useful in more informal meetings. The use of simultaneous interpretation would result in a greater economy of time than any other single measure that the General Assembly could adopt (A/316, p.5). As to the interpreting staff required, the Secretary-General pointed out that simultaneous interpretation did not require a larger staff than consecutive interpretation, provided both systems were used in strict conformity with rules 53 and 54 of the provisional rules of procedure.<sup>39</sup> Hence the direct cost of simultaneous interpretation would be higher than that of consecutive interpretation only if greater service were rendered. The cost of purchase of equipment could

be written off over a fairly long period, while the cost of maintenance was low. The Secretary-General, therefore, submitted a draft resolution for adoption by the General Assembly which provided that simultaneous interpretation be adopted as a permanent service used alternatively or in conjunction with consecutive interpretation. The Secretary-General would be authorized to provide the personnel for four complete teams of interpreters and the necessary equipment, which was to include wireless equipment for use in the General Assembly Hall and the two Council Chambers, and to service conferences away from headquarters.

The General Assembly referred the Secretary-General's report to the Fifth Committee, which considered it at its 81st meeting on October 30, 1947. After some discussion of the comparative merits and demerits of the simultaneous and consecutive systems of interpretation, the Fifth Committee unanimously adopted the resolution proposed in the report of the Secretary-General.

On the recommendation of the Fifth Committee, the General Assembly, at its 115th plenary meeting on November 15, 1947, adopted, without opposition, the following resolution (152(II)):

"The General Assembly,

"Taking into account the experience gained with the system of simultaneous interpretation since its regular session of 1946 as a result of the authorization granted to the Secretary-General by resolution 75 (I) of 7 December 1946;

"Having considered the report of the Secretary-General on this matter,

"1. Decides that simultaneous interpretation be adopted as a permanent service to be used alternatively or in conjunction with consecutive interpretation as the nature of debates may require;

"2. Authorizes the Secretary-General to provide personnel for four complete teams of interpreters with the necessary technical staff as set forth in the budget estimates for 1948 and the equipment and maintenance for which provision is made in the supplementary estimates for 1948;

"3. Authorizes the Secretary-General to include in the equipment mentioned in paragraph 2 above, wireless equipment for use in the General Assembly Hall and in the two Council chambers, and to service conferences away from headquarters."

(5) Adoption of Spanish as One of the Working Languages of the General Assembly

On September 29, 1947, the representative of the Philippines submitted a draft proposal to amend the rules of procedure of the General Assembly so as to make Spanish a working lan-

<sup>39</sup> Rules 45 and 46 of the revised rules of procedure adopted during the second session of the General Assembly. See Annex IV, p. 325.

guage of the General Assembly (A/BUR/88).<sup>40</sup>

At its 40th meeting on October 1, 1947, the General Committee decided by 8 votes to 6 to recommend to the General Assembly that the draft proposal submitted by the Philippines be included in the agenda and that it be referred to the Fifth Committee (A/392/Add. 3). The General Assembly approved the General Committee's recommendation at its 95th plenary meeting on October 1, 1947.

At its 81st meeting on October 30, 1947, the Fifth Committee referred the proposal to the Advisory Committee on Administrative and Budgetary Questions.

The Fifth Committee considered the Advisory Committee's report (A/C.5/194) at its 89th meeting on November 7, 1947. The report indicated that the adoption of a third working language would entail an addition to the United Nations budget of approximately \$2,000,000 per annum, as well as giving rise to administrative, political and legal difficulties. Accordingly, the Advisory Committee recommended that the question should be referred to the Secretary-General for thorough study and report to the next regular session of the General Assembly.

The representatives of the Philippines and of Honduras emphasized the importance of the use of Spanish as a working language, but supported the suggestion of the Advisory Committee for further study. The Fifth Committee therefore adopted the Advisory Committee's report without objection (A/466).

On the recommendation of the Fifth Committee the General Assembly at its 115th plenary meeting on November 15 adopted, without objection, the following resolution (154(II)):

"The General Assembly,

"Taking into account the wide administrative and budgetary implications and the political and legal aspects of the adoption of Spanish as one of the working languages of the General Assembly,

"Requests the Secretary-General to study all aspects of the proposal and to report to the next regular session of the General Assembly."

- (6) Installation of the Assistant Secretary-General in Charge of Administrative and Financial Services

At the 92nd plenary meeting of the General Assembly on September 30, 1947, Byron Price, who had been appointed Assistant Secretary-General in charge of Administrative and Financial Services by the Secretary-General in March 1947,<sup>41</sup> took the oath of office in accordance with the procedure established by the General Assembly.

### 3. Political and Security Matters

#### a. ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

##### (1) Admission of Pakistan and Yemen

By resolution of August 21, 1947, the Security Council recommended that the General Assembly admit Pakistan and Yemen to membership in the United Nations (A/350).<sup>42</sup>

At its 91st plenary meeting on September 23, 1947, the General Assembly referred the Security Council's recommendation to the First Committee (A/392), which considered the matter at its 59th meeting on September 24, 1947.

Concerning the admission of Pakistan the representative of Argentina expressed the view in the First Committee that Pakistan was already a Member of the United Nations, since, with India, it had inherited the Charter membership held by the previous Indian Government. On August 11, the Argentine representative stated, the Pakistan Charge d'Affaires in Washington had sent a telegram to the United Nations claiming automatic membership in the organization but intimating that if the United Nations was not prepared to concede that right Pakistan would submit an application for membership in the United Nations. The Secretariat had taken the view that Pakistan constituted a new state, while India was regarded as retaining the Charter membership of British India.

The representative of Argentina maintained that the Secretariat's decision was illegal as only the General Assembly had the right to determine the status of Pakistan. The Secretariat's decision had offended the Government of Pakistan. It constituted an unfounded discrimination, since both India and Pakistan should have been regarded as Charter Members, or, alternatively, both should have been considered new Members.

On August 21, 1947, the representative of Argentina had submitted a draft resolution (A/345) for inclusion in the agenda of the second session of the General Assembly which provided that the General Assembly should declare both India and Pakistan to be Members of the United Nations. In the course of the discussion concerning this item which took place at the 37th

<sup>40</sup> Under the terms of a resolution adopted by the General Assembly during the first part of its first session on February 21, 1946, English and French are the working languages of the United Nations. See Yearbook of the United Nations, 1946-47, pp. 63-64.

<sup>41</sup> See Yearbook of the United Nations, 1946-47, p. 120.

<sup>42</sup> See pp. 481-82 and 484.

meeting of the General Committee on September 21, 1947, the Argentine representative had withdrawn his proposal. He then submitted to the First Committee a new draft resolution (A/C.1/187) which provided that the General Assembly declare Pakistan to be a Member of the United Nations as from August 15, 1947. The positions occupied by representatives of the former Government of India in commissions, committees and sub-committees up to August 15, 1947, were to be understood as being occupied as from that date by the representatives of India.

The majority of representatives on the First Committee favored the immediate admission of Pakistan, without further discussion of the complicated legal issues involved. It was pointed out that since India had retained membership of the Economic and Social Council, it seemed to have been tacitly agreed that it had assumed the international rights and obligations of former British India. The logical result was that Pakistan should submit an application for membership in the United Nations. The Committee, therefore, unanimously adopted a draft resolution (A/C.1/188) introduced by the representative of Australia which provided for the admission of Pakistan and Yemen as new Members of the United Nations.

On the proposal of the representative of Chile, the Committee agreed, after some discussion, to refer the legal problems raised by the representative of Argentina to the Sixth Committee for consideration and report, with the understanding, however, that the opinion of the Sixth Committee be sought for use in future cases only, and that it would have no bearing on the status of India or Pakistan as Members of the United Nations.

At the 92nd plenary meeting on September 30, 1947, the General Assembly voted unanimously to admit Yemen to membership in the United Nations. The vote on the admission of Pakistan was 53 to 1, with no absentions, the representative of Afghanistan voting in the negative. At the 96th plenary meeting of the General Assembly the representative of Afghanistan announced that his delegation wished to withdraw its negative vote.

The text of the resolution (108(II)) which the General Assembly adopted at its 92nd plenary meeting is as follows:

"The General Assembly,

"Taking note of the applications for membership submitted to the United Nations by Pakistan and Yemen, and of the recommendation of the Security Council that the Assembly admit Pakistan and Yemen to membership,

"Determines that Pakistan and Yemen are, in its judgment, peace-loving States, within the meaning of Article 4 of the Charter, and are able and willing to carry out

their obligations under the Charter, and consequently

"Decides to admit Pakistan and Yemen as Members of the United Nations."

At its 39th meeting on September 29, 1947, and at its 42nd and 43rd meetings on October 6 and 8, 1947, the Sixth Committee considered the legal question raised by the First Committee (A/C.6/145):

"What are the legal rules to which, in the future, a State or States entering into international life through the division of a Member State of the United Nations should be subject?"

In the course of the discussion in the Sixth Committee, several representatives maintained that no definite rules could be laid down in advance and that each case would have to be considered on its own merits. On the recommendation of the Committee's Rapporteur (A/C.6/162), the Sixth Committee adopted the following general principles as embodying its views on the matter:

"1. That, as a general rule, it is in conformity with legal principles to presume that a State which is a Member of the organization of the United Nations does not cease to be a Member simply because its constitution or its frontier have been subjected to changes, and that the extinction of the State as a legal personality recognized in the international order must be shown before its rights and obligations can be considered thereby to have ceased to exist.

"2. That when a new State is created, whatever may be the territory and the populations which it comprises and whether or no they formed part of a State Member of the United Nations, it cannot under the system of the Charter claim the status of a Member of the United Nations unless it has been formally admitted as such in conformity with the provisions of the Charter.

"Beyond that, each case must be judged according to its merits."

The vote on the above principles was as follows: the first paragraph was adopted by 39 votes to 1, with 2 abstentions; the second paragraph by 39 votes to 0, with 3 abstentions; and the third paragraph by 45 votes to 0, with 2 abstentions.

By letter of October 8, 1947, the Chairman of the Sixth Committee conveyed the Committee's decision to the Chairman of the First Committee (A/C.1/212).

#### **(2) Applications for Membership on Which No Recommendation by the Security Council Was Received by the General Assembly**

By resolution 35(I) adopted during the second part of its first session, at its 49th plenary meeting on November 19, 1946, the General Assembly had requested the Security Council to re-examine the 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, as the Security Council had failed to recommend these applicants for admission to membership in the United Nations.<sup>43</sup>

The Security Council at its 81st meeting on November 29, 1946, accepted the recommendation of the General Assembly. At its 152nd meeting on July 8, 1947, the Council instructed its Committee on the Admission of New Members to reconsider the applications for membership in the United Nations of the five countries in question, and considered the Committee's report (S/479) at its 186th meeting on August 18, 1947. Voting separately on each application, the Security Council failed to recommend any of the five applicant States for admission to membership in the United Nations.<sup>44</sup>

In the course of the year the Security Council also received new applications for membership from Hungary, Italy, Roumania, Austria and Bulgaria, which the Council likewise referred to its Committee on the Admission of New Members. The Security Council considered the Committee's report at its 190th meeting on August 21, 1947. None of the applicants was recommended by the Council for admission to membership in the United Nations. By resolution of August 21, 1947, the Security Council informed the General Assembly of the results of its deliberations (A/350).<sup>45</sup>

After the Security Council had submitted its report dated August 21, 1947, it received an application for membership from Finland (S/559). The Security Council further received a letter dated September 20, 1947, from the representative of the United States requesting that the application of Italy be reconsidered by the Council, as well as a letter dated September 22, 1947, from the representative of Poland requesting that the applications of Hungary, Italy, Roumania and Bulgaria be reconsidered. Accordingly, the Security Council considered the applications of Finland, Hungary, Italy, Roumania and Bulgaria at its 204th, 205th and 206th meetings on September 25 and 29 and October 1, 1947, but again failed to recommend any of the applicants for admission to membership in the United Nations. By letter of October 8, 1947, the President of the Security Council transmitted to the President of the General Assembly a special report of the Security Council on the results of its deliberations (A/406).

The First Committee of the General Assembly considered the two reports of the Security Council at its 98th, 99th, 100th, 102nd and 103rd meetings

held on November 7, 8 and 10, 1947. In the course of the discussion, nineteen draft resolutions were submitted to the Committee.

**(a) RESOLUTION SUBMITTED BY THE REPRESENTATIVE OF SWEDEN**

The representative of Sweden introduced a draft resolution (A/C.1/183) which provided that the General Assembly ask the Security Council to reconsider, in the light of the principle of the universality of the United Nations, the applications of all states which the Council had previously failed to recommend for admission to membership, and to make recommendations to the General Assembly accordingly during its current session. Although commending the generosity which prompted the Swedish delegation to submit this proposal, several representatives expressed opposition on the ground that the proposal might imply admission of Members to the United Nations en bloc, a procedure which was not considered desirable. Each application, it was maintained, ought to be considered on its own merits.

**(b) RESOLUTION SUBMITTED BY THE REPRESENTATIVE OF BELGIUM**

In the course of the Security Council's consideration of the applications of Finland, Hungary, Italy, Roumania and Bulgaria at the 204th, 205th and 206th meetings of the Council,<sup>46</sup> the representative of Poland had proposed that these five countries be admitted together (S/565). The representative of the U.S.S.R., in supporting the Polish proposal, had stated that he considered that each of these applicants fulfilled all the requirements laid down in the Charter for admission to membership in the United Nations. In accordance with the Potsdam Agreement all these countries should therefore be admitted to membership in the United Nations at the same time.

When the representatives of Australia, the United States and the United Kingdom insisted on a separate vote on each application, the representative of the U.S.S.R. voted against the admission of Finland and Italy, on the ground that all former enemy states should be treated in the same way. But for the negative vote of a permanent member of the Security Council, Italy and Finland would have been recommended for admission to membership in the United Nations, having obtained nine affirmative votes each. The

<sup>43</sup>See Yearbook of the United Nations, 1946-47, pp. 124-25.

<sup>44</sup>For further details see pp. 480-81.

<sup>45</sup>See Security Council, pp. 482-84.

<sup>46</sup>See pp. 484-86.

other three countries failed to obtain seven affirmative votes.

The procedure followed in the Security Council was criticized by many representatives in the course of the discussion on membership applications in the First Committee of the General Assembly. The representative of Belgium, therefore, submitted a draft resolution (A/C.1/242) which provided that the General Assembly request the International Court of Justice, to give an advisory opinion on the question whether a state, called upon to pronounce itself on the admission of a given state to membership in the United Nations, was juridically entitled to make its consent to the admission dependent on conditions not expressly provided by Article 4, paragraph 1, of the Charter; in particular, whether a member of the Assembly or of the Security Council could make its consent to the admission of a given state dependent upon the admission of certain other states to membership in the United Nations.

Certain representatives opposed the Belgian resolution on the ground that the question at issue was a political and not a juridical one, and that the General Assembly, therefore, was the only organ competent to express an opinion. To refer the question to the Court could serve no useful purpose.

**(C) RESOLUTIONS SUBMITTED BY THE REPRESENTATIVE OF ARGENTINA**

The representative of Argentina argued that jurisdiction concerning the admission of new Members to the United Nations rested with the General Assembly and not with the Security Council. The recommendation of the Security Council called for in Article 4 of the Charter did not necessarily mean a positive recommendation, but merely an expression of opinion on the part of the Council. It was for the Assembly to decide whether to admit an applicant state to membership or not. The General Assembly could refuse to admit a state in spite of a favorable recommendation of the Security Council and vice versa. Furthermore, the Argentine representative argued, the voting procedure in the Security Council as laid down in Article 27 of the Charter applied only to questions within the jurisdiction of the Council. The admission of new Members not being within the Council's jurisdiction, the "veto" could not be applied to applications for membership. Hence the Argentine representative considered that an affirmative vote of any seven members of the Council for the admission of a new Member should be regarded as a positive recommendation. As Transjordan, Ireland, Portugal and

Italy each had received nine favorable votes in the Security Council and Austria eight, but had not been recommended for admission to membership in the United Nations as a result of the negative vote of the U.S.S.R., the representative of Argentina submitted three draft resolutions—concerning Transjordan, Ireland and Portugal (A/C.1/184); concerning Italy (A/C.1/185); and concerning Austria (A/C.1/222)—which provided that the General Assembly admit these five countries to membership in the United Nations. Albania, Mongolia, Hungary, Roumania and Bulgaria, on the other hand, the representative of Argentina pointed out, had failed to receive seven affirmative votes in the Security Council. He therefore submitted a draft resolution (A/C.1/186) providing that the General Assembly postpone consideration of the applications of these countries until its next session.

The proposals submitted by the Argentine representative were opposed in the First Committee on the ground that the General Assembly could not admit any state to membership in the United Nations without a positive recommendation from the Security Council and that the rule of unanimity applied to all questions before the Council except strictly procedural matters.

The Argentine representative subsequently withdrew his four draft resolutions in favor of the resolutions submitted by the representative of Australia (see below).

**(d) RESOLUTION SUBMITTED JOINTLY BY THE REPRESENTATIVES OF ARGENTINA, CHILE AND BRAZIL**

The representatives of Argentina, Brazil and Chile submitted a joint draft resolution (A/C.1/243) to the First Committee which provided that the General Assembly declare that in its judgment Ireland, Portugal, Transjordan, Austria, Italy, and Finland were peace-loving countries, which were able and willing to carry out the obligations contained in the Charter, and which should therefore be admitted to membership in the United Nations. The joint draft resolution was subsequently withdrawn in favor of the draft resolutions submitted by the representative of Australia.

**(e) RESOLUTIONS SUBMITTED BY THE REPRESENTATIVE OF AUSTRALIA**

The representative of Australia stated that although the General Assembly could not admit a state to membership in the United Nations without a recommendation from the Security Council, it was the right and the duty of the General Assembly to express its views concerning the applications submitted to the organization. In decid-

ing questions of membership, the Australian representative maintained, it was inadmissible to take into consideration other conditions than those laid down in Article 4 of the Charter. The Security Council in refusing to recommend Transjordan, Ireland, Portugal, Italy and Finland for admission to membership, had acted upon completely irrelevant considerations. The representative of Australia therefore submitted five draft resolutions (A/C.1/245-249) which provided that, in the judgment of the General Assembly, Transjordan, Ireland, Portugal, Italy and Finland were peace-loving States within the meaning of Article 4 of the Charter, that they were able and willing to carry out their obligations under the Charter, and that they were, therefore, entitled to membership in the United Nations. The Security Council should, therefore, the draft resolutions provided, reconsider the applications of Transjordan, Ireland, Portugal, Italy and Finland in the light of this determination of the General Assembly.

The Australian representative did not include Austria in his proposals as he considered that the status of that country was not clear. The majority of the Security Council had been of the opinion that Austria was peace-loving and would be able to carry out its obligations under the Charter when the occupying forces were removed. But the Australian representative thought that Austria should not be admitted so long as its territory was occupied.

The representative of Turkey submitted two amendments (A/C.1/250-251) to the Australian draft resolution concerning Italy and Transjordan to the effect that the Security Council reconsider the applications of these two countries before the end of the current session of the General Assembly. The amendments were adopted by the First Committee. The Australian representative made certain drafting changes in his resolutions to meet the views of the representatives of the United Kingdom and of Argentina, Chile and Brazil. These delegations thereupon withdrew their own resolutions in favor of the Australian resolutions.

Opposition to the Australian draft resolutions was expressed on the ground that the General Assembly had no right to intervene in matters within the competence of the Security Council. The draft resolutions proposed by Australia would tend to exert pressure on the Council and their adoption, therefore, would create a bad precedent. A discussion of the merits of applications should take place in the General Assembly only after the

receipt of a recommendation from the Security Council.

(f) **RESOLUTIONS SUBMITTED BY THE  
REPRESENTATIVE OF THE UNITED KINGDOM**

The representative of the United Kingdom submitted five draft resolutions (A/C.1/252-256) to the First Committee which provided that the General Assembly request the Security Council to reconsider the applications of Transjordan, Ireland, Portugal, Italy and Finland with a view to their admission to membership in the United Nations and inform the Assembly of the result. The United Kingdom representative subsequently withdrew his five draft resolutions in favor of those submitted by the representative of Australia.

(g) **RESOLUTION SUBMITTED BY THE  
REPRESENTATIVE OF THE UNITED STATES**

The representative of the United States submitted a draft resolution (A/C.1/258) which provided that the General Assembly declare itself to be of the opinion that Austria was a peace-loving State within the meaning of Article 4 of the Charter and that consequently the General Assembly should request the Security Council to reconsider the application of Austria in the light of this expression of opinion of the Assembly.

(h) **RESOLUTION SUBMITTED BY THE  
REPRESENTATIVE OF POLAND**

The representative of Poland expressed the view that the basic difficulty in the problem of admission of new Members was to obtain the agreement of all the permanent members of the Security Council as required by the Charter. He therefore suggested as the most practical way of solving the problem that the General Assembly recommend to the permanent members of the Security Council that they consult with a view to reaching agreement on admission to membership of the applicants which had not been recommended hitherto and submit their conclusions to the Security Council. The representative of Poland submitted a draft resolution to this effect (A/C.1/257) which also provided that the First Committee should not put to a vote any of the other resolutions which had been submitted.

After the general discussion was concluded the First Committee, at its 103rd meeting on November 10, 1947, voted on the various proposals which had been submitted in the course of the discussion. As the draft resolutions submitted by the representatives of Argentina and the United Kingdom and the joint resolution of the representatives of Argentina, Brazil and Chile had been withdrawn in favor of the Australian resolutions,

it remained for the Committee to vote on the draft resolutions submitted by the representatives of Sweden, Belgium, Australia, United States and Poland.

The draft resolution submitted by the representative of Poland was voted on first. The paragraph providing that none of the other resolutions be voted on was rejected by 43 votes to 8, with 3 abstentions. With the exception of this paragraph the Polish resolution was adopted by a vote of 24 to 14, with 15 abstentions. The Swedish resolution, voted next, was rejected by a vote of 26 to 13, with 14 abstentions. The draft resolution submitted by the representative of Belgium was then adopted by a vote of 26 to 13, with 14 abstentions. Each of the five Australian draft resolutions was voted upon in parts. All five resolutions were adopted by large majorities. Finally, the United States resolution was adopted by a vote of 43 to 8, with 3 abstentions.

The General Assembly considered the First Committee's report (A/471) at its 117th and 118th plenary meetings on November 17, 1947. On the recommendation of the First Committee the General Assembly adopted the following eight resolutions:

(1) By a vote of 46 to 1, with 5 abstentions, the General Assembly adopted the resolution proposed by the representative of Poland (resolution 113(II) A), which follows:

"The General Assembly,

"Whereas pursuant to the provisions of Article 4, paragraph 2, of the Charter, admission to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council, and

"Whereas no new recommendation to the General Assembly by the Security Council with regard to admission has been made,

"Decides to recommend to the permanent members of the Security Council to consult with a view to reaching agreement on the admission to membership of the applicants which have not been recommended hitherto, and to submit their conclusions to the Security Council."

(2) By a vote of 40 to 8, with 2 abstentions, the General Assembly adopted the resolution proposed by the representative of Belgium (resolution 113(II) A), which follows:

"The General Assembly,

"Considering Article 4 of the Charter of the United Nations;

"Considering the exchange of views which has taken place in the Security Council at its two hundred and fourth, two hundred and fifth and two hundred and sixth meetings, relating to the admission of certain States to membership in the United Nations;

"Considering Article 96 of the Charter,

"Requests the International Court of Justice to give an advisory opinion on the following question:

Is a Member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph 1 of the said Article? In particular, can such a member, while it recognizes the conditions set forth in that provision to be fulfilled by the State concerned, subject its affirmative vote to the additional condition that other States be admitted to membership in the United Nations together with that State?

"Instructs the Secretary-General to place at the disposal of the Court the records of the above-mentioned meetings of the Security Council."

(3) By a vote of 43 to 8, with 1 abstention, the General Assembly adopted the Australian resolution concerning Ireland (resolution 113(II)C), which follows:

"The General Assembly,

"Having regard to resolution 35 (I) of 19 November 1946 recommending that the Security Council re-examine certain applications;

"Noting that nine members of the Security Council on 18 August 1947 supported a draft resolution recommending the admission to the United Nations of Ireland, but that no recommendation was made to the Assembly because of the opposition of one permanent member;

"Considering that the opposition to the above-mentioned application was based on grounds not included in Article 4 of the Charter,

"Determines that Ireland is on its judgment a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations, and

"Requests the Security Council to reconsider the application of Ireland, in the light of this determination of the Assembly."

(4) By a vote of 40 to 9, with 3 abstentions, the General Assembly adopted the Australian resolution concerning Portugal (resolution 113(II)D), which follows:

"The General Assembly,

"Having regard to resolution 35 (I) of 19 November 1946 recommending that the Security Council re-examine certain applications;

"Noting that nine members of the Security Council on 18 August 1947 supported a draft resolution recommending the admission to the United Nations of Portugal, but that no recommendation was made to the Assembly because of the opposition of one permanent member;

"Considering that the opposition to the above-mentioned application was based on grounds not included in Article 4 of the Charter,

"Determines that Portugal is in its judgment a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations, and

"Requests the Security Council to reconsider the ap-



# STRUCTURE OF THE GENERAL ASSEMBLY

## GENERAL ASSEMBLY

### PROCEDURAL COMMITTEES

GENERAL  
COMMITTEE

CREDENTIALS  
COMMITTEE

### MAIN COMMITTEES

FIRST COMMITTEE:  
POLITICAL AND SECURITY  
(Including the regulation  
of armaments)

SECOND COMMITTEE:  
Economic and  
Financial

THIRD COMMITTEE:  
Social, Humanitarian  
and Cultural

FOURTH COMMITTEE:  
TRUSTEESHIP  
(including Non-Self-  
Governing Territories)

### STANDING COMMITTEES

ADVISORY COMMITTEE  
ON ADMINISTRATIVE  
AND BUDGETARY  
QUESTIONS

COMMITTEE ON  
CONTRIBUTIONS

### AD HOC COMMITTEES

JOINT SECOND AND  
THIRD COMMITTEE

AD HOC COMMITTEE  
ON THE  
PALESTINIAN QUESTION

### Bodies Established at Second Regular Session

Interim Committee of the  
General Assembly

United Nations Special  
Committee on the Balkans

United Nations Temporary  
Commission on Korea

Special Committee to examine  
Information transmitted under  
Article 73e of Charter

Headquarters Advisory Committee

Advisory Committee on the Site  
of the Third Session of the  
General Assembly

International Law Commission

### Offices Established at Second Special Session

United Nations Mediator  
on Palestine

Special Municipal Commissioner  
for Jerusalem.\*

\*Office established by the  
Mandatory Power on  
recommendation of the Assembly.

plication of Portugal, in the light of this determination of the Assembly."

(5) By a vote of 44 to 8, the General Assembly adopted the Australian resolution concerning Transjordan (resolution 113(II)E), which follows:

"The General Assembly,

"Having regard to resolution 35 (I) of 19 November 1946 recommending that the Security Council re-examine certain applications;

"Noting that nine members of the Security Council on 18 August 1947 supported a draft resolution recommending the admission to the United Nations of Transjordan, but that no recommendation was made to the Assembly because of the opposition of one permanent member;

"Considering that the opposition to the above-mentioned application was based on grounds not included in Article 4 of the Charter,

"Determines that Transjordan is in its judgment a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations, and

"Requests the Security Council to reconsider, before the end of the present session of the General Assembly, the application of Transjordan, in the light of this determination of the Assembly."

(6) By a vote of 43 to 8, with 1 abstention, the General Assembly adopted the Australian resolution concerning Italy (resolution 113(II)F), which follows:

"The General Assembly,

"Noting that nine members of the Security Council on 1 October 1947 supported a draft resolution recommending the admission to the United Nations of Italy, but that no recommendation was made to the Assembly because of the opposition of one permanent member, although that member had previously expressed the belief that Italy was eligible for membership;

"Considering that the opposition to the above-mentioned application was based on grounds not included in Article 4 of the Charter,

"Determines that Italy is in its judgment a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations, and

"Requests the Security Council to reconsider, before the end of the present session of the General Assembly, the application of Italy, in the light of this determination of the Assembly."

(7) By a vote of 44 to 8, the General Assembly adopted the Australian resolution concerning Finland (resolution 113(II)G), which follows:

"The General Assembly,

"Noting that nine members of the Security Council on 1 October 1947 supported a draft resolution recommending the admission to the United Nations of Finland, but that no recommendation was made to the Assembly because of the opposition of one permanent member, although that member had previously expressed the belief that Finland was eligible for membership;

"Considering that the opposition to the above-mentioned application was based on grounds not included in Article 4 of the Charter,

"Determines that Finland is in its judgment a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations, and

"Requests the Security Council to reconsider the application of Finland, in the light of this determination of the Assembly."

(8) By a vote of 43 to 8, with 1 abstention, the General Assembly adopted the resolution proposed by the representative of the United States concerning Austria (resolution 113(II)H), which follows:

"The General Assembly,

"Noting that eight members of the Security Council on 21 August 1947 supported a draft resolution recommending the admission to the United Nations of Austria, at such time and under such conditions as the General Assembly might deem appropriate, but that no recommendation was made to the Assembly because of the opposition of one permanent member,

"Is of the opinion that Austria is a peace-loving State within the meaning of Article 4 of the Charter, and consequently

"Requests the Security Council to reconsider the application of Austria, in the light of this expression of opinion of the Assembly."

### (3) Protection of the Rights of the General Assembly in relation to the Admission of New Members

By letter of August 19, 1947 (A/346), the representative of Australia requested that an item concerning "the protection of the rights of the General Assembly in relation to the admission of new Members" be included in the agenda of the second session of the General Assembly. At its 36th meeting on September 19, 1947, the General Committee voted 10 to 3, with 1 abstention, to recommend to the General Assembly that this item be included in the agenda (A/392).

The General Assembly referred the item to the First Committee. At the 116th meeting of the First Committee on November 19, 1947, the representative of Australia withdrew his proposal, as he considered that the Assembly had protected its own rights by adopting six resolutions affirming that in its judgment Ireland, Portugal, Transjordan, Italy, Finland and Austria were eligible for admission to membership in the United Nations.

### (4) Rules Governing the Admission of New Members

By resolution 36(I) of November 19, 1946, the General Assembly had established a Committee on Procedure of the General Assembly and had requested the Security Council to appoint a com-

mittee to consult with the Assembly Committee with a view to preparing rules governing the admission of new Members which would be acceptable both to the General Assembly and to the Security Council.<sup>47</sup> The General Assembly appointed Australia, Cuba, India, Norway and the U.S.S.R. to be members of the Committee on Procedure. The Security Council, on November 29, 1947, instructed its Committee of Experts to appoint a small sub-committee to consult with the Assembly Committee. Accordingly China, Brazil and Poland were appointed to serve on the sub-committee.

The Assembly Committee convened at Lake Success on May 26, 1946. It subsequently held four joint meetings with the sub-committee of the Security Council's Committee of Experts, which were devoted to a general exchange of views. The Assembly Committee then held three meetings during which it drafted rules of procedure for the admission of new Members by revising the existing rules of the General Assembly and the Security Council.

The Committee on Procedure of the General Assembly used as a basis of discussion draft rules submitted by the representative of Australia. The Australian draft rules gave the General Assembly the main responsibility in the first and last instance regarding applications for admission to membership. Applications were first to be submitted to the General Assembly, which would then refer them to the Security Council. Moreover, the Security Council had to remain within the strict limits of its competence and confine itself to deciding whether the applicant state was able to carry out its obligations for the maintenance of peace and security contained in the Charter, whereas the General Assembly was competent to decide whether the applicant state was in general able and willing to carry out these obligations.

The majority of the Committee was unable to accept the Australian proposals. The Committee considered that it could not suggest any rules of procedure which would in effect define or limit the powers and jurisdiction of the Security Council in relation to the admission of new Members. Specifically, the Committee considered that the Security Council was entitled to consider applications first. To give to the Assembly the right to examine applications in the first instance would be contrary to Article 4, paragraph 2, of the Charter, as this might indirectly deprive the Council of the opportunity to examine these applications later.

The substantive changes in the existing rules

on the admission of new Members proposed by the General Assembly Committee consisted of the addition of a new rule 116 to the rules of procedure of the General Assembly and the addition of two paragraphs to rule 60 of the Security Council's rules of procedure. The additions to rule 60 provided that the Security Council should forward to the General Assembly a complete record of its discussions when it recommended an applicant state for membership and submit, in addition, a special report to the Assembly if it did not recommend admission or if it postponed the consideration of an application. The proposed new rule 116 of the rules of procedure of the General Assembly gave the Assembly the right to send back to the Security Council, for further consideration and recommendation or report, applications which had not been the object of a recommendation by the Council.

As the Chairman of the General Assembly Committee pointed out when he submitted the Committee's report to the First Committee of the General Assembly, the rules proposed by the Committee did not represent an innovation but merely the application of precedents previously established. Thus the Security Council had voluntarily submitted a special report to the General Assembly regarding the applications it had not recommended and had agreed to reconsider applications returned to the Security Council.<sup>48</sup>

The text of the rules proposed by the Committee on Procedure of the General Assembly was forwarded to the Chairman of the sub-committee of the Security Council's Committee of Experts with an explanatory letter, dated June 30, 1947.

The Committee of Experts of the Security Council considered the rules for the admission of new Members proposed by the General Assembly Committee and proposed that, in addition to the changes introduced in the rules by the General Assembly Committee, the rules be amended so as to provide that applications for membership become effective on the date of approval by the General Assembly. The rules then in force had provided that membership becomes effective on the date that the applicant state presents an instrument of adherence subsequent to admission by the General Assembly. The Security Council proposed that such instrument of adherence should be submitted together with the original application. On August 27, 1947, the Security Council

<sup>47</sup>See Yearbook of the United Nations, 1946-47, pp. 125-26.

<sup>48</sup>See pp. 480-81, 484.

approved the revised text submitted by the Committee of Experts.

On September 2, 1947, the Assembly Committee held a joint meeting with the sub-committee of the Committee of Experts at which the Chairman of the sub-committee explained the changes which the Security Council had made in the rules of procedure proposed by the Assembly Committee. The General Assembly Committee met immediately after this joint meeting and adopted the changes made by the Security Council.

The General Assembly during its second session referred the report of the Committee on Procedure (A/384) to the First Committee, which considered it at its 116th meeting on November 19, 1947. The Chairman of the Committee on Procedure expressed the view that the rules proposed by the Committee would not solve the problems which certain Members had in mind when they requested an examination of the rules of procedure concerning the admission of new Members. The new provisions would in no way restrict the members of the Security Council in regard to membership applications. The problems which had arisen, the Chairman considered, stemmed from certain basic provisions of the Charter, and it would be foolish to consider that they could be solved by amendments to the rules of procedure. On the other hand, the Chairman was of the opinion that the proposed rules did represent an improvement, for they laid down a co-ordinated plan of action for which the present rules of procedure did not provide.

After a brief discussion the First Committee adopted the rules of procedure recommended by the Committee on Procedure. The proposed rules 113, 114 and 117 were adopted by 53 votes to 0. The new rule 116 was adopted by 50 votes to 1, with 2 abstentions.

At its 122nd plenary meeting on November 21, 1947, the General Assembly adopted the rules recommended by the First Committee. The Security Council revised its rules of procedure by a resolution adopted at its 222nd meeting on December 9, 1947.<sup>49</sup>

The resolution (116(II)) adopted by the General Assembly on November 21, 1947, is as follows:

"The General Assembly

"Decides to adopt the following new rules, for insertion in the provisional rules of procedure of the General Assembly as adopted on 17 November 1947:

#### XVII. ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

New 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 contain a declaration, made in a formal instrument, that it accepts the obligations contained in the Charter.

New rule 114

"The Secretary-General shall send for information a copy of the application to the General Assembly, or to the Members of the United Nations if the General Assembly is not in session.

New rule 116

"If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, the General Assembly may, after full consideration of the special report of the Security Council, send back the application to the Security Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report.

New rule 117

"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 General Assembly takes its decision on the application."

#### b. 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 second session of the General Assembly (A/366). The Assembly referred the report to the First Committee for consideration.

At the 59th meeting of the First Committee on September 24, 1947, the Chairman pointed out that most of the contents of the Security Council's report would be covered during the Committee's discussion of its separate agenda items. The Committee, therefore, decided to discuss the Council's report after disposing of its other business.

At its 116th meeting on November 19, 1947, the First Committee, on the proposal of the representative of Norway (A/C.1/273), voted to recommend the following draft resolution to the General Assembly:

"The General Assembly

"Takes note of the report of the Security Council."

The General Assembly adopted this resolution (resolution 115(II)) at its 122nd plenary meeting on November 21, 1947.

#### c. RELATIONS OF THE MEMBERS OF THE UNITED NATIONS WITH SPAIN

At its 59th plenary meeting on December 12, 1946, the General Assembly had adopted resolution 39(I), which provided that the Franco Gov-

<sup>49</sup>See pp. 490, 499. The new rules adopted by the Assembly became rules 123-124 and 126-27; see Annex IV, p. 330.

ernment of Spain should be debarred from membership in international agencies established by or brought into relationship with the United Nations. The resolution further provided that if within a reasonable time there was not established in Spain a government which derived 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 the Spanish people, free from force and intimidation and regardless of party, might express their will, the Security Council should consider adequate measures to be taken in order to remedy the situation. The General Assembly also recommended that all Members of the United Nations recall from Madrid their Ambassadors and Ministers Plenipotentiary accredited there. Members should report to the Secretary-General and to the next session of the General Assembly what action had been taken in accordance with this recommendation.<sup>50</sup>

Accordingly, the Secretary-General, in his annual report on the work of the organization, submitted information concerning action taken by Member Governments and by various organs of the United Nations and the specialized agencies with a view to implementing the General Assembly's resolution (A/315, pp. 3-4). He reported that, in answer to a telegram of December 20, 1946, three states had reported that they had recalled Ambassadors or Ministers following the adoption of the General Assembly's resolution; nineteen states had informed the Secretary-General that they had no Ambassadors or Ministers Plenipotentiary accredited to Spain at the time of the adoption of the General Assembly's resolution; 30 states had informed him that they had no diplomatic relations with the Franco Government at the time of the adoption of the General Assembly's resolution. Liberia declared that it would adhere to the General Assembly's resolution and the Dominican Republic stated that proper consideration would be given to the resolution. Argentina had merely acknowledged receipt of the Secretary-General's telegram.

With regard to action taken by the Economic and Social Council and by the specialized agencies, the Secretary-General reported as follows:

"The Economic and Social Council and its Commissions have taken several steps towards the application of the General Assembly's resolution on Spain. The Social Commission, at its first session in February 1947, rejected a proposal that it consult with the International Penal and Penitentiary Commission, having obtained evidence that the latter Commission had not severed its relations with the Franco Government. This decision

was approved by the Economic and Social Council at its fourth session.

"Further, the Council authorized the Committee on Negotiations with Specialized Agencies to enter into negotiations with the Universal Postal Union and the International Telecommunications Union 'at the appropriate time.' In this connexion the Council, noting that the United States of America had issued invitations to a Radio-Communications Administrative Conference and to a Plenipotentiary Conference of the International Telecommunications Union on 15 May and 1 July 1947 respectively, endorsed the action of the United States in not inviting the Franco Government to these conferences.

"The Franco Government of Spain was not invited by the host Government to attend the quinquennial Congress of the Universal Postal Union held in Paris during the months of June and July 1947. Both the Universal Postal Union and the International Telecommunications Union conferences are to consider proposed amendments to the membership clauses of their respective basic conventions which are expected to have the effect of excluding Spain from further participation in these organizations.

"In applying the General Assembly's resolution to arrangements for consultation with non-governmental organizations, the Economic and Social Council resolved that international non-governmental organizations having legally constituted branches in Spain, the policies of which are determined and controlled by the Franco Government, cannot be considered for consultative status. Having studied the question thoroughly, the Council concluded that international non-governmental organizations should be eligible for consultative relationship if:

"(i) They have only individual members in Spain who are not organized into a legally constituted branch;  
 "(ii) The branches in Spain, though properly constituted, have a purely humanitarian character and their policies are not determined and controlled by the Franco Government;

"(iii) Such branches are not active at the present time.

"The question of Spain has also arisen in connexion with the transfer to the United Nations of powers exercised by the League of Nations under the international agreements, conventions and protocols on narcotic drugs. The General Assembly resolution 54 (I) of 19 November 1946 dealing with this matter directed the Economic and Social Council and the Secretary-General, in view of resolution 32 (I) on Spain adopted by the Assembly in February 1946<sup>51</sup>, during the first part of its first session, to suspend all action under these international instruments with respect to the Franco Government. The Economic and Social Council, in considering at its fourth session that section of the first report of its Commission on Narcotic Drugs dealing with the transfer of relevant functions of the League of Nations, requested the Secretary-General to invite non-members of the United Nations, with the exception of Franco Spain, to become parties to the Protocol of Narcotic Drugs.

"One of the four specialized agencies which had concluded agreements with the United Nations; namely, the International Civil Aviation Organization, included Spain among its members. In resolution 50 (I) approving the agreements, the Assembly made its approval of the ICAO

<sup>50</sup>See Yearbook of the United Nations, 1946-47, pp. 129-30.

<sup>51</sup>See Yearbook of the United Nations, 1946-47, p. 67.

agreement conditional upon action by that organization to debar Spain from membership and from participation in conferences or other activities.

"The ICAO assembly, meeting in Montreal during May 1947, disposed of the matter by voting to amend its basic Convention so as to debar from membership any country not acceptable to the United Nations. Immediately following the approval of the amendment by the ICAO assembly, the Spanish delegation withdrew from further participation in that assembly.

"By virtue of the organization's compliance with the General Assembly resolution regarding Franco Spain, the Secretary-General of the United Nations informed the President of the Assembly that the agreement between that organization and the United Nations, as approved by the ICAO assembly, was considered to be in force as from 27 May 1947. The amended membership provision of the ICAO Convention requires ratification by two-thirds of the States members of the organization."

The question of the relations of Members of the United Nations with Spain was placed on the agenda of the second session of the General Assembly and was referred to the First Committee for consideration.

At the 103rd meeting of the First Committee on November 10, 1947, the representative of the Dominican Republic stated that the General Assembly had recommended the year before that the Security Council take action if it considered that the situation in Spain had become an actual danger to international peace and security. The Security Council had not taken any steps and the General Assembly would have to recognize that no new facts had arisen which might lead to the conclusion that the present Government of Spain constituted a threat to international peace and security. It was incorrect to consider the same matter twice in the light of the same circumstances and the Dominican representative therefore suggested that the item be removed from the General Assembly's agenda.

At the 104th meeting of the First Committee on November 11, 1947, the representative of Poland expressed the view that all the facts which led to the adoption of the General Assembly's resolution 39(I) of December 12, 1946, still existed. There could be no doubt that "a reasonable time", as provided in that resolution, had elapsed, and yet the basic Fascist character of the Franco regime in Spain had not changed at all. The United Nations, consequently, was called upon to take further measures. The representative of Poland therefore submitted a draft resolution (A/C.1/259), which provided that the Security Council consider the Spanish question within a month and that it take adequate measures, in conformity with Article 41 of the Charter, in order to remedy the present situation according to the General Assembly's resolu-

tion 39 (I) of December 12, 1946. The representative of Yugoslavia submitted an amendment (A/C1/263) to the Polish draft resolution stressing that measures of an economic nature should be taken.

The representative of the Netherlands stated that it would be rather useless to adopt resolutions which appeared to condemn the Franco Government but which were of doubtful constitutionality and which might strengthen the position of Franco. He therefore believed that it would be wiser not to pass any resolution on the Spanish question during the present session, unless somebody had a constructive proposal to offer which might, with reasonable certainty, lead to the replacement of the Franco regime by a truly democratic government.

The representative of Czechoslovakia supported the Polish proposal, but considered it not strong enough. He thought that economic sanctions should be considered, and maintained that Franco could not remain in power very long if he were completely deprived of petrol, rubber and cotton from outside.

The representative of Venezuela thought that it was the duty of the United Nations to remain seized of the Spanish question. He would support any action which might lead to international co-operation in conformity with the Charter.

The representative of Pakistan agreed with the representative of the Netherlands that the methods proposed were not in accordance with the objective in mind. The Committee should be content with the present situation. He maintained that according to the Secretary-General's report the substance of the resolution of December 12, 1946, had been carried out to a greater degree than most resolutions of the General Assembly. But this had not influenced the Franco regime in any material degree and he doubted that any further step in the same direction was likely to influence the Spanish people towards the achievement of a democratic government.

The representative of Peru maintained that, under Article 2, paragraph 7, of the Charter, the United Nations had no right to intervene in the internal affairs of any regime until it became an international menace. There had been no significant change in Franco's foreign policy, and there was no question of any attempt by his regime to "expand abroad".

The representative of India criticized the Government of Argentina for having sent an ambassador to Spain after the adoption of the General Assembly's resolution, thus clearly flouting the

General Assembly's recommendation. The prestige of the United Nations would be undermined if Members did not carry out its resolutions. India believed, however, that Argentina was not alone responsible for weakening the organization's prestige, for the General Assembly, despite the defiance of its resolution, had elected Argentina to the Security Council without asking for a word of explanation. It was bad enough to have the resolution disregarded, but it was worse for the General Assembly to confer a mark of confidence upon the transgressor. If the members of the General Assembly insisted on making minute differentiations between moral and legal obligations, there was little prospect that the world would respect their resolutions.

The representative of Belgium opposed the Polish draft resolution as he considered that it called for action not in conformity with Article 2, paragraph 7, of the Charter. Moreover, the resolution appeared to be superfluous, inasmuch as the General Assembly's resolution of December 12, 1946, had provided for reconsideration of the question by the Security Council, although the time of action had been left to the discretion of the Council. In an effort at compromise, the representative of Belgium, at the 105th meeting of the First Committee on November 11, 1947, presented a draft resolution (A/C.I./261), sponsored jointly by the Belgian, Luxembourg and Netherlands delegations, which specified that the General Assembly, while noting the measures taken in virtue of the resolution of December 12, 1946, and regretting that the recommendations inviting all Members of the United Nations to recall their Ambassadors or Ministers Plenipotentiary from Madrid had not been fully applied, expressed its confidence that the Security Council would "exercise its responsibilities for the maintenance of international peace and security as soon as the Spanish Question should require the adoption of measures".

Considering that the least the General Assembly could do was to reaffirm the position it had taken at the preceding session, the representative of India introduced an amendment to the above draft resolution (A/C.I./262) altering the last clause to the effect that the General Assembly "expresses its confidence that the Security Council will, as recommended in the resolution dated December 12, 1946, consider the adequate measures to be taken to remedy the situation".

The representative of Yugoslavia expressed the opinion that the Franco regime constituted a latent danger to international peace. He considered that the Polish resolution, proposing that the Security

Council take appropriate measures in accordance with Article 41 of the Charter, met the situation adequately.

The representative of Mexico stated that in view of the fact that there was no majority support for taking measures more energetic than those set forth in the resolution of December 12, 1946, the Mexican delegation, in order to avoid aggravating disagreement among the United Nations, would refrain from proposing any more energetic resolution than that of the preceding year. He therefore proposed, jointly with the delegations of Cuba, Guatemala, Panama and Uruguay, a draft resolution (A/C.I./260/Rev. 1) whereby the General Assembly reaffirmed the resolution of December 12, 1946, and expressed its confidence that the Security Council would "exercise its responsibilities under the Charter should it consider that the situation in regard to Spain so required".

The representative of the United States opposed the Polish proposal, since it did not, in his opinion, aim at altering the situation in Spain by pacific means. The United States was opposed to any measures which would involve a change of regime by violence, which would impose sufferings on the Spanish people, or which might, if sanctions were imposed, give rise to endless repercussions. The measures taken by the United Nations, the United States representative stated further, had been used by Franco to consolidate his internal position. If the Polish resolution were adopted it would further strengthen the Franco regime. He considered the joint resolution of Belgium, Luxembourg and the Netherlands satisfactory; in his view it did not differ fundamentally from the resolution jointly submitted by Cuba, Guatemala, Mexico, Panama and Uruguay.

The resolution of December 12, 1946, the representative of the U.S.S.R. considered, had been a step forward and had strengthened the Spanish democratic elements in their struggle against Franco. The resolution, however, had not been respected by certain Member States, or had been respected only pro forma. In fact, the relations of certain countries with Franco Spain had become still closer, especially in the case of the United Kingdom and the United States. The commercial relations of these two countries with Franco Spain, the representative of the U.S.S.R. declared, involved political support on the part of these States. Furthermore, Argentina had sent a new Ambassador to Madrid, in defiance of the General Assembly's resolution. The General Assembly must see that the resolution of the preceding year was implemented. The Soviet representative thought

that the Polish resolution constituted the minimum that could be accepted.

The representative of the Byelorussian S.S.R. considered that the United Nations was obligated to strengthen the democratic forces in Spain and see to it that its resolutions were fully implemented. He supported the Polish resolution.

The representative of Nicaragua opposed the Polish draft resolution because he considered that it violated the principle of non-intervention. The representative of Panama stressed the need for unanimity which had prompted his delegation, jointly with those of Cuba, Guatemala, Mexico and Uruguay, to introduce a compromise resolution. The representative of El Salvador announced that he would vote against the Polish resolution and against any other resolution which aimed at intervention in the internal affairs of Spain. The representative of China favored a resolution which would renew moral condemnation of the Franco regime, but was opposed to military or economic sanctions.

The representative of France suggested that Belgium, Luxembourg, Netherlands, Cuba, Guatemala, Mexico, Panama and Uruguay, the authors of the two joint draft resolutions, should work out a common text which would command the support of the majority of the Members. This suggestion was supported by the representative of Guatemala.

The representative of Cuba proposed the creation of a drafting sub-committee, composed of the authors of all the proposals and amendments which had been submitted (Poland, Yugoslavia and India, in addition to the authors of the two joint draft resolutions mentioned above) in order that they might agree on a single text acceptable to the greatest number of Members (A/C.1/264). The First Committee adopted the Cuban proposal by 23 votes to 17, with 11 abstentions.

The drafting sub-committee (A/C.1/265) submitted the following draft resolution at the 107th meeting of the First Committee held on November 12, 1947:

"Whereas the Secretary-General in his annual report has informed the General Assembly of the steps taken by the States Members of the Organization in pursuance of its recommendations of 12 December 1946;

"The General Assembly

"Reaffirms its resolution adopted on 12 December 1946 concerning relations of Members of the United Nations with Spain, and

"Expresses its confidence that the Security Council will exercise its responsibilities under the Charter as soon as it considers that the situation in regard to Spain so requires."

The representative of Argentina announced at

the same meeting that he had instructions from his Government to make a statement regarding the opinion expressed by the representative of India, and to draw the attention of the Committee to the fact that a majority of the Members could not impose on the minority proposals that were contrary to the Charter. The Argentine Government maintained its position that the General Assembly's resolution of December 12, 1946, violated Article 2, paragraph 7, of the Charter. The Argentine representative therefore expressed surprise at the Indian delegation's inability to understand why the Argentine Government had not acted in conformity with the General Assembly's recommendation of the previous year. The Assembly's recommendations were not obligatory, and the Argentine delegation had explicitly announced, before the resolution was adopted, that it considered the resolution to be contrary to the Charter. The Argentine representative felt strongly that his Government was justified in upholding its attitude maintained in the previous year. Apart from other legal reasons for its attitude, Argentina could not relinquish its sovereignty, its independence and its right to adopt whatever attitude it desired.

The representatives of the Netherlands and of the United States announced that they could not vote for the second paragraph of the resolution presented by the sub-committee which reaffirmed the General Assembly's resolution of December 12, 1946. The representative of the United States explained his position on the ground that he did not believe that the reaffirmation of the resolution of December 12, 1946, would have the desired effect, or that it would result in the establishment of a democratic government in Spain, and his delegation did not wish to provide additional occasions for appeals to the national pride of the Spanish people which would tend to consolidate the Franco Government of which the United Nations disapproved. He submitted also that the reaffirmation of the previous year's resolution would in effect call upon the Security Council to consider measures to remedy the situation. To be effective, these measures could only be in the form of some kind of economic sanctions, and he took it that the majority of the Committee did not desire to see such measures taken against Spain at present.

The Committee voted on the draft resolution paragraph by paragraph. The first paragraph was adopted by 38 votes to 6, with 11 abstentions; the second paragraph by 30 votes to 14, with 11 abstentions; and the third by 37 votes to 6, with 12 abstentions. The resolution as a whole was adopted by 29 votes to 6, with 20 abstentions.



The General Assembly considered the First Committee's report (A/479) at its 118th meeting on November 17, 1947. Voting paragraph by paragraph, the Assembly adopted the first paragraph of the resolution recommended by the First Committee by a vote of 37 to 5, with 11 abstentions. The second paragraph did not receive the necessary two-thirds majority, the vote being 29 to 16, with 8 abstentions. The third paragraph was adopted by a vote of 36 to 5, with 12 abstentions. The resolution as a whole (without the second paragraph) was adopted by a vote of 36 to 5, with 12 abstentions. The text of the resolution adopted by the General Assembly (114(II)), therefore, is as follows:

"Whereas the Secretary-General in his annual report has informed the General Assembly of the steps taken by the States Members of the Organization in pursuance of its recommendations of 12 December 1946,

"The General Assembly

"Expresses its confidence that the Security Council will exercise its responsibilities under the Charter as soon as it considers that the situation in regard to Spain so requires."

#### d. TREATMENT OF INDIANS IN THE UNION OF SOUTH AFRICA

During the second part of the first session of the General Assembly, the delegation of India had asked the Assembly to consider the treatment of Indians in the Union of South Africa, charging that the Union Government had enacted discriminatory measures against Indians—in particular that the Asiatic Land Tenure and Indian Representation Act of 1946 restricted the rights of Indians in regard to trade and residence. These discriminatory measures, the Government of India charged, constituted a violation of certain international agreements (the so-called Capetown Agreements of 1927 and 1932) concluded between the Governments of India and of South Africa and of the principles of the Charter concerning human rights and freedoms.

The South African Government had denied the General Assembly's competence to deal with the Indian complaint, considering that it concerned a matter essentially within the domestic jurisdiction of the Union as laid down in Article 2, paragraph 7, of the United Nations Charter. The South African delegation had, therefore, proposed that the question be referred to the International Court of Justice.

Acting upon the application of the Indian Government, the General Assembly, after lengthy debate, adopted a resolution (44(I)) on December 8, 1946, which stated that because of the treat-

ment of Indians in the Union of South Africa friendly relations between the two Member States had been impaired and that unless a satisfactory settlement was reached, these relations were likely to be further impaired. The Assembly therefore expressed 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 of the United Nations. The General Assembly requested the two Governments to report at the next session of the General Assembly the measures adopted to to this effect.<sup>52</sup> The resolution proposing that Indian complaints be referred to the International Court of Justice was rejected.

In accordance with the General Assembly's resolution the Government of India on September 2, 1947 (A/373), and the Government of the Union of South Africa on September 15, 1947 (A/387), submitted reports to the second session of the General Assembly concerning developments subsequent to the adoption of the General Assembly's resolution of December 8, 1946.

The report submitted by the Government of India (A/373) stated that it had allowed a considerable period of time to elapse before it approached the South African Government with a view to implementing the General Assembly's resolution. The Indian Government wished to wait for an authoritative indication of the intentions of the South African Government with respect to the resolution. In his first public statement after his return to South Africa the Prime Minister, Field Marshal Smuts, the report stated, attributed the resolution of the General Assembly to ignorance and a "solid wall of prejudice" against the color policies of South Africa. According to him the General Assembly had taken the decision on this question under the influence of a "flood of emotion" and "mischievous propaganda". He accused the Assembly of having been unfair to the Union and of having denied it the most elementary and fundamental right of access to the International Court of Justice. However, the report submitted by the Indian Government stated, Field Marshal Smuts did not give any indication of the action he proposed to take in regard to the General Assembly's resolution. In a subsequent speech, on December 20, 1947, the report went on, Field Marshal Smuts denounced the United Nations as a body dominated by colored peoples. He further

<sup>52</sup>For further details see Yearbook of the United Nations, 1946-47, pp. 144-48.

denounced the idea of human equality and said that this simply did not work in South Africa or anywhere else in the world. Speaking before Parliament, the Field Marshal had made it clear that the Government had no intention of repealing or modifying the Asiatic Land Tenure and Indian Representation Act of 1946.

According to the report of the Indian Government, the South African Parliament adopted a resolution approving the attitude taken by the Prime Minister. The report related further that the only result of the resolution adopted by the United Nations was the intensification of anti-Asiatic feeling in the Union. A movement was set afoot amongst Europeans to boycott Indian traders and to refuse employment to Indians in European concerns. The Union Government failed, however, to take any measures to cope with the situation. A proposal to grant Indians municipal representation in Durban was abandoned because of the opposition of the Natal Municipal Association, and the Indians refused limited representation on a communal basis. Meanwhile the Indian community continued its campaign of passive resistance to the Asiatic Land Tenure and Indian Representation Act.

The report of the Indian Government then reviewed the efforts made towards the implementation of the General Assembly's resolution. In a personal letter to Field Marshal Smuts, dated April 24, 1947, Pandit Jawaharlal Nehru, Minister for External Affairs and Commonwealth Relations, expressed the Government of India's readiness to enter into any discussion the Government of the Union of South Africa might see fit to initiate for implementing the resolution of the General Assembly and assured the Union Government of India's co-operation. In reply the Union Government requested that the Indian High Commissioner return to South Africa in order to confer with the Union authorities on the question at issue. The Government of India, however, favored a Round Table Conference of representatives of both Governments and declared itself unable to arrange for the return of the High Commissioner to South Africa until an improvement in the relations between the two countries had taken place. After a further exchange of letters the Government of India declared itself willing to agree to the return of the High Commissioner, if the Union Government accepted the General Assembly's resolution of December 8, 1946, as a basis of discussion. This the Union Government was not prepared to do, considering that such acceptance would imply an admission on the part of the Union

Government that they had broken the agreement between the two Governments and violated the principles of the Charter. "In view of the vagueness and generality of the charges against the Union and the high-charged emotional atmosphere in which they were discussed", Field Marshal Smuts stated in a letter of July 28, "the Union Government must be especially on their guard against compliance with your request and acceptance of so called implications of the resolution referred to." Hence the two Governments were unable to agree upon a common basis of discussion.

The Indian report concluded by stating that the position in 1947 was the same, if not worse, than it had been at the time of the passage of the Assembly's resolution of December 8, 1946. In the view of the Government of India, the Union Government had completely ignored the resolution of the General Assembly, and spokesmen of the Union Government had impugned the judgment and impartiality of the United Nations. The Government of India therefore requested that the United Nations should take note of these facts and decide upon appropriate measures to ensure implementation of the Assembly's resolution and respect for the provisions of the Charter relating to fundamental freedoms without distinction as to race, language, or religion.

The report submitted by the Government of the Union of South Africa (A/387) stated that the South African Government desired to make it clear at the outset that it submitted its report without prejudice to the position taken by it at the last session of the General Assembly in regard to the domestic nature of the matters involved and the consequent lack of jurisdiction on the part of the United Nations.

The Union Government had expected, the report indicated, that as a result of the General Assembly's resolution of December 8, 1946, the Indian Government would arrange for the return of its High Commissioner, who had been recalled for consultation in 1946. Despite repeated requests to this effect the Indian Government had declined to entertain the Union Government's suggestion, unless the Union Government accepted the implications of the General Assembly's resolution of December 8, 1946. From this it was apparent, the report stated, that the Union Government was being expected to express its readiness to submit to some general or specific condemnation implied in the resolution. In effect they were required to abandon their attitude in regard to the jurisdiction of the United Nations and not only

to accept that there had been a finding by the General Assembly that the South African Government had broken agreements between the two Governments and had violated the principles of the Charter, but also to adopt that finding as the only possible basis for negotiation. This the Union Government was not prepared to do. It maintained that no agreement had been broken and no principles of the Charter violated.

The South African Government maintained that the precise implications of the General Assembly's resolution were not clear and argued that if the resolution of the General Assembly must be taken to imply an adverse finding against the Union Government on the matters raised by the Indian Government (which included a variety of legislative and administrative matters), the following propositions would of necessity have to be accepted:

(1) Notwithstanding the uncontroverted evidence to the contrary submitted by the Union Government, the Declarations of 1927 and 1932 (the so-called Capetown Agreements) constitute international treaties.

(2) Agreements (assuming that the 1927 and 1932 Declarations were in fact agreements) entered into between States Members of the League of Nations which were not registered with the Secretariat of the League would, notwithstanding the provisions of Article 18 of the Covenant of the League, be binding and enforceable before the United Nations.

(3) Treaties as well as the provisions of the Charter are retrospectively violated by acts, inconsistent with their terms, committed before they were concluded or came into force. A considerable part of the legislation complained of was passed before the 1927 Declaration. All the legislation complained of, except the Asiatic Land Tenure and Indian Representation Act of 1946, was passed before the Charter came into force.

(4) The Charter bans with immediate effect not only all legislative and administrative distinctions based on race, but also all such distinctions based on sex, language or religion, and does so not merely in relation to fundamental human rights and freedoms but in relation to all rights and freedoms of whatsoever nature, and whatever the purpose or effect of such distinctions may be.

Concerning the last point, the South African Government maintained its view that the provisions of the Charter concerned only fundamental human rights and did not invalidate all distinctions based on race, sex, language or religion. Until fundamental human rights were defined and re-

ceived recognition in a binding form, the provisions of the Charter could not be said to extend to human rights other than those which were in international law accepted as being so fundamental that they were not merely of domestic importance, but the concern of the society of nations. To accept the view that all distinctions without exception were outlawed by the Charter would have far reaching effects upon Member States throughout the world. The South African Government did not believe that the General Assembly had intended to condemn any country where any form of distinction based on race, sex, language or religion was to be found.

If such a universal condemnation were the correct interpretation, it would follow that racial problems in multi-racial states were to be solved without any legislative or administrative racial distinctions, whatever the object or nature of those distinctions or whatever the cultural divergencies and the different stages of advancement of the races concerned might be. In the view of the Union Government, however, these distinctions provided the only practicable method for creating and stabilizing the conditions which were necessary for the harmonious development of all races to the full stature of each.

In South Africa these distinctions could not, in fact, be abolished without jeopardizing the natural development, if not the survival, of the races concerned, especially of the less advanced races, the South African representative declared. Specifically, in the view of the Union Government the repeal of the Asiatic Land Tenure and Indian Representation Act of 1946 would be a retrograde step, entailing on the whole a loss rather than a benefit to the Indian community, for, while imposing certain restrictions in the provinces of Transvaal and Natal, the Act provided for the relaxation of certain restrictions in the Transvaal and also conferred upon the Indians a limited franchise and representation in the Parliament of the Union and the Provincial Council of Natal.

In further support of the view that the implications of the General Assembly's resolution were uncertain and obscure, the report submitted by the Union Government stated that the debates before the General Assembly did not by any means disclose a unanimous intention on the part of delegations who were in favor of the resolution adopted on December 8, 1946, of conveying a condemnation of the Union Government. In fact, several representatives had stated that the compromise resolution finally adopted in place of a draft proposal submitted by the Indian Govern-

ment did not condemn South Africa and really amounted to nothing more than an offer of good offices. The Indian Government therefore was not justified in requiring the Union Government to accept a condemnation supposedly implied in the resolution.

The Union Government's report pointed out that although the Indian Government had continued to apply economic sanctions against the Union, the South African Government had refrained from imposing any retaliatory sanctions, which could have inflicted considerable harm upon India, and had in fact, wherever occasion offered, sought to promote better relations between the two governments.

As a direct result of the sanctions imposed by the Indian Government, those affected by them had started a boycott of Indian shops and undertakings, and public opinion in Natal had hardened to such an extent that the favorable prospects of extending a municipal franchise to Indians in the province had been wrecked, notwithstanding the efforts of the Administrator of Natal to have the necessary legislation passed.

Furthermore, the South African Government maintained that under Article 41 of the Charter the application of sanctions was entrusted to the Security Council. It could therefore be expected that the Government of India, having brought the matter before the United Nations, would be content to leave the full disposition of the matter to the organization. Instead, the Government of India, while on the one hand invoking the authority of an international tribunal, sought on the other hand to force a solution on the Union Government by their unilateral sanctions. The Union Government felt that it would be more in keeping with the objectives of the Charter and with the comity of nations if the Indian Government were to discontinue these sanctions so as more effectively to prepare the way for friendly discussions.

The South African Government's report concluded by stating that as a result of the insistence of the Indian Government on the acceptance by the Union Government of a condemnation said to be implied in the resolution of the General Assembly and the continuance of economic sanctions, no progress had been made towards the settlement of the differences between the two Governments. A possible way to restore friendly relations would have been for the two Governments to agree to re-examine the policies announced in 1927 and 1932 in the light of the experience gained in the attempt to carry out these policies. The Union Government

would at all times welcome discussions along such lines.

At its 91st plenary meeting on September 23, 1947, the General Assembly decided to refer the question of the treatment of Indians in the Union of South Africa for exclusive consideration and report by the First Committee. During the second part of the first session in 1946, this question had been referred for joint consideration by the First and Sixth Committees.

The First Committee considered the question at its 106th and 107th meetings on November 12, 1947, at its 108th meeting on November 14, its 109th meeting on November 15, and at its 111th and 112th meetings on November 17.

At the 106th meeting of the Committee the representatives of the Union of South Africa and of India outlined their positions, reviewing in the main the facts and arguments contained in the reports submitted by their respective Governments. The representative of South Africa maintained that it was not out of defiance of the United Nations, but rather on the basis of reasonable arguments, that the Union Government did not consider itself bound by the General Assembly's resolution. He stressed again that the two Governments had not been able to come to an agreement because the Government of India wished to open negotiations not on a footing of equality, but on the basis that the Government of the Union of South Africa was the defendant. The Government of the Union did not refuse to negotiate with the Government of India, but it was not prepared to admit that any agreement or provisions of the Charter had been violated and it considered that for the duration of the discussions the Government of India ought to lift the economic sanctions imposed on the Union of South Africa.

The representative of India pointed out that the severance of trade relations with South Africa had involved considerable loss to India, because its trade balance was a highly favorable one; this step had been necessary, however, in deference to public opinion, which was highly resentful of the measures of racial discrimination adopted against the Indians in South Africa. The representative of India stated that in its report to the second session of the General Assembly the Union of South Africa had reiterated the attitude it had taken the year before, which was tantamount to challenging the resolution of the General Assembly. The representative of India then submitted a draft resolution (A/C.1/244/Rev.1), which contained, *inter alia*, the following provisions:

The General Assembly,

Having considered the reports submitted by the Government of India and the Government of the Union of South Africa pursuant to the aforesaid resolution [of December 8, 1946];

Expresses its regret at the refusal by the Government of the Union of South Africa to accept the implementation of the resolution of the General Assembly dated 8 December 1946 as a basis of discussion with the Government of India, and at its failure to take any other steps for such implementation;

Reaffirms its resolution dated 8 December 1946;

Requests the two Governments to enter into discussions at a Round Table Conference on the basis of that resolution without any further delay and to invite the Government of Pakistan to take part in such discussions;

Requests that the result of such discussions be reported by the Governments of South Africa and India to the Secretary-General of the United Nations, who shall from time to time make inquiries from them and submit a report on the action taken on this resolution by the two Governments to this Assembly at its next session.

The draft resolution as originally submitted by the representative of India (A/C.1/244) had provided that the Secretary-General should report to the Interim Committee of the General Assembly, if such a Committee be in existence. This provision was deleted in the revised text presented to the First Committee.

In the course of the lengthy discussion which took place in the First Committee, the representatives of China, Byelorussian S.S.R., Egypt, France, Haiti, Iran, Mexico, Pakistan, Philippines, Poland, Syria, Ukrainian S.S.R., U.S.S.R. and Yugoslavia expressed themselves in favor of the Indian resolution. They maintained that racial discrimination practised in the Union of South Africa constituted a flagrant violation of the Charter of the United Nations as well as of the provisions of the international agreements concluded by India and South Africa. These representatives urged that the General Assembly should restate in clear terms the attitude it had taken previously on the subject and should at the same time request the two Governments to seek agreement through negotiations in accordance with the international agreements they had previously concluded and in conformity with the Charter of the United Nations.

The representative of Mexico considered that a condemnation of South Africa in general terms was not desirable and he therefore proposed (A/C.1/266) that the paragraph in the Indian draft resolution which provided that the General Assembly express its regret at the refusal of the Union Government to take steps towards the implementation of the General Assembly's resolution

of December 8, 1947, be deleted. The representative of India accepted this amendment.

Opponents of the Indian draft resolution expressed the view that the legal points which had been raised by the South African delegation in the course of the General Assembly's previous session still needed clarification. The matter therefore should be referred to the International Court of Justice. The representatives of New Zealand, Denmark, Belgium, Nicaragua, Greece, Argentina, Costa Rica, Canada, Ecuador and Brazil expressed themselves in favor of this course. The representatives of Belgium, Brazil and Denmark jointly submitted a draft resolution (A/C.1/267), which stated that, above all, it was necessary to determine the rights and obligations of the two States (India and South Africa) and that, according to the Charter and the Statute of the International Court of Justice, the Court was particularly designed to deal with such questions. The resolution therefore provided further that the General Assembly express the wish that the parties should continue their efforts with a view to reaching an agreement directly settling their dispute, and that, should they fail to reach such an agreement, they should submit the dispute to the International Court of Justice.

The United Kingdom representative stated that he would support the joint draft resolution, if the Indian resolution could not be amended so as to be acceptable to the South African delegation. The United States representative favored a recommendation that the parties should continue their efforts with a view to reaching agreement, but did not think that the matter should be referred to the International Court of Justice.

The representative of Norway submitted an amendment (A/C.1/269) to the Indian resolution which provided that the General Assembly call upon the two Governments to suspend all retaliatory action and without further delay to enter into discussions at a round table conference on the basis of the agreements concluded between them and of their obligations under the relevant provisions of the Charter. In case of failure, they should submit to the International Court of Justice the question of the extent of their obligations under the agreements concluded between them and under the relevant provisions of the Charter.

The representatives of Panama, Venezuela, Ecuador and Colombia favored the appointment of a sub-committee which would examine, in consultation with the delegations of India, Pakistan and the Union of South Africa, the basis on which negotiations for the settlement of the dispute could be initiated. The representative of Colombia

submitted a formal proposal to this effect (A/C.1/271).

The representative of Cuba submitted a draft resolution (A/C.1/270) which provided that the General Assembly recommend to the Governments of India and the Union of South Africa that they engage immediately in direct negotiations in order to solve the situation arising between them, and, should they fail in these negotiations, that they seek a solution by mediation, conciliation, arbitration, judicial settlement or other pacific methods that they might select.

The representative of Iraq submitted a draft resolution (A/C.1/268) reaffirming the principles of the Charter in regard to "human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion", and requesting all Member States to act in accordance with those principles. The representative of Iraq later withdrew this resolution, having accepted the view expressed by some delegations that, because of its general scope and in view of the fact that a similar resolution had been adopted by the General Assembly at the last session,<sup>53</sup> its adoption by the Committee would not be necessary.

Commenting upon the various proposals before the First Committee, the representative of India stated that the Indian Government could not agree to submit the matter to the International Court of Justice and was therefore opposed to the joint resolution of Belgium, Brazil and Denmark. India favored a round table conference and considered that the General Assembly's resolution should serve as a basis of discussion. The suggestion for a sub-committee, the Indian representative stated, did not seem to be helpful, as all such a committee could do would be to draft a resolution according to agreed principles, which were lacking. The Norwegian amendment called for the suspension of retaliatory action, but, the Indian representative stated, the measures adopted by the Indian Government were a last resort in the struggle against segregation which was a humiliation to India and the whole of Asia. The Cuban resolution, which had stated, *inter alia*, that the adoption of unilateral economic sanctions constituted a violation of the Charter, because such measures should be applied only by a decision of the Security Council, was likewise not acceptable to the Indian delegation, which considered that it was not accurate to compare sanctions on which the Security Council could decide and the right of any state to sever commercial relations with any other state.

The South African representative stated that the Indian resolution was unacceptable, as was any

resolution which contained a condemnation of his country. If the Indian delegation was prepared to enter into negotiations on the understanding that this would not prejudice the position of either side and would involve no indication of blame, the Union Government would be prepared to participate. He considered that the possibility of negotiations hinged upon such an assurance.

The First Committee voted on the various proposals before it at its 112th meeting on November 17, 1947. The Colombian proposal that a sub-committee be appointed was rejected by a vote of 26 to 13, with 8 abstentions. The Norwegian amendment to the Indian resolution was rejected by a vote of 27 to 8, with 12 abstentions. Voting paragraph by paragraph, the First Committee then adopted the Indian draft resolution as amended by the representative of Mexico. The resolution as a whole was adopted by a vote of 29 to 15, with 5 abstentions. The joint resolution of Belgium, Brazil and Denmark was rejected by 24 votes to 18, with 5 abstentions. In view of the adoption by the Committee of the Indian resolution, the representative of Cuba withdrew his draft resolution.

The General Assembly considered the report of the First Committee (A/492) at its 119th, 120th and 121st plenary meetings on November 20, 1947. At the 119th plenary meeting, the representative of Brazil presented a draft resolution sponsored jointly by the delegations of Belgium, Brazil, Cuba, Denmark and Norway (A/496), which provided that the General Assembly call upon the Governments of India and South Africa to continue their efforts with a view to reaching an agreement settling their dispute through a round table conference or other direct means, or if necessary, by mediation or conciliation, and should they fail to reach such an agreement, to submit to the International Court of Justice the question of the extent of their obligations under the agreements concluded between them and under the relevant provisions of the Charter.

This draft resolution, the Brazilian representative stated, embodied the spirit of conciliation which had prevailed during the debate that took place in the First Committee on the question of the treatment of Indians in the Union of South Africa. The majority of the First Committee had been of the opinion that direct negotiations between the parties offered the best method of settlement of their dispute. Both the joint draft resolution and the Indian resolution adopted by the First Com-

<sup>53</sup>See Yearbook of the United Nations, 1946-47, p. 178.

mittee recommended a round table conference and other traditional methods of settlement. The difference between the two draft resolutions consisted in the fact that the joint resolution went a step further and recommended that in case the parties failed to reach agreement through negotiations, they should submit the question of the extent of their obligations to the International Court of Justice. It therefore did not contradict the Indian resolution, but supplemented it.

The representative of South Africa stressed that his Government had been, and still was anxious to negotiate a settlement, but, he stated, it had been faced not only with the serious obstacle of unilateral sanctions imposed by India, but also with an unrelenting attitude on the part of the Government of India, which insisted upon the admission by the Union Government—as a prerequisite to discussion—that it had failed to carry out agreements concluded with the Government of India and that it had violated the Charter of the United Nations.

The representative of South Africa opposed the resolution recommended by the First Committee because he considered that it did not give any indication that the Indian Government would discontinue its sanctions. Furthermore, the resolution prescribed the resolution of December 8, 1946, as the basis of discussion and in the view of the South African Government this could only mean that the Indian Government would construe adoption of the First Committee's resolution as an endorsement by the General Assembly that the South African Government must make the admission referred to. The proposed resolution, therefore, would achieve nothing. It would indeed be better, the South African representative stated, if no resolution were passed. With no resolution at all this year—that is, with nothing which could be construed as an endorsement by the General Assembly of the requirements of the Indian Government—there was nothing to prevent the Union Government from coming to terms with the Indian Government as to the basis upon which discussions could be initiated.

The South African representative announced that, while reserving his Government's position on the question of the jurisdiction of the General Assembly, he intended, as an earnest expression of goodwill and in appreciation of the conciliatory efforts of the Governments which had submitted the joint draft resolution, to vote in favor of that resolution.

The representative of India insisted that the resolution of December 8, 1946, must be accepted

as the basis of discussion at the round table conference, which should take place as soon as possible. It was necessary for the General Assembly to make it clear on what basis discussions at the round table conference should take place, for without a common basis of discussion a conference could not lead to a successful conclusion. Failure to reaffirm the resolution of the year before must be regarded as a departure from the stand taken previously by the General Assembly and this would undermine the prestige and influence of the United Nations, especially among the under-privileged, who after the adoption of the resolution of December 8, 1946, had looked to the United Nations with hope and encouragement.

The joint draft resolution, the representative of India considered, amounted to an invitation to the Union of South Africa to do nothing and to refuse participation in a conference and thus make the reference of the whole question to the International Court of Justice inevitable.

After lengthy discussion in which the representatives of El Salvador, Poland, United States, Ukrainian S.S.R., Mexico, Haiti, China, Iceland, Yugoslavia, U.S.S.R. and Philippines participated, the General Assembly, at its 120th plenary meeting on December 20, voted first on the resolution recommended by the First Committee and then on the joint draft resolution submitted by Belgium, Brazil, Cuba, Denmark and Norway. The vote on the First Committee's resolution was 31 in favor, 19 against, with 6 abstentions. The vote on the joint resolution was 29 to 24, with 3 abstentions. As neither resolution obtained a two-thirds majority, they were both declared lost.

At the 121st plenary meeting on November 20, 1947, the representative of India submitted the following draft resolution (A/507):

"The General Assembly,

"Bearing in mind its resolution of 8 December 1946,

"Requests the Governments of South Africa and India to discuss at a Round Table Conference all matters pending between them with a view to an amicable settlement in the light of the said Resolution and to invite the Government of Pakistan for such discussions; and

"Requests that the result of such discussions be reported by the Government of the Union of South Africa and India to the Secretary-General of the United Nations, who shall from time to time make inquiries from them and submit a report on the action taken on this resolution by the two Governments to the Assembly at its next session.

The representative of South Africa stated that in his view the matter had been disposed of and the General Assembly was not competent to consider a new resolution. This view was supported

by the representatives of the United States and the United Kingdom, who considered that the agenda item had been disposed of and that any new resolution must be referred to the General Committee, which, if the matter was considered urgent, could recommend its inclusion in the agenda.

The President of the General Assembly considered that although the two resolutions before the Assembly had been voted upon at the previous meeting the question itself had not been disposed of. There was no need to refer the new Indian resolution to the General Committee, as it had been introduced in connection with a question which was already on the agenda of the General Assembly.

The representative of India pointed out that when the General Assembly adjourned its 120th plenary meeting there was no resolution before the Assembly as both resolutions under consideration had been declared lost. He considered this a most unsatisfactory state of affairs and urged that the General Assembly come to some decision on this important matter.

It was finally agreed that the General Assembly should postpone consideration of the Indian resolution pending its circulation in written form among the delegations. Subsequently, however, the Indian delegation decided to withdraw its resolution, and it informed the Secretary-General of its decision by a letter dated November 21, 1947 (A/511).

#### e. VOTING PROCEDURE IN THE SECURITY COUNCIL

The question of the voting procedure in the Security Council had been discussed at great length in the course of the second part of the first session of the General Assembly. On December 13, 1946, the General Assembly adopted the following resolution (40(I)):

"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 prac-

tices 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."

By a note of August 28, 1947, the Secretary-General transmitted to the General Assembly a communication from the President of the Security Council informing the Assembly that the Council had examined the General Assembly's resolution and had referred it to its Committee of Experts for consideration and suggestions (A/368).

By letter of July 18, 1947 (A/330), the Argentine delegation requested that an item concerning "Convocation of a General Conference under Article 109 of the Charter to abolish the privilege of the veto" be included in the agenda of the second session of the General Assembly. On August 22, the Argentine delegation submitted a draft resolution (A/351), which provided that the proposed General Conference should convene three days after the end of the second session of the General Assembly.

By letter of August 19, 1947 (A/346), the representative of Australia requested the inclusion of the following item in the agenda of the second session of the General Assembly:

"The resolution of the second part of the first session of the General Assembly in relation to the exercise of the veto in the Security Council and the extent to which the recommendations contained in that resolution have been carried out."

At the 36th meeting of the General Committee on September 19, 1947, the representative of the U.S.S.R. opposed the inclusion of the Argentine proposal for the convocation of a General Conference to abolish the "veto". The principle of unanimity of the Great Powers, he asserted, was a cornerstone of the structure of the United Nations. Behind the campaign against the "veto", there was, in his view, an attempt to create a situation in which it would be easier to impose upon the U.S.S.R. the will of the other states. The U.S.S.R. could not overlook this tendency, nor did it feel able to put its confidence in the goodwill of the majority in the various organs of the United Nations. The Soviet delegation, moreover, was convinced that the principle of unanimity was in the interest not only of the U.S.S.R. but of all peace-loving peoples, because it forced the permanent members of the Security Council to look for solutions to their problems in a spirit of agreement. The principle acted also in the interest of the small Powers, for history showed that when unity among the great Powers was lacking the small nations were the first victims.



Several other representatives stated that they did not favor amendment of the Charter, but thought that the General Assembly should be given an opportunity to discuss the matter. The representative of Syria suggested that the Argentine proposal be amended so as to provide for the calling of a conference to "amend" rather than to "abolish" the "veto". By a vote of 9 to 2, with 3 abstentions, the General Committee decided to recommend to the General Assembly that the Argentine proposal, as amended by the representative of Syria, should be included in the agenda.

At the 37th meeting of the General Committee, the representative of Poland drew the attention of the members to the communication from the President of the Security Council (A/368) indicating that the Council had referred the General Assembly's resolution to its Committee of Experts, which still had the matter under consideration. It was, therefore, premature to consider the point raised by the Australian proposal, and the representative of Poland suggested that consideration of the matter be postponed to the next session of the General Assembly.

The representative of Australia stated that the purpose of the Australian Government in submitting this item was to give the General Assembly an opportunity to discuss the whole range of the subject of the "veto", as evidently many representatives considered the subject to be of cardinal importance.

The representative of the U.S.S.R. opposed the Australian item on the same ground as that on which he had opposed the Argentine proposal.

By a vote of 11 to 2, with 1 abstention, the General Committee decided to recommend inclusion of the Australian item in the General Assembly's agenda.

On the recommendation of the General Committee (A/392), the General Assembly at its 91st plenary meeting on September 23, 1947, referred the two items concerning the voting procedure in the Security Council to the First Committee, which considered them concurrently at its 112th meeting on November 17, its 113th and 114th meetings on November 18 and its 115th meeting on November 19, 1947.

At the 113th meeting of the First Committee on November 18, 1947, the representative of the United States expressed the view that the problem of the voting procedure in the Security Council presented great difficulties and that there was insufficient time during the current session of the General Assembly to study the whole question thoroughly. He therefore submitted a draft resolu-

tion (A/C1/272), which provided that the matter be referred to the Interim Committee established during the second session of the General Assembly.<sup>54</sup> The Interim Committee should study all proposals which might be submitted to the second session of the General Assembly or to the Interim Committee itself and should report to the third session of the General Assembly. The Interim Committee should also consult with any committee which the Security Council might designate to co-operate with the Interim Committee in the study of the problem. The United States draft resolution provided further that the General Assembly request the permanent members of the Security Council to consult with one another on the problem of voting in the Security Council "in order to secure agreement among them on measures to ensure the prompt and effective exercise by the Security Council of its functions".

In view of the fact that the delegation of the U.S.S.R. and several other delegations had indicated that they would not participate in the work of the Interim Committee, the representative of the United States indicated that he would be willing to agree to have the problem of the voting procedure in the Security Council referred to an ad hoc committee rather than to the Interim Committee, if the U.S.S.R. was prepared to participate in the deliberations of an ad hoc committee.

The representatives of Argentina, Australia, Brazil, Canada, China, Cuba, Denmark, France, Greece, Netherlands, Norway, Panama, South Africa, Philippines, Sweden, Turkey and United Kingdom expressed themselves in favor of the United States proposal. Certain of these representatives considered that the frequent exercise of the "veto" had paralyzed the working of the Security Council and, therefore, they desired a restriction of the use of the "veto" through a modification of the rules of procedure. These representatives considered that reference to the Interim Committee would provide the most suitable method of achieving their purpose.

Other representatives supporting the United States draft resolution stressed the fact that there had been a great deal of over-simplification in the discussion of the "veto". It was the general political situation and the lack of confidence among the Great Powers and not the "veto" which had caused difficulty. It was doubtful whether removal or modification of the "veto" would increase co-operation. The remedy for the situation was an improvement in international relations. The most

<sup>54</sup>See pp. 80-81.

effective approach would be consultation and agreement among the Great Powers. Despite these reservations these representatives agreed, however, that a careful study of the question by the Interim Committee might be of value.

The representative of Chile considered that the question was so important that it should be studied by the United Nations as a whole and not by the Interim Committee. He was therefore opposed to the United States draft resolution.

The representative of India thought it would be best to see how well the Interim Committee functioned before confronting it with such a difficult problem. The Indian delegation would therefore abstain from voting on the United States proposal.

The representative of Egypt did not favor the proposal to refer the question to the Interim Committee. He considered, however, that the General Assembly should request the permanent members of the Security Council to consult with one another. He therefore asked that the United States resolution be voted paragraph by paragraph.

The representative of Iceland thought that a general improvement in international relations was a prerequisite to any possible modification of the voting procedure in the Security Council. Discussion in the Interim Committee therefore could serve no useful purpose, although he could see no harm resulting from such discussion. He would therefore abstain from voting on the United States proposal.

The representatives of Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R. and Yugoslavia objected to any proposal to refer the problem of the "veto" to the Interim Committee or to an ad hoc committee. The problem of the "veto", they considered, should not have been placed on the agenda of the second session of the General Assembly at all. Any proposal for a study of the "veto" by the Interim Committee or any other body merely screened an attempt to undermine the unanimity of the permanent members of the Security Council, which was the sine qua non of the existence of the United Nations.

Moreover, the representatives of the six above-mentioned countries considered that the Interim Committee was an illegal body, and they pointed out that they had previously announced that they would not participate in its work. The proposal to refer the question to the Interim Committee could only widen the rift between the majority and the minority and weaken the United Nations. The only way to increase harmony and agreement among the Great Powers was to give up discussing the "veto". The question, therefore, should be

deleted entirely from the agenda of the General Assembly.

The representative of the U.S.S.R. indicated that he was not prepared to consult with the other permanent members of the Security Council with regard to the "veto". He considered such consultations inappropriate and unnecessary.

Voting paragraph by paragraph, the First Committee at its 115th meeting on November 19, 1947, adopted the United States resolution. The resolution as a whole was adopted by a vote of 36 to 6, with 11 abstentions.

The representative of Argentina stated that in view of the adoption of the United States resolution it was superfluous to submit the Argentine draft resolution to a vote.

The representative of China had submitted a paper (A/C.1/202/Rev. 1) containing suggested procedural revisions designed to bring about an improvement in the practice of the Security Council. It was agreed that these proposals along with any others which might be submitted should be referred to the Interim Committee for further study.

The General Assembly considered the report of the First Committee (A/501) at its 122nd and 123rd plenary meetings on November 21, 1947.

At the 122nd plenary meeting the representative of the United States expressed the view that the resolution recommended by the First Committee was very simple and modest, inasmuch as it merely provided for a study of the "veto" question during the coming year, without in any way prejudging the substance of the matter. It was the purpose of the resolution to deal constructively, deliberately and calmly with a very controversial problem which could not be suppressed. If the problem were simply to be removed from the agenda, as had been suggested, it would only break out and flare up in other ways and in other directions, which would be more detrimental to the prestige of the United Nations.

The representative of the U.S.S.R. contended that the United States delegation had tried to minimize the significance of the resolution recommended by the First Committee in an effort to divert the attention of the General Assembly from the genuine political problems which were closely linked with the proposal under consideration.

It would appear, the U.S.S.R. representative stated, that certain states had accepted the principle of unanimity at San Francisco and had signed the Charter only to struggle against its basic principles as soon as it had been adopted. Such a procedure could only reflect on the sincerity and good faith

of these delegations. The attack upon the "veto" constituted a danger to the very existence of the United Nations. While the Argentine delegation openly urged the abolition of the "veto", the representatives of the United States and the United Kingdom professed to take their stand in favor of the principle of unanimity. In actual fact, however, they attempted carefully and cunningly, but consistently, to circumscribe that principle.

The United States, the United Kingdom, Australia and others, the U.S.S.R. representative maintained, tried to represent their campaign against the principle of unanimity as a campaign against the abuse of that principle, such abuse being ascribed to the U.S.S.R. The representative of the U.S.S.R. denied that there had been any abuse of the "veto". It had been said that the U.S.S.R. had exercised the "veto" 22 times. Actually the U.S.S.R. had exercised the right of "veto" in connection with four questions only: the Spanish question, the Greek question, the Corfu Channel question and the admission of new Members. The U.S.S.R. had been forced to use the "veto" repeatedly in regard to these questions, as they had been raised again and again with the aim of provoking a "veto". In all cases where the "veto" was utilized the representative of the U.S.S.R. had acted quite correctly, since he had been unable to adhere to the position of the majority of the Security Council. The accusations against the U.S.S.R. were made only in order to open the door to the elimination of the "veto", which was inconvenient to the majority which tried to dominate the organization.

The representative of the U.S.S.R. could not agree with the statement made by the representative of the United States in the First Committee that the Four Power Declaration of June 7, 1945, in regard to the "veto"<sup>55</sup> was not binding on the four sponsoring Powers at San Francisco. The rule of unanimity which had been accepted at San Francisco was based upon a full consciousness of the great responsibility in the maintenance of peace and security which rested upon the Great Powers, which alone had at their disposal all the economic and military means to enforce this responsibility.

Transmission of the "veto question" to the Interim Committee would be a flagrant violation of the Charter, the U.S.S.R. representative stated. It could only be considered as another step towards the liquidation of the principle of unanimity. The best interests of the United Nations would dictate that this question be removed from the agenda altogether.

At the 123rd plenary meeting of the General

Assembly, the representative of Czechoslovakia stated that his delegation was opposed to any effort to weaken the existing rules of voting in the Security Council and would therefore vote against the resolution recommended by the First Committee.

The representative of Argentina expressed the view that an attempt to reform the Charter in the sense of changing, modifying or qualifying the "veto" could not be construed to be a violation of the Charter. The Members of the United Nations could not be expected to uphold the Charter under any circumstance. The political conditions prevailing at present were not the same as in 1945. Experience had shown that those who had opposed the "veto" at San Francisco had been right. The "veto" was originally intended to maintain peace and to keep differences from arising, but the "veto" had not resulted in unanimity and had not worked in the interests of peace. Adverse comment from the U.S.S.R. delegation could not prevent the Argentine delegation from submitting its proposal to reform the Charter. Only those who would deny the right to modify the Charter were violating its principles.

The representative of Poland remarked that he opposed the resolution recommended by the First Committee because (1) he was opposed to the transmission of any item to the Interim Committee, as in his view the establishment of that Committee was incompatible with the provisions of the Charter, and (2) he was opposed to any change in the principle of unanimity, which was fundamental to the very existence and operation of the United Nations.

The principle of unanimity of the Great Powers, the representative of Poland stated, was designed to serve two purposes. It was to provide for the execution of the decisions of the Security Council, as no decision of the United Nations could really be put into practice unless all the big Powers were in agreement with that decision. The second purpose of the principle of unanimity was to prevent the United Nations from being used by one group of nations as a tool of their own policies against another group of nations. It was therefore not desirable even to discuss the removal of the principle of unanimity of the permanent members of the Security Council.

The representative of Yugoslavia expressed the view that the exercise of the "veto" by the U.S.S.R. was no evidence of a lack of goodwill on the part of the U.S.S.R. The U.S.S.R. was merely exercising

<sup>55</sup>See Yearbook of the United Nations, 1946-47, pp. 23-25.

the right applied by all Great Powers whenever they considered it opportune and necessary, i.e. the right to oppose a decision which might disregard or jeopardize their interests. This was a manifestation of a lack of agreement among the Great Powers, particularly of the disagreement which divided the United States and the U.S.S.R. The extension of the application of a simple majority rule, however, would not remedy the situation. The resolution proposed by the First Committee could only promote wider disagreement and the representative of Yugoslavia therefore appealed to the members of the General Assembly to vote against that resolution.

On the request of the representative of Egypt, the First Committee's resolution was voted on paragraph by paragraph. Only the last paragraph of the resolution was adopted without opposition. The resolution as a whole was adopted by a vote of 38 to 6, with 11 abstentions. Following is the text of the resolution (117(II)) as adopted by the General Assembly at its 123rd plenary meeting on November 21, 1947:

"The General Assembly, in the exercise of its power to make recommendations relating to the powers and functions of any organs of the United Nations (Article 10 of the Charter),

"Requests the Interim Committee of the General Assembly, in accordance with paragraph 2 (a) of resolution 111 (II) of the General Assembly of 13 November 1947, establishing that Committee,<sup>56</sup> to:

"1. Consider the problem of voting in the Security Council, taking into account all proposals which have been or may be submitted by Members of the United Nations to the second session of the General Assembly or to the Interim Committee;

"2. Consult with any committee which the Security Council may designate to co-operate with the Interim Committee in the study of the problem;

"3. Report, with its conclusions, to the third session of the General Assembly, the report to be transmitted to the Secretary-General not later than 15 July 1948, and by the Secretary-General to the Member States and to the General Assembly;

"Requests the permanent members of the Security Council to consult with one another on the problem of voting in the Security Council in order to secure agreement among them on measures to ensure the prompt and effective exercise by the Security Council of its functions."

#### f. THREATS TO THE POLITICAL INDEPENDENCE AND TERRITORIAL INTEGRITY OF GREECE

##### (1) Inclusion of the Item in the General Assembly's Agenda

By letter of August 20, 1947 (A/344), the acting representative of the United States at the seat of the United Nations requested that the following item be included in the agenda of the second session of the General Assembly:

"Threats to the political independence and territorial integrity of Greece."

As the Security Council had been dealing with this question<sup>57</sup> and as in accordance with Article 12 of the Charter the General Assembly is not to make any recommendations in regard to a dispute or situation with which the Security Council is dealing, the representative of the United States submitted a draft resolution to the Security Council at its 202nd meeting on September 15 which provided that the Security Council request the General Assembly to consider the dispute between Greece on the one hand, and Albania, Yugoslavia and Bulgaria on the other, and to make any recommendations with regard to that dispute which it deemed appropriate under the circumstances. The vote on the resolution was 9 to 2, with the U.S.S.R. and Poland voting in the negative. The resolution therefore was not carried. By a procedural vote of 9 to 2 the Council then adopted a second resolution proposed by the representative of the United States that the Greek question be taken off the list of matters with which the Security Council is seized.

By letter of September 16, addressed to the President of the General Assembly (A/398), the Secretary-General notified the General Assembly that the Security Council had ceased to deal with the Greek question.

At the 35th meeting of the General Committee, the representative of the U.S.S.R. requested the deletion of the United States item concerning Greece from the General Assembly's agenda. Inclusion of this item, he considered, could not be justified, as no threat to the political independence and territorial integrity of Greece existed from her neighbors to the north. It was, rather, the situation within Greece which was becoming increasingly difficult due to the interference of foreign governments in the internal affairs of Greece, a situation which was aggravated by the presence of British troops.

Justifying the request made by his Government, the representative of the United States expressed the view that the General Assembly could not remain a mere spectator when a Member of the United Nations was being endangered by attacks from abroad. The inability of the Security Council to take effective action in this case placed a grave responsibility on the General Assembly, which alone could decide whether to include this item in its agenda.

By a vote of 12 to 2 the General Committee

<sup>56</sup>See pp. 80-81.

<sup>57</sup>See pp. 337-52.

decided to recommend to the General Assembly that the item concerning "threats to the political independence and territorial integrity of Greece" be included in the agenda.

The General Assembly considered the General Committee's recommendations (A/392/Add. 1) at its 91st plenary meeting on September 23, 1947. After some discussion, the General Assembly decided by a vote of 38 to 6, with 9 abstentions, to include the item in its agenda, and referred it to the First Committee for consideration.

## **(2) Invitation to Representatives of Albania and Bulgaria**

The First Committee began discussion of the Greek question at its 60th meeting on September 25. The Committee had received requests from the representatives of Albania (A/C.1/192) and of Bulgaria (A/C.1/190) that they be permitted to participate in the discussion of this question. The representative of the United States suggested that the representatives of Albania and Bulgaria should not be heard unless they accepted in advance the obligations of pacific settlement provided for in the Charter. This proposal was supported by the representatives of Cuba, United Kingdom, Sweden, Dominican Republic, El Salvador, France, Iran and China. It was stated that although no provision was made in the Charter or the Assembly's rules of procedure for inviting a non-member state to take part in the Assembly's discussions, the General Assembly should be guided by the spirit of Articles 32 and 35 of the Charter.

The representatives of the U.S.S.R., Czechoslovakia, the Ukrainian S.S.R., Yugoslavia, the Byelorussian S.S.R. and Poland were opposed to the invitation's being made subject to any conditions. It was pointed out that the United States proposal would impose heavier obligations on non-member states than on Member States, as the latter were not bound by the General Assembly's recommendations.

In order to make it clear that the obligations of Albania and Bulgaria should not be greater than those of States Members of the United Nations, the representative of Belgium proposed the following text, which the representative of the United States accepted:

"The First Committee inquires of the representatives of Albania and Bulgaria if their Governments are prepared to agree to apply the principles and rules of the Charter in the settlement of the Greek question."

This resolution was adopted by 38 votes to 6, with 5 abstentions. The Albanian and Bulgarian representatives were informed of the Committee's decision (A/C.1/194/Corr. 1).

Replying by letter of September 27 (A/C.1/197), the representative of Albania stated that while respecting fully the principles of the United Nations Charter, his Government could not consent that Albania's right to submit explanations and deny the allegations of the opposing parties be made subject to any conditions whatsoever.

In his reply, also dated September 27 (A/C.1/198), the representative of Bulgaria remarked that certain representatives seemed to consider that the appearance of a Bulgarian representative before the Committee would be a special privilege granted the Bulgarian Government and therefore should have as its condition a statement concerning Bulgaria's acceptance of the principles of the Charter. Such a point of view, the Bulgarian representative considered, was improper. The General Assembly could not solve the problem before it without hearing the accused after having listened to the accusers.

At the 62nd meeting of the First Committee on September 27, 1947, the representative of Australia expressed the view that the replies from the Albanian and Bulgarian representatives were not in the affirmative since they asked to be heard unconditionally and that consequently these States could not be invited to participate in the Committee's debates with full powers. The Committee, however, should hear the Albanian and Bulgarian representatives.

The representatives of the United States and of Belgium shared the view that the replies of the two Governments were evasive and supported the Australian proposal that Albania and Bulgaria should be heard, but not on an equal footing with the representatives of states accepting the principles of the Charter.

The representatives of the U.S.S.R., Poland, Czechoslovakia, Yugoslavia, and the Ukrainian S.S.R. considered that the replies of the Albanian and Bulgarian representatives were perfectly clear. The two countries' representatives should therefore be authorized unconditionally to participate in the discussion of the Greek question.

The First Committee by a vote of 39 to 1, with 11 abstentions, adopted the following resolution (A/C.1/200) submitted by the representative of Belgium:

"The Governments of Albania and Bulgaria having failed to furnish a satisfactory reply to the request made to them by the First Committee, the latter has decided to hear the statements of the Bulgarian and Albanian delegations on the Greek question and requests them to place themselves at the disposal of the Committee in order to reply to any question which may be put to them."

By letters of October 2, 1947 (A/C.1/203 and A/C.1/204), the representatives of Albania and Bulgaria accepted the First Committee's invitation to present statements in connection with the Greek question. Consequently the Albanian and Bulgarian representatives were heard at the 64th meeting of the First Committee on October 2, 1947 (see below).

(3) General Debate in the First Committee

General debate on the Greek question lasted from the 60th meeting of the First Committee on September 25, 1947, until the 68th meeting on October 7. The Committee then devoted five further meetings to a detailed discussion of the proposals which had been introduced in the course of the general debate, concluding its consideration of the Greek question at its 73rd meeting on October 13, 1947.

At the 60th meeting of the First Committee on September 25, the representative of the United States cited the repeated use of the "veto" on the part of the U.S.S.R. in connection with the Greek question. In view of the inability of the Security Council to take a decision, the representative of the United States considered that the responsibility for the maintenance of international peace and security rested in this case with the General Assembly.

The representative of the United States recalled that in the report submitted by the Commission to the Security Council on May 27, 1947, eight members of the Commission had reached the conclusion that, according to the facts which had been collected, Yugoslavia had assisted the guerrillas in Greece; and that that was also true, although to a lesser extent, of Albania and Bulgaria. He therefore expressed the view that it seemed established that Albania, Bulgaria and Yugoslavia had violated the principle of international law according to which a state should not assist armed bands which were in rebellion against their legal government. The representative of the United States therefore submitted a draft resolution (A/C.1/191), the third and fourth paragraphs of which contained the following finding and recommendation:

"The General Assembly . . .

"Finds that Albania, Bulgaria and Yugoslavia in contravention of [the] principles of the Charter of the United Nations, have given assistance and support to the guerrillas fighting against the Greek Government;

"Calls upon Albania, Bulgaria and Yugoslavia to cease and desist from rendering any further assistance or support in any form to the guerrillas fighting against the Greek Government."

The resolution further provided (paragraphs

5-8) that the General Assembly call upon Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other to co-operate in the settlement of their dispute by peaceful means. To that end the Governments concerned should:

(1) establish normal diplomatic and good-neighborly relations,

(2) establish frontier conventions, for the control of their common borders,

(3) co-operate in the settlement of the problems arising from the presence of refugees in the four States concerned,

(4) study the practicability of concluding agreements for the voluntary transfer of minorities.

The resolution provided (paragraphs 9-14) that the General Assembly establish a Special Committee to observe the compliance by the four Governments concerned with the foregoing recommendations and to assist the four Governments in the implementation of these recommendations. The Special Committee, which should have its principal headquarters in Salonika, Greece, would be authorized to recommend to the Members of the United Nations that a special session of the General Assembly be convoked as a matter of urgency, if it considered that further consideration of the Greek question was necessary prior to the next regular session of the General Assembly.<sup>58</sup>

Speaking at the 61st meeting of the First Committee on September 26, 1947, and again at the 68th meeting on October 7, the representative of Yugoslavia stated that the report of the Commission of Investigation established by the Security Council<sup>59</sup> contained no proof of the accusations against Yugoslavia, Albania and Bulgaria. He considered that a Fascist regime filled with quislings and Nazi collaborators had been established in Greece with the aid of British troops and that this regime was actively supported by the British Government. The terror instituted to maintain this regime in power was the real cause of the civil war in Greece. The United States intervention had aggravated even further the situation in Greece, and the Greek Government, encouraged by foreign assistance, continued its aggressive policy towards its northern neighbors.

The representative of Yugoslavia insisted that

<sup>58</sup> The representative of the United States had submitted a similar resolution based on the recommendations of the Security Council's Commission of Investigation to the Security Council; see pp. 339, 344-45. For text of the resolution adopted by the Assembly, see pp. 74-75. With the exception of paragraphs 3 and 4 quoted above, the General Assembly adopted the text of the resolution submitted by the representative of the United States.

<sup>59</sup> See pp. 338-39.

Yugoslavia had not aided the guerrillas fighting the Greek Government, but had merely given asylum to refugees in accordance with international law and the Yugoslav constitution. The accusations levelled against Yugoslavia were designed to hide the true responsibility of the Greek Government and of the United Kingdom and the United States for the civil war in Greece.

At the 62nd meeting of the First Committee on September 27, 1947, the representative of the U.S.S.R. declared that the accusations against Greece's northern neighbors were entirely unfounded. The evidence contained in the report of the Commission of Investigation was contradictory and inadequate and could not be used as the basis for a condemnation of Albania, Bulgaria and Yugoslavia. On the other hand, the representative of the U.S.S.R. considered that convincing evidence had been submitted to show that the present situation in Greece was the result of foreign interference in the internal affairs of Greece.

With the aid of British troops, reactionaries and Fascist collaborators had prevented the establishment of a democratic regime in Greece after the country's liberation from the German occupation. These anti-democratic forces continued in control of the Greek Government. As a result of the terror exercised by rightist bands against the democratic elements of Greece and against the national minorities, thousands of Greeks had fled to the mountains to fight against the regime imposed upon the Greek people by foreign interference. While the civil war in Greece, therefore, was the result of the policies of the present Greek regime, the rulers of Greece tried to lay responsibility for it upon Greece's northern neighbors.

The alleged frontier incidents were provoked by the Greek military clique, the representative of the U.S.S.R. declared, and the only way to put an end to such incidents was to request the Greek Government to cease its provocations and re-establish normal relations with Greece's northern neighbors. The outstanding problems between Greece and her northern neighbors could only be settled by direct negotiations between the countries concerned and not through the establishment of a special committee as proposed by the representative of the United States. The establishment of the committee was incompatible with the sovereignty of the States concerned and would, as previous experience had shown, result in interference in the domestic affairs of those countries.

The part played only recently by British troops in Greece, the representative of the U.S.S.R. stated

further, was now taken up by the United States, whose official policy with respect to Greece was one of undisguised interference in that country's affairs. The United States of America called its policy one of aid to Greece, but that policy had nothing to do with genuine aid and was ultimately directed at reducing Greece to economic and political servitude. The representative of the U.S.S.R. therefore submitted a draft resolution (A/C.1/-199) which provided that on the basis of the report of the Commission of Investigation, the General Assembly considered it established:

(1) that the Greek authorities were to blame for the incidents that had occurred on the frontiers of Greece with Yugoslavia, Bulgaria and Albania;

(2) that the internal situation in Greece was the main cause of the acute situation in the northern frontier regions of Greece;

(3) that the existing situation in Greece was to a large extent the result of foreign interference in the internal affairs of Greece, which made it difficult to establish normal relations between Greece and its neighboring countries.

The resolution, therefore, provided further that the General Assembly recommend:

(1) that the Government of Greece take steps to put an end to the frontier incidents on her common frontiers with Yugoslavia, Bulgaria and Albania;

(2) that normal diplomatic relations be established between Greece on the one hand, and Bulgaria and Albania and Yugoslavia on the other;

(3) that the four Governments concerned renew previously existing or conclude new bilateral frontier conventions providing for the regulation of frontier incidents;

(4) that the four Governments settle the refugee question in a spirit of mutual understanding;

(5) that the Greek Government take measures to remove all discrimination in relation to citizens of Macedonian and Albanian nationality residing in Greek territory;

(6) that the Governments of Albania, Bulgaria, Yugoslavia and Greece report after three months on their compliance with the above recommendations.

The resolution provided that in addition the General Assembly recommend that all foreign troops and foreign military personnel be withdrawn from Greece. In order to guarantee the proper utilization of foreign economic aid to Greece the General Assembly should establish a Special Commission to guarantee by appropriate

supervision the utilization of such aid solely in the interests of the Greek people.<sup>60</sup>

At the 63rd meeting of the First Committee on September 29, 1947, the representative of Greece stated that Greece would rest its case upon the facts established by the Security Council's Commission of Investigation<sup>61</sup> and the conclusions of the majority of the Security Council. He declared that the Greek Government would fulfil its Charter obligations by executing in good faith whatever recommendation the Assembly might make and would co-operate with any Commission established to keep the Members of the United Nations currently informed. His Government believed the United Nations entitled to receive a similar declaration from Albania and Bulgaria.

The representative of Greece expressed the view that the apologists for Albania, Bulgaria and Yugoslavia had avoided the sole question before the Committee—whether or not those countries had given and were giving aid to armed bandits seeking to overthrow the Greek Government—because they could not deny the Commission's conclusions that Yugoslavia, and to a lesser extent Albania and Bulgaria, had supported the guerrilla warfare in Greece. Instead these apologists had abused Greece and the Governments of the United Kingdom and the United States for their assistance in maintaining Greek political independence and territorial integrity. He maintained that there was no justification for the attacks on the United Kingdom and the United States concerning aid furnished, at the request of Greece, to help preserve Greek freedom. The charge, moreover, that Greece was a warmonger, plotting a war between the East and the West, was utterly illogical, since any such war would wipe out Greece first of all.

The representative of Greece expressed the hope that the principles of the Charter would be applied to solve the Greek problem and stated that Greece looked forward to a future period of co-operation in southeastern Europe in the interest of the United Nations and world peace.

Speaking at the 64th meeting of the First Committee on October 2, 1947, the representative of Bulgaria stated that none of the charges which had been levelled against Bulgaria had been substantiated. The internal situation in Greece, he considered, was the real cause of the trouble in that country. If Greece and Bulgaria had been left to themselves, they could have settled their differences without any trouble, but this solution had been rendered difficult by the civil war in Greece and by the interference of the United States in Greece's affairs. In fact, the United States had to

claim the existence of an external threat in order to justify its intervention in Greece.

The representative of Bulgaria declared that his country had no aggressive intentions and that it did not engage in any activities unfriendly to Greece. Since its liberation, Bulgaria had devoted all its energies to the reconstruction of the country and to the development of its resources leading to the raising of its standard of living. The Greek question could be resolved satisfactorily if the First Committee rejected any idea of discrimination between the States concerned and refrained from establishing a special committee as proposed by the United States representative. An agreement for the settlement of frontier incidents together with the resumption of diplomatic relations with a Greek Government truly representative of the majority of the Greek people were the essential conditions for a solution of the problem and the establishment of lasting peace in the Balkans.

The representative of Albania stated that the United States draft resolution accusing the States to the north of Greece of having assisted Greek guerrillas was based upon the unfair conclusions of the Security Council's Commission of Investigation without regard to the facts. The answer to the Greek question, he asserted, was to be found in the internal situation of Greece itself, where the people were fighting against a terrorist government upheld by foreign troops and foreign financial assistance. The terrorist policies of the Greek Government were being applied throughout Greece and particularly against all democratic elements which had taken part in Greek resistance against the Fascist invaders. Obviously the blame for this situation could not be placed upon Greece's northern neighbors.

Parallel to the reign of terror inside Greece, the Greek Government was pursuing an aggressive expansionist policy towards Albania with the aid of Albanian war criminals and bandits. The aggressive policy of Greece was typified by the numerous frontier incidents provoked by the Greek Government. Greece's expansionist policy was supported by the British troops in Greece. The representative of Albania also drew attention to the problem of Albanian minorities in Greece.

Albania had no territorial claims or designs of any kind upon Greece, the Albanian representative assured the First Committee. The Albanian people desired to live in peace with the Greek people who

<sup>60</sup>A resolution largely identical with the above had been submitted by the U.S.S.R. to the Security Council. See pp. 339-40.

<sup>61</sup>See pp. 338-39.



had fought side by side with them in the struggle against the Fascist invaders. He therefore hoped that the Committee would succeed in finding a just solution which would ensure peace in the Balkans.

The representative of France, speaking at the 63rd meeting of the First Committee on September 29, recalled the fact that the French representative on the Security Council's Commission of Investigation had not associated himself with the conclusions of the majority because he had considered that the Commission was not in a position to assess responsibilities. He considered that the formal finding of guilt on the part of Albania, Bulgaria and Yugoslavia contained in the United States draft resolution should be replaced by a reference to the Commission's findings without a condemnation of the States concerned by the Assembly itself. The representative of France therefore submitted the following amendment (A/C.1/-201/Corr. 1) to replace paragraphs 3 and 4 of the United States resolution:

"Whereas the Commission of Investigation sent by the Security Council has found by a majority that Albania, Bulgaria, and Yugoslavia have given aid and assistance to the partisans fighting against the Greek Government,

"The General Assembly

"Calls upon Albania, Bulgaria, and Yugoslavia to do nothing which could furnish aid and assistance to the said partisans."

He expressed the view that such a modification should serve to make the United States resolution more acceptable to all parties. A decisive step towards peace would be taken if the four countries involved—Albania, Bulgaria, Greece and Yugoslavia—would agree to accept the Assembly's advice and if an authoritative and impartial commission were established to observe on the spot the implementation of the Assembly's recommendations and to lend its assistance to the four States.

A number of representatives supporting the United States resolution expressed the view that the Commission had established the fact of assistance by Albania, Bulgaria and Yugoslavia to the guerrillas fighting against the Government of Greece. Neither the character of the political regime in Greece, it was stated, nor the existence of civil strife in Greece, justified intervention on the part of Greece's northern neighbors. The situation along Greece's northern borders constituted a threat to international peace, and it was imperative that the General Assembly recommend action along the lines suggested in the United States draft resolution.

Other representatives favored the establishment

of a special committee as proposed by the United States delegation, but agreed with the representative of France that it was undesirable to attempt to fix the responsibility for the incidents which had occurred on the northern frontiers of Greece. It was therefore suggested that the countries concerned should be asked whether they would accept a solution based on the French proposal.

The representative of Sweden shared the view of other representatives that a commission should be established to maintain a continuous observation of developments in the Greek border areas and felt that such a commission should have the additional task of putting an end to further incidents by conciliatory measures.

The representative of Sweden considered that the frontier incidents complained of were not connected with the guerrilla warfare in Greece, but, as the Commission of Investigation had noted, resulted from the strained relations between the countries concerned. He further stated that the Commission's report had contained the view that the conflict was also largely attributable to the experience of Greece during the war and that the Macedonian problem played a large part in the present situation. The representative of Sweden therefore submitted a draft resolution (A/C.1/-205) which provided that the General Assembly establish a committee which should not only investigate frontier violations, but which should also prepare a comprehensive report on the whole Balkan question. The committee should examine the underlying causes of the present situation in the Balkans and of the strained relations between Greece and her northern neighbors, and should recommend measures (in addition to those proposed in the United States resolution) "aimed at eliminating the causes of friction between the Governments concerned and with a view to guaranteeing the political and economic independence and the territorial integrity of Greece". Special consideration should be given to the Greek people and to their need of material help from abroad.

The representative of Cuba considered that the true cause of the grave situation in the Balkans was neither the internal political situation of Greece nor assistance to the guerrillas given by Greece's northern neighbors, but rather the rising antagonism between the United States and the U.S.S.R. Neither the U.S.S.R. nor the United States proposal would solve the Greek problem until the present tension in Albania, Bulgaria, Hungary, Poland, Roumania and Yugoslavia decreased. The Cuban representative therefore suggested that the General Assembly refrain from a finding of guilt and he

submitted a draft resolution (A/C.1/206/Corr. 1) which provided that the General Assembly request Albania, Bulgaria, Greece and Yugoslavia to co-operate in the pacific settlement of their dispute, in re-establishing diplomatic relations, in drawing up a frontier convention and in seeking a solution to the problem of refugees. The Assembly should establish a special committee to supervise the fulfilment of these recommendations. At the same time this committee should ascertain whether the Peace Treaties with Bulgaria, Hungary and Roumania had been fulfilled and it should further investigate if there was political and economic independence in Albania, Bulgaria, Greece, Hungary, Poland, Roumania and Yugoslavia and if these countries were completely free from foreign intervention in their internal and external affairs.

At its 69th meeting on October 8, 1947, the First Committee proceeded to a discussion of the draft resolutions which had been submitted, beginning with the United States resolution.

#### (4) Consideration of Draft Resolutions

The representative of the United States remarked that his Government was still convinced of the guilt of Albania, Bulgaria and Yugoslavia, but was prepared, in a spirit of conciliation, to accept the French amendment, provided the four parties to the dispute would implement the resolution and co-operate with the special committee. If the States concerned were unwilling to approve in advance the establishment of a committee the United States delegation would not be able to accept the French amendment and would fall back on its original proposal.

Anticipating acceptance by the countries concerned of the condition stated by the representative of the United States, the representative of the United Kingdom submitted an amendment (A/C.1/207) to the United States resolution to replace the finding of guilt contained in paragraph three of that resolution by a provision that the General Assembly had "ascertained that Albania and Bulgaria have promised cooperation" and that Greece and Yugoslavia were "bound by their signatures to the Charter". When the Governments of Albania, Bulgaria and Yugoslavia refused to give any undertaking concerning their co-operation with the proposed committee on the basis that it would infringe upon their sovereignty and was uncalled for by the existing situation, the representative of the United Kingdom withdrew his amendment and substituted another (A/C.1/207-Corr. 1)—similar to the French amendment—which provided that the General Assembly,

"Taking account of the report of the Commission of Investigation which found by a majority vote that Albania, Bulgaria and Yugoslavia had given assistance and support to the guerrillas fighting against the Greek Government;

"Calls upon Albania, Bulgaria and Yugoslavia to do nothing which could furnish aid and assistance to the said guerrillas."

The representative of the U.S.S.R. objected to the "bargain" proposed by the representative of the United States whereby the United States delegation would allegedly abandon its accusations against Albania, Bulgaria and Yugoslavia if these countries would agree to the establishment of a commission of investigation. He considered such an approach as completely unacceptable and regarded it as blackmail upon the northern neighbors of Greece. It was nevertheless highly revealing that the three proposals submitted by the French, Swedish and Cuban delegations must have arisen out of the conviction that the charges contained in the United States draft resolution were false. He considered further that it was most unusual for a delegation to impose conditions to the acceptance of the draft resolution which might be rejected by the Committee. The whole method revealed the weakness and insincerity of the United States proposal as well as its real aims.

The representative of France considered that the United States draft resolution, as amended by the French proposal, could not be considered as offensive to Albania, Bulgaria and Yugoslavia, since it placed those States on an equal footing with Greece. Its only essential difference from the resolution proposed by the representative of the U.S.S.R. was that it proposed the establishment of a special committee of investigation. The representative of the U.S.S.R. insisted, however, that the French text had the same effect as the United States draft resolution but was couched in more vague and indefinite terms.

The representative of Egypt proposed that a sub-committee be set up to list the points upon which agreement had been reached and to examine points of disagreement. As the majority of the Committee, however, wished to proceed to a vote on the United States resolution, the representative of Egypt agreed to the postponement of a vote on his proposal.

The representative of Belgium suggested that it would be better to vote first on the paragraphs on which there was agreement and then to discuss those which were in dispute. He therefore proposed that the United States resolution be discussed and voted upon in the following order:

(1) paragraph 5, which provided that the General Assembly call upon Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other, to co-operate in the peaceful settlement of their dispute and recommended measures to be adopted to this end;

(2) paragraphs 6 to 14, which provided for the establishment of a special committee and determination of its organization, composition and competence;

(3) paragraphs 1 to 4, which referred to views on past events.

The representative of the U.S.S.R. and several other representatives objected to the procedure of starting the detailed discussion and voting with paragraph 5 instead of from the beginning of the resolution. The rules of procedure provided for a vote upon the resolution paragraph by paragraph, in their natural order, but certainly excluded the possibility of the method by which a paragraph taken out of the middle of the resolution would be voted upon first. Such a method was illogical and illegal.

The Chairman put the Belgian proposal to a vote. It was accepted by the First Committee by a vote of 34 to 6, with 12 abstentions.

Voting paragraph by paragraph, the First Committee then adopted paragraphs 5 to 14 of the United States resolution.<sup>62</sup> The question of the composition of the Special Committee, however, was left open for further discussion.

The representative of the United States proposed that the Special Committee be composed of the representatives of Australia, Brazil, Mexico, Netherlands, Pakistan, Poland and the five permanent members of the Security Council.

At the 70th meeting of the First Committee on October 9, 1947, the representative of the U.S.S.R. declared that he considered the terms of reference of the Special Committee to be incompatible with the principle of sovereign equality of states and the principles contained in the United Nations Charter. For this reason the U.S.S.R. delegation could not participate in the election of the members of the Special Committee and would not participate in the work of the Committee.

The representative of Yugoslavia stated that the establishment of the Special Committee was a hostile act towards Yugoslavia. The resolution blamed Yugoslavia for the alleged interference in the internal affairs of Greece and remained completely silent on the subject of the only existing interference in the affairs of Greece, that of the United States and the United Kingdom. The U.S.S.R.'s

refusal to participate in the work of the Special Committee was a friendly act towards Yugoslavia.

The representative of Poland stated that, while he appreciated that several delegations had nominated his country as a member of the Special Committee, his Government would not participate in the work of the Committee since it considered it to be illegal as well as detrimental to the interests of the Balkans.

The representatives of Czechoslovakia, the Byelorussian S.S.R. and the Ukrainian S.S.R. announced that they would not participate in the debate and in the voting on the membership of the Special Committee.

The representative of Cuba stated that he could not accept the United States proposal that the Special Committee consist of representatives of governments including the permanent members of the Security Council. He saw no reason why the latter should be represented on all committees of the United Nations. He therefore submitted an amendment (A/C.1/209) to the United States resolution which provided that the Special Committee consist of individuals appointed by the First Committee of the General Assembly, none of which should be nationals of the countries involved in the dispute. Several representatives expressed themselves in favor of the Cuban proposal that the members of the Committee should be elected on their individual merits.

The representative of the United States explained that his delegation had suggested the inclusion of the five permanent members of the Security Council because unanimity among them was essential if a lasting solution was to be achieved. The Balkan question was primarily political. The vitally important issues which might arise necessitated the participation of the permanent members of the Security Council. The other countries suggested by the United States delegation had been included on the basis of the differences of their geographical position and political systems in order that the Committee should be given a balanced composition.

The representative of Colombia considered it more appropriate not to include the five permanent members of the Security Council in the Special Committee. Whenever the permanent members had been instructed to study a question and to submit a report, he stated, they had been unable to agree. Moreover, one of the permanent members had already stated that it would not participate in the work of the Special Committee.

<sup>62</sup>See p. 65.

The representative of Colombia therefore submitted an amendment (A/C.1/210) to the United States draft resolution which provided that the General Assembly establish a Committee to be composed of representatives of the six non-permanent members of the Security Council.

At the 71st meeting of the First Committee on October 10, 1947, the representative of Canada expressed the view that the Special Committee should have the greatest possible authority and that this could best be accomplished by including the five permanent members of the Security Council. He proposed (A/C.1/211) that the Special Committee should be composed of the members suggested by the representative of the United States: Australia, Brazil, China, France, Mexico, Netherlands, Pakistan, United Kingdom and United States, with two open seats for the U.S.S.R. and Poland, giving them an opportunity to participate later if they so decided. The representative of the United States supported the Canadian amendment.

At its 71st meeting on October 10 the First Committee voted on the various proposals concerning the composition of the Special Committee. The Cuban proposal was rejected by a vote of 22 to 4, with 19 abstentions. The Colombian proposal was rejected by a vote of 14 to 3, with 26 abstentions. The First Committee then adopted the Canadian amendment to the United States resolution by a vote of 32 to 1, with 12 abstentions.

Having decided on the composition of the Special Committee, it remained for the First Committee to discuss the first four paragraphs of the United States draft resolution.

The representative of Egypt re-introduced, in a somewhat modified form, his proposal for the appointment of a sub-committee (A/C.1/208). The sub-committee should, in the light of the discussions in the First Committee, prepare a text designed to replace paragraphs 2, 3 and 4 of the United States resolution. In addition, the sub-committee should extract from the various proposals before the Committee those parts which did not duplicate the text already adopted by the Committee and which were not inconsistent with that text and propose a single text covering such additional suggestions as were suitable for being put to a vote.

A number of representatives objected to the Egyptian proposal on the ground that it dealt with questions which the Committee had already settled by its previous vote on the United States resolution. The First Committee rejected the

Egyptian proposal by a vote of 23 to 6, with 18 abstentions.

At the 70th meeting of the First Committee on October 9, the representative of Colombia had introduced an amendment to delete the first four paragraphs of the United States resolution. The substitute text proposed by the Colombian representative (A/C.1/210) contained no finding of responsibility for the incidents which had taken place on the northern borders of Greece but stated that these disturbances "are only a part or an aspect of a broader international situation, other phases of which have not been investigated or discussed by this Committee". "The recommendations on the Greek question to be adopted by the General Assembly", the Colombian draft stated, "can most effectively be given effect with the co-operation of Greece and the United States on the one hand, and Albania, Bulgaria, Yugoslavia and the U.S.S.R. on the other". The Colombian text stated further that "other recommendations . . . at present beyond the purview of the First Committee" might be necessary to "ensure peace, security and orderly development in the Balkan Peninsula". The First Committee therefore should invite the Governments of Albania, Bulgaria and Yugoslavia to extend to the General Assembly definite assurance of their readiness to co-operate in carrying out the recommendations of the General Assembly in this matter. At the same time the First Committee should invite the representatives of France, the U.S.S.R., the United Kingdom and the United States to discuss the possibility of jointly submitting to the First Committee, or directly to the General Assembly, such amendments to the recommendations contained in the United States draft resolution as they might deem necessary.

Voting on the Colombian amendment at its 71st meeting on October 10, the First Committee rejected the first paragraph providing for the deletion of the first four paragraphs of the United States resolution by a vote of 29 to 6, with 16 abstentions. The other paragraphs therefore were not voted on.

At the 72nd meeting of the First Committee on October 11, the representative of France stated that in view of the similarity between the French and United Kingdom amendments only one text should be put to the vote. He was ready to accept the United Kingdom draft (A/C.1/207/Corr. 1), which should thus be considered as a joint Anglo-French amendment.

The representative of the United States declared that in a spirit of conciliation he was ready

to support the joint amendment. The First Committee adopted the first paragraph of the joint amendment by a vote of 32 to 7, with 13 abstentions, and the second paragraph by a vote of 34 to 7, with 11 abstentions. Voting paragraph by paragraph, the First Committee then adopted the first two paragraphs of the United States resolution as modified by the Anglo-French amendment.

The First Committee adopted the United States resolution as a whole by a vote of 36 to 6, with 10 abstentions.

In view of the adoption of the United States resolution, the representatives of Sweden and Cuba withdrew their draft resolutions.

At the 73rd meeting of the First Committee on October 13, the representative of the U.S.S.R. stated that he considered that the first condition for the re-establishment of peaceful relations between Greece and her northern neighbors was the withdrawal of British troops and British and American instructors from Greece. Moreover, it was necessary to make sure that United States economic aid was not a pretext for the establishment of military bases. That was why the Soviet delegation had proposed the establishment of a special commission to ensure that economic aid to Greece was used for purposes of reconstruction and for the benefit of the Greek people.

The representative of the U.S.S.R. stated that it was probable that the delegations of the United States and the United Kingdom would reject the Soviet proposal, fearing that the nature of their direct intervention in Greece might be established. Adoption of the Soviet proposal was, however, the U.S.S.R. representative considered, the only way to re-establish normal relations amongst the Balkan nations and to eliminate threats to the peace.

The representatives of Czechoslovakia, Poland, Yugoslavia, Ukrainian S.S.R. and Byelorussian S.S.R. expressed themselves in favor of the U.S.S.R. resolution.

The representative of the United Kingdom stated that he was not afraid of the establishment of a commission to supervise aid to Greece and would be willing to discuss it, if the U.S.S.R. resolution were confined to that proposal. In reality, he stated, the proposal had been added to the U.S.S.R. resolution as an afterthought in order to get the resolution accepted by the Committee.

The representative of the United States remarked that the last two recommendations in the U.S.S.R. resolution, namely, withdrawal of foreign troops and creation of a commission to supervise economic aid to Greece, had been discussed in full

and rejected by the Security Council as unnecessary and unjustified.<sup>63</sup>

Some representatives considered that in view of the adoption of the United States resolution by the First Committee, the U.S.S.R. resolution was automatically unacceptable, as it was in direct contradiction with the terms of the United States resolution.

Voting paragraph by paragraph, the First Committee rejected the U.S.S.R. resolution. The resolution as a whole was rejected by a vote of 40 to 6, with 11 abstentions.

In accordance with rule 112 of the provisional rules of procedure of the General Assembly, no resolution involving expenditure is to be voted by the General Assembly until the Fifth Committee of the Assembly has had an opportunity of stating what would be the effect of the proposal upon the budget of the United Nations.

By letter of October 18, 1947 (A/C.5/170), the President of the General Assembly requested the Chairman of the Fifth Committee to arrange for the Committee to discuss as a matter of urgency the question of the cost involved in the establishment of a Special Committee on the Balkans, as recommended by the First Committee. The Secretary-General submitted a report (A/C.5/172) to the Fifth Committee. On the assumption that the headquarters would be in Salonika and that 25 staff members would be sent to Salonika from headquarters, the Secretary-General estimated the cost of the Committee to be \$49,640 in 1947 and \$368,600 in 1948.

The Fifth Committee considered the Secretary-General's report at its 70th meeting on October 18, 1947. The representative of the U.S.S.R. stated that his delegation would not take part in the consideration of the estimates because:

- (1) the Special Committee would not be able to settle the question at issue,
- (2) the Balkan countries themselves with the exception of Greece had stated that they would not co-operate with the Committee,
- (3) a different proposal for settling the question had been submitted to the First Committee.

The representative of the U.S.S.R. proposed that the Fifth Committee should refuse to allocate funds for the Special Committee.

The representative of Yugoslavia supported this proposal. He pointed out that the savings thus far achieved by the deliberations of the Fifth Committee would be largely negated by allocating funds for the Special Committee. The representa-

<sup>63</sup>See pp. 340-46.

tive of Yugoslavia also expressed the view that approval of the budgetary estimates would mean support of the principle of foreign interference in the internal affairs of Greece.

The representative of Poland requested members of the Fifth Committee to vote against any appropriation for the Special Committee, as the appointment of such a Committee, in his view, violated the letter and the spirit of the Charter and infringed the sovereign rights of the nations concerned. The representative of Poland stated that his delegation would reserve the right to request the Secretary-General to ensure that no part of Poland's contribution to the United Nations budget would be devoted to the Special Committee, and that Poland's contribution should, in due course, be adjusted accordingly.

The representative of the Byelorussian S.S.R. supported the attitude of the U.S.S.R. delegation.

The U.S.S.R. proposal that the Fifth Committee should refuse to allocate funds for the Special Committee was rejected by a vote of 31 to 6, with 6 abstentions.

The representative of Pakistan pointed out that the Secretary-General's estimate made no provision for travel expenses and subsistence allowances of representatives on the Special Committee. He recalled that the travel expenses of representatives serving on technical commissions of the Economic and Social Council were met by the organization and that travel expenses and subsistence allowances of \$20 per diem for one representative and one alternate were paid by the United Nations in the case of the Special Committee on Palestine. The representative of Pakistan thought that if members of the Committee were required to pay all their expenses only those who were vitally interested might accept to serve, with a consequent risk of deadlocks. It should not be made difficult for non-partisan members to serve on such bodies as the Special Committee on the Balkans. He therefore favored payment from the United Nations budget of the travel expenses and part or all of the subsistence expenses of members of the Special Committee. The representatives of Mexico, Brazil, Guatemala, Belgium and China shared the views of the representative of Pakistan.

The representatives of the United Kingdom, the United States, Czechoslovakia and the Union of South Africa considered that the Fifth Committee should not make a decision in this case before having considered the broad questions of principle involved. The Fifth Committee should present alternative estimates to the General Assembly, including and excluding the payment of

travel and subsistence expenses, discussing the principles involved at a later stage.

The representative of Pakistan and several other representatives, however, considered that the Fifth Committee should make a positive recommendation to the General Assembly. Accordingly, the representative of Belgium proposed to add to the Secretary-General's estimates the sum of \$193,200 (\$23,200 for 1947 and \$170,000 for 1948) to cover travelling expenses and subsistence allowances at the rate of \$20 per diem for one representative and one alternate representative of each country represented on the Special Committee. The representative of the United Kingdom suggested that the Fifth Committee recommend that the United Nations pay the expenses of one representative only of each country.

The representatives of the Netherlands and France asked that in voting on the Belgian proposal it be understood that neither principle nor precedent were involved. By a vote of 15 to 9, with 14 abstentions, the Fifth Committee adopted the Belgian proposal. With this addition the estimate presented by the Secretary-General was approved by a vote of 32 to 6, with 7 abstentions. The Fifth Committee therefore informed the General Assembly that the estimated cost of the Special Committee would be \$72,840 in 1947 and \$538,600 in 1948, or a total of \$611,440. In its report to the General Assembly (A/415) the Fifth Committee pointed out that its decision did not constitute an appropriation, but only information to the General Assembly concerning the effect of the proposal on the budget of the United Nations. If the General Assembly should approve the establishment of a Special Committee, the Fifth Committee would refer the estimates to the Advisory Committee on Administrative and Budgetary Questions for further study and report. The Advisory Committee subsequently considered the estimates. In its report to the Fifth Committee (A/C.5/216), the Advisory Committee stated that it was virtually impossible to forecast the scope of the Special Committee's activities. It therefore recommended that the total estimate, as submitted by the Fifth Committee, should be accepted, although the Advisory Committee did not agree with all the details of the estimates.

**(5) Consideration by the Assembly of the Reports of the First and Fifth Committees**

The General Assembly considered the reports of the First and Fifth Committees (A/409 and A/415) at its 97th and 98th meetings on October 20 and at its 99th and 100th meetings on October 21, 1947.

At the 97th plenary meeting the representative of the U.S.S.R. detailed the reasons for which his delegation rejected the resolution recommended by the First Committee, which he considered to be just as unacceptable as the original resolution introduced by the representative of the United States. The recommendations adopted by the First Committee, the representative of the U.S.S.R. considered, could not lead to a solution of the Greek question, but were, on the contrary, likely to become the source of new complications. He therefore re-submitted the draft resolution he had introduced in the First Committee (A/416).

At the same meeting, the representative of Poland expressed the view that the establishment of a Special Committee was not designed to serve the purpose of conciliation, but would become a means of further intervention in the affairs of Greece and its relations with its northern neighbors. He therefore repeated his declaration made before the First Committee that the Polish Government would not take part in such a Committee, if it should be established by the General Assembly. The prerequisite for the establishment of a democratic regime in Greece and a just solution of the Greek problem was the withdrawal from Greece of all foreign troops and military missions. The representative of Poland therefore submitted the following draft resolution (A/411):

"The General Assembly,

"Having considered the question of threats to the political independence and territorial integrity of Greece and the views expressed by the various delegations;

"Recommends that all foreign troops be immediately withdrawn and all foreign military missions, instructors and other military experts be recalled immediately from the territory of Greece;

"Requests all Governments concerned to report, not later than 1 January 1948, to the Secretary-General on the implementation of this recommendation."

In the course of the discussion which took place at the 98th, 99th and 100th plenary meetings of the General Assembly, the representatives of Czechoslovakia, Yugoslavia, the Byelorussian S.S.R. and the Ukrainian S.S.R. expressed opposition to the resolution recommended by the First Committee. The representatives of the United States, Australia, Greece, France and the United Kingdom spoke in support of that resolution and urged its adoption by the General Assembly.

Before the General Assembly proceeded to vote on the proposals before it, the representative of the U.S.S.R. repeated his announcement that his Government would not take part in the work of the Special Committee to be established.

The General Assembly adopted the First Com-

mittee's report by a vote of 40 to 6, with 11 abstentions. The resolution submitted by the representative of Poland was rejected by a vote of 7 to 34, with 16 abstentions. The U.S.S.R. resolution was rejected by a vote of 6 to 41, with 10 abstentions.

The text of the resolution (109(II)) adopted by the General Assembly at its 100th plenary meeting on October 21 is as follows:

"1. Whereas the peoples of the United Nations have expressed in the Charter of the United Nations their determination to practise tolerance and to live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security; and to that end the Members of the United Nations have obligated themselves to carry out the purposes and principles of the Charter,

"2. The General Assembly of the United Nations,

"Having considered the record of the Security Council proceedings in connexion with the complaint of the Greek Government of 3 December 1946, including the report submitted by the Commission of Investigation established by the Security Council resolution of 19 December 1946 and information supplied by the Subsidiary Group of the Commission of Investigation subsequent to the report of the Commission;

"3. Taking account of the report of the Commission of Investigation which found by a majority vote that Albania, Bulgaria and Yugoslavia had given assistance and support to the guerrillas fighting against the Greek Government,

"4. Calls upon Albania, Bulgaria and Yugoslavia to do nothing which could furnish aid and assistance to the said guerrillas;

"5. Calls upon Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other to co-operate in the settlement of their disputes by peaceful means, and to that end recommends:

"(1) That they establish normal diplomatic and good neighbourly relations among themselves as soon as possible;

"(2) That they establish frontier conventions providing for effective machinery for the regulation and control of their common frontiers and for the pacific settlement of frontier incidents and disputes;

"(3) That they co-operate in the settlement of the problems arising out of the presence of refugees in the four States concerned through voluntary repatriation wherever possible and that they take effective measures to prevent the participation of such refugees in political or military activity;

"(4) That they study the practicability of concluding agreements for the voluntary transfer of minorities;

"6. Establishes a Special Committee:

"(1) To observe the compliance by the four Governments concerned with the foregoing recommendations;

"(2) To be available to assist the four Governments concerned in the implementation of such recommendations;

"7. Recommends that the four Governments concerned co-operate with the Special Committee in enabling it to carry out these functions;

"8. Authorizes the Special Committee, if in its opin-

ion further consideration of the subject matter of this resolution by the General Assembly prior to its next regular session is necessary for the maintenance of international peace and security, to recommend to the Members of the United Nations that a special session of the General Assembly be convoked as a matter of urgency;

"9. Decides that the Special Committee

"(1) Shall consist of representatives of Australia, Brazil, China, France, Mexico, the Netherlands, Pakistan, the United Kingdom and the United States of America, seats being held open for Poland and the Union of Soviet Socialist Republics;

"(2) Shall have its principal headquarters in Salonika and with the co-operation of the four Governments concerned shall perform its functions in such places and in the territories of the four States concerned as it may deem appropriate;

"(3) Shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject matter of this resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for transmission to the Members of the Organization; in any reports to the General Assembly the Special Committee may make such recommendations to the General Assembly as it deems fit;

"(4) Shall determine its own procedure, and may establish such sub-committees as it deems necessary;

"(5) Shall commence its work within thirty days after the final decision of the General Assembly on this resolution, and shall remain in existence pending a new decision of the General Assembly.

"10. The General Assembly

"Requests the Secretary-General to assign to the Special Committee staff adequate to enable it to perform its duties, and to enter into a standing arrangement with each of the four Governments concerned to assure the Special Committee, so far as it may find it necessary to exercise its functions within their territories, of full freedom of movement and all necessary facilities for the performance of its functions."

#### g. ESTABLISHMENT OF AN INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

By letter of September 17, 1947 (A/BUR/85), the representative of the United States requested the inclusion of the following item in the agenda of the second session of the General Assembly:

"Establishment of an Interim Committee of the General Assembly on Peace and Security."<sup>64</sup>

At the 38th meeting of the General Committee on September 22, 1947, the representative of the U.S.S.R. opposed the inclusion of this item in the agenda. The General Committee, however, by a vote of 12 to 2, decided to recommend to the General Assembly that the item proposed by the representative of the United States be included in the agenda.

After a brief discussion, the General Assembly at its 91st plenary meeting on September 23, 1947, decided to include the proposal for the establish-

ment of an Interim Committee in its agenda and referred it to the First Committee..

The First Committee took up consideration of this question at its 74th meeting on October 14, 1947. The representative of the United States submitted a draft resolution (A/C.1/196) which provided that the General Assembly establish an Interim Committee, composed of all the Members of the United Nations, for the period between the closing of the second session of the General Assembly and the convening of the third regular session. The functions of the Committee were to be the following:

"(a) To consider, as it may determine, such situations as may come to its attention within the purview of Article 14, or such questions as are brought before the General Assembly by the Security Council pursuant to Article 11 (2), and to report thereon, with its recommendations to the General Assembly;

"(b) To consider and to make recommendations to the General Assembly upon general principles of co-operation in the maintenance of international peace and security under Article 11 (1) and to initiate studies and make recommendations for the purpose of promoting international co-operation in the political field under Article 13 (1) (a);

"(c) To consider whether occasion may require the calling of a special session of the General Assembly and if it deems that such session is required, to so advise the Secretary-General;

"(d) To conduct investigations and appoint commissions of inquiry within the scope of its duties and functions as it may deem useful and necessary;

"(e) To study, report and recommend to the Third Regular Session of the General Assembly on the advisability of establishing a Committee of the General Assembly on a permanent basis to perform the duties and functions of the Interim Committee with any changes considered desirable in the light of its experience;

"(f) To perform such other functions and duties as the General Assembly may assign to it."

General debate on the United States proposal lasted from the 74th meeting of the First Committee to the 78th meeting on October 18. The representatives of Australia, Dominican Republic, Uruguay, China, Belgium, Turkey, El Salvador, India, Greece, Netherlands, Sweden, Philippines, Argentina, Brazil, United Kingdom, France, Costa Rica, Canada, Mexico and Cuba expressed themselves in favor of the United States proposal entirely or in principle.

In support of the United States resolution it was maintained that, subject to the primary responsibility of the Security Council, the Charter conferred upon the General Assembly broad responsibilities for international peace and security. In view of the inability of the Security Council to

<sup>64</sup> The title of the Committee was changed subsequently to "Interim Committee of the General Assembly".



function efficiently, it was the duty of the General Assembly to exercise its jurisdiction. As to the General Assembly itself, its agenda was already overloaded and the efficient performance of the Assembly's functions required more preparatory work in the intervals between sessions of the General Assembly.

The powers pertaining to the General Assembly, it was stated, were clearly set forth in Articles 10, 11, 13, 14 and 35 of the Charter.<sup>65</sup> The only limitations upon the General Assembly's jurisdiction in matters relating to the maintenance of international peace and security were contained in Articles 11 (2) and 12, which provide that questions on which action was necessary must be referred to the Security Council and that the General Assembly shall not make recommendations with regard to any dispute or situation of which the Security Council is seized unless the Security Council requests the Assembly to do so. Under Article 22, it was argued further, the General Assembly was empowered to establish any subsidiary organs it deems necessary for the performance of its functions. That the Interim Committee was indeed a subsidiary organ, and not a duplication of the General Assembly itself, as had been charged by representatives opposing the United States proposal, was evident from the fact that the Interim Committee could engage only in preliminary study and make recommendations to the General Assembly for its final decision. The Interim Committee could not make recommendations directly to Member States or to the Security Council, or to any other organ of the United Nations. Its functions thus being circumscribed, there was no question of the Interim Committee's encroaching upon the jurisdiction of the Security Council. By permitting the General Assembly to discharge its functions more effectively, the establishment of the proposed Interim Committee would increase the confidence of the peoples of the world in the United Nations.

The representative of the U.S.S.R., supported by the representatives of Czechoslovakia, the Byelorussian S.S.R., Poland, the Ukrainian S.S.R. and Yugoslavia criticized the United States proposal on a number of grounds, the main arguments being as follows:

The establishment of the Interim Committee would weaken the United Nations and thus assist the warmongers in undermining the organization. Nobody could accept as sincere and well-founded the argument made by the supporters of this proposal to the effect that the establishment of the Interim Committee was to relieve the heavy

agenda of the General Assembly. To reveal the insincerity of this argument it was sufficient to point out that the United States had brought for the consideration of the General Assembly a number of questions which were clearly outside the purview of the United Nations, such as the question of the independence of Korea and the Italian Peace Treaty. The real purpose of the proposal was to create a new organ, which was to circumvent and act as a substitute for the Security Council, on which the Charter placed the primary responsibility for the maintenance of international peace and security.

The United States, realizing that a direct attack upon the Security Council and the rule of unanimity was doomed to failure because of the requirements of the Charter regarding the revision of its provisions, had resorted to an underhanded method of achieving its end. This objective of the proposal was clearly revealed in the original name of the Committee, which read "Interim Committee on Peace and Security", and although the name had been subsequently changed, this could not hide the real design of the United States to substitute this Committee for the Security Council.

The functions of the Interim Committee were in their essential part identical with those of the Security Council. That Committee was to deal not only with "situations", but also with "disputes", and therefore Article 14 of the Charter could not legitimately be claimed as the source of its authority. The functions of the Committee were derived from Article 34, and thus infringed flagrantly upon the jurisdiction and responsibility of the Security Council. The terms of reference of the Interim Committee allowed it to conduct investigations and to appoint commissions whenever it deemed it necessary or useful. Thus, these provisions not only conflicted with those of the Council, but were in fact wider than those of the Council, which limited the investigation under Article 34 by specifying that the purpose of such an investigation was the determination whether or not the disputes or situations were likely to endanger international peace and security.

The essential functions allocated to the Interim Committee showed that it was not a subsidiary organ and proved beyond any doubt that it was to be on an equality in jurisdiction and in the scope of its responsibilities with the General Assembly and the Security Council. These functions included the investigation and study of facts arising in connection with the maintenance of interna-

<sup>65</sup>See Appendix I for text of Charter.

tional peace and security. The "following through" functions, also included in the terms of reference of the Committee, consisting as they did of control and supervision over the implementation of the recommendations of the General Assembly, likewise went beyond the scope of a subsidiary body, the more so since these functions might involve taking measures arising from its findings in the exercise of this control. Another function of the Committee identical to a function of the General Assembly was to make recommendations on the general principles of co-operation in the maintenance of international peace. Finally, the Committee, itself, was to make a recommendation regarding its status and duration. It therefore could hardly be justified as an experiment of a temporary nature.

The examination of these major functions led to the conclusion that they were incompatible with the functions of a subsidiary organ as provided for in Article 22 of the Charter and with rule 100 of the provisional rules of procedure. On the contrary, they went beyond the functions of the General Assembly and infringed upon the jurisdiction of the Security Council.

On the basis of this analysis the position of these delegations was summed up as follows. The establishment and the terms of reference of the Interim Committee violated the Charter and conflicted with the jurisdiction of the Security Council, which in accordance with Article 24, paragraph 1, had the primary responsibility for the maintenance of international peace and security. The articles which were referred to by the supporters of this proposal did not allow for the establishment of such an organ, which, as could be seen from the definition of its terms of reference, was not a subsidiary body, and as far as many of its functions were concerned, went beyond the powers of the General Assembly and the Security Council. In addition to the text of the proposal, the circumstances leading to its submission, as well as the statement made to the press by the United States representatives prior to this action, showed conclusively that the real purpose of this draft resolution was a campaign against the Security Council and for the substitution of the Interim Committee. The expressions of doubt, even by those delegations which supported the proposal, proved further that it lacked legal basis and consequently circumvented the major provisions of the Charter.

In conclusion, the representatives of these countries stated that the establishment of the Interim Committee constituted a violation of the Charter, endangered the unity of the organization and its

future and threatened the principles to which all Members subscribed when adopting the Charter. For these reasons, they declared they would not participate in the work of the Interim Committee.

The representative of Pakistan proposed that the question of the establishment of an Interim Committee be carefully examined before the next session of the General Assembly and that a final decision should be taken only at that session. The representative of Haiti suggested that the First Committee, before taking any decision, request the Sixth Committee to give an opinion concerning the legal aspects of the question.

A number of representatives who supported the United States resolution in principle stressed the need for clearly defining and limiting the Interim Committee's functions, so as to preclude any question of its assuming the major functions belonging to the General Assembly, or of its impinging on the primary responsibility of the Security Council for the maintenance of peace and security. A number of suggestions and proposals designed to limit the scope of the Interim Committee's activities were brought forward.

The representative of China suggested (see A/C.1/SR.75) that the functions of the Interim Committee should be limited to the two following categories:

(1) To make, on behalf of the General Assembly, preparatory studies of, and inquiries into, any questions or situations brought to its attention within the purview of Article 14 or under Article 11, which questions or situations would, if the committee did not exist, have to be deferred until the next regular session of the General Assembly or until a special session is convoked;

(2) To follow up the work of the General Assembly by watching progress in the implementation and carrying out of the resolutions adopted by the General Assembly.

He also considered that it would be desirable to obtain the agreement of any Members on whose territory the Interim Committee wished to carry out an inquiry. The task of any sub-committee of inquiry should be limited to the finding of facts for consideration by the General Assembly.

The representative of France suggested that, apart from questions specially entrusted to it by the Assembly, the Interim Committee should be entitled to deal only with questions which a state had requested to be included in the agenda of the next session of the Assembly. Even these questions would have to be carefully sifted, so that the Committee would retain for examination only questions of an urgent nature or requiring lengthy preparatory study. A two-thirds majority vote of its members should be required for the Interim Committee to take cognizance of a question.

The representative of Mexico considered that the Interim Committee should not be given any powers of initiative. Also, the Interim Committee should not consider and make recommendations to the General Assembly upon general principles of co-operation in the maintenance of international peace and security (Article 11, paragraph 1), and upon international co-operation in the political field (Article 13, paragraph 1a) as proposed in the United States draft resolution. Inquiries initiated by the Interim Committee should be carried on at the headquarters of the United Nations only.

The representative of the United Kingdom submitted an alternative draft resolution (A/C.1/215) which defined the functions of the Interim Committee as follows:

"(a) To consider such matters as may be referred to it by the present session of the General Assembly and to report thereon to the General Assembly;

"(b) To consider any dispute or any situation which may be placed on the agenda of the next regular session of the General Assembly by any Member acting in virtue of Articles 11 (2), 14 or 35 of the Charter, provided always that the Committee previously determines by a two-thirds majority any matter so discussed to be both urgent and important;

"(c) To consider whether occasion may require the summoning of a special session of the General Assembly and if it deems that such session is required so to advise the Secretary-General in order that he may obtain the views of Members thereon;

"(d) To conduct investigations and appoint Commissions of Enquiry within the scope of its functions provided that the decision to take such action is approved by two-thirds of the members of the Committee and if the investigations or enquiry are to take place elsewhere than at the headquarters of the United Nations the state or states in whose territory they are to take place consent thereto;

"(e) To report to the next regular session of the General Assembly on the advisability of establishing a permanent committee of the General Assembly to perform the duties and functions of the Interim Committee with any changes considered desirable in the light of experience."

The representative of Canada submitted an amendment (A/C.1/217) to the United States resolution to the effect that the Interim Committee should not take action arising under Article 11, paragraph 1, and Article 13, paragraph 1a, of the Charter, as proposed in the United States resolution. On the other hand, it was proposed that the Committee should perform the following functions:

"(1) To consider and report to the General Assembly on the implementation of resolutions referred to it by the General Assembly for such consideration and report;

"(2) To give preliminary consideration, as the committee may determine, to any item which has been placed on the provisional agenda of the General Assembly, and

to make reports and recommendations to the General Assembly as a result of this consideration."

The representative of Argentina proposed (A/C.1/216) that the functions of the Interim Committee be enlarged to include consideration of trusteeship and administrative matters under Articles 16, 17 and 19 of the Charter.

The representative of Bolivia expressed some doubt as to the propriety of basing the establishment of an interim committee on Article 22 of the Charter. He therefore submitted a draft proposal (A/C.1/214), which stated that Article 20 of the Charter did not limit the duration of the regular annual session of the General Assembly and that it was therefore permissible for the General Assembly not to close its current session if in its opinion circumstances so required. The Bolivian representative therefore proposed that the General Assembly resolve:

"(a) to divide the present session of the General Assembly of the United Nations into two parts;

"(b) to authorize the President of the Assembly to adjourn or close the first part of the second session;

"(c) to authorize the President of the Assembly and the Secretary-General by common agreement to convoke the second part of this session at a suitable date in order to enable the General Assembly to continue to discharge the duties conferred upon it by virtue of Articles 11, 13 and 14 of the Charter;

"(d) the President of the General Assembly and the Secretary-General are likewise authorized, if necessary, to convoke the First Committee of the Assembly before the second part of this session of the General Assembly with a view to carrying [on] the latter's work. . . ."

The functions of the First Committee in this case were to be the same as those proposed for the Interim Committee in the United States draft resolution. In addition, the First Committee was to inform the President of the General Assembly and the Secretary-General of its opinion regarding the date for summoning the second part of the second session of the General Assembly. It was also to study the possibility of establishing a committee of the General Assembly on a permanent basis and to report and make recommendations thereon to the second part of the second session of the General Assembly. The representative of Australia proposed (A/C.1/213/Corr.1) that a drafting sub-committee be appointed "for the purpose of examining the United States proposal, any amendments thereto, and other proposals on the same subject, and reporting thereon to the Committee, along with any recommendations it thinks fit".

At its 78th meeting on October 18, the First Committee adopted the Australian proposal by a

vote of 38 to 0, with 4 abstentions. The Chairman proposed that the sub-committee be composed of the representatives of the following fifteen countries: Argentina, Australia, Bolivia, Canada, China, Czechoslovakia, France, India, Lebanon, Mexico, Netherlands, Norway, U.S.S.R., United Kingdom and United States. The representatives of the U.S.S.R. and Czechoslovakia declared that their delegations did not consider it possible to participate in the work of the sub-committee, as they were opposed to the United States resolution in principle and none of the amendments suggested could render it acceptable. The Chairman therefore amended his proposal to the effect that the sub-committee should be constituted by the representatives of the thirteen other countries he had mentioned, and that seats be left open for the representatives of the U.S.S.R. and Czechoslovakia. This proposal was adopted by a vote of 38 to 0, with 3 abstentions. The representatives of the U.S.S.R. and Czechoslovakia did not take their seats during the meetings of the sub-committee.

The sub-committee held sixteen meetings under the chairmanship of L. B. Pearson (Canada). It adopted the United States draft resolution as a basis of discussion and considered the amendments which had been submitted in the course of the general debate in the First Committee, as well as a number of additional amendments. At the end of its session the sub-committee considered the Bolivian proposal by which the General Assembly would not be formally adjourned, thereby making unnecessary the establishment of an Interim Committee. While recognizing certain advantages in this method of approach, the majority of the sub-committee considered that it gave rise to some legal and practical difficulties, and expressed a preference for the United States proposal. The Bolivian representative therefore accepted the majority view. The sub-committee adopted by 9 votes in favor, with 4 abstentions, a resolution which its Rapporteur (T. Wold, Norway) submitted with an explanatory report (A/C.1/240).<sup>66</sup>

The First Committee discussed the sub-committee's report (A/C.1/240) at its 94th and 95th meetings on November 5, and at its 96th and 97th meetings on November 6.

Presenting the sub-committee's report, the Rapporteur pointed out a number of limitations on the Interim Committee's functions which the sub-committee had adopted and which had not been contained in the original United States draft resolution. Thus it was clearly laid down in the resolution that the Interim Committee was a subsidiary organ of the General Assembly established

in accordance with Article 22 of the Charter. It was made clear that the Interim Committee would only consider a question on the General Assembly's agenda in pursuance of Articles 11 (2), 14 or 35 of the Charter if it had been previously determined that the matter was important and required preliminary study, this determination to be made by a two-thirds majority of the Members present and voting. It was further laid down in the resolution that the Interim Committee could conduct investigations or appoint commissions of inquiry only if the decision were taken by a two-thirds majority of the Members present and voting. In addition, inquiries could not be conducted without the consent of the state or states in whose territory an inquiry was supposed to be conducted.

The representatives of Denmark, United States, Australia, India, China, Norway, France, United Kingdom, Sweden, El Salvador, Netherlands and Bolivia expressed the view that the proposal as it had emerged from the sub-committee was entirely within the limits of the Charter; they would therefore vote in favor of the draft resolution before the First Committee. The representatives of the U.S.S.R., Czechoslovakia, Poland and Yugoslavia reiterated their opposition to the proposal for the establishment of an Interim Committee. The changes introduced by the sub-committee, they maintained, were only minor and did not change the substance of the resolution to which these representatives objected. They would therefore vote against the sub-committee's draft resolution.

By a vote of 43 to 6, with 6 abstentions, the First Committee adopted the proposal submitted by the sub-committee.

After the vote had been taken, the representatives of the U.S.S.R., the Ukrainian S.S.R., Poland, Czechoslovakia, the Byelorussian S.S.R. and Yugoslavia declared that the establishment of an Interim Committee of the General Assembly was a violation of the Charter, which contained no provision for the setting up of such an organ, and that, because of the illegality of the proposed Interim Committee, their Governments would not participate in its work.

In accordance with rule 112 of the provisional rules of procedure of the General Assembly, the Fifth Committee has to present a report on the budgetary implications of any proposal involving expenditure before a vote is taken in plenary meeting. Accordingly, the Secretary-General presented a report (A/C.5/209) to the Fifth Committee in which he estimated the cost of the Interim Committee in 1948 to be \$191,000. For

<sup>66</sup>For text of the resolution see pp. 80-81.

purposes of the estimate the Secretary-General assumed that the Interim Committee would meet twice a week for 36 weeks and that summary records would be prepared and published in the five official languages.

The Fifth Committee considered the Secretary-General's report at its 95th meeting on November 10, 1947. The representative of the U.S.S.R. stated that his delegation had voted against the establishment of an Interim Committee and would therefore vote against any appropriation for it. The representative of Poland declared that his delegation would not participate in the establishment of an Interim Committee. He reserved the right to ask the Secretary-General to ensure that no part of Poland's contribution to the United Nations budget would be used for the maintenance of the Interim Committee. The representatives of Yugoslavia, the Ukrainian S.S.R. and the Byelorussian S.S.R. supported the statement of the representative of the U.S.S.R.

The representative of the United Kingdom proposed that the Fifth Committee inform the General Assembly that the expense involved in the establishment of the Interim Committee would be approximately \$180,000 and that the Secretary-General's estimates should be transmitted to the Advisory Committee on Administrative and Budgetary Questions for detailed study.

The Fifth Committee adopted the United Kingdom proposal by a vote of 34 to 6, with 4 abstentions, and informed the General Assembly accordingly (A/463).

The Advisory Committee subsequently reported to the Fifth Committee (A/C.5/215) that it considered that an amount of \$21,600 included in the Secretary-General's estimates for local transportation should be eliminated, as the Advisory Committee thought that in this case local transport could be provided from the resources of Members' permanent delegations. The Advisory Committee recommended that the balance of the estimates, \$169,500, be accepted, subject to review by the Administration after experience with the Interim Committee had been gained.

The General Assembly considered the reports (A/454 and Corr.1; A/463) of the First and Fifth Committees at its 110th and 111th plenary meetings on November 13, 1947. After a lengthy discussion in which the representatives of the United States, the U.S.S.R., Australia, the United Kingdom, Nicaragua, Pakistan, Poland, the Byelorussian S.S.R., France, the Ukrainian S.S.R., Yugoslavia and the Netherlands participated, the General Assembly adopted the resolution recom-

mended by the First Committee by a vote of 41 to 6, with 6 abstentions. The text of the resolution (111(II)) is as follows:

"The General Assembly,

"Conscious of the responsibility specifically conferred upon it by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13) and the peaceful adjustment of any situations likely to impair the general welfare or friendly relations among nations (Article 14);

"Deeming it necessary for the effective performance of these duties to establish an interim committee to consider such matters during the period between the closing of the present session and the opening of the next regular session of the General Assembly, and report with its conclusions to the General Assembly;

"Recognizing fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24),

"Resolves that

"1. There shall be established, for the period between the closing of the present session and the opening of the next regular session of the General Assembly, an Interim Committee on which each Member of the General Assembly shall have the right to appoint one representative;

"2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties:

"(a) To consider and report, with its conclusions, to the General Assembly on such matters as have been referred to it by the General Assembly;

"(b) To consider and report with its conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (paragraph 2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations or brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring preliminary study. Such determination shall be made by a majority of two-thirds of the members present and voting, unless the matter is one referred by the Security Council under Article 11 (paragraph 2), in which case a simple majority will suffice;

"(c) To consider, as it deems useful and advisable, and report with its conclusions to the General Assembly on methods to be adopted to give effect to that part of Article 11 (paragraph 1), which deals with the general principles of co-operation in the maintenance of international peace and security, and to that part of Article 13 (paragraph 1a), which deals with the promotion of international co-operation in the political field;

"(d) To consider, in connexion with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if it deems that such session is required, so to advise the Secretary-General in order that he may obtain the views of the Members of the United Nations thereon;

"(e) To conduct investigations and appoint commissions of enquiry within the scope of its duties, as it may deem useful and necessary, provided that decisions to conduct such investigations or enquiries shall be made by a two-thirds majority of the members present and voting. An investigation or enquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place;

"(f) To report to the next regular session of the General Assembly on the advisability of establishing a permanent committee of the General Assembly to perform the duties of the Interim Committee as stated above with any changes considered desirable in the light of experience;

"3. In discharging its duties the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized;

"4. Subject to paragraphs 2 (b) and 2 (e) above, the rules of procedure of the General Assembly shall, so far as they are applicable, govern the proceedings of the Interim Committee and such sub-committees and commissions as it may set up. The Interim Committee shall, however, have authority to adopt such additional rules as it may deem necessary provided that they are not inconsistent with any of the rules of procedure of the General Assembly. The Interim Committee shall be convened by the Secretary-General not later than six weeks following the close of the second regular session of the General Assembly. It shall meet as and when it deems necessary for the conduct of its business;

"5. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions."

#### h. THE PROBLEM OF THE INDEPENDENCE OF KOREA

By letter of September 17, 1947 (A/BUR/85), the delegation of the United States requested that the following item be included in the agenda of the second session of the General Assembly: "The Problem of the Independence of Korea".

In the course of the general debate, at the 82nd plenary meeting of the General Assembly on September 17, 1947, the representative of the United States explained the reasons which had led his delegation to request the inclusion of this item in the agenda of the second session of the General Assembly. At Cairo, in December 1943, he stated, the United Kingdom and China had joined in declaring that in due course Korea should become free and independent. This multilateral pledge was reaffirmed in the Potsdam Declaration of July 1945, and subscribed to by the U.S.S.R. when it entered the war against Japan. In Moscow, in Decem-

ber 1945, the Foreign Ministers of the U.S.S.R., the United Kingdom and the United States concluded an agreement designed to bring about the independence of Korea. This agreement was later adhered to by the Government of China. It provided for the establishment of a temporary trusteeship over Korea. A Joint U.S.S.R.-United States Commission was to meet in Korea, and through consultation with Korean democratic parties and national organizations to decide on methods for establishing a Provisional Korean Government. The Joint Commission was then to consult with that Provisional Government on methods of giving aid and assistance to Korea, any agreement reached to be submitted for approval to the four Powers adhering to the Moscow Agreement.

The representative of the United States declared that for about two years the United States Government had been trying to reach agreement with the U.S.S.R. Government, through the Joint Commission and otherwise, on methods of implementing the Moscow Agreement and thus bringing about the independence of Korea. These efforts, however, had been fruitless and the independence of Korea was no further advanced than it was two years before. The United States representative asserted further that in an effort to make progress the United States Government had recently made certain proposals designed to achieve the purposes of the Moscow Agreement and requested the Powers adhering to that Agreement to join in discussion of these proposals. China and the United Kingdom agreed to this procedure, the United States representative stated, but the U.S.S.R. Government did not. It appeared evident, therefore, the United States representative concluded, that further attempts to solve the Korean problem by means of bilateral negotiations would only serve to delay the establishment of an independent and united Korea. As a result, the United States delegation had brought the question before the General Assembly of the United Nations.

The representative of the U.S.S.R. replied that while the United States delegation tried to attribute to the U.S.S.R. Government the blame for the futility of the work of the Joint U.S.S.R.-United States Commission on Korea, it was the United States Government itself which was responsible for the failure of the Commission. The United States proposal to bring the question before the General Assembly was a violation of the Moscow Agreement. The United States was attempting to conceal its own unilateral and completely unjustifiable actions under the prestige of the General Assembly of the

United Nations. The representative of the U.S.S.R. therefore objected to the inclusion of this item in the agenda of the second session of the General Assembly.

The General Committee considered the question of the inclusion of the United States proposal in the General Assembly's agenda at its 38th meeting on September 21. The representative of the U.S.S.R. again expressed opposition to the United States proposal, maintaining that the interpretation given by the representative of the United States in the course of the general debate was incorrect. If the United States was dissatisfied with the results of the negotiations, the proper procedure would have been to place the question before the other three Powers concerned, namely the U.S.S.R., the United Kingdom and China. The proposal to place the question before the General Assembly was illegal, in view of the fact that there was in existence an international agreement with regard to that question.

The representative of Poland likewise opposed the inclusion of the Korean question in the General Assembly's agenda, while the representatives of China, Syria and the United Kingdom supported the request of the United States delegation. By a vote of 12 to 2, the General Committee recommended to the General Assembly to include the United States proposal on Korea in its agenda.

The General Assembly considered the General Committee's recommendation at its 90th and 91st plenary meetings on September 23, 1947. After a discussion in which the representatives of the U.S.S.R., Australia, the United States, China and the United Kingdom participated, the General Assembly decided by a vote of 41 to 6, with 6 abstentions, to include the item concerning Korea in its agenda and referred it to the First Committee for consideration and report.

The First Committee began consideration of the Korean question at its 87th meeting on October 28, 1947. The representative of the United States reviewed again the events which had led up to the present situation in Korea and which had prompted the United States Government to submit the Korean problem to the General Assembly. He then referred to a proposal brought forward by the U.S.S.R. delegation on September 26, 1947, that Soviet and American troops should be withdrawn simultaneously from Korea and that the trusteeship system established as a result of the Moscow Agreement of 1945 should be abandoned. The representative of the United States said that his Government had replied that the withdrawal of troops had to form part of the general problem of the estab-

lishment of an independent government of Korea. The United States Government was anxious to withdraw its troops from Korea, but such a withdrawal must be subsequent to the establishment of machinery leading to the formation of a single government representing the Korean people.

The representative of the United States therefore submitted a draft resolution (A/C.1/218) which provided for elections to be held by the occupying Powers in the northern and southern zones of Korea and the constitution of national security forces before the withdrawal of the occupation troops. The application of that resolution should be supervised by a United Nations Temporary Commission instructed to report to the General Assembly. The elections should be held very soon, if possible before March 31, 1948. Finally, the resolution proposed the election of a Korean National Assembly, the formation by that Assembly of a National Government for the two zones, the assumption by that Government of the functions of the military commanders of the two zones and the withdrawal of the occupying forces, all these steps to be taken under the supervision of the United Nations. The representative of the United States expressed the view that this resolution, if adopted, would enable the Korean people to elect a stable government with due regard to the obligations undertaken by the four Great Powers under the Moscow Agreement.

The representative of the U.S.S.R. stated that his delegation still held the view that it was not within the competence of the General Assembly to consider the problem of Korea, but that it was a question to be decided by the states concerned.

Reviewing the causes for the breakdown of negotiations between the United States and the U.S.S.R., the representative of the U.S.S.R. stated that under the terms of the Moscow Agreement, the Joint Soviet-United States Commission was instructed to seek the co-operation of the Korean democratic political parties and social organizations with a view to the establishment of a provisional democratic government of Korea. The Commission, however, had failed to achieve any result in 1946 because of the unwillingness of the Government of the United States to arrive at a solution on the basis of that Agreement. Upon resumption of negotiations by the Joint Commission in May 1947, the U.S.S.R. delegation proposed that the Commission should proceed to consider statements from the Korean political parties and social organizations and consult them with a view to selecting those to be admitted by the Commission. The United States delegation, however, refused to com-

ply with the Moscow Agreement regarding the selection of the political parties and social organizations entitled to be heard by the Commission. Subsequently, in August 1947, the U.S.S.R. delegation proposed the establishment of a Korean Constituent Assembly, consisting of the representatives of the democratic political parties and social organizations, for the purpose of constituting a Provisional Korean Government. This proposal likewise was rejected by the Government of the United States. In September 1947, the U.S.S.R. delegation, in its effort to reach an agreement with the United States, submitted another compromise proposal based upon the Moscow Agreement. That offer remained unanswered.

In spite of the present attempts of the United States to shift the blame for the breakdown of negotiations upon the U.S.S.R., it had been clearly demonstrated that the United States was responsible for preventing the creation of a democratic Korean Government in accordance with the Moscow Agreement.

Although his Government considered that the Korean problem, which had been submitted by the United States for consideration by the United Nations, the U.S.S.R. representative continued, was outside the competence of the General Assembly, now that this problem had been placed on the agenda, the U.S.S.R. delegation would submit proposals of its own for its solution.

In the opinion of the U.S.S.R. delegation, Korea could not establish its government freely until after the complete withdrawal of foreign troops. The representative of the U.S.S.R. therefore submitted a proposal (A/C.1/232) that the General Assembly recommend to the Governments of the United States and the U.S.S.R. the simultaneous withdrawal of their troops from southern and northern Korea, respectively, at the beginning of 1948, thereby leaving to the Korean people itself the establishment of a National Government of Korea.

The representative of the U.S.S.R. submitted a second proposal (A/C.1/229) which provided that, inasmuch as the Korean question could not be fairly resolved without the participation in the discussion of the representatives of the indigenous population, the First Committee invite elected representatives of the Korean people from northern and southern Korea to take part in the discussion of this question. (These proposals were advanced orally by the representative of the U.S.S.R. at the 87th meeting of the First Committee. They were submitted in writing at the 89th meeting.)

The First Committee engaged in a preliminary

discussion of these proposals at its 87th and 88th meetings on October 28. Since the U.S.S.R. draft resolution concerning the invitation to elected Korean representatives to participate in the discussion was a procedural proposal, the First Committee, at the request of the representative of the U.S.S.R., agreed to discuss that draft resolution first. Discussion of the resolution and amendments thereto took place at the 89th meeting of the First Committee on October 29 and at the 90th and 91st meetings on October 30.

The representatives of Poland, Czechoslovakia, the Byelorussian S.S.R., the Ukrainian S.S.R. and Yugoslavia supported the U.S.S.R. proposal on the ground that a broad and objective consideration of the problem of the independence of Korea would be impossible without the participation of true representatives of the Korean people. They considered that the fact that the representatives of the Jewish Agency for Palestine and of the Arab Higher Committee had been invited to appear before the First Committee when the question of the future government of Palestine was under discussion set a precedent in this respect which should be followed.

The representatives of Canada, Belgium, Australia and the United Kingdom agreed in principle that the Korean people should be consulted. They considered, however, that it was not practical to invite elected representatives to participate in the discussion in the First Committee. For such representatives to be heard by the General Assembly might involve a delay of a year. The representatives of the four countries mentioned wondered whether the First Committee was to adjourn its discussion of the Korean question while the representatives were to be chosen. As the representative of the U.S.S.R. had maintained that free elections were impossible in the presence of occupation troops, opponents of the U.S.S.R. proposal questioned further how the U.S.S.R. representative proposed that the representatives which were to take part in the Committee's discussion of the Korean question should be chosen. It was also maintained that the United States draft resolution provided for consultation of the Korean people through free elections, so that the U.S.S.R. resolution was really superfluous.

At the 89th meeting of the First Committee on October 29, the representative of the United States submitted an amendment (A/C.1/230) to the second U.S.S.R. draft resolution (A/C.1/229) proposing that a United Nations Temporary Commission on Korea be established to facilitate and expedite the participation of the representatives of the Korean people in the consideration of the Korean



question and to ensure that the Korean representatives were in fact duly elected by the Korean people and not mere appointees of the military authorities in Korea, the Commission "to be present in Korea with right to travel, observe and consult throughout Korea". It would thus be the Commission rather than the First Committee which would hear the views of the Korean representatives.

The representatives of China, the United Kingdom, Australia, Haiti, Belgium, the Dominican Republic and El Salvador supported the United States amendment. The representatives of France, New Zealand, Czechoslovakia, Poland, the U.S.S.R., the Ukrainian S.S.R. and the Byelorussian S.S.R. considered that the United States amendment really pertained to the substance of the United States proposal submitted at the 87th meeting of the First Committee and was not properly an amendment to the U.S.S.R. proposal which related to a matter of procedure. The representative of France suggested that the representative of the United States withdraw his amendment so that an immediate vote could be taken on the U.S.S.R. proposal. The representative of the U.S.S.R. and several other representatives maintained that the United States amendment contained the essence of the original United States draft resolution, namely the establishment of a Temporary Commission, and protested against any attempt by the United States delegation to settle the substance of the question before the Committee by an inappropriate rider to a procedural motion. They insisted that the United States amendment be treated as a separate proposal.

The representative of China submitted an amendment (A/C.1/231) to the United States amendment which provided for a change in wording to the effect that the Temporary Commission on Korea "observe" (instead of "ensure") that the Korean representatives "are" (instead of "will be") in fact duly elected by the Korean people. The representative of the United States accepted this amendment.

At the 90th meeting of the First Committee on October 30, the representative of the Byelorussian S.S.R. submitted an amendment (A/C.1/234) to the United States amendment to add a provision that the elected representatives of the Korean people be invited to take part in the consideration of the Korean question "in the First Committee and at the plenary meetings of the General Assembly".

At the same meeting the representative of the Ukrainian S.S.R. submitted a draft resolution (A/C.1/233) which provided that the First Committee discuss the United States amendment to the U.S.S.R. resolution at the time when the substance of the Korean question would be discussed.

At the 91st meeting of the First Committee on October 30, the Chairman, at the suggestion of the representative of Venezuela, put to a vote the question as to whether the United States amendment to the U.S.S.R. proposal should be considered a separate resolution. The Committee decided by 43 votes to 6, with 4 abstentions, that the United States proposal should be regarded as an amendment to the U.S.S.R. proposal.

The resolution of the representative of the Ukrainian S.S.R. was then put to a vote and was rejected by a vote of 40 to 6, with 5 abstentions. The Byelorussian amendment to the United States amendment was rejected by a vote of 36 to 6, with 9 abstentions.

The representatives of Yugoslavia, the U.S.S.R., the Ukrainian S.S.R., Czechoslovakia, the Byelorussian S.S.R. and Poland stated that, as the Korean question could not properly be discussed in the First Committee and the General Assembly without participation of Korean representatives, they were unable to take part in the voting on the United States amendment.

Voting paragraph by paragraph, the First Committee then adopted the U.S.S.R. proposal as amended by the representative of the United States. The amended text as a whole was adopted by a vote of 41 to 0, with 7 abstentions. The original U.S.S.R. text concerning the participation of elected Korean representatives in the General Assembly's discussion (A/C.1/229) was also put to a vote and was rejected by 35 votes to 6, with 10 abstentions.

The representative of the U.S.S.R. declared that if a Commission on Korea were to be set up after the General Assembly had considered the question, without participation in the discussion of representatives of the Korean people, the U.S.S.R. would not be able to take part in the work of the Commission. He then submitted a draft resolution (A/C.1/235) proposing that examination of the Korean question be deferred. This resolution was rejected by a vote of 33 to 6, with 12 abstentions. After this vote had been taken the First Committee resumed debate on the substantive resolutions of the United States (A/C.1/218) and the U.S.S.R. (A/C.1/232).

The representatives of Philippines, France, Canada, Mexico, Netherlands, El Salvador and China expressed themselves in favor of the United States proposal. It was pointed out that there was general agreement concerning the objective of immediate independence for Korea. The disagreement was merely concerned with the procedure to be followed. The United States resolution recommended

the holding of elections under the observation of a United Nations organ as a step leading towards the independence of Korea and, finally, withdrawal of troops, while the U.S.S.R. proposal recommended the immediate withdrawal of troops and the holding of unsupervised elections. Representatives supporting the United States proposal considered that withdrawal of all occupation troops from Korea before the people had had time to take over the government would create a vacuum and would lead to chaos and disunity. The argument that elections could not be held freely in the presence of foreign troops was not considered valid. The presence of a United Nations Commission would guarantee that the elections would be held freely while the presence of the occupation forces would maintain order until the Koreans could organize their own security forces. It was not certain, the representatives favoring the United States proposal considered, that a mere withdrawal of occupation troops would lead to the establishment of an independent Korean Government. Adoption of the U.S.S.R. proposal, therefore, might prevent the parties to the Moscow Agreement from fully discharging the responsibility they had assumed to ensure the full independence of Korea.

The representatives of the U.S.S.R., Yugoslavia, Czechoslovakia, the Ukrainian S.S.R., the Byelorussian S.S.R. and Poland opposed the United States resolution and supported the U.S.S.R. proposal for immediate withdrawal of all occupation forces. They maintained that it was impossible to hold free elections in the presence of foreign troops. The United States, it was charged, wished to prevent free elections in order to perpetuate its reactionary policy in Korea. The United States desired to establish a puppet government which would be under the domination of the United States. The United States, it was charged further, was responsible for the failure of the Joint U.S.S.R.-United States Commission to accomplish its purpose. Under the terms of the Moscow Agreement the Governments of the U.S.S.R. and the United States had taken it upon themselves to consult with democratic parties and social organizations. The representative of the United States in the Joint Commission, however, had insisted upon consultations with anti-democratic parties and organizations, which, moreover, had fought against the Moscow Agreement. On the other hand, the United States objected to consultations with truly democratic parties and organizations.

Contrasting the state of affairs in northern and southern Korea, the representatives supporting the U.S.S.R. proposal maintained that the United States

authorities in southern Korea had suppressed every attempt at democratic reform. The so-called Legislative Council of Southern Korea did not contain any representatives of the workers or peasants, but was composed of landowners, high officials, former collaborators and other reactionaries. More than half of its members were appointed and the remainder had been elected as a result of violence and coercion. There had been no agrarian reforms, taxation was heavy, and labor legislation was practically non-existent. Terrorist organizations of the right attacked trade-union leaders, democratic newspapers were suppressed and there was widespread persecution of democratic leaders, so that there were tens of thousands of internees in camps in southern Korea—even more than under the Japanese occupation. The same thing had happened in southern Korea as was happening in Greece. The Japanese collaborators, traitors and quislings were left free and in positions of honor, while the true democrats were kept under constant terror.

In northern Korea, on the other hand, it was maintained, great democratic reforms had been carried out. Electoral people's committees were created, universal suffrage and the secret ballot were introduced, women were given equal rights and illiteracy was being eliminated. Agrarian reforms were undertaken, allotting to the Korean people land which had belonged to Japanese colonists. Former Japanese commercial and industrial enterprises were nationalized and transferred to the Korean people. Social legislation had been enacted which had greatly improved the position of the workers.

The representative of the U.S.S.R. and those supporting his proposal considered that the establishment of a commission to supervise elections was an unjustified interference in the internal affairs of the Korean people. The only guarantee of free and fair elections would be a withdrawal of all occupation forces, as proposed by the representative of the U.S.S.R., allowing the Korean people to organize their own government on a democratic basis.

The representative of Egypt stated that he would support the proposal for withdrawal of all occupation troops.

The representative of India stated that the U.S.S.R. proposal for the immediate withdrawal of occupation forces could, in his view, lead only to confusion, since there was no Korean Government which could take over the administration of the country. On the other hand, the United States proposal that the National Government, when constituted, should form its own national security

forces and then arrange for the simultaneous withdrawal of the occupation troops seemed to him to be unduly vague. Consequently, he proposed, as a compromise between the two proposals, that the following procedure be observed: (1) A general election should be held, not on a zonal basis but on a national basis under the control of the United Nations Temporary Commission, so as to remove the political and moral barrier which had been created by the division of the country. (2) It was important that the election should be held on the basis of adult suffrage without any political discrimination and by secret ballot, in order to avoid any attempt to deny the vote to certain classes of people classified as undemocratic. (3) The National Assembly should meet immediately after it had been elected to form a National Government. (4) The National Government, immediately upon its formation, should constitute its own national security forces and dissolve all military and semi-military formations not included therein. (5) A definite time-limit should be fixed for the withdrawal of occupation troops.

At the 92nd meeting of the First Committee on November 4, the representative of the United States introduced a revised draft resolution (A/C.218/-Rev. 1) taking into account the resolution adopted by the First Committee at its 91st meeting on October 30,<sup>67</sup> and also incorporating suggestions made by several delegations, and in particular the suggestions of the representative of India. While expressing satisfaction that the United States delegation had accepted his principal suggestions, the representative of India noted that the United States draft resolution provided that the elections be conducted by the occupying Powers. He considered that in this case the elections would probably be held on a zonal basis, and not on a national basis, as he had suggested. He therefore submitted an amendment (A/C.1/237) to the United States proposal to omit reference to the "occupying Powers".

Two other amendments were submitted. An amendment proposed by the representative of the Philippines (A/C.1/236) provided that the General Assembly call upon all Members of the United Nations to refrain from interfering in the affairs of the Korean people during the interim period preparatory to the establishment of Korean independence, except in pursuance of the decisions of the General Assembly; and thereafter to refrain completely from any and all acts derogatory to the independence and sovereignty of Korea. An amendment proposed by China (A/C.1/238) provided that the withdrawal of the occupation forces should

be arranged "in consultation with the four Powers parties to the Moscow Agreement".

At the 94th meeting of the First Committee on November 5, 1947, the Chairman put the U.S.S.R. resolution to the vote. It was rejected by a vote of 20 to 6, with 7 abstentions.

The First Committee then adopted the Philippine amendment to the United States resolution by a vote of 34 to 0, with 3 abstentions. The amendment submitted by the representative of India was adopted by a vote of 34 to 0, with 4 abstentions.

The representative of China withdrew his amendment providing for consultation with the Powers parties to the Moscow Agreement in arranging for the withdrawal of occupation forces and submitted an alternative amendment providing for consultation with the United Nations Temporary Commission on Korea. A second amendment submitted by the representative of China provided for some drafting changes which were further modified at the suggestion of the representative of France. The representative of the United States accepted these amendments. The first Chinese amendment was adopted by the First Committee by a vote of 30 to 0, with 7 abstentions. The second amendment, as modified by the representative of France, was adopted by a vote of 44 to 0, with 4 abstentions.

The representative of the United States then suggested that the Temporary Commission on Korea be composed as follows: Australia, Canada, China, El Salvador, France, India, Philippines, Syria and Ukrainian S.S.R. The representative of the Ukrainian S.S.R. declared that his Government would not participate in the work of the Commission, as representatives of Korea had not been invited to attend the Committee's debate.

The First Committee adopted the United States resolution as a whole, including the amendments previously voted, by a vote of 46 to 0, with 4 abstentions.

The representatives of the U.S.S.R., the Ukrainian S.S.R., Poland, the Byelorussian S.S.R., Czechoslovakia and Yugoslavia did not take part in the voting on the United States resolution and amendments thereto, because they considered that the absence of elected representatives of the Korean people at a time when questions affecting the independence of their country were being discussed contravened the provisions of the Charter and the right of self-determination of peoples.

In accordance with rule 112 of the provisional rules of the General Assembly, the Fifth Committee has to submit a report to the General Assembly

<sup>67</sup> For the text of the resolution as amended by the First Committee, see p. 88.

on the financial implications of any proposal involving expenditure. On November 8, 1947, the Secretary-General submitted to the Fifth Committee a report (A/C.5/208) in which he estimated the cost of the Temporary Commission on Korea to be \$79,550 in 1947 and \$433,820 in 1948. This estimate was based on the assumption that the Commission would function from December 1, 1947, to December 31, 1948, that its headquarters would be in Seoul, Korea, but that the Commission and Secretariat staff would be required to travel extensively within Korea. The Secretary-General estimated that a staff of 25 persons would be sent from headquarters and that additional personnel, locally recruited, would be needed from time to time to the extent of eight full-time posts. Replacements would need to be found for the staff members sent from headquarters.

The Fifth Committee considered the Secretary-General's report at its 95th and 96th meetings on November 10 and 11, 1947. The representative of the U.S.S.R. stated that his delegation would vote against any expenditures for the proposed Temporary Commission on Korea. Since the position of the U.S.S.R. delegation had been stated clearly in the First Committee, the representative of the U.S.S.R. would not participate in a detailed analysis of the budgetary estimates for the Temporary Commission. The representative of Poland stated that he reserved the right of his delegation to ask the Secretary-General that the Polish contribution should not be used for the purpose of subsidizing this Temporary Commission and that, if an appropriation for this item were included in the total budget of the United Nations, his delegation would not be able to vote for the budget. The representatives of Yugoslavia, the Byelorussian S.S.R. and the Ukrainian S.S.R. associated themselves with the views of the U.S.S.R. delegation.

A number of delegations raised the question of payment of travel expenses and subsistence allowances for the members of the proposed Temporary Commission on Korea, as no item for the payment of such expenditures had been included in the Secretary-General's estimates. The Assistant Secretary-General for Administrative and Financial Services informed the Fifth Committee that should it decide to include the cost of travel and subsistence at the rate of \$20 per diem for one representative and one alternate for each of the nine members of the Commission, as had been done in the case of the Special Committee on the Greek Question, the increased cost would be \$37,800 for 1947 and \$131,760 for 1948, bringing the

total cost for 1947 to \$117,350 and for 1948 to \$565,580.

On the motion of the representative of the United Kingdom, the Fifth Committee agreed by a vote of 27 to 6, with 5 abstentions, that the cost of the proposal to establish a Temporary Commission on Korea would be approximately \$100,000 for 1947 and \$550,000 for 1948. The Fifth Committee informed the General Assembly accordingly (A/461) and referred the Secretary-General's estimates to the Advisory Committee on Administrative and Budgetary Questions for further study and report.

The Advisory Committee subsequently reported (A/C.5/216) to the Fifth Committee that it considered that 100-per-cent replacement of headquarters staff would probably not be required and that the total estimates, therefore, could be reduced to \$76,550 in 1947 and \$401,520 in 1948. If it should be decided that the United Nations should pay the travel and subsistence expenses of one representative and one alternate from each state represented on the Commission, the total estimates would amount to \$114,350 in 1947 and \$533,280 in 1948.<sup>68</sup>

At its 111th and 112th plenary meetings on November 13 and 14, the General Assembly considered the First Committee's report (A/447) and the resolution recommended by the Committee for adoption by the General Assembly, as well as the Fifth Committee's report (A/461) concerning the financial implications of the establishment of a Temporary Commission on Korea. At the 112th plenary meeting the representative of the U.S.S.R. resubmitted his proposal, previously rejected by the First Committee, for the simultaneous withdrawal of U.S.S.R. and United States troops from Korea early in 1948 (A/477).

After a discussion in which the representatives of U.S.S.R., United States, China, Czechoslovakia, Yugoslavia, Byelorussian S.S.R., Panama, Poland, Norway and Ukrainian S.S.R. participated, the General Assembly adopted by a vote of 43 to 0, with 6 abstentions, the resolution recommended by the First Committee. The representatives of the U.S.S.R., Czechoslovakia, the Byelorussian S.S.R. and Poland had previously announced that they would not participate in the vote. The General Assembly then rejected the U.S.S.R. proposal by a vote of 34 to 7, with 16 abstentions.

The text of the resolution (112(II) ) adopted by the General Assembly at its 112th plenary meeting on November 14 follows:

<sup>68</sup>Concerning budget appropriation, see pp. 155-57.

## A

"Inasmuch as the Korean question which is before the General Assembly is primarily a matter for the Korean people itself and concerns its freedom and independence, and

"Recognizing that this question cannot be correctly and fairly resolved without the participation of representatives of the indigenous population,

"The General Assembly

"1. Resolves that elected representatives of the Korean people be invited to take part in the consideration of the question;

"2. Further resolves that in order to facilitate and expedite such participation and to observe that the Korean representatives are in fact duly elected by the Korean people and not mere appointees by military authorities in Korea, there be forthwith established a United Nations Temporary Commission on Korea, to be present in Korea, with right to travel, observe and consult throughout Korea.

## B

"The General Assembly,

"Recognizing the urgent and rightful claims to independence of the people of Korea;

"Believing that the national independence of Korea should be re-established and all occupying forces then withdrawn at the earliest practicable date;

"Recalling its previous conclusion that the freedom and independence of the Korean people cannot be correctly or fairly resolved without the participation of representatives of the Korean people, and its decision to establish a United Nations Commission on Korea (hereinafter called the "Commission") for the purpose of facilitating and expediting such participation by elected representatives of the Korean people,

"1. Decides that the Commission shall consist of representatives of Australia, Canada, China, El Salvador, France, India, Philippines, Syria, Ukrainian Soviet Socialist Republic;

"2. Recommends that the elections be held not later than 31 March 1948 on the basis of adult suffrage and by secret ballot to choose representatives with whom the Commission may consult regarding the prompt attainment of the freedom and independence of the Korean people and which representatives, Constituting a National Assembly, may establish a National Government of Korea. The number of representatives from each voting area or zone should be proportionate to the population, and the elections should be under the observation of the Commission;

"3. Further recommends that as soon as possible after the elections, the National Assembly should convene and form a National Government and notify the Commission of its formation;

"4. Further recommends that immediately upon the establishment of a National Government, that Government should, in consultation with the Commission: (a) constitute its own national security forces and dissolve all military or semi-military formations not included therein; (b) take over the functions of government from the military commands and civilian authorities of north and south Korea, and (c) arrange with the occupying Powers for the complete withdrawal from Korea of their armed forces as early as practicable and if possible within ninety days;

"5. Resolves that the Commission shall facilitate and expedite the fulfilment of the foregoing programme for

the attainment of the national independence of Korea and withdrawal of occupying forces, taking into account its observations and consultations in Korea. The Commission shall report, with its conclusions, to the General Assembly and may consult with the Interim Committee (if one be established) with respect to the application of this resolution in the light of developments;

"6. Calls upon the Member States concerned to afford every assistance and facility to the Commission in the fulfilment of its responsibilities;

"7. Calls upon all Members of the United Nations to refrain from interfering in the affairs of the Korean people during the interim period preparatory to the establishment of Korean independence, except in pursuance of the decisions of the General Assembly; and thereafter, to refrain completely from any and all acts derogatory to the independence and sovereignty of Korea."

#### i. MEASURES TO BE TAKEN AGAINST PROPAGANDA AND THE INCITERS OF A NEW WAR

In the course of the general debate, at the 84th plenary meeting of the General Assembly, on September 18, 1947, the representative of the U.S.S.R. stated that his delegation believed it necessary to raise before the General Assembly the important question of measures to be taken against the steadily increasing propaganda in favor of a new war. The war psychosis, which, the representative of the U.S.S.R. declared, was being instigated by militarist and expansionist circles in certain countries, and particularly in the United States, was continually spreading and assuming a more threatening character. All means of psychological influence were being used—news-papers, magazines, radio and films—with the aim of preparing world public opinion for a new war. But the purpose of all this propaganda was the same, namely to justify the furious armament race which was being carried on by the United States, including the production of atomic weapons; to justify the limitless desires of influential circles in the United States to carry out its expansionist plans, the keystone of which was a senseless plan of world domination.

The warmongers were indulging in propaganda about the alleged necessity of fighting a war danger supposed to come from other countries. They were trying to frighten people by vicious fabrications about alleged preparations by the U.S.S.R. to attack the United States, although they knew only too well that the U.S.S.R. was not threatening an attack on any country, but on the contrary, was devoting all its forces to the cause of rehabilitation of the areas destroyed or damaged by the war and that the whole population of the U.S.S.R.—workers, peasants, intellectuals—unanimously condemned any attempt to bring about a

new war. Although the U.S.S.R. was engaged exclusively in the work of peaceful reconstruction, the warmongers stubbornly preached that a new war was inevitable in order to forestall the alleged aggressive policies of the U.S.S.R. and of other eastern European countries.

Contending that preparation for a new war had already passed the stage of propaganda, the representative of the U.S.S.R. stated that military and technical measures were being put into effect, such as the construction of new military bases, the redeployment of armed forces in accordance with the plans of future military operations, and the manufacture of new armaments on an expanded scale. Simultaneously, military blocs and so-called agreements for mutual defence were being concluded and measures for the unification of armaments were being elaborated.

The representative of the U.S.S.R. stated that the representative of American capitalist monopolies were most active in the promotion of war propaganda and he cited figures to show huge profits made by American corporations during the war. Having secured decisive influence during the war, the capitalist monopolies had retained this influence. The thousands of millions of governmental subsidies and protection which the monopolies enjoyed were facilitated by their close connection with senators and members of the Government, many of whom were officials in the monopolistic corporations.

The quest of the capitalist monopolies for profits, the efforts made to preserve and expand at all costs those branches of war industry which enable them to make large profits, could not but influence the direction of the foreign policy and strengthen the military expansionist and aggressive tendencies of this policy to satisfy the ever-growing appetites of the industrial monopolist circles. Such was the fertile ground for war propaganda. The exponents of that propaganda were not only high-ranking representatives of influential American industrial and military circles, influential organs of the press and highly placed politicians, but also official representatives of the United States Government. In this connection he named some highly responsible American officials who, he stated, had no scruples, not only in making deliberately slanderous attacks on the Soviet Union and the countries with new democracies, but also urged systematically the inevitability and necessity of a new war.

The representative of the U.S.S.R. also stated that large press organs, owned or controlled by American capitalists, were waging war propaganda,

and that various scientific institutions and universities in the United States were also guilty of spreading such propaganda. The most important thing was not that such propaganda was made, but that it met with no real rebuff, thus encouraging the instigators of a new war to still further provocations.

American reactionaries, however, were not alone in their efforts, the representative of the U.S.S.R. declared. Certain British circles were also working against the cause of peace and a warmongering campaign had been carried on for a long time in Turkey. This "provocative hubbub" was being vigorously supported by the Greek reactionary press.

The representative of the U.S.S.R. considered it a matter of urgency that the United Nations should adopt measures directed against war propaganda. He therefore submitted the following draft resolution (A/BUR/86) for consideration by the General Assembly:

"1. The United Nations condemn the criminal propaganda for a new war carried on by reactionary circles in a number of countries and, in particular, in the United States of America, Turkey and Greece, by the dissemination of all types of fabrications through the press, radio, cinema, and public speeches, containing open appeals for aggression against the peace-loving democratic countries.

"2. The United Nations regard the toleration of, and—even more so—support for this type of propaganda for a new war, which will inevitably become the third world war, as a violation of the obligation assumed by the Members of the United Nations whose Charter calls upon them to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace' and not to endanger 'international peace and security, and justice' (Article 1, paragraph 2; Article 2, paragraph 3).

"3. The United Nations deem it essential that the Governments of all countries be called upon to prohibit, on pain of criminal penalties, the carrying on of war propaganda in any form, and to take measures with a view to the prevention and suppression of war propaganda as anti-social activity endangering the vital interests and well-being of the peace-loving nations.

"4. The United Nations affirm the necessity for the speediest implementation of the decision taken by the General Assembly on 14 December 1946 on the reduction of armaments,<sup>69</sup> and the decision of the General Assembly of 24 January 1946 concerning the exclusion from national armaments of the atomic weapon and all other main types of armaments designed for mass destruction,<sup>70</sup> and considers that the implementation of these decisions is in the interests of all peace-loving nations and would be a most powerful blow at propaganda and the inciters of a new war."

At its 38th meeting on September 21, 1947, the

<sup>69</sup>Resolution 41 (I) : See Yearbook of the United Nations, 1946-47, p. 139.

<sup>70</sup>Resolution 1 (I) : See *ibid.*, p. 64.

General Committee decided unanimously and without discussion to recommend that the U.S.S.R. proposal be included in the agenda of the second session of the General Assembly. The General Assembly adopted the General Committee's recommendation at its 91st plenary meeting on September 23, 1947, and referred the U.S.S.R. proposal to the First Committee for consideration and report.

The First Committee considered the matter at its 79th meeting on October 22, its 80th and 81st meetings on October 23, its 82nd and 83rd meetings on October 24, its 85th meeting on October 25 and its 86th meeting on October 27.

Opening the discussion at the 79th meeting of the First Committee on October 22, 1947, the representative of the U.S.S.R. stated that various reasons had been invented to oppose the U.S.S.R. proposal by reactionaries who saw their warmongering business endangered. For instance, the suppression of war propaganda by law was declared incompatible with fundamental human rights and with freedom of speech and of the press. The instigation of war, however, the representative of the U.S.S.R. considered, was a crime against humanity and must not be masked by the cry that censorship was incompatible with human rights. The legal suppression of war propaganda had nothing to do with freedom of the press or democratic rights. A free press in civilized countries did not preclude limitations imposed in the interest of society, public morals and public welfare. Hence, the assertion that the legal suppression of war propaganda violated democratic principles was inadmissible and was a mere pretext to justify unwillingness to put an end to such propaganda.

The majority of representatives agreed that the United Nations should condemn war propaganda because such propaganda was detrimental to friendly relations among nations. They objected, however, to the form of the U.S.S.R. resolution. The terms of that resolution and the vehement arguments of the U.S.S.R. representative in its support, it was maintained, were in direct contradiction with the aims of the resolution. It appeared, certain delegates opposing the U.S.S.R. resolution contended, that the U.S.S.R. delegation was more interested in the propaganda value of its resolution than in curing the evil itself. The U.S.S.R. resolution, it was objected further, contained an unjustified attack against certain countries. The representatives of the United States, Turkey and Greece in particular protested against the accusations brought forward against their countries.

As to the proposal that the United Nations call

upon the governments of all countries to prohibit, on pain of criminal penalties, the carrying on of war propaganda, it was maintained that such a provision constituted a violation of the freedom of the press, and the majority of representatives asserted that their governments would not tolerate a form of censorship such as this proposal implied. In democratic countries with an uncontrolled press, it was maintained, self-discipline and not coercion must form the basis of control. While it was admitted that certain individuals or newspapers might abuse their freedom, it was charged that the press of the U.S.S.R. and of other Eastern European countries had engaged in a violent campaign of propaganda against the United States and countries of Western Europe. Such propaganda, it was maintained, was of a much more serious nature, for under a system where the government controlled the press, such propaganda could not be engaged in without the consent or direct support of the government concerned. Opponents of the U.S.S.R. proposal also pointed out the difficulty of defining warmongering. They questioned whether any criticism of the U.S.S.R. was to be prohibited as war propaganda, while the U.S.S.R. press was to be permitted to engage in violent criticism of the alleged warmongers. The accusations directed against the United States and certain other countries, it was maintained, -were but another form of war propaganda.

As to the last paragraph of the U.S.S.R. resolution, it was maintained that there was no relation between the question of war propaganda and the question of disarmament and atomic control. The implementation of the General Assembly's resolutions 1(I) of January 24 and 41(I) of December 14, 1946, concerning atomic control and disarmament, was entrusted to the Atomic Energy Commission and the Commission for Conventional Armaments. If the work of these bodies had not been more successful to date, this was to a considerable extent, it was charged, the fault of the U.S.S.R. itself, which had not agreed to any system of effective international control.

The representatives of Poland, the Ukrainian S.S.R., Yugoslavia, the Byelorussian S.S.R. and Czechoslovakia supported the U.S.S.R. resolution. They maintained that it would be a mistake to dismiss the arguments advanced by the U.S.S.R. and that positive action should be taken for the prohibition of war propaganda. The U.S.S.R. proposal, they considered, was not intended to interfere with freedom of the press. It merely called for concerted action to prevent flagrant abuses of it. Although many representatives had asserted that

their governments would not tolerate censorship of the press, the representatives supporting the U.S.S.R. proposal maintained that in capitalist countries a few large corporations owned or controlled the press and imposed, in some cases, a censorship more stringent than that which might be imposed by governments in the interests of the general welfare. A certain amount of governmental control over the press was considered necessary and desirable to prevent abuses and to ensure the dissemination of true facts.

As to the last paragraph of the U.S.S.R. resolution it was maintained that moral and material disarmament should proceed together and that consequently there was a link between the proposal that war propaganda be curbed and the implementation of the disarmament resolution.

A number of representatives, and in particular the United States representative, considered that the U.S.S.R. resolution should be rejected and that the First Committee should not give it so much recognition as to amend it, because it diverted attention from the real task before the United Nations, which was to remove the causes of war. If there was intemperate and provocative talk, this was but a superficial symptom of the clash of national interests which was hindering the development of the United Nations. The proper solution therefore was to pursue the practical program of establishing collective security and of economic and social reconstruction.

Other representatives, however, maintained that it would be undesirable for the First Committee to adopt a purely negative attitude with regard to the U.S.S.R. proposal just because certain parts of it were not acceptable. The subject with which it dealt, these representatives considered, was of such importance that the General Assembly should adopt a positive resolution, which would show the world that the United Nations was doing everything humanly possible to avert the tragedy of a third world war. Hence the representatives of Australia, Canada and France submitted alternative proposals.

At the 79th meeting of the First Committee on October 22, the representative of Australia submitted the following proposal (A/C.1/219) in the form of an amendment to the U.S.S.R. draft resolution:

"Whereas in the Charter of the United Nations the peoples express their determination to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to unite our strength to maintain international peace and security; and

"Whereas it is the intention of the Charter that armed

force shall not be used, save in the common interest for the suppression of acts of aggression through the machinery of the Security Council, or in exercise of the inherent right of individual or collective self-defense against an armed attack until the Security Council has taken the measures necessary to maintain international peace and security; and

"Whereas the Charter also calls not only for the promotion of universal respect for, but also observance of, fundamental freedoms including freedom of expression, all Members having pledged themselves in Article 56 to take joint and separate action for such observance of fundamental freedoms,

"The General Assembly

"1. Condemns all forms of propaganda, in whatsoever country conducted, designed to encourage any act of aggression or the use of any measures for the purpose of aggression.

"2. Condemns all forms of propaganda, in whatsoever country conducted, which falsely imputes to officials or other responsible persons of any nation the desire of encouraging any act of aggression or the use of any measures for the purpose of aggression.

"3. Requests the Government of each Member to take appropriate steps to counter all such propaganda, not by resorting to any form of censorship of organs of expression, but

"(a) by taking positive measures to encourage the fair and accurate reporting of official and other statements affecting international relations made by officials or other responsible persons whether of the Member or of any other nation;

"(b) by encouraging the dissemination of all information designed to give expression to the undoubted desire of all peoples to avoid a third world war.

"4. Directs that this resolution be communicated to the forthcoming Conference on Freedom of Information, with a recommendation that the Conference seek to devise practical methods for carrying out the purposes of this resolution."

At the 81st meeting of the First Committee on October 23, the representative of Canada submitted a draft resolution (A/C.1/220) which provided that "the United Nations condemn all propaganda inciting to aggressive war or civil strife which might lead to war, and urge Members to promote, by all means of publicity and propaganda available to them, friendly relations among nations on the basis of the Purposes and Principles of the Charter".

At the 83rd meeting of the First Committee on October 24, the representative of France submitted a draft resolution (A/C.1/221) which contained a somewhat shorter preamble than the Australian resolution and which provided that

"The General Assembly . . .

"1. Condemns all manifestations and all propaganda, in all countries and in any form, likely to provoke or encourage threats to the peace;

"2. Expresses the hope that the Conference on Freedom of Information to be held in 1948 will study the present resolution and make recommendations thereon."

At the same meeting the representative of Venezuela submitted a proposal (A/C.1/223)



that a sub-committee be established to study the various proposals which had been submitted and to submit a draft resolution harmonizing the various points of view.

The representatives of Canada, the United States, Greece and the United Kingdom opposed the establishment of a sub-committee. They believed that a vote should be taken on the U.S.S.R. proposal. If the latter were not adopted a drafting sub-committee might be established to co-ordinate the proposals of the representatives of Canada, Australia and France. The representative of Turkey expressed the view that the U.S.S.R. resolution, because of its political character, could not be examined by a sub-committee, which was necessarily technical in character.

The representative of the U.S.S.R. considered that all resolutions which had been submitted should be examined together by a sub-committee in order to work out a common text. He indicated that the U.S.S.R. delegation would, for example, be prepared to give favorable consideration to the first paragraph of the French resolution.

At its 85th meeting on October 25, the First Committee voted on the Venezuelan proposal for the establishment of a sub-committee. The proposal was rejected by a vote of 29 to 12 with 12 abstentions. The representative of Venezuela stated that, in view of the statement made by the representative of the U.S.S.R. before the vote, he felt that the representatives who had voted against the establishment of a sub-committee were not trying to reconcile the point of view of the U.S.S.R. and the other delegations. Such action, he considered, did not contribute to international co-operation.

At the 86th meeting of the First Committee on October 27, 1947, the representatives of Australia, Canada and France submitted a joint draft resolution (A/C.1/224) to replace their three separate proposals. At the same time the representative of Poland submitted an amendment (A/C.1/225) to the U.S.S.R. resolution to replace the first paragraph of that resolution by a text identical with the first paragraph of the joint resolution<sup>71</sup> of the representatives of Australia, Canada, and France. The representative of Poland hoped that the elimination of the accusations contained in the first paragraph of the U.S.S.R. resolution would render that resolution acceptable to the majority of the Committee.

The representative of the U.S.S.R. expressed the view that it was essential for the General Assembly, in condemning all war propaganda, to indicate where it originated. He therefore con-

sidered that the Polish text was inadequate and would be more effective if it included reference to the countries where war propaganda was rampant. As the Polish amendment, however, did condemn war propaganda in general, which was the basic aim of his delegation, the representative of the U.S.S.R. stated he was prepared to accept the amendment.

Certain representatives declared that they were willing to accept the U.S.S.R. proposal as modified by the amendment of the representative of Poland. The majority of representatives, however, declared that they could not accept the U.S.S.R. proposal in its amended form, because they were opposed to the other provisions of that resolution and not only to the first paragraph.

The representatives of France and the United Kingdom suggested that the representative of the U.S.S.R. withdraw his resolution, in view of the fact that he was willing to support the Polish amendment, which was identical with the essential part of the joint resolution of the representatives of Australia, Canada and France. The representative of the U.S.S.R. replied that he was willing to accept the Polish amendment, but could not agree to withdraw his resolution.

The U.S.S.R. resolution as amended by the representative of Poland was voted upon in parts. The first paragraph was rejected by a vote of 23 to 18, with 14 abstentions; the second paragraph by a vote of 28 to 9, with 18 abstentions; the third paragraph by a vote of 42 to 6, with 6 abstentions; and the fourth paragraph by a vote of 40 to 7, with 7 abstentions. The Chairman ruled that in view of the rejection of each of the four paragraphs of the U.S.S.R. resolution, it was not necessary to vote on the resolution as a whole.

The Committee then proceeded to consider the joint draft resolution of the representatives of Australia, Canada and France. The representative of the U.S.S.R. introduced two amendments (A/C.1/226, A/C.1/227) to the joint resolution stressing that freedom of speech should not be used for purposes of war propaganda, but on the contrary should be used to fight against such propaganda and that Member States should take steps to counteract such propaganda. These amendments were rejected by the Committee. Certain minor amendments to the second and third paragraphs of the joint resolution proposed by the representatives of the United States (A/C.1/228) and Australia were adopted.

Voting paragraph by paragraph, the First Com-

<sup>71</sup>The joint resolution was adopted with minor amendments; for text see following page.

mittee then adopted the joint resolution as amended by the representatives of the United States and Australia. The resolution as a whole was adopted unanimously by a vote of 56 in favor, one Member being absent.

At its 108th plenary meeting on November 8, 1947, the General Assembly unanimously adopted the resolution recommended by the First Committee. The text of the resolution (110(II)) follows:

"Whereas in the Charter of the United Nations the peoples express their determination to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to practice tolerance and live together in peace with one another as good neighbours, and

"Whereas the Charter also calls for the promotion of universal respect for, and observance of, fundamental freedoms which include freedom of expression, all Members having pledged themselves in Article 56 to take joint and separate action for such observance of fundamental freedoms,

"The General Assembly

"1. Condemns all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression;

"2. Requests the Government of each Member to take appropriate steps within its constitutional limits:

"(a) To promote, by all means of publicity and propaganda available to them, friendly relations among nations based upon the Purposes and Principles of the Charter;

"(b) To encourage the dissemination of all information designed to give expression to the undoubted desire of all peoples for peace;

"3. Directs that this resolution be communicated to the forthcoming Conference on Freedom of Information."<sup>72</sup>

#### j. SUGGESTIONS TO COUNTRIES CONCERNED WITH THE PEACE TREATY WITH ITALY

By separate communications dated August 21, 1947, the Governments of Ecuador (A/358), Honduras (A/357) and Argentina (A/361) requested the inclusion in the agenda of the second session of the General Assembly of the item: "Revision of the Peace Treaty with Italy". The Argentine request was supported by communications from the Governments of Bolivia, Costa Rica, the Dominican Republic, Panama, Paraguay and Uruguay (A/361). The Argentine Government subsequently submitted the following draft resolution (A/379):

"Whereas the people of Italy did not take up arms against the Allies;

"Whereas the Allies had to fight the German Armies of occupation within Italian territory;

"Whereas the people of Italy, at a given moment, fought side by side with the Allies to oust from their country the German Armies of occupation;

"Whereas, consequently, Italy cannot be strictly considered an enemy State;

"Whereas, furthermore, the over-population of Italy has created, for its Government and for its people, an economic problem difficult of solution, further heightened by the fact that Italy has lost all of its possessions;

"Whereas, consequently, it is best, for the peace of the world and the rehabilitation of that section of the European Continent, to impose on the Italian people the least possible number of obligations which may be compatible with the interests of the nations which were at war with Italy;

"Whereas, moreover, Italy has contributed immensely to the scientific, literary and artistic development of occidental civilization in the past, and it is convenient to make certain that Italy be in a position, as soon as possible, to continue collaborating fully in these fields, for the future benefit of the world;

"The General Assembly resolves to recommend to the Member States that signed the Peace Treaty with Italy that she be given an opportunity to present new observations and suggestions which would tend to lessen the obligations that the treaty has imposed on her and which have to be met by her people."

The General Committee considered the item concerning the revision of the Peace Treaty with Italy at its 37th and 38th meetings on September 20 and 21, 1947.

The representative of the U.S.S.R. opposed the inclusion of the item on the ground that under Article 107 of the Charter the General Assembly was not competent to consider questions concerning former enemy states. Respect for treaty obligations, he maintained further, was one of the principles of the Charter. A proposal to revise the Italian Peace Treaty only a few days after its ratification was a violation of this principle. He considered that the Treaty was just and ensured for Italy the normal development of its economy.

The representatives of the United States and Mexico supported the recommendation to include this item in the agenda. The representative of the United States stated that his delegation welcomed the resolution, which encouraged the signatories of the Italian Peace Treaty to rectify the onerous obligations imposed upon Italy by certain of its clauses. The representative of the United States stated that his Government had never concealed its dissatisfaction with this Treaty, which it had accepted only when it became clear that no other solution would be acceptable to the Council of Foreign Ministers as a whole.

The representatives of France, the United Kingdom and Poland expressed the view that revision of the Italian Peace Treaty, but recently ratified, was premature and ill advised, as the Treaty had not yet been put to a practical test. A

<sup>72</sup>For Conference on Freedom of Information, see pp. 588-95.

bad precedent might be set if treaties were to be revised no sooner than they had come into force.

The representative of Chile considered that in its present form inclusion in the Assembly's agenda of the item under discussion was clearly contrary to Article 107 of the Charter. He therefore suggested that the item be changed to read: "Suggestions to countries concerned with the Peace Treaty with Italy". The representatives of Argentina and Honduras accepted this change. The representative of Ecuador withdrew his Government's request for inclusion of the item.

The General Committee decided by a vote of 4 to 2, with 8 abstentions, to recommend the inclusion of the item, as amended, in the agenda of the second session of the General Assembly.

The General Assembly considered the General Committee's recommendation at its 90th and 91st plenary meetings on September 23. The representative of the U.S.S.R. opposed the inclusion of the item for the reasons indicated in the General Committee. He was supported by the representative of Yugoslavia. The representatives of the United States and Australia maintained that Article 107 of the Charter was merely designed to make it clear that the belligerent countries responsible for the defeat of the enemies in the Second World War should have the right to make peace treaties. There was nothing in the Charter to prevent their taking appropriate action in regard to former enemy states, but neither, it was maintained, was there anything in the Charter to prevent situations created by any peace treaty being brought before the United Nations. Article 14, it was argued, clearly gave the General Assembly the right to discuss any situation, regardless of its origin, which might lead to international friction.

The representative of Argentina stressed the fact that the Argentine proposal did not call upon the General Assembly to revise the Peace Treaty with Italy, but merely to make suggestions to the countries concerned with that Treaty. He also remarked that the Argentine delegation might later withdraw the motion, if during the discussion in the Political Committee, such a course appeared more opportune.

The representative of Ethiopia expressed the view that inclusion in the agenda of the item concerning the Italian Peace Treaty would be a flagrant injustice. He recalled that Ethiopia had been the principal victim of Italian aggression. Yet, Ethiopia had not been consulted in the course of the meetings of the Council of Foreign Ministers preceding the Paris Peace Conference. The Italian Government, on the other hand, had been

given ample opportunity to present its views, both during those meetings and during the Peace Conference. After the Paris Conference, he maintained, the four Great Powers had met again in order to draw up the treaty in final form. He therefore thought that one of the Great Powers, as the joint author of the text of the Treaty, should not support a revision of this joint text.

The representatives of the United Kingdom, France and Chile announced that they would abstain from voting on this item, as it was too early to consider a revision of the Italian Treaty.

The General Assembly then decided by a vote of 22 to 8, with 19 abstentions, to include this item in its agenda and referred it to the First Committee for consideration and report.

At the 116th meeting of the First Committee on November 19, 1947, the representative of Argentina stated that in view of the many objections to the inclusion of this item on the agenda his delegation wished to withdraw it. The representatives of the U.S.S.R. and the Ukrainian S.S.R. supported the removal of the item from the agenda. The representative of the United States again expressed the dissatisfaction of his delegation with the Italian Peace Treaty and indicated that his Government might raise the matter again at the next session of the General Assembly.

At its 122nd plenary meeting on November 21, 1947, the General Assembly noted the First Committee's report indicating that the item concerning the Italian Peace Treaty had been withdrawn.

#### 4. Economic and Social Questions

##### a. PROPOSAL TO INCREASE THE MEMBERSHIP OF THE ECONOMIC AND SOCIAL COUNCIL

By telegram of July 18, 1947 (A/330), the Argentine delegation to the United Nations requested that the following item be included in the provisional agenda of the second session of the General Assembly:

"Proposal to increase the Membership of the Economic and Social Council to 24."

The Argentine delegation subsequently submitted a detailed proposal (A/354) which provided that Article 61 of the Charter should be amended so that the Economic and Social Council should consist of 24 members, eight of which should be elected each year for a term of three years. Six new members in addition to those due for election on the expiry of their terms of office would be elected by the General Assembly after the resolution had

been ratified, the terms of office of two expiring at the end of one year and two at the end of two years. A new provision was suggested, as follows:

"In electing the members of the Economic and Social Council the General Assembly shall take especially into account the contribution of Members of the United Nations to the maintenance of a stable and efficient international economy, as well as their ability to co-operate in the solution of world economic and social problems."

The Argentine proposal further provided that, pending ratification of this amendment, the General Assembly should recommend to all Members of the United Nations that in electing members of the Economic and Social Council as well as members of the Council's commissions, they take into consideration the contribution of Members of the United Nations to the maintenance of a stable and efficient international economy, their ability to co-operate in the solution of world economic and social problems, as well as the desirability of granting representation on the Council's commissions to the greatest possible number of countries.

The Joint Committee established by the Second and Third Committees considered the Argentine proposal at its 19th and 22nd meetings on October 23 and 25, respectively.

The principal reasons cited in support of the Argentine resolution were the increase in the number of Members of the United Nations; the growth of the scope and complexity of the work of the Council beyond that envisaged when the Charter was drafted; and the desirability of affording greater representation in rotation to smaller countries.

Representatives opposing the Argentine resolution argued that the present membership of eighteen already provided an adequate cross-section of geographical representation of varying economies and social structures; that a larger membership would complicate operations and increase the length and cost of Council sessions; and that it was premature and unwise to consider a revision of the Charter at this time.

The representative of India considered that a more equitable geographic distribution was required rather than an increase in numbers. In his opinion Europe and Australasia were over-represented, while Asia and the Middle East were under-represented. He, therefore, introduced a proposal (A/C.2 & 3/58) to allocate the eighteen Council seats among the principal geographic regions represented in the United Nations as follows:

Western Europe .....	3 seats
Eastern Europe .....	2 seats
Americas .....	7 seats
Middle East and Africa .....	3 seats
Asia .....	2 seats
Australasia and Far East .....	1 seat

Several representatives expressed fear that adoption of the Indian resolution would create a precedent affecting the composition of all the organs of the United Nations. After some discussion the Committee decided by a vote of 32 to 6, with 6 abstentions, that the Indian proposal constituted a new item and could therefore not be discussed by the Committee without previous action by the Assembly for inclusion of the item in the agenda.

The representative of Panama proposed to omit from the Argentine resolution all recommendations save the proposal to increase the membership of the Economic and Social Council (A/C.2 & 3/-59).

After extensive discussion the Argentine delegation, at the request of various delegations, withdrew its resolution but reserved its right to introduce the matter at the next session of the General Assembly. The representative of Panama thereupon withdrew his amendment.

The representative of Peru, who had proposed that the Argentine resolution and the record of the Committee's debate be referred to the Economic and Social Council for its opinion, withdrew this proposal (A/C.2 & 3/60).

Since Argentina had withdrawn its resolution, the Committee agreed not to take any further action. The General Assembly took note of the Committee's report (A/448) at its 115th meeting on November 15, 1947.

## b. REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

### (1) General Consideration

In accordance with Article 15 of the Charter, the Economic and Social Council submitted to the second session of the General Assembly a report on its activities covering the period from October 3, 1946, to August 17, 1947 (A/382).<sup>73</sup>

On the recommendation of the General Committee, the General Assembly at its 91st plenary meeting on September 23, 1947, decided to refer Chapters I, II and IV of the Economic and Social Council's report to the Second Committee and Chapter III to the Third Committee. Chapter I dealt with the organization of the Economic and Social Council and its subsidiary organs. Chapter

<sup>73</sup>See Official Records of the second session of the General Assembly. Supplement No. 3.

II, which dealt with economic questions, covered the following items:

- (1) Employment and economic stability and development;
- (2) Relief needs after the termination of UNRRA;
- (3) Financial needs of devastated countries;
- (4) Surveys of devastated areas;
- (5) Fiscal questions;
- (6) Transport and communications;
- (7) Economic Commission for Europe;
- (8) Economic Commission for Asia and the Far East;
- (9) Proposal for an Economic Commission for Latin America;
- (10) Resolution on the general question of regional economic commissions;
- (11) Preparatory Committee of the United Nations Conference on Trade and Employment;
- (12) United Nations Scientific Conference on Conservation and Utilization of Natural Resources;
- (13) Proceeds of sale of UNRRA supplies;
- (14) Balances of payments;
- (15) Statistical activities;
- (16) Metric and decimal systems.

Chapter III, which was referred to the Third Committee, covered the following social questions:

- (1) Human rights;
- (2) Trade union rights;
- (3) Status of women;
- (4) Population questions;
- (5) Migration questions;
- (6) Social activities;
- (7) International Children's Emergency Fund;
- (8) Proposal for contribution of One Day's Pay (United Nations Appeal for Children);
- (9) Narcotic Drugs;
- (10) World Health Organization;
- (11) World calendar;
- (12) Translation of the classics.

Chapter IV dealt primarily with questions concerning specialized agencies, in particular with agreements concluded between the United Nations and a number of these agencies, and with non-governmental organizations. This chapter also dealt with the question of housing and town and country planning and the question of expert assistance to Member Governments.

The Second and Third Committees decided that Chapters I and IV of the report should be dealt with by a Joint Second and Third Committee.

The Second and Third Committees each engaged in a general discussion of the chapters of the Economic and Social Council's report referred to them before considering specific proposals submitted by various delegations. The general debate in the Second Committee concerning Chapter II (economic questions) of the Economic and Social Council's report lasted from the 33rd meeting of the Second Committee on September 27,

1947, to the 42nd meeting on October 11, inclusive. The Third Committee discussed Chapter III (social questions) at its 52nd, 53rd, 54th and 55th meetings on September 25, 26, 27 and 29. The Joint Second and Third Committee discussed questions concerning the specialized agencies from its 12th meeting on October 8 to its 17th meeting on October 18. At its 18th meeting on October 22 the Joint Committee decided without discussion to note those parts of Chapter IV of the Economic and Social Council report not dealing with specialized agencies as well as the whole of Chapter I.

In reviewing the achievements of the Economic and Social Council, most representatives agreed that the Council had performed valuable work as regards its organizational structure and that the report presented a picture of activity. Some representatives, however, felt that the Council had yet to embark on the solution of major substantive problems in the economic and social fields.

Most representatives stressed the importance of the Council's work, which, although attracting less attention than the political issues confronting the United Nations, constituted, it was considered, a major factor in the success of the United Nations. Some representatives, however, expressed the view that political differences had hampered the work of the Economic and Social Council more than had been expected.

A number of representatives thought that the Economic and Social Council and its commissions tended to cover too wide a field of activities. The hope was expressed that an effort would be made in the future to deal with the more pressing problems first. Several representatives urged in this connection that a scale of priorities among the various tasks of the Council and its commissions be established according to their relative importance. Many representatives, moreover, stressed the need for co-ordination among the various United Nations organs and the specialized agencies so as to avert the danger of duplication of efforts.

The General Assembly at its 117th plenary meeting on November 17, 1947, adopted a resolution (123(II)) taking note of the Council's report. The specific proposals dealt with in connection with the report are discussed below.

## (2) Resolutions Considered by the Second Committee in connection with the Council's Report

The following resolutions were discussed by the Second Committee in connection with the consideration of Chapter II of the Economic and Social Council's report:

(a) **REPORTS ON WORLD ECONOMIC CONDITIONS AND TRENDS**

The representatives of Poland and Australia emphasized the urgency of the Council's undertaking a systematic world-wide survey of economic conditions and trends in order to assure timely decisions on the economic situation. The representative of Australia submitted a draft resolution to this effect (A/C.2/107), and a paragraph of a draft resolution submitted by the representative of Poland covered this subject (A/C.2/108, paragraph a). The Australian resolution proposed that the consideration of current world economic conditions and trends should take place at each regular session of the Economic and Social Council, whereas the Polish resolution recommended that such surveys be prepared "periodically".

The representatives of Australia and Poland later submitted a joint draft resolution to take the place of their respective proposals (A/C.2/116). This joint resolution was unanimously adopted by the Second Committee at its 43rd meeting on October 14, 1947, and by the General Assembly at its 102nd plenary meeting on October 31, 1947. The text of the resolution (118(II)) follows:

"The General Assembly

"1. Notes with approval that the Economic and Social Council has made arrangements for the initiation of regular reports to the Council on world economic conditions and trends;<sup>74</sup>

"2. Recommends to the Council

"(a) That it consider a survey of current world economic conditions and trends annually, and at such other intervals as it considers necessary, in the light of its responsibility under Article 55 of the Charter to promote the solution of international economic problems, higher standards of living, full employment and conditions of economic and social progress and development,

"(b) That such consideration include an analysis of the major dislocations of needs and supplies in world economy,

"(c) That it make recommendations as to the appropriate measures to be taken by the General Assembly, the Members of the United Nations and the specialized agencies concerned;

"3. Requests the Secretary-General to assist the Council and its subsidiary organs by providing factual surveys and analyses of world economic conditions and trends."

(b) **IMPLEMENTATION OF RECOMMENDATIONS ON ECONOMIC AND SOCIAL MATTERS**

The proposal submitted by the representative of Poland (A/C.2/108), one paragraph of which dealt with surveys of world economic conditions to be undertaken by the Economic and Social Council, also covered: (i) International economic co-operation within the framework of the United

Nations; and (ii) Reports on implementation of United Nations resolutions.

The representative of Poland expressed the view in the Second Committee that the Committee of European Economic Co-operation, an agency which had been created in response to a speech by the United States Secretary of State, was handling a major matter of international economic policy outside the United Nations, was giving disproportionate importance to the reconstruction of Germany, and, in splitting Europe into two groups, was following an unsound economy policy and aggravating the political relations among nations. The representative of Poland stressed that prosperity, like peace, was indivisible, and appealed to Member Governments to make use of the United Nations in settling fundamental international economic problems, and not to establish any machinery outside the United Nations for such purposes. He also emphasized the need for Member Governments to implement the economic and social recommendations of the United Nations. The Polish resolution (A/C.2/108), therefore contained, *inter alia*, the following provisions:

"The General Assembly

"Calls upon all Member States to carry out all recommendations of the General Assembly passed on economic and social matters and to make use of the machinery of the United Nations in settling fundamental international economic problems.

"Member States are advised not to establish for such purposes any machinery outside the United Nations, as this tends to reflect unfavourably on the United Nations' authority and successful operations . . .

"Recommends . . . that in fulfilment of Article 64 of the Charter of the United Nations the Secretary-General reports annually to the Economic and Social Council and that the latter reports to the General Assembly on steps taken by the Member Governments to give effect to the recommendations of the Economic and Social Council as well as to the recommendations on matters falling within its competence, made by the General Assembly."

A number of representatives, including those of Canada, France, the Netherlands, the United Kingdom and the United States, endorsing the desirability of international action, preferably through the United Nations, thought that nothing should prevent any nation or group of nations from taking action to promote the objectives of the Charter. They maintained that it was better to have action outside the United Nations than to have no action at all. They also objected to the criticism of the Marshall Plan implied in the Polish resolution. They pointed out that the Polish resolution would also prevent the economic

<sup>74</sup>See resolution 26 (IV), and Yearbook of the United Nations, 1946-47, p. 476.

assistance existing between the U.S.S.R. and other eastern European countries outside the machinery of the United Nations.

The representative of the United Kingdom said that the conference of sixteen European countries which had met in Paris to outline a program of economic activity had never been exclusive in character. It would have provided a splendid opportunity for all-European collaboration, had it not been for the refusal of certain governments to co-operate. The representative of the Netherlands denied that there had been any hidden political motive underlying western European co-operation and stated that he believed that the Marshall Plan was sound.

The United States representative stated that no conditions for aid to Europe which were contrary to the Charter had been laid down by his Government, and that the only suggestions it had made were that the initiative should come from Europe and that the program should be the product of joint international planning. The representatives of the United Kingdom and the United States also denied that Germany was being given priority in the reconstruction of Europe and stated that the level of German production was considered by them in terms of the economic necessity of the rest of Europe.

Several Latin American representatives expressed fear that adoption of the Polish resolution might imply condemnation of all regional organizations, such as the Pan American Union.

The representatives of Yugoslavia and of the U.S.S.R. supported the Polish resolution. The representative of the U.S.S.R. expressed the view that economic assistance through organizations which by-passed the United Nations was subject to political motives. He sharply criticized the Marshall Plan as a device by which the Great Powers could dictate to the smaller Powers.

The representative of the United States proposed to delete from the first paragraph of the resolution the reference to the use of United Nations machinery in settling fundamental international economic problems and to delete the second paragraph entirely. This proposal was adopted by the Second Committee at its 43rd meeting on October 14, 1947, by a vote of 32 to 6. The remaining paragraphs of the Polish resolution were adopted. The resolution as a whole, with the deletions indicated, was adopted by a vote of 36 to 2, with 8 abstentions.

On the recommendation of the Second Committee, the General Assembly, at its 102nd plenary meeting on October 31, 1947, unanimously

adopted the resolution (119(II)), which follows:

"The General Assembly,

"1. With a view to the creation of conditions of stability and well-being and to the promotion of social progress and better standards of life, taking account of the fact, well established by experience, that prosperity is indivisible and requires the co-operation of all Member States within the framework of the United Nations.

"2. Calls upon all Member States to carry out all recommendations of the General Assembly passed on economic and social matters;

"3. Recommends, furthermore, that in fulfilment of Article 64 of the Charter of the United Nations the Secretary-General report annually to the Economic and Social Council and that the latter report to the General Assembly on steps taken by the Member Governments to give effect to the recommendations of the Economic and Social Council as well as to the recommendations made by the General Assembly on matters falling within the Council's competence."

(c) **MEMBERSHIP OF THE ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST**

The representative of the U.S.S.R. considered that the existing predominance of the colonial Powers in the Economic Commission for Asia and the Far East (ECAFE)<sup>75</sup> should be removed and to this end he proposed (A/C.2/113/Rev.1):

(1) that membership of the ECAFE be increased by including all countries of Asia and the Far East which were Members of the United Nations and which did not belong to any other regional commission of the Economic and Social Council;

(2) that applications of Non-Self-Governing Territories for associate membership of the Commission be lodged directly with the Commission, and not, as heretofore, through the Metropolitan Powers responsible for their administration.

The Second Committee considered the U.S.S.R. proposal at its 44th meeting on October 15 and its 45th meeting on October 17, 1947.

In opposition to the proposal it was stated that the countries of the Middle East which the U.S.S.R. proposal had in mind did not form an economic unit with the countries of Asia at present members of ECAFE. In regard to the applications of Non-Self-Governing Territories, it was argued that the proper procedure was for such applications to be submitted through the Powers responsible for the international relations of these Territories. The legal and constitutional position of Non-Self-Governing Territories required them to express their will through the Metropolitan Powers. The Assistant Secretary-General of the Department of Legal Affairs of the United Nations Secretariat was quoted to the effect that "in international affairs the government of Non-Self-Gov-

<sup>75</sup>For members of ECAFE, see p. 505.

erning Territories is the government of the mother country".

The representatives of Lebanon, Egypt and Iraq said that they could not support the U.S.S.R. draft resolution because their countries wished to become members of the proposed Economic Commission for the Middle East (see below).

Representatives supporting the U.S.S.R. resolution emphasized that it was necessary to broaden the membership of ECAFE, because the present composition of the Commission permitted certain colonial Powers to hold a dominating position. Concerning the applications of Non-Self-Governing Territories, it was maintained by these representatives that it would not be in the interest of colonial peoples if it were left to Metropolitan governments to select the territories to be represented on the Commission.

The Second Committee rejected the first paragraph of the U.S.S.R. resolution concerning membership of ECAFE by a vote of 24 to 7, with 14 abstentions. The second paragraph concerning applications for Non-Self-Governing Territories was rejected by a vote of 19 to 13, with 14 abstentions.

At the 103rd plenary meeting of the General Assembly the representative of the U.S.S.R. again raised his delegation's proposal that applications from Non-Self-Governing Territories for associate membership of the Economic Commission for Asia and the Far East should be directed to the Commission without the intervention of the Metropolitan Powers concerned. It was well known, the U.S.S.R. representative stated, that the colonial Powers did not usually take into account the real interests of the colonial peoples and that they were not interested in the Non-Self-Governing Territories' participation in the work of ECAFE. The Commission, however, could not function effectively without the co-operation of the peoples of Non-Self-Governing Territories. Pointing to the fact that his proposal had been defeated by only nineteen votes in the Second Committee, the representative of the U.S.S.R. asked the General Assembly to reconsider the question in plenary meeting.

The representative of Colombia expressed the view that to do away with the intervention of the Metropolitan Powers was contrary to Article 2, paragraph 7, of the Charter, which provides that the United Nations is not to interfere in matters which are essentially within the domestic jurisdiction of a state. With a view, however, to ensuring full participation of Non-Self-Governing Territories in the work of ECAFE, the representative

of Colombia proposed an amendment (A/443) to the U.S.S.R. proposal to the effect that the Commission should invite, through the Metropolitan Powers concerned, the Non-Self-Governing Territories of Asia and the Far East to participate in the work of the Commission as associate members. With the Commission thus taking the initiative, the representative of Colombia considered, the Metropolitan Powers would not be able to deny the Commission's request without giving clear and definite reasons. Thus the present system could be substantially changed without any violations of the Charter.

The representative of the U.S.S.R. stated that he could not accept the Colombian amendment because in substance the proposal left the participation of Non-Self-Governing Territories in the work of the ECAFE dependent on the consent of the colonial Powers.

The representatives of India, Pakistan and Yugoslavia expressed themselves in favor of the U.S.S.R. proposal, while the representatives of France, the Netherlands, the United Kingdom and the United States, in opposing the U.S.S.R. resolution, stressed the constitutional limitations in regard to the international relations of Non-Self-Governing Territories.

After rejecting the Colombian amendment, the General Assembly rejected the U.S.S.R. proposal by a vote of 23 to 13, with 17 abstentions.

**(d) ESTABLISHMENT OF AN ECONOMIC COMMISSION FOR THE MIDDLE EAST**

The representative of Egypt stated in the course of the Second Committee's discussion that the economic stability of the Middle East countries was endangered by postwar conditions and that this part of the world had not received adequate attention. The links between the various countries of this area, he stated, and the similarity of their problems justified the establishment of an Economic Commission for the Middle East. He therefore submitted a draft resolution (A/C-2/114) to the effect that the General Assembly invite the Economic and Social Council to study the establishment of an Economic Commission for the Middle East.

The Second Committee considered this proposal at its 46th meeting on October 18, its 47th meeting on October 23 and its 48th meeting on October 24, 1947. Most representatives expressed themselves in favor of the establishment of an Economic Commission for the Middle East and indicated that they would support the Egyptian resolution. The representatives of Lebanon (A/G-2/118), the United States and Canada, however,



submitted a number of amendments (A/C.2/119) to alter the wording of the Egyptian resolution. The representative of Egypt thereupon submitted a revised draft resolution (A/C.2/114/Rev.1) taking into account most of the suggested drafting changes. A further amendment of the representative of Lebanon to add a reference to "the general favorable reception given to the proposal for an economic commission for Latin America by the Second Committee"<sup>76</sup> was adopted by the Second Committee by a vote of 22 to 20, with 2 abstentions.

A number of representatives had objected to this amendment on the ground that reference to the Committee's discussion concerning the establishment of an Economic Commission for Latin America was not relevant to the consideration of the establishment of an Economic Commission for the Middle East. The representative of the U.S.S.R. had maintained that reference to the Economic Commission for Latin America was contrary to the rules of procedure as the agenda did not contain any item concerning that Commission. Inclusion of this paragraph would prejudice the question which was still under consideration by the Economic and Social Council and amounted to an attempt to apply pressure on the Council. A U.S.S.R. proposal to seek the opinion of the Legal Department of the United Nations Secretariat on this point was rejected by the Second Committee by a vote of 25 to 9, with 11 abstentions. The representative of the U.S.S.R. declared that he would not participate in the vote on the resolution as a whole because of what he considered an illegal reference to the Economic Commission for Latin America.

The representative of the U.S.S.R. also pointed out that the proposed resolution did not call for the creation of an Economic Commission for the Middle East, but for a study of the desirability of its creation. He therefore suggested that the Economic and Social Council might further study the alternative of allowing the countries of the Middle East to participate in ECAFE, which under such circumstances might change its title. He submitted an amendment to the Egyptian resolution to this effect (A/C.2/117). The Second Committee rejected this amendment by a vote of 31 to 7, with 11 abstentions. At its 48th meeting on October 24, the Second Committee adopted by 43 votes to 0, with 6 abstentions, the revised Egyptian resolution, as amended.

At its 103rd plenary meeting on October 31, 1947, the General Assembly, considered the resolution recommended by the Second Committee.

The representative of the U.S.S.R. proposed the deletion of the fourth paragraph referring to the establishment of an Economic Commission for Latin America. The representative of Chile stated in opposition that a negative decision by the General Assembly on this paragraph would give the impression that the Assembly did not agree to the establishment of an Economic Commission for Latin America. In view of the U.S.S.R. proposal, the resolution was voted on paragraph by paragraph. All paragraphs were adopted unanimously with the exception of the fourth paragraph, which was adopted by a vote of 35 to 7, with 6 abstentions. The resolution as a whole was adopted by a vote of 43 to 0, with 4 abstentions. The text of the resolution (120(II)) follows:

"The General Assembly,

"1. Considering the interest of the United Nations in problems relating to the economic development of all under-developed regions;

"2. Taking note of the resolution adopted by the Economic and Social Council during its fifth session<sup>77</sup> requesting the Economic and Employment Commission to study the general problems connected with the establishment of regional commissions as a means to promote the aims and purposes of the United Nations;

"3. Taking note with satisfaction of the decision by the Council at that session to establish an ad hoc Committee for the purpose of studying the factors bearing upon the establishment of an economic commission for Latin America;<sup>78</sup>

"4. Taking note of the general favourable reception given to the proposal for an economic commission for Latin America by the Second Committee;

"5. Recognizing that co-operative measures among all the countries of the Middle East can be of practical assistance in raising both the level of economic activity and the standard of life in the Middle East and in strengthening the economic relations of these countries both among themselves and with other countries of the world, and that such measures would be facilitated by close co-operation with the United Nations and its subsidiary organs as well as with regional organizations in the Middle East such as the Arab League;

"6. Invites the Economic and Social Council to study the factors bearing upon the establishment of an economic commission for the Middle East."

### (3) Resolutions Considered by the Third Committee in connection with the Council's Report

The following resolutions were discussed by the Third Committee in connection with the consideration of Chapter III of the Economic and Social Council's report:

#### (a) ADVISORY SOCIAL WELFARE FUNCTIONS

In accordance with resolution 58 (I), adopted by the General Assembly during the second part

<sup>76</sup>See paragraph 4 of the resolution as finally adopted by the General Assembly.

<sup>77</sup>See resolution 72 (V). See also p. 546.

<sup>78</sup>See resolution 70 (V). See also p. 538.

of its first session on December 14, 1946, the United Nations had taken over certain of the advisory social welfare functions previously carried on by UNRRA.<sup>79</sup>

The Assembly had appropriated \$670,186 for the purpose (A/493, p. 3). With a view to the continuation in 1948 of the advisory social welfare functions undertaken by the United Nations in 1947, the Secretary-General included in the budgetary estimates for 1948 the sum of \$750,000, this sum to be used for: (1) social welfare experts to assist governments at their request (\$200,000); (2) a fellowship program to enable social welfare personnel to study and observe social welfare techniques in various countries (\$300,000); (3) demonstrations, instruction in the manufacture of prosthetic appliances, vocational training of physically handicapped persons, technical literature to assist in the training of welfare workers, production of films to be used in the training of social workers (\$100,000); (4) regional seminars (\$150,000) (A/318, pp. 3,155-56).

By resolution of September 10, 1947, the Social Commission of the Economic and Social Council had recommended the continuation of the United Nations advisory social welfare program and had approved the budget of the Secretary-General (A/C.3/W.12).

The representative of the United Kingdom submitted to the Third Committee a draft resolution (A/C.3/152) designed to curtail the advisory social welfare functions performed by the United Nations and to reduce the budgetary appropriation for this purpose from \$750,000 to \$150,000.

The draft resolution referred to the value of the expenditure voted by the Assembly in meeting urgent needs and in providing a general stimulus to the development of social welfare services, and to the continued need for stimulating such development "by international action of an advisory character". The extent of the action taken by the United Nations would, however, have to be considered in the light of other services and urgent needs and of the world financial dislocation. Future action by the United Nations should therefore

"be based on the principle of stimulating nations to help themselves and to help each other by arrangements for the interchange of information and advice on social welfare matters not covered by the specialized agencies."

It proposed that a sum not exceeding \$150,000 for 1948 should be used for the following purposes:

"(a) For the development in the Social Affairs Department of the United Nations of a small cadre of social welfare experts, whether in a full time or a consultant capacity, whose task it would be (i) to secure the

spread of information on social welfare matters not covered by the specialized agencies, by the distribution of literature, by stimulating lectures, seminars, the holding of conferences by voluntary organizations concerned, by stimulating the provision of fellowships by governments and by voluntary organizations (but not by the United Nations save in exceptional circumstances), the interchange of students and personnel connected with welfare matters between countries; (ii) to pay visits to countries needing advice at the request of those countries;

"(b) For the provision at the discretion of the Secretary-General of certain equipment such as sample prosthetic devices, and of sample short films which would be of value to the experts in carrying out their tasks."

Payment should be made by the recipients for the advisory services as provided in the interim report of the Secretary-General regarding expert assistance to Member Governments (E/471/Add.2, p. 2).

The majority of representatives opposed the United Kingdom resolution and favored continuation in 1948 of the social advisory welfare services on an undiminished scale. The program of advisory\* social welfare services, it was pointed out, was the only practical activity carried out by the United Nations under Articles 55 and 56 of the Charter. The need was so great that without international assistance many countries could not be expected to solve their social problems. The establishment of a small group of experts within the Secretariat might be desirable, but, in addition, there was need for direct assistance to governments by social welfare experts provided by the United Nations. Many representatives also expressed themselves in favor of the fellowship and seminar programs, which the United Kingdom proposed to eliminate.

The representatives of the Byelorussian S.S.R., the Ukrainian S.S.R. and the U.S.S.R. considered that expert assistance from the United Nations should be paid for by the countries requesting such assistance. Hence they supported the United Kingdom resolution.

The Third Committee rejected the United Kingdom resolution by a vote of 35 to 11, with 5 abstentions. A proposal by the representative of New Zealand to establish a small sub-committee of five members to agree on the amount to be allocated to the advisory social welfare services of the United Nations was rejected by a vote of 36 to 5, with 9 abstentions.

(b) **ENTRY INTO FORCE OF THE CONSTITUTION OF THE WORLD HEALTH ORGANIZATION (WHO)**

Resolution 61 (I), concerning the establishment of the World Health Organization, was adopted

<sup>79</sup>See Yearbook of the United Nations, 1946-47, pp. 160-62, 517-18.

by the General Assembly on December 14, 1946.<sup>80</sup> It contained, *inter alia*, a recommendation to all Members of the United Nations to accept the constitution of WHO at the earliest possible date. By the time the second session of the General Assembly convened in September 1947, sufficient ratifications had not been received by the Secretary-General for the constitution of the WHO to come into force.

By a resolution of September 13, 1947 (A/C.3/154), the Interim Commission of WHO, therefore, decided to bring the regrettable consequences of the long delay in establishing WHO to the attention of the delegates to the General Assembly of those countries which had not yet accepted the constitution of WHO, urging them to impress upon their governments the importance of accepting it with a minimum of further delay.

The representative of the United Kingdom submitted a draft resolution (A/C.3/155) to the Third Committee which was unanimously adopted by the Committee at its 57th meeting on October 3, and by the General Assembly at its 117th plenary meeting on November 17, 1947. The text of the resolution (131(II)) follows:

"The General Assembly,

"Noting the action taken by the Secretary-General pursuant to resolution 61(I) adopted by the General Assembly on 14 December 1946 concerning the establishment of the World Health Organization;

"Noting that acceptances of the constitution of the World Health Organization by Members of the United Nations fall considerably short of the number required to bring the constitution of the Organization into force;

"Having regard to the urgent and important problems of public health and hygiene that require international action for their solution,

"Recommends all Members of the United Nations which have not already done so to accept the constitution of the World Health Organization at the earliest possible date, and

"Authorizes the Secretary-General to transmit the above recommendation to all States, which, whether Members of the United Nations or not, sent representatives or observers to the International Health Conference."

(c) **UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION**

During the second part of its first session, on December 14, 1946, the General Assembly resolved (resolution 59(I)) to authorize the holding of a conference of all Members of the United Nations on freedom of information and instructed the Economic and Social Council to undertake the convocation of such a conference.<sup>81</sup> The purpose of the Conference was "to formulate . . . views concerning the rights, obligations and practices which should be included in the concept of freedom of information".

The Economic and Social Council entrusted its Sub-Commission on Freedom of Information and of the Press with the task of preparing a draft annotated agenda and asked it to make proposals concerning preparations for the Conference. On the basis of the Sub-Commission's recommendations the Economic and Social Council decided that the Conference should be held in Geneva, commencing March 23, 1948. The Council also decided to invite a number of non-member states to participate in the Conference. Voting rights at the Conference, however, were to be limited to Members of the United Nations. The Council also approved, with amendments, the Sub-Commission's recommendations regarding the provisional agenda of the Conference.

The representative of the U.S.S.R. submitted the following draft resolution (A/C.3/157) to the Third Committee concerning the forthcoming Conference on Freedom of Information:

"The General Assembly,

"Having considered that part of Chapter III of the Report of the Economic and Social Council which deals with the convening of a Conference on Freedom of Information, and in view of the outstanding importance of the part played by the press and information in the struggle for the eradication of the remnants of Fascism, for a stable peace and the security of nations,

"Resolves:

"I. To recommend to the Economic and Social Council to reconsider the suggested provisional agenda of the Conference on Freedom of Information and of the Press and to accept the following postulates as a basis for defining the principles of freedom of the press and information and their objectives:

"(1) Organization of the struggle for the principles of democracy, for the exposure of Fascism and the eradication of Fascist ideology in all its forms;

"(2) Exposure of warmongers and organization of an effective fight against organs of the press and other media of information which incite to war and aggression;

"(3) Development of friendly relations between nations on the basis of respect for the principles of the independence, equality and self-determination of nations;

"(4) Assistance in solving problems of an economic, social, humanitarian character, and in encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion;

"(5) Recognition of the fact that freedom of the press is the right of all citizens with the exception of persons indulging in any form of Fascist propaganda or in propaganda in favor of war or aggression;

"(6) Recognition of the fact that full freedom of information can be ensured only if the broad masses

<sup>80</sup>See Yearbook of the United Nations, 1946-47, pp. 180-81.

<sup>81</sup>See Yearbook of the United Nations, 1946-47, pp. 175-76.

of the people and their organizations have at their disposal the material resources necessary for founding organs of the press and for operating other media of information;

"(7) In countries where organs of the press are directly dependent on private proprietors and their commercial interests, to regard it as necessary to take effective steps for abolishing and preventing the practice of direct or indirect bribery of organs of the press and information for the purpose of distorting the truth;

"(8) In accordance with the postulate that freedom implies responsibility, to recommend the enactment of effective legislative measures against owners of such organs of the press and information which disseminate untrue and libellous statements concerning other peoples and States. A particularly serious view must be taken of untruthful statements that mislead public opinion with a view to impairing the relations between countries, provoking conflicts and inciting to war.

"(9) The necessity of elaborating measures for ensuring a wider dissemination of genuinely honest and objective information.

"II. That countries non-members of the United Nations, which are invited to attend the Conference on Freedom of Information and of the Press, be given the right to vote.

"III. That the Mongolian People's Republic be included also among those invited to attend the Conference.

"IV. That the proposal of the Economic and Social Council that the Conference be held at Geneva beginning on 23 March 1948 be accepted."

The Third Committee considered the U.S.S.R. resolution at its 57th, 58th, 59th and 60th meetings on October 3, 4, 6 and 7. The majority of representatives expressed opposition to the U.S.S.R. proposal. It was pointed out that the points raised in the resolution had been previously discussed in the Sub-Commission on Freedom of Information and by the Economic and Social Council when the provisional agenda of the Conference was under consideration. The U.S.S.R. delegation had had ample opportunity to state its views, being represented on the Council. It was maintained further that it would be impossible to vote on the U.S.S.R. proposal without a detailed discussion of each of the principles enumerated. This not only would take a great deal of time, but was not properly the function of the Third Committee. If the General Assembly or the Economic and Social Council were to undertake the task of defining the principles of freedom of information, it was argued, there would be no point in calling the Conference. The General Assembly, it was urged, should not take any decision which might tend to circumscribe the work of the Conference but should leave it to the Conference itself to revise its agenda, if necessary, and to consider whatever proposals might be submitted.

There was also some discussion of the substance of the principles set forth in the U.S.S.R. resolution. Certain of these principles were entirely acceptable to the majority of representatives, while others were considered to be contrary to the concept of freedom of information adhered to in certain countries. In particular, a number of representatives rejected the suggestion that there should be any governmental control over the press or other media of information.

A number of representatives expressed themselves in favor of the recommendation that all states invited to attend the Conference, whether Members of the United Nations or not, should be given the right to vote. Most representatives, however, did not favor the recommendation that the Mongolian People's Republic should be invited to take part in the Conference. The question of invitations, it was stated, had been thoroughly discussed by the Economic and Social Council and the General Assembly should not override the Council's decision.

The representative of Czechoslovakia submitted an amendment (A/C.3/157/Add.1) to the U.S.S.R. resolution to alter the second paragraph to read as follows:

To recommend to the Economic and Social Council in the final approval of the Agenda of the Conference on Freedom of Information and of the Press to take into account, in defining the principles of freedom of the press and information and their objectives, the following postulates:"

The representative of the U.S.S.R. declared that he was ready to accept the amendment submitted by the representative of Czechoslovakia as a compromise. The representative of Chile, however, pointed out that the Conference agenda would not be discussed again by the Economic and Social Council, unless additional items were submitted. The Assembly, therefore, would have to request the Council specifically to change the agenda.

The representatives of Argentina and India considered that the General Assembly should refer the record of the Third Committee's discussion to the Economic and Social Council for whatever action it might see fit to take. At the 60th meeting of the Third Committee, accordingly, the representative of India submitted an amendment (A/C.3/164) to the U.S.S.R. resolution which provided that the General Assembly take note of the provisional agenda of the Conference on Freedom of Information and invite the attention of the Economic and Social Council to the discussion in this respect in the Third Committee of the General Assembly.

The Chairman of the Third Committee ruled that the Indian proposal should be considered a separate resolution and not an amendment, and that the U.S.S.R. resolution should be voted on first. After a lengthy discussion concerning the procedure for voting, the U.S.S.R. resolution was voted in parts. The preamble was rejected by a vote of 23 to 7, with 15 abstentions. Part I, as amended by the representative of Czechoslovakia, was rejected by a vote of 34 to 6, with 8 abstentions. Part II, concerning voting rights of non-member states, was rejected by a vote of 20 to 18, with 11 abstentions. Part III, concerning the Mongolian People's Republic, was rejected by a vote of 27 to 8, with 11 abstentions. Part IV, concerning the date of the Conference, was adopted unanimously. The resolution as a whole was rejected by a vote of 33 to 7, with 11 abstentions, which in the view of the Committee meant that Part IV was also rejected. The Committee then adopted the Indian resolution by a vote of 27 to 4, with 13 abstentions.

On the recommendation of the Third Committee the General Assembly unanimously adopted this resolution at its 117th plenary meeting on November 17. The text of the resolution (132(II)) follows:

"The General Assembly,

"Having considered, that part of chapter III of the report of the Economic and Social Council which deals with the convening of a conference on freedom of information,

"Takes note of the provisional agenda of the conference and invites the attention of the Economic and Social Council to the discussion on this matter in the Third Committee of the General Assembly."

#### (d) EXCHANGE OF WORKERS

The French delegation submitted a draft resolution (A/C.3/159) to the Third Committee to provide that the General Assembly invite the Secretary-General "to consider (in collaboration with the specialized agencies and the non-governmental organizations) the terms on which Members who are agreeable could arrange an exchange of manual workers who wish to take courses to improve their knowledge of their trade and to study on the spot the economic and social problems confronting their comrades in other countries, and to submit his report at a future session of the Economic and Social Council".

The Third Committee considered the French proposal at its 61st meeting on October 9, 1947. The representative of France stated that arrangements had been made by UNESCO for the exchange of students. The French delegation con-

sidered that young workers should be given the same opportunity as students, and the United Nations should therefore encourage governments to promote the exchange of manual workers. Such an exchange, the French delegation considered, would contribute greatly to better international understanding. The first step, as proposed in the resolution, should be a study of the question by the Secretariat of the United Nations.

The representative of the United Kingdom stated that he was much in sympathy with the objectives of the French resolution but thought that the exchange of manual workers contemplated should be effected by bilateral agreements between governments, rather than on the basis of international action. If the Committee thought that action by the United Nations was necessary, then the question should be referred for study to the ILO in collaboration with UNESCO, which were better qualified than the Secretariat to give it full consideration. The representative of the United Kingdom, therefore, proposed an amendment (A/C.3/163) to the French resolution to the effect that the General Assembly urge Members "to arrange with each other by direct agreement such terms and conditions as will facilitate the maximum possible exchange of workers who wish to take a period of training in order to improve their knowledge of their trade and to study on the spot the economic and social problems confronting their comrades in other countries".

The representative of Argentina considered that the French proposal should cover all workers and not only "manual" workers and proposed an amendment to this effect.

The representative of the Dominican Republic expressed the view that the purpose of the exchange of workers should be to learn new techniques and principles rather than to study the economic and social problems of the countries to which they were sent. That was rather the task of the specialized agencies of the United Nations. He therefore proposed the deletion from the French resolution of the clause which provided that workers should "study on the spot the economic and social problems confronting their comrades in other countries".

A number of representatives supported the United Kingdom amendment, while others were of the opinion that the General Assembly should refer the question to ILO and UNESCO. Still others thought that a mere recommendation to Member Governments was not enough. The United Nations should take the initiative in stimulating an exchange of workers. One representative sug-

gested the drawing up of a multilateral convention on the subject.

The representative of France accepted the amendments proposed by the Argentine and Dominican representatives. Taking these amendments into account and in order to meet the point of view of those representatives who considered that an exchange of workers should take place on the basis of bilateral agreements, the representative of France suggested that the resolution be altered to read as follows:

"The General Assembly . . .

"Invites the Secretary-General to consider . . . the terms on which Members who are agreeable could arrange by bilateral agreements an exchange of workers who wish to take courses to improve their knowledge of their trade."

The representative of the United Kingdom stated that the revised text was not entirely satisfactory to his delegation. Adoption of the French text would mean that the Secretary-General would have to take action on this matter. The United Kingdom proposal, on the other hand, was simply a recommendation to Member Governments to proceed to the conclusion of bilateral agreements.

By a vote of 29 to 14, with 2 abstentions, the Third Committee adopted the United Kingdom amendment. The deletion proposed by the representative of the Dominican Republic was rejected by a vote of 20 to 5, with 13 abstentions. The resolution as amended was then adopted by a vote of 29 to 1, with 13 abstentions. The French delegation abstained from voting on the amended resolution, considering that adoption of the United Kingdom amendment had deprived the French proposal of any practical meaning.

The General Assembly, at its 117th plenary meeting on November 17, 1947, unanimously adopted the resolution proposed by the Third Committee. The text of the resolution (133(II)) follows:

"The General Assembly,

"Having examined chapter III of the report of the Economic and Social Council;

"Considering that among the functions of the Economic and Social Council is that of developing international co-operation 'with respect to economic, social, cultural and educational matters';

"Considering that such international co-operation must be based on a better mutual understanding among peoples;

"Considering that the proper method of achieving such understanding is to increase direct contacts between the various elements of the populations of all countries, and

"Considering that workers too often lack means of learning about technical and social experiments which are being carried out in foreign countries,

"Urges those Members which are agreeable to arrange with each other, by direct agreement, such terms and conditions as will facilitate the maximum possible exchange of workers wishing to take a period of training in order to improve their knowledge of their trade and to study on the spot the economic and social problems confronting their comrades in other countries."

(e) **INQUIRY CONCERNING THE MASTICATION OF COCA LEAVES**

At its second session the Commission on Narcotic Drugs decided, at the request of the Government of Peru, to ask the Economic and Social Council to approve a proposal to send an authoritative commission to South America to investigate the effect of the chewing of coca leaves, a centuries-old habit among the working population of certain South American countries. The Council was to consider the recommendation of the Commission on Narcotic Drugs during its sixth session scheduled to convene in February 1948.<sup>82</sup>

The representative of Peru submitted a draft resolution (A/C.3/160) to the second session of the Assembly which provided that the Assembly express its interests in this problem and invite the Economic and Social Council to consider it with all the urgency it deserved.

The Third Committee considered this resolution at its 62nd meeting on October 11, 1947. The representative of Peru stated that the habit of chewing coca leaves constituted a serious problem to Argentina, Chile, Colombia, Ecuador, and Peru, in which countries an estimated total of ten million people were addicts. Concerning the medical aspect of the question the representative of Peru stated that studies had shown a clear correlation between the chewing of coca leaves and the height at which addicts lived. It had been found that inhabitants of the Andes, after moving to lower altitudes, gave up the habit. The problem, however, the representative of Peru stated, was not merely a medical one. Difficulties were created by commercial interests which contributed to the spread and maintenance of the chewing of coca leaves; by the fact that large areas of fertile land were given over to the cultivation of the coca plant; and by the fact that capital and labor were also involved. The representative of Peru stressed the urgency of research on this problem.

After a brief discussion the Third Committee adopted the Peruvian resolution by a vote of 42 to 0, with 3 abstentions.

It was unanimously adopted by the General Assembly, at its 117th plenary meeting on November 17. The text of the resolution (134(II)) follows:

<sup>82</sup>See pp. 633-34.

"The General Assembly,

"Taking note that the Commission on Narcotic Drugs has, in its report<sup>83</sup> to the Economic and Social Council on the second session of the Commission, adopted a resolution concerning the request made by the Government of Peru that a Committee of Experts should be sent to study the effects of chewing coca leaves on the inhabitants of certain zones of the Andean region,

"Expresses its interest in this important subject, and

"Invites the Economic and Social Council, without wishing to prejudge the issue in any way, to consider it with all the urgency that it deserves."

**(f) ENTRY INTO FORCE OF THE PROTOCOL ON NARCOTIC DRUGS**

On November 19, 1946, the General Assembly approved (resolution 54(I)) a Protocol amending the international agreements, conventions and protocols relating to narcotic drugs concluded in 1912, 1925, 1931 and 1936. The general purpose of the Protocol approved by the General Assembly was to transfer to the United Nations the powers and functions under the above-mentioned conventions, protocols and agreements formerly exercised by the League of Nations.

The Protocol was first signed by Members of the United Nations parties to the former instruments on December 11, 1946. The Economic and Social Council subsequently invited all states not members (with the exception of Franco Spain) which had been parties to the former agreements, conventions and protocols, to become parties to the Protocol of December 11, 1946.<sup>84</sup>

The Protocol provides that the amendments to the former instruments are to come into force in each case when a majority of the parties to each of these instruments have become parties to it. By the time the second session of the General Assembly convened, the Protocol of December 11, 1946, had not been ratified by a sufficient number of states for the amendments to any of the previous instruments to come into force.

The representative of Chile, therefore, submitted a draft resolution (A/C.3/161) to the Third Committee which provided that the General Assembly urge all states which had signed the Protocol of December 11, 1946, but had not yet deposited instruments of acceptance with the United Nations, to do so at the earliest possible opportunity so that the amendments to the previous instruments might enter into force by the end of 1947. The resolution provided further that the General Assembly endorse the Economic and Social Council's invitation to all Members of the United Nations and all non-members parties to the former instruments to become parties to the Protocol.

The Third Committee considered the Chilean resolution at its 62nd meeting on October 11, 1947, and after brief discussion adopted it unanimously.

At its 117th plenary meeting on November 17, 1947, the General Assembly unanimously adopted the resolution recommended by the Third Committee, which follows (resolution 135 (II)):

"The General Assembly,

"Desirous of completing as soon as possible the transfer from the League of Nations to the United Nations of the powers and functions relating to the control of narcotic drugs,

"Urges those States which have signed the Protocol of 11 December 1946 on narcotic drugs but have not yet deposited instruments of acceptance, to deposit these instruments with the United Nations at the earliest opportunity so that the amendments to the previous international agreements, conventions and protocols may enter into force by the end of 1947;

"Endorses the invitation of the Economic and Social Council to all Member States and all non-member States which are parties to the international agreements, conventions and protocols on narcotic drugs to become parties to the Protocol of 11 December 1946."

**(g) REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE WORK OF REGIONAL CONFERENCES AND ASSEMBLIES**

The Argentine delegation submitted a resolution (A/C.3/158 and Rev.1) to the Third Committee in connection with the consideration of Chapter III (Social Questions) of the report of the Economic and Social Council.

This draft resolution stated that this chapter "interprets the basic principles of international co-operation" for the solution of social problems, that all countries possess appropriate powers to give effect to these principles and that the information on social questions contained in the report was supported by facts in possession of the Council. It therefore called for the approval of Chapter III, and for a request to Members, the Economic and Social Council and the specialized agencies to put the recommendations it contained into effect. The draft resolution proposed that the Council and its committees should consider bringing to a close as quickly as possible the study of the social questions referred to in Chapter III. The final paragraph of the draft resolution, as revised by the Argentine representative, read as follows:

"4. To recommend Members of the United Nations holding regional conferences or assemblies that whenever items covered by this Chapter are subjects for discussion, they should communicate the conclusions reached or partial studies made to the Economic and Social Council of the United Nations, with a view to promoting comprehensive and universal solutions of the questions covered by this Chapter."

<sup>83</sup>See doc. E/575.

<sup>84</sup>See Yearbook of the United Nations, 1946-47, pp. 264-68 and p. 539. Action with respect to Franco Spain was suspended in accordance with the Assembly's resolution 54(I).

The Third Committee considered the revised resolution (A/C.3/158/Rev.I) at its 74th and 75th meetings on November 3. In the course of the discussion the resolution was criticized on the following grounds:

(1) It was not correct to say, as stated in the draft resolution, that the Economic and Social Council's report contained an interpretation of the basic principles of international co-operation for the solution of social problems. The report merely constituted an account of the Economic and Social Council's work.

(2) The General Assembly could not approve Chapter III of the report as a whole, as such approval involved judging the accuracy of the report. There was no precedent for such action, and the General Assembly might be placed in an embarrassing position. Moreover, the Third Committee had already acted on all the items in Chapter III of the Council's report which required action. The Third Committee should therefore merely note Chapter III of the report as a whole.

(3) If the General Assembly could not approve Chapter III in its entirety, it could not suggest that the recommendations contained in that Chapter be put into effect, as proposed in the Argentine resolution.

(4) The provision in the resolution urging the Economic and Social Council to act as quickly as possible on the matters referred to in Chapter III implied a criticism of the Council's work.

The first paragraph of the Argentine resolution was acceptable to the majority of representatives.

At the 75th meeting of the Third Committee, the representative of the U.S.S.R. proposed that the resolution should consist of a short introductory paragraph stating that the General Assembly had taken note of Chapter III of the Economic and Social Council's report and of the first paragraph of the Argentine resolution.

The Third Committee unanimously adopted the Argentine resolution as amended by the representative of the U.S.S.R.

At its 117th plenary meeting on November 17, 1947, the General Assembly unanimously adopted the resolution recommended by the Third Committee which follows (resolution 130(II)):

"The General Assembly,

"Having noted chapter III of the report of the Economic and Social Council,

"Recommends to Members of the United Nations holding regional conferences or assemblies that, whenever items covered by this chapter are subjects for discussion, they should communicate the conclusions reached or partial studies made to the Economic and Social Council of the United Nations, with a view to promot-

ing comprehensive and universal solutions of the questions covered by this chapter."

## c. RELATIONS WITH SPECIALIZED AGENCIES

### (1) Approval of Agreements with Specialized Agencies

During the second part of its first session the General Assembly approved agreements concluded between the United Nations and the following specialized agencies: The International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, and the International Civil Aviation Organization.<sup>85</sup> Subsequently the Economic and Social Council's Committee on Negotiations with Inter-Governmental Agencies negotiated agreements with the World Health Organization (A/348), the International Bank for Reconstruction and Development (A/349), the International Monetary Fund (A/349), the Universal Postal Union (A/347) and the International Telecommunication Union (A/370 and Add. 1). The Economic and Social Council recommended the General Assembly to approve these agreements.<sup>86</sup>

At its 91st plenary meeting on September 23, 1947, the General Assembly referred these agreements for consideration to the Second Committee with the exception of the agreement with the World Health Organization, which was referred to the Third Committee. The two Committees subsequently agreed that all agreements should be examined by the Joint Second and Third Committee.<sup>87</sup>

Consideration of the agreements lasted from the 14th meeting of the Joint Committee on October 13 to the 18th meeting on October 22. The Joint Committee discussed each agreement in principle before considering the text of a resolution approving the agreements. The agreement with WHO was discussed briefly and approved with the addition of a clause authorizing the use of the United Nations laissez-passer by appropriate officials. Inclusion of such a clause had been requested by the Interim Commission of WHO. The draft agreement with the Bank and the Fund already contained such a clause. The agreements with UPU and ITU were approved without discussion and without vote. A clause concerning

<sup>85</sup>See Yearbook of the United Nations, 1946-47, p. 153.

<sup>86</sup>See Chapter IV of the Report by the Economic and Social Council to the General Assembly (A/382); see also pp. 663-66.

<sup>87</sup>See also p. 96 concerning Chapter IV of the Report of the Economic and Social Council.



the United Nations *laissez-passer* was added to the agreement with ITU, as in the case of WHO.

While there was general agreement concerning the approval of the agreements with WHO, ITU and UPU, the agreements with the Bank and the Fund were the subjects of prolonged debate. The controversy centred round Articles II, IV and X of the agreements with these agencies.<sup>88</sup> The representative of the U.S.S.R. considered that the proposed agreements with the Bank and the Fund violated the provisions of the Charter, in particular Articles 17, 62, 63, 64 and 70. Article IV, paragraph 3, of the proposed agreement with the Bank deprived the United Nations of the right to make recommendations regarding individual loans. Article IV, paragraph 2, required the United Nations to enter into preliminary consultation with the Bank before making any recommendations. The agreements with other specialized agencies placed no such limitations upon the United Nations. Such provisions, the representative of the U.S.S.R. stated, put the Bank and the Fund beyond the influence of the United Nations, whereas agreements were entered into for the purpose of achieving co-ordination of activities in the general interest of the United Nations.

Article II of the agreements with the Bank and Fund, the U.S.S.R. representative stated further, granted special privileges to those organizations with respect to reciprocal representation. The Bank and Fund were allowed to participate in the meetings of all organs of the United Nations, whereas the United Nations was granted permission to be represented only at meetings of the Boards of Governors of those organizations. The representative of the U.S.S.R. also considered that the United Nations was entitled to examine administrative budgets of the specialized agencies and to make recommendations on those budgets, under Article 17, paragraph 3, of the Charter. The proposed agreements with the Bank and Fund deprived the United Nations of that right (Article X).

The U.S.S.R. representative considered that the Bank and Fund should either be convinced of the necessity of adhering to the principles of the United Nations Charter, or, if that were not possible, the United Nations should not enter into agreements with them. He stated that the United States controlled one third of the votes of both the Bank and the Fund, and would like to keep the two organizations free from the influence of the United Nations. Under such circumstances, he considered, the Bank and Fund lost their international char-

acter and their activities were subordinated to the foreign policy of the United States.

The U.S.S.R. representative urged that the Joint Committee should not approve the agreements with the Bank and Fund in their present form, and proposed that they should be returned to the Economic and Social Council with the recommendation that the Council enter into negotiations with the Bank and Fund for the purpose of revising the agreements so as to bring them into line with the principles of the Charter. He submitted a draft resolution to this effect (A/C.2 & 3/50).

A number of representatives agreed with the U.S.S.R. representative's criticisms of the agreements with the Bank and Fund. But while certain of these supported the proposal to return the agreements to the Economic and Social Council, others considered that the agreements should be approved despite their defects, with the understanding that they would be revised as soon as possible. On the other hand, a number of representatives maintained that the agreements with the Bank and the Fund did not violate the letter or spirit of the Charter in any way. Article IV of the draft agreement with the Bank, it was stated, clearly permitted broad policy recommendations on the part of the United Nations. Restraint would be exercised only with regard to particular loans which required technical judgment and study by the Bank. Exclusion of United Nations representatives from the meetings of the Executive Directors of the Bank and the Fund was considered justified, as financial information of an extremely confidential nature was being dealt with at these meetings. The article on budgetary relationships was deemed satisfactory in view of the fact that the Bank and Fund did not call on Members for annual contributions, but covered their expenses from the profits made on their operations. There was therefore not the same need, it was held, for United Nations action aiming at budgetary co-ordination.

In general it was maintained that the function and operations of the Bank and the Fund were substantially different from those of the other specialized agencies of the United Nations and certain special provisions in the agreements with the Bank and Fund were therefore justified. The Bank, for example, floated securities in private money markets and depended on relations with private investors. Every guarantee should be given, therefore, that its operations should be free from political influence.

<sup>88</sup>For text of the agreements, see pp. 873-74, 885-87.

Some representatives admitted the necessity of providing that the Economic and Social Council should refrain from making recommendations with respect to particular loans or to terms or conditions of financing by the Bank. However, these representatives considered, the United Nations' right to make general recommendations should not be limited by the provisions of Article IV, paragraph 2, of the draft agreements which provided for prior consultations between the Bank and the Fund. Moreover, they considered that while the restrictive nature of the agreements could be partly justified in the case of the Bank, which depended on the confidence of private capitalists, there was no need for similar restrictions in the case of the Fund, which received grants only from governments.

At the 17th meeting of the Joint Second and Third Committee on October 18, 1947, the representative of Yugoslavia submitted a draft resolution (A/C.2 & 3/54) which provided for the appointment of a sub-committee to consider the objections to the immediate approval of the draft agreements with the Bank and the Fund in the light of the discussion in the Joint Committee. The Joint Committee rejected this proposal by a vote of 30 to 12, with 5 abstentions.

The U.S.S.R. proposal that the agreements with the Bank and the Fund be returned to the Economic and Social Council for further negotiations with these agencies was rejected by a vote of 29 to 5, with 12 abstentions. The Committee then approved the agreements with the Bank and the Fund by a vote of 39 to 4, with 2 abstentions.

The Committee next considered the text of a resolution approving the agreements with specialized agencies. The representative of Norway had submitted a draft resolution (A/C.2 & 3/51) which provided for approval of the agreements with WHO, UPU, ITU, the Bank and the Fund, and which also contained a number of general recommendations concerning the co-ordination of the activities of the United Nations and the specialized agencies. After a brief discussion the Committee decided to adopt those paragraphs of the Norwegian resolution relating to the approval of the draft agreements and to postpone consideration of the other parts of the Norwegian resolution until the Committee should discuss the question of administrative and budgetary co-ordination.

On the recommendation of the Joint Second and Third Committee, the General Assembly at its 115th plenary meeting on November 15, 1947, unanimously adopted the following resolution (124(II)):

"The General Assembly

"Resolves to approve the agreements with the World Health Organization (document A/348), the Universal Postal Union (document A/347), the International Telecommunications Union (documents A/370 and A/370/Add.1), the International Bank for Reconstruction and Development (document A/349) and the International Monetary Fund (document A/349);

"Approves the insertion in the agreements relating to the World Health Organization and the International Telecommunications Union of the article regarding the use of the laissez-passer of the United Nations (documents A/348/Add.2 and A/370/Add.1), and

"Requests the Economic and Social Council to report on the action taken in pursuance of these agreements as provided in the last paragraph of the General Assembly resolution 50 (I) of 14 December 1946<sup>89</sup> so that the Council and the General Assembly may, if necessary, and after consultation with the said agencies, formulate suitable proposals for improving collaboration."

## (2) Co-ordination of the Program of the United Nations and of the Specialized Agencies

In resolution 50(I) of December 14, 1946, by which the General Assembly approved the agreements between the United Nations and ILO, FAO, UNESCO and ICAO, the Assembly stated that it was essential that the policies and activities of the specialized agencies and of the organs of the United Nations should be co-ordinated, and asked the Economic and Social Council to follow carefully the progress of such collaboration, and to report on it to the General Assembly within the space of three years. In resolution 81(I) concerning budgetary and financial relationships with specialized agencies,<sup>90</sup> also adopted on December 14, 1946, the General Assembly requested 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 information 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."

To ensure effective implementation of the

<sup>89</sup>See Yearbook of the United Nations, 1946-47, p. 153.

<sup>90</sup>See Yearbook of the United Nations, 1946-47, pp. 154-55.

agreements entered into between the United Nations and the specialized agencies, the Secretary-General, in accordance with a request of the Economic and Social Council (resolution 13(III) ) established a Co-ordination Committee<sup>91</sup> consisting of the Secretary-General as Chairman and of the corresponding administrative officers of the specialized agencies with which the United Nations had concluded agreements.<sup>92</sup> Various consultative committees were also established, in different fields.<sup>93</sup>

In pursuance of the General Assembly's resolution of December 14, 1946, concerning budgetary and financial relationships with specialized agencies, the Secretary-General submitted an interim report to the Assembly's second session (A/394/Rev. 1). During its second session, held from October 1 to 3, 1947, the Co-ordination Committee gave priority in its discussions to the question of budgetary and financial relationships with specialized agencies. The Committee adopted that part of its report to the Economic and Social Council dealing with this question in advance of the report as a whole. The Secretary-General made these excerpts from the Co-ordination Committee's report available to the second session of the General Assembly (A/404) to supplement his interim report.

The Secretary-General's interim report and the Co-ordination Committee's report dealt with the general question of program co-ordination as well as with the question of budgetary co-ordination. They contained a survey of existing co-ordination machinery and of efforts made to co-ordinate the activities of the United Nations and the specialized agencies, as well as a series of recommendations designed to achieve the greatest possible degree of collaboration in the future.

Also in accordance with the General Assembly's resolution of December 14, 1946, concerning budgetary and financial relations with specialized agencies, and in accordance with the agreements bringing them into relationship with the United Nations, ILO, FAO, UNESCO and ICAO forwarded to the United Nations copies of their budget estimates for 1948. The Secretary-General submitted to the General Assembly a summary of the budget estimates of the United Nations and these four specialized agencies (A/318/Add. 1).

The budget estimates forwarded to the United Nations were examined by the Advisory Committee on Administrative and Budgetary Questions, which submitted a report thereon to the General Assembly (A/426). As the budgets of the specialized agencies had already been approved by the

appropriate organs of these agencies, the Advisory Committee devoted its examination mainly to questions of general principle and submitted a number of recommendations which it considered the General Assembly should adopt.<sup>94</sup>

The General Assembly referred the interim report of the Secretary-General (A/394/Rev. 1), the Co-ordination Committee's report (A/404) and the Advisory Committee's report to the Fifth Committee for consideration and report. The Second Committee and the Joint Second and Third Committee considered the question of the co-ordination of the activities of the United Nations and the specialized agencies in connection with its discussion of Chapter IV of the Economic and Social Council's report.<sup>95</sup>

Four resolutions and a number of amendments were submitted to the General Assembly on the subject of relations with and co-ordination of the specialized agencies. The representatives of Brazil submitted a draft resolution to the Fifth Committee (A/C.5/150) which provided that the General Assembly would, *inter alia*:

(1) call upon Members to take such action and to give such instructions to their representatives as would ensure co-ordination of the policies of the United Nations and the specialized agencies;

(2) commend the Economic and Social Council and the specialized agencies for the steps already taken to achieve program and administrative co-ordination;

(3) call upon the specialized agencies to present each year reports on past activities and future plans of operations, as well as their budgetary estimates for each coming year;

(4) request the Secretary-General to report on (a) the possibility of establishing a consolidated budget for the United Nations and the specialized agencies, (b) the possibility of central collection of Members' contributions, (c) measures for achieving greater uniformity in presentation of the budgets of the United Nations and the specialized agencies, (d) the fiscal year and schedule of meetings of the specialized agencies;

(5) request the Secretary-General to accelerate the development of similar budgetary, administrative and financial practices in the United Nations and the specialized agencies.

Two resolutions were submitted to the Second Committee. A draft resolution presented by the French delegation (A/C.2/111) provided that the Assembly invite the Economic and Social Council to specify and define more exactly the tasks of the Economic and Employment Commission

<sup>91</sup>Subsequently called "Administrative Committee on Co-ordination."

<sup>92</sup>See Yearbook of the United Nations, 1946-47, p. 546.

<sup>93</sup>For work of the Co-ordination Committee, see pp. 678-83.

<sup>94</sup>For the text of the Advisory Committee's report as amended by the Fifth Committee, see pp. 114-18.

<sup>95</sup>See p. 96.

and the Fiscal Commission, and to establish a scale of priorities with strict regard to the most pressing needs of the United Nations; to utilize the Economic and Employment Commission and its sub-commissions and the Fiscal Commission less as supplementary research centres working independently than as bodies for co-ordinating the work of regional commissions, specialized agencies and states or groups of states; and to define precisely the sphere of activity of the regional commissions so as to avoid duplication and assure close liaison with specialized agencies. A draft resolution submitted by the Greek delegation (A/C.2/112) recommended that the Economic and Social Council establish a standing co-ordination committee of seven experts selected on a regional basis to operate in continuous session. It would be the committee's task to co-ordinate the activities of all the commissions and sub-commissions of the Economic and Social Council and the activities of the specialized agencies of the United Nations.

The Second Committee discussed the French and Greek resolutions at its 44th meeting on October 15, 1947. On the proposal of the representative of the United Kingdom it was decided by a vote of 25 to 17, with 4 abstentions, that both resolutions should be referred to the Joint Second and Third Committee for further consideration.

The representative of Norway submitted a draft resolution to the Joint Second and Third Committee (A/C.2 & 3/51)<sup>96</sup> which provided, *inter alia*, that the General Assembly

(a) request the Economic and Social Council to explore the possibilities of developing one or more standard agreements for relations with specialized agencies, and

(b) recommend the Governments of Member nations to take measures to ensure on the national level a co-ordinated policy of their delegations to the Economic and Social Council and the different specialized agencies, and to instruct their delegations to the specialized agencies of which they are members to further actively the close co-ordination of the policies and activities of the Economic and Social Council and the policies and activities of the specialized agencies.

Amendments to the Brazilian resolution were submitted by the representatives of the United Kingdom (A/C.2 & 3/57) and of Norway (A/C.2 & 3/62-A/C.5/190). The representative of Lebanon proposed amendments (A/C.2 & 3/52) to the Norwegian draft resolution (A/C.2 & 3/51).

At its 15th meeting on October 14, 1947, the Joint Second and Third Committee, to which the French and Greek resolutions had been referred, authorized its Chairman to consult with the Chair-

man of the Fifth Committee on joint action to be taken on the resolutions before the Joint Second and Third Committee and the resolution introduced in the Fifth Committee by the Brazilian representative (A/C.5/150). Following their consultation, the Chairmen of the Joint Committee and of the Fifth Committee addressed a letter dated October 17, 1947, to the President of the General Assembly, requesting that there should be a joint meeting of the two Committees to discuss these several resolutions and to frame a single consolidated resolution for transmission to the General Assembly (A/C.2 & 3/55). On October 18, 1947, the President of the General Assembly approved this suggestion. The Joint Second and Third Committee and the Fifth Committee therefore held two joint meetings on November 5.<sup>97</sup>

Before these two joint meetings were held, the representatives of the delegations which had moved resolutions or amendments (i.e., the representatives of Brazil, France, Greece, Lebanon, Norway and United Kingdom) consulted informally, agreed on the substance of the question and submitted in place of their separate proposals a consolidated draft resolution (A/C.2 & 3/63-A/C.5/193) based upon the Brazilian resolution. Discussion at the joint meetings on November 5 was therefore based upon this consolidated resolution. The representative of the United States submitted further amendments to the joint draft resolution which were for the most part incorporated into the text of the resolution after consultation among all the representatives concerned (A/C.2 & 3/63-Add.1-A/C.5/193/Add.1).

Discussion in the Committee centred on the following issues:

#### 1. Action of States Members of the United Nations and the Specialized Agencies

The joint resolution serving as the basis of the Committee's discussion contained a recommendation to Member States to take measures to ensure on the national level a co-ordinated policy of their delegations to the United Nations and the specialized agencies, in order to ensure full co-operation between the United Nations and the specialized agencies. The view was expressed, particularly by the representatives of Norway, the United States, France and China, that a principal obstacle in harmonizing the problems and actions of the

<sup>96</sup>This resolution also dealt with the approval of agreements between the United Nations and WHO, UPU, ITU, the Bank and the Fund. See p. 109.

<sup>97</sup>The 23rd and 24th meetings of the Joint Committee and the 87th and 88th meetings of the Fifth Committee.

numerous inter-governmental organizations was to be found in "the fact that different delegations representing the same Member States at various international conferences sometimes took divergent or incompatible positions on significant issues and that such conflicts in policy were not reconciled at the national level. They therefore attached importance to the above recommendation. The U.S.S.R. delegation, however, considered that it was improper to make such a recommendation. This matter should be left to the governments themselves. With some drafting changes the Joint Second, Third and Fifth Committee adopted this recommendation.

## 2. Co-ordinating Responsibilities of the Economic and Social Council

The joint resolution contained a recommendation that the General Assembly request the Economic and Social Council to give constant attention, in arriving at its decisions, to the factor of the relative priority of proposals, and to consider as a matter of urgency the further steps which should be taken to develop effective co-ordination of the programs of the United Nations and its subsidiary organs and the specialized agencies. A number of Members considered it important that succeeding sessions of the Economic and Social Council should deal more extensively with problems of co-ordination, not only as they relate to administrative co-operation and avoidance of duplication of work, but also in terms of positive policy guidance to specialized agencies. There was agreement that the factor of the relative importance of proposals and projects should be considered by the Council in its recommendations to specialized agencies as well as in the establishment of programs for its own subsidiary organs, and that the role of specialized agencies should be borne in mind when programs for the United Nations were considered. The representatives of France and Norway considered that a priorities system would be desirable, with financial concentration in a given year on, for example, relief programs, and accompanying decreases in government contributions to agencies whose programs were not related to the priority objectives decided upon. The representative of the United States, however, considered that absolute priorities could not be realized, partly because of the inherent difficulties in assigning priorities and partly because it was inevitable that all agencies should maintain their secretariats at some relatively constant level consistent with the minimum responsibilities put upon them by their basic instruments.

## 3. Standard Texts of Agreements with Specialized Agencies

The joint resolution contained a recommendation to the effect that the Economic and Social Council explore the possibilities of developing one or more standard texts of draft agreements for use in future negotiations with specialized agencies. The representative of Norway, who had advanced this recommendation, stated that the present differences in agreements were largely the result of bargaining between negotiating committees and that the entire set of relationship agreements should be reviewed, looking toward revision in accordance with a "model" agreement, or possibly several "model" agreements which allowed for categories of agencies. The representatives of Australia and the United States expressed opposition to the Norwegian proposal, on the ground that an attempt to standardize the texts of agreements would prove difficult and probably harmful, since the agencies varied as to their constitution, membership, functions and methods of operating. The representatives of the United Kingdom and the U.S.S.R. also opposed inclusion in the resolution of any reference to the standardizing of agreements. The Committee decided to delete the paragraph in question.

## 4. Common or Consolidated Budget

A large share of the Committee's discussion centred on the question of budgetary co-ordination. The joint resolution provided that the General Assembly request the Secretary-General, in consultation with the specialized agencies and the Advisory Committee on Administrative and Budgetary Questions, to prepare a report for submission to the Economic and Social Council and the third session of the General Assembly with recommendations concerning:

(1) The feasibility of establishing eventually a common or consolidated budget for the United Nations and the specialized agencies which might be approved by the General Assembly;

(2) The possibility and desirability of central collection of Members' contributions to the United Nations and the specialized agencies.

The representatives of Belgium, Egypt, India and the U.S.S.R. expressed opposition in principle to a consolidated budget and central collection of contributions. The representative of Belgium, supported by the representative of Egypt, contended that at San Francisco the League of Nations system of a single budget approved by a central organ had been deliberately renounced, and that a consolidated budget would be contrary to Article 17, paragraph 3, of the Charter. He also considered such a budget impractical because of (a) differ-

ences in membership between the United Nations and the specialized agencies; (b) legislative difficulties within those countries which treated the individual budgets for different agencies as part of various departmental budgets; and (c) the inability of the General Assembly to change the constitutions of the specialized agencies by unilateral action, the procedure of approval of budgets being prescribed by the various constitutions.

The representative of India considered that it would not be desirable for one body (the General Assembly) to decide on the budget and for another body (the appropriate principal organ of each of the specialized agencies) to determine programs and policy. He submitted an amendment to the joint resolution to delete all reference to a common or consolidated budget and central collection of contributions and to substitute a recommendation to the effect that the Secretary-General report on "the feasibility of improved budgetary co-ordination between the United Nations and the specialized agencies".

The representative of the U.S.S.R. stated that opposition to a consolidated budget should not be misunderstood as objection to the use of the budget as a means of co-ordination. The U.S.S.R. delegation would vote against the entire resolution if reference to a consolidated budget were included. It would accept deletion of the paragraphs in question or adoption of the Indian amendment.

The representatives of Brazil, France, Norway and the United States favored retention of the explicit reference to a consolidated budget. The majority of the members of the Economic and Social Council and of the General Assembly, it was argued, had approved certain of the agreements with specialized agencies which make specific reference to an eventual consolidated budget. The representative of Brazil pointed out that the proposed text of the joint resolution did not endorse the principle of a consolidated budget; it simply called for a report on the feasibility of eventually establishing a common or consolidated budget.

The representative of Norway thought an eventual consolidated budget to be a cornerstone of international organization, considering that it would make possible the fixing of an order of priority in international projects. The problems involved, such as membership differences, he stated, were not insuperable and should not be allowed to prevent consideration of eventual central budgetary control.

The Committee decided to adopt the Indian amendment. The representatives of the United

States and France stated that they wished to be assured that adoption of the Indian amendment did not relieve the Secretary-General of his responsibilities under the General Assembly's resolution of December 14, 1946, concerning budgetary and financial relations with specialized agencies and that it did not preclude the possibility of studying the feasibility of a consolidated budget. They requested this understanding to be recorded.

Having adopted a number of drafting changes in addition to the amendments mentioned above, the Committee adopted the resolution as a whole by a vote of 43 to 0, with 1 abstention.

At its 121st plenary meeting on November 20, 1947, the General Assembly unanimously adopted the resolution recommended by the Joint Second, Third and Fifth Committee the text of which follows (resolution 125(II) ):

"Having examined the report of the Economic and Social Council, (document A/382)<sup>98</sup> and the interim report of the Secretary-General on the budgetary and financial relationships between the United Nations and the specialized agencies (document A/394/Rev.1);

"Having had its attention drawn to the interim report of the Co-ordination Committee to the Economic and Social Council (document A/404), which deals with budgetary and financial relationships of the United Nations and the specialized agencies and related programme matters;

"Considering that it is essential, in order to prevent overlapping of activities and duplication of effort, to develop more effective co-ordination in the economic and social fields among the organs and subsidiary organs of the United Nations, among the United Nations and the specialized agencies, and among the specialized agencies themselves, and to provide means for assessing the relative urgency and importance of projects;

"Considering that it is desirable without detriment to essential activities to minimize the financial burden imposed upon Members by the activities of the United Nations and the specialized agencies; and

"Considering that these results can most effectively be achieved by mutual application of the agreements between the United Nations and the specialized agencies, and the development of the methods of co-operation foreseen in resolutions 50 (I) and 81 (I),<sup>99</sup>

"The General Assembly therefore

"1. Calls upon members to take measures to ensure on the national level a co-ordinated policy of their delegations to the United Nations and to the different specialized agencies in order that full co-operation may be achieved between the Organization and the specialized agencies, and, in particular, to instruct their representatives in the governing bodies of the specialized agencies to use every effort to ensure the transmittal of reports, programmes of operation, and budgets or budgetary estimates referred to in paragraph 4 of this resolution;

"2. Commends the Economic and Social Council, the Secretary-General and the specialized agencies for the

<sup>98</sup>See Official Records of the second session of the General Assembly, Supplement No. 3.

<sup>99</sup>See Yearbook of the United Nations, 1946-47, p. 153, pp. 154-55.

steps already taken, including the establishment of a Co-ordination Committee, to achieve programme and administrative co-ordination among the specialized agencies and the United Nations;

"3. Requests the Council to give constant attention to the factor of the relative priority of proposals, and to consider as a matter of urgency the further steps which should be taken to develop effective co-ordination of the programme of the United Nations and its subsidiary organs on the one hand and the specialized agencies on the other;

"4. Calls upon the specialized agencies, as appropriate under the terms of their respective agreements with the United Nations:

"(a) To present each year, to the session of the Economic and Social Council preceding the opening of the regular session of the General Assembly, their reports on past activities and their programmes of operations for the subsequent fiscal year to enable the Council to promote the most efficient and practical use of the resources of the United Nations and the specialized agencies by recommendations concerning the definition of responsibility for specific projects and concerning priorities for action;

"(b) To transmit their budgets or budgetary estimates for 1949, and for each year thereafter, to the Secretary-General of the United Nations before 1 July of the preceding year, in order that the Secretary-General may incorporate these budgets or budgetary estimates as information annexes in his annual budget estimates for transmittal to the General Assembly, together with such summaries as he may deem appropriate and useful;

"5. Requests the Secretary-General, in consultation with specialized agencies through the Co-ordination Committee and in consultation with the Advisory Committee on Administrative and Budgetary Questions, to prepare a report for submission to the Economic and Social Council and the third regular session of the General Assembly with recommendations concerning:

"(a) Measures for achieving greater uniformity in presentation of the budgets of the United Nations and of the specialized agencies with a view to providing a basis for comparison of the several budgets;

"(b) The fiscal year and schedule of meetings of the specialized agencies in their relation to the procedures envisaged in paragraph 3 above;

"(c) The feasibility of improved budgetary co-ordination between the United Nations and the specialized agencies, and

"6. Requests the Secretary-General, in consultation with the specialized agencies through the Co-ordination Committee and, where appropriate, the Advisory Committee, to promote the development of similar budgetary, administrative and financial practices in the United Nations and the specialized agencies."

### (3) Budgetary and Financial Relations with Specialized Agencies

After the Joint Second, Third and Fifth Committee had adopted the resolution concerning relations with and co-ordination of the programs of the United Nations and the specialized agencies, it remained for the Fifth Committee to consider the reports (A/394/Rev. 1, A/404) submitted by the Secretary-General in accordance with the

General Assembly's resolution of December 14, 1946, concerning budgetary and financial implications; the informative annex to the United Nations budget estimates for 1948 showing proposed expenditures for the United Nations and the specialized agencies (A/318/Add. 1); and the Report of the Advisory Committee on Administrative and Budgetary Questions relating to the budgets of the specialized agencies for 1948 (A/426).<sup>100</sup>

The Committee noted the Secretary-General's reports. The Advisory Committee's report was discussed in some detail at the 92nd meeting of the Fifth Committee on November 8, 1947. After adopting several amendments to the Advisory Committee's report suggested by the representatives of Australia and the United Kingdom, the Fifth Committee unanimously approved the report as a whole.

On the recommendation of the Fifth Committee, the General Assembly at its 121st plenary meeting on November 20, 1947, unanimously adopted the following resolution (165 (II) ):

"The General Assembly

"Commends to the attention of the International Labour Organisation, the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization and the International Civil Aviation Organization, the recommendations of the Advisory Committee on Administrative and Budgetary Questions on the budgets of specialized agencies for 1948 attached hereto as Annex A."

### ANNEX A

#### BUDGETS OF SPECIALIZED AGENCIES FOR 1948 REPORT OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS AS ADOPTED AFTER AMENDMENT BY THE FIFTH COMMITTEE

1. The Charter of the United Nations provides in Article 17, paragraph 3, that "the General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned".

2. At the first part of its first session, the General Assembly resolved that the Advisory Committee on Administrative and Budgetary Questions should, as one of its functions, "examine on behalf of the General Assembly the administrative budgets of specialized agencies" (resolution 14 (I) of 13 February 1946).

3. At the second part of its first session, the General Assembly approved Agreements with the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization and the International Civil Aviation Organization, by which these organizations each undertook, *inter alia*,

(i) To consult with the United Nations in the preparation of their budgets;

(ii) To transmit their budgets to the United Na-

<sup>100</sup>See p. 110.

tions for examination by the General Assembly, which might make recommendations "concerning any item or items contained therein";

(iii) To conform as far as might be practicable to standard practices and forms recommended by the United Nations.

The Agreements provided further that representatives of these organizations should be entitled to take part, without vote, in the deliberations of the General Assembly or any Committee thereof at all times when their budgets or general administrative or financial questions affecting the organizations were under consideration.

4. The Advisory Committee has now examined in broad outline the budgets of these four specialized agencies for 1948.<sup>101</sup> Representation of the agencies during the Committee's discussions greatly facilitated the Committee's work.

The following table shows the gross totals of the expenditure proposed in the budgets, together with the corresponding totals of the estimates for the preceding financial year.

Four Specialized Agencies	1948 Dollars (US)	1947
International Labour Organization (period 1 January-31 December 1948) .....	4,449,295 <sup>102</sup>	3,756,362
Food and Agriculture Organization (period 1 January-31 December 1948) .....	5,000,000 <sup>103</sup>	5,048,000
International Civil Aviation Organization (period 1 July 1947-30 June 1948)	2,625,000 <sup>104</sup>	1,960,000
United Nations Educational, Scientific and Cultural Organization (period 1 January-31 December 1948)....	8,507,821 <sup>105</sup>	5,875,359
GROSS TOTAL .....	20,582,116	16,639,721

5. The Committee was not in a position to examine the budgets of the International Bank for Reconstruction and Development, the International Monetary Fund, the Universal Postal Union, the International Telecommunications Union, the Interim Commission of the World Health Organization, or the International Refugee Organization, since no agreements had been concluded<sup>106</sup> between them and the United Nations under Article 57 of the Charter.

6. Nature of the examination made.—In making its examination, the Committee took account of the fact that the budgets had already been subject to scrutiny by the appropriate finance or other committees of the agencies concerned, and had in two cases been approved by the annual conferences of the agencies. The Advisory Committee noted that:

(a) The budget of the International Labour Organisation had been adopted by the International Labour Conference in June 1947 at the amount proposed by the Governing Body, which had reduced the estimates of the Director-General by approximately \$380,000.

(b) The budget of the United Nations Educational, Scientific and Cultural Organization had been reviewed by the Finance Committee of the Executive Board, which had drawn the attention of the General Conference (to be held in Mexico City in November 1947) to certain points, but had made no specific recommendations to amend the figures.

(c) The budget of the Food and Agriculture Organi-

zation had been reduced by the Committee on Financial Control from a total of \$5,317,931 proposed by the Director-General to a total of \$5,000,000. This total was later approved by the Conference of the organization in August 1947.

(d) The budget of the International Civil Aviation Organization had been approved by the Assembly of that organization in May 1947, at a total which was approximately \$590,000 lower than that proposed by the Interim Council.

7. In view of the above considerations, the Advisory Committee devoted its examination on this occasion mainly to questions of general principle and importance.

#### GENERAL RECOMMENDATIONS

8. The Committee feels that it is desirable that two general recommendations should be made by the General Assembly.

(a) Implementation of recommendations which the General Assembly may make.—Since it may often be the case that the plenary bodies of specialized agencies will have approved their budgets before the General Assembly is in a position to make recommendations upon them, the Advisory Committee suggests that the General Assembly should recommend that the plenary bodies concerned should at their next sessions authorize their standing executive bodies to take such interim action, within the limits of their present constitutional powers, as they deem necessary on any recommendations which the General Assembly may make.

(b) Examination of the budgets within the specialized agencies.—The Committee believes it to be essential that any substantial administrative and financial proposals should receive critical and detailed examination from a small committee of specially qualified persons. The Committee would therefore suggest that the specialized agencies be invited to review their machinery for examination of the budget proposals to see whether it meets this requirement.

9. Certain other general points seemed to the Committee to be worthy of attention, while not, in the opinion of the Committee, calling for formal recommendations by the General Assembly.

10. Consultation in preparation of budgets after approval of programmes.—The Committee noted that, despite the terms of the agreements approved, the desirable degree of consultation between the United Nations and the specialized agencies in the preparation of their budgets had not in some cases yet been achieved. The Committee believes that full consultation at all stages of

<sup>101</sup>The financial year of the International Civil Aviation Organization covers the period July 1 to June 30. In the other cases, as in the case of the United Nations, the financial year is the calendar year.

<sup>102</sup>This total includes \$175,234 provision for a reserve fund. Miscellaneous receipts are estimated at \$23,365.

<sup>103</sup>This total includes \$624,709 provision for contingencies and unforeseen expenses. Miscellaneous receipts are estimated at \$4,000.

<sup>104</sup>This total includes \$125,000 for reserve for new projects and unforeseen expenses and \$94,000 provision for Working Capital Fund and Joint Support Emergency Fund. Miscellaneous receipts are estimated at \$25,000.

<sup>105</sup>This total includes \$764,644 provision for contingencies and unforeseen expenses. Miscellaneous receipts are estimated at \$20,000.

<sup>106</sup>Agreements with the first five of these agencies have since been approved by the General Assembly at its 115th plenary meeting.



budget preparation is important, not merely on technical grounds but also because close working relationships in this field would necessarily disclose areas where work programmes may overlap or where co-operative action may be required. It might indicate also where joint economies could be made, and would enable one organization to benefit by the experience of others, by showing comparative standards of efficiency in many common fields, such as conference services, translating, printing, etc. The Committee therefore hopes that active consultation will be made a reality in all cases.

11. Form of the budget.—Consultation should also lead to closer approximation in the form of the various budgets. The Committee noted that, whereas the forms of the present budgets showed superficial similarity, there were basic differences in details. The Committee saw no insuperable reason why many of these differences could not be eliminated. It would suggest that the trend, particularly in the administrative field, should be to enable cost comparisons to be instituted between common types of services. It understands that good progress in this direction has been made in inter-Secretariat discussion. The Committee does not of course consider that the desirability of similarity in budget form should be pressed to an unreasonable extent.

12. Co-ordination and presentation of work programmes.—In connexion with the question of constructing a budget to show the cost of activities, the Committee would stress also the need for adequate budget justification. Estimates cannot properly be appraised unless a statement of work to be done in the financial year under consideration is provided for each section or division of the budget. Presentation of work projects in the budget is also of importance in connexion with the question of co-ordination of the work programmes of the United Nations and the specialized agencies.

13. There have been widespread apprehensions regarding overlapping and duplication between the specialized agencies and the United Nations, and the Advisory Committee recently held a joint meeting with the Co-ordination Committee. At that meeting, the specialized agencies expressed a clear realization and acceptance of the role which the Economic and Social Council should play in the development of an overall work programme. Arrangements have been made by which the Council will receive reports, not only upon the past activities of the specialized agencies, but reports on future programmes so far as these can be foreseen with reasonable accuracy. The Advisory Committee believes that these reports will be of fundamental importance in integrating the work of the international organizations. It felt that a willing spirit of co-operation was developing among the United Nations and the specialized agencies, and that close relationships were being formed.

14. Internal financial controls.—In the course of its examination, the Committee noted that the systems of financial control differ in the different organizations. The Food and Agriculture Organization is in a unique position in that its budget is for practical reasons virtually limited to a total of about \$5,000,000. It is therefore under the strongest pressure to exercise stringent control in order to fit its programme into pre-determined financial limits. Its internal control includes a strong internal audit, which is placed under the Chief of the Financial Services, but which can if necessary report directly to the Committee on Financial Control. The financial controls in the ILO and ICAO to some extent resemble each other. In both organizations, no expendi-

ture can be incurred without the prior agreement of the Finance Service, the head of which has direct access to the Director-General or Secretary-General. The internal audit in ICAO reports direct to the Secretary-General. The administrative and budgetary organization in UNESCO is similar to that in the United Nations. As will be seen from paragraph 16 below, the relative costs and staff requirements of the various systems differ widely, and the Committee would suggest that during 1948 the United Nations Secretariat, in consultation with the secretariats of the specialized agencies, should make a comparative study of the various administrative and financial systems with a view to determining the most effective and economical system, having regard to all factors. It further suggests that an examination be made to see to what extent the external audit of the accounts of the specialized agencies differs in nature as between the organizations. The Committee believes that common precepts of audit would assist the evolution of sound common financial practices.

#### OBSERVATIONS ARISING FROM THE ESTIMATES

15. As stated in the preceding paragraphs, the budget of the Food and Agriculture Organization is virtually limited to a total of about \$5,000,000. It will, however, be noted from paragraph 4 above that the overall total of the budgets of the other three specialized agencies has increased from \$11.6 millions to \$15.5 millions approximately. The Committee recognizes that some increase is to be expected when an embryonic organization undertakes full scale activities for a full year. Nevertheless, it would urge that, in view of the economic situation in many Member States, all specialized agencies should make every effort to avoid undue increases in their requirements. In the particular case of the United Nations Educational, Scientific and Cultural Organization, where the increase over 1947 is greatest, the Committee noted that the work programme proposed was extremely wide, and the Committee would suggest that the General Assembly draw the attention of that organization to the relatively large size of its budget, and urge it to make every effort to achieve a reduction therein.

16. Detailed comparison between 1948 and 1947 estimates was not in all cases possible, but comparison between the 1948 estimates of the United Nations and of the four specialized agencies for certain major common items, as indicated in the table [opposite], is of interest. It is, of course, difficult to draw firm conclusions from the table in view of the varying circumstances of the organizations, but the figures emphasize the points made in paragraphs 10, 11 and 14.

17. Salaries, Allowances and Provident Fund.—The Committee understands that a joint consultative committee of the United Nations and the specialized agencies has done considerable exploratory work towards the development of a scheme of common standards of work and remuneration. The Advisory Committee believes that this work is of the utmost importance, and that the aim should be to develop a common system, which will facilitate the building up of an international civil service. It is not necessary that the specialized agencies accept the United Nations practices or vice versa; the essential need is to make common use of the best practices wherever they may be found. It will necessarily take a period of years to build up a good international service: the groundwork should, however, be laid now.

18. The Committee was informed that the salary

Expenditure	United Nations*	ILO	FAO	ICAO	UNESCO
Salaries (including overtime and salaries of temporary staff):					
Administrative and financial services†.....	\$1,433,199	\$60,000	\$100,000	\$70,000	\$290,000
Conference and general services†.....	7,974,077	500,000	430,000	525,000	796,000
Other departments or services.....	6,527,559	1,430,000	1,865,000	750,000	1,874,000
Allowances .....	2,065,000	23,000	175,000	115,000	1,160,000
Provident fund, etc.....	1,852,652	312,000	330,000	115,000	163,000
Reimbursement of income tax.....	450,000	—	100,000	—	40,000
Contingencies, reserves, etc., and unforeseen expenses .....	—	175,000	625,000	125,000	765,000
Other expenditures .....	14,197,515	1,926,000	1,375,000	856,000	3,420,000
TOTAL .....	34,500,000	4,426,000	5,000,000	2,556,000‡	8,508,000
Staff					
Number of staff proposed for:					
Administrative and financial services.....		20	27	25	87
Conference and general services.....		180	160	230	305
Other departments or services.....		280	354	145	362
TOTAL STAFF .....		480	541	400§	754

\* Revised estimates submitted by the Secretary-General before action by the Fifth Committee.

† The terms "Administrative and financial services" and "Conference and general services" are used in the sense in which they are used in the United Nations budget, but, owing to differences in organization, some adjustments in appropriations have been made.

‡ Excluding provisions for Working Capital Fund.

§ The total number of staff proposed by the Secretary-General was 442, but the Conference made a reduction of 10 per cent in the budget provision for salaries.

scales and classification structure of the FAO were on the whole similar to those of the United Nations. The ILO has taken certain steps to bring its salary scales into close approximation with those of the United Nations, but it will retain its old established classification structure of broad categories of staff. The ICAO has its own salary and classification scheme. The UNESCO has adopted United Nations salary scales (as in force before 16 June 1947) and children's allowances, but does not pay certain other allowances which are now in force in the United Nations, such as rental subsidies or expatriation allowances. The Committee was informed, however, that a provision of \$1,070,178 by that organization for "residence allowances" resulted from the payment, on a continuing basis, of per diem allowances at the rate of \$5 a day for single staff members and \$7 a day for those with dependents. This allowance thus corresponds to the old per diem allowance which the United Nations paid until March 1947 but then reduced and finally abolished in June 1947. While the Advisory Committee does not have full information regarding the difficulties of the staff in Paris, it doubts the necessity for these allowances and recommends that UNESCO should examine the question closely.

19. As regards provision for provident fund contributions, the Committee was informed that the ILO had decided to approach the United Nations with a view to joining the United Nations Staff Retirement Scheme. The FAO was considering a similar step, and had made budgetary provision for the purpose. The Committee believes that a common pension scheme would facilitate interchange of staff and promote the creation of a versatile international civil service.

20. Reimbursement of National Income Tax.—The Committee understands that the Food and Agriculture Organization and the United Nations Educational, Scientific and Cultural Organization are in a position similar to that of the United Nations with regard to national

taxation on the salaries of staff members. In the case of the International Labour Organisation and the International Civil Aviation Organization, the junior staff are mostly locally recruited and receive gross salaries which are subject to Canadian income taxation. The "international" staff of the ILO have been exempted from Canadian income taxation and receive net salaries. The "international" staff of ICAO are similarly exempt only if they are not Canadian nationals; the organization has, however, introduced an internal taxation (that is, a staff contributions) plan, so that all its staff are liable to taxation of salary in some form. The disposal of the revenue from the internal taxation has not been finally decided.

21. Any recommendations to the specialized agencies should, in the Committee's view, await the action to be taken on its report on tax equalization in the United Nations (document A/396); should that report be adopted in principle, a recommendation should be made to specialized agencies, which do not have an internal taxation scheme, that they should adopt one.

22. Cost of Documents and Records.—In relation to the total expenditure, the cost of documentation and records appeared to be a less heavy burden upon the specialized agencies than is the case in the United Nations. In the case of the International Labour Organization, for example, the Committee was informed that verbatim records of the General Conference were printed in the three official languages of the Organization, but that only summary records were made for committees of the Conference, these records not being printed at all. The Food and Agriculture Organization, which has four official languages, was said not to print documents in any particular language unless the demand justified printing: this organization has, however, in the past made verbatim records of all meetings, but the Committee was informed that in future such records might be made only for plenary meetings of the Conference and the Council.

The Committee believes that specialized agencies should avoid placing unduly wide interpretations on their rules of procedure concerning languages, and was glad to note that in general this seemed to have been the case.

#### SUMMARY OF RECOMMENDATIONS

23. Since working relationships between the United Nations and the specialized agencies are still in the process of development, and are the subject of various proposals before the present session of the General Assembly, the Advisory Committee has drawn up this report on broad lines. Until there has been time to bring the form of the various budgets into closer agreement, and to develop budget justification in terms of work programme, comparison of the budgets with each other and with the budget of the United Nations is apt to be a comparison of dispartes. As practical results begin to be achieved under the various agreements, and as relations between the United Nations and the specialized agencies become increasingly close, the Committee would hope to be able to make a more detailed examination of the budgets. For the present year, the Committee believes it to be sufficient to emphasize the over-riding need for economy and to suggest that the General Assembly should recommend that:

(a) The plenary bodies of the specialized agencies should authorize their executive authorities to take such interim action, within the limits of their present constitutional powers, as seems appropriate with regard to any recommendations which the General Assembly may make to them, if such recommendations cannot be dealt with by the plenary body itself without considerable delay;

(b) Specialized agencies should ensure, where this is not already the case, that their estimates are subjected, before submission to the plenary body for consideration, to a detailed examination by a committee which includes persons specially qualified in the fields of administration or finance;

(c) The attention of the United Nations Educational, Scientific and Cultural Organization should be drawn to the relatively large size of its estimates. The organization should be urged to make every effort to secure a reduction in its budget. It should examine closely the necessity for payment of residence allowance on a continuing basis;

(d) The specialized agencies, which have not already done so, should take steps to become members of the United Nations Retirement Scheme, and every effort should be made by this and other means to develop the common conditions of service necessary for the creation of an international civil service.

24. The Advisory Committee would again emphasize that the achievement of the necessary degree of co-ordination between the United Nations and the specialized agencies is in the last analysis the responsibility of Members themselves. By acting consistently, and in conformity with any recommendations which the General Assembly may make, at the conferences of the various organizations, Members can do much to ensure that the international services as a whole operate with efficiency and economy.

#### (4) Reports from Specialized Agencies

In accordance with Article 64 of the Charter and with their agreements with the United Nations, ICAO and UNESCO submitted reports

on their activities to the fifth session of the Economic and Social Council. The Council decided to consider these reports in the course of its sixth session, to be held in February 1948. Reports were subsequently received from ILO and FAO.

An item concerning consideration of these reports was included in the provisional agenda of the second session of the General Assembly, and the Secretary-General asked the General Committee to consider to what extent this item should be dealt with through the Second, Third or Joint Second and Third Committees and to what extent by reference to the Economic and Social Council (A/BUR/84).

At the 35th meeting of the General Committee on September 17, 1947, the representatives of the U.S.S.R., the United Kingdom and Chile expressed the view that it would be desirable to leave more time for study of these reports. Consideration of the question at this stage would not permit of fruitful discussion; it would be more appropriate for the General Assembly to study these reports after they had been considered by the Economic and Social Council.

Disagreeing with the majority of the Committee, the representative of the United States considered that the item concerning the reports of the specialized agencies should remain on the agenda. The General Assembly, under Article 58, he stated, was responsible for the co-ordination of the policies and activities of the specialized agencies. The deletion of that item might create a dangerous precedent.

The General Committee decided to recommend to the General Assembly the deletion of this item. This recommendation was approved by the General Assembly at its 91st plenary meeting on September 23, 1947.

#### d. APPLICATIONS BY ITALY AND AUSTRIA FOR MEMBERSHIP IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

In accordance with Article II of the agreement between ICAO and the United Nations,<sup>107</sup> the Secretary-General of ICAO transmitted to the Secretary-General of the United Nations the applications of Italy and Austria for membership in ICAO for approval by the General Assembly (A/325, A/386).

At its 91st plenary meeting on September 23, 1947, the General Assembly decided to refer these applications to the Second Committee for consideration. The Second Committee discussed the ap-

<sup>107</sup>For text of the agreement, see Yearbook of the United Nations, 1946-47, p. 741.

plications at its 98th meeting on October 24, 1947.

No objection was raised by any representative to the application of Italy, which was therefore approved by a vote of 40 to 0, with 3 abstentions.

The representative of the U.S.S.R., however, objected to the admission of Austria to ICAO, on the ground that it was premature. Austria, he stated, had no civil aviation. The right of flight over Austrian territory, as well as the right of use of Austrian aerodromes, belonged to the Allied Control Authorities. Austria could not and must not alone, nor with the consent of only one or another Allied Supreme Commander, take decisions on questions of civil aviation. The question of civil aviation was the subject of regulations in the Austrian treaty which was then under consideration by the Council of Foreign Ministers.

The representative of Czechoslovakia said that he would support the admission of Austria to the International Civil Aviation Organization as soon as that country's international position was clarified, but that he would abstain from voting at the present time.

The representatives of the United Kingdom, Belgium, the United States and France supported Austria's application for membership in ICAO. The representative of the United Kingdom stated that it was in the interests of international safety in the air that the application of Austria should be approved. The representative of Belgium pointed out that the rejection of the application would postpone Austria's admission to ICAO for at least a year. The representative of the United States considered that all countries stood to benefit from the acceptance by Austria of international standards of safety and civil aviation. The representative of France argued that the objections raised were of a technical and not a political character.

The Second Committee approved the application of Austria for membership in ICAO by a vote of 30 to 4, with 8 abstentions. The Second Committee recommended to the General Assembly adoption of two separate resolutions approving the applications of Italy and Austria.

On the recommendation of the Second Committee, the General Assembly at its 103rd meeting on October 31 unanimously adopted the resolution approving the application of Italy. At its 104th meeting on November 1, the General Assembly approved the application of Austria by a vote of 39 to 5, with 2 abstentions. The texts of the resolutions (121(II) and 122(II)) adopted by the General Assembly follow:

"The General Assembly,

"Having considered the application regarding the ad-

mission of Italy to the International Civil Aviation Organization, transmitted by that Organization to the General Assembly in accordance with Article II of the Agreement between the United Nations and the International Civil Aviation Organization,

"Decides to inform the International Civil Aviation Organization that it has no objection to the admission of Italy to the organization."

"The General Assembly,

"Having considered the application regarding the admission of Austria to the International Civil Aviation Organization, transmitted by that Organization to the General Assembly in accordance with Article II of the Agreement between the United Nations and the International Civil Aviation Organization,

"Decides to inform the International Civil Aviation Organization that it has no objection to the admission of Austria to the Organization."

#### e. TRANSFER TO THE WORLD HEALTH ORGANIZATION OF CERTAIN ASSETS OF THE UNITED NATIONS

On April 22, 1947, the Interim Commission of the World Health Organization adopted a resolution instructing its Executive Secretary to take the necessary steps with the Secretary-General of the United Nations, the Economic and Social Council and the General Assembly for the transfer to the World Health Organization of certain assets of the League of Nations which had been transferred to the United Nations.

The resolution adopted by the Interim Commission of WHO was transmitted, through the Secretary-General, to the Economic and Social Council, which recommended the text of a resolution for adoption by the General Assembly (93 (V)).

The General Assembly, at its second session, referred this question to the Third Committee, which considered it at its 74th meeting on November 3, 1947, and, after a brief discussion, unanimously adopted the terms of the resolution recommended by the Economic and Social Council.

At its 117th plenary meeting on November 17, 1947, the General Assembly unanimously adopted the resolution recommended by the Third Committee the text of which follows (resolution 129(II)):

"The General Assembly,

"Having considered the resolution adopted by the Economic and Social Council at its fifth session on 22 July 1947,<sup>108</sup> concerning the request of the Interim Commission of the World Health Organization for the transfer to it of certain assets of the League of Nations which have been transferred to the United Nations, and

"Recognizing the desirability of transferring certain of such assets to the World Health Organization,

"Instructs the Secretary-General

"1. To take the necessary steps, subject to the agree-

<sup>108</sup>See pp. 686-87.

ments concluded between the Secretary-General of the United Nations and the Secretary-General of the League of Nations, to effect the following transfers to the World Health Organization:

"(a) Title of ownership of the archives and correspondence files of the League of Nations Health Section;

"(b) Title of ownership of the stock of publications of the League of Nations Health Section, provided the World Health Organization shall reimburse to the United Nations the value of such publications as may be established by negotiation between the Secretary-General of the United Nations and the Director-General of the World Health Organization;

"(c) Title of ownership of the archives, furniture and financial assets of the Eastern Bureau of Epidemiological Intelligence of the League of Nations in Singapore;

"(d) Title of ownership of the assets of the Darling Foundation and the Leon Bernard Fund;

"2. To consider the different aspects of the problem of the transfer of the medical and health material of the League of Nations Library and to submit to the Economic and Social Council a draft plan within the framework of a general policy relating to the use of the Central Library by the United Nations and by the specialized agencies."

/ . TRANSFER TO THE UNITED NATIONS OF THE FUNCTIONS AND POWERS EXERCISED BY THE LEAGUE OF NATIONS UNDER THE INTERNATIONAL CONVENTION OF SEPTEMBER 30, 1921, ON TRAFFIC IN WOMEN AND CHILDREN, THE CONVENTION OF OCTOBER 11, 1933, ON TRAFFIC IN WOMEN OF FULL AGE AND THE CONVENTION OF SEPTEMBER 12, 1923, ON TRAFFIC IN OBSCENE PUBLICATIONS

By resolution 81 (V) of August 14, 1947, the Economic and Social Council recommended that the General Assembly approve the assumption by the United Nations of the functions and powers exercised by the League of Nations under the International Convention of September 30, 1921, on traffic in women and children, the Convention of October 11, 1933, on traffic in women of full age and the Convention of September 12, 1923, on traffic in obscene publications. To this end the Economic and Social Council submitted for the approval of the General Assembly a draft resolution and two draft protocols (one relating to traffic in women and children and one relating to traffic in obscene publications) together with annexes showing amendments to be made in the conventions in question in order to effect the transfer (A/372).<sup>109</sup>

At its 91st plenary meeting on September 23, 1947, the General Assembly referred this question to the Third Committee, which considered it at its 63rd meeting on October 13, 1947.

The representative of the U.S.S.R. submitted a

proposal (A/C.3/165) to delete Article 14 of the International Convention of September 30, 1921; the first two paragraphs of Article 10 of the Convention of October 11, 1933; and Article 13 of the International Convention of September 12, 1923. These Articles, the U.S.S.R. representative explained, made it possible to exclude colonies and territories under Mandate from the provisions of the Conventions, whereas the traffic in women and children and in obscene publications should be prohibited everywhere.

The United Kingdom delegation opposed the U.S.S.R. proposal, considering that the Third Committee was not competent to examine the substance of the Conventions. The United Kingdom representative stated, moreover, that local governments in various colonies had to be consulted on all domestic matters. The United Kingdom could not impair the rights of colonial peoples by adopting the U.S.S.R. amendment. The representative of the United States expressed agreement with the representative of the United Kingdom.

The Third Committee by a vote of 17 to 12, with 18 abstentions, adopted the U.S.S.R. amendment. Subject to this amendment the Committee adopted the resolution, protocols and annexes recommended by the Economic and Social Council.

The General Assembly considered the Third Committee's report (A/412) at its 96th and 97th meetings on October 20, 1947. The representative of the United Kingdom submitted an amendment (A/417) to the Third Committee's report to object to the U.S.S.R. amendment adopted by the Third Committee by omitting all reference to the deletion of the so-called colonial application clauses. The representative of the United Kingdom stated that the amendment in question had no practical bearing on the actual operation of the existing Conventions. The United Kingdom delegation nevertheless opposed the deletion of the colonial application clauses, because it considered that this would establish a precedent inimical to the development of self-governing institutions in colonial territories. The United Kingdom, he stated, had applied the Conventions concerning the traffic in women and children and in obscene publications in all its colonies and would continue to do so. What the United Kingdom Government sought to preserve was the constitutional right of the colonies to decide for themselves whether or not they wished to adhere to any convention on non-political matters which might be concluded in the future. The representatives of the U.S.S.R., Haiti and Pakistan expressed opposition to the

<sup>109</sup>See pp. 615-16.

United Kingdom amendment, while the United States representative supported it.

The General Assembly rejected the United Kingdom amendment by a vote of 23 to 21, with 11 abstentions. The resolution recommended by the Third Committee was adopted by a vote of 52 to 0, with 3 abstentions. The representative of the United Kingdom stated that his delegation had voted in favor of the resolution recommended by the Third Committee because it agreed in principle that it was desirable for the United Nations to assume the functions formerly exercised by the League of Nations. The present decision, however, should not be regarded as constituting any kind of precedent for the future.

The text of the resolution (126(II)) adopted by the General Assembly follows:

"The General Assembly,

"Desirous of continuing international co-operation in order to suppress the traffic in women and children and in obscene publications,

"Approves the Protocols which accompany this resolution;

"Urges that they shall be signed without delay by all the States which are Parties to the above-mentioned Conventions;

"Recommends that, pending the entry into force of the aforesaid Protocols, effect be given to their provisions by the Parties to any of the Conventions;

"Instructs the Secretary-General to perform the functions conferred upon him by the aforesaid Protocols upon their entry into force;

"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,<sup>10</sup> to suspend all action under these Protocols and the Conventions mentioned above with respect to the Franco Government in Spain as long as this Government is in power."

**DRAFT PROTOCOL TO AMEND THE CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN WOMEN AND CHILDREN, CONCLUDED AT GENEVA ON 30 SEPTEMBER 1921<sup>11</sup> AND THE CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN WOMEN OF FULL AGE, CONCLUDED AT GENEVA ON 11 OCTOBER 1933<sup>12</sup>**

The Parties to the present Protocol, considering that, under the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933, the League of Nations was invested with certain functions and powers for the continued performance of which it is necessary to make provision in consequence of the dissolution of the League of Nations, and considering that it is expedient that these functions and powers should be performed henceforth by the United Nations, hereby agree as follows:

#### ARTICLE I

The Parties to the present Protocol undertake that as between themselves they will, each in respect of the

instruments 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

The Secretary-General shall prepare texts of the Conventions as revised in accordance with the present Protocol, and shall send copies for their information to the Governments of every Member of the United Nations and every non-member State to which this Protocol is open for signature or acceptance. He shall also invite Parties to any of the instruments to be amended by the present Protocol to apply the amended texts of those instruments as soon as the amendments are in force, even if they have not yet been able to become Parties to the present Protocol.

#### ARTICLE III

The present Protocol shall be open for signature or acceptance by any of the Parties to the Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children or the Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, to which the Secretary-General has communicated a copy of this Protocol.

#### ARTICLE IV

States may become Parties to the present Protocol by:

- (a) Signature without reservation as to approval; or
- (b) Acceptance, which shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

#### ARTICLE V

1. The present Protocol shall come into force on the date on which two or more States shall have become Parties thereto.

2. The amendments set forth in the annex to the present Protocol shall come into force in respect of each Convention when a majority of the Parties thereto have become Parties to the present Protocol, and consequently any State becoming a Party to either Convention, after the amendments thereto have come into force, shall become a Party to the Convention as so amended.

#### ARTICLE VI

In accordance with paragraph 1 of Article 102 of the Charter of the United Nations, and the regulations pursuant thereto adopted by the General Assembly, the Secretary-General of the United Nations is authorized to effect registration of the present Protocol and the amendments made in each Convention by this Protocol on the respective dates of their entry into force, and to publish the Protocol and the amended Conventions as soon as possible after registration.

#### ARTICLE VII

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 Conventions 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.

<sup>10</sup>See resolution 32 (I); see also Yearbook of the United Nations, 1946-47, p. 67.

<sup>11</sup>See League of Nations Treaty Series Vol. 9, p. 415.

<sup>12</sup>Ibid., Vol. 150, p. 431.

A certified copy of the Protocol, including the annex, shall be sent by the Secretary-General to each of the Parties to the Convention of 30 September 1921, for the Suppression of the Traffic in Women and Children or the Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age as well as to all Members of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, signed the present Protocol on the date appearing opposite their respective signatures.

DONE at ..... this day of ..... 194 .

#### ANNEX

##### (i) INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN WOMEN AND CHILDREN, OPENED FOR SIGNATURE AT GENEVA, 30 SEPTEMBER 1921

The first paragraph of article 9 shall read:

The present Convention is subject to ratification. As from 1 January 1948 instruments of ratification shall be transmitted to the Secretary-General of the United Nations, who will notify the receipt of them to Members of the United Nations and to non-member States to which the Secretary-General has communicated a copy of the Convention. The instruments of ratification shall be deposited in the archives of the Secretariat of the United Nations.

Article 10 shall read:

Members of the United Nations may accede to the present Convention.

The same applies to non-member States to which the Economic and Social Council of the United Nations may decide officially to communicate the present Convention.

Accession will be notified to the Secretary-General of the United Nations, who will notify all Members of the United Nations and the non-member States to which the Secretary-General has communicated a copy of the Convention.

Article 12 shall read:

The present Convention may be denounced by any State which is a Party thereto, on giving twelve months' notice of its intention to denounce.

Denunciation shall be effected by notification in writing addressed to the Secretary-General of the United Nations. Copies of such notification shall be transmitted forthwith by him to all Members of the United Nations and to non-member States to which the Secretary-General has communicated a copy of the Convention. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General of the United Nations, and shall operate only in respect of the notifying State.

Article 13 shall read:

A special record shall be kept by the Secretary-General of the United Nations, showing which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open at all times to any Member of the United Nations or to any non-member State to which the Secretary-General has communicated a copy of the Convention; it shall be published as often as possible, in accordance with the directions of the Economic and Social Council of the United Nations.

Article 14 shall be deleted.

##### (ii) INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN WOMEN OF FULL AGE, SIGNED AT GENEVA, 11 OCTOBER 1933

In article 4 "the International Court of Justice" shall be substituted for "the Permanent Court of International Justice" and "the Statute of the International Court of Justice" shall be substituted for "the Protocol of 16 December 1920, relating to the Statute of that Court" or "the Protocol of 16 December 1920".

Article 6 shall read:

The present Convention shall be ratified. As from 1 January 1948 the instruments of ratification shall be transmitted to the Secretary-General of the United Nations, who shall notify receipt of them to all Members of the United Nations and to non-member States to which the Secretary-General has communicated a copy of the Convention.

Article 7 shall read:

Members of the United Nations may accede to the present Convention. The same applies to non-member States to which the Economic and Social Council of the United Nations may decide officially to communicate the present Convention.

The instruments of accession shall be transmitted to the Secretary-General of the United Nations, who shall notify receipt of them to all Members of the United Nations and to non-member States to which the Secretary-General has communicated a copy of the Convention.

In article 9 "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In article 10 the first three paragraphs and paragraph 5 shall be deleted.

The fourth paragraph of article 10 shall read:

The Secretary-General of the United Nations shall communicate 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, the denunciations referred to in article 9.

##### DRAFT PROTOCOL TO AMEND THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE CIRCULATION OF AND TRAFFIC IN OBSCENE PUBLICATIONS, OPENED FOR SIGNATURE AT GENEVA ON 12 SEPTEMBER 1923<sup>113</sup>

The Parties to the present Protocol, considering that under the Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, concluded at Geneva on 12 September 1923, the League of Nations was invested with certain functions and powers for whose continued performance it is necessary to make provisions in consequence of the dissolution of the League of Nations, and considering that it is expedient that these functions and powers should be performed henceforth by the United Nations, hereby agree as follows:

#### ARTICLE I

The Parties to the present Protocol undertake that as between themselves they will, in accordance with the provisions of the present Protocol, attribute full legal force and effect to, and duly apply the amendments to this instrument which are set forth in the annex to the present Protocol.

#### ARTICLE II

The Secretary-General shall prepare the text of the Convention of 12 September 1923 for the Suppression of

<sup>113</sup>See League of Nations Treaty Series, Vol. 27, p. 213.

the Circulation of and Traffic in Obscene Publications, as revised in accordance with the present Protocol, and shall send copies for its information to the Government of every Member of the United Nations and every non-member State to which this Protocol is open for signature or acceptance. He shall also invite parties to the aforesaid Convention to apply the amended text of this instrument as soon as the amendments are in force, even if they have not yet been able to become parties to the present Protocol.

## ARTICLE III

The present Protocol shall be open for signature or acceptance by any of the Parties to the Convention of 12 September 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications, to which the Secretary-General has communicated a copy of this Protocol.

## ARTICLE IV

States may become parties to the present Protocol by:

- (a) Signature without reservation as to approval, or
- (b) Acceptance, which shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

## ARTICLE V

1. The present Protocol shall come into force on the date on which two or more States shall have become parties thereto.

2. The amendments set forth in the annex to the present Protocol shall come into force when a majority of the Parties to the Convention of 12 September 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications have become parties to the present Protocol, and consequently any State becoming a party to the Convention after the amendments thereto have come into force shall become a party to the Convention as amended.

## ARTICLE VI

In accordance with paragraph 1 of Article 102 of the Charter of the United Nations, and the regulations pursuant thereto adopted by the General Assembly, the Secretary-General of the United Nations is authorized to effect registration of the present Protocol and the amendments made in the Convention by the present Protocol on the respective dates of their entry into force, and to publish the Protocol and the amended Convention as soon as possible after registration.

## ARTICLE VII

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 Convention 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 be equally 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 Parties to the Convention of 12 September 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications, and to all States Members of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, signed the present Protocol on the date appearing opposite their respective signatures.

DONE at ..... this day of ..... 194 .

## ANNEX

## INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE CIRCULATION OF AND TRAFFIC IN OBSCENE PUBLICATIONS, OPENED FOR SIGNATURE AT GENEVA, 12 SEPTEMBER 1923

The first and second paragraphs of article 8 shall read:

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify receipt of them to the Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention.

The Secretary-General of the United Nations shall immediately communicate a certified copy of each of the instruments deposited with reference to this Convention to the Government of the French Republic.

Article 9 shall read:

Members of the United Nations may accede to the present Convention. The same applies to non-member States to which the Economic and Social Council of the United Nations may decide officially to communicate the present Convention.

Accession shall be effected by an instrument communicated to the Secretary-General of the United Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention.

In article 10 "Member of the United Nations" shall be substituted for "Member of the League".

In the first paragraph of article 12 "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations", and "Members of the United Nations" shall be substituted for "Members of the League of Nations".

The second paragraph of article 12 shall read:

The Secretary-General of the United Nations shall notify the receipt of any such denunciation to all Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention.

Article 13 shall be deleted.

Article 14 shall read:

A special record shall be kept by the Secretary-General of the United Nations, showing which of the parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open at all times to any Member of the United Nations or to any non-member State to which the Secretary-General has communicated a copy of the Convention.

It shall be published as often as possible.

In article 15 "the International Court of Justice" shall be substituted for "the Permanent Court of International Justice", and "the Statute of the International Court of Justice" shall be substituted for "the Protocol of Signature of the Permanent Court of International Justice".

In article 16 "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations".



g. RELIEF NEEDS AFTER THE TERMINATION OF UNRRA

The Economic and Social Council on August 6, 1947, adopted resolution 63 (V) approving the actions of the Secretary-General taken in accordance with the General Assembly's resolution 48(I) of December 11, 1946, and drawing the General Assembly's attention to the Secretary-General's report on this matter.<sup>114</sup>

The General Assembly at its 91st plenary meeting on September 23, 1947, referred the question of relief needs after the termination of UNRRA to the Second Committee for consideration.

The Second Committee considered the question at its 49th and 50th meetings on October 27 and at its 53rd meeting on October 30, 1947.

In the course of the Committee's discussion the representative of Yugoslavia asserted that the General Assembly's resolution 48(I) of December 11, 1946, on relief needs after the termination of UNRRA, had been flagrantly and repeatedly violated during the past year. The General Assembly resolution, he stated, provided that economic need should be the only criterion for determining relief assistance and that such assistance was to be granted without discrimination as to race, creed or political beliefs. The Special Technical Committee established under the terms of the resolution, the representative of Yugoslavia stated further, had recognized that Poland, Hungary and Yugoslavia were in urgent need of relief assistance. In spite of that recommendation, the United States and the United Kingdom, while giving aid to other countries, had refused to consider Yugoslav requirements, thus disregarding the findings of the Special Technical Committee. The representative of Yugoslavia stated that Yugoslavia, Poland and Hungary had been on the list of countries to receive United States assistance until they had initiated policies with which the United States was not in agreement. He submitted the following resolution (A/C.2/121) to the Second Committee:

"The General Assembly

"Taking note of resolution 63 (V) of the Economic and Social Council concerning relief needs after the termination of UNRRA;

"Having considered the report of the Secretary-General concerning the implementation of resolution 48 (I) of 11 December 1946 of the General Assembly on relief needs after the termination of UNRRA;

"Reaffirming the principles laid down in resolution 48 (I) of the General Assembly, especially that assistance should be given where and when needed, 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;

"Regrets that resolution 48 (I) of the General Assembly has not been implemented in a way which accords fully with the principles and purposes set forth in that resolution; and

"Calls upon all Member States to adhere in future to the principles thus reasserted."

The representatives of Czechoslovakia, the Byelorussian S.S.R., Poland and the U.S.S.R. supported the Yugoslav resolution. They criticized the United States and the United Kingdom delegations, who, they stated, had opposed continuation of relief on an international basis when the question of post-UNRRA relief had been under consideration by the General Assembly at the second part of its first session. Because of the opposition of these two Governments a system of unilateral relief contributions had been substituted for a system of international relief which had been favored by the majority of the General Assembly.

The Secretary-General's report, it was maintained, showed the unsatisfactory results of unilateral post-UNRRA relief. Only a few countries had extended limited post-UNRRA aid to only a few needy nations. The United States, it was charged, had by-passed the United Nations and had utilized relief assistance as a political and economic weapon and even as a means of securing military bases. United States policy in aiding Greece and Turkey was the subject of special criticism in this connection.

The representative of the United States gave a detailed account of the part played by his country in implementing the General Assembly's resolution. The Special Technical Committee, he stated, had reported that \$583,000,000 was needed for certain specified countries, and the United States had appropriated \$332,000,000 as its share. The United States appropriation was insufficient to meet the relief requirements of the entire world. Careful studies, based on economic rather than political considerations, had indicated that the greatest need for relief existed in Austria, Italy, Greece and the Trieste area, the representative of the United States asserted. Relief supplies had been furnished through the Governments of these countries to individuals who needed them without reference to race, creed or political belief. The United States representative denied that the United States Government had in any way violated the principles of the General Assembly's resolution of December 11, 1946. Greece, he stated, was a special case requiring special measures. He recalled that United States aid had been extended to Greece in response to the plea made by the Greek Govern-

<sup>114</sup> See p.549.

ment for immediate assistance when UNRRA ceased its activities, when the United Kingdom could no longer bear the burden of aid to that country and when the Greek State was threatened not only by chaotic economic conditions but also by the activities of a militant minority, which operated principally from across the northern borders. The law enabling this aid to be given to Greece, the United States representative stated further, contained a provision that such aid would be withdrawn if the Security Council or the General Assembly found that action taken or assistance furnished by the United Nations rendered its continuance unnecessary or undesirable. The representative of the United States felt that no basis existed for the Yugoslav resolution and urged its rejection.

The representatives of Greece and of Turkey shared the point of view of the United States representative. The representatives of Cuba and Ecuador stated that they were in agreement with the principles of the Yugoslav resolution, but objected to the implied criticism of certain countries. The representatives of Argentina and the Dominican Republic recalled the relief contributions made by their countries in the past.

The Second Committee rejected the Yugoslav draft resolution by a vote of 24 to 6, with 12 abstentions, and concluded its consideration of the question of relief needs after the termination of UNRRA without making any recommendation to the General Assembly.

At its 115th plenary meeting on November 15, 1947, the General Assembly took note of the Committee's report concerning its deliberations (A/450).

#### h. UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND

By resolution 57(I) adopted on December 11, 1946, the General Assembly established an International Children's Emergency Fund. The resolution establishing the Fund provided, *inter alia*,

(a) that the Secretary-General submit to the General Assembly an annual audit of the accounts of the Fund, and

(b) that the activities of the Fund should be reviewed by the General Assembly at its second session upon the basis of a special report from the Economic and Social Council.<sup>115</sup>

As regards the audit of accounts for 1946, the Secretary-General reported to the second session of the General Assembly that there were no financial transactions of the Fund during 1946 (A/337).

At its 91st plenary meeting on September 23, the General Assembly referred the Secretary-General's report to the Fifth Committee, which considered it at its 81st meeting on October 30, and recommended to the General Assembly the adoption of a resolution noting the Secretary-General's report.

At its 119th plenary meeting on November 20, 1947, the General Assembly adopted this resolution (157(II)), which reads as follows:

"The General Assembly

"Takes note of the report of the Secretary-General concerning the financial transactions of the International Children's Emergency Fund during the fiscal year 1946."

Concerning the special report from the Economic and Social Council on the work of the International Children's Emergency Fund, the Secretary-General drew the General Assembly's attention to the fact that Chapter III, paragraphs 117-23, of the Report of the Economic and Social Council to the second session of the General Assembly contained an account of the action taken by the Council during its fourth and fifth sessions in regard to the International Children's Emergency Fund.<sup>116</sup> The report of the Executive Board of the International Children's Emergency Fund (E/590) to the sixth session of the Economic and Social Council (A/408) was also transmitted to the General Assembly.<sup>117</sup>

The General Assembly, at its 91st plenary meeting on September 23, 1947, referred these reports to the Third Committee for consideration. The Committee considered the question at its 67th meeting on October 22.

The Executive Director of the International Children's Emergency Fund and the Chairman of the Executive Board addressed the Committee, stressing the needs of children all over the world and giving an account of the activities of the Fund in trying to meet those needs. There was general agreement in the Committee as to the importance of the Fund's work and a number of representatives expressed their governments' support of the Fund's program. A resolution proposed by the representative of France was unanimously adopted by the Committee, and by the General Assembly at its 119th meeting on November 20, 1947.

The text of the resolution 138(II) follows:

"The General Assembly,

"Having taken note of the reports of the Economic

<sup>115</sup>See Yearbook of the United Nations, 1946-47, pp. 162-64.

<sup>116</sup>See Official Records of the second session of the General Assembly, Supplement No. 3, pp. 64-67.

<sup>117</sup>For the work of the United Nations International Children's Emergency Fund, see pp. 620-23.

and Social Council and of the Executive Board of the International Children's Emergency Fund, [E/459]

"Expresses its satisfaction with the concrete work already accomplished by the Fund;

"Approves the present report;

"Draws the attention of the States Members to the significance of the International Children's Emergency Fund and to the need for supplying it immediately with funds to enable it to carry on its activities;

"Associates itself with the United Nations Appeal for Children and recommends the people of all countries to co-operate towards the success of this appeal."

i. INTERNATIONAL CO-OPERATION FOR THE PREVENTION OF IMMIGRATION WHICH IS LIKELY TO DISTURB FRIENDLY RELATIONS AMONG NATIONS

On September 29, 1947, the Secretary-General received a request from the delegations of Egypt, Iraq and Lebanon (A/BUR/90) for the inclusion of the following item in the agenda of the second session of the General Assembly:

"International co-operation for the prevention of immigration which is likely to disturb friendly relations between nations."

At its 40th meeting on October 1, 1947, the General Committee decided by a vote of 8 to 1, with 5 abstentions, to recommend inclusion of this item in the agenda (A/392/Add.3). The General Assembly approved this recommendation at its 95th plenary meeting on October 1, and referred the question to the Third Committee, which considered it from its 76th meeting on November 4 to its 80th meeting on November 7, and again at its 82nd meeting on November 11.

At the 76th meeting of the Third Committee the representative of Lebanon stated that the General Assembly's resolutions on the subject of refugees and displaced persons had remained a dead letter. The time had therefore come, he considered, to take definite action on the international level to solve this problem. On behalf of the delegations of Egypt, Iraq and Lebanon he introduced a draft resolution (A/C.3/191) for consideration by the Third Committee. The preamble of the resolution recalled the General Assembly's resolution 103(I) of November 19, 1946, condemning racial and religious discrimination,<sup>118</sup> and resolution 62(I) of December 15, 1946, by which the General Assembly approved the Constitution of the International Refugee Organization.<sup>119</sup> The preamble of the joint resolution referred in particular to the following provisions contained in resolution 62(I) of December 15, 1946:

(1) Paragraph (e) of the resolution, which urged 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."

(2) The preamble to the IRO Constitution and paragraph (b) of the Annex to the Constitution, which states that

"the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. . . ."

(3) Paragraph (g) of the Annex to the IRO Constitution, which provides that

"the Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations. In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or re-settlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question."

The joint resolution of the representatives of Egypt, Iraq and Lebanon stated that numerous self-appointed committees and organizations were interfering with the task that should be exclusively discharged by the IRO in strict accordance with its constitution, by promoting and encouraging immigration likely to disturb friendly relations between nations. The operative part of the resolution therefore contained the following recommendations:

"The General Assembly . . .

"Invites the Member States to implement the General Assembly resolution of November 19, 1946;

"Recognizes the principle that where populational movements likely to affect friendly relations between nations are involved such movements should take place only with the consent of the states or peoples directly concerned;

"Reaffirms its position that the main task concerning displaced persons is to encourage and assist in every possible way their early return to their countries of origin;

"Requests the Members of the United Nations to inform the Secretary-General of the outcome of the consideration each gave, in implementation of Resolution No. 62 (I), paragraph (e), for receiving its fair share of non-repatriable persons;

"Invites the Member States to cease according aid and protection to such individuals or organizations which, under humanitarian disguises, are aiming at promoting and

<sup>118</sup>See Yearbook of the United Nations, 1946-47, p. 178.

<sup>119</sup>*Ibid.*, pp. 168-69.

encouraging immigration likely to disturb friendly relations between nations;

"Recommends to the Economic and Social Council to call immediately an international conference for the purpose of expediting the solution of the problem of refugees and displaced persons through the agency of the International Refugee Organization."

The representative of the U.S.S.R. also submitted a draft resolution (A/C.3/174) to the Third Committee at its 76th meeting. The U.S.S.R. resolution dealt with the repatriation of displaced persons still remaining in camps in western Germany and Austria. The representative of the U.S.S.R. declared that the General Assembly's resolution 8(I) of February 12, 1946,<sup>120</sup> and the resolution of December 15, 1946, approving the IRO constitution, had asked that the early return of displaced persons to their countries of origin should be encouraged and assisted in every possible way. Nevertheless, there were still hundreds of thousands of persons in the displaced persons camps in the western zones of Germany and Austria. The representative of the U.S.S.R. charged that the United Kingdom and the United States authorities in charge of these camps had not only failed to co-operate with the countries of origin with a view to the repatriation of refugees, but had even taken steps to discourage and impede such repatriation. Displaced persons, the U.S.S.R. representative stated, were being prevented from returning to their homes through intimidation and false propaganda concerning conditions in Eastern Europe. The countries seeking to resettle refugees, it was charged further, hoped to derive financial and economic advantages from the immigration of foreign labor. The representative of the U.S.S.R. cited instances of alleged exploitation of immigrants recruited from displaced persons camps. The U.S.S.R. resolution therefore contained the following recommendations:

"The General Assembly,

"Having observed that, notwithstanding the Assembly decisions of February 12 and December 15, 1946, to the effect that 'the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin,' hundreds of thousands of displaced persons are still, to this day, in the camps of western zones of Germany and Austria,

"that the administrative authorities in charge of many of these camps offer all kinds of hindrances to the representatives of the countries of origin in establishing contact with displaced persons,

"that numerous illegal committees and organizations in these camps, headed by war criminals, quislings and traitors, are carrying on propaganda inimical to the United Nations and terrorizing, with the connivance of the occupation authorities, persons who wish to return home, and

"that various offices, committees and agents are recruit-

ing terrorized displaced persons to leave for work in various countries, thus hindering their return home,

"Recommends to the Member Governments of the United Nations to take urgent measures:

"1. To remove from administrative posts in displaced persons camps all persons found to be instigating displaced persons not to return home or obstructing their repatriation;

"2. To appoint to administrative posts in the said camps persons holding the confidence of the Governments of countries which have nationals in a particular camp;

"3. Not to tolerate in displaced persons camps the further existence and activities of various self-styled committees which carry on systematic agitation against displaced persons' returning home;

"4. To afford the representatives of the States concerned free access to camps of displaced persons and allow free association with them;

"5. To cease the recruiting of displaced persons for countries far removed from their homes, where, moreover, such persons find themselves living in conditions of hardship and are condemned to fresh sufferings and privations;

"6. To deem it obligatory on countries members of the United Nations to give all possible assistance in returning displaced persons to their homes."

At the 77th meeting of the Third Committee the representative of the United Kingdom introduced a draft resolution (A/C.3/192) which his delegation had previously introduced in the ad hoc Committee on the Palestinian Question and which that Committee had tabled.<sup>121</sup> The resolution stressed the importance of re-establishing rapidly refugees still remaining in the displaced persons camps and provided that the General Assembly recommend

"that each Member of the United Nations adopt urgent measures for settling a fair share of displaced persons and refugees in its country, and inform the Secretary-General without delay of the consideration it has given, in implementation of resolution 62 (I) of the General Assembly, paragraph (e), to receiving, in conformity with the principles of the IRO, its fair share of non-repatriable persons; and join with other nations through the International Refugee Organization, or its Preparatory Commission, in the development of overall plans to accomplish this end."

The U.S.S.R. resolution was supported by the representatives of Poland, Yugoslavia, the Ukrainian S.S.R. and the Byelorussian S.S.R. The representatives of the United States and the United Kingdom denied U.S.S.R. charges concerning conditions in displaced persons camps under their administration. They stated, as did other representatives opposing the U.S.S.R. resolution, that the question raised in it had been discussed at length on previous occasions, particularly in connection

<sup>120</sup>See Yearbook of the United States, 1946-47, pp. 74-75.

<sup>121</sup>See p. 236.

with the discussion of the constitution of the IRO. They also pointed out that the U.S.S.R. delegation had submitted a very similar resolution to the Sixth Committee, which had rejected it,<sup>122</sup> and considered that there was no need to discuss the same matter again. As to the substance of the question, it was maintained that the purpose of IRO was not solely to repatriate displaced persons but also to resettle non-repatriable refugees. Compulsory repatriation could not be accepted in the case of bona fide refugees, who, for valid reasons, did not wish to return to their countries of origin.

The representatives of Belgium, the Dominican Republic and the United States expressed themselves in favor of the United Kingdom resolution. The representatives of Iran, Syria and Pakistan favored the joint resolution of the representatives of Egypt, Iraq and Lebanon. The representatives of the United Kingdom, Belgium and the Dominican Republic considered certain parts of the joint resolution acceptable, but stated that they could not support the resolution as a whole. The representative of the United Kingdom, supported by several other delegations, therefore suggested the establishment of a drafting sub-committee to reconcile the joint resolution and that of the United Kingdom and to submit a text acceptable to the majority. The representative of the United States opposed the joint resolution.

In an effort to reach agreement, the representative of India introduced a compromise proposal (A/C.3/196) at the 79th meeting of the Third Committee on November 7, 1947, which contained elements of the joint resolution and of the United Kingdom resolution. At the 80th meeting of the Third Committee on November 7, the Indian representative submitted a further resolution (A/C.3/199) taking into account the views expressed in the course of the discussion. As the Indian text, however, was not entirely acceptable to the authors of the other resolutions, the Third Committee decided by a vote of 20 to 15, with 7 abstentions, to establish a drafting sub-committee to be composed of the representatives of Belgium, Canada, Cuba, Egypt, India, Iraq, Lebanon, Panama, Poland, U.S.S.R., United Kingdom, United States and Yugoslavia.

The sub-committee held four meetings and, taking the Indian resolution (A/C.3/199) as a basis for discussion, agreed on a common text (A/C.3/204), which it submitted to the Third Committee at its 82nd meeting on November 11, 1947. The representative of the U.S.S.R., as a compromise, had withdrawn his resolution in favor of the sub-committee's resolution, although he did

not consider it entirely satisfactory, in view of the fact that it recommended resettlement of refugees as well as repatriation. The sub-committee had adopted all paragraphs of the resolution unanimously with the exception of the fifth paragraph, which stated that the General Assembly

"Invites the Member States not to accord aid and protection to individuals or organizations which are engaged in the promoting or operating of immigration likely to disturb friendly relations between nations."

The resolution as a whole had been adopted by a vote of 10 to 0, with 3 abstentions.

The representative of the United Kingdom submitted an amendment (A/C.3/201) to the fifth paragraph of the sub-committee's resolution, to provide that the General Assembly invite Member States "not to accord aid and protection to individuals or organizations which are engaged in promoting or encouraging illegal immigration".

The representative of Iraq requested that the Third Committee also vote on an alternative text which the representative of India had submitted to the sub-committee (A/C.3/202). This text provided that:

"The movement of refugees and displaced persons to countries other than their countries of origin should not take place without previous consultation with the recipient states and their states of origin and that in view of the difficulty of consulting the free will of the peoples of non-self-governing territories such movement to these areas should not, at present, take place."

It was requested that the vote on this text be taken in two parts, on the first part relating to the states concerned, and on the second part relating to Non-Self-Governing Territories. The Third Committee rejected the first part of the Indian text by a vote of 28 to 9, with 8 abstentions, and the second part by a vote of 20 to 12, with 17 abstentions. The Committee then adopted the United Kingdom amendment by a vote of 36 to 7, with 6 abstentions. The resolution as a whole, as amended, was then adopted by a vote of 33 to 1, with 12 abstentions.

At its 117th plenary meeting on November 17, 1947, the General Assembly, by a vote of 49 to 0, with 4 abstentions, adopted the resolution recommended by the Third Committee which follows (resolution 136(II)):

"The General Assembly,

"Having noted that its resolutions 8 (I) of 12 February and 62 (I) of 15 December 1946 on the question of refugees,<sup>123</sup> and its resolution 103 (I) of 19 November 1946 condemning racial and religious discrimina-

<sup>122</sup>See p.221.

<sup>123</sup>See Yearbook of the United Nations, 1946-47, pp. 74-75, 168-69.

tion,<sup>124</sup> have not been fully implemented, and that hundreds of thousands of victims of aggression remain in displaced persons camps;

"Recalling that one of the principles of the International Refugee Organization is that it 'should exercise special care in cases in which the re-establishment or resettlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question,'<sup>125</sup>

"Invites the Member States to implement the General Assembly resolution of 19 November 1946;

"Reaffirms its position that the main task concerning displaced persons is to encourage and assist in every possible way their early return to their countries of origin, in accordance with the General Assembly resolution of 12 February 1946, and that no obstacles be placed in the way of the early fulfilment of this task;

"Invites the Member States not to accord aid and protection to individuals or organizations which are engaged in the promoting or operating of illegal immigration, or in activities designed to promote illegal immigration;

"Recommends each Member of the United Nations to adopt urgent measures for the early return of the repatriable refugees and displaced persons to their countries of origin, having regard to the General Assembly resolution of 12 February 1946, and for settling a fair share of the non-repatriable refugees and displaced persons in its country; to inform the Secretary-General without delay of the results of the consideration it has given, in implementation of resolution 62 (I) of the General Assembly, paragraph (e), to receiving, in conformity with the principles of the International Refugee Organization, its fair share of non-repatriable persons, and to collaborate with other nations, for instance through the International Refugee Organization or its Preparatory Commission, in the development of overall plans to accomplish this end;

"Requests the Secretary-General to submit, in collaboration with the Director-General of the International Refugee Organization, or the Executive Secretary of its Preparatory Commission, a report on the progress and prospect of repatriation, resettlement and immigration of the refugees and displaced persons, for consideration by the Economic and Social Council at its seventh session."

#### j. TRADE UNION RIGHTS (FREEDOM OF ASSOCIATION)

At its fourth session the Economic and Social Council agreed to place on its agenda an item proposed by the World Federation of Trade Unions concerning guarantees for the exercise and development of trade union rights. The WFTU submitted a memorandum and draft resolution in connection with this item. The American Federation of Labor submitted a memorandum on the same subject. By resolution 52 (IV) of March 24, 1947, the Economic and Social Council transmitted the memoranda of the WFTU and the AFL to the Interna-

tional Labour Organisation with a request that the ILO consider the matter at its forthcoming session. The Economic and Social Council also transmitted the documents in question to the Commission on Human Rights in order that it might consider those aspects of the subject which might appropriately form part of the Bill or Declaration of Human Rights.

The General Conference of ILO considered the question of freedom of association at its 30th session in July 1947. It submitted a report to the Economic and Social Council entitled "Decisions concerning Freedom of Association adopted unanimously by the thirtieth session of the International Labour Conference on July 11, 1947" (A/374/Add.1), which laid down the fundamental principles on which freedom of association must be based and proposed measures for safeguarding this freedom. The Conference also provided that the question be placed on the agenda of its 1948 session for the adoption of one or more conventions to ensure the exercise of the right of freedom of association and the protection of the right to organize.

The Economic and Social Council considered the ILO's report at its fifth session<sup>126</sup> and on August 8, 1947, decided

(a) To recognize the principles proclaimed by the ILO;

(b) To request the ILO to continue its efforts in order that one or several international conventions may be quickly adopted;

(c) To transmit the ILO's report to the General Assembly.<sup>127</sup>

At its 91st plenary meeting on September 23, 1947, the General Assembly referred the ILO's report to the Third Committee, which considered the matter at its 63rd meeting on October 13, its 64th meeting on October 14, its 65th meeting on October 16, its 66th meeting on October 17 and its 73rd meeting on October 30.

The representative of France submitted the following draft resolution (A/C.3/167) to the Third Committee:

"The General Assembly,

"Taking note of the decision of the Economic and Social Council to transmit to the General Assembly of the United Nations the Report of the International Labour Organization on trade union rights,

"Decides

"(a) To recognize the principles proclaimed by the International Labour Conference;

"(b) To request the International Labour Organization to continue its efforts in order that one or several

<sup>124</sup>Ibid., p. 178.

<sup>125</sup>Ibid., p. 816.

<sup>126</sup>See pp. 584-85.

<sup>127</sup>See doc. A/374, see also p. 823.

international conventions may be quickly adopted;  
 "Requests the Secretary-General to arrange for the Commission on Human Rights to collaborate in the study of those aspects of trade union rights which would form part of the Bill or Declaration on Human Rights."

The representative of India submitted an amendment (A/C.3/172) to add the following text at the end of the French resolution: "particularly with a view to abolishing racial discrimination in any form in the organization and functioning of Trade Unions".

The representative of the Dominican Republic stated that the resolution adopted by the Economic and Social Council should be broadened and should envisage the possibility of international agreements covering such human rights as a minimum wage and compulsory social insurance, as well as freedom of association. He therefore submitted the following draft resolution (A/C.3/166):

"The General Assembly,  
 "Considering:

"(a) That the resolution adopted on 8 August 1947 by the Economic and Social Council aims at the establishment, as soon as possible, of international machinery for safe-guarding the freedom of association of trade unions, citing this need as one of the essential features of the proposed Bill of Human Rights;

"(b) That improvement of the living conditions of workers depends not only on respect for freedom of association but also on such other social safeguards as will assure to all men a minimum of economic well-being, and;

"(c) That the first step towards effective establishment of human rights should be an effort on the part of all countries that are Members of the United Nations for the international protection of the worker as regards his material means of existence:

"Requests the Secretary-General to take the necessary measures in order that both the International Labour Organization and the Commission on Human Rights may study the possibility of establishing, as rights inherent in the human person, the principle of free association and any other safeguards, such as minimum wages and compulsory social insurance, as may provide the basis for a minimum of well-being within the reach of all the workers of the world."

The representative of the U.S.S.R. submitted a number of amendments (A/C.3/169) to the resolution submitted by the representative of the Dominican Republic. One of these amendments provided for participation of the WFTU in the proposed study of trade union rights. A second amendment elaborated the concept of safeguards designed to ensure a minimum of material well-being by listing, in addition to minimum wages and compulsory social insurance, the following: "Equal pay for equal work, abolition of racial discrimination in economic and social activities, full employment and effective struggle against unemployment, especially in a period of crisis."

A similar list of rights to be guaranteed to all workers was contained in an amendment (A/C.3/170) submitted by the representative of Argentina. The Argentine amendment to the Dominican resolution listed the following concepts: "The right to work; the right to a fair remuneration; the right to social advancement; the right to appropriate working conditions; the right to the preservation of health; the right to welfare; the right to social security; the right to the protection of his family; the right to better economic conditions; the right to the defence of professional interests."

The representatives supporting the Dominican resolution and the amendments submitted thereto—among others the representatives of Czechoslovakia, Yugoslavia, Cuba, Ukrainian S.S.R., Byelorussian S.S.R., Argentina, U.S.S.R., Philippines, Poland and Colombia—maintained that the General Assembly should not confine itself to endorsing the ILO's report and the Economic and Social Council's resolution, but should make positive recommendations of its own and adopt a set of principles to guide future action. The representative of the U.S.S.R., supported by several other representatives, stated that the Economic and Social Council had referred the question to the ILO without any discussion of the substance of the matter and subsequently had merely referred the ILO's report to the General Assembly. The WFTU, which had brought this item before the Economic and Social Council, was said to have expressed dissatisfaction with this procedure and to have requested a discussion of the substance of the question. The principles contained in the ILO report, it was maintained further, were too limited in scope. Endorsement of these principles would not make for tangible advantages for the trade unions, as the ILO tended to place the trade unions and the employers on an equal footing. Mere freedom of association was not enough. Workers must not only have the right to organize in trade unions, but must be in a position, through their unions, to co-operate in the preparation and application of social legislation.

Representatives supporting the French resolution in preference to that of the Dominican representative included those of South Africa, Belgium, United States, United Kingdom, Netherlands and Luxembourg. The French resolution, it was maintained, was more concrete and more direct than that of the Dominican representative, since it did not enunciate principles, but left the matter for detailed study to the appropriate bodies, namely the ILO, which was the specialized agency best qualified to act in matters affecting the welfare of labor, and the Commission on Human Rights. If

there were any reference to principles, it was maintained, then all basic principles must be mentioned. Such a broad consideration, it was maintained, was beyond the scope of the Third Committee's work. The General Assembly should not adopt a mere statement of principles which could not readily be applied and enforced. The best method of ensuring trade union rights was to encourage ILO to continue the work it had already effectively embarked upon.

The representative of Chile submitted an amendment (A/C.3/171) to the draft resolutions of the Dominican and the French representatives designed to reconcile the two points of view.

At its 66th meeting on October 17, 1947, the Third Committee unanimously decided to establish a sub-committee composed of the representatives of Argentina, Australia, Belgium, Chile, China, Czechoslovakia, Dominican Republic, France, India, Lebanon, Norway, U.S.S.R., United Kingdom, United States and Yugoslavia, to draft, if possible, a single resolution acceptable to the majority of the Third Committee.

In an effort to reach agreement the representative of France submitted a revised draft resolution (A/C.3/175) which the sub-committee adopted as a basis of discussion. The representatives of the United Kingdom (A/C.3/177), the Dominican Republic (A/C.3/176) and Argentina (A/C.3/179) submitted amendments to the revised French resolution. At the third meeting of the sub-committee the representative of France introduced a compromise proposal (A/C.3/185) which the sub-committee unanimously adopted as a basis of further discussion. At its fourth meeting the sub-committee adopted by a vote of 11 to 4 the text of a resolution<sup>128</sup> approving the two resolutions of the Economic and Social Council, transmitting the views on guarantees for trade union rights of the World Federation of Trade Unions and the American Federation of Labor to the Commission on Human Rights, and transmitting to the General Assembly the report of the ILO on freedom of association. The Assembly, according to the draft resolution, would state that it considered essential the right of trade union freedom of association; would endorse the principles proclaimed by the International Labour Conference on trade union rights as well as the principles contained in the Declaration of Philadelphia; would transmit the report of the ILO to the Commission on Human Rights; and, finally, would recommend to the ILO that it pursue in collaboration with the United Nations its study of machinery for safeguarding trade union rights

and freedom of association and the application of such machinery.

At its 73rd meeting on October 30, 1947, the Third Committee considered the sub-committee's report (A/C.3/183). Amendments to the draft resolution were presented by the representatives of Argentina (A/C.3/184/Rev.1), Czechoslovakia (A/C.3/186)<sup>129</sup> and Yugoslavia (A/C.3/187). The Third Committee rejected all the amendments, and, voting paragraph by paragraph, adopted the resolution recommended by the sub-committee. The resolution as a whole was adopted by a vote of 31 to 5, with 6 abstentions.

The General Assembly considered the report of the Third Committee at its 115th meeting on November 15, and its 116th and 117th meetings on November 17. Amendments to the resolution recommended by the Third Committee were submitted by the representatives of Czechoslovakia (A/469), India (A/475) and Argentina (A/476).

The Czechoslovak amendment proposed to substitute for the operative part of the resolution a recommendation to the Economic and Social Council to take a final decision after considering the basic request of the World Federation of Trade Unions<sup>130</sup>.

At the 115th plenary meeting of the General Assembly the representative of Czechoslovakia explained the reasons which had led the Czech delegation to submit its amendment. According to the Czech representative the Economic and Social Council had not considered the request of the WFTU but had merely referred the matter to the ILO for study and report. The ILO, instead of dealing with trade union rights, had dealt with the subject of freedom of association. In view of the fact that the Economic and Social Council had not taken any decision on the substance of the question the General Assembly should not approve the Economic and Social Council's resolutions. A request by the Economic and Social Council that other bodies should make further studies could not be considered a positive result requiring the General Assembly's approval. The General Assembly should request the Economic and Social Council to study the request of the WFTU. The recommendation contained in the Third Committee's resolution, the Czechoslovak representative consid-

<sup>128</sup>See pp. 132-33 for final text, which corresponds closely to the Committee's recommendations.

<sup>129</sup>The amendments submitted by the representatives of Argentina and Czechoslovakia were similar to those submitted subsequently to the General Assembly in plenary meeting (see below).

<sup>130</sup>See doc. A/374, annex.



ered, was inadequate. A resolution adopted by the Economic and Social Council at the request of the WFTU would, on the other hand, create a solid basis for trade union rights in all Member States and their safeguards would be in the hands of the United Nations rather than in the hands of the ILO. The Economic and Social Council, the Czech representative declared, had the primary right and responsibility to make an authoritative declaration on the vital question of trade union rights.

The amendment submitted by the representative of India (A/475) provided that a paragraph be added to the resolution recommending the abolition of racial discrimination in any form in the organization and functioning of trade unions. The representative of India subsequently withdrew his amendment.

The Argentine Amendment (A/476) provided that the reference to the Declaration of Philadelphia be elaborated by a specific mention of those sections containing a list of principles concerning the welfare of labor, i.e., sub-section (a) of section II and sub-sections (a) to (j) inclusive of section III.<sup>131</sup>

The representative of Argentina maintained that his amendment did not add anything substantially new to the resolution, recommended by the Third Committee, but was merely designed to strengthen it. An explicit endorsement by the General Assembly of the cardinal elements of the Declaration of Philadelphia, the Argentine representative maintained, would set an international standard of welfare for the working classes.

In the course of the discussion at the 115th, 116th, and 117th plenary meetings of the General Assembly the representatives of Poland, U.S.S.R., and Yugoslavia expressed themselves in favor of the Czechoslovak amendment. The representatives of Brazil, the United States, the United Kingdom, New Zealand, France, Colombia, the Netherlands and Guatemala urged the Assembly to adopt the resolution recommended by the Third Committee. In opposition to the Czechoslovak amendment it was stated that it ignored the fact that the Economic and Social Council had been asked to consider not only the request of the WFTU, but also the memorandum of the AFL. Adoption of the amendment would mean that the United Nations was not to make use of the machinery established especially to deal with problems concerning labor. The Czechoslovak amendment asked the Economic and Social Council to ignore the report of the ILO and to set up a committee on trade union rights, in order to safeguard (without re-

gard to the ILO) the trade union rights upon which the Economic and Social Council would have decided on (likewise without regard to the work done by ILO). The manner in which this question had been dealt with by the Economic and Social Council, it was stressed, was an example of successful co-ordination of the work of the United Nations and the specialized agencies. Such co-operation deserved to be encouraged and not to be criticized.

As regards the Argentine amendment, it was maintained by representatives opposing it, that it detracted attention from the main issue, i.e. trade union rights, by adding a lengthy list of general principles concerning social welfare, which went beyond strict trade union rights because they should apply to the whole community. The clarity and force of the General Assembly's recommendation might thus be impaired.

As a compromise measure, the representative of the United Kingdom proposed an amendment (A/480) to the Argentine amendment to the effect that the list of principles contained in the Declaration of Philadelphia be included as an annex to the resolution recommended by the Third Committee instead of being incorporated in the resolution itself.

The Assembly rejected the Czechoslovak amendment by a vote of 42 to 6, with 4 abstentions. The United Kingdom amendment to the Argentine amendment was adopted by a vote of 20 to 17, with 14 abstentions. The Argentine amendment was adopted by a vote of 36 to 7, with 7 abstentions. The resolution as a whole, as amended, was adopted by a vote of 45 to 6, with 2 abstentions. Following is the text of the resolution (128(II)) which the General Assembly thus adopted at its 117th plenary meeting on November 17, 1947:

"The General Assembly,

"Taking note of resolution 52 (IV) adopted by the Economic and Social Council at its fourth session, whereby it was decided to transmit the views of the World Federation of Trade Unions and the American Federation of Labor on 'Guarantees for the Exercise and Development of Trade Union Rights' [A/374] to the Commission on Human Rights, 'in order that it may consider those aspects of the subject which might appropriately form part of the bill or declaration on human rights';

"Taking note also of resolution 84 (V) adopted by the Council at its fifth session, whereby it was decided to transmit to the General Assembly of the United Nations the report of the International Labour Organisation entitled 'Decisions concerning freedom of association adopted unanimously by the thirtieth session of the International-

<sup>131</sup>For the list of principles contained in these sections see annex to the resolution adopted by the General Assembly (below).

al Labour Conference on 11 July 1947, [A/374/Add. 1] to recognize the principles proclaimed by the International Labour Conference and to request the International Labour Organisation to continue its efforts in order that one or several international conventions may be adopted,

"Approves these two resolutions;

"Considers that the inalienable right of trade union freedom of association is, as well as other social safeguards, essential to the improvement of the standard of living of workers and to their economic well-being;

"Declares that it endorses the principles proclaimed by the International Labour Conference in respect of trade union rights as well as the principles the importance of which to labour has already been recognized and which are mentioned in the Constitution of the International Labour Organisation<sup>132</sup> and in the Declaration of Philadelphia<sup>133</sup> and, in particular, sub-section (a) of section II, and sub-sections (a) to (j) inclusive of section III, which are given in the annex to this resolution;

"Decides to transmit the report of the International Labour Organisation to the Commission on Human Rights with the same objects as those stated in resolution 52 (IV) of the Economic and Social Council, and

"Recommends to the International Labour Organisation on its tripartite basis to pursue urgently, in collaboration with the United Nations and in conformity with the resolution of the International Labour Conference concerning international machinery for safeguarding trade union rights and freedom of association, the study of the control of their practical application."

#### ANNEX

#### PRINCIPLES SET FORTH IN SECTION II(a) AND SECTION III(a) TO (j) OF THE DECLARATION OF PHILADELPHIA

##### Section II

(a) All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

##### Section III

(a) Full employment and the raising of standards of living;

(b) The employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;

(c) The provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;

(d) Policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;

(e) The effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;

(f) The extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;

(g) Adequate protection for the life and health of workers in all occupations;

(b) Provision for child welfare and maternity protection;

(i) The provision of adequate nutrition, housing and facilities for recreation and culture;

(j) The assurance of equality of educational and vocational opportunities.

#### k. FALSE AND DISTORTED REPORTS

By letter of August 8, 1947 (A/338), the Yugoslav Government requested that the following item be included in the agenda of the second session of the General Assembly:

"Recommendations to be made with a view to preventing the dissemination with regard to foreign States of slanderous reports which are harmful to good relations between States and contrary to the purposes and principles of the United Nations."

At its 91st plenary meeting on September 23, the General Assembly referred this item to the Third Committee., which considered it at its 68th meeting on October 24, its 69th meeting on October 25, its 70th and 71st meetings on October 28 and its 72nd meeting on October 29, 1947.

At the 69th meeting of the Committee the representative of Yugoslavia stated that modern media of information played a considerable part in international life and directly affected the maintenance of peace and security. Although there were numerous organs of information contributing to the development of international understanding, other information services, he considered, abused their freedom. Slanderous statements and false reports, he stated, were being disseminated about the countries of Eastern Europe, creating an atmosphere of distrust. The Yugoslav representative considered that such defamatory press campaigns constituted a serious danger to the United Nations. It was essential, he urged, to put an end to such campaigns, and to establish some kind of responsibility for the publication and dissemination of false and libelous reports, without impairing the principles of freedom of information through the establishment of censorship or similar preventive measures. The representative of Yugoslavia submitted the following draft resolution (A/C.3/162):

"The General Assembly,

"Considering that organs and media of information (newspapers, news periodicals, news agencies, radio

<sup>132</sup>See first Report of the International Labour Organisation to the United Nations, vol. II, p. 1; see also Yearbook of the United Nations, 1946-47, p. 670.

<sup>133</sup>See First Report of the International Labour Organisation to the United Nations, vol II, pp. 19-21; see also Yearbook of the United Nations, 1946-47, pp. 678-79.

broadcasts and news reels) cannot usefully fulfil their mission in the international field unless they respect the truth without prejudice and spread knowledge without malicious intent, devote themselves to the service of international peace and security; and promote the development of friendly relations between peoples, based on respect for their independence, the equality of their rights, and their right to self-determination;

"That the publication and dissemination of false and tendentious reports and defamatory matter designed to aggravate relations between nations and incite them to war disturbs the atmosphere of friendship and mutual understanding between peoples and represents a real danger to the maintenance of international peace and security;

"That the question of freedom of information and of the press cannot be solved until an adequate solution has been found to the problem of the effective responsibility of the press and other media of information;

"1. Invites States to take urgent legislative and other measures to establish the responsibility of the owners of media of information, and of their directors or contributors, who publish or spread false and tendentious reports calculated to aggravate relations between nations, provoke conflicts and incite to war, or who take part in defamatory campaigns based on false news and directed against another State or another nation;

"2. Invites States to take measures to prevent the publication and dissemination through the channel of governmental or semi-governmental bodies, of reports or news which have not been carefully and conscientiously verified."

The representatives of Chile, United States, Panama, Sweden, Greece, Dominican Republic, United Kingdom, Netherlands, South Africa, Cuba and Canada expressed opposition to the Yugoslav resolution. These representatives stated that they could not accept any resolution which provided for any form of government control over the press or other media of information. While admitting the possibility that freedom of expression might be abused, they maintained that the remedies for the imperfections of a free press were to be found in that very freedom. What was needed was greater freedom in all countries rather than more restrictions. A controlled press, it was argued, was more likely to keep people in systematic ignorance of the truth than a free press. It was in such ignorance that the threat to international peace and security really resided.

Leaving aside questions of principle, it was maintained that the Yugoslav proposal fell within the scope of the terms of reference of the Conference on Freedom of Information which was to take place in Geneva in March 1948. These terms of reference provided that "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 freedom of information". Several representatives

therefore suggested that the matter be referred to the Conference. Others considered that the Third Committee had rejected the principles contained in the Yugoslav resolution when it had rejected the resolution introduced by the representative of the U.S.S.R. concerning the agenda of the Conference on Freedom of Information.<sup>134</sup>

Some representatives also mentioned the fact that a similar resolution had been introduced by the representative of the U.S.S.R. in the First Committee.<sup>135</sup> The representative of Guatemala proposed (A/C.3/182) at the 69th meeting of the Third Committee that the Third and First Committees should hold a joint meeting to consider this question and to formulate a single resolution. The Committee decided to postpone consideration of the Guatemalan proposal until the general debate on the Yugoslav proposal had been concluded.

The representatives of U.S.S.R., Byelorussian S.S.R., Ukrainian S.S.R., Egypt, Poland and Czechoslovakia supported the Yugoslav resolution. The Egyptian representative stressed that the press was really free only when fully aware of its responsibilities. He thought that the United Nations ought to adopt certain international principles with regard to the suppression of abuses by the press which could be included in penal codes. The other representatives supporting the resolution maintained that the campaign currently being waged in the press of the United States and of certain other countries against the U.S.S.R. and its neighboring countries clearly showed the necessity of taking steps against such irresponsible attacks, by defining the responsibilities of the organs of information and of their owners and directors. Moreover, it was maintained that the press of the so-called western democracies was not really free, being controlled by a small number of capitalist corporations. Concerning the Yugoslav proposal, it was maintained that it would in no way threaten freedom of expression, as it was not proposed to institute any form of censorship. It would be left to the countries concerned to decide in what way they wished to establish the responsibility of the various media of information.

The representative of France stated that he considered the problem of false reports to be a very real one. He thought it would endanger the confidence placed in the United Nations by the man in the street if the Yugoslav proposal were rejected out of hand. Such an act might be

<sup>134</sup> See pp. 102-3.

construed by the public as indicating total indifference on the part of the United Nations or as a refusal to face the problem. The French representative considered that it was desirable that the various Member Governments should study the possibility of modifying their press laws in such a way as to minimize the influence of false news. The Geneva conference on freedom of information might then try to harmonize those various laws, and if possible embody them in a general system of international legislation. The representative of France therefore submitted a draft resolution (A/C.3/180) as a substitute for the Yugoslav resolution.

The French draft resolution referred to the Charter obligation of Members to develop friendly relations and to co-operate in promoting human rights. It stated that to attain this end it was essential to increase the diffusion in all countries of information calculated to increase mutual understanding and that to do this it was essential to take measures to combat "the publication of false and tendentious reports likely to injure friendly relations between States". It therefore provided that the Assembly:

"1. Invites the Governments of States Members

"(a) to study such legislative or other measures as might with advantage be taken on the national plane to combat the diffusion of false or tendentious reports likely to injure friendly relations between States;

"(b) to submit reports on this subject to the Conference on Freedom of Information so as to provide the Conference with the data it requires to enable it to start its work immediately on a concrete basis.

"2. Recommends to the Conference on Freedom of Information that it study, with a view to their co-ordination, the measures taken or advocated in this connection by the various States."

The representatives of India and Argentina supported the French resolution. The representatives of Belgium (A/C.3/189), Mexico (A/C.3/188) and Luxembourg (A/C.3/185) submitted amendments to the French draft resolution designed mainly to stress the fact that measures to combat the dissemination of false information should be taken by the Member Governments "within the limits of constitutional procedure", and to delete reference to "legislative" measures. It was also suggested that the term "inaccurate" information should be substituted for "tendentious" information or that the latter term should be deleted entirely. The representative of France accepted the substance of these amendments and submitted a draft resolution revised accordingly (A/C.3/180/Rev.1). The representatives of Panama, Brazil, the United States and Lebanon

indicated that they would support the French resolution in its revised form.

At the 72nd meeting of the Third Committee the representative of Yugoslavia stated that in a spirit of conciliation he wished to withdraw his resolution and would vote for the French proposal. The Third Committee then adopted the French resolution by a vote of 49 to 1. The representative of Cuba explained that his delegation had voted against the resolution because he considered it superfluous, as the First Committee had adopted a similar resolution. In view of the Committee's decision the representative of Guatemala withdrew his proposal for a joint meeting of the Third and First Committees.

At its 115th plenary meeting on November 15, 1947, the General Assembly unanimously adopted the resolution recommended by the Third Committee the text of which follows (resolution 127 (II)):

"The General Assembly,

"Considering that, under Article 1 of the Charter, Members are bound to develop friendly relations amongst themselves and to achieve international co-operation in promoting and encouraging respect for human rights and fundamental liberties;

"Considering that to attain this end it is essential to facilitate and increase the diffusion in all countries of information calculated to strengthen mutual understanding and ensure friendly relations between the peoples;

"Considering that substantial progress in this sphere can be achieved only if measures are taken to combat, within the limits of constitutional procedures, the publication of false or distorted reports likely to injure friendly relations between States,

"Invites the Governments of States Members

"1. To study such measures as might with advantage be taken on the national plane to combat, within the limits of constitutional procedures, the diffusion of false or distorted reports likely to injure friendly relations between States;

"2. To submit reports on this subject to the Conference on Freedom of Information so as to provide the Conference with the data it requires to enable it to start its work immediately on a concrete basis;

"Recommends to the Conference on Freedom of Information that it study, with a view to their co-ordination, the measures taken or advocated in this connexion by the various States as being relevant to the discussion of items 2(d) and 5(c) of section II of its provisional agenda."

# 1. TEACHING OF THE PURPOSES AND PRINCIPLES, THE STRUCTURE AND ACTIVITIES OF THE UNITED NATIONS IN THE SCHOOLS OF MEMBER STATES

By letter dated September 29, 1947 (A/BUR/91), the Chairman of the Norwegian delegation requested that the following item be included in

the agenda of the second session of the General Assembly:

"Teaching of the purposes and principles, the structure and activities of the United Nations in the schools of Member States."

At its 40th meeting on October 1, 1947, the General Committee decided by a vote of 12 to 1, with 1 abstention, to recommend to the General Assembly to include this item on its agenda (A/392/Add.3). The General Assembly approved this recommendation at its 95th plenary meeting on October 1, and referred the question to the Third Committee, which considered it at its 81st meeting on November 10, 1947.

The representative of Norway stated that the public was quite uninformed about the United Nations. This ignorance, the Norwegian representative thought, was due mainly to the press, which presented only the political aspect of the conflicts within the organization and ignored the constructive work which had been accomplished, particularly in the social and economic fields. It was essential, however, that the United Nations should have the enlightened support of the public, based on a real knowledge of its activities. The representative of Norway, therefore, submitted a draft resolution (A/C.3/168) which provided that the General Assembly recommend to all Member Governments to encourage "the teaching of the United Nations Charter and the purposes and principles, the structure and activities of the United Nations" in the schools of their countries and that they inform the Secretary-General of the measures they had taken to implement this recommendation.

The representative of Lebanon submitted two amendments (A/C.3/190) to the Norwegian draft resolution. The first one provided that the "background" of the United Nations (instead of the "purposes and principles") should be taught, as the representative of Lebanon considered that the background of the Charter was as important as the Charter itself. It was essential, he stated, that teaching designed to make the United Nations known throughout the world should include a study of the years preceding the actual establishment of the organization: The Atlantic Charter, the work accomplished at Dumbarton Oaks and, especially, the work accomplished at San Francisco.

The second amendment proposed by the Lebanese representative was designed to make UNESCO principally responsible for the implementation of the contemplated teaching program and provided further that UNESCO should report

on this matter to the Economic and Social Council.

The representative of China, submitted an amendment (A/C.3/195) to add a brief preamble to the resolution stressing the importance of promoting interest in the United Nations.

The representative of Norway considered the Chinese amendment acceptable, as well as the Lebanese amendment concerning the teaching of the "background" of the United Nations, but thought the second Lebanese amendment unacceptable. To meet the point of view of the Lebanese representative as far as possible, however, the Norwegian representative submitted a revised draft resolution which provided, inter alia, that the General Assembly "request the Secretary-General, in consultation with UNESCO, to furnish all Member Governments with advice and assistance in the implementation of this programme". The United Nations, the representative of Norway explained, could thus co-operate with UNESCO without assigning to UNESCO the primary responsibility for the implementation of the program. The latter alternative was considered undesirable in view of the fact that not all Members of the United Nations were Members of UNESCO. Moreover, it was maintained by representatives supporting the Norwegian point of view that the United Nations should carry out its own public information work and not leave it to UNESCO alone.

Other representatives considered that UNESCO had been created for the purpose of carrying on the work of the United Nations in the educational field and that the United Nations should not deprive UNESCO of its functions in this case. The representative of Lebanon, in particular, considered the revised Norwegian proposal unacceptable, because it subordinated the functions of UNESCO to those of the Secretary-General of the United Nations, and he therefore insisted on his own text.

The above amendments and certain others which had been proposed were then put to a vote. The Chinese amendment to add a preamble to the resolution was adopted by a vote of 31 to 0, with 5 abstentions. A U.S.S.R. amendment that the "purposes and principles" as well as the "background" of the United Nations should be taught was adopted by a vote of 31 to 0, with 4 abstentions. An Ecuadorian amendment to include mention of "establishments of higher learning" was adopted by a vote of 26 to 0, with 10 abstentions. The Lebanese amendment concerning UNESCO was adopted by a vote of 24 to 6, with 5 abstentions. The entire resolution as amended

was adopted by a vote of 32 to 0, with 5 abstentions.

The General Assembly considered the report of the Third Committee at its 117th plenary meeting on November 17. The representative of Cuba submitted an amendment (A/483) to the resolution recommended by the Third Committee (A/468), providing that the Secretary-General and UNESCO (and not UNESCO alone) should assist Member Governments in the implementation of the General Assembly's recommendation concerning the teaching about the United Nations, and further that all Member Governments should report to the Secretary-General on the measures they had taken to encourage teaching about the United Nations, the Secretary-General to submit a report to the Economic and Social Council on the basis of information thus received. In explaining his amendment the representative of Cuba stated that it was desirable to afford the widest possible opportunity for the dissemination of ideas about the United Nations. The resolution recommended by the Third Committee tended to restrict such opportunity by entrusting the task exclusively to UNESCO. He stated in this connection that of the 57 Members of the United Nations, only 35 belonged to UNESCO, while on the other hand there were certain countries Members of UNESCO which were not Members of the United Nations. Countries not Members of UNESCO might therefore not receive the necessary assistance. In view of this, the Cuban representative considered that the services of the Department of Public Information of the United Nations Secretariat should be utilized.

The representatives of Lebanon, the United States and Canada expressed opposition to the proposal that the Secretary-General as well as UNESCO be requested to furnish assistance to Member Governments, considering that this was more properly the function of UNESCO. They were willing, however, to accept the proposal that all Members of the United Nations report to the Secretary-General, who in turn should report to the Economic and Social Council. The representative of the United States proposed to add this recommendation to the resolution recommended by the Third Committee.

The President of the General Assembly ruled that only the United States proposal could be considered an amendment, while the Cuban proposal as a whole must be considered a separate resolution to be voted on only in case the resolution recommended by the Third Committee were rejected. The United States proposal was

therefore put to the vote and was adopted. The General Assembly then adopted, at its 117th plenary meeting on November 17, the amended resolution (137(II)), the text of which follows:

"The General Assembly,

"Considering that knowledge and understanding of the aims and activities of the United Nations are essential in promoting and assuring general interest and popular support of its work,

"Recommends to all Member Governments that they take measures at the earliest possible date to encourage the teaching of the United Nations Charter and the purposes and principles, the structure, background and activities of the United Nations in the schools and institutes of higher learning of their countries, with particular emphasis on such instruction in elementary and secondary schools;

"Invites the United Nations Educational, Scientific and Cultural Organization to assist Members of the United Nations, at their request, in the implementation of this programme, with the co-operation as required of the Secretary-General of the United Nations, and to report thereon to the Economic and Social Council;

"Requests Member States to furnish the Secretary-General with information as to the measures which have been taken to implement this recommendation, such information to be presented in the form of a report to the Economic and Social Council by the Secretary-General in consultation with, and with the assistance of, UNESCO."

#### m. CREATION OF AN INTERNATIONAL SCHOOL FOR THE CHILDREN OF PERSONNEL ATTACHED TO THE UNITED NATIONS

In connection with the Third Committee's discussion of the Norwegian resolution concerning the teaching about the United Nations in the schools of Member States, the representatives of Chile, Colombia, Mexico and Venezuela jointly submitted a draft resolution (A/C.3/193) requesting the Secretary-General, after consultation with UNESCO, to submit to the Economic and Social Council a detailed and precise plan for the creation of an international school for the children of personnel attached to the United Nations, examining in particular the possibility of including the school's premises in the buildings of the permanent headquarters of the United Nations. The representative of Sweden submitted an amendment (A/C.3/203) to this resolution which provided that in working out plans for an international school for the children of personnel attached to the United Nations, the Secretary-General should co-operate "with any association of parents of children of personnel attached to the United Nations", as an Association of Parents had already been started among permanent delegates and staff members.

The Third Committee considered this resolu-

tion at its 82nd meeting on November 11. The representatives of the United States, Yugoslavia, the U.S.S.R. and the United Kingdom opposed the resolution on the grounds that it was not relevant to the item on the agenda, which was concerned with a general educational principle, while the resolution dealt with a specific project. Moreover, it was maintained that the resolution concerned an administrative question which should be brought before the Fifth Committee rather than the Third Committee. The representatives of Chile, Denmark and Panama supported the resolution as amended by the representative of Sweden.

At the suggestion of the representative of Chile the Chairman put the question of the Committee's competence to a vote. The Third Committee decided by a vote of 27 to 15, with 2 abstentions, that the resolution was not within its terms of reference. No action was therefore taken on this draft resolution.

## 5. Trusteeship and Non-Self-Governing Territories

### a. REPORT OF THE TRUSTEESHIP COUNCIL

The General Assembly at its 91st plenary meeting on September 23, 1947, referred the report of the Trusteeship Council (A/312) to the Fourth Committee, which considered it at its 30th meeting on September 24 and its 34th meeting on September 29, 1947.

The President of the Trusteeship Council, Francis B. Sayre (United States), introduced the report at the 30th meeting of the Committee. At the 34th meeting the report was examined section by section, several delegations offering comments on specific aspects of the work of the Trusteeship Council.

Following the completion of the detailed examination of the report, the Fourth Committee unanimously adopted a resolution which provided that the General Assembly note the report of the Trusteeship Council and refer the comments made by Members in the course of the Fourth Committee's discussion to the Council for consideration in its future work.

At its 104th plenary meeting on November 1, 1947, the General Assembly unanimously adopted the resolution recommended by the Fourth Committee (A/421) which follows (resolution 139(II)):

"The General Assembly

"Takes note of the report of the Trusteeship Council (document A/312)<sup>136</sup> and

"Resolves that all comments<sup>137</sup> made by Members on the report during the discussion be transmitted to the Trusteeship Council for consideration in its future work."

### b. TRUSTEESHIP AGREEMENT FOR NAURU

The Governments of Australia, New Zealand and the United Kingdom submitted a draft Trusteeship Agreement (A/402) to the second session of the General Assembly for the territory of Nauru administered jointly by the three Powers concerned under a Mandate from the League of Nations. At its 91st plenary meeting on September 23, 1947, the General Assembly referred the draft Agreement to the Fourth Committee, which considered it at its 35th meeting on October 2 and its 46th meeting on October 22.

To facilitate the work of the Fourth Committee, the Secretary-General submitted a factual survey of Nauru which included information on the following subjects: geography, history, population, administration, law and justice, land, phosphate, labor, health and hygiene, education, public finance and commerce (A/C.4/101). The Secretary-General also submitted a commentary on the proposed Trusteeship Agreement (A/C.4/102) in which he pointed out that the terms of the draft Trusteeship Agreement for Nauru followed closely the terms of the Trusteeship Agreement for New Guinea approved by the General Assembly at the second part of its first session.<sup>138</sup>

Following a general discussion at the 35th meeting of the Fourth Committee on October 2, 1947, the detailed consideration of the draft Agreement and such modifications as might be proposed thereto were referred to a sub-committee composed of the members of the Trusteeship Council (Australia, Belgium, China, France, Iraq, Mexico, New Zealand, U.S.S.R., United Kingdom, United States) with the addition of Yugoslavia and India.

In the course of four meetings (A/C.4/SC.1/SR.-30-33) the sub-committee examined the draft Trusteeship Agreement article by article.<sup>139</sup>

Articles 1, 2 and 3 were adopted without discussion.

Article 4. The representative of India requested a clarification of this Article, which, he considered, appeared to provide for the transfer of the administration from the three Governments con-

<sup>136</sup> See Official Records of the second, session of the General Assembly, Supplement No. 4.

<sup>137</sup> For extracts from the verbatim records of the 34th meeting, see annex to doc. A/421.

<sup>138</sup> See Yearbook of the United Nations, 1946-47, pp. 195-96.

<sup>139</sup> For text of the Agreement as approved, see p. 788.

cerned to some other state without the consent of the United Nations. In answer to the Indian request the representative of Australia submitted the following statement:

"It is the intention of the Administering Authority that, in the implementation of Article 4 of the Agreement, one of the three Governments will, on behalf of the Administering Authority, exercise the powers granted in the Agreement and that the Government of Australia will administer the territory until it is agreed among the three Governments that one other of the three Governments will assume this function."

The representative of China considered that the wording of Article 4 was not sufficiently clear. He considered that agreement among the three Powers concerned for a change of administration should be regarded as a preliminary step only, and that all changes in administration should be submitted to the General Assembly for approval. He therefore proposed that the following provision be added to Article 4 (A/C.4/SC.1/111):<sup>140</sup>

"The terms of the present Trusteeship Agreement may not be altered or amended except as provided in Articles 79, 83 and 85 of the Charter."

In opposition to the Chinese proposal it was stated that Australia, the United Kingdom and New Zealand jointly were designated as the Administering Authority, and therefore changes among the joint Administering Authority could not be considered as changes in the Trusteeship Agreement requiring the approval of the General Assembly. Article 83, it was stated, moreover, was not applicable, as Nauru had not been designated as a strategic area.

The sub-committee rejected the modification proposed by the representative of China by a vote of 5 to 3, with 4 abstentions. Article 4 as worded in the draft Trusteeship Agreement was adopted by a vote of 8 in favor, with 4 abstentions.

Article 5. The representative of the U.S.S.R. proposed the following addition to the first paragraph of Article 5 (A/C.4/SC.1/112):

"The Administering Authority undertakes to promote such periodic visits to the Trust Territory as may be arranged by the General Assembly or the Trusteeship Council; to fix the times of these visits in agreement with these organs and also to agree with them on questions affecting the organization and conduct of such visits."

This addition, the representative of the U.S.S.R. explained, would clarify the responsibility assumed by the Administering Authority under Article 87 of the Charter. The sub-committee rejected the proposed modification by a vote of 6 to 3, with 3 abstentions.

A second modification proposed by the repre-

sentative of the U.S.S.R. (A/C.4/SC.1/112) provided that paragraph 2c of the proposed Agreement should be replaced by the following text:

"To promote the development of free political institutions appropriate to Nauru. For this purpose, the Administering Authority should ensure the population of Nauru a steadily increasing share in the administrative services of the territory, both central and local, and augment the part played by the inhabitants in the administration of the territory by developing democratic organs of representation."

The representative of the U.S.S.R. pointed out that this text was similar to an article in the Trusteeship Agreement for Ruanda-Urundi.<sup>141</sup> The present text, which was similar to the text in the Trusteeship Agreement for New Guinea, should not be applied to Nauru as the inhabitants of Nauru were considerably more advanced culturally than the inhabitants of New Guinea.

The sub-committee rejected the proposed modification by a vote of 6 to 3, with 3 abstentions. Article 5 of the draft Trusteeship Agreement was approved by a vote of 6 to 3, with 3 abstentions.

Article 6 of the draft Agreement for Nauru was approved without discussion.

Article 7. The representative of the U.S.S.R. recalled that at the second part of the first session of the General Assembly, the U.S.S.R. delegation had objected to the inclusion in the Trusteeship Agreements of provisions granting unlimited military rights to the Administering Authority.<sup>142</sup> Article 7 of the Agreement for Nauru seemed to treat the island for military purposes as an integral part of the territory of the Administering Authority. The U.S.S.R. delegation considered, however, that military measures not taken solely for local defence should be placed under the supervision of the Security Council. He therefore proposed (A/C.4/SC.1/112) to add a reference to Article 83 of the Charter to Article 7 of the draft Trusteeship Agreement, which provided that:

"The Administering Authority [in accordance with Article 83 of the Charter] may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for the maintenance of international peace and security."

In opposition to the modification proposed by the representative of the U.S.S.R., it was stated that Article 83 of the Charter applied to strategic areas under Trusteeship and therefore was not

<sup>140</sup> The first part of the proposed modification (deletion of the phrase "and except until otherwise agreed by the Governments of Australia, New Zealand and the United Kingdom") was withdrawn by the representative of China.

<sup>141</sup> For text of the Agreement for Ruanda-Urundi see Yearbook of the United Nations, 1946-47, pp. 201-3.

<sup>142</sup> *Ibid.*, pp. 184-87.



applicable to Nauru, which had not been designated as strategic.

The sub-committee rejected the proposed modification by a vote of 8 to 2, with 2 abstentions. By a vote of 6 to 2, with 4 abstentions, the sub-committee also rejected a U.S.S.R. proposal to omit reference to measures for the maintenance of international peace and security and thus limit the application of Article 7 of the Agreement to measures for local defence.

In accordance with a Chinese proposal (A/C.4/SC.1/111) the representative of Australia agreed to revise Article 7 of the draft Trusteeship Agreement so as to include a reference to Article 84 of the Charter (A/C.4/SC.1/116). Article 7 as revised by the Australian representative was approved by a vote of 9 to 2, with 1 abstention.

Article 8. The representative of China proposed that an article (Article 8) be added to the Trusteeship Agreement as follows (A/C.4/SC.1/111):

"The Administering Authority shall secure to all nationals of States Members of the United Nations the same rights as are enjoyed in the territory by their own nationals in respect of entry into, travel and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with local law.

The representative of China explained that this provision was based on Article 76 d of the Charter. In submitting the amendment the Chinese representative stated that he had the Chinese population of Nauru in mind. The representative of India supported the Chinese proposal.

The representative of China did not insist on a vote on his proposal after the representative of Australia had made the following declaration (A/C.4/SC.1/117) on behalf of the delegations of Australia, New Zealand and the United Kingdom:

"In reply to questions raised by the delegations of India and China, the delegation of Australia affirms that Article 76(d) of the Charter is accepted by the delegations of Australia, New Zealand, and the United Kingdom as a binding obligation in relation to the Trusteeship Agreement for Nauru, it being also noted that, in accordance with the terms of Article 76(d), the welfare of the inhabitants of Nauru is the paramount consideration and obligation.

"The Administration does not discriminate between the nationals of States Members of the United Nations in regard to the matters referred to in document A/C.4/SC.1/111.<sup>143</sup>

"It is the intention of the Administering Authority to continue to conduct the administration accordingly.

"It is recognized that, in the paramount interests of the native inhabitants, the Administering Authority is obliged to maintain appropriate non-discriminatory con-

trols and restrictions on non-Nauruan residents of Nauru."

The sub-committee then approved the draft Trusteeship Agreement as a whole, with the revised wording of Article 7, by a vote of 9 to 2, with 1 abstention (A/C.4/SC.1/SR.33).

The Fourth Committee considered the report of the sub-committee (A/C.4/127) at its 46th meeting on October 22. The representative of the U.S.S.R. asked that the modifications he had proposed in the sub-committee be put to the vote.

Following a short discussion, in the course of which dissatisfaction with the revised draft Agreement was expressed by the representatives of Poland, Ukrainian S.S.R., U.S.S.R. and Yugoslavia, the draft Agreement was voted upon paragraph by paragraph.

The preamble and paragraphs 1, 2, 3, 4 and 6 were approved without discussion. The first of the modifications to Article 5 proposed by the representative of the U.S.S.R. was rejected by a vote of 15 to 6 and the second one by a vote of 23 to 8. Article 5 of the Agreement was approved by a vote of 34 to 5. The modification of Article 7 proposed by the representative of the U.S.S.R. was rejected by a vote of 21 to 6, with 16 abstentions. Article 7, as revised by the sub-committee, was approved by a vote of 35 to 5. The draft Agreement as a whole was approved by a vote of 41 to 6.

The General Assembly considered the report of the Fourth Committee (A/420) at its 104th plenary meeting on November 1, 1947, and by a vote of 46 to 6, with 1 abstention, adopted the resolution recommended by the Fourth Committee which follows (resolution 140(II)):

"The General Assembly

"Approves the proposed Trusteeship Agreement for Nauru submitted by the Governments of Australia, New Zealand and the United Kingdom (document A/420/Rev.I)."<sup>144</sup>

#### c. TRUSTEESHIP AGREEMENTS FOR NON-SELF-GOVERNING TERRITORIES

The representative of India submitted to the Fourth Committee the following draft resolution (A/C.4/98) relating to the voluntary submission of Trusteeship Agreements for Non-Self-Governing Territories as envisaged in Article 77, 1c, of the Charter:

"Whereas at the time of the creation of the United Nations it was intended that non-self-governing terri-

<sup>143</sup> See the text quoted above.

<sup>144</sup> The text of Trusteeship Agreement for Nauru (A/402/Rev.1) was annexed to the Assembly's resolution. It is reproduced on p. 788.

teries be voluntarily placed under the International Trusteeship System by States responsible for their administration and such intention was embodied in Article 77, 1 (c) of the Charter of the United Nations;

"Whereas it is desirable that this salutary provision shall not be allowed to remain ineffective;

"Whereas the International Trusteeship System in conformity with the high principles and purposes of the Charter provides the surest and quickest means of enabling the peoples of dependent territories to secure self-government or independence under the collective guidance and supervision of the United Nations;

"The General Assembly Resolves that Members of the United Nations responsible for the administration of such territories be requested to submit Trusteeship Agreements for all or some of such territories as are not ready for immediate self-government."

In the course of the discussion which took place at the 43rd and 44th meetings of the Fourth Committee on October 13 and 14, 1947, the representatives of United Kingdom, United States, Netherlands, France, Belgium, Colombia, Uruguay and South Africa expressed opposition to the Indian resolution on the ground that it contained an implied criticism of the colonial system and was an attempt to apply moral pressure against the Metropolitan Powers as regards the application of Article 77, 1c. The voluntary aspect of Trusteeship Agreements would be lost if the Indian resolution were adopted. If some of the Administering Powers felt unable to comply with the terms of the resolution they would be charged with defiance of the General Assembly's recommendations.

The Indian resolution, it was maintained further by representatives opposed to it, was based on the assumption that the Trusteeship System offered a better prospect for Non-Self-Governing Territories than the system defined in Chapter XI of the Charter. This assumption, it was maintained, was open to question. Chapter XI, it was maintained, was as much a part of the Charter as Chapter XII, and the Charter provided no reason for transfer of any territory from one system to the other. The Trusteeship System was a new experiment and there was as yet no proof that it provided greater benefits to the peoples of Non-Self-Governing Territories than the system at present in force. The colonies themselves, it was argued, might resent a transfer such as was proposed in the Indian resolution. They all desired to be fully self-governing and would regard being placed under the Trusteeship System as a retrograde step. It was pointed out in this connection that a number of countries had recently attained independence without the intervention of the Trusteeship System.

In supporting the Indian resolution the representatives of China, U.S.S.R., Pakistan, Cuba and Brazil expressed the view that the United

Nations had established the Trusteeship System because they were opposed to the old colonial system, the defects of which International Trusteeship was supposed to remedy. That the Trusteeship System was considered more progressive, it was argued, was evidenced by the fact that while the Charter made provision for placing Non-Self-Governing Territories covered under Chapter XI under Chapters XII and XIII, it made no provision for transferring Trust Territories back to their former status under Chapter XI.

The basic difference between the system of Chapter XI and the Trusteeship System, representatives supporting the Indian resolution stated, lay in the fact that there was no control by collective action for territories under Chapter XI, while the United Nations exercised such control in the case of Trust Territories. On the other hand, any material advantages which the administering Powers claimed were provided by the colonial system would be retained, as those Powers would continue to administer the Trust Territories. It was maintained that Article 77, 1c, of the Charter would in fact be meaningless if the colonial Powers never brought any of their Non-Self-Governing Territories under the International Trusteeship System. The Indian resolution, it was stressed, recognized the voluntary character of Article 77, 1c, and merely served as a reminder.

The representative of China submitted an amendment (A/C.4/119) to the last paragraph of the resolution to the effect that the General Assembly "expresses its hope" rather than formally "resolves" that Trusteeship Agreements should be submitted for Non-Self-Governing Territories. The representative of China withdrew his amendment after the representative of India had submitted the following revised text of the last paragraph (A/C.4/98/Rev.1) similar to the Chinese text:

"The General Assembly ...

"Hopes that Members of the United Nations responsible for the administration of non-self-governing territories will propose Trusteeship Agreements under Article 77, 1 (c) of the Charter of the United Nations for all or some of such territories as are not ready for self-government."

The representative of Cuba suggested the deletion of the second paragraph of the Indian resolution, to which the Indian representative agreed.

The representative of Brazil submitted an amendment (A/C.4/120) to revise the text of the third paragraph of the resolution as follows:

"Whereas the International Trusteeship System, in conformity with the high principles and purposes of the Charter, provides the surest and quickest means of en-

abling the peoples of dependent territories that are not yet ready for immediate self-government, to fulfill, under the collective guidance and supervision of the United Nations, all conditions essential to self-government or independence."

The Fourth Committee rejected the Brazilian amendment by a vote of 24 to 1, and, voting paragraph by paragraph, adopted the Indian resolution (with the deletion of the second paragraph and the revision of the last paragraph). The resolution as a whole was adopted by a vote of 25 to 23, with 3 abstentions.

The General Assembly considered the report of the Fourth Committee (A/423) at its 106th plenary meeting on November 1, 1947. In the course of the discussion the representatives of China and India supported the resolution recommended by the Fourth Committee, while the representatives of Netherlands, United Kingdom and United States expressed opposition on the grounds indicated in the course of the discussion in the Fourth Committee.

The General Assembly rejected the resolution recommended by the Fourth Committee by a tie vote of 24 to 24, with 1 abstention.

#### d. FUTURE STATUS OF SOUTH WEST AFRICA

The delegation of the Union of South Africa had submitted a proposal to the second part of the first session of the General Assembly calling for approval by the General Assembly of the incorporation of the Mandated territory of South West Africa into the Union of South Africa.

The General Assembly, on December 14, 1946, had adopted resolution 65 (I) expressing the inability of the General Assembly to accede to the incorporation of the territory of South West Africa in the Union of South Africa, had recommended that the territory be placed under the International Trusteeship System and had invited the Government of the Union of South Africa to propose for the consideration of the General Assembly a Trusteeship Agreement for that territory.<sup>145</sup>

The Government of the Union of South Africa was formally notified of the General Assembly's decision in a letter from the Secretary-General dated January 22, 1947.

By letter of July 23, 1947 (A/334), the South African Government informed the United Nations that the Union Government had decided not to proceed with the incorporation of South West Africa in the Union. The South African Government declared, however, that in view of the wish of the majority of the inhabitants that South West Africa be incorporated in the Union, the Union

Government could not act in accordance with the General Assembly's recommendation that South West Africa be placed under the International Trusteeship System, and it considered that it was under no legal obligation to propose a Trusteeship Agreement for the territory. The Union Government would therefore maintain the status quo and would continue to administer the territory in the spirit of the existing Mandate, and would transmit to the United Nations for its information an annual report on the administration of South West Africa.

In its letter of July 23 the South African Government also informed the United Nations that the South African Parliament, after considering the General Assembly's resolution, had adopted a resolution expressing the opinion that South West Africa should be represented in the Parliament of the Union as an integral portion thereof, and requesting the Union Government to introduce legislation, after consultation with the inhabitants of the territory, providing for its representation in the Union Parliament. The South African Government informed the United Nations that steps would be taken in due course to carry out the required consultation.

By a further letter of September 17, 1947 (A/394/Add.1), the South African Government informed the United Nations that it had informed the population of South West Africa of the outcome of the discussions at the second part of the first session of the General Assembly. The letter stated that at a large number of tribal meetings held throughout the non-European areas of South West Africa, the action of the United Nations was explained and the tribes were asked what their attitude was in the light of the United Nations' decision. The results of their deliberations showed, the South African Government reported, that the overwhelming majority were still in favor of South West Africa's being incorporated in the Union.

As far as the European population of South West Africa was concerned, the South African Government reported that the South West African Legislative Assembly, on May 7, 1947, had unanimously adopted a resolution thanking the Prime Minister of the Union, General Smuts, for his "firm and courageous stand before the United Nations", and expressing confidence that the United Nations would grant the wishes of the majority of the inhabitants of South West Africa.

At its 91st plenary meeting on September 23, 1947, the General Assembly referred the question

<sup>145</sup> See Yearbook of the United Nations, 1946-47, pp. 205-8.

of the future status of South West Africa to the Fourth Committee. The Fourth Committee engaged in a general debate on the question at its 30th, 31st and 32nd meetings on September 25, 26 and 27. At its 38th, 39th and 40th meetings the Fourth Committee considered draft resolutions and amendments thereto proposed by various delegations. Following the appointment of a sub-committee, the question was considered further at the 44th and 45th meetings of the Fourth Committee on October 14 and 15.

At the 31st meeting of the Fourth Committee the representative of South Africa outlined the position of his Government as indicated in the communications from the South African Government mentioned above. In response to a request for amplification of the proposal to maintain the status quo in South West Africa and to continue to administer the territory in the spirit of the Mandate, the representative of the Union of South Africa explained at the 33rd meeting of the Fourth Committee that the annual report which his Government would submit on South West Africa would contain the same type of information on the territory as is required for Non-Self-Governing Territories under Article 73 e of the Charter. It was the assumption of his Government, he said, that the report would not be considered by the Trusteeship Council and would not be dealt with as if a Trusteeship Agreement had in fact been concluded. He further explained that, since the League of Nations was no longer in existence, the right to submit petitions could no longer be exercised, since that right presupposed a jurisdiction which would exist only where there was a right of control or supervision, and in the view of the Union of South Africa no such jurisdiction was vested in the United Nations with regard to South West Africa.

In the course of the Committee's discussion several representatives, including those of France, Mexico, United Kingdom, United States and Venezuela, expressed satisfaction that the Union of South Africa had not incorporated South West Africa and that this part of the resolution of the General Assembly had been respected. In this connection, however, the representative of the U.S.S.R. stated that certain measures introduced by the Government of the Union of South Africa with respect to the territory of South West Africa, as for example the invitation to the territory to participate in the South African Parliament, signified, in fact, annexation of the territory by the Union.

The representatives of Brazil, Byelorussian

S.S.R., China, Colombia, Dominican Republic, Egypt, Guatemala, Haiti, Honduras, India, Iraq, Liberia, Mexico, Philippines, Poland, Ukrainian S.S.R., U.S.S.R., Uruguay, Venezuela and Yugoslavia expressed the view that there was both a moral and legal obligation to submit a Trusteeship Agreement for South West Africa on the ground that the provisions of Chapter XII of the Charter were obligatory with respect to former Mandated territories. With regard to the incorporation of South West Africa in the Union, several representatives recalled that the General Assembly in its resolution of December 14, 1946, had recognized that the African inhabitants of South West Africa had not yet reached a stage of political development which would enable them to express a considered opinion which the General Assembly could recognize on such an important question as the future political status of their territory and had thereby dismissed the contention of the Union of South Africa that the overwhelming majority of the inhabitants were in favor of incorporation.

The representatives of Australia, Belgium, Bolivia, Canada, Denmark, France, Greece, Netherlands, New Zealand, United Kingdom and United States stated that they could not accept the view that there was a legal obligation to submit a Trusteeship Agreement for a former Mandated territory. Article 77, it was maintained, was permissive and not mandatory. The representative of the United Kingdom considered that the South African Government was fully entitled to adopt the attitude it had taken up. The representatives of Argentina, Greece and the Netherlands suggested that the International Court of Justice might be asked to give an advisory opinion on the question of legal obligation, while the representative of Cuba expressed the view that there was unquestionably a moral obligation and suggested that the Sixth (Legal) Committee of the General Assembly might be asked for an opinion on the matter.

The representatives of France and the United States expressed the view that while there was no legal obligation, there was a strong moral obligation for the South African Government to submit a Trusteeship Agreement for South West Africa. Although the application of Article 77 was not mandatory, they stated, it had been hoped at San Francisco that all former Mandated territories would be placed under the United Nations Trusteeship System. Moreover, they stressed that a recommendation of the General Assembly had a moral power, and expressed the hope that the moral force reflected in the General Assembly's

resolution 65 (I) of December 14, 1946, would prevail. The representative of France recommended that this resolution be maintained.

With respect to the means to be employed for considering the report submitted by the Government of the Union of South Africa the majority of representatives considered that the Trusteeship Council, as the logical successor to the Permanent Mandates Commission, should consider the report. Some representatives considered that the Trusteeship Council was not competent to consider the report, as South West Africa had not yet been placed under Trusteeship. The report should therefore be dealt with in the same manner as information submitted by other Administering Authorities under Article 73 e of the Charter and should be examined by the ad hoc Committee established by the General Assembly to examine information submitted under Article 73 e of the Charter. Other representatives suggested that the Fourth Committee of the General Assembly or a committee appointed especially for the purpose should examine the report. This suggestion was opposed by the majority on the ground that this would constitute a recognition of the anomalous status of South West Africa, which should be classed either as a Non-Self-Governing Territory or as a Trust Territory, but should not be placed in a special category of its own.

At the 38th meeting of the Fourth Committee the representative of India submitted the following draft resolution (A/C.4/99) concerning the future status of South West Africa:

"Whereas in its Resolution dated 9 February, 1946, the General Assembly invited all states administering territories then held under mandate to submit Trusteeship agreements for approval;

"Whereas in its Resolution dated 14 December, 1946, the General Assembly recommended for reasons given therein that the mandated territory of South West Africa be placed under the International Trusteeship System and invited the Government of the Union of South Africa to propose for the consideration of the General Assembly a Trusteeship agreement for the aforesaid territory;

"Whereas the Government of the Union of South Africa have twice failed to carry out the aforesaid recommendations of the United Nations;

"Whereas all other states responsible for the administration of territories previously held under mandate have without exception either placed such territories under the International Trusteeship System, or offered them independence;

"Whereas the territory of South West Africa, though not self-governing, is at present outside the control and supervision of the United Nations;

"Whereas it is the clear intention of Chapter XII of the Charter of the United Nations that all territories previously held under mandate, if not granted independ-

ence, shall be brought under the International Trusteeship System;

"The General Assembly, while taking note of the announced intention of the Government of the Union of South Africa not to proceed with incorporation, expresses its disapproval of the failure of that Government to carry out its recommendations and strongly urges it to propose for the consideration of the next session of the General Assembly a Trusteeship agreement for the territory of South West Africa."

An alternative resolution was submitted by the representative of Denmark. The aim of the resolution was the same as that of the Indian proposal—to bring South West Africa under Trusteeship. The Danish resolution, however, was phrased in more conciliatory language. The main difference of substance between the two resolutions concerned a time limit for the submission of a Trusteeship Agreement by the Union of South Africa. The Indian resolution provided that a Trusteeship Agreement should be submitted in time to be considered by the General Assembly at its third regular session, while the Danish resolution set no such time limit. Following is the text of the resolution submitted by the representative of Denmark (A/C.4/100):

"Referring to the resolution of the General Assembly of 9 February, 1946, inviting the placing of mandated territories under Trusteeship, and to the resolution of the General Assembly of 14 December, 1946, stating that the Assembly is unable to accede to the incorporation of the territory of South West Africa in the Union of South Africa, recommending that this mandated territory be placed under the International Trusteeship System, and inviting the Government of the Union to propose for the consideration of the General Assembly a Trusteeship agreement for the aforesaid territory,

"Recalling that all other states administering territories previously held under mandate have placed these territories under the Trusteeship System or offered them independence,

"Noting that the Government of the Union of South Africa in a letter of 23 July, 1947, informed the United Nations that they have decided not to proceed with the incorporation of South West Africa in the Union but to maintain the status quo and to continue to administer the territory in the spirit of the existing mandate, and that the Union Government have undertaken to submit reports on their administration for the information of the United Nations,

"The General Assembly, therefore,

"Takes Note of the decision of the Union of South Africa not to proceed with the incorporation of South West Africa,

"Maintains its recommendation that South West Africa be placed under the Trusteeship System,

"Expresses its regret that the Union has not yet submitted a Trusteeship agreement for South West Africa and its hope that the Union will soon comply with the aforesaid recommendation, and

"Requests the Fourth Committee in the meantime to constitute a special committee composed of a representative of each state member of the Trusteeship Council, a

representative of the Union of South Africa, and a representative, of one other member state designated by the Fourth Committee, to examine the report on South West Africa now submitted by the Union Government, and to submit its observations thereon for the consideration of the General Assembly with such recommendations as it may deem desirable."

The representative of Denmark subsequently submitted an amendment (A/C.4/117) to his own resolution to the effect that the General Assembly authorize the Trusteeship Council to examine the report on South West Africa.

The representatives of Poland, Egypt, China, U.S.S.R., Pakistan, Mexico, Cuba, Guatemala, Philippines, Haiti, Ukrainian S.S.R., Iraq, Panama, Liberia and Costa Rica expressed themselves in favor of the Indian resolution. Most of the representatives supporting the Indian resolution stressed the importance of setting a time limit for the submission by the Government of South Africa of a Trusteeship Agreement for South West Africa. Amendments to the Indian draft resolution were submitted by the representatives of Poland (A/C.4/103), Cuba (A/C.4/112), Panama (A/C.4/113) and the Philippines (A/C.4/115).

The Danish resolution was supported by the representatives of the United States, Netherlands, Argentina, Nicaragua, Belgium, France, Brazil, Peru, Canada, Uruguay and Chile. The representatives of Peru (A/C.4/114) and of Belgium (A/C.4/116) submitted amendments to the Danish resolution.

The representative of South Africa declared that his Government could not accept either of the draft resolutions, and claimed that his Government was neither legally nor morally obliged to place South West Africa under Trusteeship. He urged that Article 22 of the Covenant of the League of Nations did not envisage separate statehood for this territory under a Category "C" Mandate; that the evolution envisaged for it had been in the direction of a self-governing unit integrated in the Union of South Africa; and that reservations had been made in respect of this territory both at San Francisco and at the first part of the first session of the General Assembly in London. The representative of the Union of South Africa furthermore emphasized the contiguity of the territory of South West Africa and its ethnological kinship with the Union, as well as its strategic importance to that country, all of which differentiated it from other territories formerly under Category "C" Mandates.

At its 40th meeting on October 9, 1947, the Fourth Committee appointed a sub-committee of

eight members, consisting of the two Members introducing resolutions, Denmark and India, and the six Members proposing amendments to the resolutions, namely, Belgium, Cuba, Panama, Peru, Philippines and Poland, to undertake the formulation of a single text.

The sub-committee held two meetings and was unable to reach complete agreement on a single text. The representatives of Denmark and India, however, submitted revised versions of their respective draft resolutions which were identical in all respects with the exception of the paragraphs relating to the setting of a time limit for the submission of a Trusteeship Agreement. The revised Indian resolution (A/C.4/99/Rev.1) provided that the General Assembly

"Urges the Government of the Union of South Africa to propose for the consideration of the Third Session of the General Assembly a Trusteeship agreement for the territory of South West Africa."

The relevant portion of the revised Danish resolution (A/C.4/100/Rev.1) provided that the General Assembly

"Urges the Government of the Union of South Africa to propose at an early date for the consideration of the General Assembly a Trusteeship agreement for the territory of South West Africa,

"Requests the Secretary-General to report to the General Assembly at its Third Session regarding such action as may have been taken in pursuance of this recommendation."

At the 45th meeting of the Fourth Committee on October 15, 1947, the representative of Poland proposed an amendment (A/C.4/122) to add the following paragraph to the revised Indian resolution:

"Whereas it is the clear intention of Chapter XII of the Charter of the United Nations that all territories previously held under mandate, until granted self-government or independence, shall be brought under the International Trusteeship System."

The representative of the Netherlands submitted an amendment (A/C.4/121) to the revised Danish resolution to the effect that the General Assembly "request" (instead of "urge") the Government of the Union of South Africa to submit a Trusteeship Agreement for South West Africa. The amendment provided further for the deletion of the paragraph which stated that the Secretary-General should report to the third session of the General Assembly regarding action taken pursuant to the Assembly's recommendation.

The Chairman ruled that the Indian resolution should be put to the vote first. The Fourth Committee adopted the Polish amendment to the Indian resolution by a vote of 21 to 19 and, voting

paragraph by paragraph, adopted the Indian resolution; the resolution as a whole, as amended, was adopted by a vote of 27 to 20, with 4 abstentions. In view of the adoption of the Indian resolution, the revised text of the Danish resolution and the Netherlands amendment thereto were not put to the vote.

The General Assembly considered the report of the Fourth Committee (A/422) at its 104th and 105th plenary meetings on November 1, 1947.

The representative of Denmark submitted an amendment (A/429) to the resolution recommended by the Fourth Committee. The amendment provided that the fourth paragraph of the resolution (i.e., the Polish amendment adopted by the Fourth Committee) be deleted and that the operative part of the resolution be revised to read as follows:

"Urges the Government of the Union of South Africa to propose for the consideration of the General Assembly a Trusteeship agreement for the territory of South West Africa and expresses the hope that the Union Government may find it possible to do so in time to enable the General Assembly to consider the agreement at its third session."

In submitting his amendment the representative of Denmark stated that the discussion in the Fourth Committee had shown a decided difference of opinion concerning the existence of a legal obligation on the part of the Mandatory Powers to place all Mandated territories under the Trusteeship System. If this controversial point were included in the resolution, the representative of Denmark stated, the necessary two-thirds majority for adoption of the resolution might not be obtained. Concerning the proposal to revise the operative part of the resolution, the representative of Denmark stated that in his view it would not be wise to include a time limit which might be construed as an ultimatum and which might arouse such resentment on the part of South Africa as to defeat the purpose of the resolution.

In the course of the lengthy discussion which ensued a number of representatives supported the Danish amendment. Others expressed opposition on the ground that deletion of the fourth paragraph, as recommended by the Danish amendment, would deprive the resolution of its *raison d'être*, for in the absence of an obligation on the part of South Africa the General Assembly was not justified in making a recommendation to the effect that the Government of South Africa should propose a Trusteeship Agreement for South West Africa. The question of the existence of such an obligation was again debated at length. As to

the proposal to eliminate a definite time limit for the submission of a Trusteeship Agreement, it was objected that the absence of such a time limit would only encourage the Union Government not to comply with the General Assembly's recommendation. On the other hand, doubt was expressed as to whether the substitution of the Danish text would render the resolution more acceptable to the South African Government, inasmuch as that text indirectly also implied a time limit.

The representative of South Africa stated that his delegation could not accept any resolution which contained a recommendation that the Government submit a Trusteeship Agreement for South West Africa. The representative of Australia supported the view of the South African delegation. He considered that neither the resolution recommended by the Fourth Committee nor the Danish text was acceptable. Insisting that there was no obligation on the part of the Union of South Africa to submit a Trusteeship Agreement for South West Africa, the Australian representative expressed the view that the purpose of the resolution was to transform a voluntary act into an act entered into under pressure and compulsion. He maintained that the action of the South African Government in relation to South West Africa was reasonable and that the censure implied in the resolution under consideration was not justified. He urged that the General Assembly should be careful not to exercise its enormous powers of recommendation against a particular Power unless it had overwhelming proof that this was essential to the interest of the United Nations as a whole.

In the course of the discussion the question was raised as to whether a two-thirds or a simple majority was required for the adoption of the resolution on the future status of South West Africa. After considerable debate as to voting procedure, the President ruled that a two-thirds majority was required. This ruling was upheld by a vote of 31 to 20, with 5 abstentions.

In view of the decision that a two-thirds majority was required, the representative of India announced that he would vote for the Danish amendment, as without that amendment it was doubtful that the resolution recommended by the Fourth Committee would obtain a two-thirds majority.

The General Assembly then adopted the Danish amendment by a vote of 36 to 9, with 11 abstentions. The resolution as amended was adopted by a vote of 40 to 10, with 4 abstentions, at the Assembly's 105th plenary meeting on November 1.

The resolution adopted by the Assembly (resolution 141(II)) reads as follows:

"Whereas, in its resolution dated 9 February 1946,<sup>146</sup> the General Assembly invited all States administering territories then held under mandate to submit trusteeship agreements for approval;

"Whereas, in its resolution dated 14 December 1946,<sup>147</sup> the General Assembly recommended, for reasons given therein, that the mandated Territory of South West Africa be placed under the International Trusteeship System and invited the Government of the Union of South Africa to propose, for the consideration of the General Assembly, a trusteeship agreement for the aforesaid Territory;

"Whereas the Government of the Union of South Africa has not carried out the aforesaid recommendations of the United Nations;

"Whereas it is a fact that all other States administering territories previously held under mandate have placed these territories under the Trusteeship System or offered them independence;

"Whereas the Government of the Union of South Africa in a letter of 23 July 1947 [A/334] informed the United Nations that it has decided not to proceed with the incorporation of South West Africa in the Union but to maintain the status quo and to continue to administer the Territory in the spirit of the existing mandate, and that the Union Government has undertaken to submit reports on its administration for the information of the United Nations;

"The General Assembly, therefore,

"Takes note of the decision of the Government of the Union of South Africa not to proceed with the incorporation of South West Africa,

"Firmly maintains its recommendation that South West Africa be placed under the Trusteeship System;

"Urges the Government of the Union of South Africa to propose for the consideration of the General Assembly a trusteeship agreement for the Territory of South West Africa and expresses the hope that the Union Government may find it possible to do so in time to enable the General Assembly to consider the agreement at its third session;

"Authorizes the Trusteeship Council in the meantime to examine the report on South West Africa recently submitted by the Government of the Union of South Africa and to submit its observations thereon to the General Assembly."<sup>148</sup>

#### e. INFORMATION ON NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER

In accordance with Article 73 e of the Charter, Members of the United Nations responsible for the administration of Non-Self-Governing Territories are obliged to send to the Secretary-General for information purposes statistical and other technical information concerning the economic, social and educational advancement of the inhabitants of these territories.

During 1946 the Governments of Australia, France and the United States transmitted infor-

mation on the territories under their administration. The United Kingdom and New Zealand submitted information concerning some territories, and at the same time declared their intention of transmitting information concerning other territories under their administration. The Governments of Belgium, Denmark and the Netherlands also declared their intention of submitting information on the territories under their administration.

At the second part of its first session the General Assembly by resolution 66 (I) of December 14, 1946, noted the information which had been transmitted or promised and invited Members to send to the Secretary-General by June 30 of each successive year the most recent information at their disposal concerning the Non-Self-Governing Territories administered by them. It recommended that the information transmitted in 1947 should be summarized, analyzed and classified by the Secretary-General and included in his report to the second session of the General Assembly.

By the same resolution the General Assembly established an ad hoc Committee consisting of equal numbers of Members administering and Members not administering Non-Self-Governing Territories to consider the Secretary-General's summaries and analysis and to recommend procedures for dealing with the information in the future. Representatives of specialized agencies were to be requested by the Secretary-General to attend the meetings of the ad hoc Committee in an advisory capacity.<sup>149</sup>

In accordance with the General Assembly's recommendations the Governments of Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom and United States had, prior to the opening of the Assembly's second session, submitted information on Non-Self-Governing Territories under their administration.<sup>150</sup>

The Secretary-General transmitted summaries of the information transmitted by the Governments listed to the ad hoc Committee established by the General Assembly on December 14, 1946. He also transmitted analyses of the information (see A/327 and Add.5) under the following headings: Labor (A/327/Add.1), Education (A/327/-

<sup>146</sup> See resolution 9(I), see also Yearbook of the United Nations, 1946-47, pp. 80-81.

<sup>147</sup> See resolution 65(I), see also Yearbook of the United Nations, 1946-47, p. 208.

<sup>148</sup> For consideration of the report by the Trusteeship Council, see pp. 781-86.

<sup>149</sup> For details see Yearbook of the United Nations, 1946-47, pp. 208-11.

<sup>150</sup> For list of these territories, see Non-Self-Governing Territories, p. 708.



Add.2), Public Health (A/327/Add.3), Agriculture (A/327/Add.4).<sup>151</sup>

The ad hoc Committee met at Lake Success from August 28 to September 12, 1947, to consider the summaries and analyses and to recommend procedures for dealing with this information in the future. The Committee was composed of sixteen representatives. The following eight represented Governments transmitting information under Article 73 e: Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, and United States. The other eight were representatives of the following Members elected by the General Assembly: Brazil, China, Cuba, Egypt, India, Philippines, U.S.S.R., Uruguay. In accordance with the General Assembly's resolution of December 14, 1947, the following specialized agencies sent representatives in an advisory capacity: Food and Agriculture Organization of the United Nations, International Labour Organisation, Interim Commission of the World Health Organization, and United Nations Educational, Scientific and Cultural Organization. The International Civil Aviation Organization was represented at some of the meetings of the ad hoc Committee. The officers elected by the Committee were Sir Carl Berendsen (New Zealand), Chairman; Brigadier General Carlos P. Romulo (Philippines), Vice-Chairman; Guy Perez Cisneros (Cuba), Rapporteur.

As a result of its deliberations the ad hoc Committee drew up five draft resolutions which it recommended for adoption by the General Assembly (see below) and submitted a detailed report on its work (A/385).

At its 91st plenary meeting on September 23 the General Assembly referred the report of the ad hoc Committee to the Fourth Committee, which considered it at its 35th meeting on October 2, its 36th meeting on October 3, its 37th meeting on October 6, its 41st meeting on October 10 and its 42nd meeting on October 11.

The Fourth Committee used the draft resolutions submitted by the ad hoc Committee as its basis of discussion and after adopting a number of amendments presented draft resolutions for adoption by the General Assembly in plenary meeting (A/424). The General Assembly considered the report of the Fourth Committee at its 106th, 107th and 108th plenary meetings. The following subjects were dealt with by the ad hoc Committee, the Fourth Committee and the General Assembly:

**(1) Standard Form for the Guidance of Members in the Preparation of Information to be Transmitted under Article 73 e**

The ad hoc Committee, in the course of its session, examined the summaries and analyses of information transmitted by the Secretary-General in accordance with the General Assembly's resolution 66 (I) of December 14, 1946. Although expressing appreciation of the action taken by countries transmitting information under Article 73 e in supplying such documentation for the first time, the Committee considered that the information transmitted did not give a sufficiently clear picture of the conditions of life of the peoples of Non-Self-Governing Territories. The ad hoc Committee, therefore, decided to draw up a Standard Form for the guidance of Members in the preparation of information to be transmitted. The Standard Form (A/385, pp. 20-28) which the ad hoc Committee adopted unanimously was based on a draft form submitted by the representative of the United States. A number of amendments were adopted on the recommendation of the representatives of the specialized agencies.

The first part of the standard form relates to general information, certain parts of which are of a political and administrative nature. The transmission of this type of information is optional.<sup>152</sup> The other parts refer to economic, social and educational conditions, in accordance with the subjects enumerated in Article 73 e. The ad hoc Committee also prepared a draft resolution which it recommended for adoption by the General Assembly. This draft resolution provided that the General Assembly recommend that the Governments transmitting information take all necessary steps to render the information as complete and up to date as possible.

The resolution provided further that in analyzing the information submitted, the Secretary-General should, as far as possible, follow the Standard Form to be used by Member Governments in transmitting information (A/385, p. 14). It had been urged in the ad hoc Committee that the Secretary-General's analysis should be expanded to cover, in addition to labor, education, agriculture and public health, such fields as general economic conditions, the standards of living of the local, European and other populations in the territories concerned, birth and death rates, and

<sup>151</sup> For Secretary-General's summaries, see United Nations. Non-Self-Governing Territories, Summaries and Analysis of Information Transmitted to the Secretary-General during 1947. United Nations Publications, Sales No.: 1948.VI.B.I.

<sup>152</sup> For further discussion concerning the transmission of political information, see pp. 151-53.

any information that might be supplied regarding the participation of the local population in local organs of self-government.

In the Fourth Committee of the General Assembly the representative of India submitted amendments (A/C.4/109) to the Standard Form. One of these amendments provided that information on the government of Non-Self-Governing Territories should include data concerning the "extent of participation of indigenous and non-indigenous inhabitants in the administrative and judicial services of government and in legislative and advisory bodies".

Another amendment provided for the addition of a note to the Standard Form that "whenever possible information should be so classified as to show the manner in which the different elements of the population, indigenous and non-indigenous, are affected, and, in particular, whether in law or administrative practice there is any discrimination based on race, colour or religion".

The first of these amendments was adopted by a vote of 16 to 6. The second one was adopted by 32 votes to 0. A drafting change also proposed by the representative of India was adopted by a vote of 21 to 2.

The Fourth Committee then adopted the draft resolution and the Standard Form proposed by the ad hoc Committee by 41 votes without opposition.

At its 108th plenary meeting on November 1, 1947, the General Assembly unanimously adopted the resolution recommended by the Fourth Committee which follows (resolution 142(II) ):

"The General Assembly

"1. Recommends that the Members transmitting information under Article 73 e of the Charter be invited to undertake all necessary steps to render the information as complete and up to date as possible, in order to facilitate the completion of the Secretary-General's summaries and analyses of the information as described in paragraph 2, and, for this purpose, to ensure that the items mentioned in sections II, III and IV of the standard form be covered in so far as they apply to the territories concerned. The Assembly also draws attention to section I of the standard form;

"2. Recommends that the Secretary-General, in submitting annually to the General Assembly his summary and analysis of the information required under Article 73 e, including the use of supplemental information as recommended in the resolution 143 (II), should in his analyses follow, as far as practicable, the standard form annexed to this resolution,<sup>153</sup> and should include summaries of such information as may be transmitted on the participation by local populations in local organs of government."

(2) Supplemental Documents relating to Information to be Transmitted under Article 73 e of the Charter

The representative of India suggested in the

course of the ad hoc Committee's discussion that the use by the Secretary-General of official documents other than those transmitted under Article 73 e would be of great help to him in carrying out his task. After considerable discussion the Committee agreed on the following points:

(a) The Secretary-General may use official publications of the Members responsible for the administration of Non-Self-Governing Territories, giving appropriate citation of sources.

(b) The use of such information is limited to the subjects treated in the information required in Article 73 e.

(c) Its use is subject to the consent of the governments concerned.

(d) Not only official governmental publications may be used but also publications issued by inter-governmental or scientific organizations, provided always that the Secretary-General's use be limited to subjects treated in Article 73 e and that the responsible governments give their prior consent.

(e) The Secretary-General is asked to communicate the supplemental information to the specialized agencies.

The ad hoc Committee drafted a resolution (A/385) embodying these points which it recommended for adoption by the General Assembly. The representative of Denmark proposed (A/-AC9/W.19) the addition of a sixth paragraph to the resolution to read as follows:

[The General Assembly Recommends]

"That the Member States, the territories of which offer a natural basis for comparison with the Non-Self-Governing Territories as to economic, social and educational conditions, be invited on request of the Secretary-General to supply him with such statistical and other information of a technical nature as may serve the purpose of comparison."

As a result of the discussion which took place in the ad hoc Committee, the text of the sixth paragraph was altered to read as follows:

[The General Assembly Recommends]

"That for purposes of comparison the Secretary-General shall be authorized, in addition, to include in his summaries and analyses all relevant and comparable official statistical information as is available in the statistical services of the Secretariat and as may be agreed upon between the Secretary-General and Member States, giving appropriate citation of sources."

The representatives of Australia, Denmark, France, Netherlands, United Kingdom, United States and Uruguay, who supported the principle contained in the above paragraph, emphasized the advantages of comparisons between Non-Self-Governing Territories and self-governing states on the ground that economic, social and educational problems were not confined to Non-Self-Governing Territories, and could therefore only be evaluated in the light of world conditions.

<sup>153</sup> For text of Standard Form, annexed to the resolution, see Non-Self-Governing Territories, pp. 721-24,

Such an evaluation might be of considerable benefit to the Non-Self-Governing Territories.

The representatives of China, Cuba and Egypt stated that they opposed the consideration and adoption of paragraph 6, as quoted. They thought that this question was outside the competence of the ad hoc Committee and that it could not be dealt with under Article 73 e, which related to information from Non-Self-Governing Territories only. They also considered that it was impossible to make useful comparisons between sovereign states and Non-Self-Governing Territories simply on the basis of statistics.

The representative of the U.S.S.R. suggested that the information submitted in accordance with paragraph 6 should contain statistical data on social, educational and health problems in order to make comparisons, on the one hand, between the local and European population in Non-Self-Governing Territories and on the other, between the peoples of the metropolitan territories of the administering Powers and those of their Non-Self-Governing Territories.

The ad hoc Committee adopted the resolution concerning supplemental documents by a vote of 12 to 1, with 2 abstentions. The representatives of Cuba, Egypt, India and the U.S.S.R. reserved their position in regard to paragraph 6 (A/385, pp. 8-11).

In the Fourth Committee the representative of India submitted an amendment (A/C.4/107) to the resolution proposed by the ad hoc Committee to the effect that paragraph 6 of the resolution be deleted. An amendment (A/C.4/110) proposed by the representative of the U.S.S.R. provided that the Secretary-General should be authorized to use comparable official statistical information for purposes of comparison "between data relating to the various Non-Self-Governing Territories and their metropolitan areas".

It was argued by representatives supporting the Indian amendment that comparisons between Non-Self-Governing Territories and self-governing territories were fallacious, as good government was not a substitute for self-government. Fear was expressed in this connection that comparisons of statistics of a Non-Self-Governing Territory with those of an independent state might be used as a plea for retarding the progress of a dependent territory on the ground that it was more advanced than an independent state. It was maintained further that paragraph 6 was not in conformity with Article 73 e of the Charter, which did not mention sovereign states. Independent territories were not within the purview of Chapter XI of

the Charter. The task of comparing the Non-Self-Governing Territories with other territories rested with the Economic and Social Council, in accordance with Article 62 of the Charter.

Representatives opposing the Indian amendment to delete paragraph 6 of the resolution recommended by the ad hoc Committee maintained that comparative data from sovereign countries would be useful and would provide a standard against which the achievements of the Non-Self-Governing Territories could be measured. Dependent people would, in fact, benefit by a knowledge of what was being done in neighboring states in the fields of health, economics and social welfare.

As regards the amendment proposed by the representative of the U.S.S.R., it was maintained in opposition that comparisons with metropolitan territories were of little or no value. Conditions in metropolitan territories and Non-Self-Governing Territories were not comparable, it was argued. The former were generally located in regions of temperate climate and were inhabited by economically and culturally advanced peoples. Non-Self-Governing Territories, on the other hand, were to be found mostly in the tropical zone and were inhabited by backward peoples whose social and economic conditions could not usefully be compared with those of the inhabitants of the metropolitan territories. Comparisons, to be useful, must be made with countries within the same geographic area where similar conditions prevail. It was also stated that the text of paragraph 6 adopted by the ad hoc Committee would have permitted comparisons with metropolitan territories where appropriate. The U.S.S.R. amendment would limit the Secretary-General to such comparisons. Such a limitation was considered undesirable and not in the interests of the peoples of Non-Self-Governing Territories.

At its 41st meeting on October 10, 1947, the Fourth Committee rejected by a vote of 19 to 20 the Indian amendment to delete paragraph 6 of the resolution recommended by the ad hoc Committee. The Committee then adopted by a vote of 20 to 19 the U.S.S.R. amendment providing that the Secretary-General be authorized to use supplemental documents for purposes of comparison between Non-Self-Governing Territories and the Metropolitan territories of the administering Powers.

The third paragraph of the resolution provided that "only such publications should be used as may be transmitted or notified to the Secretary-General by the administering Member or Members

concerned". The representatives of the U.S.S.R. and of Poland opposed this paragraph, the retention of which, however, was decided upon by the Fourth Committee by 17 votes to 14. The other paragraphs were adopted without objection.

The resolution as a whole, as amended, was adopted by a vote of 22 to 18.

When the General Assembly, in plenary meeting, considered the report of the Fourth Committee (A/424), the representatives of Brazil, Denmark, France, Netherlands, Nicaragua, United States and Uruguay jointly submitted an amendment (A/436) to the resolution recommended by the Fourth Committee to substitute the original text of paragraph 6, as recommended by the ad hoc Committee for the Fourth Committee's text.

After some discussion the General Assembly at its 108th plenary meeting on November 3, adopted the joint amendment by a vote of 30 to 18, with 9 abstentions. The resolution as amended was then adopted by 44 votes in favor without opposition. Following is the text of the resolution (143(II)):

"The General Assembly recommends

"1. That, in order to present in the best possible manner the summaries and analyses of information transmitted under Article 73 e of the Charter, the Secretary-General may use official publications of the Members responsible for the administration of Non-Self-Governing Territories, in addition to the information transmitted under Article 73 e, giving appropriate citation of sources;

"2. That the Secretary-General's use of data derived from the official publications mentioned in paragraph 1 above shall be limited to the subjects treated in the information required under Article 73 e;

"3. That only such publications shall be used as may be transmitted or notified to the Secretary-General by the administering Member or Members concerned;

"4. That, to the same end, the Secretary-General may use the documents published by inter-governmental or scientific bodies on matters relating to Non-Self-Governing Territories, subject to the provisions of paragraphs 2 and 3 above;

"5. That, in addition to the information transmitted under Article 73 e, the above-mentioned supplemental information shall be communicated to the appropriate specialized agencies through the intermediary of the Secretary-General;

"6. That, for purposes of comparison, the Secretary-General shall be authorized, in addition, to include in his summaries and analyses all relevant and comparable official statistical information which is available in the statistical services of the Secretariat and which may be agreed upon between the Secretary-General and the Member concerned, giving appropriate citation of sources."

**(3) Voluntary Transmission of Information regarding the Development of Self-Governing Institutions in the Non-Self-Governing Territories**

The ad hoc Committee discussed at some length the question of the transmission of information

relating to political and administrative matters in Non-Self-Governing Territories.

According to one point of view expressed in the Committee the transmission of such information was desirable and the consideration of its analysis was within the competence of the Committee. Some representatives considered the transmission of such information obligatory under Article 73 e of the Charter.

On the other hand a number of representatives expressed the view that the Committee was not competent to consider information on political matters. There was no obligation, it was maintained, to transmit such information, and the Secretary-General had not submitted any analysis of such information.

Finally agreement was reached that the Members responsible for the administration of Non-Self-Governing Territories might on their own initiative transmit to the Secretary-General information concerning the development of self-governing institutions. It was noted that certain Members had already transmitted such information and there was no objection, it was agreed, to its inclusion in the summary of information by the Secretary-General.

By a vote of 8 to 0, with 3 abstentions, the ad hoc Committee approved the following resolution (A/385, p. 18) on this matter, which it recommended for adoption by the General Assembly:

"The General Assembly,

"Having Noted that some Powers responsible for the administration of Non-Self-Governing Territories already have voluntarily transmitted information on the development of self-governing institutions in the Non-Self-Governing Territories,

"Considers that the voluntary transmission of such information and its summarizing by the Secretary-General are entirely in conformity with the spirit of Article 73 of the Charter, and be therefore duly noted and encouraged."

A number of proposals submitted by the representative of the U.S.S.R. were rejected by the ad hoc Committee. By a vote of 10 to 5 the ad hoc Committee rejected a proposal that the administering authority of each Non-Self-Governing Territory should be requested to furnish detailed data on the participation of the population in the local organs of administration. By a vote of 10 to 4, with 1 abstention, the Committee rejected a proposal that the Secretary-General should be authorized to receive information from local organizations, individuals and groups in the Non-Self-Governing Territories. A third proposal, that the United Nations should send rep-

representatives each year to the Non-Self-Governing Territories to investigate conditions on the spot, was rejected by a vote of 10 to 4, with 1 abstention. By the same vote the ad hoc Committee rejected a proposal that the Committee on Information from Non-Self-Governing Territories should be authorized to examine petitions from the local inhabitants of Non-Self-Governing Territories.

When the Fourth Committee considered the resolution recommended by the ad hoc Committee, the question of the obligations of the administering Powers under Article 73 was discussed at considerable length. One group of representatives, including the representatives of Netherlands, France, Belgium, United States, United Kingdom and Uruguay, maintained that Chapter XI of the Charter was a unilateral declaration of policy on the part of the administering Powers which did not involve any specific obligations on their part, with the exception of that specifically mentioned in Article 73 e and which did not authorize any intervention on the part of the United Nations in matters pertaining to Non-Self-Governing Territories.

The obligation contained in Article 73 e was to transmit to the Secretary-General technical information relating to economic, social and educational conditions in Non-Self-Governing Territories. There was no mention in Article 73 e of political information. This omission, it was maintained, was deliberate. The question had been raised in San Francisco and it had been decided that the administering Powers should not be required to transmit information of a political nature. Moreover, it was argued that information was to be transmitted for "information purposes", i.e., for purposes of documentation and not to be the subject of examination, criticism or recommendation on the part of the United Nations.

The majority of representatives who stressed that the transmission of political information was not obligatory, considered, however, that those governments which had voluntarily transmitted such information should be encouraged to do the same in the future. The representatives of the Netherlands and the United States, as administering Powers, declared that they were willing to accept the resolution recommended by the ad hoc Committee, if it were clearly understood that the transmission of information of a political nature was voluntary. The representative of the United Kingdom, however, stated that he would vote against any resolution designed to encourage or recommend transmission to the United Nations of

any information of a political or constitutional character. He expressed the view that the Non-Self-Governing Territories themselves would resent any criticism of or interference in their constitutional progress and their relationship with the United Kingdom.

The opposite view was taken by a number of representatives, including those of U.S.S.R., Egypt, Colombia, Ukrainian S.S.R., Byelorussian S.S.R., Poland, India, Pakistan and Yugoslavia, who maintained that there was a definite obligation on the part of the administering Powers to transmit political information. Chapter XI of the Charter, these representatives maintained, was not a unilateral declaration, but a treaty adhered to by the Member States. Chapter XI, therefore, had the same mandatory powers as other parts of the Charter. Under Article 73 the administering Powers had assumed, as a sacred trust, the obligation of promoting the political development of Non-Self-Governing Territories, of developing self-government, and of assisting the peoples of Non-Self-Governing Territories in the progressive development of their free political institutions (see Article 73 a and b). If such were the obligations of the administering Powers, all Members of the United Nations had the right, it was maintained, to know whether the administering Powers were fulfilling their obligations. Paragraph e of Article 73, it was argued, could not be separated from the other parts of that Article. In view of the administering Powers' obligation to promote political progress, they were under a corresponding obligation to transmit the information necessary to judge such progress. Moreover, it was stated, information on economic, social, and educational conditions could not be separated from information on political matters.

Three amendments to the resolution recommended by the ad hoc Committee were submitted to the Fourth Committee. The representative of Brazil proposed (A/C.4/106) to amend the second paragraph of the resolution (see above) to the effect that the voluntary transmission of information on the development of self-governing institutions in the Non-Self-Governing Territories and its summarizing by the Secretary-General were "highly desirable and not in conflict with either the letter or the spirit of Article 73 of the Charter and [should] be therefore duly noted and encouraged".

An amendment submitted by the representative of France (A/C.4/105) was designed to stress the fact that the transmission of political information was voluntary. It stated that although the

transmission of such information "does not arise out of the obligation contained in paragraph (e) of the Article [73], it is nonetheless deserving of notice and encouragement".

The representative of the U.S.S.R. submitted an alternative text (A/C.4/111) to be substituted for the draft resolution recommended by the ad hoc Committee. The U.S.S.R. text read as follows:

"Considering that the Members of the United Nations responsible for the administration of territories the populations of which have not yet attained a full measure of self-government undertake the obligation under Article 73 (b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement,

"The General Assembly

"Considers that the transmission of information relating to the results achieved in the matter of the participation of local populations in the work of local organs of administration is entirely in conformity with the spirit of Article 73 of the United Nations Charter, and recommends those States responsible for Non-Self-Governing Territories to transmit such information."

The Fourth Committee proceeded to vote on these amendments at its 42nd meeting on October 11. The Chairman ruled that the U.S.S.R. amendment should be put to the vote first and that adoption of the U.S.S.R. amendment would make unnecessary a vote on the other amendments and the original resolution recommended by the ad hoc Committee.

The Fourth Committee adopted the U.S.S.R. amendment by a vote of 20 to 19.

When the General Assembly considered, in plenary meeting, the report of the Fourth Committee (A/424), the representatives of Brazil, Denmark, France, Netherlands, Nicaragua, United States and Uruguay jointly submitted an amendment (A/437) to the resolution recommended by the Fourth Committee to substitute for the Fourth Committee's text the text of the original resolution recommended by the ad hoc Committee. In opposition to the resolution recommended by the Fourth Committee it was stated that a recommendation by the General Assembly that the administering Powers transmit information of a political nature implied at least a moral obligation and tended to give the United Nations jurisdiction in matters concerning Non-Self-Governing Territories, a jurisdiction not based on the provisions of Chapter XI of the Charter.

The General Assembly rejected the resolution recommended by the Fourth Committee (A/424) by a vote of 25 to 17, with 9 abstentions. The joint amendment was then adopted by a vote of

44 to 2, with 5 abstentions. Following is the text of the resolution (144(II)) which the General Assembly thus adopted at its 108th plenary meeting on November 3:

"The General Assembly,

"Having noted that some Members responsible for the administration of Non-Self-Governing Territories already have voluntarily transmitted information on the development of self-governing institutions in the Non-Self-Governing Territories,

"Considers that the voluntary transmission of such information and its summarizing by the Secretary-General are entirely in conformity with the spirit of Article 73 of the Charter, and should be therefore duly noted and encouraged."

#### (4) Collaboration of the Specialized Agencies in regard to Article 73 e of the Charter

The General Assembly's resolution 66 (I) of December 14, 1946,<sup>154</sup> concerning the transmission of information under Article 73 e provided that the ad hoc Committee should make

"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."

The ad hoc Committee decided that it could not set out in detail the machinery of liaison between the Secretary-General and the specialized agencies, but it drafted a resolution giving certain general indications, which it recommended for adoption by the General Assembly.

The Fourth Committee, at its 42nd meeting on October 11, and the General Assembly, at its 108th plenary meeting on November 3, unanimously adopted the resolution recommended by the ad hoc Committee, which reads as follows (resolution 145(II)):

"The General Assembly

"Invites the Secretary-General to enter into relations with the secretariats of the specialized agencies in order to allow these agencies:

"1. To assist the Secretary-General of the United Nations in preparing analyses of the information required under Article 73 e of the Charter on a functional basis;

"2. To make recommendations through the appropriate channels, to the General Assembly with respect to the form and content of the information with a view to incorporating therein the informational needs of the specialized agencies, and

"3. To bring to the notice of the General Assembly through the appropriate channels, conclusions based on this information and supplemental information as to the conditions, within their respective fields of interest, of Non-Self-Governing Territories generally and particularly as to the services which the specialized agencies might make available to the administering nations in improving these conditions."

<sup>154</sup> See Yearbook of the United Nations, 1946-47, pp. 210-11.

**(5) Creation of a Special Committee on Information Transmitted under Article 73 e of the Charter**

The ad hoc Committee (A/385) recommended to the General Assembly the establishment of a Special Committee to be composed of those Members of the United Nations transmitting information under Article 73 e and of an equal number of Members elected by the Fourth Committee of the General Assembly, on as wide a geographical basis as possible. The Committee, which was to meet as the General Assembly might decide, would examine the information transmitted under Article 73 e of the Charter on the economic, social and educational conditions in the Non-Self-Governing Territories, and submit reports thereon for the consideration of the General Assembly with such procedural recommendations as it may deem fit and with such substantive recommendations as it may deem desirable relating to functional fields generally, but not with respect to individual territories.

The representative of India submitted to the Fourth Committee an amendment (A/C.4/108) to the resolution recommended by the ad hoc Committee which provided that the members of the Special Committee should be elected by the General Assembly instead of by the Fourth Committee for a period of two years and should meet several weeks before the opening of each regular session of the General Assembly. The functions of the Committee would be

"to examine the information transmitted under Article 73 e of the Charter and to submit reports thereon for the consideration of the General Assembly with such recommendations as it may deem appropriate. . . ."

In support of the Indian amendment it was stated that the General Assembly itself, and not the Fourth Committee, should elect the members of the Special Committee, and that it was desirable that the Committee should have a certain degree of continuity. This would be ensured by the provision that members were to be elected for two years.

The representatives of France, Belgium, the United States, the United Kingdom and the Netherlands expressed opposition to the Indian amendment on the ground that it placed no limit on the powers of the Special Committee and would give to the United Nations a voice in determining policies to be followed in individual territories. This, it was maintained, was contrary to Article 2, paragraph 7, of the Charter, which provided that the United Nations was not to interfere in matters essentially within the domestic jurisdiction of any Member. The Indian amend-

ment was an attempt, its opponents considered, to obliterate the differences between Chapter XI and Chapters XII and XIII of the Charter and aimed at the establishment of a rival organ to the Trusteeship Council. Chapter XI of the Charter, it was insisted, conferred upon the United Nations no powers of supervision whatever. Article 73 did not provide for any organ to examine the information transmitted by the administering Powers in respect of their Non-Self-Governing Territories. The establishment of a committee to examine information transmitted under Article 73 e with a view to making recommendations as to the policies to be followed by the administering Powers would require an amendment to the Charter.

The representative of France expressed the view that there was no need at all for the establishment of a Special Committee which would merely examine the Secretariat's work and would duplicate the work of the Fourth Committee.

The Fourth Committee at its 42nd meeting on October 11, 1947, adopted the Indian amendment by a vote of 23 to 19.

When the General Assembly, in plenary meeting, considered the report of the Fourth Committee (A/424) the representatives of Brazil, Denmark, France, Netherlands, Nicaragua, United States and Uruguay jointly submitted an amendment (A/438) to the resolution adopted by the Fourth Committee to restore the original text of the resolution recommended by the ad hoc Committee.

The representative of India in turn submitted an amendment (A/446) which provided that the Special Committee should be established as an "experimental measure", and which provided further that the Committee should be elected for two years and should meet several weeks before "the third and fourth regular sessions of the General Assembly" (instead of before "each regular session"). The representative of India stated that the purpose of his amendment was to indicate that the Special Committee was not a permanent body.

Before the General Assembly proceeded to vote on the resolution recommended by the Fourth Committee and the amendments thereto, it decided by a vote of 29 to 22, with 5 abstentions, that a two-thirds majority would be required for the adoption of the resolution. The General Assembly rejected the first part of the Indian amendment by a vote of 25 to 16, with 15 abstentions, and the second part by a vote of 23 to 15, with 14 abstentions. The resolution recommended by the Fourth Committee was rejected by a vote of 24 to 17, with 9 abstentions. The General Assembly

then adopted the joint amendment (i.e., the text of the resolution originally proposed by the ad hoc Committee) by a vote of 49 to 0, with 4 abstentions. Following is the text of the resolution (146(II)) which the General Assembly thus adopted at its 108th plenary meeting on November 3, 1947:

"The General Assembly

"1. Invites the Fourth Committee to constitute a special committee to examine the information transmitted under Article 73 e of the Charter on the economic, social and educational conditions in the Non-Self-Governing Territories, and to submit reports thereon for the consideration of the General Assembly with such procedural recommendations as it may deem fit, and with such substantive recommendations as it may deem desirable relating to functional fields generally but not with respect to individual territories;

"2. Authorizes this special committee for this purpose

"(a) To avail itself of the counsel and assistance of the specialized agencies in such manner as it may consider necessary or expedient;

"(b) To establish liaison with the Economic and Social Council;

"(c) To invite the Members to provide such supplemental information as may be desired within the terms of Article 73 e, and

"3. Considers that the special committee should be composed of the Members of the United Nations transmitting information and an equal number of Members elected by the Fourth Committee on behalf of the General Assembly on as wide a geographical basis as possible, the Committee to meet as the General Assembly may decide."

By letter of November 4, 1947 (A/C.4/129), the President of the General Assembly informed the Chairman of the Fourth Committee that the Committee would be required to meet in order (1) to constitute the Special Committee; and (2) to make a recommendation to the General Assembly concerning the time of meeting of the Special Committee.

The Fourth Committee accordingly, at its 48th meeting on November 6, elected the following as members of the Special Committee: China, Colombia, Cuba, Egypt, India, Nicaragua, Sweden, U.S.S.R. In addition the Special Committee would include the following Members transmitting information under Article 73 e: Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, United States.

Two proposals were submitted concerning the date of meeting of the Special Committee. The representative of India recommended that the Committee should meet a few weeks before the opening of the next regular session of the General Assembly. That proposal was supported by the representatives of the Netherlands, Poland, the U.S.S.R. and China. The second proposal, sub-

mitted by the representative of Belgium, provided that the Special Committee should meet during the next regular session of the General Assembly. That proposal was supported by the representatives of Canada, Denmark, France, the United Kingdom and the Union of South Africa.

The Fourth Committee rejected the Belgian proposal by a vote of 28 to 13. On the proposal of the representative of China, the Fourth Committee then decided that the Special Committee should meet at a date to be fixed by the Secretary-General not less than two weeks before the opening of the next regular session of the General Assembly.

The General Assembly took note of the Fourth Committee's report (A/451) at its 117th plenary meeting on November 17, 1947.

## 6. Administrative and Budgetary Matters

### a. SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 1947

At the second part of its first session the General Assembly by resolution 68(I) of December 14, 1946, appropriated a total of \$27,740,000 for the financial year 1947. At the same time the General Assembly authorized the Secretary-General to draw on the Working Capital Fund to meet unforeseen or extraordinary expenses in 1947.<sup>155</sup>

The Secretary-General reported to the second session of the General Assembly (A/C.5/145) that unforeseen and extraordinary expenses in 1947 totalled \$2,817,346. This expenditure resulted from such measures as the following: the establishment of an Economic Commission for Europe and an Economic Commission for Asia and the Far East, the activities of the Security Council's Balkan Commission, the holding of a special session of the General Assembly to consider the Palestine problem, the establishment of the Special Committee on Palestine to study the question on the spot and to report to the second regular session of the General Assembly, the sending of a visiting mission to Western Samoa, and the organization of the United Nations Appeal for Children. The Secretary-General estimated that of the total of \$2,817,346 in unforeseen and extraordinary expenses \$1,717,743 could be met out of savings in the 1947 budget, leaving \$1,099,603 to be covered by supplementary ap-

<sup>155</sup>See Yearbook of the United Nations, 1946-47, p. 216.



propriations. The total revised budget for 1947 thus would be \$28,839,603.

At its 91st plenary meeting on September 23, the General Assembly referred the Secretary-General's supplementary estimates for 1947 to the Fifth Committee, which referred them to the Advisory Committee on Administrative and Budgetary Questions.

The Advisory Committee (A/C.5/159) recognized that in view of the fact that a considerable part of the funds requested by the Secretary-General had already been spent or committed there was little scope for reductions in the estimates. The Advisory Committee considered, however, that probably savings on the budget of the International Court of Justice could be used in part to meet unforeseen and extraordinary expenses and recommended therefore that a sum of \$80,000 be transferred from the Court budget to that of the United Nations, leaving a total revised budget for 1947 of \$28,759,603.

The Fifth Committee considered the supplementary estimates for 1947 and the Advisory Committee's report thereon at its 54th meeting on October 3 and its 100th meeting on November 17.

The Chairman of the Advisory Committee emphasized at the earlier meeting that the supplementary estimates for 1947 represented for the most part expenditures which had already been made or commitments entered into by the Secretary-General. The whole presentation of such estimates gave rise to considerable discussion in the Committee relative to the need for greater financial control by the General Assembly. It was emphasized that the major part of the expenditures had grown out of directives by the Councils and by the special session of the General Assembly and that the Secretary-General had had little discretion in regard to the amounts spent. The Assistant Secretary-General for Administrative and Budgetary Questions stated that the Secretary-General would be glad to have his constitutional position with respect to demands of the Councils clarified.

There was also considerable discussion regarding the travelling expenses of members of commissions. At its 99th meeting the Fifth Committee decided to refer the whole question to the Advisory Committee for study and report to the next regular session of the General Assembly.

In view of this decision, the Fifth Committee approved the supplementary estimates for 1947 relating to the Special Committee on the Greek Question and the Temporary Commission on Korea, which included travel and subsistence for one representative and one alternate, subject to the following reservation (A/493):

"It was expressly understood by the Committee that these cases will not constitute a precedent and will not prejudice the adoption of a general principle on the whole question now submitted to the Advisory Committee for consideration and report to the next regular session of the General Assembly."

The Fifth Committee at its 54th meeting adopted by a vote of 39 to 0, with 3 abstentions, the report of the Advisory Committee including a draft appropriation resolution (A/C.5/218) for the financial year 1947. Later appropriations for the Special Committee on the Balkans (\$72,840) and the Temporary Commission on Korea (\$114,350) were added and \$330,225 was transferred to the budget for 1948 in consequence of the new financial regulations approved by the Fifth Committee. The budget for 1947 thus revised totalled \$28,616,568. A sum of \$325,621 in casual revenue was to be appropriated in aid of this total estimated expenditure. The Fifth Committee approved the revised supplementary estimates at its 100th meeting on November 17 by a vote of 27 to 6, with 5 abstentions.

The General Assembly considered the report of the Fifth Committee (A/493) at its 121st plenary meeting on November 20, 1947, and, by a vote of 40 to 0, with 7 abstentions, adopted the following resolution recommended by the Fifth Committee (resolution 164(II)):

"The General Assembly resolves that:

"1. For the financial year 1947, an amount of \$US876,568 is hereby appropriated as a supplement to the amount of \$US 27,740,000 appropriated by resolution 68(I)<sup>156</sup> adopted on 14 December 1946, as follows [as detailed in table on opposite page];

"2. Amounts not exceeding those in the third column (revised amounts of appropriation) of the above schedule shall be available for the payment of obligations in respect of goods supplied or services rendered during the period 1 January 1947 to 31 December 1947;

"3. Casual revenue not exceeding \$US325,621 is hereby appropriated in aid of the above expenditure."

<sup>156</sup>See Yearbook of the United Nations, 1946-47, pp. 215-17.

		AMOUNT AP- PROPRIATED BY RESOLU- TION 68(I) PART B	SUPPLEMENTARY APPROPRIATION: INCREASE OR decrease	REVISED AMOUNTS OF APPROPRIA- TION
		Dollars (U.S.)	Dollars (U.S.)	Dollars (U.S.)
SECTION				
Part I—United Nations				
I	For expenses of travel of representatives to the General Assembly and travel of members of committees and commissions.....	1,090,500	(68,371)	1,022,129
II	For expenses of personnel services.....	13,999,223	1,955,141	15,954,364
III	For expenses of contributions to the Staff Provident Fund, Provisional Staff Retirement Scheme and related benefits.....	2,301,179	(865,496)	1,435,683
IV	For expenses of common services.....	5,966,500	149,723	6,116,223
V	For expenses of establishment of headquarters and initial recruitment of staff.....	3,074,000	(99,085)	2,974,915
VI	For expenses of advisory social welfare functions	670,186	(115,344)	554,842
			956,568	28,058,156
Part II — International Court of Justice				
VII	For expenses of the International Court of Justice	387,894	(55,000)	332,894
VIII	For expenses of the Registry and Common Serv-	250,518	(25,000)	225,518
TOTAL, PART II.....		638,412	(80,000)	558,412
TOTAL, PARTS I AND II.....		27,740,000	876,568	28,616,568

## b. BUDGET FOR THE FINANCIAL YEAR 1948

The Secretary-General submitted budget estimates (A/318) for 1948 to the General Assembly totalling \$39,403,792. Compared with the 1947 budget of \$27,740,000, the excess of the 1948 budget estimates over specific appropriations for 1947 (excluding supplementary estimates) was \$11,663,792.

In submitting the budget estimates for 1948, the Secretary-General stated that the increases over 1947 authorizations reflected the rapid growth of United Nations activities and the increase of staff to deal with them. The figures presented, the Secretary-General stated, represented minimum estimates which appeared necessary for economical operation within the framework of responsibilities imposed on the Secretary-General (A/318, p. 4).

The main items giving rise to the increases for 1948 were as follows:

- (1) salaries and wages of proposed additional staff,
- (2) increases granted in basic salary scales in 1947,
- (3) increases in the cost of living allowance,
- (4) staff travel on home leave,
- (5) staff benefits such as children's allowances, expatriation allowances, retirement fund, etc.,
- (6) contractual printing.

The Secretary-General's estimates were reviewed by the Advisory Committee on Administrative and Budgetary Questions (A/336), which after detailed examination recommended reductions totalling \$4,033,098, leaving a total budget of \$35,370,694.

On the basis of the Advisory Committee's recommendations and as a result of a management survey (A/C.5/160) which had been undertaken at the request of the Secretary-General, the latter submitted to the General Assembly revised budget estimates (A/C.5/149) totalling \$34,499,861.<sup>157</sup>

At its 91st plenary meeting on September 23 the General Assembly referred the question of the 1948 budget to the Fifth Committee for consideration.

Four meetings of the Fifth Committee (the 49th, 50th, 51st and 52nd meetings on September 25, 26, 27 and 29) were devoted to general debate on the budget estimates, the report of the Advisory Committee on Administrative and Budgetary Questions and the Secretary-General's revised

<sup>157</sup>\$34,499,762 according to further revised budget estimates.—A/C.5/157, p. 15.

budget estimates for 1948. A number of delegations emphasized the need for economy in view of the world-wide dollar shortage and the economic straits in which many Members found themselves. Certain specific recommendations for economies were made. Among these were a re-examination of the public information program, the establishment of new machinery to assign priorities to projects of various bodies meeting under United Nations auspices, the curtailment and postponement of certain meetings, greater volume of purchases outside the United States to take advantage of the low prices prevailing elsewhere, revision or re-interpretation of the rules of procedure for documentation in order to reduce translation, editing and printing costs, and a closer co-ordination of the work of the United Nations and the specialized agencies. A number of delegations favored a reduction of the total sum of the budget to a predetermined figure. A proposal, however, to appoint a sub-committee with instructions to reduce the budget to \$30,000,000 was defeated by a vote of 27 to 21.

Following the general debate the Fifth Committee undertook a detailed examination of the budget estimates. During a "first reading", questions of principles were discussed, the original estimates and the reports of the Advisory Committee examined, oral testimony of the Secretary-General and his Assistant Secretaries-General heard, and specific proposals for reduction or change in the estimates voted upon.

Because of the important financial implications involved the Committee considered, at seven meetings, the questions concerning the preparation and reproduction of records and documents of the General Assembly, the Councils and their commissions and committees. The possibility of significant economies in this field had been suggested by the Advisory Committee (A/336) and the Secretary-General (A/C.5/152). In addition, the General Assembly had referred to the Fifth Committee for consideration Chapter IX (Languages) and Chapter X (Records) of the provisional rules of procedure (A/C.5/146/Add.1). The Fifth Committee then referred the whole question to the Advisory Committee, which submitted two reports on the subject (A/C.5/168, and Add.1).

Approving in principle the Advisory Committee's recommendation that sound recordings should replace the written verbatim records in cases where only summary records were printed, estimated to save \$225,000 in 1948, the Committee

at its 67th meeting, by 41 votes to 0, with 2 abstentions, the Committee's Rapporteur reported to the Assembly (A/498), had approved the following statement:

"The Fifth Committee understood that with the present resources at his disposal, the Secretary-General would at most be able to make written verbatim records for only one of the Main Committees of the General Assembly in addition to the plenary meetings of the General Assembly, and of the Security Council and its commissions.

"The Fifth Committee recommends therefore that the Secretary-General be authorized to provide this service for one Main Committee at a time, a committee which, in the opinion of the General Committee, has the most important items on its agenda, and requests the Secretary-General to approach the Economic and Social Council and the Trusteeship Council to see whether they are disposed, in view of financial stringencies, to agree for the present to dispense with written verbatim records of their meetings."

In lieu of an Advisory Committee proposal for the abridgment of the printed verbatim records of the plenary meetings of the General Assembly, the Security Council and its commissions and the Trusteeship Council, the Fifth Committee accepted at its 68th meeting, by 27 votes to 6, with 3 abstentions, an alternative proposal:

(a) That verbatim records of the plenary meetings of the General Assembly be distributed in the working languages in mimeograph form (with opportunity for correction by delegations);

(b) That summary records of the plenary meetings of the General Assembly be translated and printed in the official languages; and

(c) That the Trusteeship Council be invited to adopt printed records for its meetings similar to those of the Economic and Social Council.

It was estimated that the budgetary saving in 1948 resulting from this proposal would be \$600,000. It was also the sense of the meeting that this action should be brought to the attention of the Security Council where a further saving of \$400,000 in 1948 might be expected if the Security Council could see fit to accept, for itself and its commissions, the same type of records as were proposed for the plenary meetings of the General Assembly.

The Advisory Committee had proposed that official records of an historical nature be printed in the non-working language only if officially requested by delegations, and that where such records were printed, mimeograph and other less expensive printing processes might be used for certain of the documents, the potential saving being estimated at \$1,100,000 in 1948. In a roll-call vote, the Committee at its 85th meeting re-

jected by 22 votes to 17, with 7 abstentions, these two recommendations of the Advisory Committee, but approved, by a roll-call vote of 32 to 1, with 14 abstentions, the following resolution proposed by Argentina (A/C.5/W.34) and amended by the representatives of Australia and Norway:

"The General Assembly,

"Mindful of the necessity of safeguarding the equal status of the five official languages of the United Nations;

"Also mindful of the need to observe the most stringent economy while making available to the delegations of Member States, their governments, their parliaments and the general public the official records and the essential documents of the organs of the United Nations:

"Invites the Secretary General

"(1) While continuing the preparation and publication of all official records and essential documents in conformity with the rules of procedure of the various organs of the United Nations, to study the best means of providing for the widest possible diffusion of these official records and documents through the judicious use of less expensive printing or near-printing processes which will make it possible to produce even the more bulky documents in a convenient and enduring form;

"(2) To effect economies of \$500,000 in the original estimates of document A/318 for the translation and printing of official records and important documents in 1948."

The importance of program planning and a system for establishing work-priorities for the United Nations, and also for the specialized agencies, was a recurring note throughout the budget discussions. The question was crystallized by the presentation of a draft resolution by Belgium for the establishment of a work-planning committee of the United Nations (A/C.5/179); and a proposal by Canada to extend the functions of the Interim Committee of the General Assembly to include authorization of the use of the Working Capital Fund for unforeseen or extraordinary expenses in certain cases (A/C.5/W.55).

During the discussion at the 96th meeting, a majority of the speakers recognized the problem but did not agree that new machinery was necessary or desirable. Several delegations pointed out constitutional difficulties in establishing such machinery and the overlapping which might occur between the work of a body established specifically for such a purpose and the Advisory Committee on the one hand and the Economic and Social Council and its Co-ordination Committee on the other. At the suggestion of the representative of Mexico, it was agreed that the Advisory Committee should study the whole problem and report in 1948, giving an indication of the manner in which the terms of reference of the Advisory Committee might be altered with a view to dealing with the problem. The Belgian and Canadian

delegations withdrew their proposals in the light of this conclusion, the representative of Belgium requesting that the Advisory Committee's report on the subject should include more precise views regarding regular consultation between the Advisory Committee and the Co-ordination Committee (A/498).

Reductions were also recommended by the Committee on the expenditure for local transportation and on the estimates for the Secretariat.

As a result of the detailed examination at its "first reading" the Fifth Committee made recommendations effecting savings in the amount of \$2,413,987. As against these savings new items involving estimated costs of \$443,725 were added. This amount represented estimated costs of simultaneous translation equipment and transfers of appropriations from the 1947 to the 1948 budget. Following a second reading of the budget beginning at its 95th meeting, the Fifth Committee at its 98th meeting on November 19, 1947, approved budget estimates totalling \$32,529,500. Supplementary estimates (A/C.5/217) for 1948 approved by the Fifth Committee at its 100th meeting on November 17, 1948, totalled \$2,295,695. These supplementary estimates covered the cost of holding the third regular session of the General Assembly in Europe (\$1,047,875), the cost of the Special Committee on Information transmitted under Article 73 e (\$6,440), the Interim Committee of the General Assembly (\$169,500), the Temporary Commission on Korea (\$533,280) and the Special Committee on the Greek Question (\$538,600). The final figure for the budget estimates recommended by the Fifth Committee therefore was \$34,825,195. The Fifth Committee approved a draft appropriation resolution which it recommended for adoption by the General Assembly (see below).

The General Assembly considered the Report of the Fifth Committee (A/498) at its 121st plenary meeting on November 20. After a brief discussion in the course of which the representatives of the United States, Uruguay and Norway supported the budget recommended by the Fifth Committee, and the representatives of the United Kingdom and the U.S.S.R. expressed opposition, indicating that they would abstain from voting on the budget as a whole, the General Assembly adopted the appropriation resolution recommended by the Fifth Committee by a vote of 37 to 0, with 10 abstentions. Following is the text of the resolution (166(II)A):

"The General Assembly

Resolves that for the financial year 1948:

"1. An amount of \$US34,825,195 is hereby appropriated for the following purposes:

**PART I. SESSIONS OF THE GENERAL ASSEMBLY, THE COUNCILS, COMMISSIONS AND COMMITTEES**

Section	Amount in dollars (US)	
1. The General Assembly and commissions and committees thereof .....	2,260,725	
2. The Security Council and commissions and committees thereof .....	246,374	
3. The Economic and Social Council and commissions and committees thereof .....	324,117	
4. The Trusteeship Council and commissions and committees thereof .....	69,380	2,900,596

**PART II. SPECIAL CONFERENCES, INVESTIGATIONS AND INQUIRIES**

5. Special conferences .....	32,286	
6. Investigations and inquiries .....	1,122,472	1,154,758

**PART III. THE SECRETARIAT**

7. Executive Office of the Secretary-General .....	338,000	
8. Department of Security Council Affairs .....	659,917	
9. Military Staff Committee Secretariat .....	156,830	
10. Department of Economic Affairs .....	1,689,159	
11. Department of Social Affairs .....	1,225,555	
12. Department for Trusteeship and Information from Non-Self-Governing Territories .....	741,262	
13. Department of Public Information .....	3,339,915	
14. Department of Legal Affairs .....	669,490	
15. Conference and General Services .....	7,425,962	
16. Administrative and Financial Services .....	1,529,000	
17. Geneva office .....	1,430,562	
18. Information and correspondent centres .....	488,758	
19. Overseas recruitment programme .....	57,736	
20. Hospitality .....	20,000	
21. Common staff costs.....	5,010,000	24,782,146

**PART IV. COMMON SERVICES**

22. Telephone and postage.....	388,487	
23. Rental and maintenance of premises .....	923,900	
24. Stationery, office supplies, rental and maintenance of office equipment.....	233,193	
25. Internal reproduction and printing .....	275,800	
26. Maintenance and operation of transport .....	74,400	
27. Miscellaneous supplies and contractual services .....	407,518	2,303,298

**PART V. CAPITAL EXPENSES**

28. Office furniture, fixtures and equipment .....	265,400	
29. Motion picture, photographic, radio, recording and translation equipment .....	169,500	
30. Library books and equipment .....	129,000	
31. Purchase of motor vehicles .....	82,000	
32. Miscellaneous capital equipment .....	97,300	743,200

**PART VI. ECONOMIC COMMISSIONS, ADMINISTRATION OF THE FREE TERRITORY OF TRIESTE, AND ADVISORY SOCIAL WELFARE FUNCTIONS**

33. Economic Commissions for Europe and for Asia and the Far East.....	1,430,000	
34. Administration of the Free Territory of Trieste.....	150,000	
35. Advisory social welfare functions .....	670,186	2,250,186
		34,134,7184

**INTERNATIONAL COURT OF JUSTICE**

**PART VII. THE INTERNATIONAL COURT OF JUSTICE**

36. Salaries and expenses of members of the Court .....	390,943	
37. Salaries, wages and expenses of the Registry....	221,388	
38. Common services of the Court .....	66,604	
39. Capital expenses of the Court .....	12,076	691,011
		34,825,195

"2. Casual revenue not exceeding \$761,727 is hereby appropriated in aid of the above expenditure. The balance of expenditures (\$34,063,468) shall be met by annual contributions;

"3. Amounts not exceeding the above appropriations shall be available for the payment of obligations in respect of goods supplied and services rendered during the period 1 January 1948 to 31 December 1948.

"4. The Secretary-General is authorized

"(i) To transfer credits from Part VI to such other parts of the budget as are appropriate, provided that the credits may only be used for purposes within the ambit of Part VI;

"(ii) With the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, to transfer credits between sections of the budget."

**c. UNFORESEEN AND EXTRAORDINARY EXPENDITURES**

In connection with the consideration of the budget estimates for 1948, the Fifth Committee discussed at considerable length the question of financial controls and the relation of the Secretary-General to the Councils of the United Nations. In its report concerning the budgetary estimates

(A/336) the Advisory Committee on Administrative and Budgetary Questions had expressed the view that one of the weaknesses in the financial system of the United Nations was the fact that projects might be approved by bodies other than the General Assembly, which is the only appropriating authority. In order to remedy this situation the General Assembly during the second part of its first session had adopted financial regulation 25, which provides that no resolution involving expenditure should be approved by a Council or other body unless it has before it an estimate of the costs involved. Speaking at the 48th meeting of the Fifth Committee on September 24, 1947, the Secretary-General stated that experience had shown that the Councils had continued to approve work programs in full knowledge that funds were not available within the regular budget.

The Advisory Committee on Administrative and Budgetary Questions as well as a number of delegations therefore stressed the need for the establishment of machinery to develop a balanced work program and to determine priorities. Several proposals were submitted to this end.

A draft resolution on unforeseen and extraordinary expenditures recommended by the Advisory Committee for adoption by the General Assembly (A/336) provided, *inter alia*, that commitments for unforeseen and extraordinary expenditures of less than \$2,000,000 were to be authorized only if the Secretary-General certified that they related to the maintenance of peace and security or to economic rehabilitation. (Commitments for expenditures exceeding \$2,000,000 would require the approval of the Advisory Committee.)

The representative of Belgium proposed the establishment of a work planning committee composed of representatives of the General Assembly and of each of the three Councils. The draft resolution (A/C.5/179) defined the tasks of the Committee as follows:

"It will be the task of the committee to prepare, with the assistance of the Advisory Committee on Administrative and Budgetary Questions and of the Secretary-General, the plan of work of the United Nations. It will in the first place decide the order of priority of the various activities and endeavour to distribute these evenly over the whole year and over the various regions, in order to avoid excessive work at any one time and reduce expenditure. . . ."

"Before taking any decision involving expenditure for which no credit has been provided, each Council will consult the Permanent Work-Planning Committee through the Secretary-General.

"When, in the case provided for in the preceding paragraph, expenditure exceeds any credit which may

have been approved in the budget of the appropriate Council to meet unforeseen expenditure, the Permanent Committee may, particularly in the case of activities relating to the maintenance of peace and of urgent measures in the economic field, immediately recommend the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions that the necessary advance be made from the Working Capital Fund. . . ."

The representative of Canada submitted a proposal (A/C.5/W.55) to extend the functions of the Interim Committee of the General Assembly to include authorization of the use of the Working Capital Fund for unforeseen or extraordinary expenses, in certain cases.

During the discussion of these proposals at the 96th meeting of the Fifth Committee on November 11, a majority of the speakers recognized the problem but did not agree that new machinery was necessary or desirable. Several representatives pointed out constitutional difficulties in establishing such machinery and the overlapping which might occur between the work of a body established specifically to plan the work of the United Nations and the Advisory Committee on the one hand and the Economic and Social Council and its Co-ordination Committee on the other. At the suggestion of the representative of Mexico, it was agreed that the Advisory Committee should study the whole problem and report in 1948, giving an indication of the manner in which the terms of reference of the Advisory Committee might be altered with a view to dealing with the problem. The representatives of Belgium and Canada thereupon withdrew their draft resolutions.

At its 99th meeting on November 14, the Fifth Committee considered the draft resolution (A/336) recommended by the Advisory Committee on Administrative and Budgetary Questions relating to Unforeseen and extraordinary expenses. The representative of Australia proposed to delete the clause requiring that the Secretary-General certify that such expenses "relate to the maintenance of international peace and security or to economic rehabilitation", as he considered that it was not desirable to restrict the activities of the Councils in this manner. The Fifth Committee, however, rejected the Australian proposal by a vote of 23 to 5, with 9 abstentions. The Fifth Committee then adopted, with slight drafting changes, the resolution recommended by the Advisory Committee on Administrative and Budgetary Questions by a vote of 35 to 0, with 2 abstentions.

At its 121st plenary meeting on November 20, 1947, the General Assembly adopted without

opposition the resolution recommended by the Fifth Committee. Following is the text of the resolution (166(II)B):

"The General Assembly

"Resolves that, for the financial year 1948,

"The Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, and subject to the financial regulations of the United Nations, is authorized to enter into commitments to meet unforeseen and extraordinary expenses; provided that the concurrence of the Advisory Committee shall not be necessary for:

"(a) Such commitments not exceeding a total of \$2,000,000, if the Secretary-General certifies that they relate to the maintenance of peace and security or to economic rehabilitation, or

"(b) Such commitments not exceeding a total of \$75,000, if the President of the International Court of Justice certifies that they are necessary to enable the Court to hear cases away from The Hague, under Article 22 of its Statute.

"The Secretary-General shall report to the Advisory Committee and to the next convened General Assembly all commitments made under the provision of this resolution, together with the circumstances relating thereto, and shall submit supplementary estimates to the General Assembly in respect of such commitments."

#### d. WORKING CAPITAL FUND

The Secretary-General, in submitting the budget estimate's for 1948 (A/318, p.162), and the Advisory Committee in its report on these estimates (A/336, p.32), recommended that the Working Capital Fund be maintained in 1948 at \$20,000,000. The Advisory Committee's report included a draft resolution containing detailed provisions regarding the Secretary-General's authority to draw on the Fund for unforeseen and extraordinary expenditures.

In the course of the general debate on the budget estimates which took place in the Fifth Committee, the majority of representatives supported the recommendation that the Working Capital Fund be maintained at \$20,000,000. A number of representatives, however, including the representatives of U.S.S.R., Byelorussian S.S.R. and Yugoslavia, proposed that the Working Capital Fund should be reduced to \$10,000,000. At the 99th meeting of the Fifth Committee the representative of the U.S.S.R. proposed a Working Capital Fund of \$15,000,000 (\$5,000,000 for possible unforeseen expenditures relating to the Free Territory of Trieste).<sup>158</sup> The Fifth Committee rejected this proposal by a vote of 20 to 5, with 1 abstention, and decided, by a vote of 27 to 0, with 2 abstentions, to maintain the Working Capital Fund at \$20,000,000 in 1948.

The representative of Australia submitted an

amendment (A/C.5/W.61) to the resolution recommended by the Advisory Committee to authorize the Secretary-General to make loans not only to specialized agencies, but also to "preparatory commissions of agencies to be established by inter-governmental agreement under the auspices of the United Nations". The Fifth Committee adopted this amendment by a vote of 19 to 9, with 8 abstentions.

The representative of the United States submitted an amendment to the draft resolution on the Working Capital Fund providing for financial assistance to the Free Territory of Trieste (up to \$5,000,000). The amendment provided that if such advances were made the Working Capital Fund should be replenished by Members according to a special operational scale to be established at the next regular session of the General Assembly.

A number of representatives expressed opposition to the United States amendment on the ground that the Security Council, which under the peace treaty with Italy had assumed responsibility for the Free Territory of Trieste, had made no request for an authorization as contained in the United States amendment. In the absence of such a request from the appropriate organ, there was no need for the General Assembly to adopt special measures. Certain representatives opposed the provision concerning a special operational scale for contributions on the ground that it represented an innovation which might have far-reaching implications. Other representatives insisted that in determining this special scale of contributions the General Assembly should take into consideration not only capacity to pay but also the interest Members might have in the Free Territory of Trieste.

After considerable discussion in the course of which amendments to the United States amendment were submitted by the representatives of Poland, Canada, Mexico and Norway the representative of the United States submitted a revised text of his amendment which the Fifth Committee adopted by a vote of 27 to 7, with 12 abstentions (A/C.5/W.47/Rev.2).

The Fifth Committee adopted the resolution as a whole, including the Australian and United States amendments, by a vote of 30 to 5, with 11 abstentions.

Voting paragraph by paragraph, the General Assembly at its 121st plenary meeting on November 20, 1947, adopted the resolution on the Work-

<sup>158</sup>See pp. 352-56.

ing Capital Fund recommended by the Fifth Committee by a vote of 41 to 1, with 8 abstentions. Following is the text of the resolution (166(II)C):

"The General Assembly

"Resolves that:

"1. The Working Capital Fund shall be maintained to 31 December 1948 at the amount of \$US20,000,000;

"2. Members shall make advances to the Working Capital Fund in accordance with the scale adopted by the General Assembly for contributions of Members to the third annual budget;

"3. There shall be set off against this new allocation of advances, the amounts paid by Members to the Working Capital Fund for the financial year 1947; provided that should the advance paid by any Member to the Working Capital Fund for the financial year 1947 exceed the amount of that Member's advance under the provisions of paragraph 2 hereof, the excess shall be set off against the amount of contributions payable by that Member in respect of the third annual budget, or any previous budget.

"4. The Secretary-General is authorized to advance from the Working Capital Fund:

"(a) Such sums as may be necessary to finance budgetary appropriations pending receipt of contributions; sums so advanced shall be reimbursed as soon as receipts from contributions are available for the purpose;

"(b) Such sums as may be necessary to finance commitments which may be duly authorized under the provisions of the resolution relating to unforeseen or extraordinary expenses. The Secretary-General shall make provision in the budget estimates for reimbursing the Working Capital Fund;

"(c) Such sums as, together with the sums advanced for the same purpose in 1947, will not exceed \$250,000 to continue the revolving fund to finance miscellaneous self-liquidating purchases and activities. Advances in excess of the total of \$250,000 may be made with the prior concurrence of the Advisory Committee. The Secretary-General shall submit, with the annual accounts, an explanation of the outstanding balance of the revolving fund at the end of each year;

"(d) Loans to specialized agencies and preparatory commissions of agencies to be established by inter-governmental agreement under the auspices of the United Nations to finance their work, pending receipt by the agencies concerned of sufficient contributions under their own budgets. In making such loans, which shall be repayable within two years, the Secretary-General shall have regard to the proposed financial resources of the agency concerned, and shall obtain the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for any cash issues which would increase the aggregate balance outstanding (including amounts outstanding from 1947) at any one time to an amount in excess of \$3,000,000, and for any issue which would increase the balance outstanding (including amounts outstanding from 1947) in respect of any one agency to an amount in excess of \$1,000,000;

"(e) Such sums as, together with the sums advanced for the same purpose in 1947, do not exceed \$675,000 to continue the staff housing fund in order to finance 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 the recovery of the rental advances, guarantee deposits and working capital advances;

"(f) Such sums as, together with sums advanced for the same purpose in 1947, do not exceed \$100,000 to establish a revolving fund to finance loans to certain staff members for purchase of furniture and household goods;

"(g) Such sums, not to exceed \$5,000,000 for emergency assistance in 1948 to the Free Territory of Trieste as the Security Council may approve, upon request from the Governor and Provisional Council of Government of the Free Territory of Trieste under terms to be agreed upon between the Secretary-General and the Governor. If any such advances are made, the Working Capital Fund shall include a special subdivision for this purpose and shall be replenished by Members according to a special operational scale to be established at the next regular session of the General Assembly. Such repayments as may be made by the Free Territory of Trieste to the United Nations under the terms of such advances shall be credited to Members in proportion to the contribution paid by them under the special scale."

#### e. SCALE OF CONTRIBUTIONS

On December 14, 1946, the General Assembly adopted a scale of contributions to the 1947 budget and to the Working Capital Fund. Although rule 43 of the provisional rules of procedure of the General Assembly provides that the scale of payments, when once fixed by the General Assembly, should not be subject to a general revision for at least three years, the Assembly requested the Committee on Contributions to review the 1947 scale and to report to the second regular session of the General Assembly.<sup>159</sup>

The Committee on Contributions accordingly held nineteen meetings between August 11 and 29, 1947, during which it examined the scale of contributions in detail. In its report to the General Assembly (A/377), the Committee on Contributions recommended unanimously that the scale approved by the General Assembly on December 14, 1946, be continued for the 1948 budget. The only modifications proposed by the Committee concerned new Members admitted to the United Nations in 1946 and 1947. Thus the Committee recommended that the contribution of Siam be 0.27 per cent, that of Sweden 2.04 per cent (instead of 2.35 per cent as provided in the 1947 scale) and that of Yemen 0.04 per cent. Should Pakistan be admitted to membership in the United Nations, the Committee recommended that the assessment attributed to India and Pakistan

<sup>159</sup>See Yearbook of the United Nations, 1946-47, pp. 217-19.



in the proposed scale be divided between those two Members of the United Nations.

In submitting its report, the Committee on Contributions pointed out that the scale it had originally proposed for 1947 had been based largely on the principle of capacity to pay. The General Assembly, the Committee's report stated, had altered the Committee's scale by fixing the contribution of the United States at a proportion substantially lower than that recommended by the Committee and by deciding on a minimum proportion that Members should pay. The Committee therefore, although its terms of reference laid particular emphasis upon capacity to pay as the criterion on which it should base its scale,<sup>160</sup> felt that it would be acting contrary to the intentions of the General Assembly, if it were to propose either a reduction in the minimum assessment involved in membership in the United Nations or an increase in the assessment of the largest contributor, the United States.

At its 91st plenary meeting on September 23 the General Assembly referred the report of the Committee on Contributions to the Fifth Committee, which considered it at its 53rd meeting on October 2.

The Fifth Committee unanimously approved the report of the Committee on Contributions and recommended to the General Assembly that the scale for the administrative budget of the United Nations contained therein should be reviewed again in 1948.

The Swedish delegation expressed its appreciation of the reduction in the assessment of Sweden from 2.35 per cent to 2.04 per cent, but pointed out that the per capita contribution of Sweden was still high and that, in its view, the assessment of Sweden should be around 1.60 per cent.

The United States delegation agreed to accept for one more year the allocation of 39.89 per cent, in view of the present state of world economy. It reiterated, however, the conviction upheld the year before—that in an organization of sovereign equals no single Member should pay more than  $33\frac{1}{3}$  per cent of an administrative budget.

The delegations of India and Pakistan accepted the assessment of 3.95 per cent for 1948 on the understanding that the total contributions payable by India and Pakistan would in the first instance be paid by the Government of India, subject to an inter-governmental adjustment between the two States. Since India had paid the total assessment for 1947, the Fifth Committee recommended that Pakistan, which became a Member of the United Nations on September 30, 1947, should

not be called upon to pay any contributions for 1947.

The Fifth Committee also recommended that no assessment for 1946 should be levied on Siam, which became a Member of the United Nations on December 16, 1946, and which therefore did not participate in the first session of the General Assembly. As regards Yemen, which became a Member of the United Nations on September 30, 1947, the Fifth Committee recommended that it should pay  $33\frac{1}{3}$  per cent of its assessment for 1947. (The General Assembly had decided on December 14, 1946, that new Members should pay at least  $33\frac{1}{3}$  per cent of their assessment for the year of admission.)<sup>161</sup>

The General Assembly at its 115th plenary meeting on November 15, 1947, unanimously adopted the following resolution recommended by the Fifth Committee (151 (II)):

"The General Assembly resolves

"1. That the scale of assessments for the 1948 budget shall be as follows:

Country	Per Cent
Afghanistan . . . . .	0.05
Argentina . . . . .	1.85
Australia . . . . .	1.97
Belgium . . . . .	1.35
Bolivia . . . . .	0.08
Brazil . . . . .	1.85
Byelorussian Soviet Socialist Republic . . . . .	0.22
Canada . . . . .	3.20
Chile . . . . .	0.45
China . . . . .	6.00
Colombia . . . . .	0.37
Costa Rica . . . . .	0.04
Cuba . . . . .	0.29
Czechoslovakia . . . . .	0.90
Denmark . . . . .	0.79
Dominican Republic . . . . .	0.05
Ecuador . . . . .	0.05
Egypt . . . . .	0.79
El Salvador . . . . .	0.05
Ethiopia . . . . .	0.08
France . . . . .	6.00
Greece . . . . .	0.17
Guatemala . . . . .	0.05
Haiti . . . . .	0.04
Honduras . . . . .	0.04
Iceland . . . . .	0.04
India and Pakistan . . . . .	3.95 <sup>162</sup>
Iran . . . . .	0.45
Iraq . . . . .	0.17
Lebanon . . . . .	0.06
Liberia . . . . .	0.04

<sup>160</sup>See Report of the Preparatory Commission, Chapter IX, paragraph 13, section 2, and resolution 14 (I) of the General Assembly, dated February 13, 1946.

<sup>161</sup>See Yearbook of the United Nations, 1946-47, p.

219.<sup>162</sup>In accordance with the undertaking of the Government of India in the first instance to pay the total assessment for India and Pakistan for 1948, subject to an inter-governmental adjustment between the two States.

Country	Per Cent
Luxembourg . . . . .	0.05
Mexico . . . . .	0.63
Netherlands . . . . .	1.40
New Zealand . . . . .	0.50
Nicaragua . . . . .	0.04
Norway . . . . .	0.50
Panama . . . . .	0.05
Paraguay . . . . .	0.04
Peru . . . . .	0.20
Philippines . . . . .	0.29
Poland . . . . .	0.95
Saudi Arabia . . . . .	0.08
Siam . . . . .	0.27
Sweden . . . . .	2.04
Syria . . . . .	0.12
Turkey . . . . .	0.91
Ukrainian Soviet Socialist Republic . . . . .	0.84
Union of South Africa . . . . .	1.12
Union of Soviet Socialist Republics . . . . .	6.34
United Kingdom . . . . .	11.48
United States of America . . . . .	39.89
Uruguay . . . . .	0.18
Venezuela . . . . .	0.27
Yemen . . . . .	0.04
Yugoslavia . . . . .	0.33
	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 1948 and a report submitted for the consideration of the General Assembly at its next regular session;

"3. That, in view of the fact that Siam became a Member of the United Nations on 16 December 1946, and did not participate in the first session of the General Assembly and that the United Nations was not called upon to contribute to the travelling expenses of the Siamese delegation, no assessment shall be levied on Siam for the year 1946;

"4. That, in view of the fact that India has contributed the total percentage for 1947 now attributed to India and Pakistan, no assessment shall be levied on Pakistan for the year 1947;

"5. That, in the case of Yemen, the minimum contribution of  $33\frac{1}{3}$  per cent of the percentage of assessment determined for the year 1948, applied to the budget for the year of admission, shall be levied for the year 1947."

#### f. FINANCIAL REPORT AND ACCOUNTS FOR THE FIRST FINANCIAL PERIOD ENDED DECEMBER 31, 1946, AND REPORT OF THE BOARD OF AUDITORS

On December 7, 1946, by resolution 74(I), the General Assembly established a Board of Auditors composed of the Auditor-General (or equivalent) of the Ukrainian S.S.R., Canada and Sweden to conduct the external audit of the accounts of the United Nations. In accordance with the General Assembly's instructions, the Board of Auditors examined and certified the financial statements which were submitted by the Secretary-General

with respect to the financial period ending December 31, 1946. Along with the certified accounts the Board transmitted its report (A/313) to the Advisory Committee on Administrative and Budgetary Questions, which according to the General Assembly's resolution of December 7, 1946, was to forward its comments on the audit report to the General Assembly.

On the basis of the observations contained in the report of the Board of Auditors (A/313), the Advisory Committee (A/395) made a number of recommendations designed to eliminate weaknesses in the financial system of the United Nations. In general the Advisory Committee concluded that despite initial difficulties with which the organization was faced, the audit report did not disclose any fundamental defects and did not raise any major criticism which could not be attributed to those initial difficulties. In all cases where deficiencies in the financial system were disclosed, the Advisory Committee stated, the Secretary-General had taken prompt remedial action.

At its 91st plenary meeting on September 23, 1947, the General Assembly referred the reports of the Board of Auditors and of the Advisory Committee to the Fifth Committee, which considered them at its 53rd meeting on October 2, 1947. After some discussion both reports were approved.

On the recommendation of the Fifth Committee the General Assembly at its 96th plenary meeting on October 20 unanimously adopted the following resolution (147(II)):

"The General Assembly

"Approves the Financial Report and Accounts for the first financial period, ended 31 December 1946 (document A/313);

"Concurs in the recommendations made in the report of the Advisory Committee on Administrative and Budgetary Questions relating to the External Audit Report on the 1946 accounts (document A/395)."

#### g. ADOPTION OF FINANCIAL REGULATIONS

At its 51st plenary meeting on December 11, 1946, the General Assembly adopted provisional financial regulations and at the same time instructed the Secretary-General 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 second regular session.

Draft regulations were accordingly submitted to the Advisory Committee, which suggested a number of changes which the Secretary-General accepted. The Advisory Committee in its report to the General Assembly (A/C.5/203) listed the principal differences between the proposed finan-

cial regulations and the regulations currently in force as follows:

"Scope and Application: Regulations 1-3: This is a new introductory section.

"The Budget: Regulations 5-11: This section has been redrafted to define more explicitly the procedure for submission of the budget and any supplementary estimates (Regulations 7 and 8). The supporting detail required with the budget is likewise defined with more precision (Regulation 6). The date by which the Advisory Committee's report on the budget must be circulated to Members is brought forward to five weeks (instead of four) before the opening of the General Assembly session (Regulation 7).

"Availability of Appropriations: Regulations 13 and 14: It is proposed that the appropriations for any given year shall be available only to meet the cost of goods supplied or services rendered to the United Nations in that year. Hitherto, the appropriations for any year have remained available for three years to the full extent of "obligations incurred" in the year (that is the full value of contracts placed in the year, irrespective of the extent to which the obligations have matured). . . . Under the new regulation appropriations not required for goods or services related to the financial year of the appropriation would have to be surrendered at the end of the year. . . .

"Provision of Funds: Regulations 15-22: The changes proposed in this section provide for:

- (a) the application of certain adjustments in assessing Members' contributions (Regulation 17);
- (b) codification of the procedure established under resolution 69 (I) in connection with the admission of new Members (Regulation 19);
- (c) an orderly application of monies received from Members (Regulation 21);
- (d) contributions from non-member states which become parties to the Statute of the International Court of Justice (Regulation 22).

"Internal Control: Regulations 24 to 28: The changes made in this section provide for:

- (a) closer control over commitments and expenditure, in accordance with recommendations of the Board of External Auditors (Regulation 25);
- (b) authorization to the Secretary-General to make ex gratia payments subject to such limits as may be prescribed by the General Assembly: any such payments must be reported to the General Assembly in the annual accounts (Regulation 26);
- (c) authorization to the Secretary-General to write off certain types of losses: the amounts written off must be reported to the External Auditors (Regulation 27).

"The Accounts: Regulations 29-33: This section now includes a closer definition of the accounts required to be kept (Regulation 32) and provides for submission of the accounts to the External Auditors (Regulation 33).

"Appointment of External Auditors: Regulation 34: The provisional regulation provided that the External Auditors should be appointed in a manner to be determined by the General Assembly. The General Assembly has since determined the manner of appointment in Resolution 74 (I), and that decision has been incorporated into the regulations.

"Investments: Regulation 36: The regulation proposed still restricts the investment of general fund and working capital fund monies to short-term investments. It provides, however, that on the advice of the Invest-

ments Committee the Secretary-General may make long-term investments of monies of special funds such as the Staff Pension Fund. It provides also that income derived from the short-term investments of Working Capital Fund monies shall be accounted for as miscellaneous income.

"Resolutions by Councils which involve expenditure: Regulation 38: On the recommendations of the Advisory Committee in 1946, a regulation was introduced to provide that no Council should approve a resolution involving expenditure unless it had before it a report from the Secretary-General on the financial implications of the proposals, together with an estimate of cost. This regulation has not been, in the opinion of the Advisory Committee, adequate to its purpose, and . . . the regulation (now No. 38) has been redrafted with the object of restricting unforeseen expenditure to measures relating to the maintenance of peace and security or to urgent economic rehabilitation."

At its 91st plenary meeting on September 23, 1947, the General Assembly referred the question of financial regulations to the Fifth Committee, which considered it at its 93rd and 94th meetings on November 8 and 10.

The Fifth Committee decided that the regulations proposed by the Secretary-General and the Advisory Committee should be considered provisional and not permanent. After discussing and voting on each regulation, the Fifth Committee adopted, with some amendments, the financial regulations as a whole.

In connection with the financial regulations the Fifth Committee discussed the question of the payment of Members' contributions in currencies other than that "of the state in which the United Nations has its headquarters", as provided in financial regulation 20. The Committee finally, by a vote of 35 to 7, with 1 abstention, decided at its 102nd meeting on November 24, 1947, to add a paragraph to the resolution approving the financial regulations to the effect that, notwithstanding the terms of regulation 20, the Secretary-General be empowered to accept, at his discretion, and after consultation with the Chairman of the Committee on Contributions, a portion of the contributions of Member States for the financial year 1948 in currencies other than United States dollars. This paragraph was adopted although the Secretariat informed the Fifth Committee that it might afford little assistance to countries experiencing a dollar shortage. The Secretariat would, however, do what it could, within the authorization granted by the General Assembly, to assist in meeting the difficulties caused to many Members by the requirement of paying contributions in United States dollars.

On the recommendation of the Fifth Committee the General Assembly at its 121st plenary meeting

on November 20, 1947, adopted without objection the following resolution (163(II)):

"The General Assembly resolves

"1. That the following Provisional Financial Regulations be adopted in place of those adopted by the General Assembly at the second part of its first session under resolution 80(I);

"2. That, notwithstanding the terms of regulation 20 of the Provisional Financial Regulations, the Secretary-General be empowered to accept, at his discretion, and after consultation with the Chairman of the Committee on Contributions, a portion of the contributions of Member States for the financial year 1948, in currencies other than United States dollars."

#### ANNEX PROVISIONAL FINANCIAL REGULATIONS SCOPE AND APPLICATION

##### Regulation 1

These regulations are established in accordance with the provisions of rule 37 of the provisional rules of procedure and shall be cited as the Provisional Financial Regulations. They shall become effective as from the date of their approval by the General Assembly.

##### Regulation 2

These regulations shall govern the financial administration of the United Nations, including the International Court of Justice.

##### Regulation 3

These regulations shall apply to the financial administration of the specialized agencies to the extent provided in Agreements entered into between the specialized agencies and the United Nations.

#### THE FINANCIAL YEAR

##### Regulation 4

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

#### THE BUDGET

##### Regulation 5

The Secretary-General shall submit to the regular annual session of the General Assembly estimates for the following financial year. He may also submit such supplementary estimates as may be deemed necessary for the current financial year.

The estimates of the International Court of Justice shall be prepared by the Court, in consultation with the Secretary-General, and shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

##### Regulation 6

The estimates submitted to the General Assembly 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 and each item of a chapter;
- (b) A statement of the estimated miscellaneous or other income under appropriate headings;
- (c) An explanatory statement with regard to the expenditures proposed in connexion with any new activity or any extension of an existing activity;
- (d) A statement of the estimated expenditure of the current financial year, and the expenditure of the last completed financial year;
- (e) An information annex containing the budgets or

proposed budgets of the specialized agencies, or such summaries thereof as the Secretary-General may deem appropriate and useful.

##### Regulation 7

The estimates shall be submitted to the Advisory Committee on Administrative and Budgetary Questions (hereinafter referred to as the "Advisory Committee") at least twelve weeks before the opening of the annual session of the General Assembly. They shall be examined by the Advisory Committee, which shall prepare a report thereon. The estimates, together with the Committee's report, shall be transmitted to all Members at least five weeks before the opening of the regular session of the General Assembly.

##### Regulation 8

Supplementary estimates shall be submitted to the Advisory Committee for examination and report.

##### Regulation 9

The estimates, and the reports of the Advisory Committee thereon, shall be submitted to the General Assembly and referred to the Administrative and Budgetary Committee of the General Assembly for consideration and report to the Assembly.

##### Regulation 10

All appropriations shall require a two-thirds majority of the General Assembly in accordance with the provisions of Article 18, paragraph 2, of the Charter of the United Nations.

##### Regulation 11

The adoption of the budget shall constitute an authorization to the Secretary-General to incur obligations and make expenditures for the purposes for which appropriations have been voted and up to the amounts so voted.

The appropriations shall be available for obligations in respect of goods supplied and services rendered in the financial year to which the appropriations relate.

The Secretary-General shall make allotments in writing from the appropriations as voted by the General Assembly and under such further sub-headings as may appear appropriate and necessary, before obligations are incurred thereunder.

#### TRANSFERS WITHIN APPROPRIATIONS

##### Regulation 12

Transfers by the Secretary-General within the total amount appropriated under the estimates may be made to the extent permitted by the terms of the budget resolution adopted by the General Assembly.

#### AVAILABILITY OF APPROPRIATIONS AT THE CLOSE OF THE FINANCIAL YEAR

##### Regulation 13

Appropriations shall remain available to the extent that they are required to meet the outstanding obligations as at 31 December represented by goods supplied and services rendered up to and including that date.

##### Regulation 14

The balance of appropriations shall be surrendered in accordance with the provisions of regulation 17. Outstanding obligations not represented by goods supplied or services rendered up to and including 31 December shall be a charge to the appropriations of the succeeding year.

#### PROVISION OF FUNDS

##### Regulation 15

The appropriations, subject to the adjustments to be

effected in accordance with the provisions of regulation 17, shall be financed by contributions from Members according to the scale of assessments determined by the General Assembly. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

#### Regulation 16

The General Assembly shall determine the amount of the Working Capital Fund and any sub-divisions thereof.

#### Regulation 17

In the assessment of the contributions of Members, there shall be adjustments to the amount of the appropriations approved by the General Assembly for the following financial year in respect of:

(a) Supplementary appropriations for which contributions have not previously been assessed on the Members;

(b) Estimated miscellaneous income for the financial year to which the appropriations relate;

(c) Miscellaneous income of former years for which credit has not previously been taken into account, and deficiencies in estimated income which was previously taken into account;

(d) Contributions resulting from the admission of new Members under the provisions of regulation 19;

(e) Any balance of the appropriations of the last completed financial year surrendered under regulation 14.

#### Regulation 18

After the General Assembly has adopted the budget and determined the amount of the working capital fund and its sub-divisions, 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 any advances to the working capital fund.

#### Regulation 19

New Members shall be required to make a contribution for the year in which they are first admitted and an advance to the working capital fund, at rates to be determined by the General Assembly.

#### Regulation 20

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.

#### Regulation 21

Payments made by a Member shall be applied first as a credit to the working capital fund and then to the contributions due in the order in which the Member was assessed.

#### Regulation 22

States which are not Members of the United Nations, but which become parties to the Statute of the International Court of Justice, shall contribute to the expenses of the Court in amounts as may be determined by the General Assembly. Such amounts shall be taken to account as miscellaneous income.

### CUSTODY OF FUNDS

#### Regulation 23

The Secretary-General shall designate the bank or banks in which the funds of the Organization shall be kept.

### INTERNAL CONTROL

#### Regulation 24

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, together with a statement of losses of cash, stores and other assets written off under regulation 27;

(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 receive monies, incur obligations and make payments on behalf of the United Nations;

(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 appropriations or other financial provisions voted by the General Assembly;

(iii) To obviate any uneconomic use of the resources of the Organization.

#### Regulation 25

No contract, agreement or undertaking of any nature, involving a charge against the United Nations exceeding \$US100 shall be entered into, or have any force or effect, unless:

(a) Credits are reserved in the accounts to discharge any obligations which may come in course of payment in the financial year under such contract, agreement or undertaking;

(b) The charge is a proper one against the United Nations; and

(c) Proof has been provided that the service is for the benefit of the United Nations and the cost thereof is fair and reasonable.

The Board of Auditors shall draw the attention of the General Assembly to any case where, in the opinion of the Board, any charge has been improperly made or was in any way irregular.

#### Regulation 26

The Secretary-General may make such ex-gratia payments as he deems to be necessary in the interests of the United Nations, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts.

#### Regulation 27

The Secretary-General may, after full investigation, authorize the writing off of losses of cash, stores and other assets, subject to the requirements of regulation 24 (c).

#### Regulation 28

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 29

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

headquarters, provided, however, that the local accounts of branch offices may be maintained in the currency of the country in which they are situated.

Regulation 30

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 31

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 32

The accounts shall consist of:

- (a) Budget accounts showing:
  - (i) Original appropriations;
  - (ii) Appropriations after modification by any transfers, carried out in accordance with the provisions of regulation 12;
  - (iii) Credits, if any, other than appropriations made available by the General Assembly;
  - (iv) Allotments made;
  - (v) Obligations incurred;
  - (vi) Expenditures.
- (b) A cash account showing all cash receipts and actual disbursements made;
- (c) Separate accounts for the Working Capital Fund, its sub-funds, and any other fund which may be established;
- (d) Property records showing:
  - (i) Capital acquisitions and disposals;
  - (ii) Equipment and supplies purchased, used and on hand.
- (e) Such records as will provide for a statement of assets and liabilities for each fund at 31 December of each financial year.

Regulation 33

The accounts shall be submitted by the Secretary-General to the Board of Auditors by 31 March following the end of the financial year.

APPOINTMENT OF EXTERNAL AUDITORS

Regulation 34

A board of three auditors, each of whom shall be the Auditor-General (or officer holding equivalent title) of a Member Government, shall be appointed by the General Assembly as External Auditors of the accounts of the United Nations and of such specialized agencies as shall have agreed thereto. The appointments shall be made in the following manner, and subject to the following provisions:

- (a) 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;
- (b) The auditors in office shall constitute the Board of Auditors, which shall elect its own Chairman and adopt its own rules of procedure;
- (c) 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, subject to the provisions of this regulation, in such manner as it thinks fit and may engage commercial public auditors of international repute;

(d) If any member of the Board ceases to hold the national office described in the opening paragraph of this regulation, he shall be replaced by his successor in the national office described;

(e) 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;

(f) The audit shall be carried out by the Board of Auditors subject to the requirements of the General Assembly as established by resolution thereof.

TRUST AND OTHER SPECIAL FUNDS

Regulation 35

Appropriate separate accounts shall be maintained for trust funds and other special funds for the purpose of accounting for unclaimed monies, and 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 36

The Secretary-General may make short-term investments of monies which are not needed for immediate requirements and shall inform the Advisory Committee periodically of the investments which he has made. Notwithstanding these provisions, the Secretary-General may make long-term investments on account of the Joint Staff Pension Scheme on the advice of the Investments Committee, established under the Provisional Regulations for the United Nations Joint Staff Pension Scheme, and in respect of the Library Endowment and other special funds.

Regulation 37

Income from investments of the Working Capital Fund shall be accounted for as miscellaneous income.

Income from investments of the Staff Provident Fund shall be credited to the Pension Fund.

COUNCIL RESOLUTIONS INVOLVING UNITED NATIONS EXPENDITURES

Regulation 38

No resolution involving expenditure from the 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 and an estimate of the costs involved in the specific proposal.

Where, in the opinion of the Secretary-General, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the General Assembly has made the necessary appropriations unless the Secretary-General certifies that provision can be made under the conditions of the resolutions of the General Assembly relating to unforeseen and extraordinary expenses and the Working Capital Fund.

## b. TAX EQUALIZATION

During the first part of its first session the General Assembly agreed that in order to achieve equity among Members and equality among personnel of the organization, it was indispensable that Members should exempt from national taxation the salaries and allowances paid by the organization. Pending such action being taken by Members, the General Assembly authorized the Secretary-General to reimburse staff members who were required to pay taxation on remuneration received from the organization. At the same time it requested the Secretary-General to submit to the second part of the first session recommendations regarding a staff contributions plan.

During the second part of its first session the General Assembly requested Members which had not yet completely exempted from taxation salaries and allowances paid out of the budget of the Organization to take early action in the matter. The Assembly referred the question of a staff contributions plan to the Advisory Committee on Administrative and Budgetary Questions, authorizing it to request the Secretary-General to submit proposals to the next regular session of the General Assembly.

In June 1947 the Secretary-General recommended to the Advisory Committee that decisions on the question of a staff contributions plan should be deferred until it was known whether the Congress of the United States would grant exemption from national taxation on the salaries of United States citizens serving as staff members in the organization. The Advisory Committee requested the Secretary-General to present to the General Assembly a report on the action taken by Member Governments with a view to exempting their nationals from income tax on salaries and allowances paid out by the United Nations budget.

The Advisory Committee itself reported to the Assembly (A/396) on September 24, 1947, that it had reached the conclusion that a staff contributions plan was desirable in principle, but that because of inherent difficulties the plan should not be introduced immediately.

Among the advantages which the Advisory Committee believed such a plan would yield were:

- (a) Elimination of a tax-free class of public servants;
- (b) Achievement of a greater degree of social equity between staff of differing family status and at different salary levels;
- (c) Facilitation of the grant of exemption from national taxation by Members;
- (d) Flexibility in adjustment of United Nations salaries in line with major changes in outside rates;

(e) Under certain conditions, achievement of a greater degree of equity among Members;

(f) Elimination of special provision for tax reimbursement, a provision which the General Assembly might be unwilling to continue indefinitely.

The Advisory Committee stressed, however, that introduction of the plan would not remove the urgent need for Members to exempt salaries of staff members from national taxation. Such exemption, the Committee believed, was necessary not only to achieve equity among Members, but to emphasize the international character of the staff. If a staff contributions scheme were to be put into effect it was essential, in order to ensure equality among staff members, that Member Governments which had not yet granted exemption from national taxation should at least give relief from double taxation.

The Advisory Committee made the following recommendations concerning the application of a staff contributions scheme:

(a) Internal taxation should apply only to salaries and cost of living allowance (if any) and to any pensionable allowances which may be in payment. It should not apply to allowances which are intended to compensate for specific expenses—for example, travel expenses, installation grants or allowances.

(b) A simple scheme of personal exemptions (for example, for dependants) should be evolved, but no other exemptions should be allowed.

(c) The scale of taxation should be graduated so that its incidence would weigh more heavily on the higher than the lower salary levels.

(d) Tax rates should be determined by specific resolution of the General Assembly.

(e) Revenue derived from the tax scheme should be applied as an appropriation in aid of the budget.

The Advisory Committee recommended that the General Assembly should ask the Secretary-General to prepare, for the 1948 regular session of the General Assembly, a detailed plan for a staff contributions plan with a view to having the plan ready for introduction at an appropriate time. The plan should be accompanied by an estimate of the cost of its operation.

In accordance with the Advisory Committee's request the Secretary-General submitted to the second session of the General Assembly a report on the status of income tax exemption by Member States (A/C.5/155). In this report the Secretary-General stated, *inter alia*, that nationals of only three Members had applied for tax reimbursement under the tax refund provision: United States, United Kingdom and Canada. The largest disbursement had been on account of United States income tax, approximately \$265,000 to date (October 1, 1947); United Kingdom tax reimbursement had

been mainly through the London office, and only about twelve Canadians had requested tax refunds, although more applications were expected.

The Secretary-General reported that the status of income tax exemption had changed little since the second part of the first session of the General Assembly. The position of staff members residing or serving outside their home countries, he stated, was generally satisfactory. The main problem still was to obtain exemption for staff members maintaining residence or serving in their home countries, particularly the United States, since a large proportion of the staff of United States citizenship was employed in the United States.

The Secretary-General informed the Assembly further that the following fourteen states had deposited with him their instruments of accession to the Convention on Privileges and Immunities of the United Nations, Article V, Section 18 (b), of which provides exemption from taxation for salaries and emoluments paid to officials of the United Nations (except locally recruited hourly-rate workers):

United Kingdom, September 17, 1946  
 Dominican Republic, March 7, 1947  
 Liberia, March 14, 1947  
 Iran, May 8, 1947  
 Honduras, May 16, 1947  
 Panama, May 27, 1947  
 Guatemala, July 7, 1947  
 El Salvador, July 9, 1947  
 Ethiopia, July 22, 1947  
 Haiti, August 6, 1947  
 France, August 18, 1947  
 Norway, August 18, 1947  
 Sweden, August 28, 1947  
 Afghanistan, September 5, 1947

As regards action by the United States, although the House of Representatives of Congress had not taken final action on the Convention, the Senate had approved it with a reservation in respect of Article V, Section 18 (b), insofar as that section might apply to United States nationals. The Secretary-General reported that in view of this, he had on September 5, 1947, addressed a communication to the United States permanent representative proposing for the consideration of his Government that, should the Convention be acceded to by the United States with the reservation mentioned above, the United States agree to have its contribution to the budget of the United Nations increased by the expense incurred by the United Nations through the reimbursement of United States income tax. The United States permanent representative had replied on September 13, 1947, that the United States delegation could not accept a procedure which would accomplish indirectly an exemp-

tion from taxation which only the United States Congress itself could authorize.

The Fifth Committee of the General Assembly considered the question of tax equalization in connection with the 1948 budget estimates, which included an item of \$500,000 for reimbursement of national income tax payments by staff members.

At the 72nd and 73rd meeting of the Fifth Committee on October 22 and 23 a number of proposals were submitted (A/C.5/W.31). The representative of the U.S.S.R. proposed the deletion from the budget of the \$500,000 item for tax reimbursement. The Ukrainian S.S.R. proposed that, besides deleting this sum, the sum paid by the United Nations in 1946 and 1947 on account of tax reimbursement should be repaid by the governments which had failed to exempt their nationals from income tax on United Nations salaries and allowances. France proposed to reduce the figure of \$500,000 to \$250,000 so that tax reimbursements could be continued for the first half of 1948, but not thereafter.

The representative of Belgium proposed a resolution to the effect that the 1948 budget should include a credit permitting the reimbursement of officials for national income taxes they would have to pay. The sum equivalent to the reimbursement thus made, should, however, be added to the sum of contribution to the United Nations budget due from Members whose nationals in the service of the organization had been obliged to pay income taxes on the salaries and allowances paid by the United Nations.

Finally a proposal of the Chairman of the Advisory Committee provided that a staff contributions scheme, effective July 1948, should be introduced, in accordance with the recommendations of the Advisory Committee. All United Nations staff members would, under the plan, pay taxation from their salary to the United Nations. The total amount thus levied, it was proposed, should at least equal any additional expenditure which might be incurred in converting salaries to a gross basis. Furthermore, Members which had not yet granted income tax exemption to their nationals employed by the United Nations should be requested to grant relief from double taxation.

Those supporting the Belgian proposal, which included the representatives of the United Kingdom, Syria, Poland and India, maintained that under the tax reimbursement system currently in effect the organization was actually subsidizing those Members which had failed to give tax exemption to their nationals, since contributions of such Members were abated by the amount of



reimbursement. There was no reason, it was stated, why some Members should contribute to the national revenue of other Members. Those Members which had not exempted their nationals should pay a proportional part of the amount needed for tax reimbursement, in addition to their regular contributions to the United Nations budget.

Opposing the Belgian draft resolution, the representative of the United States said that it amounted indirectly to tax exemption and would not be acceptable to Congress which would not sanction the creation of a tax-privileged group of its own nationals. The United States representative favored a staff contributions scheme, although he stated that he could not give an assurance that United States citizens would be relieved from double taxation. The representatives of Denmark, Australia and El Salvador likewise expressed themselves in favor of a staff contributions scheme.

In opposition to a staff contributions scheme, the representative of Belgium maintained that taxes could be levied only by a public authority. The United Nations, however, was an employer, and not a public authority, and as such had no right to impose a levy on the emoluments of its personnel. It was understood, he stated further, that net salaries would remain unchanged. Hence, as a first step, certain amounts would be added to the existing figures of salaries, in order to arrive at nominal salaries from which the same amounts would be deducted by way of tax. It was therefore a question of an entirely fictitious operation involving administrative complications that would not be inconsiderable. The public, on the other hand, would understand only one thing, namely that the figures of nominal salaries showed appreciably higher amounts than in the past. This, the representative of Belgium asserted, would create a deplorable impression.

The representative of Poland opposed a staff contributions scheme on the ground that it would increase the budget of the United Nations and would mean increased contributions by Member States.

At its 74th meeting on October 23 the Fifth Committee rejected by a vote of 29 to 6, with 9 abstentions, the Ukrainian proposal and by a vote of 30 to 7, with 7 abstentions, the U.S.S.R. proposal. The French proposal was rejected by a vote of 29 to 1, with 3 abstentions. The Committee then adopted the Belgian resolution by a vote of 29 to 12, with 6 abstentions, and approved the budget item of \$500,000 for tax reimbursement by a vote of 39 to 4, with 3 abstentions.

After the adoption of the Belgian resolution

there was considerable discussion as to its application. At the 75th meeting of the Fifth Committee on October 24 the Assistant Secretary-General for Administrative and Financial Services stated that in the Secretariat's opinion the last paragraph of the Belgian resolution (concerning repayment of amounts needed for tax reimbursement by Governments which had failed to exempt their nationals from income tax) could not be implemented until 1949, as the total amount of reimbursements made would not be known till then. A number of representatives maintained that in view of the fact that the Fifth Committee had projected its decision into 1949 the last paragraph of the Belgian resolution was invalid, as subsequent sessions of the Assembly could not be bound by such a decision, which did not relate solely to the budget estimates for 1948. Other representatives maintained that the resolution applied to 1948 and that the decision of the Committee should be upheld. A U.S.S.R. proposal that the Committee proceed to the next item on the agenda was, however, defeated by a vote of 29 to 10, with 6 abstentions. A proposal by the representatives of Poland and the Ukrainian S.S.R. to refer the question of the validity of the Belgian resolution to the Sixth Committee was rejected by a vote of 22 to 12, with 9 abstentions. A proposal by the representative of Panama to establish a subcommittee of the Fifth Committee to consider the legal aspect of the question was likewise rejected by a vote of 19 to 8, with 12 abstentions. The Fifth Committee by a vote of 23 to 11, with 10 abstentions, finally adopted a Canadian proposal to reconsider the entire problem.

At the 86th meeting of the Fifth Committee on November 4, 1947, the Rapporteur proposed a draft resolution (A/C.5/192) which provided that the Assembly should request Members which had not ratified the Convention on Privileges and Immunities to exempt their nationals employed by the United Nations from national income taxes. The Secretary-General should be requested to prepare and submit to the next session of the General Assembly a staff contributions plan in accordance with the recommendations of the Advisory Committee. Pending the granting of tax exemption, Members were to be requested to grant relief from double taxation to their nationals employed by the United Nations. Tax reimbursement was to continue until the end of 1948, but no reimbursement was to be made to staff members with respect to taxes paid on salaries and allowances received after December 31, 1948.

A number of amendments to the Rapporteur's proposal were put forward by the representatives

of France, Guatemala, Belgium and China and by the Chairman of the Advisory Committee. As a result, the suggested draft resolution was voted paragraph by paragraph, certain of the amendments being accepted. The resolution as a whole, as amended, was approved by a vote of 25 to 1, with 18 abstentions. The Chairman ruled that this resolution superseded the resolution adopted at the 74th meeting on October 23.

At its 121st plenary meeting on November 20 the General Assembly adopted without objection the resolution recommended by the Fifth Committee, the text of which follows (160(II)):

"The General Assembly,

"Reaffirming the principles set forth in the Convention on the Privileges and Immunities of the United Nations<sup>163</sup> and in resolutions 13 (I)<sup>164</sup> and 78 (I)<sup>165</sup> adopted at the two parts of the first session of the General Assembly with respect to taxation;

"Considering that in order to achieve both equity among the Member States and equality among the staff members of the Organization, Member States should exempt from national income taxation salaries and allowances paid by the United Nations, and

"Noting that certain Members have not yet established this exemption,

"Resolves:

"1. That Members which have not acceded to the Convention on Privileges and Immunities are requested to take the necessary legislative action to do so in order to exempt their nationals employed by the United Nations from national income taxation;

"2. That the Secretary-General is requested to prepare and submit to the next regular session of the General Assembly a Staff Contributions Plan in accordance with the recommendations of the Advisory Committee (document A/396);

"3. That, pending granting tax exemption, Members are requested to grant relief from double taxation to their nationals employed by the United Nations;

"4. That the Secretary-General is invited to omit from all future personnel contracts any clause which binds the Organization to refund national income taxation in the absence of annual authorization by the General Assembly;

"5. That, in order to achieve equality among staff members, the Secretary-General is authorized to reimburse staff members for national taxes paid on salaries and allowances received from the United Nations during the years 1946, 1947, and 1948, and

"6. That the Secretary-General is requested to submit a report to the next regular session of the General Assembly on the action taken under this resolution."

#### i. PROVISIONAL STAFF REGULATIONS AND STAFF RULES

On February 13, 1946, the General Assembly adopted provisional staff regulations (resolution 13(I)). To implement these regulations the Secretary-General was to issue staff rules, submitting an annual report to the General Assembly on such rules as he might have made (staff regulation 29).

The General Assembly transmitted to the Secretary-General draft provisional staff rules which had been drawn up by the Preparatory Commission (Chapter VIII, Section IV, of the Report of the Preparatory Commission).<sup>166</sup>

The Secretary-General, accordingly, submitted to the second regular session of the General Assembly a report (A/435) on the staff rules which had been issued to implement the staff regulations. These staff rules, the Secretary-General reported, were based, in the main, on the rules recommended by the Preparatory Commission. The principal changes, which had been introduced in the light of experience, pertained to leave, the Provident Fund and notice of resignation. The Secretary-General concluded that the staff rules, issued in the form of Secretary-General's Bulletins, had on the whole been found satisfactory. He recommended, however, that the rules should not be made permanent until further experience had been gained.

The Fifth Committee, to which the General Assembly at its 91st plenary meeting on September 23 referred the question of staff rules, took note of the rules transmitted by the Secretary-General. At the suggestion of the representatives of Belgium and Canada, the Committee recommended (A/488) that the General Assembly should request the Secretary-General to present, four months prior to the third regular session of the General Assembly, a codification of staff rules for the information of the Assembly.<sup>167</sup> (A comprehensive set of staff rules was issued on June 25, 1948 (SGB/81), to take effect on July 1, 1948.)<sup>168</sup>

The following questions were discussed in detail in connection with the staff regulations and staff rules:

#### (1) Children's Allowances and Education Grants

On December 15, 1946, the General Assembly adopted (resolution 82 (I)C), as an addition to the staff regulations, with effect from January 1, 1947, provisions relating to children's allowances and education grants. Every full-time member of the staff, under these provisions, was entitled to a children's allowance of \$144 per annum in respect

<sup>163</sup>See Yearbook of the United Nations, 1946-47, pp. 100-3.

<sup>164</sup>*Ibid.*, pp. 83-92.

<sup>165</sup>*Ibid.*, p. 225.

<sup>166</sup>See Yearbook of the United Nations, 1946-47, pp. 85-88.

<sup>167</sup>See text of the resolution, p. 177.

<sup>168</sup>On September 1, 1948, an Administrative Manual was established as the official medium for the issuance of administrative policies, instructions and procedures. Volume 2 of the Manual is concerned with personnel questions.

of each child, and each full-time staff member employed in a country other than his home country was entitled to an education grant of \$144 per annum for each child in full-time attendance at a school or university in his home country. In addition, the United Nations was to pay, once a year, travelling expenses of each child to and from his home country.<sup>169</sup>

The Secretary-General recommended (A/C.5/153) to the second session of the General Assembly that the children's allowances and education grants be increased from \$144 to \$200. In the case of the children's allowance, the Secretary-General stated that the increase was to take into account the normal effect of income taxes for persons with dependent children as compared with those without children. As regards the education grant, the Secretary-General stated that the sum of \$144 per annum was deemed to be inadequate to offset the extra board and lodging expenses of the child living away from his family. The Secretary-General also proposed, as an alternative provision, that should a staff member elect to send his children to special national schools in the area where he was serving, including international schools organized for children of United Nations staff members, the United Nations should pay for such a child one half of the cost of tuition up to a maximum of \$400 for each scholastic year. The proposed maximum of \$400 took into account the fact that special national schools were private institutions and had accordingly higher tuition rates.

The Advisory Committee on Administrative and Budgetary Questions approved the increase of the children's allowance and education grant from \$144 to \$200 (A/336). As regards the alternative proposal in connection with education grants, the Advisory Committee recommended that the Secretary-General should be authorized to pay in the case of children attending special national schools in the area where a staff member was serving, an allowance equal to the difference between the cost of education at the special national schools and the cost of a comparable United States school, provided that the allowance did not exceed \$200. Children should be eligible for this allowance only, the Advisory Committee recommended, if there was a valid reason why they should not attend school in their home country, e.g., if they were under eleven years of age.

At its 76th meeting on October 24, 1947, the Fifth Committee adopted the recommendation that the children's allowance and education grants be increased from \$144 to \$200. The vote on the increase in the children's allowance was 33 to 2,

with 5 abstentions. The proposal to increase the education grant (A/C.5/153) was adopted by a vote of 30 to 1, with 9 abstentions, after the Committee had, by a vote of 25 to 7, with 10 abstentions, rejected a United States oral proposal that education grants and related travel should be maintained on the existing basis in 1948. As regards allowances for children attending special national schools in the area where a staff member is serving, the Fifth Committee, by a vote of 29 to 9, with 5 abstentions, adopted the Advisory Committee's recommendations in preference to the Secretary-General's proposal.<sup>170</sup>

## (2) Expatriation Allowance

In its resolution 13(I) of February 13, 1946, concerning classifications, salaries and allowances, the General Assembly instructed the Secretary-General that in determining salaries for the several grades he should take into account, inter alia, the additional expense which a large proportion of the staff will incur by living away from their own country.

Accordingly, the Secretary-General, on June 16, 1947, established a temporary system of expatriation allowances. In the 1948 budget estimates, the Secretary-General, however, made provision for the payment of expatriation allowances on a continuing basis.

The Advisory Committee on Administrative and Budgetary Questions, in its report on the 1948 budget estimates (A/336), expressed the view that United Nations conditions of service already compensated in good measure for the disadvantages of expatriation. The Advisory Committee therefore recommended that the General Assembly should not make the expatriation allowance permanent. The General Assembly should accept the allowance for 1948. If it should decide to make the expatriation allowance a permanent part of the allowance structure, the Advisory Committee would in any case suggest that no staff member should receive the allowance after completing two years of service.

The Fifth Committee discussed the question of expatriation allowance at its 76th meeting on October 24. The Assistant Secretary-General in charge of Administrative and Financial Services stated that the Secretary-General was not in agreement with the views of the Advisory Committee. Some discrimination in favor of non-Americans, he

<sup>169</sup>See Yearbook of the United Nations, 1946-47, pp. 227, 233.

<sup>170</sup>See p. 177, for text of the resolution and for text of revised regulations.

stated, was desirable if the international character of the Secretariat was to be maintained. Not only did they incur expenses in the process of adjusting themselves to foreign ways of life, but they suffered a continuing penalty in the loss of professional or business contacts and, in some cases, through the need to maintain a home in their own country.

A number of representatives supported the Secretary-General's point of view that the allowance formed part of the salary, and that to limit it to two years would increase the difficulty of recruiting an international staff. Those favoring the Advisory Committee's recommendations stressed the economy that would result from a limited application of the expatriation allowance.

By a vote of 19 to 10, with 5 abstentions, the Fifth Committee adopted an Australian proposal that the Secretary-General should be invited to submit, for the information of the Fifth Committee, first, a revised staff rule, providing that no staff member should receive the expatriation allowance after the completion of two years of service and, second, a revised appropriation.

In response to the Committee's request, the Secretary-General submitted a report (A/C.5/199), in which he stated, *inter alia*, that the only allowances affecting expatriation were the education grant and the home leave provisions. Neither of these, the Secretary-General stated, took account of many expenses and disadvantages of staff members living in a foreign country. In addition, he stated, there was the difficulty of persuading competent individuals to leave their home country and professional ties for service abroad. The Secretary-General's report therefore concluded that "as a matter of equity to staff members and as a distinct aid to recruiting an international staff in the Secretariat, it is again recommended that the expatriation allowance be approved as a permanent feature of the United Nations salary and allowance system and not restricted to the first two years of employment with the United Nations".

After some discussion in which some representatives urged that the Secretary-General's recommendation should be accepted, the Chairman ruled that the payment of expatriation allowances limited to two years had been decided by its action at the 76th meeting. Appropriate budgetary action, giving effect to this ruling, was taken at the 98th meeting of the Fifth Committee.

### (3) Home Leave

Regulation 25 of the provisional staff regulations adopted by the General Assembly on Febru-

ary 13, 1946, authorized the Secretary-General to define conditions under which members of the staff, and in appropriate cases their wives and dependent children, should receive travel expenses to and from the place recognized as their home at the time of initial appointment.

On the basis of the draft staff rules drawn up by the Preparatory Commission, the Secretary-General in July 1946 issues rules regarding home leave, which provided that all staff members except those who were citizens of the country in which they worked, are to be allowed every second year home leave consisting of ten working days plus actual travelling time by an approved route to and from the place recognized as their home at the time of appointment. The rules were subsequently extended to cover staff members whose home is in the country where they are employed. Such staff members are allowed actual traveling time, but not the additional ten days leave. In all cases of home leave the United Nations pays the fares of staff members and dependents, who also receive subsistence allowance while in transit. The Administration estimated (A/318) that 1522 staff members would be eligible for home leave in 1948 and included a total of \$1,784,385 in the 1948 budget estimates<sup>171</sup> to cover the cost of the journeys of these staff members and their dependents.

The Advisory Committee on Administrative and Budgetary Questions in its report on the 1948 budget estimates (A/336, pp. 13-14) recommended that the rules governing home leave should be substantially revised. It expressed the view that both on administrative and budgetary grounds they were too favorable and that the Secretary-General should give consideration, for example, to extending the qualifying period of service.

At the 72nd meeting of the Fifth Committee the representative of Canada proposed (A/C.5/W.45) that the Fifth Committee should request the Secretary-General to revise the staff rules to the effect that home leave would be granted every three years, that subsistence allowance would not be paid during the term of such leave and that the Secretary-General should submit a paper giving a statement of the existing regulations together with his proposed revisions.

Representatives opposing the Canadian proposal stated that the terms of appointment of staff members presumably specified the conditions of home leave and that it would therefore be unfair if any revision came into effect in 1948. They also urged

<sup>171</sup>\$1,727,485 according to later revised estimates.

that home leave was important in maintaining contact with other countries and in preserving the international character of the Secretariat.

In response to the Canadian representative's proposal, the Secretary-General submitted a report (A/C.5/204) giving detailed information concerning the staff rules governing home leave and also including a statement of the estimated budgetary effect of the Canadian proposal. If home leave were to be granted every three years instead of every two years, the Secretary-General stated, the cost to the United Nations in 1948 would be relatively small (\$25,000 to \$50,000) since the only staff members eligible for home leave in 1948 would be those who served with the organization in London in 1945. Thereafter, the Secretary-General, on the basis of an assumed staff strength of 3450, estimated that the annual cost of home leave on a three-year basis would be approximately \$740,000 as compared with an annual cost of \$1,110,000 for home leave every two years, i.e., \$370,000 less.

At the 95th meeting of the Fifth Committee on November 13, the representative of New Zealand orally proposed as a compromise measure that home leave should be granted every two and one-half years. This proposal was rejected by a vote of 20 to 6, with 11 abstentions. The Fifth Committee then rejected by a vote of 20 to 15, with 4 abstentions, the Canadian proposal for home leave every three years.

#### (4) Age of Retirement

Regulation 20 of the provisional staff regulations adopted by the General Assembly on February 13, 1946, provides that the normal age of retirement for members of the staff should be 60 years. In exceptional circumstances the Secretary-General might extend this age limit to 65 years, if it would be in the interest of the United Nations to do so.

The Secretary-General recommended to the second session of the General Assembly that the age of retirement be raised from 60 to 65 years (A/C.5/165). Under present conditions, the Secretary-General stated, 60 years of age did not represent the conclusion of the active working life of an individual. The organization would therefore lose trained staff who, in addition to their professional qualifications, had gained experience in international administration and outlook. The Secretary-General also pointed out that the effect of a revised retirement age on the pension scheme would be that more satisfactory pensions could be provided, particularly for short service staff entering the

United Nations at an advanced age, of whom there were considerable numbers at the early period of the organization's growth.

The Fifth Committee referred the Secretary-General's recommendations to the Advisory Committee on Administrative and Budgetary Questions. In its report to the Fifth Committee (A/C.5/202) the Advisory Committee stated that it doubted the desirability of the proposed change. In its view the present regulations enabled the Secretary-General to retain in employment after the age of 60 any staff member whose exceptional capabilities made his retention desirable in the interest of the organization. The proposed change would have the disadvantage of slowing up the rate of promotion, which, the Advisory Committee stated, in an international organization was likely in any case to be comparatively slow.

The Advisory Committee therefore recommended that retention of a staff member beyond the age of 60 should continue to be at the discretion of the Secretary-General.

The Fifth Committee approved the Advisory Committee's recommendation at its 90th meeting on November 7, 1947.

#### (5) Termination of Appointments

Regulation 21 of the provisional staff regulations adopted by the General Assembly on February 13, 1946, provided that "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".

The Secretary-General considered that the intentions of the Assembly relating to the appointment of short-term staff had not been clearly stated. The regulation, if taken by itself, might be held to imply that the Secretary-General could not terminate the appointment of a staff member holding a short-term appointment for any reason other than abolition of the post, reduction in staff or inefficiency. The Secretary-General therefore proposed to the second session of the General Assembly that the text of the regulation be revised and submitted an amended draft regulation (A/C.5/165).

The Advisory Committee on Administrative and Budgetary Questions approved the Secretary-General's recommendations, and the Fifth Committee at its 92nd meeting on November 10 adopted revised regulations regarding the termination of appointments.

At its 121st plenary meeting on November 20, 1947, the General Assembly approved the Fifth

Committee's report (A/488) concerning the question of staff rules and regulations and on the Committee's recommendations adopted the following resolution (161(II)):

"The General Assembly

"Takes note of the report of the Secretary-General on the staff rules and amendments thereto which he had promulgated to implement the Provisional Staff Regulations (document A/435);

"Requests the Secretary-General to present, four months prior to the third regular session of the General Assembly, a codification of the staff rules for the information of the Assembly;

"Resolves that the Provisional Staff Regulations relating to children's allowances and education grants (regulations 30, 31, 32, 33 and 34) be cancelled and superseded, with effect from 1 January 1948, by the amended regulations contained in Annex A, and

"Resolves that the Provisional Staff Regulations relating to appointment, probation and promotion be amended by the addition of regulation 12 A and that regulation 21 be revised, as contained in Annex B."

#### ANNEX A: STAFF REGULATIONS

#### XII. CHILDREN'S ALLOWANCES AND EDUCATION GRANTS

##### Regulation 30

As from 1 January 1948, full-time members of the staff, with the exception of those specifically excluded by resolution of the General Assembly, shall be entitled to a children's allowance of \$US200 per annum in respect to 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; provided that, if both parents are members of the staff of the United Nations, only one allowance will be paid in respect of each of their children; and provided further that, where the Secretary-General deems it advisable, no allowance or an allowance of an amount other than \$US200 may be paid under special circumstances, as for example, short-term assignments or assignments at duty stations where the levels of United Nations salary scales are fixed at levels varying from the Headquarters scale.

##### Regulation 31

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 Fund 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 member of the staff 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 \$US400, or such other appropriate amount as may be fixed by the United Nations Staff Pension Committee, having regard to the further proviso in regulation 30.

##### 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 specified in his letter of appointment, shall be entitled to the following education grant:

(a) The sum of \$US200 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 \$US200 as the period so attended bears to a full scholastic year;

(b) Once in each scholastic year the traveling expenses of the outward and return journey of such a child by a route approved by the Secretary-General;

(c) Should staff members elect to send their children to special national schools in the area where they are serving, including international schools organized for children of United Nations staff members, rather than to schools in their home countries, the United Nations will pay for each child otherwise eligible for the education grant, an allowance equal to the difference between the cost of education at the special school which he attends and the cost at a comparable school attended by children of persons normally resident in the area, provided that the allowance shall not exceed \$US200 per year. This allowance shall be payable only when there is a valid reason for the child not to attend school in the home country; for instance, in the case of children under eleven years of age or when the health of the child is such that return to the home country is not feasible.

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 34

The Secretary-General may decide in each case whether allowances or grants under regulations 30 and 33 shall extend to adopted children or step-children.

#### ANNEX B: STAFF REGULATIONS

#### II. APPOINTMENT, PROBATION AND PROMOTION

##### Regulation 12A

The appointment of any member of the staff for a probationary period or on a short-term contract, which shall include any temporary contract, may be subject to such conditions as the Secretary-General may deem desirable.

##### Regulation 21

The Secretary-General may terminate the appointment of a member of the staff in accordance with the terms of his appointment if made under the provisions of regulation 12A, or 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.

#### j. WORKING OF THE SECRETARIAT UNDER CHAPTER XV OF THE CHARTER

By letter of August 19, 1947, the Australian Mission to the United Nations requested the inclusion of the question of "the working of the Secretariat under Chapter XV of the Charter" in the agenda of the second session of the General Assembly.

At its 91st plenary meeting on September 23 the General Assembly referred this item to the

Fifth Committee, which considered it at its 82nd meeting on October 30, its 90th and 91st meetings on November 7 and its 92nd meeting on November 8.

In a note submitted to the Fifth Committee (A/C.5/167 and Add.1) the head of the Australian delegation stated that the object of this item was to clarify the functions of the Secretariat, particularly of the substantive Departments assisting the Economic and Social Council. The Australian delegation believed, the note stated, that the Secretariat had not yet been instructed to undertake the full task which needed to be undertaken to enable the Second and Third Committees of the General Assembly and the Economic and Social Council and its Commissions to work effectively. These organs, in addition to the formal documentation hitherto provided by the Secretariat, needed at each session a general report on the world economic situation in the light of which all items should be considered. Appropriate reports and analyses of relevant facts should also be provided for appropriate individual items with which the General Assembly or the Economic and Social Council might have to deal. Adequate substantive documentation, the Australian delegation considered, was an indispensable basis for wise policy decisions and recommendations.

In the course of the discussion the representative of Australia referred to the fact that the Second Committee had adopted a draft resolution under which the General Assembly would request the Secretary-General to assist the Council and its subsidiary bodies by providing factual surveys and analyses of economic conditions and trends.<sup>172</sup>

He also referred to the fact that the General Assembly had adopted a resolution looking to the fullest utilization of the services of the Secretariat, and recommending that the three Councils and their commissions as well as commissions appointed by the General Assembly should refrain from establishing special committees and sub-committees until it had been ascertained that a particular task could not be usefully entrusted to the Secretariat.<sup>173</sup>

If there were general agreement on this matter and if the Secretariat would state that it accepted the general interpretation which had been presented, the Australian delegation would not propose an additional resolution in the Fifth Committee.

The Assistant Secretary-General for Administrative and Financial Services assured the representative of Australia that the Secretariat would make every effort commensurate with its resources to

carry out any assignments which might be made in accordance with the resolutions referred to above.

#### (1) Geographical Distribution

In connection with this agenda item the Fifth Committee then proceeded to discuss the composition of the Secretariat, with particular reference to geographic representation.

Opening the discussion, the representative of Brazil stated that the Administration as a whole had shown little determination in correcting the geographically uneven distribution among the staff. Certain groups in the Secretariat, he charged, held the view that efficiency and administrative ability were concentrated in certain areas and countries, and that other countries should be content to pay their contributions and to secure a few minor posts for their nationals. He cited figures to show that in relation to their contributions certain countries were clearly under-represented while certain other countries enjoyed excessive representation. The results of the recruitment program, the Brazilian representative stated further, had been a disappointment. The majority of new appointments made between January 1 and July 31, 1947, had gone to nationals of over-represented countries.

The representative of Brazil orally suggested certain measures designed to correct the situation of which he complained:

"(a) Schedules of geographic distribution of personnel should be drawn up on the basis of an agreed criterion, and in the absence of a better alternative, that criterion should be the financial contribution of each country.

"(b) The Bureau of Personnel should be strengthened in relation to the heads of departments. The analysis of a candidate's application presented by the Bureau of Personnel Selection Committee should indicate the relative quota position of the candidate's country.

"(c) Upon receipt of a personnel qualification form, the Bureau of Personnel should ascertain whether candidates possessing equal qualifications were available among the under-represented countries.

"(d) Periodical reports on the progress of the internationalization of the Secretariat should be submitted to the Advisory Committee [on Administrative and Budgetary Questions] and a full report to the third session of the General Assembly."

The representatives of Turkey, Mexico, Uruguay, U.S.S.R., Argentina, Panama, Chile, Syria, Pakistan, Lebanon, India and Philippines supported the point of view of the representative of Brazil and stressed the importance of broadening the geographic distribution within the Secretariat. A number of these representatives complained that

<sup>172</sup>See p. 97.

<sup>173</sup>See p. 185.

their countries were definitely under-represented.

The representative of Colombia submitted a draft resolution (A/C.5/W.28) proposing that within 60 days of approval the Secretary-General should issue a working regulation implementing the provisions of the Charter in regard to the geographic distribution of the staff, the regulation to include a definition of geographic representation and to lay down a system of quotas based on the contribution of each Member and providing for a minimum quota of three staff members. For the strict observance of this resolution, the representative of Colombia proposed that the Secretary-General should abide by the following principles:

(a) Appointments should aim at an improvement in number and in rank of the geographical distribution of the staff.

(b) In filling newly established posts or vacancies, the Secretary-General should limit the recruitment to under-represented countries. In the event that such countries could not provide a qualified candidate, the recruitment might be extended on a temporary basis to the over-represented countries.

The representatives of Norway, Poland, Czechoslovakia, France, Belgium, Canada and the Netherlands opposed the Colombian resolution.

The foremost consideration in the recruitment of staff, they maintained, should be the efficiency and competence of the candidate. The international character of the Secretariat could not be assured through a precise mathematical scheme. Staff members, moreover, were not supposed to represent their national governments, but were to be considered international civil servants. It would not be practicable to work out a satisfactory relation between Members' contributions and their representation on the staff. A system of quotas, for example, would unnecessarily limit the recruitment of staff members from war-devastated countries, whose contributions had been fixed at a relatively low percentage, which took into account the damage suffered by these countries during the war. Also, the scale of contributions was subject to change. Finally, the opponents of the Colombian proposal urged that the General Assembly should not limit the Secretary-General's freedom of action in building up an efficient Secretariat.

At its 91st meeting on November 7 the Fifth Committee rejected the Colombian draft resolution by a vote of 20 to 19, with 7 abstentions. The Committee then considered a compromise draft resolution (A/C.5/W.40) which had been submitted by the representatives of Argentina, Canada, Mexico and United States. Several amendments to this resolution were proposed by the representatives of the U.S.S.R., France, Belgium and Lebanon.

Between the 91st and 92nd meetings of the Fifth Committee the authors of the resolutions and the authors of the amendments agreed on a joint text which the Fifth Committee unanimously adopted at its 92nd meeting without further discussion.

The resolution recommended by the Fifth Committee was unanimously adopted by the General Assembly at its 115th plenary meeting on November 15, 1947. Following is the text of the resolution (153(II)):

"Whereas it is desirable to attain a balanced geographical distribution in the composition of the Secretariat, thus improving the present distribution, which results from unavoidable difficulties encountered in the initial stages of an organization;

"Whereas the above consideration does not conflict with the paramount consideration of employment of the staff, as laid down in Article 101, paragraph 3, of the Charter, namely, the necessity of securing the highest standard of efficiency, competence and integrity;

"Whereas, in view of its international character and in order to avoid undue predominance of national practices, the policies and administrative methods of the Secretariat should reflect, and profit to the highest degree from, assets of the various cultures and the technical competence of all Member nations,

"The General Assembly

"1. Reaffirms the principle of securing the highest standard of efficiency, competence and integrity in the staff of the Secretariat, as well as the importance of recruiting the staff on as wide a geographical basis as possible, and

"2. Requests the Secretary-General:

"(a) To examine the recruitment policy that has been followed to date with a view to improving the present geographical distribution of the posts within the various Departments;

"(b) To take, as soon as possible, the necessary steps with a view to engaging staff members from those countries which have not yet any of their nationals in the Secretariat;

"(c) To review, in accordance with the recommendations of the Advisory Committee on Administrative and Budgetary Questions, the qualifications, background and experience of the present members of the staff, with a view to replacing those who do not reach the high standards fixed by the Charter;

"(d) To take all practicable steps to ensure the improvement of the present geographical distribution of the staff, including the issuance of such rules and regulations as may be necessary to comply with the principles of the Charter as elaborated in this resolution;

"(e) To present to the next regular session of the General Assembly a report of the action taken under this resolution."

#### k. APPOINTMENT TO FILL A VACANCY IN THE MEMBERSHIP OF THE BOARD OF AUDITORS

Of the three members of the Board of Auditors whom the General Assembly appointed on December 7, 1946 (resolution 74(I)), the Auditor-General (or equivalent official) of the Ukrainian S.S.R.



was chosen to serve until June 30, 1947, the corresponding Swedish official until June 30, 1949, and the Canadian official until June 30, 1950. In 1947 and every year thereafter the General Assembly, it was decided, was to appoint one Board member in the course of its regular session. At its second session the General Assembly therefore had to appoint one member to succeed the Auditor-General of the Ukrainian S.S.R.

The General Assembly instructed the Fifth Committee to select a nominee for recommendation to the General Assembly. At its 77th meeting on October 25, 1947, the Fifth Committee proceeded to a vote, after having decided that the selection should be made on the basis of a two-thirds majority.

On the first ballot the Auditor-General of Colombia received 32 votes and the Auditor-General of the Ukrainian S.S.R., 17. The Auditor-General of Colombia was elected on the second ballot by 39 votes, the Auditor-General of the Ukrainian S.S.R. receiving 11 votes only.

On the recommendation of the Fifth Committee (A/431), the General Assembly at its 104th plenary meeting on November 1, 1947, adopted without objection the following resolution (150(II)):

"The General Assembly

"Resolves that the Auditor-General (or officer holding equivalent title) of COLOMBIA be appointed as a member of the Board of Auditors for a three-year term to commence on 1 July 1948 and to continue until 30 June 1951."

## I. UNITED NATIONS STAFF PENSION SCHEME

### (1) Report of the United Nations Staff Benefit Committee

During the second part of its first session the General Assembly adopted provisional regulations for a United Nations Joint Staff Pension Scheme.<sup>174</sup> In accordance with Section 20 of the provisional regulations, a Staff Benefit Committee, which was to administer the pension scheme, was to be composed of three members elected by the General Assembly, three appointed by the Secretary-General and three elected by the participants.<sup>175</sup>

The pension scheme was inaugurated on January 27, 1947. The Staff Benefit Committee submitted its first annual report (A/397) to the second session of the General Assembly, giving an account of the operation of the pension scheme to August 31, 1947. On that date, the report indicated, 690 United Nations staff members were admitted to the pension scheme on acceptance of employment

contracts. In addition, some 700 others, it was stated, had been recommended for contracts and would be admitted shortly. The membership of the pension scheme was to date, the report indicated further, restricted to the United Nations, but negotiations were under way with the Director-General of ILO with a view to admitting ILO personnel into the pension scheme.

Further, in accordance with Section 36 of the provisional regulations, the Staff Benefit Committee drew up a set of administrative rules for carrying out the provisional regulations (A/397, Annex I).

When the General Assembly adopted the provisional regulations for the Joint Staff Pension Scheme it did so on condition that the Scheme should be regarded as provisional during its first year and that it should be open to complete review in the light of experience. The Staff Benefit Committee therefore appointed a special sub-committee to make an intensive study of the regulations. In consultation with an International Commission of Actuaries and on the basis of an actuarial valuation of the pension fund, the sub-committee prepared a complete redraft of the regulations, which the Staff Benefit Committee recommended for approval by the General Assembly as the permanent pension scheme.

At its 91st plenary meeting on September 23, the General Assembly referred all questions pertaining to the Joint Staff Pension Scheme to the Fifth Committee, which referred the annual report and the review of the provisional regulations submitted by the Staff Benefit Committee to the Advisory Committee on Administrative and Budgetary Questions for recommendations. A communication from A. J. Altmeyer, a member of the Staff Benefit Committee, was also referred to the Advisory Committee.

The Advisory Committee considered that more careful study was needed prior to the adoption of a permanent pension scheme and therefore recommended (A/C.5/201) that the provisional scheme should continue unchanged, and on a provisional basis for a further period of one year, a final decision to be taken in 1948.

The Fifth Committee at its 90th meeting on November 8 approved, after a brief discussion, the recommendation of the Advisory Committee.

On the recommendation of the Fifth Committee (A/489) the General Assembly at its 121st plen-

<sup>174</sup>See Yearbook of the United Nations, 1946-47, pp. 226-32.

<sup>175</sup>For membership of the Staff Benefit Committee, see p. 322.

ary meeting on November 20, 1947, adopted without objection the following resolution (162 (II)):

"The General Assembly

"Takes note of the administrative rules relating to the Provisional Joint Staff Pension Scheme (document A/397);

"Decides that the Provisional Joint Staff Pension Scheme now in effect shall continue unchanged, and on a provisional basis, for a further period of one year;

"Requests the Advisory Committee on Administrative and Budgetary Questions to study the report of the Secretary-General, the implications of the proposals of the United Nations Staff Benefit Committee and any new proposals made by the Joint Staff Benefit Committee, the communication from Mr. A. J. Altmeyer of the United Nations Staff Benefit Committee, and communications from delegations relating to the Pension Scheme, as well as the record of discussions in the Fifth Committee during the second part of the first session and the second session of the General Assembly, and to circulate a report to the Members of the United Nations before the next regular session of the General Assembly;

"Declares that a permanent pension scheme should be promulgated, if possible in 1948."

(2) Appointment of Alternate Members of the United Nations Staff Benefit Committee

Under Section 20 of the provisional regulations of the Staff Pension Scheme, the General Assembly during the second part of its first session elected three members and three alternate members of the Staff Benefit Committee.<sup>176</sup>

As the three alternate members resigned during the second session of the General Assembly, the Assembly had to elect new alternates. Accordingly at its 90th meeting on November 7, 1947, the Fifth Committee elected by acclamation the following three alternate members of the Staff Benefit Committee:

Edmundo de Holte-Castello (Colombia)  
Edward A. Ghorra (Lebanon)  
Juliusz Katz-Suchy (Poland)

On the recommendation of the Fifth Committee the General Assembly at its 115th meeting on November 15, 1947, adopted without opposition the following resolution (156(II)):

"The General Assembly

"1. Declares that

Mr. E. de Holte-Castello (Colombia),  
Mr. Edward A. Ghorra (Lebanon),  
Mr. J. Katz-Suchy (Poland),

are elected as alternate members of the United Nations Staff Benefit Committee in accordance with the terms of section 20 of the provisional regulations for the Staff Pension Scheme;

"2. Declares that these members shall serve for two years, beginning 1 January 1948."

(3) Appointment of an Investments Committee

For the purpose of advising the Secretary-General with regard to the investment of the assets of

the pension fund, in accordance with Section 25 of the provisional regulations, an Investments Committee consisting of three members was to be appointed by the Secretary-General after consultation with the Advisory Committee on Administrative and Budgetary Questions and subject to the approval of the General Assembly.

Accordingly the Secretary-General proposed, and the Advisory Committee approved, the selection of:

Jacques Rueff—Honorary Governor of the Bank of France

Ivar Rooth—Managing Director of the Bank of Sweden  
Marriner S. Eccles—Chairman of the Board of Governors, Federal Reserve System, United States

In a report to the General Assembly (A/C.5/189) the Secretary-General stated that the proposed members had indicated that they would be willing to serve.

At its 81st meeting on October 30 the Fifth Committee approved the Secretary-General's recommendation and on the Committee's recommendation the General Assembly, at its 115th plenary meeting on November 15, 1947, unanimously adopted the following resolution (155(II)):

"The General Assembly

"Resolves that:

"1. In accordance with the provisions of section 25 of the provisional regulations for the United Nations Joint Staff Pension Scheme, the appointment by the Secretary-General of:

M. Jacques Rueff, Honorary Governor of the Bank of France;

Mr. Ivar Rooth, Managing Director of the Bank of Sweden;

Mr. Marriner S. Eccles, Chairman of the Board of Governors, Federal Reserve System of the United States of America,

to constitute an Investments Committee, is approved;

"2. The terms of office of the members shall expire on 31 December 1950, 31 December 1949 and 31 December 1948 in the order named above;

"3. The normal term of office of a member of the Investments Committee shall be three years, and members shall be eligible for reappointment. At the regular session of the General Assembly each year, the Secretary-General shall submit the appointments which he has made after consultation with the Advisory Committee on Administrative and Budgetary Questions;

"4. The Secretary-General is authorized to seek the advice of the Investments Committee in regard to the investment of special and other funds under the control of the United Nations as well as the pensions funds."

m. TELECOMMUNICATIONS

During the first part of its first session the General Assembly, on February 13, 1946 (resolution

<sup>176</sup>See Yearbook of the United Nations, 1946-47, p. 227.

13(I)), approved the recommendations of the Technical Advisory Committee on Information, and transmitted them to the Secretary-General for his information and consideration. This Committee had recommended, amongst other things:

"The United Nations should also have its own radio broadcasting station or stations at headquarters with the necessary wave-lengths, both for communication with Members and with branch offices, and for the organization of United Nations programmes. The station might also be used as a centre 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."

The Secretary-General, therefore, on September 1, 1946, appointed an Advisory Committee on United Nations Telecommunications composed of the following three radio experts:

Brigadier-General Frank E. Stoner (United States),  
Chairman

S. Kagan (France)

G. F. Van Dissel (Netherlands)

The Advisory Committee was instructed (A/335) to perform the following three functions:

"(a) To prepare a plan for efficient world-wide broadcast coverage under United Nations auspices of the General Assembly proceedings beginning on 23 October 1946, and to give its engineering advice in the working out of this plan on behalf of the Department of Public Information.

"(b) To investigate and make recommendations concerning United Nations broadcasting and telecommunications arrangements during the period between the close of the General Assembly and the establishment of permanent United Nations telecommunications facilities.

"(c) To investigate the technical problems arising in connection with the proposal to give the United Nations independent radio communication with the Governments and peoples of all Member States, and to prepare recommendations in the form of a plan supported by the necessary technical data. These recommendations shall be completed by 10 November 1946, on which date it is suggested that five communications experts designated by China, Egypt, Uruguay, the United Kingdom and the U.S.S.R. shall be asked to meet with the Advisory Committee and examine the plan in order to permit greater participation in its preparation."

The experts which were thus designated were the following:

Wen Yuan Pan (China)

Col. Hassan Ragab (Egypt)

Sergei P. Gavrilitsa (U.S.S.R.)

Brig. John Gordon Deedes (United Kingdom)

Roberto Fontaina (Uruguay)

In accordance with its instructions the Advisory Committee on Telecommunications made arrangements with the Office of International Information and Cultural Affairs, United States Department of State, and the Canadian Broadcasting Corporation

to provide limited coverage to Europe, the Middle East, Africa, Latin America, the Far East, India, Australia and New Zealand for broadcasting the proceedings of the second part of the first session of the General Assembly; advised the Secretary-General that until the Assembly decided on the permanent facilities it was not possible to make recommendations regarding measures to be taken in the interim period between the second part of the first session of the General Assembly and the establishment of permanent United Nations facilities; and prepared a detailed technical plan for the operation of United Nations radio facilities. The Secretary-General transmitted the Advisory Committee's report (A/335) to all Member Governments in April 1947.

In a report (A/C.5/206) to the second session of the General Assembly the Secretary-General stressed the importance of establishing independent United Nations telecommunications facilities. Although the Secretariat had been able in 1947 to undertake a certain amount of broadcasting, thanks to the co-operation of the United States Department of State and the Canadian Broadcasting Corporation, he could not, the Secretary-General stated, give any guarantee that the facilities enjoyed so far would continue to be available under appropriate conditions. The United Nations might thus be placed in the position of being unable to do any reporting on its activities through national radio systems. The Secretary-General stated that, wishing to avoid an increase in United Nations expenditure, he did not propose that any funds should be appropriated in 1948 for the establishment of a United Nations telecommunications system. Nor did he suggest that the plan prepared by the Advisory Committee on Telecommunications should be examined in detail by the General Assembly. It was, however, of the utmost importance, he urged, that the General Assembly give him the necessary authorization to enable him to proceed with negotiations now in progress for obtaining the wave-lengths, the call signs, rights and privileges envisaged in the Advisory Committee's plan.

Two steps, the Secretary-General reported, had already been taken to enable the United Nations to possess and operate its own broadcasting services. In response to a request from the United Nations Secretariat, the Atlantic City Conference of the International Telecommunication Union had included in the new International Telecommunication Convention a clause giving the United Nations the same rights and advantages as those provided for participating states, except the right to

vote. Secondly, the United Nations Headquarters Agreement, signed by the United States Government on June 26, 1947, and approved by the General Assembly during its second session, contained an express provision allowing the United Nations to set up its own broadcasting installations in its Administrative District.

Other steps would have to be taken in the near future, in particular in connection with the allocation of international broadcasting frequencies. A preliminary meeting, the Secretary-General's report indicated, was to be held in Geneva in March 1948 with a view to drawing up a plan for the allocation of frequencies which would be finally adopted at the Administrative Conference of the International Telecommunication Union in Mexico City in October 1948. It was important for the United Nations to obtain at that time the wave-lengths it needed, as the number available was extremely small and Member States were not likely to relinquish frequencies once they had been assigned.

In a separate report (A/C.5/207) the Secretary-General furnished details concerning an agreement he had reached with the Swiss Government early in 1948 for the transfer to the United Nations of the wave-lengths originally registered by Radio Suisse for Radio Nations, the station which had been utilized by the League of Nations. The Bureau of the International Telecommunication Union was notified of this agreement and was requested to reserve the frequencies concerned for the United Nations, pending the admission of a United Nations Operating Service as a member of the International Telecommunication Union. These wave-lengths could only be finally allocated to the United Nations, however, by virtue of a decision of the International Telecommunication Conference in Mexico City.

The Secretary-General submitted a draft resolution for the consideration of the General Assembly to the effect that the Assembly direct the Secretary-General "to take all steps necessary to ensure that the United Nations can proceed with negotiations now in progress for obtaining the wave-lengths (frequencies), call signs, rights and privileges envisaged in the report of the Advisory Committee on United Nations Telecommunications as necessary for the operation of a United Nations telecommunications system, and to report and submit appropriate recommendations to the third regular session of the General Assembly".

The Fifth Committee discussed the question of telecommunications at its 95th meeting on November 10, 1947. The representative of the

United States proposed the deletion of the words "as envisaged in the report of the Advisory Committee on Telecommunications" from the draft resolution submitted by the Secretary-General, on the ground that the report had not actually been examined by the General Assembly. The Fifth Committee adopted this amendment by a vote of 15 to 11, with 16 abstentions.

On the ground that it would be premature for the Secretary-General to report to the third session of the General Assembly, the representative of the United Kingdom proposed an amendment to the effect that he should report to the fourth regular session. This amendment was rejected by a vote of 24 to 8, with 9 abstentions.

The resolution as amended was then adopted by a vote of 39 to 3, with 2 abstentions.

On the recommendation of the Fifth Committee, the General Assembly at its 121st plenary meeting on November 20 adopted without objection the following resolution (158(II)):

"The General Assembly

"Directs the Secretary-General to take all steps necessary to ensure that the United Nations can proceed with negotiations now in progress for obtaining the wave-lengths (frequencies), call signs, rights and privileges necessary for the operation of a United Nations telecommunications system, and to report and submit appropriate recommendations to the General Assembly at its third regular session."

#### n. ORGANIZATION OF A UNITED NATIONS POSTAL SERVICE

The delegation of Argentina submitted a proposal (A/367) to the second session of the General Assembly for the establishment of a United Nations Postal Administration. The draft resolution provided that the United Nations should issue, sell and use its own postage stamps and that all mail posted at any United Nations Post Office, but no other mail, should be mailed with United Nations postage stamps. The postage rates were to be in accordance with the provisions of the Universal Postal Union, and stamps were to be sold at their face value to collectors and to the public. The Secretary-General was to take the necessary steps to organize the United Nations Postal Administration, to establish the necessary relations with the UPU, and to open a central United Nations Post Office at the headquarters of the United Nations and elsewhere as necessary. He was to be authorized

(a) to undertake the negotiations of the necessary agreements with the Governments concerned;

(b) to contract for the printing of United Nations postage stamps;

(c) to invite the specialized agencies to participate in

this project and to negotiate any necessary arrangements with them for that purpose.

The Secretary-General was to set up an Advisory Committee to assist in executing these decisions and to help select the initial designs for the postage stamps. The initial expenditure was to be advanced from the Working Capital Fund, and, after the Fund had been reimbursed, the revenues of the United Nations Postal Administration were to be devoted to payment of the rent and amortization of a loan of \$100,000,000 for the building and equipping of the United Nations headquarters, the balance to become part of the annual resources of the organization. The Secretary-General was to submit to the General Assembly an annual report on the operation of the Administration.

In a report (A/C.5/191) to the Fifth Committee on the Argentine proposal, the Secretary-General stated that suggestions for the issue, sale and use of United Nations postage stamps had been discussed by the Co-ordination Committee of the United Nations and specialized agencies and that a number of specialized agencies had expressed a desire to participate in any eventual scheme. During the discussion in the Co-ordination Committee, the Secretary-General stated, it was noted that a United Nations Postal Administration could operate under one of two broad types of arrangement:

"Under the first and more extensive type of arrangement, the United Nations Postal Administration, in addition to issuing and using its own stamps, would operate a sales agency and would handle mail. A special staff would, moreover, be needed for the control of stamp issues and for the auditing of accounts. The technical and staff problems involved in the handling of mail are considerable.

"Under the arrangements of the second and simpler type, the United Nations Postal Administration would restrict its activities to the issue (including design and contracting for printing) of stamps and their use, while the sale of stamps, the maintenance of post offices, and the provision of facilities for handling mail would be assumed by the appropriate national postal administration under a financial agreement."

The Secretary-General recommended that, since the detailed administrative and financial implications of the two alternative methods were not at present known, the General Assembly should instruct him to make such further enquiries as would enable him to make definite proposals to the General Assembly at its third regular session.

The Fifth Committee discussed the question of a United Nations Postal Administration at its 93rd meeting on November 8. The representative of Argentina, pointing out the advantages of a United Nations postage stamp as propaganda for

peace and as a revenue measure, supported the proposal of the Secretary-General to explore during the coming year the administrative arrangements necessary to realize the objective of the Argentinian resolution. He believed that the Secretary-General should be authorized to make all administrative and technical arrangements to prepare the issues of stamps, to reach an agreement with the United States Government and to receive the resulting revenue and submit such arrangements to the General Assembly for approval.

The representative of the United Kingdom warned that the venture might prove less remunerative than the Argentinian proposal anticipated. Revenue from philatelists could be maintained only by fresh issues of stamps. He was of the opinion that the value of a separate United Nations Postal Service was doubtful from both points of view: prestige and revenue. Every country in which the United Nations had an office possessed an efficient postal service which was at the disposal of the organization. The representative of the United Kingdom believed that pending further experience and study, the proposal might be supported in the direction of issuing a United Nations stamp as distinct from setting up a United Nations Postal Administration.

The Fifth Committee, without objection, approved the report of the Secretary-General.

On the Committee's recommendation the General Assembly at its 121st plenary meeting on November 20 adopted without objection the following resolution (159(II)):

"The General Assembly

"Requests the Secretary-General to make inquiries into the administrative, technical and financial implications of the organization of a United Nations postal service and to make recommendations to the next regular session of the General Assembly."

#### 0. UTILIZATION OF THE SERVICES OF THE SECRETARIAT

On September 29 the Swedish delegation asked that a draft resolution concerning the utilization of the services of the Secretariat (A/403) be included in the agenda of the second session of the General Assembly. At its 40th meeting on October 1, the General Committee recommended that the Swedish resolution be considered by the General Assembly in plenary meeting without prior reference to a committee.

At its 95th plenary meeting on October 1 the General Assembly approved the General Committee's recommendation and at its 97th plenary meeting on October 20 the Assembly, after brief dis-

cussion, adopted by a vote of 45 to 1, with 9 abstentions, the following draft resolution proposed by the Swedish delegation (183(II)):

"Paying a tribute to the impartiality and high-mindedness shown by the Secretariat during the first two years of its activities, and taking into consideration the interests of the strictest possible budgetary economy,

"The General Assembly

"Draws the attention of the three Councils and their Commissions, as well as of the Commissions appointed by the Assembly itself, to the desirability of utilizing to the utmost the services of the Secretariat, and

"Recommends specifically to the respective organs of the United Nations to consider carefully, before the creation of special commissions and sub-committees, whether the task to be carried out could not usefully be entrusted to the Secretariat."

## 7. Legal Matters

### a. NEED FOR GREATER USE BY THE UNITED NATIONS AND ITS ORGANS OF THE INTERNATIONAL COURT OF JUSTICE

By letter of August 19, 1947 (A/346), the Australian mission to the United Nations requested the inclusion of the following item in the agenda of the second session of the General Assembly:

"The need for greater use by the United Nations and its organs of the International Court of Justice in connection not only with disputes of a legal character, but also with legal aspects of disputes and situations."

At its 91st plenary meeting on September 23 the General Assembly referred this question to the Sixth Committee for consideration (A/C.6/134).

Two draft resolutions were submitted, one by the representative of Australia (A/C.6/165) and the other by the representative of Iran (A/C.6/164). The operative part of the Australian resolution provided that the General Assembly:

"Recommends that each organ of the United Nations and each specialized agency should regularly review the difficult and important questions of law within the competence of the International Court of Justice which have arisen and are likely from time to time to arise in the course of its activities, particularly questions of law relating to the interpretation of the Charter of the United Nations or the constitution of the specialized agency, as the case may be, and should refer to the International Court of Justice for advisory opinion questions selected as a result of such review."

The Iranian proposal provided that the General Assembly should recommend:

"1. to the Member States who have not yet deposited the declarations provided for in paragraph 2 of Article 36 of the Statute of the Court, to do so as soon as possible;

"2. to the Member States to submit their differences

of a juridical character to the International Court of Justice;

"3. to the Security Council to refer to the International Court of Justice, not only disputes of a legal character but also legal aspects that certain differences and situations could present."

In the course of the discussion which took place at the 44th and 45th meetings of the Sixth Committee on October 8 and 9, the majority of representatives were agreed as to the need for greater use of the International Court of Justice and supported the Australian and Iranian proposals in principle. A number of representatives suggested modifications. As regards the Australian proposal the representative of France suggested that the use of the advisory functions of the Court should be expanded by the following methods:

1. The General Assembly should authorize all United Nations agencies and organs created under Articles 22 and 29 of the Charter to request advisory opinions.

2. The General Assembly should express its intention to examine whether any question presented a legal aspect and, if so, to request an advisory opinion from the Court. Further, when the Security Council considered referring the legal aspect of a question to the Court for an advisory opinion, the parties concerned should not be allowed to take part in the vote.

The representative of Egypt suggested that Member States might be asked to provide in international agreements that all disputes should be submitted to the International Court of Justice.

The representative of Colombia proposed that the function of the Court should not be limited to legal disputes, but that the Court should also be called upon to decide political disputes since there was nothing in Article 36 of the Statute of the Court providing for such a restriction. Article 38 of the Statute of the Court, providing for Court decisions *ex aequo et bono*, implied that the Court had jurisdiction in political as well as in strictly legal disputes, the representative of Colombia maintained.

The representative of Argentina proposed an amendment to the Iranian resolution stressing the optional character of Article 36, paragraph 2, of the Statute of the Court, providing for acceptance by States parties to the Statute of the compulsory jurisdiction of the Court.

The representative of Poland warned against the danger of too frequent approach to the Court in matters which by their nature were not suitable for judicial decision. In particular, he considered that the Court was not competent to decide ques-

tions relating to the interpretation of the Charter of the United Nations or the constitutions of the specialized agencies. He was prepared, however, to support the two resolutions subject to certain amendments.

The representative of the U.S.S.R. opposed the Australian and Iranian proposals as superfluous and contrary to the Charter. The Australian proposal, he maintained, indicated a desire to alter the Charter by interpretative methods. It attempted to confer upon the Court a prior right to interpret the Charter. The representative of the U.S.S.R. denied the Court's competence in this respect, insisting that each organ was qualified to interpret the Charter as it saw fit. As regards the Iranian proposal, the representative of the U.S.S.R. considered that it attempted to confer the functions of the Security Council in connection with the pacific settlement of disputes on the International Court of Justice. He insisted further that acceptance of the compulsory jurisdiction of the Court was optional, and he was opposed to any recommendation by the General Assembly which might lead to a general recognition of the Court's compulsory jurisdiction.

At its 45th meeting on October 9, 1947, the Sixth Committee decided to establish an ad hoc sub-committee composed of the Rapporteur and the authors of the proposals and amendments (i. e., the representatives of Argentina, Australia, Colombia, Egypt, France, Iran and Poland) to coordinate the various suggestions.

The sub-committee prepared three draft resolutions, which the Sixth Committee considered at its 52nd meeting on October 22. One draft resolution (A/C.6/167/Rev.I) was based on the Australian proposal; the second one (A/C.6/169/Rev.I) was based on the Iranian proposal. The third draft resolution (A/C.6/168/Rev.I) provided that the General Assembly authorize the Trusteeship Council to request advisory opinions from the International Court of Justice on legal questions within the scope of its activities. As regards this last resolution the representative of the U.S.S.R. stated that the Trusteeship Council should be consulted before authorization was granted to request advisory opinions. In general, he considered that such authorization should be given only if requested.

The representative of Poland submitted amendments to the revised Australian resolution<sup>177</sup> which provided for the deletion of any reference to the interpretation by the Court of the Charter and the constitutions of the specialized agencies. Voting paragraph by paragraph, the Sixth Com-

mittee adopted the text proposed by the ad hoc sub-committee and rejected the Polish amendments. The resolution as a whole was adopted by a vote of 39 to 7.

The Committee then rejected by a vote of 6 to 37 a U.S.S.R. proposal to postpone the decision concerning authorization of the Trusteeship Council to request advisory opinions from the Court until the consent of the Trusteeship Council had been obtained. The resolution authorizing the Trusteeship Council to request advisory opinions was then adopted by a vote of 38 to 0, with 6 abstentions.

Also voting paragraph by paragraph, the Sixth Committee adopted the resolution proposed by the ad hoc sub-committee on the basis of the Iranian proposal.<sup>178</sup> The resolution as a whole was adopted by a vote of 37 to 5, with 5 abstentions.

The General Assembly discussed the resolutions recommended by the Sixth Committee at its 113th plenary meeting on November 14. The representative of Poland again introduced an amendment (A/472) to delete from the revised Australian resolution (A/C.6/167/Rev.I) reference to the interpretation by the Court of the Charter of the United Nations and the constitutions of the specialized agencies.

The representative of the U.S.S.R. stated that he would vote against the resolutions recommended by the Sixth Committee except the one concerning the Trusteeship Council, while the resolutions were supported by the Rapporteur of the Sixth Committee and the representatives of Australia, Iran, Costa Rica, Colombia, Canada, Brazil, France and Egypt.

The General Assembly rejected the Polish amendment by a vote of 37 to 6, with 4 abstentions. It adopted by a vote of 46 to 6, with 2 abstentions, the revised Australian resolution concerning advisory opinions of the Court. The resolution authorizing the Trusteeship Council to request advisory opinions was adopted unanimously. The resolution which recommended states to submit legal disputes to the Court was adopted by a vote of 45 to 6, with 3 abstentions.

Following is the text of the resolutions which the General Assembly thus adopted at its 113th plenary meeting on November 14, 1947 (171(II)):

A

"The General Assembly,

"Considering that it is a responsibility of the United Nations to encourage the progressive development of international law;

<sup>177</sup>See text of the resolution below, 171 (II) A.

<sup>178</sup>See text of the resolution below, 171 (II) C.

"Considering that it is of paramount importance that the interpretation of the Charter of the United Nations and the constitutions of the specialized agencies should be based on recognized principles of international law;

"Considering that the International Court of Justice is the principal judicial organ of the United Nations;

"Considering that it is also of paramount importance that the Court should be utilized to the greatest practicable extent in the progressive development of international law, both in regard to legal issues between States and in regard to constitutional interpretation,

"Recommends that organs of the United Nations and the specialized agencies should, from time to time, review the difficult and important points of law within the jurisdiction of the International Court of Justice which have arisen in the course of their activities and involve questions of principle which it is desirable to have settled, including points of law relating to the interpretation of the Charter of the United Nations or the constitutions of the specialized agencies, and, if duly authorized according to Article 96, paragraph 2, of the Charter, should refer them to the International Court of Justice for an advisory opinion.

#### B

"Under Article 96, paragraph 2, of the Charter, the General Assembly 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 Trusteeship Council, as one of the principal organs of the United Nations, and in view of the functions and powers conferred upon it by Chapters XII and XIII of the Charter, should be authorized to request advisory opinions on legal questions arising within the scope of its activities.

"The General Assembly, therefore,

"Authorizes the Trusteeship Council to request advisory opinions of the International Court of Justice on legal questions arising within the scope of the activities of the Council.

#### C

"The General Assembly,

"Considering that, in virtue of Article 1 of the Charter, international disputes should be settled in conformity with the principles of justice and international law;

"Considering that the International Court of Justice could settle or assist in settling many disputes in conformity with these principles if, by the full application of the provisions of the Charter and of the Statute of the Court, more frequent use were made of its services,

"1. Draws the attention of the States which have not yet accepted the compulsory jurisdiction of the Court in accordance with Article 36, paragraphs 2 and 5, of the Statute, to the desirability of the greatest possible number of States accepting this jurisdiction with as few reservations as possible;

"2. Draws the attention of States Members to the advantage of inserting in conventions and treaties arbitration clauses providing, without prejudice to Article 95 of the Charter, for the submission of disputes which may arise from the interpretation or application of such conventions or treaties, preferably and as far as possible to the International Court of Justice;

"3. Recommends as a general rule that States should submit their legal disputes to the International Court of Justice."

#### b. CO-ORDINATION OF THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS AND OF THE SPECIALIZED AGENCIES

In resolution 22 (I) D of February 13, 1946, the General Assembly stated that there were many advantages in unifying as far as possible the privileges and immunities enjoyed by the United Nations and the various specialized agencies. While recognizing that some of the specialized agencies, by reason of their particular functions, required privileges of a special nature, the General Assembly considered that the privileges and immunities of the United Nations should be regarded, as a general rule, as a maximum within which the specialized agencies should enjoy such privileges and immunities as the appropriate fulfilment of their respective functions might require.

Therefore, the General Assembly instructed the Secretary-General "to open negotiations with a view to the re-consideration, in the light both of the General Convention [on privileges and immunities] adopted by the United Nations and of the considerations above, of the provisions under which the specialized agencies at present enjoy privileges and immunities."

In pursuance of the above resolution the Secretary-General consulted the various specialized agencies. At two preliminary meetings on March 6 and 7, 1947, which were attended by representatives of the United Nations Secretariat and of the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), the International Bank for Reconstruction and Development, the International Monetary Fund and the Interim Commission of the World Health Organization, it was agreed that the problem of the unification of the privileges and immunities of the United Nations and the specialized agencies would be greatly facilitated by the adoption of a single convention which would apply without distinction to all the specialized agencies and would lay down the general privileges and immunities required by those organizations, while reserving the special privileges which might be needed because of the particular functions of any individual agency. A single draft convention prepared by the Secretariat of the United Nations was therefore considered and discussed at these meetings.

Comments and suggestions on this draft convention were subsequently received from ILO,



UNESCO and ICAO. At a meeting of the representatives of the specialized agencies held at Lake Success on July 23, 1947, the draft convention was amended in the light of the observations and proposals received. This amended draft convention was submitted to the General Assembly in a report of the Secretary-General (A/339).

The question of the procedure to be followed in adopting a single convention on the privileges and immunities of the specialized agencies was left for the General Assembly to decide, two alternatives having been considered:

1. The discussion and adoption by the General Assembly of the United Nations of a convention to be submitted later, for their accession, to the States Members of the United Nations, to States Members of the specialized agencies which are not Members of the United Nations, and to the specialized agencies themselves.

2. The convening of a general conference of all States Members of the various specialized agencies, which the specialized agencies themselves would be invited to attend in a consultative capacity, so as to enable them to submit any observations and suggestions that might be useful. This conference would discuss and adopt the text of a convention which it would propose for accession by the States Members of the United Nations and by States Members of the specialized agencies which are not Members of the United Nations.

The Secretary-General's report indicated that the specialized agencies considered the second method preferable.

At its 91st plenary meeting on September 23, 1947, the General Assembly referred the question of the co-ordination of the privileges and immunities of the United Nations and the specialized agencies to the Sixth Committee, which in turn, at its 36th meeting on September 24, 1947, referred it, without previous discussion, to a sub-committee composed of the representatives of Argentina, Canada, Cuba, Egypt, India, Norway, Yugoslavia, Czechoslovakia, United Kingdom, U.S.S.R. and United States.<sup>179</sup>

The sub-committee first considered the question of the procedure to be followed. On September 29, 1947, it submitted an interim report (A/C.6/148) to the Sixth Committee stating that it had unanimously agreed that a single convention applicable to all the specialized agencies should be drafted, this convention to consist of:

1. a general chapter defining the standard privileges and immunities of the specialized agencies;
2. a number of annexes setting forth the divergencies

from the standard privileges and immunities in the case of each specialized agency which does not require all the standard privileges or which, on account of the special nature of its functions, requires certain special privileges.

The single convention, after coming into force, the sub-committee recommended, should be regarded as a complete statement of the privileges and immunities of the specialized agencies (apart from any special agreements concluded with the country in which their headquarters was established).

The sub-committee recommended that the General Assembly should adopt the general part of the convention containing the standard privileges and immunities in definitive form, while the texts of the various annexes adapting the standard clauses to each of the agencies should be considered as recommendations to the agencies and should be definitely settled in discussions held in the conferences of the agencies themselves. States Members of specialized agencies not Members of the United Nations would thus be given an opportunity to participate in the discussion of the privileges and immunities to be accorded to the agencies, without necessitating the calling of a general conference of all the States Members of the various specialized agencies, one of the possible procedures suggested in the Secretary-General's report. The convention, the sub-committee recommended, should become applicable to each specialized agency when the final text of the relevant annex had been adopted by the agency in question in accordance with its constitutional procedure and had been transmitted to the Secretary-General.

The Sixth Committee approved without discussion the interim report of the sub-committee at its 40th meeting on October 2.

The sub-committee accordingly drew up a draft convention based on the Convention on Privileges and Immunities of the United Nations, although in several cases the privileges granted were more limited than those of the United Nations. The draft convention included nine annexes adapting the general provisions to each of the specialized agencies brought into relationship with the United Nations—ILO, FAO, UNESCO, ICAO, the Bank, the Fund, WHO, International Telecommunication Union (ITU) and Universal Postal Union (UPU)—and provided that a draft annex could be recommended by the Economic and Social

<sup>179</sup>Two related questions were referred to the same sub-committee, the question of the headquarters agreements and the item relating to the Privileges and Immunities of representatives of Member States. See p. 197.

Council for any agency later brought into relationship with the United Nations.

The sub-committee also drew up three draft resolutions (A/C.6/191) which it recommended for adoption by the Sixth Committee and the General Assembly. The first provided that the General Assembly recommend the draft Convention on the Privileges and Immunities of the Specialized Agencies for accession by all States Members of the United Nations and by any other State Member of a specialized agency.

As the draft convention was to apply not only to the nine specialized agencies so far brought into relationship with the United Nations, but also to any agency to be established and brought into relationship with the United Nations in the future, the second resolution proposed by the sub-committee provided that the General Assembly recommend that the constitutional instrument of any specialized agency which might hereafter be established should not contain detailed provisions relating to the privileges and immunities to be accorded to, or in connection with, that specialized agency, but should be governed by the general Convention on the Privileges and Immunities of the Specialized Agencies. Any international conference at which the establishment of a specialized agency was being considered should prepare a draft annex to the Convention and send it to the Secretary-General of the United Nations with a view to assisting the Economic and Social Council in preparing an annex to be recommended for adoption by the agency after it had been brought into relationship with the United Nations.<sup>180</sup>

The third resolution recommended that the States Members of the United Nations, pending their formal accession to the Convention on the Privileges and Immunities of the Specialized Agencies, should immediately accord as far as possible to, or in connection with, the specialized agencies, the benefit of the privileges and immunities provided in the Convention and its Annexes.

The Sixth Committee considered the report of the sub-committee (A/C.6/191) at its 59th meeting on November 20. In the course of the brief discussion which ensued, the representative of Norway stated that in his view officials of the specialized agencies should be entirely independent of governments as far as national service obligations are concerned. The representative of the United States, on the other hand, made a general reservation with regard to his Government's attitude towards the Convention with respect to any exemption in the United States of citizens

of the United States from taxes or national service.

The representative of the U.S.S.R. stated that he would vote against the Convention, which he considered gave to a large group of officials very wide privileges which were not warranted by practical considerations.

The Sixth Committee adopted the report of the sub-committee (A/C.6/191) by a vote of 27 to 3, with 2 abstentions.

The General Assembly considered the report of the Sixth Committee (A/503) at its 123rd plenary meeting on November 21, 1947, and by a vote of 45 to 0, with 5 abstentions, adopted the following three resolutions (179(II)) recommended by the Sixth Committee:

#### A

"The General Assembly

"Approves the following Convention on the Privileges and Immunities of the specialized agencies and proposes it for acceptance by the specialized agencies and for accession by all Members of the United Nations and by any other State member of a specialized agency.

#### B

"Whereas the General Assembly, on 13 February 1946,<sup>181</sup> adopted a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the specialized agencies;

"Whereas the General Assembly, by a resolution adopted on 21 November 1947, approved a General Convention on the Privileges and Immunities of the specialized agencies and submitted it to the specialized agencies for acceptance and to every Member of the United Nations and to every other State Member of one or more of the specialized agencies for accession, and

"Whereas it is therefore desirable that any specialized agency which is hereafter brought into relationship with the United Nations in accordance with Article 63 of the Charter should derive its privileges and immunities exclusively from the said General Convention, with such modifications as may be necessary to meet the particular requirements of that agency to be contained in an annex,

"The General Assembly

"Recommends that the constitutional instrument of any specialized agency which may hereafter be established should not contain detailed provisions relating to the privileges and immunities to be accorded to, or in connexion with, that specialized agency, but should provide that such privileges and immunities shall be governed by the said General Convention modified as may be required;

"Recommends that any international conference at which the establishment of a specialized agency is considered should prepare a draft of the annex relating to the proposed agency contemplated in section 36 of the said General Convention and that, if the agency is es-

<sup>180</sup>See Sections 35 and 36 of the Convention.

<sup>181</sup>See resolution 22 (I) D; see Yearbook of the United Nations, 1946-47, p. 108.

tablished, it should send such draft annex to the Secretary-General of the United Nations with a view to assisting the Economic and Social Council in preparing the draft annex which it will recommend, pursuant to section 35 of the said General Convention, after the agency has been brought into relationship with the United Nations, in conformity with the Charter and any recommendation of the General Assembly;

"Directs the Secretary-General to transmit a copy of this resolution to the appropriate officer of any conference at which the establishment of a specialized agency is to be considered.

### C

"Whereas it has been recognized as necessary that the specialized agencies enjoy, at the earliest possible date, the privileges and immunities essential for an efficient exercise of their respective functions;

"Whereas a considerable delay will necessarily ensue before the Convention becomes operative in the case of the various agencies,

"The General Assembly

"Recommends that the States Members of the United Nations, pending their formal accession to the General Convention concerning the privileges and immunities of specialized agencies, including the annexes relating to each agency, should immediately accord as far as possible to, or in connexion with, the specialized agencies, the benefit of the privileges and immunities provided in the said General Convention and its annexes, it being understood that the specialized agencies will take any necessary parallel action in regard to those of their members which are not members of the United Nations."

## CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

Whereas the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

Consequently, by resolution 179(II) adopted on 21 November 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

### ARTICLE I

#### DEFINITIONS AND SCOPE

##### Section 1

In this Convention:

(i) The words "standard clauses" refer to the provisions of articles II to IX.

(ii) The words "specialized agencies" mean:

- (a) The International Labour Organisation;
- (b) The Food and Agriculture Organization of the United Nations;
- (c) The United Nations Educational, Scientific and Cultural Organization;
- (d) The International Civil Aviation Organization;
- (e) The International Monetary Fund;
- (/) The International Bank for Reconstruction and Development;

- (g) The World Health Organization;
- (h) The Universal Postal Union;
- (i) The International Telecommunications Union; and
- (j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.

(iii) The word "Convention" means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.

(iv) For the purposes of article III, the words "property and assets" shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.

(v) For the purposes of articles V and VII, the expression "representatives of members" shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations.

(vi) In sections 13, 14, 15 and 25, the expression "meetings convened by a specialized agency" means meetings: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies.

(vii) The term "executive head" means the principal executive official of the specialized agency in question, whether designated "Director-General" or otherwise.

#### Section 2

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connexion with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

### ARTICLE II

#### JURIDICAL PERSONALITY

##### Section 3

The specialized agencies shall possess Juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

### ARTICLE III

#### PROPERTY, FUNDS AND ASSETS

##### Section 4

The specialized agencies, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

##### Section 5

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, 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 6

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

## Section 7

Without being restricted by financial controls, regulations or moratoria of any kind:

(a) The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.

## Section 8

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

## Section 9

The specialized agencies, their assets, income and other property shall be:

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

(b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their 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 to with the Government of that country;

(c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

## Section 10

While the specialized agencies 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 specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

## ARTICLE IV

## FACILITIES IN RESPECT OF COMMUNICATIONS

## Section 11

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's 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.

## Section 12

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

## ARTICLE V

## REPRESENTATIVES OF MEMBERS

## Section 13

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys 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 official capacity, immunity from legal process of every kind;

(b) 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 which 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 members of comparable rank of diplomatic missions.

## Section 14

In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete 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 engaged in the discharge of such duties.

## Section 15

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence.

## Section 16

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 connexion with the specialized agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would im-

pede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

#### Section 17

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

### ARTICLE VI

#### OFFICIALS

#### Section 18

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

#### Section 19

Officials of the specialized agencies 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) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;

(c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;

(e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(f) 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 20

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

#### Section 21

In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

#### Section 22

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

#### Section 23

Each specialized agency shall co-operate at all times with the appropriate authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this article.

### ARTICLE VII

#### ABUSES OF PRIVILEGE

#### Section 24

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

#### Section 25

1. Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

2. (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

## ARTICLE VIII

## LAISSEZ-PASSER

## Section 26

Officials of the specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue laissez-passer may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded.

## Section 27

States parties to this Convention shall recognize and accept the United Nations laissez-passer issued to officials of the specialized agencies as valid travel documents.

## Section 28

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

## Section 29

Similar facilities to those specified in section 28 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 a specialized agency.

## Section 30

The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations laissez-passer on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

## ARTICLE IX

## SETTLEMENT OF DISPUTES

## Section 31

Each specialized agency shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;

(b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

## Section 32

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 one of the specialized agencies 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 and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

## ARTICLE X

ANNEXES AND APPLICATION TO INDIVIDUAL  
SPECIALIZED AGENCIES

## Section 33

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

## Section 34

The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

## Section 35

Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

## Section 36

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

## Section 37

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

## Section 38

If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

## Section 39

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

## Section 40

It is understood that the standard clauses, as modified

by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

## ARTICLE XI

### FINAL PROVISIONS

#### Section 41

Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.

#### Section 42

Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.

#### Section 43

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

#### Section 44

This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with section 43.

#### Section 45

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

#### Section 46

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

#### Section 47

1. Subject to the provisions of paragraph 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

2. Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

3. Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4. The Secretary-General of the United Nations shall inform all member States parties to this Convention of any notification transmitted to him under the provisions of this section.

#### Section 48

At the request of one-third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

#### Section 49

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.

## ANNEXES TO THE PROPOSED CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

### ANNEX I

#### The International Labour Organisation

The standard clauses shall operate in respect to the International Labour Organisation subject to the following provision:

The provisions of article V (other than paragraph (c) of section 13) and of section 25, paragraphs 1 and 2(1) of article VII shall extend to the employers' and workers' members of the Governing Body of the International Labour Office and their alternates and advisers, except that any waiver of the immunity of any such person member under section 16 shall be by the Governing Body.

## ANNEX II

## The Food and Agriculture Organization of the United Nations

The standard clauses shall operate in respect to the Food and Agriculture Organization of the United Nations (hereinafter called "the Organization") subject to the following provisions:

1. Article V and section 25, paragraphs 1 and 2 (I) of article VII shall extend to the Chairman of the Council of the Organization, except that any waiver of the immunity of the Chairman under section 16 shall be by the Council of the Organization.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) Immunity from legal process of every kind in respect of words spoken or written or acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions.

(ii) Privileges and immunities are granted to the experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

## ANNEX III

## The International Civil Aviation Organization

The standard clauses shall operate in respect to the International Civil Aviation Organization (hereinafter call "the Organization") subject to the following provisions:

1. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the President of the Council of the Organization.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) Immunity from legal process of every kind in respect of words spoken or written or acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization.

(ii) In connexion with (d) of 2 above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the court of justice, and it can be waived without prejudice to the interests of the Organization.

## ANNEX IV

## The United Nations Educational, Scientific and Cultural Organization

The standard clauses shall operate in respect to the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Organization") subject to the following provisions:

1. Article V and section 25, paragraphs 1 and 2 (I) of article VII shall extend to the President of the Conference and members of the Executive Board of the Organization, their substitutes and advisers except that any waiver of the immunity of any such person of the Executive Board under section 16 shall be by the Executive Board.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;-

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions.

(ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

## ANNEX V

## The International Monetary Fund

In their application to the International Monetary Fund (hereinafter called "the Fund"), the standard



clauses shall operate subject to the following provisions:

1. The following shall be substituted for section 9:

"(a) The Fund, its assets, property, income and its operations and transactions authorized by its articles of agreement shall be immune from all taxation and from all customs duties. The Fund shall be immune from prohibitions and restrictions on imports and exports in respect of articles imported or exported for its official use and in respect of its publications. It is understood, however, that the Fund will not claim exemption from taxes which are, in fact, no more than charges for public utility services, and that articles (other than its publications) imported under this exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country. The Fund shall also be immune from the collection or payment of any tax or duty.

"(b) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held:

"(i) Which discriminates against such obligation or security solely because of its origin; or

"(ii) If the sole jurisdictional basis for each taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund."

2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Fund from this Convention and are not included in those which it can claim under its articles or otherwise.

#### ANNEX VI

##### The International Bank for Reconstruction and Development

In their application to the International Bank for Reconstruction and Development (hereinafter called "the Bank"), the standard clauses shall operate subject to the following provisions:

1. The following shall be substituted for section 4:

"Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank."

2. The following shall be substituted for section 9:

"(a) The Bank, its assets, property, income and its operations and transactions authorized by its articles of agreement shall be immune from all taxation and from all customs duties. The Bank shall be immune from prohibitions and restrictions on imports and exports in respect of articles imported or exported for its official use and in respect of its publications. It is understood, however, that the Bank will not claim exemption from taxes which are, in fact, no more than charges for public utility services, and that articles (other than its publications) imported under this exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country.

"The Bank shall also be immune from the collection or payment of any tax or duty.

"(b) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held:

"(i) Which discriminates against such obligation or security solely because it is issued by the Bank; or

"(ii) If the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

"(c) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held:

"(i) Which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

"(ii) If the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank."

3. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Bank from this Convention and are not included in those which it can claim under its articles or otherwise.

#### ANNEX VII

##### The World Health Organization

In their application to the World Health Organization (hereinafter called "the Organization") the standard clauses shall operate subject to the following modifications:

1. Article V and section 25, paragraphs 1 and 2 (I) of article VII shall extend to persons designated to serve on the executive board of the Organization, their alternates and advisers, except that any waiver of the immunity of any such persons under section 16 shall be by the Board.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) Immunity of legal process of every kind, in respect of words spoken or written or acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

(c) The same facilities in respect of currency and exchange restrictions, and in respect of their personal baggage, as are accorded to officials of foreign governments on temporary official missions:

(ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

## ANNEX VIII

## The Universal Postal Union

The standard clauses shall apply without modification.

## ANNEX IX

## The International Telecommunications Union

The standard clauses shall apply without modification.

In implementation of resolution 179 (II) the following specialized agencies, on the dates indicated, transmitted their annexes to the Secretary-General in accordance with Section 36 of the Convention:

World Health Organization	August 2, 1948
International Civil Aviation Organization	August 11, 1948
International Labour Organisation	September 14, 1948

c. AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

By resolution 99 (I) of December 14, 1946, the General Assembly authorized the Secretary-General to negotiate and conclude with the appropriate authorities of the United States an agreement concerning the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in New York. The resolution provided that in conducting the negotiations the Secretary-General should be guided by the provisions of a draft agreement which had been concluded with the competent United States authorities in June 1946.<sup>182</sup>

That draft agreement<sup>183</sup> related to a headquarters site in a comparatively wide area within which the United Nations might acquire further parcels of land for the extension of the headquarters district or for other purposes. When the General Assembly decided on December 14, 1946, to establish the headquarters of the United Nations in New York City<sup>184</sup> it became necessary to revise the draft headquarters agreement so as to adapt it to the circumstances of the urban site chosen by the Assembly.

In pursuance of the above resolution the Secretary-General resumed his negotiations with the United States authorities and on June 26, 1947, signed with the Secretary of State of the United States an "Agreement between the United Nations and the United States regarding the headquarters of the United Nations" (A/371).

Section 28 of this Agreement provides that it "shall be brought into effect by an exchange of

notes between the Secretary-General, duly authorized pursuant to a resolution of the General Assembly of the United Nations, and the appropriate executive officer of the United States, duly authorized pursuant to appropriate action of the Congress".

In accordance with that provision, the Agreement was submitted to the Congress of the United States, which, on July 26, 1947, approved a joint resolution authorizing the President of the United States to bring the Agreement into effect and granting him the necessary powers for that purpose. The President approved the joint resolution on August 4, 1947. It therefore remained for the General Assembly to approve the Agreement and to authorize the Secretary-General to put it into effect.

The Secretary-General submitted a report (A/371) on the conduct and results of the negotiations to the second session of the General Assembly, which at its 91st plenary meeting on September 23, 1947, referred the matter to the Sixth Committee for consideration and report.

At its 36th meeting on September 24 the Sixth Committee referred the Secretary-General's report without prior discussion to the eleven-member sub-committee, which was also entrusted with the task of considering the question of the privileges and immunities of the specialized agencies.<sup>185</sup>

The sub-committee confined its study to the text of the Agreement and compared it with the draft agreement which had been concluded in 1946. The sub-committee reported to the Sixth Committee (A/C.6/172) that, though there were a considerable number of changes, they were, with certain exceptions, either simple adaptations rendered necessary by the fact that the headquarters district decided on was a small area in the middle of the City of New York, whereas the previous draft agreement had in mind a much larger area in rural surroundings, or else were changes of arrangement and drafting involving no difference in meaning.

The main substantive changes in the Agreement related to the following sections:<sup>186</sup>

Section 4. The scope of the facilities granted to the United Nations in the field of telecommunications was expanded.

Section 6. The United Nations was authorized to organize its own postal service.

<sup>182</sup>See Yearbook of the United Nations, 1946-47, pp. 250-51.

<sup>183</sup>For text of the draft agreement, see *ibid.*, pp. 104-7.

<sup>184</sup>*Ibid.*, pp. 272-75.

<sup>185</sup>See p. 188.

<sup>186</sup>See text of the Agreement, pp. 199-204.

Section 11. The list of persons entitled to the right of unimpeded transit to and from the headquarters district was supplemented by the inclusion of any persons invited to the headquarters district by the United Nations or by a specialized agency.

Section 13. This section was not contained in the original draft agreement. Paragraphs b and c of this section were the subject of extensive discussion between the Secretary-General and the United States authorities. As finally agreed upon, the relevant provisions give the Government of the United States the right to require an official of the United Nations or the representative of a Member Government or a member of a representative's staff to leave the territory of the United States in the case of abuses or of serious infractions committed in the United States in matters outside his official duties. This right is surrounded by a number of safeguards, one of which is the Procedure of Consultation. It is provided that no proceedings shall be instituted except with the prior approval of the Secretary of State of the United States, such approval being given only after consultation with the appropriate Member or with the Secretary-General, or the appropriate Executive Officer of a specialized agency. Where the individual concerned possesses diplomatic immunity under Section 15 of the Headquarters Agreement or under the General Convention, it is specified that he shall not be required to leave the United States "otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States".

The sub-committee agreed that the changes in Sections 4, 6 and 11 constituted improvements from the point of view of the United Nations. As regards Section 13, the sub-committee was of the opinion that these provisions, referring to a case which would only be expected to arise very rarely, if ever, were in practice acceptable.

According to Section 26, the provisions of the Headquarters Agreement are complementary to those of the Convention on the Privileges and Immunities of the United Nations<sup>187</sup> "as acceded to by the United States". As the United States Congress, however, had not yet acceded to the Convention, the Secretary-General in his report to the General Assembly as well as the sub-committee pointed out that the Headquarters Agreement could not fully produce all its effects until such time as the United States acceded to the Convention, and it was important, the sub-committee urged, to know on what terms the United States would accede.

Correspondence brought to its attention, the sub-committee's report indicated, disclosed that the United States Government, in acceding to the Convention, might make reservations regarding the exemption of United States nationals from income tax and national service obligations (Sections 18, b and c) and that it was disposed to interpret the provisions relating to the United Nations laissez-passer (Article VII) in such a way as to diminish its value by impeding the movements in and out of the United States of United Nations officials, although they were being sent abroad on official duties and United Nations business. The sub-committee noted, however, that from the point of view of the United States the question regarding the laissez-passer was a matter of administration rather than of legislation and expressed the hope that further discussions on this point might lead to a modification of the views of the United States. On the question of the reservation to Section 18 (b) of the Convention regarding exemption from taxation, the sub-committee expressed the view that this lay within the scope of another committee. However, with regard to Section 18 (c) (Immunity of officials from national service obligations) the sub-committee was of the opinion that if the complete exemption of all officials could not be accepted by the United States it was most desirable that the work of the United Nations should not be hampered by the calling up of officials who were United States nationals. This point was therefore recommended for further discussion between the Secretary-General and the competent officials of the United States.

The sub-committee was, however, of the opinion that none of these three points affected the provisions of the Headquarters Agreement in such a manner that the General Assembly need hesitate to approve it. The sub-committee's report stated that in the improbable event that the United States made other reservations to the General Convention, a new situation would be created which should entitle the United Nations to re-open the matter.

The sub-committee submitted a draft resolution for adoption by the Sixth Committee and the General Assembly to the effect that the Assembly should approve the Headquarters Agreement signed on June 26, 1947, and, that it should authorize the Secretary-General to bring it into force and to perform on behalf of the United

<sup>187</sup>For the text of the Convention, see Yearbook of the United Nations, 1946-47, pp. 100-3.

Nations such acts or functions as might be required by the Agreement.

At its 53rd meeting on October 23 the Sixth Committee unanimously adopted the report of the sub-committee, after having adopted without objection certain U.S.S.R. amendments (A/C.6/174).

The representative of Poland submitted a draft resolution (A/C.6/175) relating to Section 15 of the Headquarters Agreement. This Section provides that principal resident representatives of Members of the United Nations or of specialized agencies are to be entitled in the territory of the United States to the same privileges and immunities as are accorded to diplomatic envoys accredited to the United States. In addition, these privileges are to be accorded to such resident members of the staff of representatives of Members of the United Nations or specialized agencies as may be agreed upon between the Secretary-General (or principal executive officer of the specialized agency), the Government of the United States and the Member Government concerned. The Polish resolution recommended that in reaching an agreement as to the classes of persons on the staff of delegations to be accorded the privileges and immunities in question, the Secretary-General and the appropriate authorities of the United States should use as a guide Section 16 of the General Convention on the Privileges and Immunities of the United Nations. This section provides that the term "representatives" of Members, in connection with Article IV of the Convention, defining privileges and immunities, should be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

As the Polish proposal was in line with a proposal contained in the report of the sub-committee to the effect that the provisions of Section 15 of the Headquarters Agreement should be interpreted liberally, it was unanimously adopted by the Sixth Committee.<sup>188</sup> The representative of Argentina had requested the inclusion in the agenda of the second session of the Assembly of an item concerning the "privileges and immunities within the boundaries of the United States of the representatives of Member States" (A/359) and had submitted a draft resolution (A/378). The Argentine representative later withdrew his resolution as he considered that the Sixth Committee's recommendations in connection with Section 15 of the Headquarters Agreement fulfilled the same purpose, i.e., to ensure adequate privileges and immunities to all members of delegations

below the rank of ambassador or minister plenipotentiary.

At its 101st plenary meeting on October 31 the General Assembly without opposition approved the report of the Sixth Committee (A/427) and adopted the following resolutions (169(II)) recommended by the Committee:

#### A

"The General Assembly,

"Whereas the Secretary-General pursuant to resolution 99 (I)<sup>189</sup> of 14 December 1946 signed with the Secretary of State of the United States of America on 26 June 1947 an Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, and

"Whereas the Secretary-General in accordance with the said resolution has submitted the said Agreement to the General Assembly;

"Having studied the report prepared on this matter by the Sixth Committee,

"Endorses the opinions expressed therein;

"Approves the Agreement signed on 26 June 1947, and

"Authorizes the Secretary-General to bring that Agreement into force in the manner provided in section 28 thereof, and to perform on behalf of the United Nations such acts or functions as may be required by that Agreement.

#### B

"The General Assembly

"Decides to recommend to the Secretary-General and to the appropriate authorities of the United States of America to use section 16 of the General Convention on the Privileges and Immunities of the United Nations<sup>190</sup> as a guide in considering—under sub-sections 2 and the last sentence of section 15 of the above-mentioned Agreement regarding the Headquarters—what classes of persons on the staff of delegations might be included in the lists to be drawn up by agreement between the Secretary-General, the Government of the United States of America and the Government of the Member State concerned."

#### AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

The United Nations and the United States of America, Desiring to conclude an agreement for the purpose of carrying out the resolution adopted by the General Assembly on 14 December 1946<sup>191</sup> to establish the seat of the United Nations in the City of New York and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose:

<sup>188</sup>The Polish resolution originally consisted of two paragraphs. The first paragraph was withdrawn by the Polish delegation. The second paragraph constituted the resolution as adopted.

<sup>189</sup>See Yearbook of the United Nations, 1946-47, pp. 250-51.

<sup>190</sup>See resolution 22(I), *ibid.*, p. 102.

<sup>191</sup>See resolution 100 (I), *ibid.*, p. 275.

The United Nations: Trygve LIE, Secretary-General, and

The United States of America: George C. MARSHALL, Secretary of State,

Who have agreed as follows:

## ARTICLE I

### DEFINITIONS

#### Section 1

In this agreement:

(a) The expression "headquarters district" means:

1. The area defined as such in Annex I;
2. Any other lands or buildings which may from time to time be included therein by supplemental agreement with the appropriate American authorities;

(b) The expression "appropriate American authorities" means such federal, state, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the state and local government involved;

(c) The expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations on 13 February 1946, as acceded to by the United States;

(d) The expression "United Nations" means the international organization established by the Charter of the United Nations, hereinafter referred to as the "Charter";

(e) The expression "Secretary-General" means the Secretary-General of the United Nations.

## ARTICLE II

### THE HEADQUARTERS DISTRICT

#### Section 2

The seat of the United Nations shall be the headquarters district.

#### Section 3

The appropriate American authorities shall take whatever action may be necessary to assure that the United Nations shall not be dispossessed of its property in the headquarters district, except as provided in section 22 in the event that the United Nations ceases to use the same, provided that the United Nations shall reimburse the appropriate American authorities for any costs incurred, after consultation with the United Nations, in liquidating by eminent domain proceedings or otherwise any adverse claims.

#### Section 4

(a) The United Nations may establish and operate in the headquarters district:

1. Its own short-wave sending and receiving radio broadcasting facilities, including emergency link equipment, which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable United States regulations) for radio-telegraph, radio-teletype, radio-telephone, radio-telephoto, and similar services;
2. One point-to-point circuit between the headquarters district and the office of the United Nations in Geneva (using single sideband equipment) to be used exclusively for the exchange of broadcasting programmes and inter-office communications;

3. Low power, micro-wave, low or medium frequencies, facilities for communication within headquarters buildings only, or within such other buildings as may temporarily be used by the United Nations;

4. Facilities for point-to-point communications to the same extent and subject to the same conditions as permitted under applicable rules and regulations for amateur operators in the United States, except that such rules and regulations shall not be applied in a manner inconsistent with the inviolability of the headquarters district provided by section 9 (a);

5. Such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate American authorities.

(b) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government of the United States and the appropriate agencies of other affected Governments with regard to all frequencies and similar matters.

(c) The facilities provided for in this section may, to the extent necessary for efficient operation, be established and operated outside the headquarters district.

The appropriate American authorities will, on request of the United Nations, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the United Nations of appropriate premises for such purposes and the inclusion of such premises in the headquarters district.

#### Section 5

In the event that the United Nations should find it necessary and desirable to establish and operate an aerodrome, the conditions for the location, use and operation of such an aerodrome and the conditions under which there shall be entry into and exit therefrom shall be the subject of a supplemental agreement.

#### Section 6

In the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a supplemental agreement.

## ARTICLE III

### LAWS APPLICABLE AND COMPETENT AUTHORITY IN THE HEADQUARTERS DISTRICT

#### Section 7

(a) The headquarters district shall be under the control and the authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the headquarters district as provided in applicable federal, state and local laws.

(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the headquarters district, shall take into account the regulations enacted by the United Nations under section 8.

## Section 8

The United Nations shall have the power to make regulations, operative within the headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section, shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

## Section 9

(a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary-General.

(b) Without prejudice to the provisions of the General Convention or article IV of this agreement, the United Nations shall prevent the headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state, or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavouring to avoid service of legal process.

## Section 10

The United Nations may expel or exclude persons from the headquarters district for violation of its regulations adopted under section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the appropriate American authorities.

## ARTICLE IV

## COMMUNICATIONS AND TRANSIT

## Section 11

The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of:

1. Representatives of Members or officials of the United Nations, or of specialized agencies as defined in Article 57, paragraph 2, of the Charter, or the families of such representatives or officials;
2. Experts performing missions for the United Nations or for such specialized agencies;
3. Representatives of the Press, or of radio, film or other information agencies, who have been accredited

by the United Nations (or by such a specialized agency) after consultation with the United States;

4. Representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter; or

5. Other persons invited to the headquarters district by the United Nations or by such specialized agency on official business.

The appropriate American authorities shall afford any necessary protection to such persons while in transit to or from the headquarters district. This section does not apply to general interruptions of transportation which are to be dealt with as provided in section 17, and does not impair the effectiveness of generally applicable laws and regulations as to the operation of means of transportation.

## Section 12

The provisions of section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States.

## Section 13

(a) Laws and regulations in force in the United States regarding the entry of aliens shall not be applied in such manner as to interfere with the privileges referred to in section 11. When visas are required for persons referred to in that section, they shall be granted without charge and as promptly as possible.

(b) Laws and regulations in force in the United States regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in section 11 and, specifically, shall not be applied in such manner as to require any such person to leave the United States on account of any activities performed by him in his official capacity. In case of abuse of such privileges of residence by any such person in activities in the United States outside his official capacity, it is understood that the privileges referred to in section 11 shall not be construed to grant him exemption from the laws and regulations of the United States regarding the continued residence of aliens, provided that:

1. No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member (or a member of his family) or with the Secretary-General or the principal executive officer of the appropriate specialized agency in the case of any other person referred to in section 11;

2. A representative of the Member concerned, the Secretary-General or the principal executive officer of the appropriate specialized agency, as the case may be, shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted;

3. Persons who are entitled to diplomatic privileges and immunities under section 15 or under the General Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States.

(c) This section does not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by section 11 come within the classes described in that section, or the reasonable application of quarantine and public health regulations.

(d) Except as provided above in this section and in the General Convention, the United States retains full control and authority over the entry of persons or property into the territory of the United States and the conditions under which persons may remain or reside there.

(e) The Secretary-General shall, at the request of the appropriate American authorities, enter into discussions with such authorities, with a view to making arrangements for registering the arrival and departure of persons who have been granted visas valid only for transit to and from the headquarters district and sojourn therein and in its immediate vicinity.

(f) The United Nations shall, subject to the foregoing provisions of this section, have the exclusive right to authorize or prohibit entry of persons and property into the headquarters district and to prescribe the conditions under which persons may remain or reside there.

#### Section 14

The Secretary-General and the appropriate American authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the United States, and the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters district and do not enjoy the rights referred to in this article.

### ARTICLE V

#### PERMANENT REPRESENTATIVES TO THE UNITED NATIONS

#### Section 15

1. Every person designated by a Member as the principal permanent representative to the United Nations of such Member or as a permanent representative with the rank of ambassador or minister plenipotentiary;

2. Such resident members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States and the Government of the Member concerned;

3. Every person designated by a member of a specialized agency—as defined in Article 57, paragraph 2 of the Charter—as its principal permanent representative, with the rank of ambassador or minister plenipotentiary at the headquarters of such agency in the United States; and

4. Such other principal permanent representatives of members of a specialized agency and such resident members of the staffs of representatives of a specialized agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States and the Government of the Member concerned.

Shall, whether residing inside or outside the headquarters district, be entitled in the territory of the United States to the same privileges and immunities, subject to corresponding conditions and obligations, as it accords to diplomatic envoys accredited to it. In the case of Members whose Governments are not recognized by the United States, such privileges and immunities need be extended to such representatives, or persons on the staffs of such representatives, only within the headquarters district, at their residence and offices if outside the district, in transit between the district and such residences and offices, and in transit on official business to or from foreign countries.

### ARTICLE VI

#### POLICE PROTECTION OF THE HEADQUARTERS DISTRICT

#### Section 16

(a) The appropriate American" authorities shall exer-

cise due diligence to ensure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

(b) If so requested by the Secretary-General, the appropriate American authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters district, and for the removal therefrom of persons as requested under the authority of the United Nations. The United Nations shall, if requested, enter into arrangements with the appropriate American authorities to reimburse them for the reasonable cost of such services.

### ARTICLE VII

#### PUBLIC SERVICES AND PROTECTION OF THE HEADQUARTERS DISTRICT

#### Section 17

(a) The appropriate American authorities will exercise, to the extent requested by the Secretary-General, the powers which they possess to ensure that the headquarters district shall be supplied on equitable terms with the necessary public services, including electricity, water, gas, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, snow removal, et cetera. In case of any interruption or threatened interruption of any such services, the appropriate American authorities will consider the needs of the United Nations as being of equal importance with the similar needs of essential agencies of the Government of the United States, and will take steps accordingly to ensure that the work of the United Nations is not prejudiced.

(b) Special provisions with reference to maintenance of utilities and underground construction are contained in annex 2.

#### Section 18

The appropriate American authorities shall take all reasonable steps to ensure that the amenities of the headquarters district are not prejudiced and the purposes for which the district is required are not obstructed by any use made of the land in the vicinity of the district. The United Nations shall on its part take all reasonable steps to ensure that the amenities of the land in the vicinity of the headquarters district are not prejudiced by any use made of the land in the headquarters district by the United Nations.

#### Section 19

It is agreed that no form of racial or religious discrimination shall be permitted within the headquarters district.

### ARTICLE VIII

#### MATTERS RELATING TO THE OPERATION OF THIS AGREEMENT

#### Section 20

The Secretary-General and the appropriate American authorities shall settle by agreement the channels through which they will communicate regarding the application of the provisions of this agreement and other questions affecting the headquarters district, and may enter into such supplemental agreements as may be necessary to fulfil the purposes of this agreement. In making supplemental agreements with the Secretary-General, the United States shall consult with the appropriate state and local authorities. If the Secretary-General so requests, the Secretary of State of the United States shall appoint a special

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

Section 21

(a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary-General or the United States 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 such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 22

(a) The United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States. If the United States is unwilling to consent it shall buy the land in question from the United Nations at a price to be determined as provided in paragraph (d) of this section.

(b) If the seat of the United Nations is removed from the headquarters district, all right, title and interest of the United Nations in and to real property in the headquarters district or any part of it shall, on request of either the United Nations or the United States, be assigned and conveyed to the United States. In the absence of such a request, the same shall be assigned and conveyed to the subdivision of a state in which it is located or, if such sub-division shall not desire it, then to the state in which it is located. If none of the foregoing desire the same, it may be disposed of as provided in paragraph (a) of this section.

(c) If the United Nations disposes of all or any part of the headquarters district, the provisions of other sections of this agreement which apply to the headquarters district shall immediately cease to apply to the land and buildings so disposed of.

(d) The price to be paid for any conveyance under this section shall, in default of agreement, be the then fair value of the land, buildings and installations, to be determined under the procedure provided in section 21.

Section 23

The seat of the United Nations shall not be removed from the headquarters district unless the United Nations should so decide.

Section 24

This agreement shall cease to be in force if the seat of the United Nations is removed from the territory of the United States, except for such provisions as may be applicable in connexion with the orderly termination of the operations of the United Nations at its seat in the United States and the disposition of its property therein.

Section 25

Wherever this agreement imposes obligations on the

appropriate American authorities, the Government of the United States shall have the ultimate responsibility for the fulfilment of such obligations by the appropriate American authorities.

Section 26

The provisions of this agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this agreement and any provisions of the General Convention 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 agreement shall prevail.

Section 27

This agreement shall be construed in the light of its primary purpose to enable the United Nations at its headquarters in the United States, fully and efficiently, to discharge its responsibilities and fulfil its purposes.

Section 28

This agreement shall be brought into effect by an exchange of notes between the Secretary-General, duly authorized pursuant to a resolution of the General Assembly of the United Nations, and the appropriate executive officer of the United States, duly authorized pursuant to appropriate action of the Congress.

IN WITNESS WHEREOF the respective representatives have signed this agreement and have affixed their seals hereto.

DONE in duplicate, in the English and French languages, both authentic, at Lake Success, this twenty-sixth day of June 1947.

ANNEX 1

The area referred to in section 1, paragraph (a) 1, consists of:

(a) The premises bounded on the east by the westerly side of Franklin D. Roosevelt Drive, on the west by the easterly side of First Avenue, on the north by the southerly side of East Forty-Eighth Street, and on the south by the northerly side of East Forty-Second Street, all as proposed to be widened, in the borough of Manhattan, City and State of New York, and

(b) An easement over Franklin D. Roosevelt Drive, above a lower limiting plane to be fixed for the construction and maintenance of an esplanade, together with the structures thereon and foundations and columns to support the same in locations below such limiting plane, the entire area to be more definitely defined by supplemental agreement between the United Nations and the United States of America.

ANNEX 2

MAINTENANCE OF UTILITIES AND UNDERGROUND CONSTRUCTION

Section 1

The Secretary-General agrees to provide passes to duly authorized employees of the City of New York, the State of New York, or any of their agencies or sub-divisions, for the purpose of enabling them to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters district.

Section 2

Underground constructions may be undertaken by the City of New York, or the State of New York, or any of



their agencies or sub-divisions, within the headquarters district only after consultation with the Secretary-General, and under conditions which shall not disturb the carrying out of the functions of the United Nations.

On November 21, 1947, the Headquarters Agreement entered into effect, upon an exchange of notes between the Secretary-General of the United Nations and Warren R. Austin, the duly authorized representative of the United States.

On December 18, 1947, an interim Headquarters Agreement was signed extending the appropriate provisions of the Headquarters Agreement to the interim headquarters of the United Nations at Lake Success.

Implementation of Section 15 of the Headquarters Agreement, in order to carry out the material application of the diplomatic privileges to the persons concerned, was arranged in a series of negotiations with the United States Department of State, as well as with the State and City authorities of New York. Other negotiations followed in order to implement the Agreement fully.

#### d. REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

On December 14, 1946, the General Assembly had adopted regulations governing the registration, filing, recording and publication of treaties and international agreements in accordance with Article 102 of the Charter (resolution 97(I)).<sup>192</sup>

The Secretary-General submitted a report (A/380) to the second session of the General Assembly concerning the progress made in the registration and publication of treaties and international agreements. This report indicated that up to August 12, 1947, the Secretariat had received 344 treaties or international agreements of which 100 had been registered and 45 had been filed and recorded; 199 treaties and international agreements, including 151 transmitted prior to the adoption of the resolution, the Secretary-General reported, were still the subject of correspondence with the governments concerned with a view to the completion of certain necessary formalities. (According to later figures which the Secretariat presented orally to the Sixth Committee, 418 treaties and international agreements were received by October 20, 1947.)

The Secretariat, the report indicated, had encountered certain difficulties in defining the term "international agreement". It had been decided, however, on the basis of the definition contained in the report of Committee IV/2 of the United

Nations Conference on International Organization,<sup>193</sup> to register *ex officio* the instruments of adherence transmitted to the Secretary-General by new Members of the United Nations and also declarations by states, under Article 36, paragraph 2, of the Statute of the International Court of Justice, accepting the compulsory jurisdiction of the Court.

In conclusion, the Secretary-General's report stated that the establishment of the service for the registration and publication of treaties was now complete. Statements of treaties and international agreements registered or filed and recorded were being published monthly and the first volume of the United Nations treaty series was in the hands of the publisher.

At its 91st plenary meeting on September 23, 1947, the General Assembly referred the Secretary-General's report to the Sixth Committee, which considered it at its 54th meeting on October 29.

A member of the Legal Department of the Secretariat orally amplified the report of the Secretary-General and raised certain additional points. Among other things it was suggested that it would be desirable, in the case of a multilateral agreement, that this should be presented for registration by the government or the authority having the custody of the original document, which should also register all subsequent actions in accordance with Article 2 of the regulations adopted by the General Assembly on December 14, 1946. As regards the registration of subsequent actions, the Secretariat pointed out that the registration of a statement would be sufficient when there was a change in the parties to a registered treaty. When the scope or application of the agreement was modified, however, the document to be registered should not be an ordinary statement, but the actual instrument, for example, the exchange of notes or additional protocol, etc., which had brought about the modification in question.

In connection with the Secretary-General's report the Sixth Committee discussed at some length the nature of the obligation incumbent upon Members under Article 102 of the Charter. The majority of the Committee considered that the obligation in paragraph 1 of this Article was absolute and quite independent of the sanction contained in paragraph 2. Members therefore were under a definite obligation to register all treaties and in-

<sup>192</sup>See Yearbook of the United Nations, 1946-47, pp. 252-54.

<sup>193</sup>The report of Committee IV/2 stated that the term international agreement should include "unilateral engagements of an international character which have been accepted".

ternational agreements. Certain representatives, however, maintained that Article 102 allowed states to exercise their own judgment on the necessity of registration.

A number of representatives stressed the need for a precise definition of the meaning of "treaties and international agreements" and the representative of Colombia proposed the setting up of a sub-committee to establish such a definition. The majority of the Committee, however, considered that it was too early to attempt a precise definition and that experience and precedent would gradually solve the problem.

The representative of the United Kingdom proposed that the General Assembly should recommend Members to be prompt in sending in treaties for registration, while the Chairman suggested that it might be advisable to set a time limit for the registration of treaties. The Committee considered, however, that it was not necessary to adopt a formal recommendation in this connection.

As regards the question whether there existed an obligation to register unilateral commitments, the Committee agreed generally with the point of view adopted by the Secretariat that those commitments might be considered as unilateral engagements of an international character in accordance with the definition of Committee IV/2 of the San Francisco Conference.<sup>194</sup>

The representative of the U.S.S.R. proposed verbally a draft resolution to the effect that the General Assembly should note the Secretary-General's report regarding the registration and publication of treaties and international agreements.

To give expression to the majority view that Article 102 of the Charter imposed a definite obligation, the representative of Egypt proposed an amendment to the effect that the General Assembly should call the attention of Member States to the obligation contained in Article 102 of the Charter.

The Sixth Committee adopted this amendment by a vote of 33 to 0, with 8 abstentions. The resolution as amended was then adopted unanimously.

On the recommendation of the Sixth Committee (A/457) the General Assembly at its 113th plenary meeting on November 14, 1947, adopted, without objection, the following resolution (172(II)):

"The General Assembly

"Takes note of the report of the Secretary-General (document A/380) on the registration and publication of treaties and international agreements, and

"Draws the attention of the States Members to the obligations imposed by Article 102 of the Charter."

#### e. UNITED NATIONS FLAG

The Secretary-General submitted a memorandum (A/342) to the second session of the General Assembly in which he stated that the need for a United Nations flag had already been felt, and would undoubtedly be increasingly felt in the future, in connection with the work of the committees or commissions sent by organs of the United Nations to different parts of the world, for use at headquarters and at United Nations offices and information centres.

The Secretary-General reported that in order that the Commission of Investigation concerning Greek Frontier Incidents might enjoy the protection of and be identified by a neutral symbol while travelling through troubled areas or sitting at meetings under the jurisdiction of several countries, an unofficial flag had been designed by the Secretariat.

This flag was composed of the official emblem of the United Nations, as approved by the General Assembly on December 7, 1946 (resolution 92(I)),<sup>195</sup> centred on a ground of light blue and encircled by the words "United Nations: Nations Unies".

The Secretary-General stated that he felt that the design already used bearing the United Nations emblem but without encircling words possessed the essential requirements of simplicity and dignity for an official United Nations flag and he therefore proposed a draft resolution that the General Assembly should adopt this design as the flag of the United Nations.

At its 91st plenary meeting on September 23 the General Assembly referred this question to the Sixth Committee, which at its 43rd meeting on October 7 unanimously adopted, with a minor change, the draft resolution recommended by the Secretary-General.

On the recommendation of the Sixth Committee (A/414) the General Assembly at its 96th plenary meeting on October 20, 1947, adopted without objection the following resolution (167(II)):

"The General Assembly

"Recognizes that it is desirable to adopt a distinctive flag of the United Nations and to authorize its use and, therefore,

"Resolves that the flag of the United Nations shall be the official emblem adopted by the General Assembly under the terms of its resolution 92 (I) of 7 December 1946, centred on a light blue ground;

<sup>194</sup>See Documents of the United Nations Conference on International Organization, op. cit., Vol. 13, p. 705, doc. 933, IV/2/42 (2).

<sup>195</sup>See Yearbook of the United Nations, 1946-47, pp. 251-52.

"Directs the Secretary-General to draw up regulations concerning the dimensions and proportions of the flag;  
 "Authorizes the Secretary-General to adopt a flag code, having in mind the desirability of a regulated use of the flag and the protection of its dignity."

#### f. UNITED NATIONS DAY

In a memorandum to the second session of the General Assembly (A/343) the Secretary-General stated that the commemoration, on June 26, 1947, of the second anniversary of the signing of the Charter had proved very valuable in promoting understanding of the aims and activities of the United Nations. The Secretary-General therefore proposed that June 26 should be known in the future as "United Nations Charter Day" and should be devoted by Member Governments and the United Nations to reminding the peoples of the world of the purposes of the United Nations and to giving them a report on the progress made towards carrying out these purposes.

In his memorandum the Secretary-General stated further that numerous non-governmental organizations and educational leaders had suggested that, in addition to "United Nations Charter Day", the date of the coming into force of the Charter, namely October 24, should in future be known as "United Nations Peace Day" and be devoted to commemorations of a more general character, the aim of which would be in particular, to build up a better understanding of international relations on the part of students and non-governmental organizations, and of the contribution which each nation can make thereto. The date of October 24 was considered more suitable than June 26 for this particular purpose, because on the latter date the schools in the northern hemisphere are on vacation. The Secretary-General endorsed the proposal of a "United Nations Peace Day" to be observed on October 24.

At its 91st plenary meeting on September 23, 1947, the General Assembly referred this question to the Sixth Committee, which considered it at its 43rd and 44th meetings on October 7 and 8.

At its 44th meeting the Sixth Committee decided unanimously in favor of a single "United Nations Day" instead of a "United Nations Charter Day" and a "United Nations Peace Day" on separate dates. By a vote of 21 to 20 the Committee then decided that "United Nations Day" should be observed on October 24 rather than on June 26.

On the recommendation of the Sixth Committee (A/413) the General Assembly therefore at its 101st plenary meeting on October 31, 1947,

unanimously adopted the following resolution (168(II)):

"The General Assembly

"Declares that 24 October, the anniversary of the coming into force of the Charter of the United Nations, shall henceforth be officially called "United Nations Day" and shall be devoted to making known to the peoples of the world the aims and achievements of the United Nations and to gaining their support for the work of the United Nations;

"Invites Member Governments to co-operate with the United Nations in securing observance of this anniversary."

#### g. PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

##### (1) Establishment of an International Law Commission

By resolution 94(I) of December 11, 1946, the General Assembly, with a view to implementing its obligations under Article 13, paragraph 1a, of the Charter, established a seventeen-member Committee to study the methods by which the General Assembly should encourage the progressive development of international law and its eventual codification.

The Committee, which met at Lake Success from May 12 to June 17, 1947, submitted a report (A/331) to the second session of the General Assembly, recommending the establishment of an International Law Commission of fifteen members to be elected according to a plan based, with some slight modifications, on the method prescribed for the election of the judges of the International Court of Justice, i.e., the members were to be elected jointly by the General Assembly and the Security Council on the basis of a list of candidates nominated by the States Members of the United Nations.

The members of the International Law Commission were to serve on a full-time basis for three-year terms and were to be eligible for re-election if the General Assembly should decide after this initial period that the Commission should be continued.

For convenience of reference the Committee on the Progressive Development of International Law and its Codification divided the tasks of the International Law Commission into:

(a) The "progressive" development of international law, which would involve the drafting of a convention on a subject which had not yet been regulated by international law or in regard to which the law has not yet been highly developed or formulated in the practice of states, and

(b) The "codification" of international law, which would involve the more precise formulation and systematization of the law in areas where there has been extensive state practice, precedent and doctrine.

The Committee recognized, however, that the terms employed were not mutually exclusive, as, for example, in cases where the formulation and systematization of the existing law may lead to the conclusion that some new rule should be suggested for adoption by states.

The majority of the Committee agreed that the Commission should be authorized to consider projects and draft conventions for the progressive development of international law referred to it by the General Assembly as well as by governments, by other organs of the United Nations, by specialized agencies and by those official bodies established by inter-governmental agreement to further the progressive development of international law and its codification. The Committee's report indicated in detail the procedure to be followed by the Commission in preparing draft conventions.

So far as the "codification" of international law was concerned, the Committee recommended that the General Assembly should instruct the International Law Commission to survey the whole field of customary international law with a view of selecting topics for codification. If the International Law Commission found that the codification of 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. These recommendations might be either (a) that no further action be taken, or (b) that the General Assembly adopt all or part of the Commission's report by resolution, or (c) that the General Assembly recommend the draft to states for the conclusion of a convention, or (d) that the General Assembly convoke a special conference to consider the conclusion of a convention.

The Committee also recommended that the Commission should consider means of encouraging the progressive development of international law by improvements in the technique of multipartite instruments in relation to such matters as uniform treaty clauses. The Commission should further consider the utility and importance of encouraging the ratification of and accession to multipartite conventions already concluded. Finally, the Commission should consider ways and means of making the evidences 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.

The Committee agreed that the Commission should be authorized to consult, if need be, any of the organs of the United Nations on any draft or projects, the subject matter of which was relevant to the particular organ, and that the Commission should further be authorized to consult any national or international organization, official or non-official, on any matter entrusted to it, if and when it believed that such a procedure might aid in the attainment of its objectives.

At its 91st plenary meeting on September 23, the General Assembly referred the report of the Committee on the Progressive Development of International Law and its Codification to the Sixth Committee.

In the course of the general debate which took place at the 37th and 38th meetings of the Sixth Committee on September 25 and 26, a number of proposals were submitted.

The representative of the United States submitted a draft resolution (A/C.6/137) for the establishment of an International Law Commission the members of which were to be elected by the General Assembly, if possible at its second session (not by the Assembly and the Security Council jointly), and were to serve on a part-time instead of a full-time basis. In the event of a vacancy occurring in the Commission, the International Court of Justice should appoint a successor for the unexpired term. The Commission was to meet periodically and was to submit an annual report to the General Assembly.

The United States proposal did not define the functions of the Commission in detail but provided that it should determine its own organization and procedures, giving due regard to the recommendations contained in the report of the Committee on the Progressive Development of International Law and its Codification.

The Secretary-General, the United States proposal provided, should make available to the Commission staff and facilities to enable the Commission to perform its functions. It was the sense of the General Assembly, the proposal concluded, that there should be developed within the Secretariat under the functional supervision of the Commission a group of specialists in international law, public and private, who would devote their full time to the consideration of international law, its development and codification, the preparation of interim drafts on specific subjects, and generally to assisting the Commission in the performance of its functions.

The representatives of the United Kingdom (A/C.6/138), the Netherlands (A/C.6/140), Canada (A/C.6/142) and Egypt (A/C.6/144) submitted amendments to the United States draft resolution.

The representative of the U.S.S.R. submitted a proposal (A/C.6/141) to the effect that the General Assembly should postpone the establishment of an International Law Commission. The Committee on the Progressive Development of International Law and its Codification should continue its preliminary work and report to the third session of the General Assembly.

According to a French draft proposal (A/C.6/139), the General Assembly should establish an International Law Commission, consisting of experts nominated by the Members of the United Nations and elected by the General Assembly. The Commission was to meet in sessions. The right of initiating studies to be undertaken by the Commission was to be reserved to the General Assembly. The French draft resolution provided further that the Commission should submit to the third regular session of the General Assembly a draft multilateral convention on the principles recognized by the Charter of the Nürnberg Tribunal and a draft declaration on the Rights and Duties of States. The Commission should also submit a list of other questions which it considered desirable to study. The General Assembly should recommend to the Commission "not to dissociate the progressive development of international law and its codification", and to associate in its work, by means of consultations, national or international bodies well-known for their special competence (such as the Institut de Droit International and the International Law Association).

On the proposal of the Australian representative the Sixth Committee at its 38th meeting on September 26, 1947, decided by a large majority to establish a sub-committee to co-ordinate all the various proposals, resolutions and amendments. The Chairman named the following to be members of the sub-committee: Australia, Brazil, China, Colombia, Dominican Republic, France, Greece, Netherlands, Poland, Sweden, U.S.S.R., United Kingdom, United States and Yugoslavia.

The sub-committee first of all examined the question as to whether the General Assembly should proceed, during its present session, to elect an International Law Commission, as advocated by the Committee on the Progressive Development of International Law and its Codification. Some members of the sub-committee were of the opinion that the statute of the new Commission should be drawn

up without delay and the members elected during the current session of the Assembly. Others, while anxious that the statute of the International Law Commission should be drawn up during the present session of the Assembly, preferred that election of the members of the Commission should be postponed until the next session. A third group of members expressed the opinion that the adoption of the Commission's statute should also be postponed until the next session of the Assembly. After long discussion, the sub-committee decided, by vote of 8 to 7, in favor of election of the members of the International Law Commission during the current session of the General Assembly.

In view of the narrow majority by which this decision was made, the sub-committee instructed its Rapporteur to present an interim report to the Sixth Committee.

The Sixth Committee considered this interim report (A/C.6/150) at its 40th meeting on October 2, 1947. It was decided without a vote that the International Law Commission should be established at the second session of the General Assembly. The Committee then decided by a vote of 33 to 14 that the election of the members of the Commission should be postponed until the third regular session of the General Assembly.

In view of the Sixth Committee's decision, the sub-committee proceeded to prepare a draft resolution and a draft statute for the International Law Commission on the basis of the recommendations contained in the report of the Committee on the Progressive Development of International Law and its Codification. In fifteen meetings the sub-committee undertook a paragraph-by-paragraph examination of the report.

In the main the sub-committee adopted the recommendations of the Committee on the Progressive Development of International Law and its Codification (A/331) but introduced some important changes. The major changes are noted below.

The sub-committee decided that the members of the International Law Commission should not render full-time service, but should meet in sessions. Instead of being elected by the General Assembly and the Security Council by a comparable procedure to that laid down in the Statute of the International Court of Justice for the election of the judges, it was decided that the members of the Commission should be elected by the General Assembly only. The sub-committee also decided that only nationals of States Members of the United Nations should be eligible for election, a limitation not recommended by the Committee on the

Progressive Development of International Law and its Codification.

The Committee had proposed that each Member State may nominate as candidates two of its own nationals and up to eight nationals of other States. The sub-committee reduced the latter figure to two.

Whereas it had been proposed that vacancies in the Commission should be filled by the Security Council from a list of persons nominated by the International Law Commission from the original panel of candidates, the sub-committee decided that the International Law Commission itself should fill any vacancy that might occur.

As regards the procedure to be followed by the International Law Commission, the Committee on the Progressive Development of International Law and its Codification had recommended that in the appointment of rapporteurs and members of sub-committees the Commission should in certain cases be free to go outside its own membership. The sub-committee decided, however, that all rapporteurs and sub-committee members must be appointed from amongst the members of the International Law Commission.

Two of the recommendations of the Committee on the Progressive Development of International Law and its Codification were not taken over by the sub-committee, i.e., that the Commission should consider ways and means of bringing about improvements in the technique of multipartite conventions and of encouraging the ratification of and accession to multipartite conventions already concluded.

The Committee on the Progressive Development of International Law and its Codification had taken the view that the task of the International Law Commission should embrace not only the field of public international law but also the sphere of private international law. The sub-committee, however, decided that the Commission should concern itself primarily with public international law, although it would not be precluded from entering the field of private international law.

The Sixth Committee considered the report of the sub-committee (A/C.6/193), including the draft statute of the International Law Commission, at its 58th meeting on November 20.

The representative of the U.S.S.R. submitted a number of amendments (A/C.6/199) to the draft resolution and to the draft statute of the International Law Commission. Amendments were also submitted by the representatives of the United Kingdom (A/C.6/SR.58) and the United States

(A/C.6/195), and of Norway and the Dominican Republic (A/C.6/SR.58).

The Sixth Committee adopted by a large majority a U.S.S.R. amendment to the third paragraph of the draft resolution<sup>196</sup> to the effect that the membership of the International Law Commission should be representative of the chief forms of civilization and the basic legal systems of the world.

A U.S.S.R. amendment to delete the provision that no two members of the Commission should be nationals of the same state (Article 2, paragraph 2 of the draft statute) was not adopted.

The representative of the United Kingdom proposed the deletion of the provision (Article 3, paragraph 3) that only nationals of Members of the United Nations should be eligible for election. Adopting this amendment by a vote of 19 to 15, with 1 abstention, the Sixth Committee reversed the sub-committee's earlier decision.

The representative of the U.S.S.R. proposed to amend Article 11 of the draft statute so as to provide that vacancies in the International Law Commission should be filled by the President of the General Assembly, who should appoint a new member from the list of candidates used in connection with the election of the original members of the Commission. The Sixth Committee rejected this amendment by a vote of 26 to 6.

A further U.S.S.R. amendment provided that Article 15 of the draft statute should be amended so as to indicate clearly that both the progressive development of international law and its codification should be undertaken by means of multipartite conventions only. The majority of the sub-committee had agreed that other methods, such as the scientific restatement of international law, might be used also in the codification of international law. The Sixth Committee rejected the amendment by a vote of 25 to 9.

The Sixth Committee rejected by a vote of 26 to 6 a U.S.S.R. amendment to delete Article 16, paragraph (e), of the draft statute, which provides that in connection with the progressive development of international law the Commission may consult with scientific institutions and individual experts and that these experts need not necessarily be Members of the United Nations.

The representative of the U.S.S.R. proposed the deletion of Article 17 of the draft statute, which provides that the Commission may consider projects for the progressive development of international law referred to it by Members of the United Nations, the principal organs of the United Na-

<sup>196</sup>See text of the resolution and of the draft statute, pp. 210-13.

tions other than the General Assembly, specialized agencies, or official bodies established by inter-governmental agreement to encourage the progressive development of international law and its codification. The representative of the U.S.S.R., as well as a number of other representatives, considered that the General Assembly should be the only body authorized to assign tasks to the International Law Commission. The Sixth Committee, however, rejected the amendment by a vote of 28 to 8.

The Sixth Committee also rejected by a vote of 28 to 8 a U.S.S.R. amendment to delete Article 18, paragraph 1, of the draft statute, which gives to the International Law Commission the initiative in choosing topics for the codification of international law.

Article 23, paragraph 1(b), of the draft statute provides that when the Commission submits a draft convention and explanatory report relating to the codification of international law to the General Assembly, the Commission may recommend to the General Assembly "to take note of the report by resolution". The representative of the U.S.S.R. proposed the deletion of this paragraph. The representative of the United States, on the other hand, submitted an amendment to Article 23, paragraph 1(b), to the effect that the General Assembly should "take note of, or adopt, the report by resolution". Those supporting the U.S.S.R. amendment expressed the view that the General Assembly was not a legislative body and should neither take note of nor adopt a report of the International Law Commission by resolution. The only proper method for the codification of international law was the conclusion of conventions. In support of the United States amendment it was maintained that even if the General Assembly adopted a report of the International Law Commission it would not thereby transform itself into an international legislative body, as the recommendations of the General Assembly had no binding force. It would be valuable, however, to adopt a report of the International Law Commission by resolution, thus adding the moral prestige of the Assembly to the recommendations of the International Law Commission. The Sixth Committee adopted the United States amendment by a vote of 23 to 10.

Two further U.S.S.R. amendments were rejected by the Sixth Committee. The first of these proposed the deletion of Article 25, paragraph 2, of the draft statute, which provides that all documents of the Commission which are circulated to governments by the Secretary-General should also be circulated to such organs of the United Nations as are concerned, and that such organs may furnish any

information or make any suggestions to the Commission. The second amendment proposed the deletion of Article 26, paragraph 4, of the draft statute, which provides that the advisability of consultation by the Commission with inter-governmental organizations whose task is the codification of international law, such as those of the Pan American Union, is recognized. The representative of the U.S.S.R. considered that to single out the Pan American Union for special mention created for it a privileged position, and thereby violated the principle of equality between nations and between systems of law.

The representative of Norway proposed that in the interest of efficiency the membership of the Commission should be reduced from 15 to 13. This proposal was rejected by a vote of 27 to 6. By a vote of 22 to 9 the Sixth Committee then rejected a proposal of the representative of the Dominican Republic that the membership of the Commission be increased to 17.

After voting on all the amendments which had been proposed, the Sixth Committee by a vote of 35 to 4, with 1 abstention, adopted the draft resolution for the establishment of an International Law Commission and the draft statute of the Commission recommended by the sub-committee.

The General Assembly at its 123rd plenary meeting on November 21, 1947, adopted by a vote of 44 to 0, with 6 abstentions, the following resolution recommended by the Sixth Committee (resolution 174(II)):

"The General Assembly,

"Recognizing the need for giving effect to Article 13, paragraph 1, sub-paragraph a, of the Charter, stipulating that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

"Having studied the report of the Committee directed by resolution 94 (I) of the General Assembly of 11 December 1946 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;

"Recognizing the desirability of establishing a commission composed of persons of recognized competence in international law and representing as a whole the chief forms of civilization and the basic legal systems of the world,

"Resolves to establish an 'International Law Commission', the members of which shall be elected at the third regular session of the General Assembly, and which shall be constituted and shall exercise its functions in accordance with the provisions of the annexed statute."

# STATUTE OF THE INTERNATIONAL LAW COMMISSION

## Article 1

1. The International Law Commission shall have for its object the promotion of the progressive development of international law and its codification.

2. The Commission shall concern itself primarily with public international law, but is not precluded from entering the field of private international law.

## CHAPTER I. ORGANIZATION OF THE INTERNATIONAL LAW COMMISSION

### Article 2

1. The Commission shall consist of fifteen members who shall be persons of recognized competence in international law.

2. No two members of the Commission shall be nationals of the same State.

3. In case of dual nationality a candidate shall be deemed to be a national of the State in which he ordinarily exercises civil and political rights.

### Article 3

The members of the Commission shall be elected by the General Assembly from a list of candidates nominated by the Governments of States Members of the United Nations.

### Article 4

Each Member may nominate for election not more than four candidates, of whom two may be nationals of the nominating State and two nationals of other States.

### Article 5

The names of the candidates shall be submitted in writing by the Governments to the Secretary-General by 1 June of the year in which an election is held, provided that a Government may in exceptional circumstances substitute for a candidate whom it has nominated before 1 June another candidate whom it shall name not later than thirty days before the opening of the General Assembly.

### Article 6

The Secretary-General shall as soon as possible communicate to the Governments of States Members the names submitted, as well as any curricula vitae of candidates that may have been submitted by the nominating Governments.

### Article 7

The Secretary-General shall prepare the list referred to in article 3 above, comprising in alphabetical order the names of all the candidates duly nominated, and shall submit this list to the General Assembly for the purposes of the election.

### Article 8

At the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

### Article 9

1. The fifteen candidates who obtain the greatest number of votes and at least a majority of the votes of the Members present and voting shall be elected.

2. In the event of more than one national of the same State obtaining a sufficient number of votes for election, the one who obtains the greatest number of votes shall be elected, and, if the votes are equally divided, the elder or eldest candidate shall be elected.

### Article 10

The members of the Commission shall be elected for three years. They shall be eligible for re-election.

### Article 11

In the case of a casual vacancy, the Commission itself shall fill the vacancy having due regard to the provisions contained in articles 2 and 8 above.

### Article 12

The Commission shall sit at the headquarters of the United Nations. The Commission shall, however, have the right to hold meetings at other places after consultation with the Secretary-General.

### Article 13

Members of the Commission shall be paid travel expenses and shall also receive a per diem allowance at the same rate as the allowance paid to members of commissions of experts of the Economic and Social Council.

### Article 14

The Secretary-General shall, so far as he is able, make available staff and facilities required by the Commission to fulfil its task.

## CHAPTER II. FUNCTIONS OF THE INTERNATIONAL LAW COMMISSION

### Article 15

In the following articles the expression "progressive development of international law" is used for convenience as meaning the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States. Similarly, the expression "codification of international law" is used for convenience as meaning the more precise formulation and systematization of rules of international law in fields where there already has been extensive state practice, precedent and doctrine.

### A. PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW

#### Article 16

When the General Assembly refers to the Commission a proposal for the progressive development of international law, the Commission shall follow in general a procedure on the following lines:

(a) It shall appoint one of its members to be Rapporteur;

(b) It shall formulate a plan of work;

(c) It shall circulate a questionnaire to the Governments, and shall invite them to supply, within a fixed period of time, data and information relevant to items included in the plan of work;

(d) It may appoint some of its members to work with the Rapporteur on the preparation of drafts pending receipt of replies to this questionnaire;

(e) It may consult with scientific institutions and individual experts; these experts need not necessarily be



nationals of Members of the United Nations. The Secretary-General will provide, when necessary and within the limits of the budget, for the expenses of these consultations of experts;

(f) It shall consider the drafts proposed by the Rapporteur;

(g) When the Commission considers a draft to be satisfactory, it shall request the Secretary-General to issue it as a Commission document. The Secretariat shall give all necessary publicity to this document which shall be accompanied by such explanations and supporting material as the Commission considers appropriate. The publication shall include any information supplied to the Commission in reply to the questionnaire referred to in sub-paragraph (c) above;

(h) The Commission shall invite the Governments to submit their comments on this document within a reasonable time;

(i) The Rapporteur and the members appointed for that purpose shall reconsider the draft, taking into consideration these comments, and shall prepare a final draft and explanatory report which they shall submit for consideration and adoption by the Commission;

(j) The Commission shall submit the draft so adopted with its recommendations through the Secretary-General to the General Assembly.

#### Article 17

1. The Commission shall also consider proposals and draft multilateral conventions submitted by Members of the United Nations, the principal organs of the United Nations other than the General Assembly, specialized agencies, or official bodies established by inter-governmental agreement to encourage the progressive development of international law and its codification, and transmitted to it for that purpose by the Secretary-General.

2. If in such cases the Commission deems it appropriate to proceed with the study of such proposals or drafts, it shall follow in general procedure on the following lines:

(a) The Commission shall formulate a plan of work, and study such proposals or drafts and compare them with any other proposals and drafts on the same subjects;

(b) The Commission shall circulate a questionnaire to all Members of the United Nations and to the organs, specialized agencies and official bodies mentioned above which are concerned with the question, and shall invite them to transmit their comments within a reasonable time;

(c) The Commission shall submit a report and its recommendations to the General Assembly. Before doing so, it may also, if it deems it desirable, make an interim report to the organ or agency which has submitted the proposal or draft;

(d) If the General Assembly should invite the Commission to proceed with its work in accordance with a suggested plan, the procedure outlined in article 16 above shall apply. The questionnaire referred to in paragraph (c) of that article may not, however, be necessary.

### B. CODIFICATION OF INTERNATIONAL LAW

#### Article 18

1. The Commission shall survey the whole field of international law with a view to selecting topics for codification, having in mind existing drafts, whether governmental or not.

2. When the Commission considers that the codification of a particular topic is necessary or desirable, it shall submit its recommendations to the General Assembly.

3. The Commission shall give priority to requests of the General Assembly to deal with any question.

#### Article 19

1. The Commission shall adopt a plan of work appropriate to each case.

2. The Commission shall, through the Secretary-General, address to Governments a detailed request to furnish the texts of laws, decrees, judicial decisions, treaties, diplomatic correspondence and other documents relevant to the topic being studied and which the Commission deems necessary.

#### Article 20

The Commission shall prepare its drafts in the form of articles and shall submit them to the General Assembly together with a commentary containing:

(a) Adequate presentation of precedents and other relevant data, including treaties, judicial decisions and doctrine;

(b) Conclusions relevant to:

(i) The extent of agreement on each point in the practice of States and in doctrine;

(ii) Divergencies and disagreements which exist, as well as arguments invoked in favour of one or another solution.

#### Article 21

1. When the Commission considers a draft to be satisfactory, it shall request the Secretary-General to issue it as a Commission document. The Secretariat shall give all necessary publicity to the document, including such explanations and supporting material as the Commission may consider appropriate. The publication shall include any information supplied to the Commission by Governments in accordance with article 19. The Commission shall decide whether the opinions of any scientific institution or individual expert consulted by the Commission shall be included in the publication.

2. The Commission shall request Governments to submit comments on this document within a reasonable time.

#### Article 22

Taking such comments into consideration, the Commission shall prepare a final draft and explanatory report, which it shall submit with its recommendations through the Secretary-General to the General Assembly.

#### Article 23

1. The Commission may recommend to the General Assembly:

(a) To take no action, the report having already been published;

(b) To take note of or adopt the report by resolution;

(c) To recommend the draft to Members with a view to the conclusion of a convention;

(d) To convoke a conference to conclude a convention.

2. Whenever it deems it desirable, the General Assembly may refer drafts back to the Commission for reconsideration or redrafting.

#### Article 24

The Commission shall consider ways and means for making the evidence of customary international law more

readily available, such as the collection and publication of documents concerning State practice and of the decisions of national and international courts on questions of international law, and shall make a report to the General Assembly on this matter.

### CHAPTER III. CO-OPERATION WITH OTHER BODIES

#### Article 25

1. The Commission may consult, if it considers necessary, with any of the organs of the United Nations on any subject which is within the competence of that organ.

2. All documents of the Commission which are circulated to Governments by the Secretary-General shall also be circulated to such organs of the United Nations as are concerned. Such organs may furnish any information or make any suggestions to the Commission.

#### Article 26

1. The Commission may consult with any international or national organizations, official or non-official, on any subject entrusted to it if it believes that such a procedure might aid it in the performance of its functions.

2. For the purpose of distribution of documents of the Commission, the Secretary-General, after consultation with the Commission, shall draw up a list of national and international organizations concerned with questions of international law. The Secretary-General shall endeavour to include on this list at least one national organization, of each Member of the United Nations.

3. In the application of the provisions of this article, the Commission and the Secretary-General shall comply with the resolutions of the General Assembly and the other principal organs of the United Nations concerning relations with Franco Spain and shall exclude both from consultations and from the list, organizations which have collaborated with the nazis and fascists.

4. The advisability of consultation by the Commission with inter-governmental organizations whose task is the codification of international law, such as those of the Pan-American Union, is recognized.

#### (2) Preparation by the Secretariat of the Work of the International Law Commission

In view of the Sixth Committee's decision to defer the election of the members of the International Law Commission to the third regular session of the General Assembly, the sub-committee discussed whether it was necessary to establish an interim committee to be entrusted with the tasks which would have devolved upon the International Law Commission.

One group of representatives was of the opinion that it was not necessary to establish an interim committee, since any preparatory work necessary for the purposes of the International Law Commission could be done by the Secretariat. An interim committee, it was maintained further, would be composed of government representatives, while the International Law Commission would be composed of experts elected by the General Assembly. In view of the divergent membership of

the two bodies, it would not be possible to ask one of them to prepare the work of the other.

Representatives supporting the establishment of an interim committee stressed the delay that would result if no body were established to prepare the work of the International Law Commission. The postponement of the election of the Commission's members, it was stated, had already caused considerable disappointment in many circles. Failure to establish an interim committee would create an even more unfortunate impression.

The sub-committee by 8 votes to 4 decided in favor of the establishment of an interim committee. By a vote of 10 to 2, the sub-committee then decided that the Committee on the Progressive Development of International Law should be continued as the interim committee.

The Committee's terms of reference would be, in the first place, to prepare a report on the questions which the General Assembly might wish to refer to the International Law Commission. The possibility was discussed of asking the Committee to draw up a general plan of work for the Commission, but this idea was abandoned, as the sub-committee considered that such a plan could best be drawn up by the Commission itself. The sub-committee decided, however, that the Committee on the Progressive Development of International Law and its Codification should be asked to prepare a draft declaration on the rights and duties of states, based on the draft declaration submitted by Panama, and taking into account all other relevant documents and material.

The Sixth Committee considered the sub-committee's recommendations (A/C.6/194) at its 59th meeting on November 20, 1947. The representative of France introduced a proposal (A/C.6/196) that the Secretariat should be asked to do the preparatory work for the International Law Commission. This proposal was supported by the representatives of Belgium, United Kingdom, Netherlands, Australia, Egypt, U.S.S.R., Canada, Greece and India. The representatives of China, Brazil, Venezuela and Panama, on the other hand, expressed themselves in favor of the establishment of an interim body.

By a vote of 25 to 15, the Sixth Committee rejected the report of its sub-committee. It adopted the French proposal, modified by a U.S.S.R. amendment (A/C.6/200), by a vote of 36 to 1.

At its 123rd plenary meeting on November 21, 1947, the General Assembly adopted without objection the resolution recommended by the Sixth Committee (A/506), which follows (resolution, 175(II)):

"The General Assembly,

"Considering that, in accordance with Article 98 of the Charter, the Secretary-General performs all such functions as are entrusted to him by the organs of the United Nations;

"Considering that, in the interval between the first and the second sessions of the General Assembly, the Secretariat of the United Nations contributed to the study of problems concerning the progressive development of international law and its codification,

"Instructs the Secretary-General to do the necessary preparatory work for the beginning of the activity of the International Law Commission, particularly with regard to the questions referred to it by the second session of the General Assembly, such as the draft declaration on the rights and duties of States."

### (3) Teaching of International Law

The representative of Bolivia submitted a draft resolution (A/C.6/178) which provided that the General Assembly should request Member States to take appropriate measures to extend the teaching of international law in the universities and educational institutions of each country and to promote similar teaching regarding the aims, purposes, structure and operation of the United Nations.

The representative of Nicaragua submitted amendments (A/C.6/203) to this resolution to the effect that international law should be taught "in all its phases including its development and codification" and to include a reference to the General Assembly's resolution 137(II) of November 17, 1947, on the teaching of the purposes and principles, the structure and activities of the United Nations in the schools of Member States.<sup>197</sup>

The Sixth Committee at its 59th meeting on November 20, 1947, adopted by a vote of 13 to 0, with 20 abstentions, the Nicaraguan amendment. The draft resolution as amended was adopted by a vote of 23 to 0, with 13 abstentions.

At its 123rd plenary meeting on November 21, the General Assembly adopted by a vote of 48 to 0, with 7 abstentions, the resolution recommended by the Sixth Committee which follows (resolution 176(II)):

"Considering that it is necessary to further the aims of the General Assembly's resolution 94 (I) of 11 December 1946, which initiated the fulfilment of Article 13, paragraph 1, sub-paragraph a, of the Charter, regarding the development of international law and its codification;

"Considering that one of the most effective means of furthering the development of international law consists in promoting public interest in this subject and using the media of education and publicity to familiarize the peoples with the principles and rules that govern international relations;

"Considering that greater knowledge of and fuller information on the aims, purposes and structure of the United Nations constitute another positive method of assisting the development of international law, of which the United Nations is the main instrument,

"The General Assembly

"Resolves to request the Governments of Member States:

"1. To take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in the universities and higher educational institutions of each country that are under government control or over which Governments have some influence, or to initiate such teaching where it is not yet provided;

"2. To promote similar teaching regarding the aims, purposes, structure and operation of the United Nations in conjunction with paragraph 1 above and in accordance with resolution 137 (II) adopted by the General Assembly on 17 November 1947, on the teaching of the purposes and principles, the structure and activities of the United Nations in the schools of Member States;

"3. To give to the Secretary-General the fullest possible co-operation with a view to facilitating the preparatory work on the development of international law and its codification and to support any individual or private effort to these ends undertaken in their countries."

### h. PLANS FOR THE FORMULATION OF THE PRINCIPLES OF THE NUERNBERG CHARTER AND JUDGMENT

By resolution 95(I) of December 11, 1946, the General Assembly directed the Committee on the Progressive Development of International Law and its Codification "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".<sup>198</sup>

The Committee on the Progressive Development of International Law and its Codification submitted a report to the second session of the General Assembly (A/332) which indicated that it had decided by a majority not to undertake the actual formulation of the principles of the Nürnberg Charter, as it considered that this was 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 International Law Commission, the establishment of which the Committee had recommended.<sup>199</sup>

The Committee on the Progressive Development of International Law and its Codification recommended unanimously (A/332) that the International Law Commission should be invited to prepare:

<sup>197</sup>See p. 137.

<sup>198</sup>See Yearbook of the United Nations, 1946-47, p. 254.

<sup>199</sup>See p.210.

"(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. . . ."

The Committee considered that this task would not preclude the International Law Commission 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 recognized in the Charter of the Nürnberg Tribunal, and in its Judgment, as well as the punishment of other international crimes which may be recognized as such by international multipartite conventions, may render desirable the existence of an international judicial authority to exercise jurisdiction over such crimes. Certain members of the Committee did not agree with this decision, considering that the question of establishing an international court fell outside the terms of reference of the Committee.

At its 91st plenary meeting on September 23, 1947, the General Assembly referred the report of the Committee on the Progressive Development of International Law and its Codification to the Sixth Committee, which, after a general discussion at its 39th meeting on September 29, referred it to the sub-committee which had been appointed to consider the question of the establishment of an International Law Commission.

In the sub-committee several representatives expressed the view that the work of formulating the principles of the Nürnberg Charter should be postponed until the trials of war criminals were further advanced. By a majority of 9 votes the sub-committee therefore decided against referring the matter to the interim committee which it had proposed should be established to do the preparatory work for the International Law Commission. The sub-committee decided that the task should be referred to the International Law Commission and drafted a resolution to this effect.

At its 59th meeting on November 20, 1947, the Sixth Committee adopted by vote of 27 to 6 the draft resolution (A/C.6/180/Rev.1) recommended by the sub-committee, subject to a minor amendment introduced by the representative of the United States.

At its 123rd plenary meeting on November 21, the General Assembly adopted by a vote of 42 to

1, with 8 abstentions, the resolution recommended by the Sixth Committee (A/505), the text of which follows (resolution 177(II)):

"The General Assembly

"Decides to entrust the formulation of the principles of international law recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal to the International Law Commission, the members of which will, in accordance with resolution 174 (II), be elected at the next session of the General Assembly, and

"Directs the Commission to

"(a) Formulate the principles of international law recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal, and

"(b) Prepare a draft code of offences against the peace and security of mankind, indicating clearly the place to be accorded to the principles mentioned in sub-paragraph (a) above."

#### i. DRAFT DECLARATION ON THE RIGHTS AND DUTIES OF STATES PROPOSED BY PANAMA

By resolution 38(I) of December 11, 1946, the General Assembly instructed the Secretary-General 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 (A/285) with the request that they should submit their comments and observations to the Secretary-General before June 1, 1947. The General Assembly also referred the Declaration to the Committee on the Progressive Development of International Law and its Codification and requested the Secretary-General to transmit to the Committee any comments and observations on the Declaration which might be received.

The Committee on the Progressive Development of International Law and its Codification submitted to the second session of the General Assembly (A/333) a report on the matter, indicating that the Committee had noted that a very limited number of comments and observations from the Member States of the United Nations (six) and national and international non-governmental bodies (three) had been received on the Declaration on the Rights and Duties of States presented by Panama. The majority of these comments, the Committee reported, recommended postponement of the study of the substance of the questions. The Committee recommended, therefore, that the General Assembly entrust further studies concerning this subject to the International Law Commission the establishment of which the Committee had recommended to the General Assembly. The Commission should, the Committee recommended further, take the Draft Declaration on the Rights and

Duties of States presented by Panama as one of the bases of its study.

At its 91st plenary meeting on September 23 the General Assembly referred the report of the Committee on the Progressive Development of International Law and its Codification to the Sixth Committee, which after a general debate at its 39th meeting on September 29, 1947, referred it to the sub-committee appointed to consider the establishment of an International Law Commission.

After the sub-committee had decided to recommend that the Committee on the Progressive Development of International Law and its Codification should be continued as an interim body, pending the establishment of the International Law Commission, it agreed that this interim committee should begin to consider the matter and should prepare the text of a draft Declaration on the Rights and Duties of States, taking the draft Declaration submitted by Panama as a basis for discussion, and taking into account other documents and drafts on this subject.

The Sixth Committee considered the report of its sub-committee (A/C.6/180/Rev.1) at its 59th meeting on November 20, 1947. In view of the Sixth Committee's rejection of the proposal for the establishment of an interim committee pending the establishment of an International Law Commission, the sub-committee's recommendation concerning the draft Declaration on the Rights and Duties of States had to be altered. The representative of Egypt submitted a draft resolution (A/C.6/197) proposing that the General Assembly should instruct the International Law Commission to prepare a draft Declaration on the Rights and Duties of States, taking the declaration submitted by Panama as one of the bases of its studies. The Assembly should also request the Secretary-General to draw the attention of States Members to the desirability of submitting without delay their comments and observations on the draft Declaration submitted by Panama.

The representative of Panama expressed the view that the draft Declaration submitted by Panama should be given priority over other documents and should serve as the basis of discussion for the International Law Commission and not just as one of the bases of its studies.

To meet the point of view of the representative of Panama the Rapporteur of the Sixth Committee drafted a new resolution, which was adopted by a vote of 39 to 0. A U.S.S.R. amendment to delete any reference to the draft Declaration submitted by Panama was rejected by a vote of 30 to 5.

The General Assembly at its 123rd plenary meeting on November 21, 1947, adopted without objection the draft resolution recommended by the Sixth Committee (A/508), the text of which follows (resolution 178(II)):

"The General Assembly,

"Noting that very few comments and observations on the draft declaration on the rights and duties of States presented by Panama have been received from the States Members of the United Nations,

"Requests the Secretary-General to draw the attention of States to the desirability of submitting their comments and observations without delay;

"Requests the Secretary-General to undertake the necessary preparatory work on the draft declaration on the rights and duties of States according to the terms of resolution 175 (II);

"Resolves to entrust further study of this problem to the International Law Commission, the members of which in accordance with the terms of resolution 174 (II) will be elected at the next session of the General Assembly,

"And accordingly

"Instructs the International Law Commission to prepare a draft declaration on the rights and duties of States, taking as a basis of discussion the draft declaration on the rights and duties of States presented by Panama, and taking into consideration other documents and drafts on this subject."

#### j. DRAFT CONVENTION ON THE CRIME OF GENOCIDE

The General Assembly on December 11, 1946, passed a resolution (96(I)) affirming that genocide was a crime under international law and, inter alia, requesting 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.

At its fourth session, on March 28, 1947, the Economic and Social Council instructed the Secretary-General to submit a draft convention on genocide to the fifth session of the Council. This draft convention was also to be submitted to all Member Governments for their comments (resolution 47(IV)).<sup>200</sup>

At its fifth session the Council decided to transmit to the General Assembly the draft convention (E/447; see also A/362) which the Secretariat had prepared pursuant to the Council's request at its fourth session. The Council took no action on this draft convention in view of the fact that the comments from Governments of Members on this draft were not received in time for consideration at the fifth session of the Council. The Council decided, however, to inform the

<sup>200</sup>See Yearbook of the United Nations, 1946-47, pp. 531-32.

General Assembly that it proposed to proceed as rapidly as possible with the consideration of the question, subject to any further instructions of the General Assembly (resolution 77(V)).<sup>201</sup> Comments which the Secretary-General subsequently received from India and Haiti (A/401), Philippines and Venezuela (A/401/Add.1), United States (A/401/Add.2) and France (A/401/Add.3) were transmitted to the General Assembly.

At its 91st plenary meeting on September 23 the General Assembly referred the matter to the Sixth Committee, which discussed it at its 39th, 40th, 41st and 42nd meetings on September 29 and October 2, 3 and 6.

The representative of the United Kingdom expressed the view that the drafting of a convention on the crime of genocide would be both unrealistic and unwise, as genocide was already a crime under prevailing international law. If a draft convention were drawn up, he stated, it was quite conceivable that not all states would adhere to it and that would cast doubt on an already established matter. If a definition of genocide was to be undertaken, it would be better to do so in conjunction with the formulation of the principles of the Nürnberg Charter and Judgment. The representative of the United Kingdom therefore submitted the following draft resolution (A/C.6/155):

"The General Assembly of the United Nations

"1. Reaffirms its resolution of 11 December 1946 condemning genocide and declares that genocide is an international crime, entailing national and international responsibility on the part of individuals and states;

"2. Invites the attention of all Member States to the principles of the draft convention transmitted by the Economic and Social Council and recommends adherence to these principles in the executive and legislative activities of states;

"3. Refers the draft convention to the International Law Commission in order that the Commission may consider whether a convention on this matter is desirable or necessary and if so to submit a draft convention to the General Assembly."

A number of representatives, including the representatives of Australia, Egypt and the U.S.S.R., supported the point of view of the representative of the United Kingdom concerning the questionable desirability of concluding a convention. The majority of representatives favored a convention but disagreed as to the method to be followed in its preparation.

The representative of the U.S.S.R. submitted a draft resolution (A/C.6/151) stating that in view of the fact that the Economic and Social Council had not examined the substance of the question and that most of the Governments of Member

States had not yet submitted comments on the draft convention prepared by the Secretariat, the conditions for a sufficiently comprehensive examination of this problem did not at present exist. The General Assembly therefore should instruct the Economic and Social Council, after receiving the comments of the Governments of Member States to examine the draft convention on genocide and to report to the third session of the General Assembly.

The representative of Egypt submitted an amendment (A/C.6/159) to the above resolution to the effect that the Assembly should also draw the attention of Members to the urgent necessity of submitting their observations on the draft prepared by the Secretary-General.

The representative of Brazil submitted a proposal (A/C.6/160) suggesting that the General Assembly should direct the Economic and Social Council to prepare a draft convention on genocide for submission to the third session of the General Assembly.

The representative of Venezuela proposed (A/C.6/149) that the General Assembly should continue in existence the Committee on the Progressive Development of International Law and its Codification "in order that this Committee collaborate with the Economic and Social Council in the consideration of the draft convention on the crime of genocide prepared by the Secretariat". The Secretary-General should refer comments on the draft convention received from Governments of Member States both to the Economic and Social Council and to the Committee on the Progressive Development of International Law and its Codification, and should provide the Committee with such assistance as it might require for the fulfilment of its task.

A number of representatives favored the immediate establishment of a sub-committee of the Sixth Committee to study the question of genocide. The representatives of Panama, Cuba and India submitted a joint proposal (A/C.6/SR.42) that the Sixth Committee, considering the urgency of immediately concluding a convention on the crime of genocide, should establish a special sub-committee for the purpose of proceeding with the immediate study of the draft convention submitted by the Secretary-General with a view to its revision. The Sixth Committee should draw the attention of the sub-committee to the necessity of deleting from the draft convention the more controversial issues and of concentrating on measures acceptable to the greatest majority of Member States.

<sup>201</sup> See p.596.

At its 42nd meeting on October 6, the Sixth Committee decided to refer the question of genocide to the sub-committee established to consider matters relating to the progressive development of international law and its codification. By a vote of 25 to 9, the Committee rejected, however, a proposal by the representatives of Cuba, India and Panama that the sub-committee should "consider the substance of the question. The majority of the Sixth Committee agreed that the sub-committee should only consider the procedure to be followed in the preparation of a draft convention.

The sub-committee at two meetings on November 4 and 10 discussed the question as to which body or organ the draft convention on genocide should be referred to. Certain delegations emphasized the sociological aspects of the study to be undertaken and the political nature of the problem, and declared themselves in favor of the Economic and Social Council. Others, stressing the legal nature of the work, suggested reference to the International Law Commission. Some sub-committee members proposed that in order not to delay the matter, the interim body which the sub-committee had recommended to be established, pending the election of the Members of the International Law Commission,<sup>202</sup> should begin to study the question of genocide, the work to be continued, if necessary, by the International Law Commission.

The sub-committee decided by a vote of 8 to 2 to refer the matter to the Economic and Social Council, on the understanding that the Council could, if it wished, request the assistance of the interim Committee on the Progressive Development of International Law and its Codification.

Some sub-committee members considered that the Economic and Social Council should be given complete freedom to decide in favor either of a convention or of any other appropriate method. By a vote of 10 to 2 the sub-committee decided, however, that this question had already been decided by the resolution of the General Assembly of December 11, 1946, which instructed the Economic and Social Council to undertake the necessary studies with a view to the drawing up of a draft convention on genocide. The operative part of the resolution which the sub-committee therefore recommended (A/C.6/190/Rev.1) for adoption by the Sixth Committee read as follows:

"The General Assembly . . .

"Requests the Economic and Social Council to continue the work it has begun concerning the suppression of the crime of genocide, including the study of the draft convention prepared by the Secretariat, and to proceed with

the completion of a convention, with the assistance, if it so desires, of the interim Committee on the Progressive Development of International Law and its Codification;

"Informs the Economic and Social Council that it need not await the receipt of the observations of all Member States before commencing its work;

"Draws the attention of the Member States to the urgency of submitting their observations on the draft convention; and

"Requests the Economic and Social Council to submit a report on this question to the third regular session of the General Assembly."

The Sixth Committee discussed the sub-committee's report (A/C.6/190/Rev.1) at its 59th meeting on November 20. It adopted two amendments to the draft resolution recommended by the sub-committee, one proposed by the representative of the United Kingdom, the other by the representative of the U.S.S.R. The United Kingdom amendment (A/C.6/192) provided for the addition of a paragraph to the preamble of the resolution declaring that genocide is an international crime entailing national and international responsibility on the part of individuals and states.

The U.S.S.R. amendment (A/C.6/201) provided for the substitution of a different text for the operative part of the draft resolution recommended by the sub-committee and was adopted by the Committee, subject to a minor Belgian amendment (A/510), as follows:

"The General Assembly . . .

"Requests the Economic and Social Council:

"(a) to proceed with the studies on the problem of measures of combating the crime of genocide;

"(b) to study therewith the question whether a convention on genocide is desirable and necessary, and if so, whether there should be a separate convention on genocide, or whether the question of genocide should be considered in connection with the drafting of a convention to include the principles of international law recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal;

"(c) to consider, if the conclusion of a separate convention on genocide is deemed necessary, the draft convention on genocide prepared by the Secretariat, after having received comments from most of the Governments of States Members of the United Nations, and to submit a report on the matter to the third regular session of the General Assembly."

The report and draft resolution of the sub-committee as amended were then adopted by a vote of 31 to 0.

The General Assembly considered the report (A/510) of the Sixth Committee at its 123rd plenary meeting on November 21, 1947. The representatives of Cuba, Egypt and Panama submitted a joint amendment (A/512) to the operative part of the resolution recommended by the

<sup>202</sup> See p.213.

Sixth Committee, which followed closely the text of the resolution which the sub-committee had recommended to the Sixth Committee. The General Assembly, the amendment provided, should request the Economic and Social Council to continue the work it had begun concerning the suppression of the crime of genocide, including the study of the draft convention prepared by the Secretariat, and to proceed with the completion of a convention. The Assembly should inform the Council that it need not await the receipt of the observations of all Members before commencing its work and should request the Council to submit a report and the convention on genocide to the third session of the General Assembly.

In the course of the discussion which ensued, the representatives of Panama, Cuba, Egypt, France, United States, Mexico, Dominican Republic and China expressed themselves in favor of the joint amendment, while the representatives of the United Kingdom and the U.S.S.R. supported the resolution recommended by the Sixth Committee.

In favor of the joint amendment it was maintained that the resolution recommended by the Sixth Committee was contrary to the General Assembly's resolution of December 11, 1946, in which the Assembly requested the Economic and Social Council to prepare a draft convention on genocide. The resolution now before the Assembly requested the Council to consider whether such a convention was necessary or desirable, thus reversing the General Assembly's decision of the previous year and undoing all the work so far accomplished in this matter. If the Sixth Committee's resolution were adopted the public would conclude that the United Nations was vacillating in its condemnation of genocide and was not prepared to take effective measures to combat it.

Adoption of the Sixth Committee's resolution, those supporting the joint amendment considered further, would result in unnecessary and undesirable delay. In particular, the provision that the Economic and Social Council should not consider any possible draft convention until it had received the comments from most of the Member Governments, was designed to impede the preparation of a convention, it was stated.

The representative of the United Kingdom, as he had done in the Sixth Committee, again questioned the desirability of concluding a convention. Genocide, he stated, was so closely analogous to the crimes against humanity covered by the Nürnberg Charter that the best thing would be to refer the question of genocide to the International Law Commission so that the Commission might deal

with it in conjunction with the codification of the Nürnberg principles. The representative of the United Kingdom denied that there was anything in the 1946 resolution limiting the General Assembly as to the manner of dealing with this question.

The representative of the U.S.S.R., as well as the representative of the United Kingdom, considered that it was desirable to give a wide latitude to the Economic and Social Council in dealing with the question of genocide. The resolution recommended by the Sixth Committee, these two representatives maintained, did not preclude the drawing up of a convention. On the other hand, the representative of the U.S.S.R. pointed out in particular that the draft convention which the Council had transmitted to the General Assembly had not been drawn up by the Council itself, but by three experts appointed by the Secretariat. As the Council had not had time to study this draft convention carefully, it should not be bound by it.

The representative of China submitted an amendment (A/514) to the joint amendment of Cuba, Egypt and Panama which provided that the Economic and Social Council, in its consideration of a draft convention on genocide, should take into account that the International Law Commission to be established under the General Assembly's resolution of November 21, 1947, had been charged with the formulation of the principles recognized in the Charter of the Nürnberg Tribunal, as well as the preparation of a draft code of offences against peace and security.

The General Assembly adopted the above amendment by a vote of 29 to 15, with 8 abstentions, the Chairman ruling that in the absence of a demand to the contrary decisions of the General Assembly are taken by simple majority.

The joint amendment of the representatives of Cuba, Panama and Egypt as amended by the Chinese amendment was then adopted by a vote of 34 to 15, with 2 abstentions. The resolution of the Sixth Committee (i.e., the preamble) as amended was then adopted by a vote of 38 to 0, with 4 abstentions. Following is the text of the resolution (180(II)) which the General Assembly thus adopted at its 123rd plenary meeting on November 21, 1947:

"The General Assembly,

"Realizing the importance of the problem of combating the international crime of genocide;

"Reaffirming its resolution 96 (I) of 11 December 1946 on the crime of genocide;

"Declaring that genocide is an international crime entailing national and international responsibility on the part of individuals and States;



"Noting that a large majority of the Governments of Members of the United Nations have not yet submitted their observations on the draft convention on the crime of genocide prepared by the Secretariat [E/447] and circulated to those Governments by the Secretary-General on 7 July 1947;

"Considering that the Economic and Social Council has stated in its resolution of 6 August 1947<sup>203</sup> that it proposes to proceed as rapidly as possible with the consideration of the question of genocide, subject to any further instructions which it may receive from the General Assembly,

"Requests the Economic and Social Council to continue the work it has begun concerning the suppression of the crime of genocide, including the study of the draft convention prepared by the Secretariat, and to proceed with the completion of a convention, taking into account that the International Law Commission, which will be set up in due course in accordance with General Assembly resolution 174 (II) of 21 November 1947, has been charged with the formulation of the principles recognized in the Charter of the Nürnberg Tribunal, as well as the preparation of a draft code of offences against peace and security;

"Informs the Economic and Social Council that it need not await the receipt of the observations of all Members before commencing its work, and

"Requests the Economic and Social Council to submit a report and the convention on this question to the third regular session of the General Assembly."<sup>204</sup>

#### k. WAR CRIMINALS

By telegram of August 20, 1947 (A/360), the Minister for Foreign Affairs of Yugoslavia requested the inclusion of the following item in the supplementary list of items for the agenda of the second regular session of the General Assembly:

"Recommendations to be made to ensure the surrender of war criminals, traitors and quislings of the States where their crimes were committed."

At its 90th plenary meeting on September 23, 1947, the General Assembly, on the recommendation of the General Committee, decided to admit the item to its agenda and to refer it to the Sixth (Legal) Committee. This decision was opposed by the representative of Yugoslavia, who had previously urged that the item should be referred to the First (Political and Security) Committee.

The Sixth Committee considered the question at its 46th, 47th, 48th, 49th, 50th and 51st meetings on October 10, 13, 14, 15, 17 and 18. At the 46th meeting the representative of Yugoslavia recalled the General Assembly's resolution 3(I) of February 13, 1946,<sup>205</sup> recommending that Member States should take all necessary measures for the arrest and surrender of war criminals and calling upon non-member states to co-operate to the fullest extent to that end. He also referred to the Agreement of the Council of Foreign Ministers in Moscow of April 23, 1947, which pro-

vided that "any war criminals found in displaced persons camps are to be turned over, under guard, to the Military Command of the countries concerned and upon production of satisfactory evidence that the individuals whose transfer is requested are in fact war criminals". The representative of Yugoslavia asserted that neither the provisions of the Moscow Declaration nor of the General Assembly resolution for the extradition of war criminals to the states where their crimes had been committed had been carried out, due to lack of co-operation on the part of the Allied Control Authorities in ex-enemy territories. Citing many specific cases, the Yugoslav representative charged that the Control Authorities of the United States, the United Kingdom and France had handed over very few war criminals for trial and punishment. In particular none of the Italian war criminals, whose extradition the Yugoslav Government had requested, had been turned over. Furthermore, he charged that in many cases these war criminals were now occupying important posts under the Allied Military Authorities. The representative of Yugoslavia therefore submitted the following draft resolution (A/C.6/163):

"Having considered the practice followed up to now and the existing factual state in the light of the Resolution of the General Assembly of the United Nations of 13 February 1946, concerning the question of extradition and punishment of war criminals,

"Regretting the fact that certain governments of the Member States of the United Nations and certain governments of the States applying for admission into the United Nations Organization do not carry out the recommendations of the Resolution of 13 February 1946,

"Considering that these failures are harmful to the good relations between the nations and to the development of Democracy in the former enemy countries;

"Considering that no requisite bilateral conventions have been concluded between all the United Nations concerned with regard to the extradition of war criminals and quislings, and that the conventions concluded are not being fully implemented;

"The General Assembly Adopts the following resolution:

"1. The General Assembly reaffirms the principles laid down in the Resolution of 13 February 1946, that war criminals have to be arrested and sent back to the countries in which their crimes were committed, in order that they may be judged and punished according to the laws of those countries.

"2. Calls most earnestly upon the Member States of the United Nations and the States applying for admission in the United Nations to take immediately and without delay all necessary measures for the apprehension and immediate extradition of such criminals in their respective territories.

<sup>203</sup> See resolution 77 (V); see also Economic and Social Council, p. 596.

<sup>204</sup> For Council's work on draft convention, see pp. 596-99.

<sup>205</sup> See Yearbook of the United Nations, 1946-47, p. 66.

"3. Calls upon the governments whose military forces are in control of former enemy territories to take all necessary steps for the apprehension and extradition of war criminals in these territories.

"4. Expresses its firm belief that it is in the interest of good relations between nations and in the interest of international co-operation that States which for some reason are not members of the United Nations also take action on the Resolution quoted.

"5. Calls upon all the governments to proceed immediately against any war criminal who may be traced in one way or another on their territories according to the above paragraphs.

"6. Calls upon the Member States to conclude bilateral conventions for the extradition of war criminals and quislings and to implement such conventions scrupulously.

"7. Calls upon the Secretary-General to request all the governments, Member States of the United Nations to give him information about the implementation of this recommendation and to make a report about the answers received to the Third Regular Session of the General Assembly."

The representatives of the Byelorussian S.S.R., the Ukrainian S.S.R., Czechoslovakia, Poland, the U.S.S.R. and Ethiopia supported the Yugoslav resolution. The representative of the U.S.S.R. widened the debate by raising the question of conditions in displaced persons camps. He reminded the Committee of that part of resolution 62(1) on refugees adopted by the General Assembly of December 15, 1946,<sup>206</sup> which called for the screening of war criminals among displaced persons and refugees. The presence of war criminals and quislings in the camps, he asserted, prevented the elimination of all obstacles to the early repatriation of displaced persons. The Allied Authorities administering the camps, the representative of the U.S.S.R. charged, had ignored the resolution cited, and persons in those camps were subject to deliberate efforts at misinformation and terrorization, while war criminals were permitted to carry on criminal propaganda activities. The representative of the U.S.S.R. therefore submitted an amendment (A/C.6/170) to the Yugoslav resolution calling for reorganization of the administration of displaced persons camps with a view to facilitating the repatriation of displaced persons.

The representatives of the United States, the United Kingdom and France denied the Yugoslav and U.S.S.R. charges and objected to the blame implied by the Yugoslav resolution and the U.S.S.R. amendment. They recalled the steps taken by their Governments in the prosecution of war criminals, referring particularly to the Nürnberg trials, and declared their firm intention to continue the prosecution of war criminals. At the same time, however, they insisted that mere allegations were

not sufficient to justify extradition. The identity and guilt of the persons sought should be adequately established *prima facie*. The Allied Authorities would not surrender persons sought by the governments of their countries of origin if these persons were bona fide political dissidents as distinguished from war criminals, quislings and traitors. The representatives of Australia, Colombia, Cuba, Norway and Sweden supported this view. The representatives of Cuba and Colombia maintained that only the International Court of Justice or a court of arbitration—but not the Sixth Committee of the General Assembly—was competent to judge whether the General Assembly's resolution 3(1) of February 13, 1946, had been violated.

Efforts by the Rapporteur of the Sixth Committee between the 49th and 50th meetings to conciliate the opposing points of view failed, the Rapporteur stated, because the representatives of Yugoslavia and the U.S.S.R. were unwilling to withdraw the draft resolution (A/C.6/163), and amendment (A/C.6/170). At the 50th meeting of the Committee the representative of the United Kingdom therefore submitted a substitute proposal (A/C.6/171). The British draft resolution provided that the General Assembly, "noting the progress made in the extradition and punishment after due trial of many of the war criminals referred to in its resolution adopted on February 13, 1946," should reaffirm that resolution as well as its resolution 8(I) on the subject of refugees of February 12, 1946, and in particular paragraph c (ii) thereof.<sup>207</sup> (The paragraph in question provides that refugees and displaced persons shall not be repatriated if they express valid objections to returning to their countries of origin, but shall then become the concern of whatever international organization is set up to deal with the question.)

The General Assembly, the draft resolution provided further, should recommend Members of the United Nations to continue with unabated energy to carry out their responsibilities for the surrender and trial of war criminals, while Members desiring the surrender of alleged war criminals and quislings should request this surrender as soon as possible and support their request with the fullest and most particular evidence possible. Members requested to surrender war criminals should be reminded that, before doing so, they should be satisfied that a reasonable *prima facie* case existed of the identity and the guilt of the persons sought. Finally the General Assembly

<sup>206</sup> *Ibid.*, p. 170.

<sup>207</sup> *Ibid.*, p. 74.

should reassert that trials of war criminals and quislings, like all other trials, should be governed by the principles of justice, law and evidence.

The representatives of Colombia, Costa Rica, Iran, Egypt, Denmark, Norway, Dominican Republic, Bolivia, United States, Australia, Turkey and Argentina supported the United Kingdom resolution. A number of these representatives, however, gave their support subject to the reservation that the paragraph providing that the General Assembly note the progress which had been accomplished in the prosecution of war criminals be omitted. If the General Assembly, as had been maintained by those opposing the Yugoslav resolution, was not competent to judge whether certain Members had failed to fulfil their obligations under the resolution of February 13, 1946, then it was equally unable to judge whether there had been progress made in the matter, these representatives asserted.

At its 51st meeting on October 18, 1946, the Sixth Committee rejected the Yugoslav resolution as a whole by a vote of 35 to 7, with 8 abstentions, although on a paragraph by paragraph vote the first paragraph of the resolution reaffirming the Assembly's resolution of February 13, 1946, had been adopted by a vote of 12 to 10, with 27 abstentions. The Sixth Committee then adopted a number of amendments to the United Kingdom resolution (A/C.6/171) proposed by the representatives of Poland and Denmark (A/C.6/173). The representative of the United Kingdom himself reworded the first paragraph of the resolution to meet the objection voiced by several representatives.

The United Kingdom draft resolution as amended was then adopted by a vote of 35 to 7, with 5 abstentions.

The General Assembly considered the Sixth Committee's Report (A/425) at its 101st and 102nd plenary meetings on October 31, 1947.

The representative of Yugoslavia reintroduced the draft resolution which the Sixth Committee had rejected (A/441). In the course of the Assembly discussion that ensued the representatives of Yugoslavia, the U.S.S.R., the Byelorussian S.S.R., the Ukrainian S.S.R. and Poland expressed opposition to the resolution recommended by the Sixth Committee, on the ground that it sought to justify and to confirm the present unsatisfactory state of affairs as regards the extradition of war criminals; more than that, the resolution was designed to create new obstacles to the surrender of war criminals, since it gave the United States and United Kingdom authorities the right to refuse

to surrender war criminals under the pretext that there was insufficient prima facie evidence of their guilt.

The representatives of the United Kingdom, the United States, El Salvador, Colombia and Egypt on the other hand urged the adoption of the resolution recommended by the Sixth Committee. This resolution was finally adopted by the General Assembly by a vote of 42 to 7, with 6 abstentions. The General Assembly then rejected the Yugoslav resolution by a vote of 40 to 7, with 6 abstentions. Following is the text of the resolution (170(II)) adopted by the General Assembly:

"The General Assembly,

"Noting what has so far been done in the matter of the surrender and punishment, after due trial, of the war criminals referred to in its resolution adopted on 13 February 1946,

"Reaffirms the aforementioned resolution;

"Reaffirms also its resolutions on the subject of refugees adopted on 12 February 1946 and on 15 December 1946,

"Recommends Members of the United Nations to continue with unabated energy to carry out their responsibilities as regards the surrender and trial of war criminals;

"Recommends Members of the United Nations, which desire the surrender of alleged war criminals or traitors (that is to say nationals of any State accused of having violated their national law by treason or active collaboration with the enemy during the war) by other Members in whose jurisdiction they are believed to be, to request such surrender as soon as possible and to support their request with sufficient evidence to establish that a reasonable prima facie case exists as to identity and guilt, and

"Reasserts that trials of war criminals and traitors, like all other trials, should be governed by the principles of justice, law and evidence."

## 8. Headquarters of the United Nations

The General Assembly, during the second part of its first session, on December 14, 1946 (resolution 100(I)),<sup>208</sup> decided to locate the permanent headquarters of the United Nations in New York City and to accept a gift of \$8,500,000 from John D. Rockefeller, Jr., for the purchase of the site bounded by First Avenue, East 48th Street, the East River and East 42nd Street. The Secretary-General was requested to report to the Members on or before July 1, 1947, on plans, requirements and costs relating to the headquarters. A Headquarters Advisory Committee was set up to advise the Secretary-General. The Secretary-General, with the advice of the Committee, and the

<sup>208</sup> Ibid., p.275

New York City authorities shortly thereafter reached a general understanding regarding the developments which the City and the United Nations would carry out both inside and around the site.

On February 26, 1947, the President of the United States signed a bill providing for the exemption of the Rockefeller gift from the federal gift tax. The next day the Governor of New York signed a series of bills, drafted according to the recommendations of the United Nations, authorizing the Governor to cede jurisdiction over any land required by the organization to carry out its functions, exempting the United Nations property from taxation, authorizing the City of New York to purchase or condemn any property necessary for the headquarters and to regulate advertising devices and amusement enterprises in the areas near the site, and making it a criminal offence for any person to possess or use an identification card issued to another person by the United Nations.

On March 25, 1947, the United Nations received the Rockefeller gift and on April 13 the Secretary-General accepted formally, in a public ceremony, the contributions of the City of New York. The City's gift included, among other concessions, the transfer of several plots of land and exclusive rights to the waterfront between 42nd and 48th Streets. Later, in August, the City transferred the New York City Housing Authority Building on the site to the United Nations on lease-purchase. This seven-story building has been in use, since September 1947, as the Manhattan headquarters of the United Nations, housing certain offices of delegations and of the Secretariat.

On January 6, 1947, the Advisory Committee established a Headquarters Planning Office, with an international administrative and technical staff under a Director of Planning (Wallace K. Harrison). A Board of Design Consultants, set up under the leadership of the Director of Planning, drew up the basic design for the permanent headquarters. The Board was composed of the following prominent architects and engineers from different parts of the world, chosen by the Advisory Committee, upon the recommendation of the Director, from lists of names submitted by twenty-nine Member nations:

G. A. Soilleux (Australia)  
Gaston Brunfaut (Belgium)  
Oscar Niemeyer (Brazil)  
Ernest Cormier (Canada)  
Ssu-ch'eng Liang (China)  
Charles Le Corbusier (France)

Sven Markelius (Sweden)  
Nikolai D. Bassov (U.S.S.R.)  
Howard Robertson (U.K.)  
Julio Vilamajo (Uruguay)

A Contract Committee was established to advise the Secretary-General on contracts for the construction of buildings. The Committee included:

George E. Spargo, Chairman (United States)  
General Manager, Triborough Bridge and Tunnel Authority  
John Reed Kilpatrick (United States)  
President, Madison Square Garden Corporation  
Otto L. Nelson (United States)  
Vice-President, New York Life Insurance Company

The plan developed by the Board of Design Consultants was composed of the following main elements: a General Assembly hall, a Secretariat office building, a conference area for Council chambers and committee rooms, and underground garages, with appropriate landscaping of the entire site. The cost of construction was first estimated approximately at \$84,831,450. However, in view of the prevailing world economic conditions, the cost was considered to be somewhat higher than justified. Estimates of space requirements were revised to provide for the more immediate needs of the organization rather than ultimate requirements, and the plans were readjusted to bring the estimated cost to about \$65,000,000.

The Headquarters Advisory Committee considered various plans for financing the buildings—contributions from Members, loans from one or more governments, private loans or a combination of the three. Finally, it came to the conclusion that a loan from one or more of the Member Governments offered the only feasible solution of the problem.

In accordance with the resolution of December 14, 1946, the Secretary-General reported to the second regular session of the General Assembly on plans for the permanent headquarters (A/311 and Add.1, Add.2, Add.3). The first part of the report, submitted in July, contained the original plans for a 45-story Secretariat building to house an ultimate personnel of 5,300, a General Assembly hall with a seating capacity of 3,250, three Council chambers, five conference rooms, twelve large committee rooms, a library building and various other items, such as underground garages, communications equipment and site improvements.

The location and size of the East River site dictated the choice of vertical construction. Construction was planned to proceed in three stages: first, the construction of the Secretariat building, Council chambers, conference rooms and com-

mittee rooms in place of the facilities provided at Lake Success and Manhattan; second, the construction of facilities to take care of all the functions performed at the temporary meeting hall of the General Assembly in Flushing Meadow; and finally, the provision of accommodation to permanent delegations and those specialized agencies which wished to establish their headquarters or liaison offices on the site.

In an additional report submitted in September (A/311/Add.1) the Secretary-General outlined revised plans to reduce the estimated cost to \$65,000,000. The plans for the Secretariat building were altered to provide for a 40-story building accommodating 4,400 employees. Office space for the staff was reduced to minimum acceptable standards. The seating capacity of the General Assembly hall was reduced to 2,300. The estimates of the size of the Council chambers and conference rooms were also lowered. Six large committee rooms and twelve small ones were recommended instead of twelve large and six small rooms. A separate library building was eliminated and provision was made for the library in the Secretariat building to the extent of 50,000 square feet of gross area. The estimates of the size of lobbies, lounges, access galleries and general circulation areas for the press, public and delegates were reduced. Prospective design studies (A/311/Add.2) and plans for the revised scheme (A/311/Add.3) were presented to the Assembly.

The Secretary-General also submitted for Assembly approval a draft agreement with the United States (A/371) regarding the headquarters of the United Nations, which he had negotiated under the authorization of the resolution of December 14, 1946.

The General Assembly forwarded the draft agreement to the Sixth Committee<sup>209</sup> and set up a sixteen-member ad hoc Committee on Headquarters, with the same Member States as were in the Headquarters Advisory Committee,<sup>210</sup> to consider the Secretary-General's report on the headquarters. The Committee elected Warren R. Austin (United States) as Chairman, Finn Moe (Norway) as Vice-Chairman and Alexis Kyrrou (Greece) as Rapporteur.

Meanwhile, on October 29, 1947, the representative of the United States informed the Secretary-General (A/AC.15/7) that his Government would be prepared to enter into negotiations with a view to concluding a loan agreement whereby an interest-free United States Government loan for an amount not exceeding \$65,000,000 would be made available for the purpose of financing the

cost of constructing the United Nations headquarters, and that the President of the United States would be willing to request the Congress of the United States to grant its approval, which would be required for such a loan.

The ad hoc Committee on Headquarters accepted in principle the architectural and engineering plans submitted by the Secretary-General and recommended to the General Assembly that the Secretary-General be authorized to enter into negotiations with the United States Government to conclude, on behalf of the United Nations, a loan agreement for \$65,000,000 and to proceed with the construction of the permanent headquarters when the loan was received. A proposal of the delegation of Belgium (A/AC.15/5) providing for a separate building for the United Nations Library was rejected, the sense of the Committee being that the necessary library space was provided within the Secretariat building and space was also left in the plans for the future construction of a separate building. The representative of Argentina submitted a proposal for private contributions to assist in the construction of the headquarters, but the Committee recommended postponement of consideration of the proposal for a year in view of the fact that an appeal for contributions might conflict with the United Nations Appeal for Children scheduled to be launched in February 1948. The Committee also recommended that the Secretary-General be authorized to spend an amount not exceeding \$1,000,000 from the Working Capital Fund to continue planning work and the preparation of detailed drawings and specifications. The report of the ad hoc Committee (A/485) was discussed by the General Assembly on November 20, 1947. The Assembly unanimously adopted the draft resolution recommended by the Committee, as follows (182(II) ):

"The General Assembly,

"Desiring to proceed as rapidly as possible with the construction of the permanent headquarters, in accordance with the decision taken under resolution 100 (I) of 14 December 1946, in order that a major part of the project may be completed and ready for use by the fourth regular session of the General Assembly;

"Noting with satisfaction the letter dated 29 October 1947 from the representative of the United States to the Secretary-General (document A/AC. 15/7), stating that the Government of the United States would be prepared to enter into negotiations with the Secretary-General with a view to concluding a loan agreement whereby an interest-free United States Government loan for an amount

<sup>209</sup> See pp. 197-204.

<sup>210</sup> The membership of the Headquarters Advisory Committee referred to, i.e., that set up by resolution 100(I), was maintained in the committee established by resolution 182(II); see below.

not exceeding \$65,000,000 would be made available for the purpose of financing the cost of constructing the United Nations headquarters, and that the President of the United States would be willing to request the Congress of the United States to grant its approval, which would be required for such a loan,

"1. Approves the general plan and design set forth in the report by the Secretary-General on the permanent headquarters of the United Nations (document A/311) as revised in the further report by the Secretary-General (documents A/311/Add.1/Rev.1, A/311/Add.2 and Add.3).

"2. Authorizes the Secretary-General:

"(a) To negotiate and conclude, on behalf of the United Nations, a loan agreement with the Government of the United States of America, for an interest-free loan which would require approval by the Congress of the United States, in an amount not to exceed \$65,000,000 to provide for the payment of the costs of construction and other purposes provided for in paragraph 3 of this resolution. Such loan should be for a term of not less than thirty years and should be repayable in annual installments from the ordinary budget of the United Nations, the first installment to be payable out of the budget for the year 1951;

"(b) To receive and expend, or direct the expenditure of, the sum borrowed in accordance with the foregoing authorization for the purposes set forth in paragraph 3 of this resolution;

"(c) With the consent of the Advisory Committee on Administrative and Budgetary Questions, to obligate or expend sums from the Working Capital Fund not exceeding \$1,000,000, in order to continue detailed architectural and engineering planning and research, and to meet commitments for other necessary arrangements in preparation for the construction and other work provided for in paragraph 3 of this resolution;

"3. Further authorizes the Secretary-General, after the conclusion of the loan agreement authorized in paragraph 2 of this resolution and approval of the proposed loan by the Congress of the United States of America:

"(a) To proceed with the construction and furnishing of the General Assembly building, conference area and Secretariat building, together with the necessary landscaping, underground construction and other appropriate improvements to the land and approaches;

"(b) To enter into contracts for the construction, furnishings and other work referred to in paragraph 3 (a) hereof, and to make expenditures to an amount not exceeding \$65,000,000 for these purposes and for related purposes as set forth in document A/311/Add.1/Rev.1.

"4. Further authorizes the Secretary-General,

"(a) While adhering to the general plan and design referred to in paragraph 1 hereof, to make such modifications in the plans, design, building, furnishings, landscaping, underground construction and other improvements, as he finds necessary or desirable, provided that such modifications shall not increase the total cost beyond the sum provided for in paragraph

"(b) To enter into appropriate arrangements with the United States Government, the State of New York, and the City of New York, with regard to easements, public services, sub-surface facilities, the approaches to the site, the vehicular traffic, water front and pier rights, and similar matters.

"5. In carrying out his responsibilities as set forth in this resolution, the Secretary-General shall be assisted by 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.

"6. Requests the Secretary-General to report to the third regular session of the General Assembly on the execution of this resolution."

In accordance with this General Assembly resolution of November 20, 1947, the Secretary-General entered into negotiations with the United States Government for a loan to finance the cost of construction of the permanent headquarters of the United Nations and submitted a draft loan agreement to the Headquarters Advisory Committee on February 25, 1948. With the approval of the Committee, further negotiations were held and the agreement was signed on March 23 by the Secretary-General and the United States representative, Warren R. Austin. The agreement provides for the repayment of the loan without interest over a period of 31 years—from July 1, 1951, to July 1, 1982—in annual installments ranging from \$1,000,000 to \$2,500,000. The text of the agreement (A/627) follows:

"It is hereby agreed by the Government of the United States of America and the United Nations as follows:

"1. Subject to the terms and conditions of this Agreement, the Government of the United States will lend to the United Nations a sum not to exceed in the aggregate \$65,000,000. Such sum shall be expended only as authorized by the United Nations for the construction and furnishing of the permanent headquarters of the United Nations in its headquarters district in the City of New York, as defined in the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, signed at Lake Success, New York, on 26 June 1947, including the necessary architectural and engineering work, landscaping, underground construction and other appropriate improvements to the land and approaches, and for other related purposes and expenses incident thereto.

"2. Such sum, or parts thereof, will be advanced by the United States, through the Secretary of State, to the United Nations upon request of the Secretary-General or other duly authorized officer of the United Nations and upon the certification of the architect or engineer in charge of construction, countersigned by the Secretary-General or other duly authorized officer, that the amount requested is required to cover payments for the purposes set forth in paragraph 1 above which either

(a) Have been at any time made by the United Nations, or

(b) Are due and payable, or

(c) It is estimated will become due and payable within sixty days from the date of such request.

All sums not used by the United Nations for the purposes set forth in paragraph 1 will be returned to the Secretary of State of the United States when no longer required for said purposes. No amounts will be advanced here-

under after 1 July 1951, or such later date, not after 1 July 1955, as may be agreed to by the Secretary of State.

"3. All sums advanced hereunder will be receipted for on behalf of the United Nations by the Secretary-General or other duly authorized officer of the United Nations.

"4. The United Nations will repay, without interest, to the United States the principal amount of all sums advanced hereunder, in annual payments beginning on 1 July 1951, and on the dates and in the amounts indicated, until the entire amount advanced under this Agreement has been repaid as follows:

Date	Amount	Date	Amount
1 July 1951	\$1,000,000	1 July 1967	\$2,500,000
1 July 1952	1,000,000	1 July 1968	2,500,000
1 July 1953	1,500,000	1 July 1969	2,500,000
1 July 1954	1,500,000	1 July 1970	2,500,000
1 July 1955	2,000,000	1 July 1971	2,500,000
1 July 1956	2,000,000	1 July 1972	2,500,000
1 July 1957	2,000,000	1 July 1973	2,500,000
1 July 1958	2,000,000	1 July 1974	2,500,000
1 July 1959	2,000,000	1 July 1975	2,500,000
1 July 1960	2,500,000	1 July 1976	1,500,000
1 July 1961	2,500,000	1 July 1977	1,500,000
1 July 1962	2,500,000	1 July 1978	1,500,000
1 July 1963	2,500,000	1 July 1979	1,500,000
1 July 1964	2,500,000	1 July 1980	1,500,000
1 July 1965	2,500,000	1 July 1981	1,500,000
1 July 1966	2,500,000	1 July 1982	1,000,000

However, in the event the United Nations does not request the entire sum of \$65,000,000 available to it under this Agreement, the amount to be repaid under this paragraph will not exceed the aggregate amount advanced by the United States. All amounts payable to the United States under this paragraph will be paid out of the ordinary budget of the United Nations, to the Secretary of State of the United States in currency of the United States which is legal tender for public debts on the date such payments are made. All sums repaid to the United States will be receipted for on behalf of the United States by the Secretary of State.

"5. The United Nations may at any time make repayments to the United States of funds advanced hereunder in excess of the annual instalments as provided in paragraph 4 hereof.

"6. The United Nations agrees that, in order to give full effect to section 22 (a) of the Agreement regarding the Headquarters of the United Nations referred to in paragraph 1 above (under which the United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States), it will not, without the consent of the United States, while any of the indebtedness incurred hereunder is outstanding and unpaid, create any mortgage, lien or other encumbrance on or against any of its real property in the headquarters district as defined in said Agreement. The United Nations also agrees that the United States, as a condition to giving its consent to any such disposition or encumbrance, may require the simultaneous repayment of the balance of all instalments remaining unpaid hereunder.

"7. The effective date of this Agreement shall be the date on which the Government of the United States notifies the United Nations that the Congress of the United States, with the approval of the President, has made available the funds necessary to be advanced in accordance with the provisions of this Agreement.

"In Witness Whereof, the Government of the United States of America, acting by and through the Secretary of State, and the United Nations, acting by and through the Secretary-General, have respectively caused this Agreement to be duly signed in duplicate at Lake Success, New York, on this twenty-third day of March 1948.

"FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

(Signed) Warren R. AUSTIN  
United States Representative to the  
United Nations

"FOR THE UNITED NATIONS:

(Signed) Trygve LIE  
Secretary-General"

The Secretary-General was notified by the United States delegation that the Loan Agreement, approved by the Congress of the United States of America, was signed by the President of the United States on August 11, 1948. A sum of \$25,000,000 was placed at the disposal of the United Nations for initial construction purposes. It was expected that a further Appropriation Act would be considered by Congress at its forthcoming regular session.

Early in 1948, the Headquarters Planning Office began the preparation of detailed construction plans and undertook research studies in the most advanced techniques of construction. Cost estimates were frequently rechecked and several minor readjustments in the plans were made, after discussion with the Headquarters Advisory Committee, to offset the rise in prices since September 1947, and to ensure that the cost of the project would not exceed \$65,000,000.

The Secretary-General reported to the third session of the General Assembly (A/627) that the site had been cleared, and that former tenants had been relocated and demolition work on the site was completed. Residential tenants had been removed to an apartment building which was rehabilitated for this purpose, with the assistance of the City of New York, while industrial and commercial tenants who were on the site had all arranged for new locations.

On August 19, the Headquarters Advisory Committee discussed construction proposals made by the Special Committee of Contract Advisors. With the advice of the Headquarters Committee the Secretary-General decided to negotiate with outstanding large construction firms in the New York area, and to conclude one principal construction contract (with a group of large construction firms) for the completion of all the major units of the project; and to let, as soon as possible by public bidding, a separate contract for excavation work and to begin excavating in September.

The Secretary-General also reported that the City of New York had taken official action to begin its public improvement work on streets and areas surrounding the site, and that a program had been agreed upon which would integrate the building operations of the United Nations within the site with those of the City of New York outside the site.

The United Nations awarded to the Slattery Contracting Company, of New York, the contract for excavation. Excavating work was begun on September 14, 1948.

## 9. The Question of Palestine

### a. ORGANIZATION OF THE ad hoc COMMITTEE ON THE PALESTINIAN QUESTION

#### (1) Establishment and Terms of Reference of the ad hoc Committee

During its second session, the General Assembly, at its 90th meeting on September 23, 1947, established an ad hoc Committee on the Palestinian Question, composed of all Members, and referred to it the following agenda items for consideration and report:

"Question of Palestine": item proposed by the United Kingdom (A/286).

Report of the United Nations Special Committee on Palestine ("UNSCOP") (A/364).

"Termination of the Mandate over Palestine and the Recognition of its Independence as One State": item proposed by Saudi Arabia (A/317) and Iraq (A/328).

#### (2) Organization of the ad hoc Committee

At its first meeting on September 25, 1947, the Committee elected H. V. Evatt (Australia) Chairman, Prince Subha Svasti Svastivat (Siam) Vice-Chairman and Thor Thors (Iceland) Rapporteur. It also decided to invite the Arab Higher Committee and the Jewish Agency for Palestine to be represented at its deliberations in order to supply such information or render such assistance as the Committee might require. The invitation was accepted, and representatives of both organizations attended all meetings of the ad hoc Committee.

### b. SUMMARY OF AGENDA OF THE ad hoc COMMITTEE

#### (1) Question of Palestine

The representative of the United Kingdom, in a letter to the Secretary-General dated April 2, 1947, had requested, on behalf of his Government, that the "Question of Palestine" be placed on the agenda of the General Assembly at its next regular

annual session. In the same communication, the representative of the United Kingdom had requested the convening of a special session of the Assembly "for the purpose of constituting and instructing a special committee" to prepare for the consideration of the question of Palestine at the subsequent (second) regular session.<sup>211</sup>

#### (2) Report of the United Nations Special Committee on Palestine (UNSCOP)<sup>212</sup>

The report of the Special Committee (A/364) related the events leading up to the establishment of UNSCOP and gave a summary of its activities. It surveyed the elements of the conflict with relation to geographic and demographic factors, relevant economic factors, Palestine under the Mandate and the conflicting claims, and dealt with the question of the religious interests and Holy Places in Palestine. The report also reviewed the main proposals previously propounded for the solution of the Palestine question.

The Committee made twelve recommendations, eleven of which were adopted unanimously and the twelfth by a substantial majority.

The report contained a majority proposal for a Plan of Partition with Economic Union and a minority proposal for a Plan for a Federal State of Palestine.<sup>213</sup> Reservations and observations of certain members of the Committee were included in the report.

#### (a) SUMMARY OF UNSCOP'S ACTIVITIES

Pursuant to the request of the United Kingdom, the General Assembly had convened at Flushing Meadow, New York, on April 28, 1947, and, on May 15, 1947, had established and instructed a Special Committee on Palestine (UNSCOP).

UNSCOP was composed of representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia, and was given the "widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine"; it was under instructions to report its recommendations to the Secretary-General not later than September 1, 1947.<sup>214</sup> It actually completed its work on August 31.

The Special Committee held its first meeting at

<sup>211</sup> See Yearbook of the United Nations, 1946-47, pp. 276-78.

<sup>212</sup> For this section see doc. A/364: United Nations Special Committee on Palestine—Report to the General Assembly.

<sup>213</sup> The representative of Australia on the Special Committee abstained from voting on either the Majority or the Minority Plan.

<sup>214</sup> See Yearbook of the United Nations, 1946-47, pp. 301-3.



Lake Success on May 26. From that date until August 31, 1947, when the report was signed, the Committee held 16 public and 36 private meetings.

After an exploratory discussion, UNSCOP agreed to create a Preparatory Working Group which would produce some suggestions on various organizational matters for the Committee's consideration.

Justice Emil Sandstrom (Sweden) was elected Chairman of the Special Committee and Alberto Ulloa (Peru) Vice-Chairman.

UNSCOP members arrived in Palestine on June 14 and 15, meeting in Jerusalem for the first time on June 16, 1947 (its fifth meeting in all). The Special Committee subsequently visited various parts of Palestine to gain a first-hand impression of conditions.

In response to a request from the Special Committee, the Government of Palestine and the Jewish Agency for Palestine appointed liaison officers. The Palestine Government's liaison officer was D. C. MacGillivray, while Aubrey S. Eban and David Horowitz served as liaison officers of the Jewish Agency.

At the same meeting, the Special Committee was informed by the Secretary-General of the decision of the Arab Higher Committee to abstain from collaboration with UNSCOP.<sup>215</sup> While the Special Committee expressed its hope of securing the co-operation of all parties, it decided not to take any formal action, considering that the Chairman had made an appeal by radio for full co-operation shortly after arriving in Palestine.<sup>216</sup>

The question of addressing a further request for co-operation to the Arab Higher Committee was discussed again at the 22nd and 23rd meetings of UNSCOP on July 8, 1947. It was decided to address a letter to the Arab Higher Committee and to state therein that UNSCOP had noted with regret the decision of the Arab Higher Committee not to co-operate, and to repeat the Special Committee's invitation for full co-operation as expressed by the Chairman in his broadcast appeal of June 16.

On July 10, 1947, a letter was received from Jamal el-Husseini, Vice-Chairman of the Arab Higher Committee. The communication stated that the Arab Higher Committee found no reason to reverse its previous decision to abstain from collaboration.<sup>217</sup>

In addition to hearing representatives of the Palestine Government and of the Jewish Agency, the Special Committee also heard representatives of a number of other Jewish organizations and religious bodies, as well as Chaim Weizmann,

to whom the Special Committee granted a hearing in his personal capacity.

Upon the suggestion of some members of UNSCOP, the Committee resolved to invite the Arab States to express their views on the question of Palestine. It was decided that a letter to this effect should be addressed by the personal representative of the Secretary-General to the consular representatives in Jerusalem of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Transjordan, and to the Government of Yemen through the Consul-General of Lebanon. To the Arab States in conference among themselves was left the choice of a time and place mutually convenient to them and to the Special Committee.

Letters of acceptance were received from Egypt (A/AC.13/49 and 56), Iraq (A/AC.13/50), Lebanon (A/AC.13/51), Saudi Arabia (A/AC.13/62) and Syria (A/AC.13/58) with the information that Beirut, Lebanon, had been designated as the place of meeting.

The Consul-General of Transjordan replied for his Government (A/AC.13/52) that, since Transjordan was not a Member of the United Nations, it was not prepared to send a representative outside the country to give evidence, but that it would welcome the Special Committee or any of its members who might wish to pay a visit for that purpose to Transjordan.

On July 20, UNSCOP proceeded to Lebanon, and on the following day paid an informal visit to Damascus, the capital of Syria. On July 22, the Special Committee met in Beirut to hear the views of the Arab States expressed by the Lebanese Minister of Foreign Affairs, Hamid Frangie.

On July 25, several members of the Special Committee—the Chairman and the representatives of Canada, Czechoslovakia, Iran, Netherlands, Peru and Yugoslavia—paid a visit to Amman, capital of Transjordan, where they had an exchange of views with King Abdullah and members of his staff.

In addition to oral testimony, UNSCOP received many written statements from various persons and organizations.<sup>218</sup>

A number of petitions addressed to the Special Committee asked its intervention in securing the release of prisoners and detainees. The Committee decided that these and similar appeals to investigate the methods of the British police in Palestine, the conditions of Jews in Yemen and the plight of

<sup>215</sup> See A/364, Vol. II, Annex 5.

<sup>216</sup> *Ibid.*, Annex 6.

<sup>217</sup> *Ibid.*, Annex 8.

<sup>218</sup> *Ibid.*, Annex 9.

refugees in Aden fell outside UNSCOP's terms of reference. The Committee also rejected petitions that it visit camps for Jewish detainees on Cyprus or permit these detainees to appear before it in Jerusalem to give evidence.

UNSCOP also recorded its concern over acts of violence which had occurred in Palestine since its arrival, declaring that such acts constituted a flagrant violation of the General Assembly's resolution of May 14, 1947.<sup>219</sup>

On July 28, 1947, the Special Committee began work on the drafting of its report in Geneva, Switzerland. Between August 8 and 14, the Committee had decided, by vote of 6 to 4, with 1 abstention, to set up a sub-committee to visit displaced persons' camps. During its tour, the Sub-Committee visited camps at or near Munich, Salzburg, Vienna, Berlin, Hamburg and Hanover, and met the Austrian Chancellor, the Military Governor of the United States zones of Germany and Austria and several United States and United Kingdom officials in charge of displaced persons' affairs, as well as officials of the Preparatory Commission of the International Refugee Organization. The Sub-Committee was under the Chairmanship of J. D. L. Hood (Australia).

The Special Committee also established a sub-committee to study the question of religious interests and Holy Places in Palestine. The status of Jerusalem was also referred to that Sub-Committee, which was under the chairmanship of A. I. Spits (Netherlands). Its suggestions, with various amendments, were incorporated into both the majority and the minority plans eventually submitted by UNSCOP. The recommendations regarding the City of Jerusalem, which were embodied in the Majority Plan of Partition with Economic Union, were inspired by proposals made in the same Sub-Committee by the representatives of Canada, Netherlands, Peru and Sweden. The representatives of India, Iran and Yugoslavia disagreed with these latter recommendations, while reservations made in the Sub-Committee by the representatives of Czechoslovakia, Guatemala and Uruguay were later withdrawn.

The drafting of the report occupied UNSCOP members during eleven meetings and a number of informal gatherings and was completed at the 52nd meeting on August 31, 1947.

**(b) GENERAL RECOMMENDATIONS OF THE COMMITTEE**

The eleven unanimously-adopted resolutions of the Committee were:

That the Mandate should be terminated and

Palestine granted independence at the earliest practicable date (recommendations I and II);

That there should be a short transitional period preceding the granting of independence to Palestine during which the authority responsible for administering Palestine should be responsible to the United Nations (recommendations III and IV);

That the sacred character of the Holy Places and the rights of religious communities in Palestine should be preserved and stipulations concerning them inserted in the constitution of any state or states to be created and that a system should be found for settling impartially any disputes involving religious rights (recommendation V);

That the General Assembly should take steps to see that the problem of distressed European Jews should be dealt with as a matter of urgency so as to alleviate their plight and the Palestine problem (recommendation VI);

That the constitution of the new state or states should be fundamentally democratic and should contain guarantees for the respect of human rights and fundamental freedoms and for the protection of minorities (recommendation VII);

That the undertakings contained in the Charter whereby states are to settle their disputes by peaceful means and to refrain from the threat or use of force in international relations in any way inconsistent with the purposes of the United Nations should be incorporated in the constitutional provisions applying to Palestine (recommendation VIII);

That the economic unity of Palestine should be preserved (recommendation IX);

That states whose nationals had enjoyed in Palestine privileges and immunities of foreigners, including those formerly enjoyed by capitulation or usage in the Ottoman Empire, should be invited to renounce any rights pertaining to them (recommendation X);

That the General Assembly should appeal to the peoples of Palestine to co-operate with the United Nations in its efforts to settle the situation there and exert every effort to put an end to acts of violence (recommendation XI).

In addition to these eleven unanimously approved recommendations, the Special Committee, with two members (Uruguay and Guatemala) dissenting, and one member recording no opinion, also approved the following twelfth recommendation:

<sup>219</sup> See Yearbook of the United Nations, 1946-47, p. 303.

"RECOMMENDATION XII. THE JEWISH PROBLEM  
IN GENERAL

"It is recommended that

"In the appraisal of the Palestine question, it be accepted as incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general."

(c) MAJORITY PROPOSAL: PLAN OF PARTITION  
WITH ECONOMIC UNION

According to the plan of the majority<sup>220</sup> (the representatives of Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden and Uruguay), Palestine was to be constituted into an Arab State, a Jewish State and the City of Jerusalem. The Arab and the Jewish States would become independent after a transitional period of two years beginning on September 1, 1947. Before their independence could be recognized, however, they must adopt a constitution in line with the pertinent recommendations of the Committee and make to the United Nations a declaration containing certain guarantees, and sign a treaty by which a system of economic collaboration would be established and the economic union of Palestine created.

The plan provided, *inter alia*, that during the transitional period, the United Kingdom would carry on the administration of Palestine under the auspices of the United Nations and on such conditions and under such supervision as the United Kingdom and the United Nations might agree upon. During this period a stated number of Jewish immigrants was to be admitted. Constituent Assemblies were to be elected by the populations of the areas which were to comprise the Arab and Jewish States, respectively, and were to draw up the constitutions of the States.

These constitutions were to provide for the establishment in each State of a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation and an executive body responsible to the legislature. They would also contain various guarantees, e.g., for the protection of the Holy Places and religious buildings and sites, and of religious and minority rights.

The Constituent Assembly in each State would appoint a provisional government empowered to make the declaration and sign the Treaty of Economic Union, after which the independence of the State would be recognized. The Declaration would contain provisions for the protection of the Holy Places and religious buildings and sites and for religious and minority rights. It would also contain provisions regarding citizenship.

A treaty would be entered into between the two States, which would contain provisions to establish the economic union of Palestine and to provide for

other matters of common interest. A Joint Economic Board would be established consisting of representatives of the two States and members appointed by the Economic and Social Council of the United Nations to organize and administer the objectives of the Economic Union.

The City of Jerusalem would be placed, after the transitional period, under the International Trusteeship System by means of a Trusteeship Agreement, which would designate the United Nations as the Administering Authority. The plan contained recommended boundaries for the city and provisions concerning the governor and the police force.

The plan also proposed boundaries for both the Arab and Jewish States.

(d) MINORITY PROPOSAL: PLAN OF A FEDERAL  
STATE

Three UNSCOP members (the representatives of India, Iran and Yugoslavia) proposed an independent federal state. This plan<sup>221</sup> provided, *inter alia*, that an independent federal state of Palestine would be created following a transitional period not exceeding three years, during which responsibility for administering Palestine and preparing it for independence would be entrusted to an authority to be decided by the General Assembly.

The independent federal state would comprise an Arab State and a Jewish State. Jerusalem would be its capital.

During the transitional period a Constituent Assembly would be elected by popular vote and convened by the administering authority on the basis of electoral provisions which would ensure the fullest representation of the population.

The Constituent Assembly would draw up the constitution of the federal state, which was to contain, *inter alia*, the following provisions:

The federal state would comprise a federal government and governments of the Arab and Jewish States, respectively.

Full authority would be vested in the federal government with regard to national defence, foreign relations, immigration, currency, taxation for federal purposes, foreign and inter-state waterways, transport and communications, copyrights and patents.

The Arab and Jewish States would enjoy full powers of local self-government and would have

<sup>220</sup> As the majority plan was, with certain modifications, ultimately adopted by the General Assembly, it is not dealt with here in any detail. For resolution adopted by the General Assembly, see pp. 247-56. For details of the plan proposed by the Committee, see doc. A/364, Chapter V.

<sup>221</sup> For details of the minority proposal, see doc. A/364, Chapter VII.

authority over education, taxation for local purposes, the right of residence, commercial licenses, land permits, grazing rights, inter-state migration, settlement, police, punishment of crime, social institutions and services, public housing, public health, local roads, agriculture and local industries.

The organs of government would include a head of state, an executive body, a representative federal legislative body composed of two chambers, and a federal court. The executive would be responsible to the legislative body.

Election to one chamber of the federal legislative body would be on the basis of proportional representation of the population as a whole, and to the other on the basis of equal representation of the Arab and Jewish citizens of Palestine. Legislation would be enacted when approved by majority votes in both chambers; in the event of disagreement between the two chambers, the issue would be submitted to an arbitral body of five members including not less than two Arabs and two Jews.

The federal court would be the final court of appeal regarding constitutional matters. Its members, who would include not less than four Arabs and three Jews, would be elected by both chambers of the federal legislative body.

The constitution was to guarantee equal rights for all minorities and fundamental human rights and freedoms. It would guarantee, *inter alia*, free access to the Holy Places and protect religious interests.

The constitution would provide for an undertaking to settle international disputes by peaceful means.

There would be a single Palestinian nationality and citizenship.

The constitution would provide for equitable participation of representatives of both communities in delegations to international conferences.

A permanent international body was to be set up for the supervision and protection of the Holy Places, to be composed of three representatives designated by the United Nations and one representative of each of the recognized faiths having an interest in the matter, as might be determined by the United Nations.

For a period of three years from the beginning of the transitional period Jewish immigration would be permitted into the Jewish State in such numbers as not to exceed its absorptive capacity, and having due regard for the rights of the existing population within that State and their anticipated natural rate of increase. An international commission, composed of three Arab, three Jewish and three United Nations representatives, would be

appointed to estimate the absorptive capacity of the Jewish State. The commission would cease to exist at the end of the three-year period mentioned above.

The minority plan also laid down the boundaries of the proposed Arab and Jewish areas of the federal state.

### (3) Termination of the Mandate over Palestine and the Recognition of Its Independence as One State

The representative of Saudi Arabia, in a letter (A/317) dated July 7, 1947, and addressed to the Secretary-General, requested, on behalf of his Government, that the following item be placed on the agenda of the next (second) regular annual session of the General Assembly:

"The termination of the mandate over Palestine and the recognition of its independence as one State."

The same request was addressed to the Secretary-General by the representative of Iraq in a letter (A/328) dated July 14, 1947.

### c. INITIAL STATEMENTS OF PARTIES IMMEDIATELY CONCERNED

During its second meeting on September 26, 1947, the ad hoc Committee agreed to hear the views of the representatives of the three parties immediately concerned in the Palestine question—i.e., the United Kingdom (as Mandatory Power), the Arab Higher Committee and the Jewish Agency for Palestine—before embarking upon a general debate. The report of the Special Committee on Palestine was introduced by its Chairman, Justice Sandstrom, during the second meeting of the ad hoc Committee.

#### (1) United Kingdom Viewpoint

The representative of the United Kingdom placed the views of his Government before the ad hoc Committee at the second meeting on September 26, 1947. Congratulating UNSCOP on the way in which it had carried out its task, he declared that the United Kingdom Government was in substantial agreement with the twelve general recommendations.<sup>222</sup> In particular, the United Kingdom Government endorsed and wished to emphasize three of these recommendations: Recommendations I (Termination of the Mandate) and II (Independence), both of which were an exact expression of the guiding principle of British policy, and Recommendation VI (Jewish Displaced Persons). Concerning the latter, the United Kingdom Government believed that the entire problem

<sup>222</sup> See Section b (2) (b), pp. 229-30.

of displaced persons in Europe, Jewish and non-Jewish alike, was an international responsibility demanding urgent attention. His Government would make proposals in this connection subsequently.

The United Kingdom Government endorsed without reservation the view that the Mandate for Palestine should now be terminated.

He recalled that the representative of the United Kingdom had informed the General Assembly during its first special session that His Majesty's Government would be in the highest degree reluctant to oppose the Assembly's wishes in regard to the future of Palestine. At the same time, he further recalled, the United Kingdom representative had drawn a distinction between accepting a recommendation, in the sense of not impeding its implementation by others, and accepting responsibility for carrying it out by means of a British administration and British forces in Palestine.

The attitude of the United Kingdom Government remained as then stated, the representative of the United Kingdom said. His Government was ready to co-operate with the Assembly to the fullest extent possible. He could not easily imagine circumstances in which the United Kingdom would wish to prevent the application of a settlement recommended by the Assembly. The crucial question for His Majesty's Government was, however, the matter of enforcement of such a settlement.

His Government was ready to assume responsibility for implementing any plan on which agreement was reached by the Arabs and the Jews. If, on the other hand, the Assembly were to recommend a policy which was not acceptable to both parties, the United Kingdom Government would not feel able to implement it, and the Assembly should therefore provide, in such a case, for some alternative authority to implement it. Specifically, the United Kingdom Government was not prepared by itself to undertake the task of imposing a policy in Palestine by force of arms; as to the possibility of his Government's participation with other Governments in the enforcement of a settlement, his Government would have to take into account both the inherent justice of the settlement and the extent to which force would be required for its implementation.

In the absence of a settlement, the United Kingdom Government must plan for an early withdrawal of British forces and of the British Administration from Palestine.

In conclusion, the representative of the United Kingdom declared that if no basis of consent for a settlement could be found, it seemed to him of the

highest importance that any recommendations made by the General Assembly should be accompanied by a clear definition of the means by which they were to be carried out.

#### (2) Viewpoint of the Arab Higher Committee

Addressing the ad hoc Committee at the third meeting on September 30, 1947, the representative of the Arab Higher Committee stated that it was obviously the sacred duty of the Arabs of Palestine to defend their country against all aggression, including the aggressive campaign being waged by the Zionists with the object of securing by force a country—Palestine—which was not theirs by right. The *raison d'être* of the United Nations was, he said, to assist self-defence against aggression.

The rights and patrimony of the Arabs in Palestine had been the subject of no fewer than eighteen investigations within 25 years, and all to no purpose. Commissions of inquiry had either reduced the national and legal rights of the Palestine Arabs or had glossed them over. The few recommendations favorable to the Arabs had been ignored by the Mandatory Power. For these and for other reasons already communicated to the United Nations, it was not surprising that the Arab Higher Committee should have abstained from the nineteenth investigation (i.e., UNSCOP's) and refused to appear before the Special Committee.

The representative of the Arab Higher Committee concluded from a survey of Palestine history that Zionist claims to that country had no legal or moral basis. In particular, he denied the legal or moral justification of the Balfour Declaration and the Mandate for Palestine, both of which, he declared, had been laid down by the Zionist Executive and the United Kingdom Government. As a result of Anglo-Zionist co-operation, Palestine's Jewish minority was placed in a privileged position vis-a-vis the Arab majority, while Arabs were being made the victims of discrimination.

The representative of the Arab Higher Committee emphasized the importance of the problem of immigration into Palestine. He accused the Mandatory Power of having overstepped the provisions of Article 6 of the Mandate by permitting Jewish immigration into Palestine to the detriment of the political, social and economic rights of the Palestine Arabs. If any room existed in Palestine for an increase in population, that room should be left for its natural increase. He emphasized the increasing determination of the Arabs to oppose all immigration.

The representative of the Arab Higher Committee stated that, yielding to Zionist pressure, the

United Kingdom Government had failed to implement its own decision, made in 1939, that Jewish immigration into Palestine must cease and that Palestine must become an independent unitary state within a fixed time.

No people would be more pleased than the Arabs to see the distressed Jews of Europe given permanent relief. But Palestine already had absorbed far more than its just share, and the Jews could not impose their will on other nations by choosing the place and manner of their relief, particularly if that choice was inconsistent with the principles of international law and justice and prejudicial to the interests of the nation directly concerned. He recalled the relevant resolutions concerning refugees and displaced persons passed by the General Assembly on February 12 (8(I))<sup>223</sup> and December 15 (62(I)),<sup>224</sup> 1946, in that connection and mentioned the offer of the United Kingdom, made more than 40 years ago, to place Uganda at the disposal of the Jews as a national home, and, more recently, the efforts of the U.S.S.R. to create a Jewish national home in Biro-Bidjan.

Both places had more to offer the Jews than the tiny country of Palestine, but the Zionists had turned them down. The Zionists did not want Palestine for the permanent solution of the Jewish problem nor for the relief of the distressed Jews; they wanted power; they had political ambitions and designs on strategically important Palestine and the Near East.

Then, too, it would be illogical for the United Nations to associate itself with the introduction of an alien body into the established homogeneity of the Arab world, a process which could only produce a "new Balkans".

The solution of the Palestine problem was simple. It lay in the Charter of the United Nations in accordance with which the Arabs of Palestine, constituting the majority of the population, were entitled to a free and independent state. He welcomed the statement by the representative of the United Kingdom that the Mandate should be terminated and its termination followed by independence, and expressed the hope that the United Kingdom Government would not, as in the past, reverse its decision under Zionist pressure.

Declaring that, once Palestine was found to be entitled to independence, the United Nations was not legally competent to decide or impose Palestine's constitutional organization, the representative of the Arab Higher Committee outlined the following principles as the basis for the future constitutional organization of the Holy Land:

1. That an Arab State in the whole of Palestine be established on democratic lines.

2. That the Arab State of Palestine would respect human rights, fundamental freedoms and equality of all persons before the law.

3. That the Arab State of Palestine would protect the legitimate rights and interests of all minorities.

4. That freedom of worship and access to the Holy Places would be guaranteed to all.

He added that the following steps would have to be taken to give effect to the abovementioned four principles:

(a) A Constituent Assembly should be elected at the earliest possible time. All genuine and law-abiding nationals of Palestine would be entitled to participate in the elections of the Constituent Assembly.

(b) The Constituent Assembly should, within a fixed time, formulate and enact a Constitution for the Arab State of Palestine, which should be of a democratic nature and should embody the abovementioned four principles.

(c) A government should be formed within a fixed time, in accordance with the terms of the Constitution, to take over the administration of Palestine from the Mandatory Power.

Such a program was the only one which the Arabs of Palestine were prepared to adopt, and the only item on the Committee's agenda with which the Arab Higher Committee would associate itself was Item 3,<sup>225</sup> i.e., the item proposed by Saudi Arabia and Iraq.

The representative of the Arab Higher Committee said he had not commented upon the UNSCOP Report because the Arab Higher Committee considered that it could not be used as a basis for discussion. Both the majority and the minority plans contained in the Report were inconsistent with the United Nations Charter and the Covenant of the League of Nations. The Arabs of Palestine were solidly determined to oppose with all the means at their disposal any scheme which provided for the dissection, segregation or partition of their country or which gave to a minority special and preferential rights and status.

(3) Viewpoint of the Jewish Agency for Palestine

The representative of the Jewish Agency for Palestine, addressing the ad hoc Committee at the fourth meeting on October 2, 1947, praised the Special Committee for its conscientious labors and good faith. The Jewish Agency had regarded it as

<sup>223</sup> See Yearbook of the United Nations, 1946-47, pp. 74-75.

<sup>224</sup> Ibid., pp. 168-69.

<sup>225</sup> See Section b (3), p. 231.

an inescapable obligation to co-operate fully with the United Nations and had placed all the required information and data at the disposal of UNSCOP, while the Arab Higher Committee had refused to heed repeated UNSCOP invitations for co-operation. It was strange that, after having flouted its authority, the Arab Higher Committee asked the United Nations to support the Arab stand.

The representative of the Jewish Agency said that it would appear from the statement made by the representative of the United Kingdom that the latter did not intend to accept the General Assembly's impending recommendation on Palestine. If this be so, he wondered why the United Kingdom had asked the Assembly to place the Palestine problem on its agenda. Given the present realities of the Palestine situation, the undertaking of the United Kingdom Government to implement any settlement agreeable to both Jews and Arabs meant very little and did not advance the solution of the Palestine problem at all.

He welcomed the announcement that British troops were to be withdrawn at an early date, adding that this made a decision even more urgent than it had been at the time of the (first) special session.

On behalf of the Jewish Agency, he supported ten of the eleven recommendations unanimously adopted by UNSCOP. The exception was Recommendation VI (Jewish Displaced Persons). The Jewish Agency, he said, did not disapprove of this recommendation but did wish to call attention to the "intense urge" of the overwhelming majority of Jewish displaced persons to proceed to Palestine, a fact noted both by the Anglo-American Committee and by UNSCOP. While hoping that nations would welcome displaced persons wishing to emigrate to countries other than Palestine, the Jewish Agency considered that it would be unjust to deny the right to go to Palestine to those who wished to do so.

The representative of the Jewish Agency regarded the twelfth recommendation (The Jewish Problem in General) as unintelligible. He called it a mere postulate which, moreover, had not been accepted unanimously by the Special Committee. The "Jewish Problem in General" was, he said, none other than the age-old question of Jewish homelessness, for which there was but one solution, that given by the Balfour Declaration and the Mandate: the reconstitution of the Jewish National Home in Palestine.

The solution proposed by the minority of the Special Committee was unacceptable to the Jewish Agency; although it referred to "States", it actually

made provision only for semi-autonomous cantons or provinces. Palestine would become an Arab state with two Jewish enclaves. The Jews would be frozen in the position of a permanent minority in the proposed federal state, and would not even have control over their own fiscal policies or immigration. It entailed all the disadvantages of partition without the compensating advantages of a real partition: statehood, independence and free immigration.

The majority proposal was not really satisfactory to the Jewish people, either. According to David Lloyd George, then British Prime Minister, the Balfour Declaration implied that the whole of Palestine, including Transjordan, should ultimately become a Jewish state. Transjordan had, nevertheless, been severed from Palestine in 1922 and had subsequently been set up as an Arab kingdom. Now a second Arab state was to be carved out of the remainder of Palestine, with the result that the Jewish National Home would represent less than one eighth of the territory originally set aside for it. Such a sacrifice should not be asked of the Jewish people.

Referring to the Arab States established as independent countries since the First World War, he said that 17,000,000 Arabs now occupied an area of 1,290,000 square miles, including all the principal Arab and Moslem centres, while Palestine, after the loss of Transjordan, was only 10,000 square miles; yet the majority plan proposed to reduce it by one half. UNSCOP proposed to eliminate Western Galilee from the Jewish State; that was an injustice and a grievous handicap to the development of the Jewish State.

The representative of the Jewish Agency also criticized the UNSCOP majority proposal concerning Jerusalem, saying that the Jewish section of modern Jerusalem (outside the Walled City) should be included in the Jewish State. He reserved the right to deal at a later stage with other territorial modifications.

If this heavy sacrifice was the inexorable condition of a final solution, if it would make possible the immediate re-establishment of the Jewish State with sovereign control of its own immigration, then the Jewish Agency was prepared to recommend the acceptance of the partition solution, subject to further discussion of constitutional and territorial provisions. This sacrifice would be the Jewish contribution to the solution of a painful problem and would bear witness to the Jewish people's international spirit and its desire for peace.

In spite of the heavy sacrifices which the Jewish State would have to make in this matter also, the

Jewish Agency accepted the proposal for an economic union, terming it a promising and statesmanlike conception. The limit to the sacrifices to which the Jewish Agency could consent was clear: a Jewish State must have in its own hands those instruments of financing and economic control necessary to carry out large-scale Jewish immigration and the related economic development, and it must have independent access to those world sources of capital and raw materials indispensable for the accomplishment of these purposes.

The Jews of Palestine wanted to be good neighbors of all the Arab States. If their offer of peace and friendship were rejected, they would defend their rights. In Palestine there had been built a nation which demanded its independence, and would not allow itself to be dislodged or deprived of its national status. It could not, and would not, go beyond the enormous sacrifice which had been asked of it. It would not be cowed by idle threats.

The representative of the Jewish Agency urged that the transitional period leading to the establishment of the Arab and Jewish States in Palestine be made as short as possible; at any rate, shorter than the two-year limit proposed by UNSCOP. He favored an international authority to be entrusted, under United Nations auspices, with the task of administering Palestine during the transitional period.

#### d. GENERAL DEBATE

In the general debate, which began during the ad hoc Committee's fifth meeting on October 4, 1947, and ended during the sixteenth meeting on October 16, 1947, opinion was sharply divided. Proponents of the UNSCOP majority plan in general held that the claims of Jews and Arabs both had merit and that no perfect solution of the Palestine problem could be devised. Under the circumstances, a compromise solution was indicated. The partition plan would demand sacrifices from both sides; but, in its emphasis on economic union, it laid the foundation for the eventual development of friendly relations among the two contending parties. Without committing themselves to all the details of the UNSCOP majority plan for partition with economic union, they would support the plan in principle, as the best and most equitable that could be achieved at present. Participants in the general debate who expressed themselves in these or similar terms were the representatives of Canada, Czechoslovakia, Guatemala, Haiti, New Zealand, Norway, Panama, Peru, Poland, South Africa, Sweden, United States,

Uruguay and U.S.S.R. The representatives of Colombia and El Salvador dealt with particular aspects of the Palestine problem—displaced persons, appeals for an end to violence—without taking a stand on UNSCOP's majority and minority plans as such. The representative of China, declaring that he could not support the UNSCOP majority or minority plan, urged that new efforts be made to secure Arab-Jewish agreement on a solution of the Palestine problem. Other Committee members held that the Assembly had no right under the Charter to decide to partition Palestine or to enforce such a decision. Representatives of several Arab States formally proposed that the advisory opinion of the International Court of Justice be obtained on this legal aspect of the question before the Assembly proceeded to act on the UNSCOP majority recommendation. Holding that partition violated both the Charter and a people's democratic right to self-determination, the representatives of the Arab States—Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen—declared themselves in favor of an independent unitary state embracing all of Palestine, in which the rights of the minority would be scrupulously safeguarded. These Arab States were supported in their opposition to the partition plan by the representatives of Afghanistan, Argentina, Cuba, India, Iran, Pakistan and Yugoslavia, although not all of the latter explicitly expressed themselves in favor of the Arab States' objective of a unitary Palestine. Yugoslavia, in particular, strongly supported UNSCOP's minority recommendation for a federated state, and India indicated a preference for a large measure of autonomy for areas of the future state of Palestine having Jewish majorities.

Following the conclusion of the initial general debate, the ad hoc Committee, during its seventeenth and eighteenth meetings on October 17 and 18, 1947, once again heard representatives of the Jewish Agency and of the Arab Higher Committee reaffirm their positions.

#### e. PROPOSALS SUBMITTED DURING THE GENERAL DEBATE

In the course of the general debate, seventeen proposals were submitted to the ad hoc Committee.

El Salvador proposed (A/AC.14/3) that the General Assembly call on the Jewish Agency and the Arab Higher Committee to appoint three representatives each to confer, under United Nations auspices, with a view to reaching agreement on a settlement of the Palestine question.

Uruguay suggested (A/AC.14/10) that 30,000



Jewish children be admitted to Palestine at once on humanitarian grounds.

Colombia submitted two proposals, the first (A/AC.14/11) being in the nature of an appeal to all interested parties to abstain from violence, the second (A/AC.14/12) calling for the creation of a special committee to study the observations and suggestions contained in the report of UNSCOP in so far as these deal with the problem of Jewish displaced persons, i.e., General Recommendations VI and XII and Sections VI and VII of the minority proposal.<sup>226</sup>

Guatemala proposed (A/AC.14/13) acceptance, with certain modifications, of the UNSCOP majority plan, to be implemented by an international military police force composed of contingents contributed, on a proportional basis, by States Members other than permanent members of the Security Council, the cost of maintaining such a force to be borne by the five permanent members of the Security Council.

The United Kingdom proposed (A/AC.14/14) that each Member of the United Nations "adopt urgent measures" for settling a fair share of displaced persons and refugees in its country" and co-operate with other nations through the International Refugee Organization, or its Preparatory Commission, in the development of overall plans to accomplish this end.

Sweden and the United States jointly proposed (A/AC.14/16) that the Committee accept the basic principles of the unanimous UNSCOP recommendations, as well as the UNSCOP majority plan, as the basis for its own recommendations to the General Assembly concerning the future government of Palestine.

The United States proposed (A/AC.14/17) the formation of a sub-committee to draw up a detailed plan for the future government of Palestine in accordance with the majority plan and the unanimous recommendations of UNSCOP, and to incorporate this plan in the form of recommendations to be transmitted to the ad hoc Committee not later than October 27, 1947.

Canada submitted an amendment (A/AC.14/23) to this proposal of the United States. Under the Canadian amendment, the sub-committee was to be given the following additional terms of reference:

"To consider the exercise of administrative responsibility in Palestine during the transitional period, including the possibility of the application of Chapter XII of the Charter; [and]

"To consider methods by which recommendations of the ad hoc Committee on the Palestinian Question . . .

[based on the UNSCOP majority plan] would be put into effect."

The Netherlands (A/AC.14/18) called on the Committee to draft "(a) proposals for a fair and practicable solution of the Palestine question, as far as possible acceptable to both parties involved; (b) recommendations for the adequate and effective implementation of this solution, and (c) recommendations for an early solution of the problem of Jewish refugees and displaced persons".

Yugoslavia recommended (A/AC.14/19) the immediate admission to Palestine of all Jewish refugees detained in Cyprus.

Uruguay proposed (A/AC.14/20 and Corr.1) acceptance of the UNSCOP majority plan as a basis for discussion in the ad hoc Committee with these modifications: that the territory of Galilee remain under the jurisdiction of the Jewish State, that the Arab city of Jaffa be transferred to the Arab State, that the Arab town of Beersheba be transferred to the Arab State, that the Jewish district of the new City of Jerusalem be included in the territory of the Jewish State, and that the Arab district of the new City of Jerusalem be included in the Arab State. Uruguay further proposed the establishment of a special ad hoc committee to study the plan for an economic union of Palestine, if the UNSCOP majority plan were adopted. Uruguay further proposed that the United Nations should take over the government and administration of Palestine during the transitional period (i.e., until September 1, 1949, at the latest) referred to in Section B of the UNSCOP majority report, these functions to be exercised by a Provisional Council composed of five members appointed by the General Assembly, three to be chosen from citizens of Member States, and two to be appointed on the proposal, respectively, of the Jewish Agency and the Arab Higher Committee. Decisions of this Provisional Council should be by a simple majority, except that all proposals voted for by both the Arab and Jewish representative on the Council, or introduced by them jointly, should be considered as adopted. Uruguay further proposed the following substantive proposal "in view of the letter and the spirit of Recommendation No. XII adopted by a majority vote of the Special Committee on Palestine . . .":<sup>227</sup>

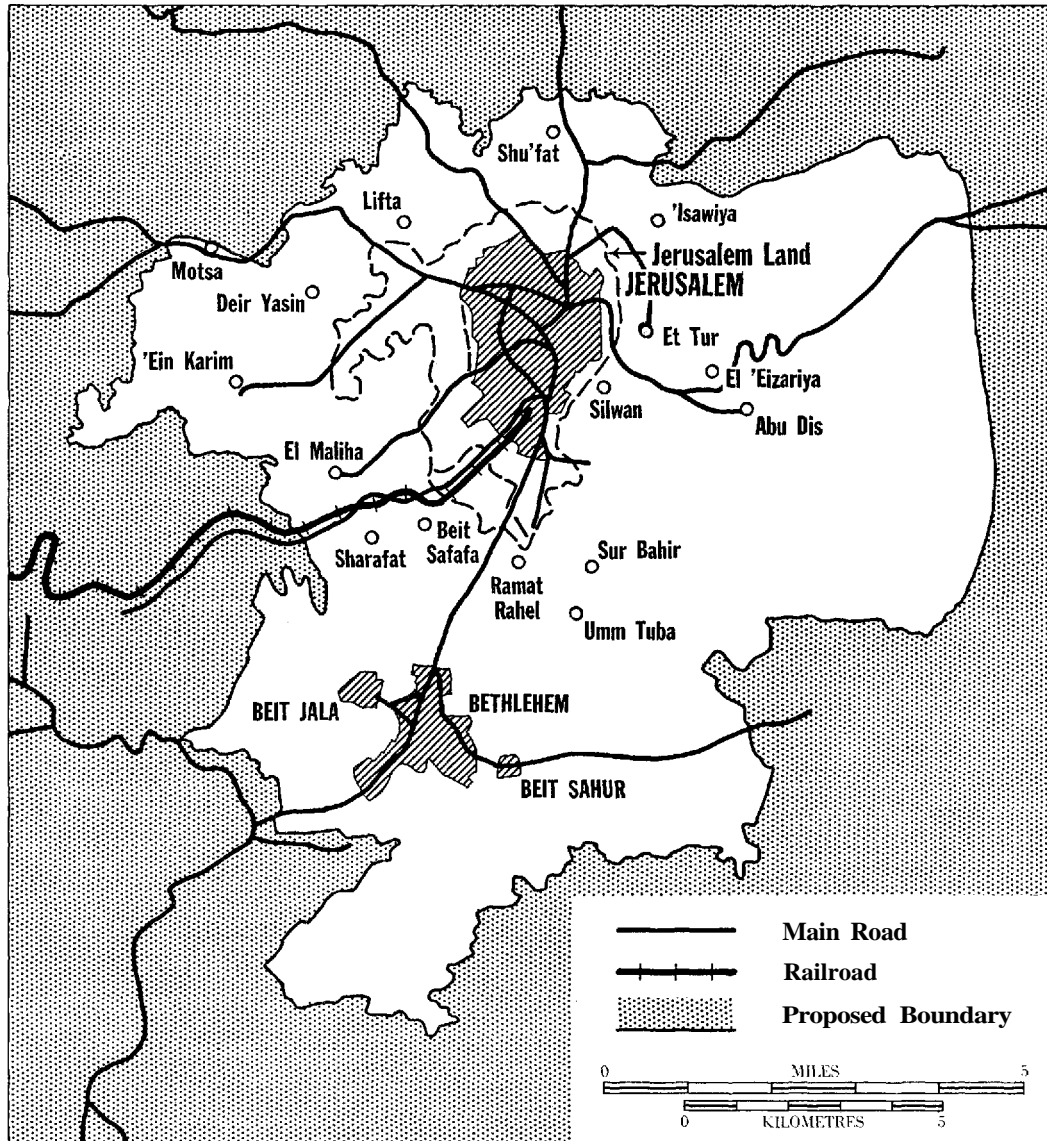
"The creation of a Jewish State will be the territorial solution for the European Jewish problem and will permit to reparate in part the terrible damage suffered under the Nazi persecution by the Jewish people, which is still exposed to new wrongs and racial discrimination."

<sup>226</sup> See summary of UNSCOP report, pp. 229-31.

<sup>227</sup> See *ibid.*, p. 230.

# CITY OF JERUSALEM BOUNDARIES PROPOSED

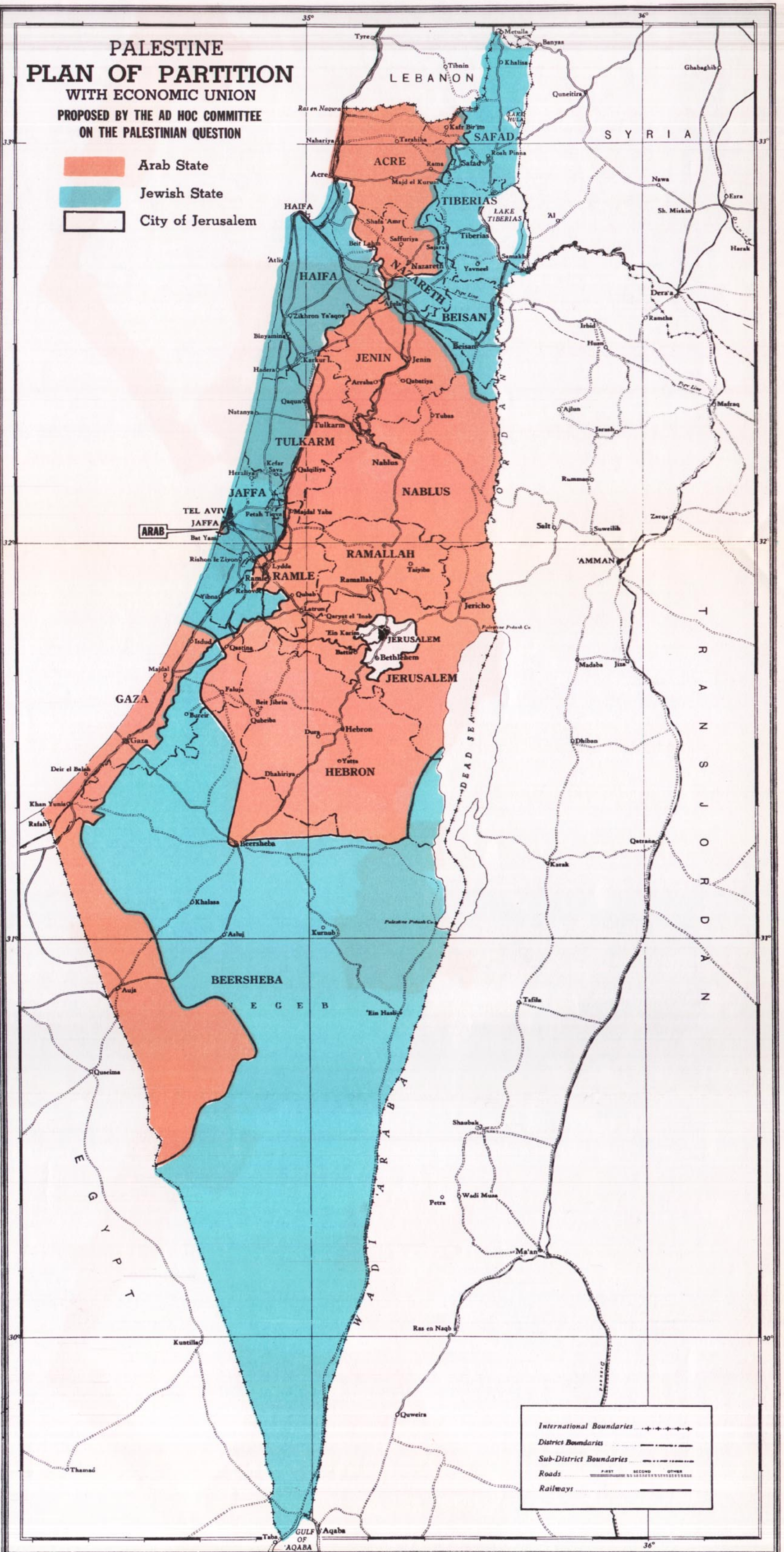
PROPOSED BY THE AD HOC COMMITTEE  
ON THE PALESTINIAN QUESTION





# PALESTINE PLAN OF PARTITION WITH ECONOMIC UNION PROPOSED BY THE AD HOC COMMITTEE ON THE PALESTINIAN QUESTION

- Arab State
- Jewish State
- City of Jerusalem





Finally Uruguay reiterated its earlier proposal to admit at once into Palestine some 30,000 Jewish children from displaced persons camps in Europe and other places of detention or assembly.

Iraq proposed (A/AC.14/21) that the General Assembly submit the following "legal point" to the International Court of Justice for an advisory opinion under Article 96 of the Charter:

"Did not the pledges given by Great Britain to the Shereef Hussein of Mecca and her subsequent declarations, promises and assurances to the Arabs that in the event of Allied victory the Arab countries would obtain their independence include Palestine and its inhabitants?"

Syria submitted two proposals. The first of these (A/AC.14/22) proposed that the General Assembly recommend

"that the United Kingdom prepare as soon as possible an agreement under Article 79 of the Charter and submit it for approval to the General Assembly authorizing Great Britain, as administering authority, to complete her task in Palestine during the transitional period in accordance with the said agreement, which shall contain the following provisions:

"1. That a Sovereign State for the whole of Palestine be established on a democratic basis,

"2. That a Constituent Assembly shall be elected at the earliest possible date, all genuine and law-abiding nationals of Palestine being entitled to vote,

"3. This Constituent Assembly shall within a fixed period formulate and enact a Constitution for the State of Palestine which shall be of a democratic character and contain provisions

"(a) guaranteeing human rights, fundamental freedoms and the equality of all persons before the Law,

"(b) guaranteeing the legitimate rights and interests of all minorities,

"(c) safeguarding the Holy Places and guaranteeing freedom of worship and access to the Holy Places to all.

"4. That a government shall be formed within a fixed period in accordance with the terms of the Constitution to take over the administration of Palestine from the administering authority."

The second Syrian proposal (A/AC.14/25) called for the addressing of a request for an advisory opinion to the International Court of Justice concerning the following questions:

"1. Are the terms of the Act of Mandate [i.e., United Kingdom Mandate for Palestine] . . . consistent or not consistent with the Covenant of the League of Nations . . . and with the fundamental rights of peoples and their right to self-determination and International Law?

"2. Is a forcible plan of partition . . . consistent with the objectives of the mandate and with the principles of the Charter and with the ultimate fate of mandated territories referred to in Chapter XII of the Charter?

"3. Does the plan of partition in its adoption and forcible execution fall within the jurisdiction of the General Assembly?"

Egypt also proposed (A/AC.14/24) that a request for an advisory opinion be addressed to the

International Court of Justice. The Egyptian proposal would have submitted the following two questions to the Court: Does it lie "within the competence of the General Assembly to recommend any of the two solutions proposed by the majority or by the minority of the United Nations Special Committee on Palestine"? and, Does it lie "within the rights of any Member State or group of Member States to implement any of the proposed solutions without the consent of the people of Palestine"?

Lebanon suggested (A/AC.14/26) that the General Assembly,

"Recognizing the danger that assistance in transport, arms and money, to immigrants destined for Palestine is calculated to accentuate the existing tension in that country and to endanger peace in the Middle East,

"Recommends that the Governments of Members of the United Nations refrain, and prohibit their nationals, from giving assistance in any form whatsoever to the said immigrants."

Finally, Syria verbally suggested, at the nineteenth meeting of the ad hoc Committee on October 21, 1947, the establishment of a sub-committee to study the agenda items jointly proposed by Iraq and Saudi Arabia for the creation of a unitary, independent state embracing all of Palestine. At the same meeting, Syria further proposed the establishment of a sub-committee composed of jurists to consider the Assembly's competence to take and enforce a decision (as distinct from making a recommendation) and to deal with the legal aspects of the Palestine Mandate. The question of referring the whole issue to the International Court of Justice could be discussed after the ad hoc Committee had received the report of the committee of jurists, the representative of Syria declared.

#### f. ESTABLISHMENT OF SUB-COMMITTEES

Following the conclusion of the general debate and the hearing of statements by the representatives of the Arab Higher Committee and the Jewish Agency, the ad hoc Committee, at its nineteenth meeting on October 21, 1947, discussed its future procedure. The Chairman proposed that no vote should be taken at that stage on matters of principle, but that the Committee should establish:

1. a Conciliation Group, which would try to bring the parties together, as suggested by El Salvador and the Netherlands;

2. a sub-committee (Sub-Committee 1), entrusted with drawing up a detailed plan based on the majority proposals of the Special Committee on Palestine (UN-SCOP), as provided by the draft resolution of the United States, amended by Canada;

3. a sub-committee (Sub-Committee 2), to draw up a detailed plan in accordance with the proposal of Saudi Arabia and Iraq for the recognition of Palestine as an independent unitary state, and the proposal to the same effect submitted by the delegation of Syria.

The Chairman's plan received wide support. Several delegations, however, urged that the Committee should itself make decisions on matters of principle and then entrust to a sub-committee the working out of details. A proposal to this effect was moved by the representative of the U.S.S.R., but was rejected by a vote of 26 to 14. The Committee then approved the procedure suggested by the Chairman.

The question of the composition of the three subsidiary bodies proposed by the Chairman was considered by the ad hoc Committee at its twentieth meeting, on October 22, 1947.

As regards the Conciliation Group, the Chairman, Vice-Chairman and Rapporteur were authorized, if they succeeded in initiating the conciliation process, to co-opt other Members to assist them in their task.

The representative of the U.S.S.R. proposed that Sub-Committee 1 be composed of fifteen members, including all the members of the Security Council. This proposal was rejected by a vote of 32 to 6. The ad hoc Committee then decided to authorize its Chairman to name the members of both Sub-Committees 1 and 2. Both Sub-Committees were asked to submit their reports not later than October 29, 1947, subject to an extension of that time limit if necessary.

With regard to the various draft resolutions<sup>228</sup> which the Committee had not yet considered, it was decided at the twentieth meeting that (1) the discussion of the draft resolution by Sweden and the United States approving the principles of UNSCOP's majority plan (A/AC.14/16) should be deferred until the report of Sub-Committee 1 had been received; (2) the various resolutions proposing to amend the UNSCOP majority plan should be referred to Sub-Committee 1; (3) the Colombian draft resolution on acts of violence (A/AC.14/11) should be considered when the ad hoc Committee discussed its recommendations to the General Assembly; (4) either Sub-Committee was empowered to take up and consider any or all written proposals before the ad hoc Committee which it deemed relevant to the performance of its functions, such as the draft resolutions relating to the problem of Jewish refugees and displaced persons. (A proposal by the representative of Colombia to set up a special sub-committee to study this latter problem was rejected by a vote of 19 to 4.)

#### (1) Composition of Sub-Committees

By virtue of the authority vested in him by the ad hoc Committee, the Chairman on October 22 appointed the following Members to serve on the two Sub-Committees:

Sub-Committee 1: Canada, Czechoslovakia, Guatemala, Poland, South Africa, United States, Uruguay, U.S.S.R., Venezuela.

Sub-Committee 2: Afghanistan, Colombia, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Yemen.

#### (2) Reports of Sub-Committees

##### (a) REPORT OF SUB-COMMITTEE 1 (A/AC.14/34)

At its first meeting on October 23, 1947, Sub-Committee 1 elected K. Pruszyński (Poland) as Chairman and E. Rodríguez Fabregat (Uruguay) as Rapporteur.

Representatives of the United Kingdom and of the Jewish Agency accepted invitations to attend all meetings of the Sub-Committee to furnish information and assistance. A similar invitation extended to the Arab Higher Committee was declined on the grounds that the Arab Higher Committee was prepared to assist and give information only regarding the question of the termination of the Mandate and the creation of a unitary state of Palestine.

Sub-Committee 1 held 32 meetings. To expedite its work it organized seven working groups, as follows:

Working Group on the Holy Places, under the charge of K. Lisický (Czechoslovakia).

Working Group on Citizenship, under the charge of the Rapporteur.

Working Group on International Conventions and Financial Obligations, under the charge of J. García Granados (Guatemala).

Working Group on Economic Union, under the charge of Mr. Granados.

Working Group on Boundaries, under the charge of the Chairman and Rapporteur.

Working Group on Implementation, composed of representatives of Canada, Guatemala, U.S.S.R. and United States.

Working Group on the City of Jerusalem, under the charge of Mr. Lisický.

In its report (A/AC.14/34) Sub-Committee 1 recommended the adoption of a draft resolution embodying a Plan of Partition with Economic Union, along the general lines of the UNSCOP majority plan (two independent states, an international regime for the City of Jerusalem and economic union of these three units).

As regards the Holy Places and the question of citizenship, the recommendations of Sub-Committee 1 virtually coincided with those of the UNSCOP majority plan.

<sup>228</sup> See Section e, pp. 235-37.

As regards international convention, Sub-Committee 1—unlike UNSCOP—recommended that disputes about their applicability and continued validity be referred to the International Court of Justice.

The Sub-Committee's recommendations on financial obligations—unlike UNSCOP's proposal—provided for the creation in Palestine of a Court of Claims to settle any disputes between the United Kingdom and either state respecting claims not recognized by the latter.

The Sub-Committee, while accepting the recommendations of UNSCOP regarding economic union, adopted certain technical modifications designed to strengthen the powers of the proposed Joint Economic Board while ensuring the widest measure of autonomy to the future states.

As for boundaries, the Sub-Committee, accepting the recommendations of UNSCOP in principle, proposed certain changes with a view to reducing, as far as reasonably possible, the size of the Arab minority in the Jewish State, and to taking into account considerations of security, communications, irrigation and possibilities of future development.

Among the most important suggested changes was that the Arab sections of Jaffa—placed in the Jewish State in the UNSCOP majority plan—should be excluded from the Jewish State and created as an Arab enclave, thus reducing the Arab minority in the Jewish State by between 78,000 and 81,000, depending on whether the Karton quarter of Jaffa, which is inhabited by both Jews and Arabs, was included in the proposed Arab enclave. The final decision on this question, as well as on details on boundary questions, would be left, according to the Sub-Committee's recommendations, to a demarcation commission which would fix the exact boundary lines on the spot.<sup>229</sup>

In its report to the ad hoc Committee, Sub-Committee 1 reported that the most difficult problem which it had faced was that of the implementation of the Plan of Partition with Economic Union.

The Working Group on Implementation, taking into account the statement made by the representative of the United Kingdom prior to the general debate in the ad hoc Committee (that the United Kingdom Government planned an early withdrawal of its troops and administration from Palestine) agreed on November 10, 1947, to the outlines of a plan for implementation. This plan provided for the termination of the Mandate and the withdrawal of the armed forces of the Manda-

tory Power by May 1, 1948, and the creation of independent Arab and Jewish States by July 1, 1948. The implementation of the proposed General Assembly resolution was to be entrusted to a commission of from three to five members appointed by the Assembly, but acting under the guidance of the Security Council.

This plan was reconsidered by the Working Group in the light of an additional statement, and replies to questions of Sub-Committee members, made by the representative of the United Kingdom on November 13, 1947, before the Sub-Committee. From the replies and the statement, the Sub-Committee learned that the United Kingdom Government planned to withdraw its troops from Palestine by August 1, 1948. Neither British troops nor the Mandatory Civil Administration in Palestine would be prepared to enforce a settlement against either Arabs or Jews. The United Kingdom Government reserved the right to lay down the Mandate at any time after it became evident that the Assembly's decision was not acceptable to both Arabs and Jews. On the other hand, the United Kingdom Government would not take any action contrary to any resolution adopted by a two-thirds vote of the General Assembly. Subject to the general reservation that the Mandatory Power must retain sufficient control in areas still under military occupation to ensure the safety of British troops and their orderly withdrawal, the Mandatory Power would not obstruct the task of the Commission appointed to implement partition, nor, subject to that same reservation, would it obstruct the establishment of Provisional Councils of Government for the Jewish and Arab States, the work of the Boundary Demarcation Commission, and the recommendations in regard to immigration and land regulations for the territory of the future Jewish State.

In the light of these additional observations of the representative of the United Kingdom, the Working Group unanimously proposed, and the Sub-Committee, with minor modifications, approved, a new plan of implementation, which may be summarized as follows:

The Mandate was to be terminated and British troops were to be withdrawn at a date to be agreed on by the Commission, consisting of five members (Guatemala, Iceland, Norway, Poland and Uruguay), and the Mandatory Power, with the approval of the Security Council, but in any case not later than August 1, 1948.

The proposed Jewish and Arab States, and the

<sup>229</sup> See insert following p. 236 for map showing boundaries established by the Assembly.

Special International Regime for the City of Jerusalem, would come into existence two months after the evacuation of the armed forces of the Mandatory Power, but in any case not later than October 1, 1948. During the transitional period, the Commission would administer Palestine under the guidance of the Security Council, and would take the necessary measures to implement the Plan of Partition with Economic Union. Until the termination of the Mandate, the Mandatory Power was to maintain order and direct the main public services to the extent that these had not yet been placed under the direction of the Commission, Provisional Councils of Government and the Joint Economic Board, respectively. The Commission and the Mandatory Power were to co-operate, and there was to be a progressive transfer from the Mandatory Power to the Provisional Councils of Government and the Joint Economic Board, respectively, of responsibility for all the functions of government. During the transitional period, the Provisional Councils of Government, acting under the Commission, would have full authority in the areas under their control, including authority over matters of immigration and land regulation. Following the termination of the Mandate, the whole administration would be in charge of the Provisional Councils of Government and the Joint Economic Board, acting under the Commission. The Provisional Council of Government of each State was to recruit an armed militia from the residents of that State to maintain internal order. If by April 1, 1948, a Provisional Council of Government could not be selected, or could not carry out its functions in either of the States, the Security Council would take such action with respect to that State as it deemed proper.

Concerning the City of Jerusalem, the Sub-Committee adopted, with minor extensions, the boundaries proposed by UNSCOP.<sup>230</sup> The Sub-Committee decided to recommend that the City of Jerusalem be placed under a Special International Regime in relation with the Trusteeship Council, rather than under an International Trusteeship, as recommended by UNSCOP.

The Sub-Committee also adopted a number of other amendments to various portions of the text of the recommendations of UNSCOP with a view to giving greater clarity and precision to details.

The Plan of Partition with Economic Union, as adopted by the Sub-Committee, was incorporated into a draft resolution and submitted to the ad hoc Committee for approval. All the recommendations and the draft resolution were adopted unanimously by the Sub-Committee, with the ex-

ception of a single paragraph relating to the composition of the special police force for the City of Jerusalem, the text of which was adopted by a vote of 6 to 1, with 2 abstentions.

**(b) REPORT OF SUB-COMMITTEE 2 (A/AC.14/32)**

At its first meeting on October 23, 1947, Sub-Committee 2 elected A. Gonzalez Fernandez (Colombia) as Chairman and Sir Mohammed Zafrulla Khan (Pakistan) as Rapporteur. On a preliminary review of the task assigned to it—the drafting of a detailed plan for the termination of the Mandate over Palestine and the establishment of Palestine as an independent unitary state—the Sub-Committee felt that it was somewhat unfortunate that both Sub-Committee 1 and Sub-Committee 2 were so constituted as to include in each of them representatives of only one school of thought, respectively, and that there was insufficient representation of neutral countries. Accordingly, it was proposed that the Chairman of the ad hoc Committee should be requested to reconstitute Sub-Committee 2 (irrespective of what might be done with regard to Sub-Committee 1) by replacing two of the Arab States in the Sub-Committee (which were prepared to withdraw) by neutrals or countries which had not definitely committed themselves to any particular solution of the Palestine question. The Chairman of the ad hoc Committee, being approached in this connection, explained to the Sub-Committee that he could not see his way to accepting this recommendation. In the circumstances, the representative of Colombia resigned from the Sub-Committee on October 28, and Sir Mohammed Zafrulla Khan (Pakistan) was elected as Chairman in his stead, at the same time retaining his position as Rapporteur of the Sub-Committee.

From the outset, the Sub-Committee decided to concentrate on three broad issues:

(1) The legal questions connected with or arising from the Palestine problem, in particular the three proposals bearing on the subject submitted to the ad hoc Committee by the delegations of Iraq, Egypt and Syria (A/AC.14/21, A/AC.14/24, A/AC.14/25).<sup>231</sup>

(2) The problem of Jewish refugees and displaced persons and its connection with the Palestinian question.

(3) The termination of the Mandate over Palestine and constitutional proposals for the establishment of a unitary and independent state on the

<sup>230</sup> See Annex II of the Sub-Committee's report (A/AC.14/34).

<sup>231</sup> See section e, pp. 235-37.

basis of the proposals submitted by Iraq and Saudi Arabia to the General Assembly.

Working groups were established to deal with each of these main issues and were constituted as follows:

Legal Problems: Pakistan, Syria and Saudi Arabia.  
Refugee Problem: Afghanistan, Colombia and Lebanon.

Constitutional Proposals: Egypt, Iraq and Yemen.

The reports of the three working groups were considered, amended and approved by the Sub-Committee and constitute Chapters I, II and III, respectively, of its report to the ad hoc Committee. The conclusions of the Sub-Committee were embodied in three resolutions (Chapter IV) which were recommended to the ad hoc Committee for its recommendation, in turn, to the General Assembly.

A representative of the United Kingdom attended meetings of the Sub-Committee to provide assistance as required.

The three resolutions submitted by Sub-Committee 2 to the ad hoc Committee for recommendation to the General Assembly read as follows:

Resolution No. I

#### DRAFT RESOLUTION REFERRING CERTAIN LEGAL QUESTIONS TO THE INTERNATIONAL COURT OF JUSTICE

"Considering that the Palestine Question raises certain legal issues connected, inter alia, with the inherent right of the indigenous population of Palestine to their country and to determine its future, the pledges and assurances given to the Arabs in the first World War regarding the independence of Arab countries, including Palestine, the validity and scope of the Balfour Declaration and the Mandate, the effect on the Mandate of the dissolution of the League of Nations and of the declaration by the Mandatory Power of its intentions to withdraw from Palestine;

"Considering that the Palestine question also raises other legal issues connected with the competence of the United Nations to recommend any solution contrary to the Covenant of the League of Nations or the Charter of the United Nations, or to the wishes of the majority of the people of Palestine;

"Considering that doubts have been expressed by several Member States concerning the legality under the Charter of any action by the United Nations, or by any Member State or group of Member States, to enforce any proposal which is contrary to the wishes, or is made without the consent, of the majority of the inhabitants of Palestine;

"Considering that these questions involve legal issues which so far have not been pronounced upon by any impartial or competent tribunal, and it is essential that such questions be authoritatively determined before the United Nations can recommend a solution of the Palestine question in conformity with the principles of justice and international law,

"The General Assembly of the United Nations Resolves

to request the International Court of Justice to give an advisory opinion under Article 96 of the Charter and Chapter IV of the Statute of the Court on the following questions:

"(i) Whether the indigenous population of Palestine has not an inherent right to Palestine and to determine its future constitution and government;

"(ii) Whether the pledges and assurances given by Great Britain to the Arabs during the first World War (including the Anglo-French Declaration of 1918) concerning the independence and future of Arab countries at the end of the war did not include Palestine;

"(iii) Whether the Balfour Declaration, which was made without the knowledge or consent of the indigenous population of Palestine, was valid and binding on the people of Palestine, or consistent with the earlier and subsequent pledges and assurances given to the Arabs;

"(iv) Whether the provisions of the Mandate for Palestine regarding the establishment of a Jewish National Home in Palestine are in conformity or consistent with the objectives and provisions of the Covenant of the League of Nations (in particular Article 22), or are compatible with the provisions of the Mandate relating to the development of self-government and the preservation of the rights and position of the Arabs of Palestine;

"(v) Whether the legal basis for the Mandate for Palestine has not disappeared with the dissolution of the League of Nations, and whether it is not the duty of the Mandatory Power to hand over power and administration to a Government of Palestine representing the rightful people of Palestine;

"(vi) Whether a plan to partition Palestine without the consent of the majority of its people is consistent with the objectives of the Covenant of the League of Nations, and with the provisions of the Mandate for Palestine;

"(vii) Whether the United Nations is competent to recommend either of the two plans and recommendations of the majority or minority of the United Nations Special Committee on Palestine, or any other solution involving partition of the territory of Palestine, or a permanent trusteeship over any city or part of Palestine, without the consent of the majority of the people of Palestine;

"(viii) Whether the United Nations, or any of its Member States, is competent to enforce or recommend the enforcement of any proposal concerning the constitution and future Government of Palestine, in particular, any plan of partition which is contrary to the wishes, or adopted without the consent of, the inhabitants of Palestine.

"The General Assembly instructs the Secretary-General to transmit this resolution to the International Court of Justice, accompanied by all documents likely to throw light upon the questions under reference."

Resolution No. II

#### DRAFT RESOLUTION ON JEWISH REFUGEES AND DISPLACED PERSONS

"The General Assembly, having regard to the unanimous recommendations of the United Nations Special Committee on Palestine, that the General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the



distressed European Jews will be dealt with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem;

"Bearing in mind that genuine refugees and displaced persons constitute a problem which is international in scope and character;

"Considering that the question of refugees and displaced persons is indivisible in character as regards its possible solution;

"Considering that it is the duty of the Governments concerned to make provision for the return of refugees and displaced persons to the countries of which they are nationals;

"Being further of the opinion that where repatriation proves impossible, solution should be sought by way of resettlement in the territories of the Members of the United Nations which are willing and in a position to absorb these refugees and displaced persons;

"Considering that Palestine, despite its very small area and limited resources, has absorbed a disproportionately large number of Jewish immigrants and cannot take any more without serious injury to the economy of the country and the rights and position of the indigenous population;

"Considering that many other countries with much greater area and larger resources have not taken their due share of Jewish refugees and displaced persons;

"Having adopted a resolution (No. 62 (1)) on 15 December 1946 calling for the creation of an international refugee organization with a view to the solution of the refugee problem through the combined efforts of the United Nations; and

"Taking note of the assumption on 1 July 1947 by the Preparatory Commission of the International Refugee Organization of operational responsibility for displaced persons and refugees;

"Recommends:

"(i) That countries of origin should be requested to take back the Jewish refugees and displaced persons belonging to them, and to render them all possible assistance to resettle in life;

"(ii) That those Jewish refugees and displaced persons who cannot be repatriated should be absorbed in the territories of Members of the United Nations in proportion to their area, economic resources, per capita income, population and other relevant factors;

"(iii) That a Special Committee of the General Assembly should be set up to recommend for acceptance of the Members of the United Nations a scheme of quotas of Jewish refugees and displaced persons to be resettled in their respective territories, and that the Special Committee should, as far as possible, work in consultation with the International Refugee Organization or its Preparatory Commission."

#### Resolution No. III

#### DRAFT RESOLUTION ON THE CONSTITUTION AND FUTURE GOVERNMENT OF PALESTINE

"The General Assembly, taking note of the declaration by the Mandatory Power of its intention to withdraw from Palestine;

"Considering that Palestine is a mandated territory whose independence was provisionally recognized by virtue of paragraph 4 of Article 22 of the Covenant of the League of Nations;

"Recognizing that the only solution in consonance with the objectives of the Covenant of the League of Nations and the principles of the Charter of the United Nations is one that is acceptable to the majority of the people of Palestine;

"Being satisfied that the partition of Palestine is unjust, illegal and impracticable and that the only just and workable solution is the immediate establishment of a unitary, democratic, and independent state, with adequate safeguards for minorities;

"Believing that peaceful and orderly transfer of power from the Mandatory to the Government of the people of Palestine is necessary in the interest of all concerned;

"Recommends:

"1. That a Provisional Government, representative of all important sections of the citizenry in proportion to their numerical strength, should be set up as early as possible in Palestine;

"2. That the powers and functions of the present Administration of Palestine should be vested in the Provisional Government as soon as the latter is constituted;

"3. That the Mandatory Power should begin the withdrawal of its forces and services from Palestine as soon as the Provisional Government is installed, and should complete the withdrawal within one year;

"4. That the Provisional Government should, as soon as practicable, enact an electoral law for the setting up of a Constituent Assembly, prepare an electoral register, and hold elections for the Constituent Assembly;

"5. That the Constituent Assembly should also function as a Legislature and that the Provisional Government should be responsible to it until elections for a Legislature are held under the new constitution;

"6. That while the task of framing a constitution for Palestine must be left to the Constituent Assembly, the following basic principles shall be strictly adhered to:

"(i) Palestine shall be a unitary and sovereign State;

"(ii) It shall have a democratic constitution, with an elected Legislature and an Executive responsible to the Legislature;

"(iii) The constitution shall provide guarantees for the sanctity of the Holy Places covering inviolability, maintenance, freedom of access and freedom of worship in accordance with the status quo;

"(iv) The constitution shall guarantee respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion, and freedom of religious belief and practice in accordance with the status quo (including the maintenance of separate religious courts to deal with matters of personal status);

"(v) The constitution shall guarantee the rights of religious bodies or other societies and individuals to maintain, in addition to educational establishments administered by public authority, educational institutions of their own, subject to normal government supervision and inspection;

"(vi) The constitution shall recognize the right of Jews to employ Hebrew as a second official language in areas in which they are in a majority;

"(vii) The Law of Naturalization and Citizenship shall provide, amongst other conditions, that the applicant should be a legal resident of Palestine for a continuous period to be determined by the Constituent Assembly;

"(viii) The constitution shall ensure adequate rep-

presentation in the Legislature for all important sections of the citizenry in proportion to their numerical strength;

"(ix) The constitution shall also provide for adequate reflection in the Executive and the Administration of the distribution of representation in the Legislature;

"(x) The constitution shall authorize the Legislature to invest local authorities with wide discretion in matters connected with education, health and other social services;

"(xi) The constitution shall provide for the setting up of a Supreme Court, the jurisdiction of which shall include, *inter alia*, the power to pronounce upon the constitutional validity of all legislation, and it shall be open to any aggrieved party to have recourse to that tribunal;

"(xii) The guarantees contained in the constitution concerning the rights and safeguards of the minorities shall not be subject to amendment or modification without the consent of the minority concerned expressed through a majority of its representatives in the Legislature."

(c) **REPORT OF CONCILIATION GROUP**

At the twenty-third meeting of the ad hoc Committee on November 19, 1947, the Chairman, speaking on behalf of the conciliation group, reported that the efforts of the group had not been fruitful. Both parties seemed too confident as to the success of their case before the General Assembly and there appeared to be little hope of conciliation, at least at the present time.

g. **Ad hoc COMMITTEE CONSIDERS  
SUB-COMMITTEE REPORTS**

The reports of the two Sub-Committees (A/AC.14/34 and A/AC.14/32) and of the Conciliation Group were placed before the ad hoc Committee at the 23rd meeting on November 19, 1947, and their consideration began at the next meeting on November 20. On the latter date, in the course of the 25th meeting, the representative of the United Kingdom recalled the general principles contained in the statement made to the Committee on behalf of his Government at the second meeting.<sup>232</sup> He applied those principles to the specific proposals of Sub-Committees 1 and 2 with respect to the role assigned to the United Kingdom in the implementation of those proposals. In both cases the United Kingdom would have to perform certain functions which were not compatible with the declared intentions of its Government. In both cases, also—since the Mandatory Power intended to withdraw from Palestine without assuming any responsibility for the establishment of a new regime which would not command general consent in Palestine—there would be no regularly constituted authority in the evacuated areas unless the United

Nations recommended a way in which the gap could be effectively filled.

The Committee adjourned to allow both Sub-Committees to meet immediately to reconsider their respective recommendations in the light of this statement of the representative of the United Kingdom. Representatives of the United Kingdom attended the new meetings of the two Sub-Committees to answer questions and furnish information.

Sub-Committee 2 decided not to alter its proposals, while Sub-Committee 1 revised certain parts of the implementation of the Plan of Partition with Economic Union (A/AC.14/34/Add.2).

The revised draft of Sub-Committee 1 was submitted to the ad hoc Committee at its 27th meeting on November 22, 1947.

The discussion of both reports (i.e., of Sub-Committees 1 and 2) was pursued during four meetings (27th to 31st).

During the 28th meeting, the representative of the Jewish Agency renewed the offer he had made in Sub-Committee 1, to transfer to the future Arab State a part of the Beersheba area and a portion of the Negeb along the Egyptian frontier, if such an offer could satisfy certain delegations which were in favor of partition but had suggested an extension of territory for the Arab State in the South of Palestine. Following this statement, the representative of the United States proposed a revision of the boundaries of the two future States in conformity with the suggestion of the Jewish Agency (A/AC.14/38).

In the course of the discussion, no amendments were proposed to the recommendations of Sub-Committee 2, while the representatives of Australia (A/AC.14/39), Canada (A/AC.14/45), Denmark (A/AC.14/43 and Rev.1), France (A/AC.14/37), the Netherlands (A/AC.14/36), Pakistan (A/AC.14/40), Sweden (A/AC.14/35) and the United States (A/AC.14/42 and A/AC.14/38) submitted amendments to the recommendations of Sub-Committee 1; a joint amendment to the latter was also submitted by the delegations of Norway and Pakistan (A/AC.14/46).

Most of these amendments were of a technical nature, designed to elaborate or clarify provisions of the Plan of Partition with Economic Union, and most of them were adopted without opposition. A few amendments were not pressed by their sponsors. Only three amendments were rejected as a result of votes. One of these was proposed by Pakistan (A/AC.14/40) and would have laid

<sup>232</sup> See Section c (1), pp. 231-32.

down the principle that not more than ten per cent of the land, exclusive of state or waste lands, in the Arab and Jewish States could be owned by Jews or Arabs respectively. It was rejected by a vote of 22 to 8. The second amendment to be rejected was among those submitted by Sweden (A/AC.14/35). It would have deleted in the relevant paragraph of the draft resolution embodying the Plan of Partition with Economic Union, in connection with the administrative staff of the Governor of the City of Jerusalem, the phrase "and chosen whenever possible from the residents of the City on a non-discriminatory basis". The vote leading to the rejection of this amendment was 15 to 10. The third and final amendment to the recommendations of Sub-Committee 1 to be rejected by the ad hoc Committee (by a vote of 15 to 13) was among those submitted by France (A/AC.14/37). It would have inserted in the paragraph dealing with the official languages of the City of Jerusalem a passage explicitly naming English and French as being among languages which, in addition to Arabic and Hebrew, might be adopted as the official languages of the City.

Among the more important amendments adopted by the ad hoc Committee (in addition to the United States proposal to transfer to the proposed Arab State a part of the Beersheba area and a portion of the Negeb (see above) ) was one, proposed by Denmark, calling upon the Security Council to consider whether the situation in Palestine constituted a threat to the peace (if circumstances warranted this) and, if the answer was in the affirmative, to supplement the authorization of the Assembly by taking measures to empower the Commission to exercise its functions under the Partition Plan; and to determine as a threat to the peace, breach of the peace or act of aggression, any attempt to alter by force the settlement envisaged in the Partition Plan. Then, too, the Committee endorsed the joint proposal by Norway and Pakistan to leave the composition of the five-member Commission to the General Assembly rather than recommend specifically that it be composed of Guatemala, Iceland, Norway, Poland and Uruguay, as suggested by Sub-Committee 1.

During the general debate on the recommendations of Sub-Committees 1 and 2, opinion in the ad hoc Committee once again was sharply divided.

The representatives of Pakistan, Lebanon, Iraq, Egypt, Yemen, Syria and Saudi Arabia were of the opinion that the recommendations of Sub-Committee 1 went beyond the Charter and were thus illegal. They favored adoption of the proposals of Sub-Committee 2. Several of them

addressed a series of questions both to the Chairman of Sub-Committee 1 and to the representative of the Mandatory Power, concerning the legality of the proposed Plan of Partition with Economic Union. The Plan was also opposed categorically by the representative of the Arab Higher Committee.

The representatives of the United Kingdom, El Salvador, Yugoslavia, Colombia, Belgium and Mexico announced that they would not vote for either the Partition Plan or the proposal to establish Palestine as an independent unitary state. The representative of Yugoslavia once again advocated the adoption of the UNSCOP minority plan for a federal state. The representative of Colombia stated that he would vote for the first of the three draft resolutions proposed by Sub-Committee 2, i.e., the one which would invite the International Court of Justice to provide an advisory opinion on several legal aspects of the Palestine question. The representative of France announced that he would vote for the referral of one of the eight questions listed in draft Resolution I to the International Court of Justice (i.e., whether the United Nations, or any of its Member States, is competent to enforce or recommend the enforcement of any proposal concerning the constitution and future government of Palestine, in particular, any plan of partition which is contrary to the wishes, or adopted without the consent, of the inhabitants of Palestine).

The representatives of Canada, Poland, Uruguay, Sweden, New Zealand, United States, Denmark, China, Chile, Bolivia, Dominican Republic, U.S.S.R. and Guatemala announced their support for the Plan of Partition with Economic Union, without necessarily subscribing to every detail thereof. Several representatives, notably those of New Zealand, Canada and Denmark, expressed doubts concerning the provisions for implementing the Partition Plan, emphasizing the crucial importance of implementation provisions. In general, however, these representatives held that the Partition Plan, although not a perfect solution of the Palestine question, represented the most equitable solution attainable under the circumstances. Support of the Partition Plan was also expressed by the representative of the Jewish Agency, who declared, however, that the Plan entailed heavy sacrifices for the Jewish people.

#### b. RECOMMENDATIONS OF THE ad hoc COMMITTEE

Voting on the recommendations occupied the ad hoc Committee during its 32nd meeting on

November 24, its 33rd on November 25 and its 34th and final meeting on November 25, 1947.

First to be put to the vote were the three draft resolutions submitted by Sub-Committee 2.

Draft Resolution I, providing for the reference to the International Court of Justice for an advisory opinion concerning eight legal questions connected with or arising out of the Palestine problem, was voted on in two parts. The first, comprising questions 1 to 7 inclusive, was rejected by a vote of 25 to 18, with 11 abstentions. The second, comprising the last question,<sup>233</sup> was rejected by a vote of 21 to 20, with 13 abstentions.

Draft Resolution II dealing with Jewish refugees and displaced persons was put to the vote paragraph by paragraph. Paragraphs 1, 2, 5 and 9 of the preamble, as well as the first two paragraphs of the operative part were adopted, the others rejected. The modified draft resolution as a whole received 16 votes in favor, 16 against, with 26 abstentions, and the Committee decided, in view of this result, to include the text of the modified draft resolution verbatim in its report to the General Assembly.

Draft Resolution III of Sub-Committee 2 (dealing with the establishment of an independent, unitary State of Palestine) was rejected by a vote of 29 to 12, with 14 abstentions.

The Committee then turned to the recommendations of Sub-Committee 1. After voting on the amendments, the Committee, during its 34th meeting, on November 25, 1947, voted on the amended draft resolution embodying the Plan of Partition with Economic Union. The draft resolution was adopted by a vote of 25 to 13, with 17 abstentions.<sup>234</sup>

Before this vote, the representative of New Zealand announced that he would abstain, without prejudice to the vote he might cast in the General Assembly, because he regarded the implementation provisions as inadequate. He urged, as a duty which the United Nations owed to itself as well as to Arabs and Jews, that all Members, particularly the big Powers, pledge at the current Assembly that, if bloodshed and upheaval broke out in Palestine, a united effort to suppress it would be made by means of an international force to which all would contribute in proportionate strength.

The delegations of Syria, Iraq and Egypt protested against the partition resolution as being unjust, impractical, against the Charter and a threat to peace. The representative of Egypt reserved the right of his Government to consider the resolution null and void.

The report of the ad hoc Committee on the

Palestinian Question (A/516) was then forwarded to the General Assembly for its consideration.

#### i. GENERAL ASSEMBLY ADOPTS RECOMMENDATIONS OF ad hoc COMMITTEE

The recommendations of the ad hoc Committee on the Palestinian Question (A/516) were considered by the General Assembly at the 124th to 128th plenary meetings, from November 26 to 29, 1947.

The Plan of Partition with Economic Union, in the form recommended by the ad hoc Committee, was supported, often with certain misgivings concerning particular aspects (e.g., the provisions for the Plan's implementation), by the representatives of Sweden, Canada, Brazil, United States, Poland, Uruguay, Netherlands, New Zealand, U.S.S.R., Belgium and Guatemala. The Plan was opposed, on the grounds that it violated the Charter and the principle of the right of self-determination of the Palestine population, by the representatives of the Philippines, Yemen, Greece, Iran, Egypt, Saudi Arabia, Syria, Lebanon, Haiti, Pakistan, Cuba and Iraq.

Representatives of several other Members declared themselves equally dissatisfied with the Partition Plan and with the rival plan for a unitary Palestine. Those who under these circumstances announced that they would abstain from voting were the representatives of China and Ethiopia.

During the 127th meeting on November 28, the representative of Colombia submitted a draft resolution (A/518) which provided that a decision on the Palestine question be deferred and that the matter be referred back to the ad hoc Committee for further efforts at producing a solution acceptable to both Arabs and Jews. At the same meeting, the representative of France proposed a 24-hour adjournment to permit a last-minute effort at conciliating Arabs and Jews and at arriving at an agreed solution of the Palestine problem. The French motion was supported by the representatives of Denmark and Luxembourg, and opposed by those of Colombia and Poland. It was approved by the Assembly by a vote of 25 to 15, with 10 abstentions, and, consequently, the Assembly thereupon adjourned for 24 hours.

Following this 24-hour adjournment, the representative of Lebanon, at the 128th plenary meeting on November 29, 1947, deploring that since the beginning of the discussions "no demarche was attempted with the Arab delegations and no at-

<sup>233</sup> See p.241.

<sup>234</sup> For text, see pp. 247-56.

tempt was made to find any conciliation formula ..." until the representatives of France and Colombia had intervened during the preceding plenary meeting, assured the Assembly that the Arab States had been and were always ready to listen to and study "any conciliatory formula susceptible of providing a reasonable and just solution of the Palestine question". They would have been happy to present a detailed plan embodying such a formula, but time had been lacking to do so between the present and the preceding plenary meeting. Nevertheless, the Arab States were in position to submit the "general principles which ought to serve as a basis for a compromise formula", namely:

"Principle number one: A federal independent state shall be set up in Palestine not later than 1 August 1948.

"Principle number two: The government of the independent state of Palestine shall be constituted on a federal basis and shall comprise a federal government and cantonal governments of Jewish and Arab cantons.

"Principle number three: The delimitation of the cantons shall be effected with a view to leaving as few Arab or Jewish minorities as possible in each canton.

"Principle number four: The population of Palestine shall elect by direct universal suffrage a Constituent Assembly which shall draft the future constitution of the federal state of Palestine. The Constituent Assembly shall comprise all the elements of the population in proportion to the number of their respective citizens.

"Principle number five: The Constituent Assembly, in defining the powers of the federal state of Palestine, as well as the powers of the judicial and legislative organs, in defining the functions of the cantonal governments, and in defining the relationships between the cantonal governments and the federal state, will be guided by the provisions of the Constitution of the United States of America, as well as the constitutions of the individual states of the United States of America.

"Principle number six: Among other necessary and essential provisions, the constitution shall provide for the protection of the Holy Places, freedom of access, visit and worship, in accordance with the status quo, as well as the safeguarding of the rights of religious establishments of all nationalities which are now found in Palestine."

In formulating these suggestions, the Arab States, the representative of Lebanon said, did not wish to exclude any suggestion or proposal which might be submitted by other delegations and which might be calculated to conciliate the points of view of Jews and Arabs.

The statement that no attempt at conciliation had been made was challenged by the representative of Iceland, who had been the Rapporteur of the ad hoc Committee. He recalled the efforts by the ad hoc Committee's Conciliation Group, adding that, as previously reported, these efforts had been doomed to failure in view of the vast gap between the contending parties.

The representative of the United States declared

that the suggestions outlined by the representative of Lebanon coincided very largely with the plan recommended in the UNSCOP minority report, a plan which the ad hoc Committee had rejected. He moved that the recommendations of the ad hoc Committee be put to the vote immediately.

The representative of Iran submitted a draft resolution calling for a delay until January 15, 1948, in the deliberations of the Assembly on the Palestine question to enable the ad hoc Committee to reconvene and to study the matter further. The representative of Syria declared that the Chairman of the ad hoc Committee, in his capacity as Chairman of the Conciliation Group, had requested the chief of the Saudi Arabian delegation to make arrangements for consultations with the chief of the United States delegation to see if conciliation were possible. The representative of Syria further declared that the chief of the Saudi Arabian delegation had immediately notified the Chairman of the Conciliation Group of its readiness to accept this suggestion, but had never received an answer. Nor had another approach been made for such consultations to any of the delegations most directly concerned. Therefore, he maintained, the ad hoc Committee had not fulfilled its duties.

The representative of the U.S.S.R. opposed the proposal of the representative of Lebanon, and suggested that a vote be taken promptly on the recommendations of the ad hoc Committee.

The President ruled that the recommendations of the ad hoc Committee must be voted on before the Iranian proposal could be put to the vote.

The representative of Lebanon said he wished to call the Assembly's attention to the fact that the twelve general recommendations of UNSCOP<sup>235</sup> had not been voted on in the ad hoc Committee. He therefore suggested that this be done now, before a vote was taken on the Plan of Partition with Economic Union. The President ruled that these twelve recommendations had been a matter for the ad hoc Committee, and not for the General Assembly. He then submitted the report of the ad hoc Committee (A/516) to a roll-call vote.

The result of the vote was as follows:

In favor: Australia, Belgium, Bolivia, Brazil, Byelorussian S.S.R., Canada, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Ecuador, France, Guatemala, Haiti, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Sweden, Ukrainian S.S.R., Union of South Africa, U.S.S.R., United States of America, Uruguay, Venezuela.

<sup>235</sup> See Section b (2) (b), pp. 229-30.

Against: Afghanistan, Cuba, Egypt, Greece, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, Yemen.

Abstained: Argentina, Chile, China, Colombia, El Salvador, Ethiopia, Honduras, Mexico, United Kingdom, Yugoslavia.

The report, including the Plan of Partition with Economic Union, was therefore adopted by a vote of 33 to 13, with 10 abstentions (see below).

Following the vote, the representative of the United Kingdom pointed out that a number of details connected with the application of the resolution just adopted would closely affect his Government. He expressed the hope that the United Nations Commission (envisaged in the resolution) would communicate with his Government in order that arrangements might be agreed upon for the arrival of the Commission in Palestine and for the co-ordination of its plans with those of the Mandatory Power for the withdrawal of British administration and British military forces. Earlier, the representative of the United Kingdom had reaffirmed the policy of his Government as outlined before the beginning of the general debate in the ad hoc Committee, and had reaffirmed that, subject to the limitations of that policy, the Government of the United Kingdom would not obstruct the implementation of the Partition Plan.

Also, following the adoption of the resolution on Partition, the representatives of Saudi Arabia, Pakistan, Iraq, Syria and Yemen denounced the Partition Plan as being anti-Charter, illegal and immoral, and declared that their respective Governments, regarding the resolution embodying the plan as a recommendation (rather than a binding decision), would not feel bound by it.

The President then proposed, and the Assembly endorsed, the following Members for membership on the United Nations Palestine Commission: Bolivia, Czechoslovakia, Denmark, Panama and the Philippines.

On the proposal of the representative of Sweden, acting for the Rapporteur of the Fifth (Administrative and Budgetary) Committee, the Assembly completed work on the Palestine aspect of the agenda of the second session by adopting the following resolution (181(II)B):

"The General Assembly

"Authorizes the Secretary-General to draw from the Working Capital Fund a sum not to exceed \$2,000,000 for the purposes set forth in the last paragraph of the resolution on the future government of Palestine."

#### j. TEXT OF RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON THE FUTURE GOVERNMENT OF PALESTINE

The text of the resolution (181(II)A) on the Future Government of Palestine, as adopted by the General Assembly at the 128th plenary meeting on November 29, 1947, reads as follows:

"The General Assembly,

"Having met in special session at the request of the mandatory Power to constitute and instruct a special committee to prepare for the consideration of the question of the future government of Palestine at the second regular session;

"Having constituted a Special Committee and instructed it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem, and

"Having received and examined the report of the Special Committee (document A/364) including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee,

"Considers that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations;

"Takes note of the declaration by the mandatory Power that it plans to complete its evacuation of Palestine by 1 August 1948;

"Recommends to the United Kingdom, as the mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below;

"Requests that

"(a) The Security Council take the necessary measures as provided for in the plan for its implementation;

"(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution;

"(c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution;

"(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this plan;

"Calls upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect;

"Appeals to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations, and

"Authorizes the Secretary-General to reimburse travel and subsistence expenses of the members of the Commis-

sion referred to in Part I, Section B, paragraph 1 below, on such basis and in such form as he may determine most appropriate in the circumstances, and to provide the Commission with the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly."

#### PLAN OF PARTITION WITH ECONOMIC UNION

##### PART I.—FUTURE CONSTITUTION AND GOVERNMENT OF PALESTINE

###### A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948.

2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible but in any case not later than 1 August 1948.

The mandatory Power shall advise the Commission, as far in advance as possible, of its intention to terminate the Mandate and to evacuate each area.

The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February 1948.

3- Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be described in parts II and III below.

4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

###### B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.

2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission, which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City

of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in part II of this plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.

4. The Commission, after consultation with the democratic parties and other public organizations of the Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulation.

6. The Provisional Council of Government of each State, acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the Constituent Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The constitutions of the States shall embody chapters 1 and 2 of the Declaration provided for in section C below and include inter alia provisions for:

(a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;

(b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association;

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall control residence within its borders.

11. The Commission shall appoint a preparatory economic commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.

12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.

14. The Commission shall be guided in its activities by the recommendations of the General Assembly and

by such instructions as the Security Council may consider necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.

15. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

### C. DECLARATION

A declaration shall be made to the United Nations by the provisional government of each proposed State before independence. It shall contain inter alia the following clauses:

#### General Provision

The stipulations contained in the declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

#### CHAPTER 1.—HOLY PLACES, RELIGIOUS BUILDINGS AND SITES

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

2. In so far as Holy Places are concerned, the liberty of access, visit and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum.

Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious com-



munities or the rites of a religious community with respect to such places, buildings and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

#### CHAPTER 2.—RELIGIOUS AND MINORITY RIGHTS

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.

2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.

3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.

4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.<sup>236</sup>

8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State)<sup>237</sup> shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

#### CHAPTER 3.—CITIZENSHIP, INTERNATIONAL CONVENTIONS AND FINANCIAL OBLIGATIONS

1. Citizenship. Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State, providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jews residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for

citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of that State, but not in the elections to the Constituent Assembly of the State in which they reside.

2. International conventions, (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

3. Financial obligations, (a) The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power during the exercise of the Mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation or gratuities.

(b) These obligations shall be fulfilled through participation in the Joint Economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom and one representative of the State concerned, should be established. Any dispute between the United Kingdom and the State respecting claims not recognized by the latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

#### CHAPTER 4.—MISCELLANEOUS PROVISIONS

1. The provisions of chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

<sup>236</sup>The following stipulation shall be added to the declaration concerning the Jewish State: "In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration." [Footnote in original document]

<sup>237</sup>In the declaration concerning the Arab State, the words "by an Arab in the Jewish State" should be replaced by the words "by a Jew in the Arab State". [Footnote in original document]

## D. ECONOMIC UNION AND TRANSIT

1. The Provisional Council of Government of each State shall enter into an undertaking with respect to Economic Union and Transit. This undertaking shall be drafted by the Commission provided for in section B, paragraph 1, utilizing to the greatest possible extent the advice and co-operation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April 1948 the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

## The Economic Union of Palestine

2. The objectives of the Economic Union of Palestine shall be:

- (a) A customs union;
- (b) A joint currency system providing for a single foreign exchange rate;
- (c) Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and ports and airports involved in international trade and commerce;
- (d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation;
- (e) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.

3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.

4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union. It shall have all powers of organization and administration necessary to fulfil its functions.

5. The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

6. In the event of failure of a State to take the necessary action the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the customs revenue to which the State in question is entitled under the Economic Union. Should the State persist in its failure to co-operate, the Board may decide by a simple majority vote upon such further sanctions, including disposition of funds which it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system the currencies circulating in the two States and the City of Jerusalem shall be issued under the authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with paragraph 2 (b) above,

each State may operate its own central bank, control its own fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licenses, and may conduct international financial operations on its own faith and credit. During the first two years after the termination of the Mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that—to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures to conserve its own foreign exchange resources—each State shall have available, in any twelve months' period, foreign exchange sufficient to assure the supply of quantities of imported goods and services for consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve months' period ending 31 December 1947.

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedules shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the customs and other common revenue of the Joint Economic Board:

(a) The expenses of the customs service and of the operation of the joint services;

(b) The administrative expenses of the Joint Economic Board;

(c) The financial obligations of the Administration of Palestine consisting of:

(i) The service of the outstanding public debt;

(ii) The cost of superannuation benefits, now being paid or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of chapter 3 above.

14. After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem; the residue shall be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and suitable level of government and social services in each State, except that the share of either State shall not exceed the amount of that State's contribution to the revenues of the Economic Union by more than approximately four million pounds in any year. The amount granted may be adjusted by the Board according to the price level in relation to the prices prevailing at the time of the establishment of the Union. After five years, the principles of the distribution of the joint revenues may be revised by the Joint Economic Board on a basis of equity.

15. All international conventions and treaties affecting customs tariff rates, and those communications services under the jurisdiction of the Joint Economic Board, shall be entered into by both States. In these matters, the two

States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

16. The Joint Economic Board shall endeavour to secure for Palestine's exports fair and equal access to world markets.

17. All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

#### Freedom of transit and visit

18. The undertaking shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each State and the City shall control residence within its borders.

#### Termination, modification and interpretation of the undertaking

19. The undertaking and any treaty issuing therefrom shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the parties.

20. During the initial ten-year period, the undertaking and any treaty issuing therefrom may not be modified except by consent of both parties and with the approval of the General Assembly.

21. Any dispute relating to the application or the interpretation of the undertaking and any treaty issuing therefrom shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

### E. ASSETS

1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in section B, paragraph 1, above. Immovable assets shall become the property of the government of the territory in which they are situated.

2. During the period between the appointment of the United Nations Commission and the termination of the Mandate, the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands or any other asset.

### F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

## PART II.—BOUNDARIES<sup>238</sup>

### A. THE ARAB STATE

The area of the Arab State in Western Galilee is bounded on the west by the Mediterranean and on the north by the frontier of the Lebanon from Ras en Naqura

to a point north of Saliha. From there the boundary proceeds southwards, leaving the built-up area of Saliha in the Arab State, to join the southernmost point of this village. Thence it follows the western boundary line of the villages of 'Alma, Rihaniya and Teitaba, thence following the northern boundary line of Meirun village to join the Acre-Safad sub-district boundary line. It follows this line to a point west of Es Sammu'i village and joins it again at the northernmost point of Farradiya. Thence it follows the sub-district boundary line to the Acre-Safad main road. From here it follows the western boundary of Kafr I'nan village until it reaches the Tiberias-Acre sub-district boundary line, passing to the west of the junction of the Acre-Safad and Lubiya-Kafr I'nan roads. From the south-west corner of Kafr I'nan village the boundary line follows the western boundary of the Tiberias sub-district to a point close to the boundary line between the villages of Maghar and Eilabun, thence bulging out to the west to include as much of the eastern part of the plain of Battuf as is necessary for the reservoir proposed by the Jewish Agency for the irrigation of lands to the south and east.

The boundary rejoins the Tiberias sub-district boundary at a point on the Nazareth-Tiberias road south-east of the built-up area of Tur'an; thence it runs southwards, at first following the sub-district boundary and then passing between the Kadoorie Agricultural School and Mount Tabor, to a point due south at the base of Mount Tabor. From here it runs due west, parallel to the horizontal grid line 230, to the north-east corner of the village lands of Tel Adashim. It then runs to the north-west corner of these lands, when it turns south and west so as to include in the Arab State the sources of the Nazareth water supply in Yafa village. On reaching Ginneiger it follows the eastern, northern and western boundaries of the lands of this village to their south-west corner, whence it proceeds in a straight line to a point on the Haifa-Afula railway on the boundary between the villages of Sarid and El Mujeidil. This is the point of intersection.

The south-western boundary of the area of the Arab State in Galilee takes a line from this point, passing northwards along the eastern boundaries of Sarid and Gevat to the north-eastern corner of Nahalal, proceeding thence across the land of Kefar ha Horesh to a central point on the southern boundary of the village of Hut, thence westwards along that village boundary to the eastern boundary of Beit Lahm, thence northwards and north-eastwards along its western boundary to the north-eastern corner of Waldheim and thence north-westwards across the village lands of Shafa 'Amr to the south-eastern corner of Ramat Yohanan. From here it runs due north-north-east to a point on the Shafa 'Amr-Haifa road, west of its junction with the road to I'Billin. From there it proceeds north-east to a point on the southern boundary of I'Billin situated to the west of the I'Billin-Birwa road. Thence along that boundary to its westernmost point, whence it turns to the north, follows across the village land of Tamra to the north-westernmost corner and along the western boundary of Julis until it reaches the Acre-Safad road. It then runs westwards along the southern side of the Safad-Acre road to the Galilee-Haifa

<sup>238</sup> The boundary lines described in part II are indicated in Annex A [following p. 236 in the present Yearbook]. The base map used in marking and describing this boundary is "Palestine 1:250,000" published by the Survey of Palestine, 1946. [Footnote in original document]

District boundary, from which point it follows that boundary to the sea.

The boundary of the hill country of Samaria and Judea starts on the Jordan River at the Wadi Malih south-east of Beisan and runs due west to meet the Beisan-Jericho road and then follows the western side of that road in a north-westerly direction to the junction of the boundaries of the sub-districts of Beisan, Nablus, and Jenin. From that point it follows the Nablus-Jenin sub-district boundary westwards for a distance of about three kilometres and then turns north-westwards, passing to the east of the built-up areas of the villages of Jalbun and Faqu'a, to the boundary of the sub-districts of Jenin and Beisan at a point north-east of Nuris. Thence it proceeds first north-westwards to a point due north of the built-up area of Zir'in and then westwards to the Afula-Jenin railway, thence north-westwards along the district boundary line to the point of intersection on the Hejaz railway. From here the boundary runs south-westwards, including the built-up area and some of the land of the village of Kh.Lid in the Arab State to cross the Haifa-Jenin road at a point on the district boundary between Haifa and Samaria west of El Mansi. It follows this boundary to the southernmost point of the village of El Buteimat. From here it follows the northern and eastern boundaries of the village of Ar'ara, rejoining the Haifa-Samaria district boundary at Wadi'Ara, and thence proceeding south-south-westwards in an approximately straight line joining up with the western boundary of Qaqun to a point east of the railway line on the eastern boundary of Qaqun village. From here it runs along the railway line some distance to the east of it to a point just east of the Tulkarm railway station. Thence the boundary follows a line half-way between the railway and the Tulkarm-Qalqiliya-Jaljuliya and Ras el Ein road to a point just east of Ras el Ein station, whence it proceeds along the railway some distance to the east of it to the point on the railway line south of the junction of the Haifa-Lydd and Beit Nabala lines, whence it proceeds along the southern border of Lydda airport to its south-west corner, thence in a south-westerly direction to a point just west of the built-up area of Sarafand el 'Amar, whence it turns south, passing just to the west of the built-up area of Abu el Fadil to the north-east corner of the lands of Beer Ya'Aqov. (The boundary line should be so demarcated as to allow direct access from the Arab State to the airport.) Thence the boundary line follows the western and southern boundaries of Ramie village, to the north-east corner of El Na'ana village, thence in a straight line to the southernmost point of El Barriya, along the eastern boundary of that village and the southern boundary of 'Innaba village. Thence it turns north to follow the southern side of the Jaffa-Jerusalem road until El Qubab, whence it follows the road to the boundary of Abu Shusha. It runs along the eastern boundaries of Abu Shusha, Seidun, Hulda to the southernmost point of Hulda, thence westwards in a straight line to the north-eastern corner of Umm Kalkha, thence following the northern boundaries of Umm Kalkha, Qazaza and the northern and western boundaries of Mukhezzi to the Gaza District boundary and thence runs across the village lands of El Mismiya, El Kabira, and Yasur to the southern point of intersection, which is midway between the built-up areas of Yasur and Batani Sharqi.

From the southern point of intersection the boundary line runs north-westwards between the villages of Gan Yavne and Barqa to the sea at a point half way between

Nabi Yunis and Minat el Qila, and south-eastwards to a point west of Qastina, whence it turns in a south-westerly direction, passing to the east of the built-up areas of Es Sawafir, Esh Sharqiya and Ibdis. From the south-east corner of Ibdis village it runs to a point south-west of the built-up area of Beit 'Affa, crossing the Hebron-El Majdal road just to the west of the built-up area of Iraq Suweidan. Thence it proceeds southwards along the western village boundary of El Faluja to the Beersheba sub-district boundary. It then runs across the tribal lands of 'Arab el Jubarat to a point on the boundary between the sub-districts of Beersheba and Hebron north of Kh. Khuweilifa, whence it proceeds in a south-westerly direction to a point on the Beersheba-Gaza main road two kilometres to the north-west of the town. It then turns south-eastwards to reach Wadi Sab' at a point situated one kilometre to the west of it. From here it turns north-eastwards and proceeds along Wadi Sab' and along the Beersheba-Hebron road for a distance of one kilometre, whence it turns eastwards and runs in a straight line to Kh. Kuseifa to join the Beersheba-Hebron sub-district boundary. It then follows the Beersheba-Hebron boundary eastwards to a point north of Ras ez Zuweira, only departing from it so as to cut across the base of the indentation between vertical grid lines 150 and 160.

About five kilometres north-east of Ras ez Zuweira it turns north, excluding from the Arab State a strip along the coast of the Dead Sea not more than seven kilometres in depth, as far as Ein Geddi, whence it turns due east to join the Transjordan frontier in the Dead Sea.

The northern boundary of the Arab section of the coastal plain runs from a point between Minat el Qila and Nabi Yunis, passing between the built-up areas of Gan Yavne and Barqa to the point of intersection. From here it turns south-westwards, running across the lands of Batani Sharqi, along the eastern boundary of the lands of Beit Daras and across the lands of Julis, leaving the built-up areas of Batani Sharqi and Julis to the westwards, as far as the north-west corner of the lands of Beit Tima. Thence it runs east of El Jiya across the village lands of El Barbara along the eastern boundaries of the villages of Beit Jirja, Deir Suneid and Dimra. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Beit Hanun the line runs south-west to a point south of the parallel grid line 100, then turns north-west for two kilometres, turning again in a south-westerly direction and continuing in an almost straight line to the north-west corner of the village lands of Kirbet Ikhza'a. From there it follows the boundary line of this village to its southernmost point. It then runs in a southerly direction along the vertical grid line 90 to its junction with the horizontal grid line 70. It then turns south-eastwards to Kh. el Ruheiba and then proceeds in a southerly direction to a point known as El Baha, beyond which it crosses the Beersheba-El 'Auja main road to the west of Kh. el Mushrif. From there it joins Wadi El Zaiyatin just to the west of El Subeita. From there it turns to the north-east and then to the south-east following this wadi and passes to the east of 'Abda to join Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh, Wadi Ajrim and Wadi Lassan to the point where Wadi Lassan crosses the Egyptian frontier.

The area of the Arab enclave of Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarters lying south of Tel-Aviv, to

the west of the continuation of Herzl street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-Jerusalem road lying south-east of that junction, to the west of Miqve Yisrael lands, to the north-west of Holon local council area, to the north of the line linking up the north-west corner of Holon with the north-east corner of Bat Yam local council area and to the north of Bat Yam local council area. The question of Karton quarter will be decided by the Boundary Commission, bearing in mind among other considerations the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.

#### B. THE JEWISH STATE

The north-eastern sector of the Jewish State (Eastern Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and Transjordan. It includes the whole of the Hula Basin, Lake Tiberias, the whole of the Beisan sub-district, the boundary line being extended to the crest of the Gilboa mountains and the Wadi Malih. From there the Jewish State extends north-west, following the boundary described in respect of the Arab State.

The Jewish section of the coastal plain extends from a point between Minat et Qila and Nabi Yunis in the Gaza sub-district and includes the towns of Haifa and Tel-Aviv, leaving Jaffa as an enclave of the Arab State. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area comprises the whole of the Beer-sheba sub-district, including the Negeb and the eastern part of the Gaza sub-district, but excluding the town of Beersheba and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from the Beersheba-Hebron sub-district boundary line to Ein Geddi, as described in respect of the Arab State.

#### C. THE CITY OF JERUSALEM

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem. (See Part III, Section B, below.)

### PART III.—CITY OF JERUSALEM

#### A. SPECIAL REGIME

The City of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

#### B. BOUNDARIES OF THE CITY

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu-fat, as indicated on the attached sketch-map (annex B [following p. 236 in the present Yearbook]).

#### C. STATUTE OF THE CITY

The Trusteeship Council shall, within five months of the approval of the present plan, elaborate and approve a

detailed Statute of the City which shall contain inter alia the substance of the following provisions:

1. Government machinery; special objectives. The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

(a) To protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reigns in Jerusalem;

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. Governor and administrative staff. A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. Local autonomy, (a) The existing local autonomous units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. Security measures, (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. Legislative organization. A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of

legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the Council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

6. Administration of justice. The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

7. Economic union and economic regime. The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decisions of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all Members of the United Nations and their nationals.

8. Freedom of transit and visit; control of residents. Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. Relations with the Arab and Jewish States. Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connexion with the international administration of the City.

10. Official languages. Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. Citizenship. All the residents shall become *ipso facto* citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed notice of intention to become citizens of the Arab or Jewish State respectively, according to part I, section B, paragraph 9 of this plan.

The Trusteeship Council shall make arrangements for consular protection of the citizens of the City outside its territory.

12. Freedoms of citizens, (a) Subject only to the requirements of public order and morals, the inhabitants of the City shall be ensured the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and Press, assembly and association, and petition.

(b) No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

(c) All persons within the City shall be entitled to equal protection of the laws.

(d) The family law and personal status of the various

persons and communities and their religious interests, including endowments, shall be respected.

(e) Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

(f) The City shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages and in accordance with their cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

(g) No restriction shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

13. Holy Places, (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the City. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine, (a) The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

(b) With relation to such places, buildings and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

(c) The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in re-

spect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

#### D. DURATION OF THE SPECIAL REGIME

The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their wishes as to possible modifications of the regime of the City.

#### PART IV.—CAPITULATIONS

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection, as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.

#### k. UNITED NATIONS PALESTINE COMMISSION

One of the consequences of the General Assembly's resolution 181(II) of November 29, 1947, concerning the Plan of Partition with Economic Union of Palestine, was the establishment of a five-member United Nations Palestine Commission, composed of the representatives of Bolivia, Czechoslovakia, Denmark, Panama and the Philippines, whose terms of reference were laid down in the resolution.

The Palestine Commission held its first meeting on January 9, 1948, and elected Karel Lisicky (Czechoslovakia) and Raul Diez de Medina (Bolivia) as its Chairman and Vice-Chairman, respectively.

Under the partition resolution, the Commission had been assigned a major part in the implementation of the Plan of Partition with Economic Union, a task in which it was to avail itself of the guidance and assistance of the Security Council whenever necessary.

At the outset of its work, the Commission invited the United Kingdom as the Mandatory Power, the Arab Higher Committee and the Jewish Agency for Palestine to designate representatives who might furnish the Commission such authoritative information and other assistance as it might require in the discharge of its duties. The United Kingdom and the Jewish Agency complied with

this request, while the Arab Higher Committee declared itself unable to accept the invitation, stating that it was "determined to persist in rejection partition and in refusal recognize UNO resolution this respect and anything deriving therefrom".<sup>239</sup> Early in March, the Commission dispatched to Palestine an advance party of six Secretariat members for purposes of observation and exploratory discussions.

The Commission rendered to the Security Council two monthly progress reports (S/663 and S/695, dated respectively January 29 and March 12, 1948) as required by the Assembly's resolution, and, in addition, a Special Report on the Problem of Security in Palestine (S/676) on February 16, 1948. In the last-mentioned report, the Commission reported to the Security Council *inter alia*:

"It is the considered view of the Commission that the security forces of the Mandatory Power, which at the present time prevent the situation from deteriorating completely into open warfare on an organized basis, must be replaced by an adequate non-Palestinian force which will assist law-abiding elements in both the Arab and Jewish communities, organized under the general direction of the Commission, in maintaining order and security in Palestine, and thereby enabling the Commission to carry out the recommendations of the General Assembly. Otherwise, the period immediately following the termination of the Mandate will be a period of uncontrolled, widespread strife and bloodshed in Palestine, including the City of Jerusalem. This would be a catastrophic conclusion to an era of international concern for that territory.

"The Commission submits this report with a profound appreciation of its duty to the United Nations. The sole motivation of the Commission is to obtain from the Security Council that effective assistance without which, it is firmly convinced, it cannot discharge the great responsibilities entrusted to it by the General Assembly."

The Security Council's consideration of the reports of the Commission has been noted elsewhere in the present Yearbook.<sup>240</sup>

The Palestine Commission, in a resolution adopted on April 2, 1948, recalled the mandate entrusted to it by the General Assembly on November 29, 1947; stated that it had "received no guidance or instructions from the Security Council concerning the implementation of the General Assembly's resolution", and noted the Council's decisions of April 1 calling for steps to be taken to arrange a truce in Palestine, and requesting the convocation of a special session of the General Assembly to consider further the question of the future government of Palestine. In the same resolution, the Commission decided (A/532, p. 2) :

<sup>239</sup> Telegram sent to Secretary-General by Arab Higher Committee on January 19, 1948, quoted on page 6 of the Commission's Report (A/532) to the General Assembly.

<sup>240</sup> See pp. 403-7.

"I. To continue its work, bearing in mind the resolutions adopted by the Security Council, in the understanding that all of its decisions will be subject to such final action on the future government of Palestine as may be taken by the special session of the General Assembly convening on 16 April;

"II. To undertake the preparation of a report to be presented to the special session of the General Assembly which will include an exposition of the reasons which have prevented the Commission from discharging all of the responsibilities assigned to it by the resolution of 29 November 1947."

The reasons which, in the Commission's opinion, prevented it from discharging all of the responsibilities assigned to it by the Assembly's resolution, were summed up by the Commission in its report to the General Assembly (A/532) in the following terms:

"The Commission . . . has the duty to report to the General Assembly that the armed hostility of both Palestinian and non-Palestinian Arab elements, the lack of co-operation from the Mandatory Power, the disintegrating security situation in Palestine, and the fact that the Security Council did not furnish the Commission with the necessary armed assistance, are the factors which have made it impossible for the Commission to implement the Assembly's resolution."

In the same report, the Commission also outlined a number of "problems which require an urgent solution", regardless of the ultimate decision of the

Assembly on the future government of Palestine, including questions concerned with security, administration, economics and finance. The report also registered the concern of the Commission concerning the food situation in the Holy Land, adding that "in view of the urgency of this matter, the Commission is presenting a special report<sup>241</sup> on the subject to the Security Council with a request for its guidance . . .".

In the concluding paragraph of its report to the General Assembly, the Commission warned once again ". . . in the absence of forces adequate to restore and maintain law and order in Palestine following the termination of the Mandate, there will be administrative chaos, starvation, widespread strife, violence and bloodshed in Palestine, including Jerusalem. These calamitous results for the people of Palestine will be intensified unless specific arrangements are made regarding the urgent matters outlined above well in advance of 15 May 1948."

The report to the General Assembly was adopted by the Palestine Commission on April 10, 1948.

Following the decision of the General Assembly to relieve the Commission of its duties,<sup>242</sup> the Commission held its 75th and last meeting on May 17, 1948, took cognizance of the Assembly's action and adjourned sine die.

## E. SECOND SPECIAL SESSION<sup>243</sup>

### 1. Calling of the Session

On April 1, 1948, the Secretary-General of the United Nations, acting in pursuance of a request of the Security Council, summoned by telegram the second special session of the General Assembly to meet at Flushing Meadow, New York, on April 16 to "consider further the question of the future government of Palestine" (A/530).

This marked the first time that the Security Council, invoking Article 20 of the Charter, had taken the initiative in convening an Assembly session. (The first special session of the General Assembly had been convened at the request of an individual Member nation, the United Kingdom.<sup>244</sup>) The Security Council made its request in a resolution adopted on the motion of the United States representative on April 1, 1948.<sup>245</sup>

### 2. Organization of the Session

The General Assembly convened at Flushing Meadow on April 16. The session was opened by the Chairman of the Brazilian delegation, Joao Carlos Muniz. It was the 129th meeting of the Assembly.

On the proposal of the temporary President, the Assembly, without discussion, agreed to the establishment of a Credentials Committee composed of the representatives of Belgium, Dominican Repub-

<sup>241</sup>The special report was issued on April 13 (S/720 and Add. 1, dated April 14 and May 5, 1948, respectively).

<sup>242</sup>See p. 281.

<sup>243</sup>A more detailed account of the debates at the second special session of the General Assembly is given in the United Nations Bulletin, Vol. IV, Nos. 9-11.

<sup>244</sup>See Yearbook of the United Nations, 1946-47, pp. 276-77.

<sup>245</sup>See pp. 410-11.



lic, Egypt, India, Mexico, Netherlands, Pakistan, Ukrainian S.S.R. and Uruguay.

Jose Arce, Chairman of the Argentine delegation, was elected President of the Assembly by 31 out of 53 votes cast, the Chairman of the Chinese delegation receiving 18 votes.

The Assembly agreed with the suggestion of the President to follow the usual procedure of constituting a General Committee and referring to it the consideration of the agenda.

Accordingly, the Assembly, at its 130th meeting, proceeded to the election of the Chairmen of the six Main Committees and of its own seven Vice-Presidents. To elect the six Chairmen, the Assembly resolved itself successively into each of the six Main Committees. The following were elected:

First (Political and Security)	
Committee .....	T. F. Tsiang (China)
Second (Economic and Financial)	
Committee .....	Eduardo Anze Matienzo (Bolivia)
Third (Social, Humanitarian and Cultural)	
Committee .....	Carlos Garcia Bauer (Guatemala)
Fourth (Trusteeship) Committee	
	Sir Carl August Berendsen (New Zealand)
Fifth (Administrative and Budgetary)	
Committee .....	Joza Vilfan (Yugoslavia)
Sixth (Legal) Committee	Nasrollah Entezam (Iran)

To complete the composition of the General Committee, the Assembly elected its seven Vice-Presidents. Chief representatives of the following countries were chosen: France, Peru, Sweden, Turkey, U.S.S.R., United Kingdom, United States.

The Assembly approved the report of the Credentials Committee which showed that the credentials of thirteen delegations fully satisfied the requirements and that provisional credentials had been received by 43 delegations, while one Member Government, Paraguay, had submitted no credentials.

### 3. Agenda of the Session

#### a. ITEMS PROPOSED

Apart from organizational and procedural matters, the only item on the provisional agenda (A/531) was one providing for the "further consideration of the question of the future government of Palestine". In addition, the delegations of China (A/535) and India (A/536) proposed that the application of the Union of Burma for membership in the United Nations be included in the agenda of the session. The item was placed on the supplementary list of additional agenda items which, together with the provisional agenda, was referred to the General Committee.

#### b. CONSIDERATION OF AGENDA

The General Committee met on April 16, 1948, and required only one meeting—its 42nd—to formulate its recommendations to the Assembly in connection with the agenda and the organization of the work thereon. The representatives of the U.S.S.R., Yugoslavia and Guatemala declared that they failed to see the need for a special session of the General Assembly for the further consideration of the Palestine question. Substantially the same view had been expressed during the 130th meeting of the General Assembly by the representative of Uruguay.

There was no opposition in the General Committee to the proposal to place the Burmese application for membership in the United Nations on the agenda of the session.

The recommendation to approve the provisional agenda, i.e., the further consideration of the future government of Palestine, received 11 affirmative votes. No negative votes were cast but three members of the General Committee—the representatives of Guatemala, the U.S.S.R. and Yugoslavia—abstained.

By an identical vote, the General Committee decided to recommend to the General Assembly that the further consideration of the Palestine question be referred to the First Committee for consideration and report.

The General Committee was unanimous in recommending (A/537) that the General Assembly consider in plenary meeting, and without prior reference to committee, the application of Burma for membership in the United Nations.

The recommendations of the General Committee (A/537) were approved by the General Assembly at its 131st meeting on April 19, 1948, as follows:

(1) That the provisional agenda ("Question of the future government of Palestine") be approved; this was adopted without objection.

(2) That the supplementary list (Application of Burma) be approved; this was adopted unanimously.

(3) That the item on the future government of Palestine be referred to the First Committee; this was adopted by 44 votes in favor, with 10 abstentions.

(4) That the Assembly consider the application of Burma in plenary meeting; this was adopted without a vote.

### 4. Admission of the Union of Burma to the United Nations

The application of the Union of Burma for membership in the United Nations was considered

at the 131st meeting of the General Assembly on April 19, 1948. Statements in support of the application were made by the representatives of India, Pakistan and Siam, who emphasized the close ties of friendship existing between Burma and their own countries, as well as their conviction that the membership of the Union of Burma would be an asset to the United Nations.

On the proposal of the President, the Assembly unanimously adopted the following resolution (188(S-2)):

"The General Assembly,

"Taking note of the application for membership submitted to the United Nations by the Union of Burma, and of the recommendation of the Security Council that the Assembly admit the Union of Burma to membership,

"Decides to admit the Union of Burma as a Member of the United Nations."

As a result of this vote, the Union of Burma, on April 19, 1948, became the 58th Member of the United Nations.

## 5. Further Consideration of the Question of the Future Government of Palestine

### a. ORGANIZATION OF THE FIRST COMMITTEE

At its 118th meeting on April 20, the First Committee elected Juliusz Katz-Suchy (Poland) as its Vice-Chairman, T. F. Tsiang (China) having previously been chosen as Chairman. Finn Moe (Norway) was elected as Rapporteur.

In the course of its work, the Committee established two sub-committees to deal with particular aspects of the problem.

All in all, the First Committee met 25 times during the second special session.

Representatives of the Arab Higher Committee and of the Jewish Agency for Palestine, as well as the Chairman of the Palestine Commission, participated in the Committee meetings without vote.

(No meetings were held by the other five Main Committees, aside from one meeting of each, held for the purpose of electing Committee Chairmen, as mentioned above.)

### b. GENERAL DEBATE

Following the completion of its organization, the First Committee, during its 118th meeting, embarked upon an initial general debate on the question of the future government of Palestine.

#### (1) Viewpoint of the United States

The representative of the United States recalled that his Government had introduced the resolu-

tion requesting the calling of the special session of the General Assembly which the Security Council had adopted on April 1, 1948.

It seemed to the Government of the United States that the problem facing the Assembly was, in essence, that of establishing peace in Palestine and of creating conditions for a constructive political settlement in the Holy Land.

The representative of the United States held that it had been conclusively proved that resolution 181 (II) of the General Assembly, which called for the partition of Palestine with economic union and which had been adopted on November 29, 1947, could not be implemented by peaceful means, contrary to the hopes of the United States. Moreover, the Security Council had failed to adopt a United States proposal to place the Council formally behind the Partition Plan.

The situation in the Holy Land was fast deteriorating; already there was bloodshed, and even greater disorders must be expected after the termination of the Mandate on May 15. Appeals for a truce, such as had been issued by the Security Council, were a step in the right direction, but could not ensure the continuance of governmental authority in Palestine.

Under the circumstances, the United States believed that the Assembly should consider the establishment of a Temporary Trusteeship for Palestine. Without submitting a draft Trusteeship Agreement worked out in every detail, the United States was putting forward a working paper (A/C.1/277) containing suggestions for such an Agreement. These suggestions were based upon the draft statute for Jerusalem prepared by the Trusteeship Council pursuant to the Assembly's resolution of November 29,<sup>246</sup> as well as upon ideas advanced informally by members of the Security Council; they thus represented, to a very considerable degree, a collective view.

In the view of the United States, such an agreement for a temporary period of Trusteeship should provide that major governmental functions be exercised by a Government of Palestine, headed by a Governor-General appointed by, and responsible to, the Trusteeship Council, whose own role would be supervisory. Pending the establishment of an elected, possibly bicameral, legislature, the Governor-General should be authorized to legislate by decree. He should also be empowered to call upon certain states, to be listed in the Trusteeship Agreement, for assistance in the maintenance of law and order, if need be.

<sup>246</sup> See pp. 254-56.

The Trusteeship Agreement should also contain provisions for immigration into Palestine on some agreed basis, for a policy concerning land purchase, and for the protection of, and access to, the Holy Places.

The United States would be willing to provide police forces for the implementation of such a plan, provided other governments were willing to do the same.

The Temporary Trusteeship should not be regarded as a substitute for the Partition Plan, or for any solution agreeable to Arabs and Jews. It was an emergency measure to safeguard human lives and to create an atmosphere in which negotiations for a permanent solution could proceed more smoothly, and the Trusteeship should be terminated promptly as soon as a general solution of the Palestine problem had been found.

The representative of the United States suggested that the First Committee call upon the Fourth (Trusteeship) Committee to study without delay all aspects of the Trusteeship suggestions.<sup>247</sup>

#### (2) Viewpoint of the United Kingdom

The representative of the United Kingdom declared that it had now been proved that the partition resolution could only be enforced by the use of arms. It might be advisable for the Assembly to give second thoughts to the Palestine problem.

It was clear that there was danger of anarchy in the Holy Land following termination of the Mandate on May 15.

Those who proposed to adhere to the resolution of November 29 should consider squarely whether their governments were prepared to assist in its enforcement, whether any enforcement action could secure the essential co-operation of the local population, and whether the necessary forces could be provided by May 15.

The representative of the United Kingdom took issue with those who criticized the role of his Government in connection with the implementation of the November resolution. He stated that his Government's warnings that its authority as Mandatory Power in Palestine could not be divided until the end of the Mandate, had gone unheeded.

Parts of the Partition Plan had not been conceived impartially and little attention had been paid to the difficulties of implementation, to assured opposition, to the certainty of deteriorating conditions, or to the problems facing the Mandatory Power. Under these circumstances there could not have been full co-operation on the part of the Mandatory Power with the Palestine Commission. Yet, short of complete implementation, there had

been co-operation over a wide field; a great volume of information had been placed at the disposal of the Palestine Commission by the Mandatory Power, many arrangements had been agreed to, and on several points the United Kingdom had taken the initiative.

The Mandatory Power could not agree to the transfer to the Palestine Commission of a port for the admission of Jewish arms and immigrants without inflaming the entire situation and delaying the scheduled withdrawal of British forces from Palestine.

The United Kingdom has been accused of being pro-Arab. Yet its actions had been just as severely criticized by Arabs as by Jews. In reality it had never been anything but impartial in fulfilling its thankless task, and all its actions had been aimed at securing a settlement agreed to by Jews and Arabs.

Less than a month now remained to devise a new plan to avoid large-scale conflict in Palestine. The United Nations had the right to ask both Arabs and Jews to contribute to stability by making the necessary mutual concessions.

It was clear that partition could only be put through by force of arms and that the forces could not be supplied by May 15.

A truce was therefore of the first importance, and the Security Council's actions in this respect were to be welcomed and supported.

Regarding Trusteeship, the United Kingdom had previously made, without success, a proposal similar to the plan put forward by the United States. The plan offered an interim authority. A Trusteeship plan involved many difficulties, but it, as well as any other alternative, including partition, should be studied against the background of the present situation.

Since both sides were convinced of the justice of their cause, and since any final settlement without their agreement could not be effected without force, the Assembly was, perhaps, obliged to aim at a more modest objective than Trusteeship, in order to prevent danger to world peace. In any attempt to find a solution, the United Kingdom would co-operate, subject only to the limitations involved in its decision to withdraw from Palestine.

The Palestine problem could be eased if other states, following the example set by the United Kingdom, took positive action regarding displaced persons in Europe and opened their gates more

<sup>247</sup> For subsequent consideration of Trusteeship proposal, see pp. 273-75.

widely so that the pressure of refugees upon Palestine would be reduced.

### (3) Viewpoint of the Arab Higher Committee

The representative of the Arab Higher Committee, reviewing developments leading up to the present situation in Palestine, said the Mandate had been ratified in 1922 in disregard to peoples' right to self-determination. The Arabs, having no alternative, had resorted to their sacred right of self-defence; and since then Palestine, the Land of Peace, had known instability, hatred and disorder.

During the second regular session of the General Assembly, Members had heard the people of Palestine proclaim their intention of defending their national patrimony to the last man. Nevertheless, two thirds of the Members, ill-advised, misled or acting under compulsion, had accepted an illegal scheme which could not be carried out and which was contrary to the rights and interests of the Arabs.

Confronted with what was a scheme to carve up the living body of Palestine, the Arabs had done what any self-respecting people would have done under the circumstances—they had fought in self-defence.

Arabs had been living in Palestine for at least thirteen centuries. When the British occupied Palestine, the Arabs had formed 93 per cent of the population, the Jews seven per cent. This basic fact had been totally ignored in the Mandate, which had rested on the principle of a Jewish National Home, to be created at the expense of the existing Arab National Home.

British bayonets had opened the country to Jews whose number in Palestine had risen from 50,000 to 700,000 in a quarter of a century. Arabs, traditionally farmers in Palestine, had been deprived of their land. This process had led to the formation of a proletariat of landless Arab peasants who had settled around the towns. The resources of the country had become a Jewish monopoly to the detriment of the Arabs—a development which had elicited expressions of concern even in the British Parliament.

Acting in self-defence, the Arabs had resorted to uprisings.

Some of the worst abuses, including large-scale Jewish immigration, were to have been ended by the Mandatory Power, according to the White Paper issued in 1939. But, yielding to Zionist pressure, the United Kingdom had not enforced the policy stated in its own White Paper.

Once it had decided to relinquish the Mandate, the only course the United Kingdom could have

taken, morally speaking, was to turn over Palestine as a unit to one Palestinian Government representing all the lawful citizens of the Holy Land. Instead of doing this, the Mandatory Power had requested the assistance of the United Nations.

The United Nations Special Committee on Palestine (UNSCOP) had been given objectionable terms of reference and its composition had likewise been not above suspicion since it numbered among its members three persons known for their connections with the Zionists. For these reasons the Arabs of Palestine had not assisted UNSCOP's investigation. UNSCOP had thus heard only the views of the Jewish Agency and of the British, the views of Arab States having been given a hurried hearing in the course of a two-day visit to Lebanon.

UNSCOP had ignored Arab opposition to the partition scheme, which could never be carried out peaceably without the consent of the majority of the population of Palestine. And yet the Assembly had endorsed this plan under circumstances unworthy of the United Nations.

As for the United States suggestions, if they aimed at the establishment of an interim government, destined to remain in being for a short, explicitly stated, period of time, pending final settlement of the question, they were worthy of consideration, provided it was clearly understood that they were intended to lead to the independence of Palestine as a single democratic state in which the legitimate rights of the different sections of the citizens would be safeguarded.

Failing agreement on some such plan, the overwhelming majority of the people of Palestine would establish an independent Palestinian Government in conformity with Article 22 of the Covenant of the League of Nations and Article 28 of the Mandate, these being the Articles which provided for the establishment of such a government on the termination of the Mandate.

### (4) Viewpoint of the Jewish Agency for Palestine

The representative of the Jewish Agency said that explanations for the convocation of the present session of the Assembly had an air of unreality. The argument, advanced by some representatives, that a new solution should be sought for the Palestine problem because the Partition Plan could not be implemented without recourse to force, was fallacious.

Assembly expectations that the Security Council would carry out its basic task and that the Mandatory Power would maintain law and order in Palestine while the Mandate remained in force

had proved incorrect. The report of the Palestine Commission revealed the extent to which the Mandatory Power had created obstructions and difficulties.

In the face of these developments it could not be said that the Partition Plan could not be implemented peacefully or that it was unworkable.

It was not correct to assert that the Security Council had decided not to assume the task entrusted to it by the Assembly. The Council had merely decided to postpone a decision on this matter until the five permanent Members had had an opportunity to confer among themselves concerning the best means of implementing the Assembly resolution of November 29 and of drawing up the recommendations to be given by the Council to the Palestine Commission. This demonstrated clearly that, far from refusing to support the Assembly, the Security Council had every intention of devising a concrete program for implementing the resolution of November 29.

During one of their meetings, the five permanent members of the Security Council had been presented with a nine-point implementation program by the Jewish Agency. Not only had there been no action on that program, but it seemed that it had not even been discussed. The Jewish Agency had been forced to conclude that the decision to thrust aside the Assembly resolution had been arrived at by certain members of the Security Council even before the Council met to consider the matter.

The facts of the situation were simple: confronted with Arab threats and acts of violence, the Security Council had faltered, retreated and, confronted with defiance, capitulated. The proposal to abandon the Partition Plan was, in effect, an invitation to the United Nations as a whole to emulate the example of the Security Council, i.e., to capitulate likewise. Violence was to be appeased, aggression to be rewarded, and law was to yield to terrorism. There was a very real danger that the United Nations might repeat the mistakes of the League of Nations when the latter failed to act in the face of Japanese aggression in China, Fascist Italy's attack upon Ethiopia, and Nazi Germany's subjugation of Czechoslovakia.

Arab reaction to the Assembly's resolution of November 29 was no mere non-compliance, but a violation of the Charter with its ban on recourse to the threat or use of force in international relations, save in the common interest.

The report of the Palestine Commission had clearly established the facts in the situation. Partition had become a reality in Palestine.

The United States suggestion was untenable. It was too late to impose Trusteeship on the peoples of Palestine, and the receptiveness of the Arabs to a Trusteeship regime should be discounted as a manoeuvre designed to defeat partition. There were two distinct peoples in Palestine. A common Palestinian citizenship had no moral meaning, for neither Jew nor Arab had any sense of service to a single state.

The force needed—and force would be needed—to impose even a Temporary Trusteeship regime would better be used to enforce partition as a final solution.

May 15 would mark the end of the Mandate. On the following day, a provisional Jewish Government would begin to function in accordance with the spirit of the United Nations resolution. The Jewish State would thus become a reality. The only threat to its existence would come from the Arab States. The problem before the Assembly was not how to implement the resolution of November 29, 1947, but rather how to prevent the Arab States from violating their Charter obligations and from thwarting the will of the United Nations.

#### (5) Other Viewpoints

These, in brief, were the views of the representatives of the two parties directly involved, of the Mandatory Power and of the nation at whose suggestion the Security Council had issued its request for a special session.

As regards the other members of the First Committee, the views expressed during the general debate may be summed up as follows:

The resolution which the General Assembly adopted by a two-thirds majority on November 29, 1947, was not perfect but it was the fairest and most equitable solution of the Palestine problem.

Among those who expressed this view were the representatives of Australia, Byelorussian S.S.R., Czechoslovakia, Guatemala, New Zealand, Poland, Ukrainian S.S.R., Union of South Africa, Uruguay and U.S.S.R.

It was regrettable that the resolution of November 29, 1947, did not provide for its own effective implementation, all the more so, since this lack of implementation machinery had been noted at the time and had now become primarily responsible for the fact that the Partition Plan was behind schedule.

Among the representatives making this point were those of Australia, New Zealand, Norway, Sweden and the Union of South Africa. The representatives of Australia and New Zealand further warned that yielding to terrorism, of what-

ever origin, would seriously jeopardize the prestige and authority of the United Nations.

The United States and the Mandatory Power were seeking to wreck the decision taken by the General Assembly last November, placing selfish national interests in both countries ahead of the interests of the population of Palestine and of the United Nations.

This view was expressed by the representatives of Byelorussian S.S.R., Czechoslovakia, Guatemala, Poland, Ukrainian S.S.R., U.S.S.R. and Yugoslavia.

In spite of the obstacles to its realization, the Partition Plan of November 29 should remain in full force, and the United Nations should concentrate on devising ways and means of implementing it vigorously.

Representatives who shared this point of view included those of Australia, Byelorussian S.S.R., Czechoslovakia, Guatemala, New Zealand, Poland, Ukrainian S.S.R., Union of South Africa, Uruguay, U.S.S.R. and Yugoslavia. The representatives of Australia, New Zealand and the Union of South Africa further stated that, while adhering to the November resolution, they were prepared to examine any proposal which could achieve a just and reasonable peace.

No greater force would be needed to implement the Partition Plan than would be required for the implementation of the Trusteeship proposal, and if the latter was to be implemented by force why, then, not the former?

This point of view was shared by the representatives of Australia, Czechoslovakia, New Zealand and Poland.

Thus ran the arguments in favor of retaining the resolution adopted on November 29, 1947. Arguments advanced by those who favored reconsideration of that resolution may be summarized as follows:

The resolution of November 29, 1947, was not based on the Charter and did not accord with the wishes of the overwhelming majority of the population of Palestine. It was, therefore, unjust and illegal.

Among those who shared this view were the representatives of Egypt, Iran, Iraq, Pakistan, Syria and Yemen.

Active Arab intervention in opposition to the Partition Plan was nothing more than completely justified self-defence such as any self-respecting people would be compelled to adopt.

This view was expressed by the representatives of Egypt, Syria and Yemen.

The Charter does not justify the use of force to implement a resolution such as that of Novem-

ber 29, 1947, which was a recommendation, not an enforceable decision.

Among those who agreed on this point of view were the representatives of China, Egypt, Pakistan and Syria.

Far from undermining the prestige of the United Nations, reconsideration and rectification of the error committed on November 29, 1947, could not but enhance the authority of the organization, and the attempt should be made to substitute a new and fair solution for the Palestine problem.

That was the view of the representatives of Egypt, Iran, Iraq, Lebanon, Syria and Yemen.

The United States proposal for a Temporary Trusteeship for Palestine was worthy of consideration, provided it was not meant as an attempt at implementing the Partition Plan under the guise of Trusteeship, but was intended as a means of gaining time to allow peaceful negotiations during which a just solution could be worked out.

That was the view of the representatives of the Arab States participating in the general debate. In addition, a willingness to study the Trusteeship proposal was also voiced by the representatives of Belgium, Bolivia, Brazil, Canada, China, France, Greece, India, Liberia, Norway, Pakistan, Panama, Siam and Sweden, many of whom emphasized the importance, to any plan, of the question of implementation.

The representatives of Egypt, Pakistan and Syria declared that immigration was one of the most vital aspects of the Palestine problem, and that Jewish pressure on Palestine would relax if more countries opened their doors to Jewish displaced persons.

The representatives of Bolivia, Norway and Panama suggested that it might be advisable to suspend, without prejudice, the resolution of November 29, 1947, in order to deal with the emergency situation in the Holy Land.

The representatives of several Arab States, notably the representative of Lebanon, appealed to the Jews to abandon their efforts to set up a Jewish State which would have to live, assuming that it proved viable at all, in an atmosphere of constant hostility emanating from its own immediate neighbors, the Arab nations. Instead, the representative of Lebanon declared, the Jews should join in living in a unitary, democratic Palestine which would surely flourish as a result of Arab-Jewish co-operation, and which would thus act as a catalyst for the economic and cultural development of the entire Middle East.

Finally, several representatives, particularly those of Sweden and France, urged that action be taken promptly to protect the City of Jerusalem, without, of course, delaying consideration of the larger issue, i.e., the future government of Palestine.

Those, in brief, were the differing views expressed by members of the First Committee during the initial general debate.<sup>248</sup>

### c. PROTECTION OF THE CITY OF JERUSALEM

#### (1) Assembly Asked to Refer Jerusalem Problem to Trusteeship Council

During the 118th meeting of the First Committee, on April 20, the Swedish representative said that the emergency problem of maintaining order in Jerusalem and the protection of the Holy Places should be regarded as urgent, without prejudice to the larger issue. He proposed that the Committee undertake a special and speedy investigation of the problem of maintaining order in Jerusalem, perhaps through the medium of a small special committee which would report back in about a week. Such a procedure would avoid hampering or delaying consideration of the main question.

The representative of France, expressing similar concern for the possible fate of the Holy City, introduced a draft resolution (A/C.1/280) at the 121st meeting of the First Committee on April 22. The resolution was a recommendation by the First Committee to the General Assembly, suggesting that the Assembly ask the Trusteeship Council to "study and, in consultation with the Mandatory Power and the interested parties, take suitable measures for the protection of the City [i.e., of Jerusalem] and its inhabitants", considering that the maintenance of order and security in the Holy City "is an urgent question which concerns the United Nations as a whole".

The French representative said the Trusteeship Council had already prepared a draft statute for Jerusalem and was therefore familiar with the problem. The draft statute contained a clause authorizing the Governor to organize and direct a special police corps, as large as he might deem necessary, to help in the maintenance of public order and in the protection of the Holy Places.

In the draft statute, the Trusteeship Council had provided for the appointment of a Chief of Police and Security for Jerusalem. The French representative believed that it should immediately select that person. Once appointed, the Chief of Police and Security would work under the authority of the Security Council and would enjoy the status of an international civil servant. He

should proceed at once to recruit a police force, calling for volunteers, as provided in Article XIV of the draft statute.

The French representative pointed out that his resolution contained no specific statement concerning measures to be taken by the Trusteeship Council, leaving that body free to give consideration to all proposals submitted by the Arabs and Jews.

He did not think that the Committee would wish to wait until the termination of the Mandate before taking steps to assure the safety of Jerusalem. Moreover, he stressed that the French proposal did not in any way prejudge the final decision concerning the future of Palestine as a whole.

The authority of the United Nations was at stake. The hesitations and reversals of the preceding weeks had only weakened that authority. If the Committee were to begin its discussion by taking a practical decision, that, the French representative declared, would make it clear that it intended to strengthen the authority of the United Nations.

The French representative accepted a Swedish amendment (A/C.1/281) which, aside from introducing certain drafting changes, explicitly stressed the need for haste on the part of the Trusteeship Council in submitting recommendations to the General Assembly. There was general agreement with the aim of the French proposal, i.e., to devise ways and means of protecting Jerusalem.

Opinion was divided, however, concerning the procedure to be adopted to achieve this aim. The representatives of Poland said the Trusteeship Council was not the appropriate body to deal with security measures, such as were clearly implicit in any method of protecting Jerusalem. The Polish delegation preferred the proposal informally advanced at a previous meeting by the Swedish representative, who had suggested the creation of a special sub-committee of the First Committee to deal with the Jerusalem question. The Polish delegation was not primarily interested in the exact composition of such a special sub-committee but did think it should be given a time limit of approximately ten days within which to submit its proposals.

The Polish view was shared by the representatives of the U.S.S.R., Uruguay, Czechoslovakia and Australia, the last-mentioned formally intro-

<sup>248</sup> A fuller account of the statements made by individual representatives is given in the summary records of the First Committee meetings (A/C.1/118-131).

ducing an amendment (A/C.1/282) which would have referred the problem of devising suitable measures for the protection of Jerusalem to a sub-committee of the First Committee "comprising representatives of the members of the Trusteeship Council together with three other representatives to be nominated by the Chairman [of the First Committee]".

On the other hand, the representatives of France, the United States, Brazil, South Africa and New Zealand favored referring the problem to the Trusteeship Council.

One further verbal amendment was introduced in the course of the consideration of the French proposal when the representative of Czechoslovakia proposed to preface the resolution, as amended by Sweden and Australia, with these words: "Pursuant to the General Assembly resolution of 29 November 1947 . . .".

The amendment was opposed by the representative of Pakistan who felt that a mischievous effect was being created by seeking to inject into an otherwise non-controversial matter an implementation, at least in part, of the Assembly's Partition Plan. In the light of the remarks of the representative of Pakistan, the representative of France announced that he could not support the Czechoslovak amendment. The representative of Uruguay regarded the amendment as unnecessary, since the Trusteeship Council or a sub-committee would be well aware anyway of the existence of the Assembly's resolution of November 29.

Upon being submitted to the vote, the Czechoslovak amendment was rejected by a margin of 38 to 5, with 9 abstentions.

The Australian amendment was rejected by a vote of 26 to 20, with 7 abstentions.

The French proposal, as amended by Sweden, was then adopted by a vote of 44 to 3, with 6 abstentions.

Following the vote, the representative of Poland explained that he had abstained because in his opinion a study of the Jerusalem problem by the Trusteeship Council would not lead to a solution. Moreover, he added, it was contrary to Article 85 of the Charter to present security and political questions to the Trusteeship Council, whose competence extended merely to Trusteeship matters.

At the suggestion of several representatives, the Chairman contacted the President of the General Assembly, who agreed to convene a plenary meeting of the Assembly immediately.

## (2) Assembly Endorses Committee Recommendation

The plenary meeting—the 132nd—was held at Lake Success on April 26. The representative of

Guatemala said he had originally voted for the Australian amendment, which he regarded as the most adequate. But since there was now no other proposal before the General Assembly, he would vote for the resolution submitted by France, as amended by Sweden.

The resolution (185(S-2)) was then put to the vote and was adopted by 46 affirmative votes, with 7 abstentions. It read as follows:

"The General Assembly,

"Considering that the maintenance of order and security in Jerusalem is an urgent question which concerns the United Nations as a whole,

"Resolves to ask the Trusteeship Council to study, with the Mandatory Power and the interested parties, suitable measures for the protection of the city and its inhabitants, and to submit within the shortest possible time proposals to the General Assembly to that effect."

## (3) Assembly Supports Trusteeship Council's Conclusions

Acting on the Assembly's request, the Trusteeship Council studied the problem of the protection of the City of Jerusalem and its inhabitants and submitted its conclusions to the Assembly on May 5 (A/544).

The Trusteeship Council's report showed that it had considered a French suggestion to send immediately to Jerusalem a United Nations official with powers to recruit, organize and maintain an international force of 1,000 police. The Council had also considered a United States proposal for placing Jerusalem under temporary Trusteeship with provisions for the maintenance of law and order. The Council reported that it had found it impossible to secure the mutual agreement of the interested parties—Mandatory Power, Jewish Agency, Arab Higher Committee—to either the French or the United States proposal.

The representatives of Australia and of the Jewish Agency had informed the Council that they considered the proper course to be the adoption of the draft statute for Jerusalem and the immediate bringing into force of such portions thereof as were applicable in the circumstances. This was not acceptable to the representative of the Arab Higher Committee since, in his view, it would be tantamount to a total or partial implementation of the partition scheme. The Council therefore did not pursue this matter.

The report of the Trusteeship Council (A/544) lists these conclusions and recommendations:

"1. Following consultations with the Trusteeship Council, the Arab Higher Committee and the Jewish Agency for Palestine ordered on 2 May 1948 within the Walled City of Jerusalem a cease-fire which is now in effect. The two parties have further agreed that the specific terms of a truce in respect of the Walled City will



be elaborated in Jerusalem in consultation with the High Commissioner for Palestine.

"2. The Trusteeship Council also brings to the notice of the General Assembly the undertakings given by the representatives of the Arab Higher Committee and the Jewish Agency for Palestine that their communities will respect and safeguard all Holy Places.

"3. The Trusteeship Council has been informed that the Mandatory Power would be willing, if the General Assembly agrees, to appoint under Palestine legislation before 15 May 1948, a neutral acceptable to both Arabs and Jews, as Special Municipal Commissioner, who shall, with the co-operation of the community committees already existing in Jerusalem, carry out the functions hitherto performed by the Municipal Commission. The Trusteeship Council, therefore, recommends to the General Assembly that it inform the Mandatory Power of its full agreement with such measure.

"4. The Council recognizes that the measure hereabove recommended does not provide adequately for the protection of the City and of its inhabitants. It considers also that urgent attention should be given by the General Assembly to the necessity of providing for the custody of the assets of the Government of Palestine in Jerusalem and for an effective maintenance of law and order in the municipal area pending a final settlement."

The report of the Trusteeship Council was discussed by the General Assembly on May 6, at its 133rd and 134th plenary meetings. The representatives of Poland, the U.S.S.R. and France said the recommendations of the Trusteeship Council were totally inadequate and that they could not support them in their present form.

Other representatives likewise expressed the view that the recommendations were inadequate but, suggesting that further action be taken by the Assembly, announced their willingness to support the recommendations of the Trusteeship Council as the only ones immediately available.

A draft resolution (A/545) embodying the recommendations of the Trusteeship Council was presented by the President of the General Assembly. It consisted of four paragraphs. The first of these would recall the Assembly's request to the Trusteeship Council to study the Jerusalem problem and to submit recommendations. The second paragraph would have the General Assembly take note of and approve the conclusions and recommendations of the Trusteeship Council. The third paragraph would recommend to the Mandatory Power the appointment of a Special Municipal Commissioner for Jerusalem, as recommended in the third of the four conclusions and recommendations contained in the Trusteeship Council's report (see above). The fourth paragraph would have the Assembly decide that urgent attention be given to the necessity of providing for the custody of the assets of the Government of Palestine in Jerusalem and for

effective maintenance of law and order in the municipal area, pending a final settlement, as recommended in the last of the four conclusions and recommendations of the Trusteeship Council.

The representative of France held that it would be factitious reasoning to assert that ineffective measures were better than no measures at all. The authority of the General Assembly must inevitably be jeopardized if it were to adopt a measure so meagre in the face of a danger so great and urgent. He offered an amendment (A/546) to the draft resolution proposed by the President. The amendment would substitute a new text for paragraph four of the draft resolution.

In substance, the French proposal declared that the Special Municipal Commissioner to be appointed pursuant to paragraph three would "no longer be empowered by any regular authority" once the Mandate expired and that consequently it was "urgently necessary that the United Nations appoint a special delegate to proceed immediately to Jerusalem with the following instructions and powers:

"(a) To secure compliance with the cease-fire order already issued for the old city;

"(b) To co-operate with the Truce Commission established by the Security Council to secure a truce that shall cover the whole city of Jerusalem within the present municipal boundaries;

"(c) To exercise in the name of the United Nations, temporarily and until the future of the Holy City shall be determined, power of control over the whole of the municipal government and particularly to ensure that all expedient steps are taken to safeguard and conserve the assets of the municipality;

"(d) To observe the preservation and maintenance in good condition of the Holy Places;

"(e) Generally to ensure respect for the fundamental rights of man;

"(f) To ensure the maintenance of order and security in the Holy City, and for that purpose to organize the necessary municipal police forces;

"(g) Guided by humane considerations, and with the co-operation of the Jewish and Arab communities of the Holy City, to explore all suitable means of ensuring the supply to the City of food, water, and the like."

The representative of Australia proposed to amend the fourth paragraph to the draft resolution suggested by the President by substituting the following text (A/547):

"Decides that continuing urgent attention should be given by the First Committee to the question of further measures for the protection of the City of Jerusalem and its inhabitants."

He proposed that if the Australian amendment were adopted, the French amendment should be referred to the First Committee for consideration.

The representative of Belgium said he would

support the French amendment if explicit provisions were incorporated therein for its implementation. Without such implementation provisions nothing could be accomplished and the prestige of the United Nations must inevitably suffer. The representative of the United States shared the views of the Belgian representative and favored the Australian amendment.

The first paragraph of the President's draft resolution was carried by a vote of 45 to 0, with 5 abstentions. The second paragraph was adopted by a vote of 36 to 0, with 16 abstentions.

The representative of France suggested that both the third paragraph of the draft resolution and the French amendment be referred to the First Committee and that voting on the third paragraph be postponed until the First Committee reported back to the Assembly. This proposal was opposed by the representatives of Belgium, the United States, Iraq and Syria, the last-mentioned expressing the view that the Trusteeship Council's recommendations were adequate, the others warning that to delay a vote on the third paragraph might make its implementation by the Mandatory Power impossible in view of the imminent expiration of the Mandate.

The motion to postpone consideration of the third paragraph of the President's draft resolution as suggested by France was defeated by a vote of 28 to 11, with 10 abstentions. The unamended paragraph itself was then adopted by a vote of 35 to 2, with 14 abstentions.

The Australian amendment, with a drafting change proposed by the representative of Greece, was adopted by a vote of 28 to 0, with 21 abstentions.

In the absence of objections, the President declared that the French amendment to the President's draft resolution would be referred to the First Committee.

The representative of Poland stated that no vote could be taken on the draft resolution as a whole since the French amendment had not been voted on. The President ruled that with the adoption of the Australian amendment, the resolution constituted a whole and could therefore be voted on.

The amended resolution, in its entirety, was then put to the vote and was adopted by 35 affirmative votes, with 17 abstentions. It read as follows (resolution 187(S-2)):

"The General Assembly,

"Having asked the Trusteeship Council to study, with the Mandatory Power and the interested parties, suitable measures for the protection of the city of Jerusalem and its inhabitants and to submit within the shortest possible

time proposals to the General Assembly to that effect,

"Takes note of the conclusions and recommendations of the Trusteeship Council, as set forth in its report to the General Assembly on the protection of the city of Jerusalem and its inhabitants;

"Approves these conclusions and recommendations;

"Recommends that the Mandatory Power appoint under Palestine legislation, before 15 May 1948, a neutral acceptable to both Arabs and Jews, as Special Municipal Commissioner, who shall, with the co-operation of the community committees already existing in Jerusalem, carry out the functions hitherto performed by the Municipal Commission;

"Decides that continuing urgent attention should be given by the First Committee or its subsidiary bodies to the question of further measures for the protection of the city of Jerusalem and its inhabitants."

#### **(4) first Committee Establishes Sub-Committee on Jerusalem**

At the 138th meeting of the First Committee, the representative of the United States introduced a draft resolution (A/C.1/294) the operative part of which read:

"The First Committee

"Decides to establish a sub-committee composed of representatives of States members of the Trusteeship Council, and

"Instructs the sub-committee to examine further measures for the protection of the city of Jerusalem and its inhabitants and to bring before the First Committee as promptly as possible appropriate recommendations."

The representative of Poland held that there should first be a full discussion in the First Committee in which specific lines should be decided on for the guidance of any possible future sub-committee. He was opposed to the immediate establishment of a sub-committee.

The United States proposal was supported by the representatives of the United Kingdom and Syria, while the representatives of Uruguay and the U.S.S.R. shared the view of the Polish representative.

The representative of France said he shared many of the doubts expressed by the representative of Poland. Nevertheless, in the interest of swift action, he could support the United States proposal, provided it were amended. In view of the fact that the Trusteeship Council had already dealt with the matter, he did not expect great advances from a sub-committee having the same composition as the Trusteeship Council. He therefore proposed adding the representatives of Sweden, Brazil and Iran to the sub-committee suggested by the United States representative. The representative of the United States accepted the French amendment.

The representatives of the Jewish Agency for Palestine and the Arab Higher Committee im-

plied that their organizations should be consulted during any sub-committee consideration of the Jerusalem question.

The representative of Guatemala presented an amendment (A/C.1/296) to the United States draft resolution providing for consultation with the two parties. He also presented an amendment (A/C.1/295) providing that the sub-committee be composed of representatives of Australia, France, Haiti, Mexico, Sweden, U.S.S.R. and United States. Such a composition, he said, would guarantee neutrality while utilizing the experience of the Trusteeship Council; it would also provide for speedier action since the sub-committee would not be as large a body as that proposed in the original United States draft resolution.

The representatives of Uruguay and Haiti suggested that a vote be taken first upon the principle of whether the Committee favored the establishment of any sub-committee on Jerusalem at this time.

The Chairman pointed out that this could be accomplished by voting separately on the first five words of the second paragraph of the United States proposal, i.e., upon the words "Decides to establish a subcommittee . . .".

The first paragraph of the United States draft resolution was adopted by a vote of 38 to 0, with 5 abstentions.

The first five words of the second paragraph were adopted by a vote of 31 to 9, with 3 abstentions.

The Guatemalan amendment concerning composition was rejected by a vote of 24 to 9, with 13 abstentions.

The remainder of the second paragraph, as amended by France, was adopted by a vote of 25 to 1, with 11 abstentions.

The second Guatemalan amendment (providing for consultations with the Jewish Agency and Arab Higher Committee) was adopted by a vote of 22 to 0, with 22 abstentions. The final paragraph of the United States draft resolution, as amended by Guatemala, was adopted by a vote of 39 to 0, with 9 abstentions.

In accordance with this resolution (A/C.1/297) the Sub-Committee (Sub-Committee 10), set up on May 11 for the purpose of considering further the question of protecting the City of Jerusalem, was composed of representatives of the following countries:

Australia	France	Philippines
Belgium	Iran	Sweden
Brazil	Iraq	U.S.S.R.
China	Mexico	United Kingdom
Costa Rica	New Zealand	United States

#### (5) Sub-Committee **Recommendations** Referred to Assembly

The Sub-Committee, which held six meetings, reported back to the First Committee on May 13. The report (A/C.1/298) stated that the group had elected the representative of Sweden as Chairman, the representative of Iran as Vice-Chairman, and the representative of France as Rapporteur.

Two important documents were placed before Sub-Committee 10. In the first of these (A/C.1/SC.10/2), the United Kingdom representative informed the Sub-Committee of an order of the municipal government of Jerusalem, dated May 11, by which the Jerusalem Municipal Commissioner, to be nominated by the High Commissioner or by the United Nations, might take any action and give any directions which in his discretion he deemed appropriate for the administration of Jerusalem.

The other document was presented jointly by the representatives of France and the United States (A/C.1/SC.10/1). It contained a proposal for a temporary international regime for Jerusalem based upon Chapter XII of the Charter ("International Trusteeship System"). The central idea of this joint proposal was to entrust the protection of Jerusalem and its inhabitants temporarily to the responsibility of a United Nations Commissioner nominated by the United Nations and placed under the supreme authority of the Trusteeship Council.

The Sub-Committee discussed this document at length and heard the views of the Jewish Agency and the Arab Higher Committee. During an article-by-article examination, a number of amendments were proposed and in general accepted by the authors of the proposal. The two most important ones were the following: The representative of Mexico proposed that express mention be made of the fundamental human freedoms necessary under the special regime; wording to this effect was incorporated in Article 7 of the revised text (A/C.1/SC.10/1/Rev.1). In addition, to accommodate both the point of view of the United Kingdom and that embodied in the Trusteeship Council's report previously adopted by the Assembly, a paragraph (2) was inserted in Article 4, specifying that "the Jerusalem Municipal Commissioner, appointed in accordance with the recommendation of the General Assembly of 6 May 1948, should continue to exercise his functions under the authority of the United Nations Commissioner".

The revised text of the France-United States proposal was submitted to the Sub-Committee on

May 13 and discussed at length, for a second time, article by article.

To meet a view expressed by the United Kingdom representative, the representative of the United States added an article on the financial implications of the proposal. A number of other amendments having been introduced at the request of other representatives, a vote was taken on the revised document, which was adopted by a vote of 8 to 2, with 4 abstentions.

The Sub-Committee recommendation was as follows (A/C.1/298):

#### THE TEMPORARY ADMINISTRATION OF JERUSALEM

"Whereas the territory known as Palestine has been administered by the Government of the United Kingdom under a Mandate assigned by the Principal Allied Powers and confirmed by the Council of the League of Nations; and

"Whereas Jerusalem as hereinafter defined contains many Holy Places sacred to Christians, Jews and Moslems alike; and

"Whereas the Mandate will be terminated on 15 May 1948; and

"Whereas it is imperative that pending a final settlement of the Palestine problem Jerusalem be protected; and

"Whereas the maintenance and furtherance of international peace and security requires that the United Nations should exercise temporary administrative authority in Jerusalem; and

"Whereas Chapter XII of the Charter authorizes and empowers the United Nations to exercise such temporary authority;

"Now Therefore the General Assembly of the United Nations hereby decides that temporary authority in Jerusalem shall from 15 May 1948 be exercised in accordance with the terms of the following Articles:

##### Article 1

"The 'town planning area' of Jerusalem as defined under the Town Planning Ordinance No. 28 of 1936, and hereinafter referred to as Jerusalem, is hereby placed temporarily under the authority of the United Nations.

##### Article 2

"The United Nations is hereby designated as the administering authority for Jerusalem. The Trusteeship Council, operating under the authority of the General Assembly, shall exercise the functions of the administering authority.

##### Article 3

"The administering authority shall have full powers of administration, legislation, and jurisdiction over Jerusalem which shall be exercised through the agency of the Government of Jerusalem as hereinafter provided.

##### Article 4

"1. The Government of Jerusalem shall consist of a United Nations Commissioner and such officers as may be appointed by him or by the United Nations assisted to the fullest extent possible by such organs of self-government as in the opinion of the United Nations

Commissioner will meet with co-operation from the various communities of Jerusalem.

"2. The Jerusalem Municipal Commissioner, appointed in accordance with the recommendation of the General Assembly of 6 May 1948, shall continue to exercise his functions under the authority of the United Nations Commissioner.

"3. The United Nations Commissioner shall be appointed by and may be removed by the Trusteeship Council.

"4. The United Nations Commissioner shall be subject to the instructions of the Trusteeship Council. He is hereby invested with full powers to administer Jerusalem in accordance with the provisions of these articles and the terms of the Charter of the United Nations.

##### Article 5

"1. The United Nations Commissioner shall be responsible for the organization and direction of a police force necessary for the maintenance of internal law and order, which may be recruited from within or from outside Jerusalem.

"2. Pending the organization of the force provided for in paragraph 1 of this Article, the Trusteeship Council shall take such steps as may be appropriate for the maintenance of internal law and order.

##### Article 6

"1. The territorial integrity of Jerusalem and its status as defined in these articles shall be assured by the United Nations.

"2. The United Nations Commissioner may organize volunteer forces from among the inhabitants of Jerusalem to provide for local defense and to assist in the maintenance of internal law and order.

"3. In the event that the United Nations Commissioner is unable, through the use of the force provided in Article 5 or the force provided in paragraph 2 of this Article, to maintain the territorial integrity of Jerusalem against an act or threat of aggression, he shall request the Secretary-General to bring the matter to the immediate attention of the Security Council.

"4. The United Nations Commissioner shall make the necessary arrangements to ensure free access to Jerusalem for persons, foodstuffs and other essential supplies, and the maintenance of the water supply and other essential services.

##### Article 7

"1. All persons within Jerusalem shall enjoy freedom of conscience and Shall, subject only to the requirements of public order, public morals and public health, enjoy all other human rights and fundamental freedoms, including freedom of religion and worship, language, education, speech and press, assembly and association, and petition (including petition to the Trusteeship Council).

"2. No discrimination of any kind on grounds of race, religion, language or sex shall be made against any person within Jerusalem.

##### Article 8

"1. The United Nations Commissioner shall, under the authority of the Trusteeship Council, assure the protection of and free access to the Holy Places, religious buildings and sites within Jerusalem, as well as of educational and cultural establishments and charitable institutions and hospitals, the rights of which will be maintained as they were before the termination of the Mandate.

"2. Subject only to the requirements of public order and security and of public morals and public health, the United Nations Commissioner shall ensure freedom of entry into and of temporary residence in, Jerusalem to all pilgrims without any distinction as to nationality or faith.

#### Article 9

"The temporary authority of the United Nations in Jerusalem shall be exercised in accordance with Article 76 of the Charter and be without prejudice to the rights, claims or position of the parties concerned in Jerusalem or to the final settlement of the Palestine problem.

#### Article 10

"1. The Trusteeship Council shall immediately make plans for the raising of revenues for Jerusalem.

"2. Expenditures for Jerusalem shall be covered as far as possible by local revenues, provided that the salary and emoluments of the United Nations Commissioner, and such other officers as may be appointed by the Trusteeship Council, shall be paid from a special United Nations operational budget. In addition, the cost of maintaining the police who may be recruited from outside Jerusalem, if not covered by local revenues, shall be provided for by means to be determined by the Trusteeship Council. Such funds as are deemed by the United Nations Commissioner and the Trusteeship Council essential to accomplish the provisions of this arrangement and which cannot be raised by the Government of Jerusalem, shall be provided by the United Nations, either through subsidies or through loans repayable from future revenues of Jerusalem.

#### Article 11

"In accordance with Article 2, paragraph 5 of the Charter, all Members shall give the administering authority every assistance in making these Articles effective.

#### Article 12

"This special arrangement shall terminate upon 31 December 1949 unless otherwise determined by the General Assembly."

Sub-Committee 10 adjourned its sixth and last meeting at 4:15 P.M., May 13. A short time thereafter, Sub-Committee 9 also adjourned its last meeting. Within a matter of minutes, the First Committee met (139th meeting) to receive and consider the reports of both Sub-Committees.

This short period of time between the adjournments of the respective Sub-Committee meetings and the convening of the First Committee immediately led to a procedural debate. The Chairman of the First Committee proposed that the Committee take up the report of Sub-Committee 10 at once.

The representatives of Poland, the U.S.S.R., Uruguay and the Ukrainian S.S.R. objected to such a course of procedure on the grounds that they had not had sufficient time to study either the report of Sub-Committee 10 or that of Sub-Committee 9. The reason given by those who favored immediate consideration—namely, that the As-

sembly should attempt to finish its work by 6:00 P.M. (Eastern Daylight Time) the following day (May 14) because the Mandate expired at that time — did not appear to carry sufficient weight.

It was agreed eventually to permit the Rapporteur of Sub-Committee 10 to introduce the report of his group and to hear, at an evening meeting, the views of those representatives who were ready to discuss the report, while those who were not would be given an opportunity to present their views at a meeting the next morning.

During the meeting (139th) the representative of Syria communicated to Committee members the contents of a cable which he had just received. He had been informed, he said, that the High Commissioner for Palestine had communicated, through the Syrian Government, to the Arab Higher Committee the conditions of a truce which had been agreed upon by the High Commissioner and the (Security Council's) Truce Commission.<sup>249</sup> The conditions were: first, that there should be a cease-fire in Jerusalem and the area and on all routes leading thereto; secondly, that there should be no impediments to providing the city with the necessities of life, the arrangements to be supervised by a commission of the two parties; thirdly, that there should be free access to the Wailing Wall for unarmed Jews under the supervision of the same commission. These terms had been accepted by the Arab Higher Committee. He believed the Committee would welcome the news that there would be peace in Jerusalem and no danger of fighting in the Holy Places.

The report of Sub-Committee 10 was not discussed during the following (140th) meeting, held later that evening (May 13), priority being given to the report of Sub-Committee 9. The recommendations of Sub-Committee 10 were discussed during the last (140th) meeting of the First Committee, on May 14.

The representative of Poland termed Sub-Committee 10's proposal a violation of the resolution of November 29, and, as such, completely unacceptable. Opposition to the proposal was also expressed by the representatives of the Arab States. The representative of Iraq said that the proposal, although termed officially a temporary administration, did, in fact, involve a Trusteeship regime. The United Nations, by itself, had no right to present such an agreement. This must be done by the states directly concerned, including the Mandatory Power.

<sup>249</sup> For establishment of the Truce Commission by the Security Council, see Security Council, pp. 415-16.

Besides, the representative of Iraq stated, agreement on a truce for Jerusalem had been reached. Furthermore, it had just (May 14) been learned that Jews and Arabs had agreed to the appointment of Harold Evans, of the United States, as Special Municipal Commissioner, and Mr. Evans had agreed to accept the post. This was an adequate agreed basis. On the other hand, anything that did not command the support of the two communities would not prove workable in practice, whatever phraseology might be used, and would be but detrimental to the truce. The representative of the Arab Higher Committee expressed himself in similar terms.

The representative of the United Kingdom also expressed apprehension lest adoption of the temporary administration plan jeopardize a truce in Jerusalem, given the strong opposition of the Arabs. He further criticized the proposal of Sub-Committee 10 for not containing more concrete enforcement provisions and for containing inadequate financial clauses. The United Kingdom could not therefore vote for the proposal. But if the General Assembly, in spite of these objections, insisted on the proposal, the United Kingdom delegation would not exercise its vote in such a way as to preclude a solution on these lines.

Welcoming the appointment of Mr. Evans, the representative of the United Kingdom expressed the belief that mediation, rather than a new and untried scheme for the administration of Jerusalem, which had been rejected by both parties in its present form, was the solution to the problem.

The representative of the U.S.S.R. held that the United States, as the real author of the proposal submitted by Sub-Committee 10, was trying to further its plan for a Trusteeship regime for all Palestine by gaining acceptance of a Trusteeship regime for Jerusalem, the latter being merely an entering wedge. The delegation of the U.S.S.R. could not accept the proposal and would stand by the resolution of November 29.

The representatives of Australia, Yugoslavia and Argentina also announced that they could not support the proposal submitted by Sub-Committee 10. The representative of Yugoslavia declared that no action should be taken by the Assembly on the proposal of Sub-Committee 10 until the Fifth Committee had reported on the budgetary implications of the proposal. The Secretary-General stated that a previous resolution of the General Assembly covered this matter, since it delegated sufficient authority to the Advisory Committee on Administrative and Budgetary Questions and

the Secretary-General with regard to expenses relating to peace and security that might arise between regular sessions of the Assembly.

Support of the proposal of Sub-Committee 10 was expressed by the representatives of France and the United States, who declared that the appointment of the Special Municipal Commissioner, desirable as it was, did not constitute adequate assurance for the protection of Jerusalem, particularly in view of the uncertain legal status of the Commissioner's authority following the expiration of the Mandate and, even more important, the precarious legal situation that might arise with respect to the appointment of a successor to Mr. Evans should the latter be obliged to give up his post for any reason whatever.

The representative of the Jewish Agency for Palestine said he had no confirmation of reports that Arabs and Jews had reached agreement on the terms of a truce for Jerusalem. He hoped such a truce had been consummated but, if it had been, he could not see how that could be used as an argument against the proposal for a temporary administration of Jerusalem.

At the same time the representative of the Jewish Agency officially notified the First Committee that a Jewish State had been proclaimed at ten o'clock that morning (May 14), and read part of the statement proclaiming the establishment of a Jewish State. He explained that the hour of the proclamation had been advanced out of respect for the Jewish Sabbath.

The representative of Guatemala said that the proposal for a special regime for Jerusalem would have to be adopted before the expiration of the Mandate, i.e., by 6:00 P.M. New York time that day, since otherwise there would exist no possibility in international law of making any special arrangement for Jerusalem.

Following a suggestion by the representative of Argentina, the representative of the United States formally moved that the First Committee forward the proposal of Sub-Committee 10 directly to the General Assembly without a recommendation. The motion was adopted by 15 affirmative votes, with 26 abstentions.

#### (6) Assembly Rejects Special Jerusalem Regime

In accordance with the decision of the First Committee, the recommendations of Sub-Committee 10 (A/C.1/298) were therefore referred directly to the General Assembly in plenary meeting. The Assembly considered the matter at its 135th plenary meeting—the last of the second special session—on May 14.

Opening that meeting, the President ruled that speakers would be limited to five minutes. Upon being challenged by the representative of the U.S.S.R., the presidential ruling was upheld by a vote of 35 to 11, with 3 abstentions.

The representative of the United States declared that if the Assembly were to institute a "Trusteeship Agreement" for Jerusalem, it must do so before the termination of the Mandate, namely, within one hour. He therefore moved that the recommendations of Sub-Committee 10 be considered before those of Sub-Committee 9. This motion was adopted by a vote of 27 to 1, with 16 abstentions.

In the ensuing discussion, the proposal regarding Jerusalem was opposed by the representatives of the Ukrainian S.S.R., Egypt, Iraq, Syria, Poland, Afghanistan and Yemen. It was supported by the representatives of France and the United States. Before the voting began, the representative of Iraq called attention to the fact that the time was now one minute past six o'clock. He recalled the statement of the representative of the United States that if any action were to be taken on the Jerusalem regime, it would have to be completed before 6:00 P.M. It being past six o'clock now, "the whole game was up". There being no comment on the remarks of the representative of Iraq, the Assembly proceeded to vote on the resolution (A/C.1/298).

The first vote was on a Mexican amendment (A/C.1/302) to replace the fifth paragraph of the preamble (reading "Whereas the maintenance and furtherance of international peace and security requires that the United Nations should exercise temporary authority in Jerusalem") by the following:

"Whereas the maintenance of order and security in Jerusalem is an urgent question which concerns the United Nations as a whole;"

The amendment was adopted by a roll-call vote of 15 to 11, with 28 abstentions.

A second Mexican amendment (A/C.1/302), to delete, in paragraph 6 of the preamble, the word "such" and to insert the word "administrative" after the word "temporary", making the amended paragraph read "Whereas Chapter XII of the Charter authorizes and empowers the United Nations to exercise temporary administrative authority", was adopted by a roll-call vote of 14 to 11, with 28 abstentions.

The Assembly next voted on a United States amendment (A/C.1/304) to substitute "Trusteeship Council" for "United Nations" in the third line of paragraph 1, Article 4, making the relevant

passage read "The Government of Jerusalem shall consist of a United Nations Commissioner and such officers as may be appointed by him or by the Trusteeship Council . . .".

The amendment was adopted by a roll-call vote of 17 to 11, with 26 abstentions.

A second United States amendment (A/C.1/304) proposed that the "... salary and emoluments of the United Nations Commissioner, and such other officers as may be appointed by the Trusteeship Council, shall be paid from the regular United Nations budget" (rather than "from a special United Nations operational budget", as stated in paragraph 2, Article 10, of the draft resolution submitted by Sub-Committee 10).

The amendment was approved by a roll-call vote of 19 to 12, with 23 abstentions.

A third United States amendment (A/C.1/304) to the draft resolution proposed the addition of the following to the end of the same paragraph 2, Article 10:

". . . provided that, if United Nations funds are contemplated, the Secretary-General shall be guided by the procedures which were established by the Second Session of the General Assembly for defraying unforeseen and extraordinary expenses."

This amendment was carried by a roll-call vote of 17 to 12, with 25 abstentions.

A roll-call vote was then taken on the entire resolution, as amended, resulting in a vote of 20 in favor, 15 against, with 19 abstentions. The President announced that since the resolution had not received the requisite two-thirds majority, it was rejected.

Two further efforts were made during this concluding plenary meeting of the special session with regard to Jerusalem. Australia proposed verbally that the following paragraph be inserted in the draft resolution (A/552) proposed by the First Committee on the recommendation of Sub-Committee 9:<sup>250</sup>

"The General Assembly,

"Calls on the Jerusalem Municipal Commissioner to consult and co-operate with the United Nations Mediator in Palestine, especially to ensure the protection of the inhabitants of Jerusalem and the preservation of the Holy Places pending the establishment of an international regime for the city of Jerusalem under United Nations administration."

In introducing this amendment, the representative of Australia said it represented the barest minimum which could possibly be attained and should therefore be at least secured.

A first vote on the Australian amendment was

<sup>250</sup> See p. 280.

inconclusive, resulting in a tie of 10 votes in favor, 10 against, with 28 abstentions. Upon being resubmitted, the amendment was rejected by a vote of 14 to 10, with 24 abstentions.

The final effort to deal further with the question of the City of Jerusalem was a verbal proposal of the representative of Guatemala that the Trusteeship Council be requested to adopt the draft Statute for the City of Jerusalem so that it could be put into effect. The representative of Guatemala said he realized that this question was not on the agenda, but thought the urgency of the case—the fate of Jerusalem—warranted its consideration. He also announced that his Government had recognized the Jewish State. The President stated that it was not possible for him to accede to the Guatemalan request since the point raised was not on the agenda.<sup>251</sup>

#### d. FUTURE GOVERNMENT OF PALESTINE

##### (1) First Committee Abandons Proposal to Refer Trusteeship Working Paper to Fourth Committee

While the general debate was still in progress,<sup>252</sup> the representative of the United States, during the 120th meeting of the First Committee on April 21, 1948, introduced a draft resolution (A/C.1/278) calling for the referral of the United States working paper on a draft Trusteeship Agreement for Palestine (A/C.1/277) to the Fourth (Trusteeship) Committee for study and report, with recommendations to the General Assembly in plenary meeting.

In the ensuing debate on this proposal, two points of view emerged. On the one hand it was argued that a matter of substance would, in fact, be decided under the guise of taking a procedural decision. The question was not whether the United States Trusteeship proposal should be examined by the Fourth Committee, the First Committee or a joint First and Fourth Committee, but rather, whether the United States Trusteeship proposal should be considered at all as long as the resolution of November 29 remained fully in force. Among those who shared this view were the representatives of Poland, Yugoslavia, the Ukrainian S.S.R., the U.S.S.R. and the Byelorussian S.S.R. Others who opposed referring the Trusteeship proposal to the Fourth Committee argued that the proposal ought to be explored in the First Committee with a view to deciding political questions of principle before referring it to any other body. Among those expressing this view were the representatives of Sweden, New Zealand, Iran, Belgium, Uruguay and France.

On the other hand it was argued—for example,

by the representatives of Lebanon and the United States—that no decision on principle could be taken in vacuo, that a study of the details by the Fourth Committee in no way entailed a commitment on the principle of Trusteeship and that the issue would therefore not be prejudged in the manner feared by opponents of the procedural motion of the United States.

In the end, it was decided (at the 128th meeting) to vote on the following question: Should the First Committee begin the discussion of the working paper (A/C.1/277) submitted by the United States (i.e., on the Trusteeship proposal)? The Committee decided by a vote of 38 to 7, with 7 abstentions, to begin the examination of the Trusteeship proposal. The suggestion to refer the proposal to the Fourth Committee was abandoned.

##### (2) Sub-Committee on Palestine Trusteeship Established

Following this decision, the representative of Guatemala submitted a draft resolution (A/C.1/284) which, declaring that "it is not possible to discuss the question of trusteeship for Palestine without previously having the necessary information as to whether trusteeship is desired or will be accepted by the population of Palestine; and whether it is possible to implement trusteeship and make it workable", called for the appointment of a sub-committee to report on its findings with respect to these questions after hearing the United Nations Palestine Commission, the Mandatory Power, the Arab Higher Committee, the Jewish Agency and the legal, economic and military experts on Palestine of the Secretariat.

The representative of Guatemala subsequently accepted a United States amendment (A/C.1/285) to his draft resolution. This amendment proposed to add to the instructions to the sub-committee a specific statement that the terms of the United States Trusteeship proposal (A/C.1/277) be regarded by the sub-committee as a basis of work. The amendment further provided that the sub-committee be composed of representatives of States members of the Trusteeship and Security Councils and of the representative of Guatemala. (The original Guatemalan proposal did not touch upon the question of the sub-committee's composition, leaving this point to be decided later.)

Peru suggested (A/C.1/286) adding a third question to those to be addressed to the sub-com-

<sup>251</sup> For action taken at the 135th plenary meeting on mediation proposal, see pp. 279-81.

<sup>252</sup> See pp. 259-60.



mittee, namely that of the approximate cost of the proposed Trusteeship plan or of any other United Nations provisional government in Palestine.

Drafting changes to the Guatemalan proposal as amended by the United States were proposed by several representatives.

A comprehensive amendment was submitted by Cuba (A/C.1/290). Instead of the composition recommended by the United States, the representative of Cuba proposed that the sub-committee be composed of the officers of the First Committee (i.e., the representatives of China, Poland and Norway), and the representatives of Argentina, Belgium, Canada, France, Guatemala, India, U.S.S.R. and United States.

Where the Guatemalan proposal limited itself to calling upon the sub-committee for "report with recommendations" concerning the Trusteeship proposal or any other United Nations provisional government for Palestine, the Cuban amendment instructed the sub-committee to "formulate and report to the Committee a proposal for a provisional regime for Palestine", taking into account the views expressed during the debate and the views of the interested parties.

In a sub-amendment (A/C.1/291) to the Cuban amendment, the representative of Guatemala proposed that the mandatory provision quoted in the preceding paragraph be replaced by a provision calling upon the sub-committee to "study the possibilities of establishing a provisional regime for Palestine and report its findings to the Committee". The representative of Guatemala, in another sub-amendment (A/C.1/291) to the Cuban amendment, also proposed enlarging the composition of the sub-committee's membership by adding the following to the list of representatives proposed for sub-committee membership by the representative of Cuba: the representatives of Australia, Colombia, Cuba, Czechoslovakia, Haiti, New Zealand, Sweden and Uruguay.

The Guatemalan sub-amendments were rejected by the Committee, the proposal to alter the sub-committee's terms of reference being rejected by a vote of 28 to 3, with 22 abstentions, and the proposal to enlarge the composition of the sub-committee being rejected by a vote of 33 to 7, with 13 abstentions.

A proposal made orally by the representative of Argentina, to add the representative of Cuba to the sub-committee membership, was adopted by a vote of 33 to 0, with 19 abstentions.

Finally, the Committee, at its 137th meeting, on May 5, by a vote of 33 to 7, with 13 absten-

tions, adopted the Cuban modification (A/C.1/290) of the Guatemalan draft resolution, together with the oral amendment proposed by Argentina.

In its final form the resolution (A/C.1/292) consisted of four paragraphs. The first of these set forth the composition of the Sub-Committee, as follows:

Officers of the First Committee (i.e., China, Poland, Norway) and the representatives of Argentina, Belgium, Canada, Cuba, Guatemala, France, India, U.S.S.R. and United States.

The second paragraph laid down that the Sub-Committee "in the light of the situation in Palestine and of the work of the Security Council and the Trusteeship Council, and taking into account all suggestions made in the course of the Committee's debate, shall formulate and report to the Committee a proposal for a provisional regime for Palestine".

The third paragraph instructed the Sub-Committee to take into account "(a) whether it is likely that such proposal will commend itself to the Jewish and Arab communities of Palestine, (b) whether it is possible to implement this proposal and make it workable, and (c) the approximate cost of such proposal".

The final paragraph provided that the Sub-Committee "may consult representatives of the United Nations Palestine Commission, the Mandatory Power, the Arab Higher Committee, and the Jewish Agency and may avail itself of the services of other experts on Palestine".

During the consideration of the Guatemalan proposal, the Committee also embarked upon a discussion of the substance of the United States Trusteeship working paper (A/C.1/277). Questions raised by various representatives dealt with such matters as the duration of the Trusteeship regime, the functions of the proposed Palestine administration, the powers of the Governor-General, protection of and access to the Holy Places, immigration, land purchase and budgetary implications. There was no discussion during the preliminary article-by-article examination of the working paper on the subject of contribution of police forces by Member States to enforce the Trusteeship proposal.

On the basic issue of the proposal—i.e., on Trusteeship as such for Palestine—no new views emerged. Those who had argued in favor of retaining the resolution of November 29 expressed themselves against the Trusteeship idea. The Arab States declared that the Trusteeship proposals were worth exploring further, but only if it were clearly understood that Trusteeship

would not be a veiled attempt at partial or total implementation of the Partition Plan. Although the Palestine Arabs were ready for self-government, they would nevertheless be willing to consider a Trusteeship proposal, provided the period of Trusteeship were of limited duration and gave rise to a reasonable hope that a just and equitable solution could be found while it lasted.

Representatives of the Jewish Agency opposed the Trusteeship proposal as an unwarranted retrogression from the resolution of November 29, which the Jews in Palestine had implemented to so large an extent that a return now was impossible.

That, in brief, was the background against which the Committee decided on May 5 to set up a sub-committee—Sub-Committee 9—to "formulate and report to the Committee a proposal for a provisional regime for Palestine".

(3) Sub-Committee Proposal Endorsed by First Committee

Sub-Committee 9 held eleven meetings. Its officers were the same as those of the First Committee, i.e., the representative of China as Chairman, the representative of Poland as Vice-Chairman and the representative of Norway as Rapporteur. The Sub-Committee had decided by a vote of 8 to 3 (Guatemala, Poland and U.S.S.R.), with 1 abstention (China), that the meetings should be held in private and that at the end of each meeting, a Press Officer of the United Nations would issue a full press communique approved by the Vice-Chairman and the Rapporteur.

In its report (A/C.1/299) to the First Committee, which was submitted on May 13, the Sub-Committee stated that it had examined a number of working papers and proposals, the major suggestions or proposals having been submitted by the representative of France, the Rapporteur, the representative of the United States, and the representative of Poland. The report further stated that the Sub-Committee had sought the assistance of the Chairman of the Palestine Commission, the representative of the Mandatory Power and of Pablo Azcarate of the United Nations Secretariat. (Mr. Azcarate had returned to Lake Success from Palestine a short time before).

The Sub-Committee, at its final meeting on May 13, adopted with certain modifications a United States proposal (A/C.1/SC.9/1) after rejecting by varying margins several Polish amendments (A/C.1/SC.9/2) thereto.

The main differences between the Polish and the United States versions of the proposal were

as follows: Whereas the United States draft proposed that the General Assembly call upon all persons, organizations and Governments to "co-operate in making effective" a truce such as the Security Council was seeking to secure in Palestine, the Polish version suggested that the Assembly call upon all Governments "to refrain from any threat or use of force to change the situation, to restrain their nationals from such threats or use of force, and to co-operate in making effective such a truce".

Instead of providing for a United Nations Commissioner for Palestine to be chosen by a committee of the General Assembly composed of the five permanent members of the Security Council, as the United States proposed, Poland suggested the creation of a United Nations Temporary Mediation and Conciliation Commission in Palestine. The functions assigned to the Commissioner in the United States proposal were, with certain changes, assigned to the Mediation Commission in the Polish amendment.

Finally, the Polish amendment proposed the deletion of the final clause of the United States draft resolution (which provided for the discharge of the Palestine Commission by the General Assembly) and the substitution therefor of a clause in which the Assembly would declare that "the present resolution does in no way prejudice the rights and legal position of the parties concerned".

The draft resolution adopted by the Sub-Committee differed from the United States draft proposal in several respects. Thus, the reference in the preamble to "the resolutions adopted by the Security Council with reference to Palestine" on March 5, April 1, April 17 and April 23, 1948, was omitted, being replaced by a reference to "the present situation in regard to Palestine". Furthermore, it was decided to replace the designation "United Nations Commissioner for Palestine" by the designation "United Nations Mediator in Palestine". With one exception, the functions assigned to the United Nations representative in Palestine were identical, the exception being that the draft resolution adopted by the Sub-Committee made it one of the functions of the Mediator to "promote a peaceful adjustment of the situation in Palestine", while the original United States proposal had defined the corresponding function as the promotion of "agreement on the future government of Palestine". Finally, while the United States draft resolution had provided for the discharge of the Palestine Commission, the corresponding clause of the Sub-Committee's

draft resolution provided for the suspension of the Palestine Commission.

The draft resolution adopted by Sub-Committee 10 (A/C.1/299) consisted of three parts, preceded by a preamble.

In the preamble, the General Assembly would be "taking account of the present situation in regard to Palestine".

In the first of the three operative parts of the draft resolution, the General Assembly "strongly supports" the efforts of the Security Council to secure a truce in Palestine and calls upon all concerned to co-operate to make such a truce effective.

In the second part, the Assembly "empowers" a United Nations Mediator in Palestine, chosen by a committee composed of representatives of China, France, the United Kingdom, the United States and the U.S.S.R., to exercise, *inter alia*, the following functions:

(a) Use his good offices with the "local and community authorities" in Palestine to

(1) arrange for the operation of essential common services;

(2) assure the protection of the Holy Places;

(3) promote a peaceful adjustment of the situation in Palestine.

(b) Co-operate with the Truce Commission appointed by the Security Council in its resolution of April 23, 1948.

(c) Invite "as seems to him advisable" the assistance and co-operation of appropriate specialized agencies, such as the World Health Organization, and other governmental or non-governmental organizations of a humanitarian and non-political character, such as the International Red Cross, with a view to promoting the welfare of the inhabitants of Palestine.

This part of the draft resolution also would instruct the Mediator to render progress reports monthly or more frequently to the Security Council and to the Secretary-General for transmission to Member nations, and would direct the Mediator to conform to the provisions of the present draft resolution and to instructions of the Security Council. It also would authorize the Secretary-General to pay the Mediator an emolument equal to that paid to the President of the International Court of Justice and to provide him with an adequate staff.

The third and final part of the draft resolution adopted by the Sub-Committee "suspends, as of 1 June 1948, the Palestine Commission from further exercise of responsibilities under its Resolution 181 (II) of 29 November 1947".

The report of Sub-Committee 9 reached the First Committee at its 139th meeting on May 13.

After an initial procedural debate concerning the short interval between the concluding meet-

ings of Sub-Committees 9 and 10,<sup>253</sup> the Committee discussed the report of Sub-Committee 9 during its 140th meeting on May 13.

The representative of the United States supported the proposal of the Sub-Committee. When the discussions in the Sub-Committee appeared to be leading to a common conclusion, he said, the United States had drafted a proposal embodying the views expressed by a majority of the Sub-Committee members. The proposal thus was not a United States invention but was, rather, the product of the deliberative processes of the General Assembly.

Outlining the provisions of the draft resolution,<sup>254</sup> the representative of the United States said the proposal was based on the need to satisfy two conditions: first, that any proposal should be based on the authority of the Charter, and, second, that it should be practical and take into account the existing situation and the importance of bringing an end to the conflict in the Holy Land.

The deliberations had clearly shown that it was impossible in the available time to find a peaceful solution acceptable to both parties. No proposal had been made which would either enable the United Nations to bring about a peaceful implementation of the resolution of November 29 or provide for the implementation of that resolution by use of United Nations forces.

It had further become clear that, although many Members favored the idea, neither Jews nor Arabs would be willing to sacrifice their interests to permit a temporary Trusteeship to operate effectively. Hence, the representative of the United States declared, armed forces would have to be provided for the implementation of a Trusteeship regime; yet no other governments had declared their willingness to join the United States in its declared willingness to supply such forces. A final cardinal fact in the situation was the decision of the Mandatory Power to lay down its Mandate at midnight the following day, i.e., on Friday, May 14, at 6:00 P.M. (New York time).

He reviewed the steps taken by the United States Government to secure a truce in the Holy Land. As a member of the Security Council's Truce Commission, he announced, the United States, following discussions with Arab and Jewish representatives both in New York and in Palestine, had drawn up Articles of Truce which it considered fair and equitable. He wished to call attention to two of these proposed Articles of

<sup>254</sup> See p. 281 for resolution as adopted by the Assembly; see pp. 278-79 for amendments adopted to the draft proposed by the Sub-Committee.

Truce in particular, namely Articles 5 and 11. Article 5 had stated:

"During the period of the truce, and without prejudice to the future governmental structure of Palestine, existing Arab and Jewish authorities shall function as Temporary Truce Regimes in the areas in which such authorities are now exercising control and shall accord full and equal rights to all inhabitants in such areas."

And Article 11 had stated:

"During the period of the truce, and without prejudice to future decisions on the question of immigration, the Arab Higher Committee and the Jewish Agency for Palestine accept, as a matter of emergency, the authority of the Security Council Truce Commission to deal with the question of immigration into Palestine."

The representative of the United States, reviewing the recent history of United Nations efforts to secure a truce in Palestine, regretted that the proposed Articles of Truce had not been accepted by the Jewish Agency, the Arab Higher Committee, the Arab States or the Mandatory Power. He noted that revised truce terms had been submitted since then but had not yet been accepted by either party.

Against this background, the representative of the United States strongly recommended adoption of the draft resolution submitted by Sub-Committee 9, pointing out that, pending further action by the General Assembly, the resolution of November 29, 1947, remained as a recommendation although it could not be implemented. Although the current special session had not succeeded in finding a solution for the problem, Members were in a position to use the power of the United Nations in continuing efforts to ease the situation in Palestine. The proposal before the Committee was based upon the conviction that peace depended, not upon force, but upon the processes of reconciliation.

The representative of Canada supported the draft resolution submitted by Sub-Committee 9. This resolution, he pointed out, provided for measures to supplement the efforts of the Security Council since it proposed to add the good offices of a mediator to lend his moderating influence.

The representative of Greece also supported the draft resolution but presented an amendment to Part III. He suggested (A/C.1/300) that the Palestine Commission be "relieved" rather than "suspended", as proposed in the Sub-Committee's draft resolution. Mere suspension, he thought, would confuse the situation.

The representative of Poland, observing that the representative of Greece had brought up once again an amendment which had been discussed extensively in the Sub-Committee, announced that

his delegation likewise would resubmit its amendments to the draft resolution (A/C.1/SC.9/2).<sup>255</sup>

The representative of the United Kingdom said it was now evident that there was no longer any question of imposing any settlement in Palestine. His Government had suggested an approach to the problem by truce and mediation and the draft resolution of the Sub-Committee appeared to give effect to that suggestion. The United Kingdom delegation would support this draft resolution since it believed that it opened the road to an ultimate solution for peace in Palestine.

The representative of New Zealand termed the proposal of Sub-Committee 9 pitifully inadequate and said it was indeed the very least that the Assembly could do. The statements of many delegations appeared to make it clear, however, that nothing better could be achieved. The entire situation confronting the Assembly was the result of departure from the principles agreed upon at the previous session. As for the draft resolution presented by Sub-Committee 9, the representative of New Zealand offered two amendments (A/C.1/301). The draft resolution instructed the Mediator to conform in his activities with such instructions as the Security Council might issue. The representative of New Zealand proposed to insert the words "the General Assembly or", so that the Mediator would be instructed to comply with the instructions of the General Assembly as well. Furthermore, the representative of New Zealand proposed the deletion of Part III of the draft resolution (A/C.1/299), which "suspends, as of 1 June 1948, the Palestine Commission . . .". He proposed to substitute for this clause a paragraph in which the Assembly "thanks . . . the Palestine Commission for . . . [its] efforts, and, pending a further decision by the General Assembly or the Security Council, resolves, in the light of the present situation and without prejudice to the General Assembly's resolution . . . of the 29th November 1947, to suspend the responsibility of the Palestine Commission under that resolution as from a date to be fixed by the Secretary-General".

The representative of Czechoslovakia protested against the manner in which the Assembly had been going about its work. A Sub-Committee had been set up on May 4 to make proposals on questions of substance although there had been no prior decision on the fundamental principles. The first Committee, in his opinion, had never seriously discussed the United States contention that the resolution of November 29 could not be

<sup>255</sup> See p.275.

implemented by peaceful means and that implementation by the use of force had proved impossible. Yet the fact was that partition was actually being implemented and that the special session of the Assembly had proved powerless to alter the situation in Palestine or even to ensure a peaceful change-over. As for the draft resolution, he reserved the position of his delegation pending the receipt of instructions from the Czechoslovak Government.

The representative of Poland held that there was no relationship between the actual situation in Palestine, on the one hand, and the draft resolutions prepared by Sub-Committees 9 and 10, on the other hand. They were both unrealistic and could have no effect upon the real situation in Palestine.

Both proposals were part of a manoeuvre of long standing to prevent implementation of the Partition Plan, a manoeuvre in which the United States had played, and was playing, the predominant part. Both draft resolutions were merely parts of the Trusteeship plan, whose acceptance in toto the United States had found it impossible to secure.

The Polish representative said it had appeared possible that unanimous agreement might be reached in Sub-Committee 9 on a draft resolution based upon a working paper submitted by the Sub-Committee's Rapporteur. In spite of that agreement, the Sub-Committee had "suddenly" been faced with a new draft resolution by the United States. Nevertheless, he, as a member of the Sub-Committee, had endeavored to make the United States draft resolution acceptable by the introduction of amendments. This attempt was rebuffed, with the result that the Polish delegation was obliged to oppose the resolution in its present form.

The representative of Poland then reintroduced most of the amendments he had previously presented in the Sub-Committee (A/C.1/SC.9/2), deploring in particular the Sub-Committee's failure to include in its draft resolution an appeal to all governments to refrain from any threat or use of force to change the situation, and its failure to insert a provision stating that the draft resolution did not in any way prejudice the rights and legal position of the parties. He also objected to the draft resolution's reference to "community authorities" in Palestine when, in his view, the reference should be to "the respective authorities," i.e., Arab and Jewish authorities on a level higher than that of individual local communities.

As for Section III of the draft resolution, the

Polish representative supported the New Zealand amendment (A/C.1/301), saying that if it were accepted he would not insist upon his own amendment to this part of the draft resolution.

The representative of the Dominican Republic held that while the proposal of Sub-Committee 9 was not fully satisfactory it was generally acceptable. The powers laid down for the Mediator were very limited, making him a mandatory without a mandate. The delegation of the Dominican Republic preferred the text of the draft resolution to the alternative versions proposed in the various amendments and would vote for the unamended text in the hope that on this basis further progress would be made toward re-establishing peace in Palestine.

Opposition to the draft resolution was voiced by the representative of the Ukrainian S.S.R., who expressed substantial agreement with the views outlined by the representative of Poland.

At this stage of the discussion, the representative of Cuba moved closure of the debate on the report of Sub-Committee 9.

This motion was opposed by the representatives of Siam and Iran, but was adopted by the Committee by a vote of 23 to 15, with 10 abstentions.

On a point of order, the representative of Yugoslavia held that under Rule 142 of the rules of procedure, the Assembly could not proceed to vote on the draft resolution submitted by Sub-Committee 9 until it had heard a statement by the Secretary-General and a report from the Fifth (Administrative and Budgetary) Committee on budgetary implications.

The Secretary-General said no precise figure could be given since neither the contemplated size of the Mediator's staff nor the duration of the Mediator's activities could be clearly known. A tentative figure for the expenses might be \$100,000. Commenting upon a further statement of the Yugoslav representative, the Secretary-General declared that he was satisfied as to his authority to provide funds for the proposed Mediator without prior references to the Fifth Committee.

The draft resolution submitted by Sub-Committee 9, together with the amendments presented thereto, was then put to the vote. The Committee adopted the first of the two New Zealand amendments (A/C.1/301), i.e., the one providing for the Mediator's acting in compliance, not only with instructions of the Security Council, but also with instructions from the Assembly. The vote on this amendment was 26 to 6, with 16 abstentions.

The Committee also adopted the Greek amendment (A/C.1/300) to "relieve" rather than "suspend" the Palestine Commission, the vote being 24 to 15, with 11 abstentions.

Finally, the Committee, by a vote of 13 to 7, with 25 abstentions, adopted a French amendment (A/C.1/303) to insert the word "future" before the word "situation" in the phrase "to promote a peaceful adjustment of the situation of Palestine", an amendment that had not been discussed during the preceding debate in the Committee.

All other amendments were rejected by varying votes.

The amended resolution as a whole was then adopted by a vote of 35 to 6, with 10 abstentions, and was forwarded to the General Assembly for its decision.

#### **(4) Australia Withdraws Draft Resolution on Implementation of Partition**

The representative of Australia said he had abstained from the final vote on the resolution of Sub-Committee 9 for two reasons: (i) the failure of the Committee to accept the second New Zealand amendment (A/C.1/301), which would have brought the resolution into relation with the resolution of November 29; and (U) the Australian draft resolution which had been before the Committee for some time, although it had never been generally discussed.

The Australian draft resolution (A/C.1/279) would have: recalled the resolution of November 29; taken note of the report submitted by the Palestine Commission; recognized that "circumstances beyond [the First Committee's] control have prevented the Palestine Commission from adhering to the prescribed schedules of stages of implementation of the ... resolution of 29 November 1947"; and recommended that the General Assembly

"1. Request the Palestine Commission

"(a) To proceed immediately with the creation of Provisional Councils of Government and Local Militia Forces, in co-operation with the respective communities concerned, in the prescribed areas of Palestine,

"(b) To assume as from 15 May, in co-operation with one or both of the Provisional Councils of Government, Civil Administration in the relevant area or areas of Palestine,

"(c) To carry through, in co-operation with one or both of the Provisional Councils of Government, the remaining stages after 15 May prescribed in the General Assembly Resolution of 29 November 1947."

The Australian draft resolution would further have recommended that the Assembly

"2. Call on the states of the Arab League to prohibit their Nationals from engaging in activities in Palestine

designed to obstruct the carrying out of the General Assembly Resolution of 29 November 1947,"

and

"3. Call on States Members of the United Nations to refrain from furnishing aid or encouragement to either community in Palestine which is acting without the sanction of the Palestine Commission and in obstruction of the terms of the General Assembly Resolution of 29 November 1947."

That resolution, which had been before the First Committee since April 21, was motivated, like the rejected New Zealand amendment, by the desire and resolve to see that the authority and credit of the United Nations and its decisions were upheld, the representative of Australia declared. He ventured to think that both the Australian and New Zealand proposals expressed the real conscience of many representatives around the Committee table. However, the Committee had adopted a resolution (i.e., the one proposed by Sub-Committee 9, as amended) which, though sketchy, did admit a certain amount of responsibility on its part for what was happening in Palestine, and gave some recognition to the momentum of events. For these reasons he now withdrew the Australian draft resolution.

With the withdrawal of the Australian proposal, the adoption of the amended draft resolution of Sub-Committee 9, and the decision<sup>256</sup> to refer the proposal of Sub-Committee 10 concerning Jerusalem directly to the General Assembly without a vote in Committee, the First Committee had completed its task (141st meeting, May 14, 1948) and it was not convened again during the special session.

#### **(5) Assembly Adopts Mediation Proposal**

The resolution proposed by the First Committee (A/552) was considered at the 135th (concluding) plenary meeting of the second special session of the General Assembly.<sup>257</sup>

Just before the Assembly opened the discussion on the resolution, the representative of Colombia asked whether the representative of the United States could confirm the information given to the press regarding recognition of the Government of the Jewish State by the United States. The representative of the United States said he had no official information on this matter at the present time.

The representative of Guatemala supported the draft resolution recommended by the First Committee, although he deplored the acceptance of the

<sup>256</sup> See p. 271.

<sup>257</sup> For discussion on Jerusalem at the 135th plenary meeting, see pp. 271-73.

Greek amendment, which "relieved" rather than "suspended" the Palestine Commission. The Guatemalan delegation had consistently opposed any measures tending to abrogate the resolution of November 29. It interpreted the draft resolution now under consideration as limiting the role of the United Nations representative in Palestine to mediation between the parties. The resolution of November 29 thus remained in force.

The representative of the U.S.S.R. said that in view of the situation in Palestine at the present time there was no reason to appoint a mediator. A feature of that situation was the existence of one of the two States provided for in the Assembly's November resolution: the Jewish State. Even if the draft resolution were accepted, its acceptance could in no way affect the partition decision, which remained fully valid. The U.S.S.R. delegation would vote against the draft resolution submitted by the First Committee because it feared that opponents of the Partition Plan might take advantage of the provisions of the proposed resolution to complicate the existing situation.

The resolution of November 29 had been adopted by the Assembly to protect the interests of the Palestine population. Ever since, the United Kingdom, and particularly the United States, had tried to prevent the implementation of the November resolution. The policy of the United States was full of contradictions, while the policy of the U.S.S.R. had been entirely consistent, according first consideration to the interests of the people of Palestine.

The representative of Poland said the creation of a Jewish State in Palestine was in conformity with the resolution of November 29. He was sure that the leaders of the New Jewish State realized the wisdom of close co-operation with the other peoples of the Middle East and that the Arab population of Palestine would follow their example, thus strengthening the Arab States in their struggle for complete independence in that part of the world. Creation of the Jewish State had already rendered obsolete many of the provisions of the draft resolution recommended by the First Committee, a fact which, the representative of Poland thought, the United States itself had seemed to realize when it decided to grant *de facto* recognition to the Jewish State. The draft resolution amounted to a veiled attempt to invalidate the partition resolution. The Polish delegation would vote against it.

The representative of Peru said he would abstain from voting on the draft resolution since, in his opinion, it was too feeble to ensure real

and lasting harmony among the peoples of Palestine.

The representative of Uruguay declared that the Mediator should be given adequate powers, since he would be incurring heavy responsibilities. He requested a roll-call vote on separate paragraphs of the draft resolution on which some delegations might wish to abstain.

The representative of Australia proposed an amendment<sup>258</sup> to the draft resolution to link the Mediator's activities explicitly with the legal and *de facto* situation in Jerusalem.

Referring to the recognition of the Jewish State by the United States, the representative of Cuba said he could not see why a vote should now be taken on the draft resolution submitted by the First Committee. That draft resolution, he held, now seemed pointless in view of the action of its sponsor, the United States Government.

The representative of Syria said he understood at last why the United States delegation had urged that priority should be given to the report of Sub-Committee 10.<sup>259</sup> The real intention of the United States had been to await the termination of the Mandate, secure acceptance of a Trusteeship regime for Jerusalem, advocating a political stand-still, and then present the Assembly with the *fait accompli* of United States recognition of the so-called Jewish State. By acting as it did, the United States had acted against the resolution of the Security Council.

The representative of the United States read two statements to the Assembly. The first one was from the President of the United States and read:

"This Government has been informed that a Jewish State has been proclaimed in Palestine, and recognition has been requested by the Provisional Government thereof. The United States recognizes the Provisional Government as the *de facto* authority of the new State of Israel."

The second statement was issued by the White House in Washington and read:

"The desire of the United States to obtain a truce in Palestine will in no way be lessened by the proclamation of a Jewish State. We hope that the new Jewish State will join with the Security Council Truce Commission in redoubled efforts to bring an end to the fighting, which has been, throughout the United Nations consideration of Palestine, a principal objective of this Government."

The objective of bringing peace to Palestine, the representative of the United States declared, remained the policy and hope of his Government. The draft resolution before the Assembly promoted the realization of that objective. Conse-

<sup>258</sup> See p. 272.

<sup>259</sup> See pp. 270-71.

quently, the United States delegation would continue to give the draft resolution its full support.

The representative of Egypt said that in view of the latest developments it would be a worthless mockery if the Assembly continued to discuss the draft resolution before it. The entire procedure had been a "mere fake" and the nations gathered in the Assembly had been victims, unaware of what was going on behind the scenes. What had happened was a blow not only to the United Nations but to international relations as a whole. The hopes and ideals of mankind had been betrayed.

The representative of Lebanon said the United States had been responsible for the convening of the present Assembly session. For four weeks the United States delegation had been assuring the parties that its only aim was to bring about peace and reconciliation. The Arabs, it now appeared, had been duped. The action taken by the United States would lead to the gravest repercussions in the Middle East, and the intellectual, cultural and spiritual interests of the United States in the Middle East would be deeply affected by the decision just taken by the United States.

This concluded the discussion of the resolution proposed by the First Committee. Following the rejection of the Australian amendment,<sup>260</sup> the draft resolution (A/552) was put to the vote, paragraph by paragraph.

The result of the voting was as follows:

Pan of Resolution	Vote
Preamble	Adopted, 27 to 5, with 13 abstentions
Section I	" 32 to 0, " 20
Section II, Para. 1	" 31 to 7, " 11
II, " 2	" 31 to 4, " 13
" II, " 3	" 32 to 5, " 12
II, " 4	" 29 to 6, " 13
Section III	29 to 11, " 8

A vote was then taken on the resolution as a whole, at the request of the representative of Colombia, by roll-call, and it was adopted by a vote of 31 to 7, with 16 abstentions. The resolution (186 (S-2)) was as follows:

"The General Assembly,

"Taking account of the present situation in regard to Palestine,

### I

"Strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine<sup>261</sup> and calls upon all Governments, organizations and persons to co-operate in making effective such a truce;

### II

"1. Empowers a United Nations Mediator in Palestine, to be chosen by a committee of the General Assembly composed of representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, to exercise the following functions:

"(a) To use his good offices with the local and community authorities in Palestine to:

(i) Arrange for the operation of common services necessary to the safety and well-being of the population of Palestine;

(ii) Assure the protection of the Holy Places, religious buildings and sites in Palestine;

(iii) Promote a peaceful adjustment of the future situation of Palestine;

"(b) To co-operate with the Truce Commission for Palestine appointed by the Security Council in its resolution of 23 April 1948 [S/727];

"(c) To invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and co-operation of appropriate specialized agencies of the United Nations, such as the World Health Organization, of the International Red Cross, and of other governmental or non-governmental organizations of a humanitarian and non-political character;

"2. Instructs the United Nations Mediator to render progress reports monthly, or, more frequently as he deems necessary, to the Security Council and to the Secretary-General for transmission to the members of the United Nations;

"3. Directs the United Nations Mediator to conform in his activities with the provisions of this resolution, and with such instructions as the General Assembly or the Security Council may issue;

"4. Authorizes the Secretary-General to pay the United Nations Mediator an emolument equal to that paid to the President of the International Court of Justice, and to provide the Mediator with the necessary staff to assist in carrying out the functions assigned to the Mediator by the General Assembly;

### III

"Relieves the Palestine Commission from the further exercise of responsibilities under resolution 181 (II) of 29 November 1947."

Following the adoption of this resolution, the Assembly, without discussion or objection, adopted a resolution (189(S-2)) submitted by the Dominican Republic. The resolution expressed the "full appreciation" of the General Assembly for the "work performed by the Palestine Commission in pursuance of its mandate from the General Assembly".

The second special session then adjourned after an address by the President. (In pursuance of the General Assembly resolution of May 14, 1948 (186 (S-2)), a committee of the Assembly composed of representatives of China, France, the U.S.S.R., the United Kingdom and the United States met on May 20, 1948, and appointed Count Folke Bernadotte, President of the Swedish Red Cross, as United Nations Mediator on Palestine.)<sup>262</sup>

<sup>260</sup> See p. 272.

<sup>261</sup> See pp. 412-16.

<sup>262</sup> Security Council, Official Records. Third Year. No. 71. p. 4. For reports of the Mediator see Security Council, pp. 429-48, and his progress report to the General Assembly, pp. 304-13.



## F. ACTIVITIES OF COMMITTEES AND COMMISSIONS OF THE ASSEMBLY BETWEEN THE SECOND AND THIRD REGULAR SESSIONS

### 1. Interim Committee

#### a. ORGANIZATION

The Interim Committee established by the General Assembly during the second regular session<sup>263</sup> held its first meeting at Lake Success on January 5, 1948. Luis Padilla Nervo (Mexico) was elected Chairman, Fernand van Langenhove (Belgium), Vice-Chairman and Nasrollah Entezam (Iran) Rapporteur. It held its 29th (last) meeting on August 5, 1948.

The Interim Committee was composed of representatives of all United Nations Member States with the exception of Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R. and Yugoslavia, these latter declining to participate in the Committee's activities for the reasons stated by their respective representatives in the course of the discussion preceding the Assembly's decision to establish the Interim Committee.<sup>264</sup>

In the course of its work, the Committee established four sub-committees:

Sub-Committee 1 was established at the second meeting (January 5, 1948) and consisted of representatives of Chile, China, Denmark, France, India, Lebanon, Liberia, United Kingdom and United States. Its task was to prepare a draft of the Committee's Rules of Procedures.

Sub-Committee 2 was set up at the eleventh meeting (March 2, 1948) and consisted of representatives of Australia, Belgium, Brazil, China, Colombia, Dominican Republic, Ecuador, France, Greece, Iran, Lebanon, Sweden, United Kingdom, United States and Venezuela. Its task was to study, and to submit recommendations concerning the general principles of co-operation in the maintenance of international peace and security (Article 11, paragraph 1, of the Charter) and the promotion of international co-operation in the political field (Article 13, paragraph 1 a), these tasks having been referred to the Interim Committee by paragraph 2 (c) of the General Assembly's resolution 111(II) of November 13, 1947.

Sub-Committee 3 was established at the twelfth meeting (March 15, 1948) and consisted of representatives of Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Cuba, France, Guatemala, India, Norway, Siam, Syria, Turkey, United King-

dom and United States. Its task was to study proposals with respect to the problem of voting in the Security Council and to submit recommendations in connection therewith.

Sub-Committee 4 was established as of March 15, 1948, in accordance with a decision taken by the Interim Committee at its fourth meeting (January 9, 1948) and consisted of representatives of Afghanistan, Bolivia, China, Costa Rica, Egypt, El Salvador, France, Haiti, Iraq, Netherlands, Pakistan, Panama, Philippines, Union of South Africa, United Kingdom, United States and Uruguay. Its task was to study the advisability of establishing a permanent committee of the General Assembly to take the place of the Interim Committee, whose own existence, as determined by the Assembly's resolution of November 13, 1947, must end with the convening of the Assembly's third regular session.

The officers of the four Sub-Committees are given below:

- Sub-Committee 1: Pierre Ordonneau (France), Chairman  
Shuhsi Hsü (China), Rapporteur
- Sub-Committee 2: Pierre Ordonneau (France), Chairman  
Philip C. Jessup (United States), Rapporteur (until June 21, 1948)  
Joseph E. Johnson (United States), Rapporteur (since June 21, 1948)
- Sub-Committee 3: Jose Arce (Argentina), Chairman  
J. Starnes (Canada), Rapporteur
- Sub-Committee 4: J. G. de Beus (Netherlands), Chairman  
Jose D. Ingles (Philippines), Rapporteur

The Sub-Committees, in turn, set up a number of working groups to study particular aspects of the tasks entrusted to them.

#### b. WORK AND RECOMMENDATIONS OF THE INTERIM COMMITTEE

##### (1) Korean Elections

Confronted with its inability to carry out its functions in the area north of the 38th Parallel in Korea because of the unwillingness of the Government of the U.S.S.R. to co-operate, the United Na-

<sup>263</sup> See pp. 80-81.

<sup>264</sup> See pp. 75-79.

tions Temporary Commission on Korea<sup>265</sup> on February 6, 1948, decided to consult the Interim Committee regarding the Commission's future course of action. Specifically, the Commission addressed the following questions to the Interim Committee:

"1. Is it open to or incumbent upon the Commission, under the terms of the General Assembly resolutions of 14 November 1947,<sup>266</sup> and in the light of developments in the situation with respect to Korea since that date, to implement the programme as outlined in resolution II in that part of Korea which is occupied by the armed forces of the United States of America?

"2. If not,

"(a) Should the Commission observe the election of Korean representatives to take part in the consideration of the Korean question, as outlined in resolution I of 14 November 1947, provided that it has determined that elections can be held in a free atmosphere? and

"(b) Should the Commission consider such other measures as may be possible and advisable with a view to the attainment of its objectives?"

The question of the consultation by the United Nations Temporary Commission on Korea was first taken up by the Interim Committee on February 19, and the Committee devoted six meetings to it (A/583). The Committee heard a comprehensive statement by K. P. S. Menon (India), the Chairman of the Temporary Commission on Korea, giving a general review of the Commission's work since its arrival in Korea and the reasons which had led it to decide to ask for a consultation with the Interim Committee. He explained that, while the Commission had had the co-operation of the occupying forces in South Korea, it had not been possible for it to exercise its functions in North Korea. It had therefore been faced with the alternatives of: observing elections and facilitating the establishment of a National Korean Government in South Korea only; observing elections for the limited purpose of consultation with the elected representatives of the Korean people and making further attempts to organize meetings between political leaders of North and South Korea; or expressing its inability to carry out its mission. The latter possibility had been unanimously rejected by the Temporary Commission. Most of the members of the Commission, Mr. Menon informed the Interim Committee, had expressed concern that the formation of a separate government in South Korea would not facilitate the purposes laid down in the Assembly's resolution, i.e., the attainment of national independence of Korea and the withdrawal of the occupying forces.

During the Interim Committee's consideration of the question it was generally agreed that con-

sultation by the Temporary Commission on Korea with the Interim Committee was in conformity with the General Assembly's resolution. It was pointed out that the General Assembly had foreseen possible difficulties in the application of its resolution, and that it had therefore adopted a specific provision to ensure that the Commission could obtain the necessary guidance from a subsidiary organ of the Assembly on which all Members were entitled to be represented and which could thus express a fully representative opinion. The recommendations of the General Assembly could only mean that it intended the Temporary Commission to proceed with its task in spite of the difficulties which it might encounter.

Elections to establish a purely consultative body, it was stated, would be contrary to the spirit and letter of the General Assembly resolution. It was desirable to have the participation of all the people of Korea, including North Korea, to avoid anything which might crystallize the division between the two parts of the country. But if, in the circumstances, it was possible to hold elections in only half the territory, this would nevertheless enable the Korean people to take a step toward the establishment of a free Korean Government. The provisional character of such an Assembly, representing only one part of the country should, however, be clearly stated.

Certain views were expressed in the Committee which differed from the majority point of view. For instance, it was stated that paragraph 4 of the second resolution adopted by the Assembly made it clear that the Temporary Commission in fulfilling its terms of reference could not confine its activities to South Korea. It was thought that the establishment in South Korea of a government composed of representatives from part of the country might give rise to similar action in North Korea, which might perpetuate the division of the country. It was further suggested that elections should be held in South Korea to set up an advisory body charged with administrative functions which would make no claims to be a National Government. This would enable the Koreans to make their wishes known through their representatives, but would leave the door open for a fusion between south and north; meantime, the two Great Powers concerned might again consider the possibility of reaching agreement. For these reasons certain representatives were of the opinion that the only practical and useful

<sup>265</sup> For an account of the developments leading to the establishment of this Commission, see pp. 81-87; for an account of the Commission's activities, see pp. 302-4.

<sup>266</sup> Resolution 112 (II), see p. 88.

way of approaching the problem would be to convene a special session of the General Assembly.

On February 26 the Interim Committee adopted a resolution submitted by the United States (A/583) in which it stated that it deemed it necessary that the program set forth in the General Assembly's resolutions be carried out and, as a necessary step in this program, that the Temporary Commission should "proceed with the observance of elections in all Korea and if that is impossible, in as much of Korea as is accessible to it". The Committee also stated that it considered it important that the elections be held to choose representatives of the Korean people with whom the Temporary Commission might consult regarding the attainment of independence of the Korean people and that these representatives constituting a National Assembly might establish a National Government of Korea. It therefore advised the Temporary Commission that in its view it was incumbent on the Commission under the terms of the General Assembly's resolution to implement the program outlined by the Assembly in such parts of Korea as were accessible to the Commission. The vote on the resolution was 31 to 2, with 11 abstentions.

The Interim Committee decided to point out to the Temporary Commission certain considerations (A/583) which it had had in mind in addition to those stated in its resolution. These were: (i) that the elections should be held in a free atmosphere wherein the democratic rights of freedom of speech, press and assembly would be recognized and respected; (ii) that the National Assembly to which representatives were to be elected would be a stage in the formation of a Korean Government, the form of which would be determined by the Korean people themselves—and the Committee hoped that the Korean representatives in the National Assembly would be able to secure through consultations and negotiations the full co-operation in the government of all Koreans; and (iii) that the Interim Committee recognized that the Temporary Commission had the authority and discretion to discharge its duties in Korea wherever and to the extent that circumstances permitted.<sup>267</sup>

## (2) Principles of International Co-operation

Under its terms of reference, the Interim Committee was authorized to consider and report, with its conclusions, to the General Assembly on "methods to be adopted to give effect to that part of Article 11 (paragraph 1) which deals with the general principles of co-operation in the maintenance of international peace and security, and

to that part of Article 13 (paragraph 1 a) which deals with the promotion of international co-operation in the political field".

In pursuance of this objective, the Interim Committee, on January 9, 1948, invited Members to submit proposals by February 16. Subsequently, on March 2, it established a sub-committee (Sub-Committee 2) to study the proposals already received, together with any additional ones that might be submitted.

The Sub-Committee held nineteen meetings, completing its final report (A/AC.18/73 and Add.1) on July 19. The Interim Committee considered the Sub-Committee's report on July 26 and 27, and, with a few alterations, approved it unanimously (A/605).

A number of delegations submitted proposals for the consideration of the Committee and/or Sub-Committee. Lebanon proposed (A/AC.18/15) the establishment of a nine-member "Permanent Committee of Conciliation" whose powers and functions were outlined in an instrument containing nine articles.

Belgium proposed (A/AC.18/18) that the Interim Committee consider the possibility of ensuring the transfer to the organs of the United Nations, including the International Court of Justice, of the functions conferred upon the organs of the League of Nations and upon the Permanent Court of International Justice by the General Act for the Pacific Settlement of International Disputes of September 26, 1928.

In the discussion and eventual adoption of this proposal it was made clear that a recommendation to this effect did not imply approval of the substance of the General Act in question, but was intended solely to enable those states which wished to avail themselves of the machinery laid down in that General Act to find a replacement for the now defunct organs of the League of Nations which that Act invokes.

In a joint proposal (A/AC.18/24) China and the United States, in addition to suggesting the creation of a sub-committee to study the over-all problem (a suggestion which led to the establishment of Sub-Committee 2), proposed that an investigation be made of the desirability of formulating procedures and specific methods for the encouragement of the pacific settlement of disputes prior to their reference to the Security Council or General Assembly. The two states suggested that in this connection one might consider the ad-

<sup>267</sup> The report of the Interim Committee to the General Assembly on its consultations concerning the Korean elections is given in doc. A/583.

visability of setting up a panel for inquiry and conciliation from which members of commissions of investigation might be selected and from which conciliators would be available for use by parties to a dispute.

Further, China and the United States suggested an examination of existing treaty obligations which establish procedures and machinery for the pacific settlement of international disputes with a view to determining their adequacy. The proposal further stated that "consideration might be given to the utility of concluding a multilateral treaty which might be approved by the General Assembly and opened for accession by States". The General Act of 1928 (see above) might, it was suggested, perhaps serve as a starting point for work on such a multilateral treaty. Another point in the joint Sino-United States proposal resembled the Belgian suggestion, stating that it might be advisable to estimate the possibility and utility of replacing references in existing treaties dealing with pacific settlements of disputes to organs of the League of Nations by references to appropriate United Nations organs.

Finally, the joint proposal suggested that the Committee "may wish to consider what types of disputes are particularly susceptible of settlement by bipartite, regional, or United Nations procedures, respectively".

The United Kingdom proposed (A/AC.18/39) that provision should be made for the automatic adoption of the following procedure when a dispute or situation is brought to the attention of the Security Council and when an item of the agenda of the General Assembly relates to a dispute or situation:

"After the opening statements on behalf of the parties concerned have been made and after the Security Council (or the General Assembly), if it should so desire, has requested the taking of provisional measures, the representatives of the parties shall meet under the chairmanship of the President of the Council (or of the Assembly) in order to try to compose their differences before the Council (or the Assembly) enters upon a discussion of the substance of the matter."

Australia verbally suggested (A/AC.18/48, Annex E) that the Interim Committee examine means by which the General Assembly could draw attention to violations of the Charter, appeal to Members to respect their Charter obligations, and call upon Members to exercise vigilance in reporting violations so that nations responsible may be called upon to defend their policies in public debate. In addition, Australia suggested that studies be made concerning the improvement of existing machinery in this connection. Australia

further held that the General Assembly could be of assistance to the Security Council by adopting interpretative resolutions on certain matters relating to the meaning of a number of Charter provisions involving the Council.

The Dominican Republic suggested (A/AC.18/30) certain modifications in some of the specific provisions contained in the Lebanese proposal for a Permanent Committee of Conciliation.

Ecuador submitted a proposal (A/AC.18/63) dealing with yet another aspect of the problem. A state might refuse to employ any of the means recommended by the appropriate organ of the United Nations for the pacific settlement of a dispute to which that state is a party, asserting that the matter lies essentially within its own domestic jurisdiction (Article 2, paragraph 7). The Ecuadorean proposal was aimed at preventing the kind of impasse that could arise in such circumstances. Ecuador suggested the establishment of a procedure according to which the question of "domestic jurisdiction" would be decided by the International Court of Justice at the request of any party to a dispute, of the General Assembly, or of the Security Council.

In addition to these proposals, a number of suggestions originally submitted to the Sub-Committee on the problem of the voting procedure in the Security Council were eventually referred to Sub-Committee 2. The proposals concerned were those of Belgium (A/AC.18/54), the United Kingdom (A/AC.18/17 and Corr.1) and Canada (A/AC.18/49); they are summarized below.<sup>288</sup>

The final conclusions of the Interim Committee in this sphere (A/605) were embodied in five recommendations to the General Assembly, three of which were presented in the form of draft resolutions whose adoption by the Assembly the Committee recommended, one of which took the form of two suggested changes in two of the Assembly's rules of procedure and one of which dealt with the continuance of the studies initiated by the Committee.

Their texts are as follows:

(a) RESTORATION TO THE GENERAL ACT OF 26 SEPTEMBER 1928 OF ITS ORIGINAL EFFICACY

"The General Assembly,

"Mindful of the responsibilities, under Articles 13 (paragraph 1a), and 11 (paragraph 1), of the Charter, to promote international co-operation in the political field and to make recommendations with regard to the general principles of the maintenance of international peace and security; and

"Whereas the efficacy of the General Act of 26 September 1928 for the pacific settlement of international

<sup>288</sup> See pp.289-90.

disputes is impaired by the fact that the organs of the League of Nations and the Permanent Court of International Justice to which it refers have now disappeared;

"Whereas the amendments hereafter mentioned are of a nature to restore to the General Act its original efficacy;

"Whereas these amendments will only apply as between States having acceded to the General Act as thus amended, and, as a consequence, will not affect the rights of such States, parties to the Act as established on 26 September 1928, as should claim to invoke it insofar as it might still be operative,

"Instructs the Secretary-General to prepare a revised text of the General Act, including the amendments mentioned hereafter, and to hold it open to accession by States under the title 'Revised General Act for the Pacific Settlement of International Disputes';

"Amendments to be made to the General Act of 26 September 1928

"(a) In article 6, the words 'to the Acting President of the Council of the League of Nations' shall be replaced by 'to the President of the General Assembly of the United Nations, or, if the latter is not in session, to the last President'.

"(b) In article 9, 43 (paragraph 2), 44, 45 and 47, the words 'of the League of Nations', or the words 'of the League', shall be replaced by 'of the United Nations'.

"(c) In articles 17, 18, 19, 20, 23, 28, 30, 33, 34, 36, 37 and 41, the words 'Permanent Court of International Justice' shall be replaced by 'International Court of Justice';

"(d) The text of article 42 shall be replaced by the following provision:

The present General Act shall bear the date . . . (date of the resolution of the General Assembly).'

"(e) The text of paragraph 1 of article 43 shall be replaced by the following provision:

1. The present General Act shall be open to accession by the Members of the United Nations, by the non-member States which shall have become parties to the Statute of the International Court of Justice or to which the General Assembly of the United Nations shall have communicated a copy for this purpose.'

"(f) In article 43 (paragraph 3), the words 'The Secretary-General of the League of Nations' shall be replaced by 'The Secretary-General of the United Nations', and the words 'the Assembly of the League of Nations' shall be replaced by 'The General Assembly of the United Nations'.

"(g) The text of article 46 shall be replaced by the following provision:

'A copy of the present General Act, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat. A certified true copy shall be delivered by the Secretary-General to each of the Members of the United Nations, to the non-member States which shall have become parties to the Statute of the International Court of Justice and to those designated by the General Assembly of the United Nations.'

(b) PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF THE GENERAL ASSEMBLY SUBMITTED FOR CONSIDERATION BY THE GENERAL ASSEMBLY

"Rule 31—Add at the end:

He shall superintend the process of agreement and

conciliation, provided for under rule 58 (1) and may, in furtherance of this, appoint a rapporteur or conciliator accepted by the parties.'

"Rule 58 (1)—Add to the existing rule 58, which will become 58 (2), a new paragraph (1), as follows:

"Where any question has been placed on the agenda under Article 11 (paragraph 2) of the Charter of the United Nations, the representatives of the parties shall, before or immediately after the opening statements and in any case before the item is referred by the General Assembly to its appropriate committee, be invited by the President to meet under his direction for the purposes of reaching agreement as to the facts underlying the question and of conciliation.' "

(c) APPOINTMENT OF A RAPPOREUR OR CONCILIATOR FOR A SITUATION OR DISPUTE BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL

"The General Assembly,

"Mindful of its responsibilities, under Articles 13 (paragraph 1a), and 11 (paragraph 1), of the Charter, to promote international co-operation in the political field and to make recommendations with regard to the general principles of the maintenance of international peace and security; and in discharge of its functions under Article 10 of the Charter;

"Noting the experience of the League of Nations, which it has caused to be studied, whereby cases were presented to the Council of the League of Nations by a rapporteur who had the function of a conciliator, and that this practice allowed private conversations among the parties and the rapporteur and avoided the crystallization of views that tend to result from taking a stated public position;

"Noting that the Security Council has already made use of a similar procedure; and

"Deeming it desirable that such a practice be developed in the Security Council as an integral part of the system of pacific settlement and also as a means for the better preparation of cases presented to the Security Council,

"Recommends that the Security Council examine the utility and desirability of adopting the following practice:

"After a situation or dispute has been brought to the attention of representatives on the Security Council in accordance with rule 6 of the provisional rules of procedure of the Security Council and not later than immediately after the opening statements on behalf of the parties concerned,

"(a) The parties shall be invited to meet with the President of the Security Council;

"(b) They shall attempt to agree upon a representative on the Security Council to act as rapporteur or conciliator for the case. The representative so agreed upon may be the President or any other representative on the Council who will thereupon be appointed by the President to undertake the function of rapporteur or conciliator. The President shall inform the Security Council whether a rapporteur or conciliator has been appointed;

"(c) If a rapporteur or conciliator is appointed, it would be desirable for the Security Council to abstain from further action on the case for a reasonable interval during which actual efforts at conciliation are in progress;

"(d) The rapporteur or conciliator so agreed upon and appointed shall attempt to conciliate the situa-

tion or dispute, and shall in due course report to the Security Council."

(d) CREATION OF A PANEL FOR INQUIRY  
AND CONCILIATION

"The General Assembly,

"Mindful of its responsibilities, under Articles 13 (paragraph 1a), and 11 (paragraph 1), of the Charter, to promote international co-operation in the political field and to make recommendations with regard to the general principles of the maintenance of international peace and security;

"Deeming it desirable to facilitate in every practicable way the compliance by Member States with the obligation in Article 33 of the Charter first of all to seek a solution of their disputes by peaceful means of their own choice;

"Noting the desirability, as shown by the experience of organs of the United Nations, of having qualified persons readily available to assist those organs in the settlement of disputes and situations by serving on commissions of inquiry or of conciliation;

"Concluding that to make provision for a panel of persons having the highest qualifications in this field available to any States involved in controversies and to the General Assembly, the Security Council and their subsidiary organs when exercising their respective functions in relation to disputes and situations, would promote the use and effectiveness of procedures of inquiry and conciliation,

"1. Invites each Member State to designate from one to five persons who, by reason of their training, experience, character and standing, are deemed to be well fitted to serve as members of commissions of inquiry or of conciliation and who would be disposed to serve in that capacity;

"2. Directs the Secretary-General to take charge of the administrative arrangements connected with the composition and use of the panel;

"3. Adopts the annexed articles relating to the composition and use of the Panel for Inquiry and Conciliation."

(e) ARTICLES RELATING TO THE COMPOSITION AND  
USE OF THE PANEL FOR INQUIRY AND CONCILIA-  
TION

Article 1

"The Panel for Inquiry and Conciliation shall consist of persons designated by Member States who, by reason of their training, experience, character and standing, are deemed to be well fitted to serve as members of commissions of inquiry or of conciliation and who would be disposed to serve in that capacity. Each Member State may designate from one to five persons, who may be private persons or government officials. In designating any of its officials, a State shall agree to make every effort to make such person available if his services on a commission are requested. Two or more States may designate the same person. Members of the panel shall be designated for a term of five years and such designations shall be renewable. Members of commissions appointed under these articles shall not, in the performance of their duties, seek or receive instructions from any Government. Membership in the panel shall not, however, render a person ineligible for appointment, as representative of his Government or otherwise, on commissions or other bodies not formed under these articles.

Article 2

"The Secretary-General of the United Nations shall have general responsibility for the administrative arrangements connected with the panel. Each Government shall notify him of each designation of a person for inclusion in the panel, including with each notification full pertinent biographical information. Each Government shall inform him when any member of the panel designated by it is no longer available due to death, incapacity or inability to serve.

"The Secretary-General shall communicate the panel and any changes which may occur in it from time to time to the Member States, to the Security Council, the General Assembly and the Interim Committee. He shall, where necessary, invite Member States promptly to designate replacements to fill any vacancies on the panel which may occur.

Article 3

"The panel shall be available at all times to the organs of the United Nations in case they wish to select from it members of commissions to perform tasks of inquiry or conciliation in connexion with disputes or situations in respect of which the organs are exercising their functions.

Article 4

"The panel shall be available at all times to all States, whether or not Members of the United Nations, which are parties to any controversy, for the purpose of selecting from the panel members of commissions to perform tasks of inquiry or conciliation with a view to settlement of the controversy.

Article 5

"The method of selecting members of a commission of inquiry or of conciliation from the panel shall be determined in each case by the organ appointing the commission or, in the case of commissions appointed by or at the request of States parties to a controversy, by agreement between the parties.

"Whenever the parties to a controversy jointly request the Secretary-General, the President of the General Assembly or the Chairman of the Interim Committee to appoint under these articles a member or members of a commission to perform tasks of inquiry or conciliation in respect of the controversy, or whenever such request is otherwise made pursuant to the provisions of a treaty or agreement registered with the Secretary-General of the United Nations, the officer so requested shall appoint from the panel the number of commissioners required.

Article 6

"In connexion with the constituting of any commission under these articles the Secretary-General shall give the United Nations organ concerned or the parties to the controversy every assistance, by the performance of such tasks as ascertaining the availability of individuals selected from the panel, and making arrangements for the time and place of meeting of the persons so selected.

Article 7

"Members of commissions constituted pursuant to these articles by United Nations organs shall have the privileges and immunities specified in the General Convention on the Privileges and Immunities of the United Nations. Members of commissions constituted by States under

these articles should, so far as possible, receive the same privileges and immunities.

#### Article 8

"Members of commissions constituted under these articles shall receive appropriate compensation for the period of their service. In the case of commissions constituted under Article 4, such compensation shall be provided by the parties to the controversy, each party providing an equal share.

#### Article 9

"Subject to any determinations that may be made by the United Nations organ concerned or by the parties to a controversy in constituting commissions under Articles 3 and 4 respectively, commissions constituted under these articles may meet at the seat of the United Nations or at such other places as they may determine to be necessary for the effective performance of their functions.

#### Article 10

"The Secretary-General shall assign to each commission constituted by a United Nations organ under these articles, staff adequate to enable it to perform its duties and shall, as necessary, seek expert assistance from specialized agencies brought into relationship with the United Nations. He shall enter into suitable arrangements with the proper authorities of States in order to assure the commission, so far as it may find it necessary to exercise its functions within their territories, full freedom of movement and all facilities necessary for the performance of its functions. The Secretary-General shall, at the request of any commission appointed by parties to a controversy pursuant to Article 4, render this assistance to the commission to the extent possible.

"Upon completion of its proceedings each commission appointed by a United Nations organ shall render such reports as may be determined by the appointing organ. Each commission appointed by or at the request of parties to a controversy pursuant to Article 4, shall file a report with the Secretary-General. If a settlement of the controversy is reached, such report will normally merely state the terms of settlement."

The fifth recommendation was more general in character and dealt with the desirability of continuing a long-range study program for examining existing procedures and machinery of pacific settlement. Such a long-range study program, the Interim Committee recommended, should be considered as the beginning of an extensive effort culminating in the development of all aspects of international co-operation in the political field.

In furtherance of this recommendation, the Interim Committee suggested (A/605) that paragraph 2 (c) of the General Assembly's resolution of November 13, 1947<sup>269</sup> be replaced by the following, the main effect of the replacement being that the provisions of the paragraph in question would become mandatory rather than permissive in character and would no longer limit the (future) Interim Committee to a study of methods:

"To consider systematically, using as starting point the recommendations and studies of the Interim Committee

contained in document A/605, the further implementation of that part of Article 11 (paragraph 1), relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13 (paragraph 1 a), which deals with the promotion of international co-operation in the political field, and to report its conclusions to the General Assembly."

The Interim Committee added that, should the Assembly decide not to re-establish the Interim Committee, an alternative plan should be formulated concerning the manner in which these studies should be pursued.

The Interim Committee further expressed its hope that the work done thus far, and the research studies prepared at the Committee's request by the Secretariat, "will receive the early and careful attention of Member Governments". The report added:

"It is believed that the studies initiated and the consideration of the proposals presented have stimulated and assisted in the appraisal, by Member Governments, of the existing methods of pacific settlement in the light of the Charter and, in particular, of their own arrangements in this field. Under present international conditions, Governments would have found it difficult to take up this task individually.

The Interim Committee notes that further progress in the realization of concrete results in this field will depend more upon the maturing of the views of Member Governments as to the general policy and approach to be taken toward this problem than upon the elaboration of detailed procedures of implementation."

#### (3) Voting in the Security Council

At its second session the Assembly adopted resolution 117(II),<sup>270</sup> requesting the Interim Committee to consider the problem of voting in the Security Council, taking into account all proposals which have been or may be submitted by Members of the United Nations to the Assembly's second session or to the Interim Committee; to consult with any committee which the Security Council may designate to co-operate with the Interim Committee in the study of the problem; and to report, with its conclusions, to the third session of the General Assembly, the report to be transmitted not later than July 15, 1948, to the Secretary-General, and by the Secretary-General to the Member States and to the General Assembly.

In the discharge of these duties, the Interim Committee considered the problem and, under date of July 15, 1948, published its report to the General Assembly (A/578).

At its fourth meeting, on January 9, 1948, the Interim Committee adopted a resolution (A/-AC.18/3) requesting all Members of the United Nations desiring to submit proposals on the prob-

<sup>269</sup> See p. 80.

<sup>270</sup> See p. 63.

lem of voting in the Security Council to transmit them to the Secretary-General not later than March 15, 1948.

Argentina had proposed (A/AC.18/12) the convening of a General Conference of the Members of the United Nations, in conformity with Article 109 of the Charter, with a view to abolishing the "privilege of the veto . . .".

China had suggested (A/AC.18/13) a three-fold program: recommendation to the Security Council to regard a number of possible Council decisions as being procedural; recommendation that the five permanent members of the Council voluntarily agree to waive their right to the "veto" in all proceedings arising under Chapter VI (Pacific Settlement of Disputes) of the Charter; and authorization of any majority of at least seven members of the Security Council, including at least four of the five permanent members, to request the Secretary-General to convene a special session of the General Assembly, if such a majority has been prevented from taking action on a given matter by the exercise of the "veto" by a permanent member, the Assembly to deal with the consideration of the matter in question, provided it has been removed from the agenda of the Security Council.

The United Kingdom proposed a six-point program (A/AC.18/17) suggesting that the permanent members of the Council might agree: to consult each other where possible before a vote is taken whenever their unanimity is required to enable the Council to function; not to exercise their "veto" right unless they regard the question under consideration to be of vital importance to the United Nations as a whole, in which case they should explain their reason for so regarding it; not to exercise their "veto" right simply because a certain proposal does not go far enough to satisfy them; to advocate rules of conduct providing that questions are only brought before the Security Council after other means of settlement have been tried; to appoint a rapporteur or small committee of the Council to attempt conciliation between the disputing parties before resorting to final Council discussion and voting; to attempt to agree on a formula defining the term "dispute".

New Zealand, announcing its support for any proposal designed to eliminate or modify the present Charter provisions requiring the unanimity of the Security Council's five permanent members, proposed (A/AC.18/38) that the Charter be amended so that non-procedural decisions of the Security Council would require the concurring votes of four of the five permanent members

rather than of all five, as the present Charter provision (Article 27) requires.

The United States advocated (A/AC.18/41) that the Interim Committee study the categories of decisions which the Security Council is required to make, and report to the Assembly those categories of decisions which, in the Committee's opinion, should be made by an affirmative vote of seven members of the Council, whether or not such categories are regarded as procedural or non-procedural. The United States attached a provisional list of 31 such categories to its proposal. It further proposed that the Committee invite the Assembly to accept the Committee's conclusions and to recommend to the permanent members of the Council mutually to agree to follow such voting procedures. The United States also proposed that the five permanent members be urged to consult among themselves concerning important decisions to be taken by the Security Council.

After a preliminary general discussion of the above proposals, the Committee established Subcommittee 3<sup>271</sup> and instructed it to study these and other suggestions which might be submitted and to submit a preliminary report by May 15, 1948. In the course of the seven meetings held by the Sub-Committee, additional proposals were submitted by Canada, Belgium, Turkey and Argentina.

Canada suggested (A/AC.18/49) that all states, before submitting a dispute to the Security Council, should make every effort to settle the dispute through direct negotiations, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. In submitting a dispute to the Council, they should set forth in a memorandum what efforts they had made to settle the dispute in the manner described above. Then, too, Canada suggested, states should not ask the Council to consider frivolous complaints but only those which involve disputes or situations likely to endanger international peace and security. Consequently, each request for Council consideration of a complaint should be accompanied by a statement indicating in what manner the continuance of the dispute, etc., is likely to endanger peace and security. Furthermore, Canada suggested, the Council should, before dealing with a dispute referred to it, first settle the question of whether it has jurisdiction to deal with the matter, "that is to say whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security". Having deter-

<sup>271</sup> See p.282.



mined this preliminary question affirmatively, the Council should proceed promptly and effectively, that being the obligation imposed by the Charter upon Council members. Finally, Canada proposed, the Security Council should work out agreed procedures to ensure that no state is judge in its own case.

Belgium proposed (A/AC.18/50) that a request by the Security Council for an advisory opinion from the International Court of Justice be regarded as a procedural matter. In the event that this view should be contested by a permanent member casting a negative vote against such a request for an advisory opinion, Belgium proposed that the Council should request the Secretary-General to transmit to the International Court of Justice the records of the pertinent Council meetings, letting the Court decide for itself whether it is competent in the matter "as is the duty of the Court whenever its competence is contested". The request to the Secretary-General to transmit the pertinent Council records to the Court would be, in the opinion of the Belgian delegation, "clearly . . . procedural in nature".

Belgium also suggested (A/AC.18/54) that the Assembly recommend that Member States revive the practice, begun under the League of Nations, of conferring additional powers upon the Security Council in separate agreements to "attenuate the drawbacks of the veto rule . . .". Thus two or more states might agree among themselves to accept as binding, so far as they are concerned, any proposal which received a contractually specified majority of the votes of Security Council members, even if such a proposal would not be a valid decision from the Council's own point of view, e.g., because a permanent member might have cast a negative vote. In support of this suggestion, the Belgian delegation cited several precedents designed to attenuate the unanimity rule of the League of Nations, and recalled several advisory opinions of the Permanent Court of International Justice upholding the validity of agreements similar to those recommended by Belgium.

Turkey suggested (A/AC.18/52) adding two categories to the provisional list of Security Council decisions which should be made by an affirmative vote of any seven members, as suggested by the United States (see above), namely: decisions as to whether a given question should be considered under Chapter VI or under Chapter VII of the Charter; and decisions of the Council aimed only at the determination of the existence of a threat to the peace, a breach of the peace or an act of aggression.

Argentina submitted (A/AC.18/53) a list of 28 types of possible Security Council decisions which, in the opinion of the Argentine delegation, should be adopted by the vote of any seven members of the Council. Included in the Argentine list were all matters referring to the recommendations concerning the admission of new Members, suspension or expulsion of Members and decisions to restore suspended rights and privileges of Members, on the ground that these matters were based upon the "constituent powers of the Organization which belong to the General Assembly". Also included in the list of Security Council decisions not to be subject to the "veto" proposed by Argentina would be a variety of resolutions not involving the Council's exercise of its "specific powers to maintain peace and security" (e.g., referral of questions to the Assembly, approval of reports to Assembly, requests for the convening of special Assembly sessions, decisions as to whether a matter is procedural or substantive in character, decisions to meet away from headquarters, to establish subsidiary organs, to invite states not members of the Council to participate in its deliberations, requests for the assistance of other United Nations Charter organs, requests for advisory opinions from the International Court of Justice, as well as a number of other possible decisions involving the Court, and recommendations concerning the appointment of the Secretary-General).

Also exempt from the "veto", following the Argentine suggestions, would be any decisions taken by the Council within the framework of Chapter VI (Pacific Settlement of Disputes) and in connection with the settlement of local disputes through regional agencies (Article 52, paragraph 3). The Argentine premise for the exclusion of such decisions from the operation of the unanimity principle was stated as follows: "The Members of the United Nations are obliged to seek a settlement of all kinds of disputes as far as possible before the Security Council deems it necessary to resort to measures of force."

Also before the Sub-Committee was a list of possible decisions adopted or which might be adopted by the Security Council in application of the Charter or the Statute of the International Court of Justice. This list (A/AC18/SC3/3) had been prepared by the Secretariat. In studying the list (see below) the Sub-Committee sought to determine which of the possible decisions were to be regarded as procedural within the meaning of the relevant Charter Article (Article 27, paragraph 2), and which, whether procedural or not, should be taken by the vote of any seven members of the

Security Council. The Sub-Committee, which had set up a working group to study this matter, submitted a preliminary report (A/AC.18/62) to the Interim Committee on June 3, 1948, and a second report (A/AC.18/66) on how the proposed procedures might best be adopted.

The two reports of the Sub-Committee were discussed by the Interim Committee at the fifteenth to nineteenth meetings (July 7-9, 1948), and, with certain modifications, based in part upon amendments submitted by China (A/AC.18/69) and India (A/AC.18/70), were adopted and embodied in the Interim Committee's report on this subject (A/578) to the General Assembly.

(a) **LIST OF POSSIBLE DECISIONS OF THE SECURITY COUNCIL WITH CONCLUSIONS OF INTERIM COMMITTEE THEREON**

**THE CHARTER**

**Chapter I**

"1. Whether a matter is essentially within the domestic jurisdiction of any State.

CONCLUSION: No recommendation.

**Chapter II**

"2. Recommendation to the General Assembly on the admission of a State to membership in the United Nations.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"3. To postpone consideration of or voting on a recommendation of a State for membership until the next occasion for the consideration of applications.

CONCLUSION: That this decision is procedural.

"4. Recommendation to the General Assembly on the suspension from the exercise of the rights and privileges of membership of a Member of the United Nations against which preventive or enforcement action has been taken by the Security Council.

CONCLUSION: No recommendation.

"5. Restoration of the exercise of these rights and privileges.

CONCLUSION: No recommendation.

"6. Recommendation to the General Assembly on the expulsion of a Member of the United Nations which has persistently violated the principles contained in the Charter.

CONCLUSION: No recommendation.

**Chapter IV**

"7. Steps in pursuance of recommendations addressed to the Security Council by the General Assembly on any questions or any matters within the scope of the Charter or relating to the powers and functions of any organs provided for in the Charter.

CONCLUSION: That no definite recommendation can be made on this item since the voting procedure would depend upon the specific steps to be taken by the Security Council.

"8. Steps in pursuance of recommendations to the Security Council by the General Assembly on the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments.

CONCLUSION: That no definite recommendation can be made on this item, since the voting procedure would depend upon the specific steps to be taken by the Security Council.

"9. Steps in pursuance of recommendations by the General Assembly on any questions relating to the maintenance of international peace and security brought before the General Assembly 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 in accordance with Article 35, paragraph 2.

CONCLUSION: That no definite recommendation can be made on this item since the voting procedure would depend upon the specific steps to be taken by the Security Council.

"10. Submission to the General Assembly of any questions relating to the maintenance of international peace and security.

CONCLUSION: That this decision is procedural.

"11. Request to the General Assembly that the General Assembly make a recommendation on a dispute or situation in respect of which the Security Council is exercising the functions assigned to it in the Charter.

CONCLUSION: That this decision is procedural.

"12. Consent to notification by the Secretary-General to the General Assembly or Members of the United Nations of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council.

CONCLUSION: That this decision is procedural.

"13. Consent to notification by the Secretary-General to the General Assembly or to Members of the United Nations of any matters relative to the maintenance of international peace and security with which the Security Council ceases to deal.

CONCLUSION: That this decision is procedural.

"14. Request to the Secretary-General for the convocation of a special session of the General Assembly.

CONCLUSION: That this decision is procedural.

**Chapter V**

"15. Approval of credentials of representatives of members of the Security Council.

CONCLUSION: That this decision is procedural.

"16. Acceptance and discharge of responsibilities devolving upon the Security Council under international instruments other than the Charter and the Statute of the International Court.

CONCLUSIONS:

(a) That no definite recommendation could be reached on this item since the voting procedure would depend upon the specific steps to be taken by the Security Council.

(b) That the Belgian proposal (A/AC.18/54<sup>272</sup>) be adopted.

"17. Approval of annual reports to the General Assembly.

CONCLUSION: That this decision is procedural.

"18. Submission and approval of special reports to the General Assembly.

CONCLUSION: That this decision is procedural.

"19. Formulation of plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

CONCLUSION: No recommendation.

"20. Submission to the Members of the United Na-

<sup>272</sup> See above, p.290.

tions of plans for the establishment of a system for the regulation of armaments.

CONCLUSION: No recommendation.

"21. Whether a matter is or is not procedural within the meaning of Article 27, paragraph 2.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"21a. Whether any matter before the Security Council falls within one of the categories which the Interim Committee and the General Assembly recommend should be determined by the vote of any seven members of the Security Council.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"22. To determine whether a question is a situation or a dispute for the purposes of Article 27, paragraph 3.

CONCLUSIONS:

(a) That this decision should be adopted by the vote of any seven members of the Security Council.

(b) That a definition of the word dispute for the purposes of Article 27, paragraph 3, should be adopted (see below)."

#### DEFINITION OF A DISPUTE

The representative of the United Kingdom submitted a definition of a dispute which was prepared in collaboration with other members of the Interim Committee. This definition was discussed and amended, and the following formula was approved:

"(1) In deciding for the purposes of Article 27, paragraph 3, whether a matter brought before the Security Council by a State or States is a dispute or a situation, the Security Council shall hold that a dispute arises:

"(a) If the State or States bringing the matter before the Security Council, and the State or States whose conduct is impugned, agree that there is a dispute.

"(b) Whenever the State or States bringing the matter before the Security Council allege that the actions of another State or States in respect of the first State or States constitute a breach of an international obligation or are endangering or are likely to endanger the maintenance of international peace and security, or that such actions demonstrate preparation to commit a breach of international obligations or to endanger the maintenance of international peace and security, and the State or States which are the subject of these allegations contest, or do not admit, the facts alleged or inferences to be drawn from such allegations.

"(2) Further, if a State bringing before the Security Council a matter of the nature contemplated under paragraph (1) above, alleges that another State is violating the rights of a third State, and the latter supports the contention of the first State, then the third State shall also be deemed to be a party to the dispute.

"(3) Nothing in this definition shall prevent the Security Council from deciding that a dispute exists in circumstances not covered by the above definition."

"22a. Whether any member of the Security Council is a party to a dispute before the Security Council for the purposes of Article 27, paragraph 3.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"23. Organization of the Security Council in such

manner as to enable the Council to function continuously.

CONCLUSION: That this decision is procedural.

"24. Arrangement of the holding of periodic meetings.

CONCLUSION: That this decision is procedural.

"25. Holding of meetings at places other than the seat of the United Nations.

CONCLUSION: That this decision is procedural.

"26. Establishment of such subsidiary organs as the Security Council deems necessary for the performance of its functions.

CONCLUSION: That this decision is procedural.

"27. Steps incidental to the establishment of a subsidiary organ: appointment of members, terms of reference, interpretation of terms of reference, reference of questions for study, approval of rules of procedure.

CONCLUSION: That this decision is procedural.

"28. Adoption of rules of procedure.

CONCLUSION: That these decisions are procedural.

"29. Adoption of method of selecting the President.

CONCLUSION: That this decision is procedural.

"30. Participation without vote of Members of the United Nations not members of the Security Council in the discussion of any question brought before the Security Council whenever the Security Council considers that the interests of those Members are specially affected.

CONCLUSION: That this decision is procedural.

"31. Invitation to a Member of the United Nations which is not a member of the Security Council or to any State which is not a Member of the United Nations to participate without vote in the discussion relating to a dispute to which it is a party.

CONCLUSION: That this decision is procedural.

"32. Enunciation of conditions for such participation of a State which is not a Member of the United Nations.

CONCLUSION: That this decision is procedural.

"33. Whether a State not a Member of the United Nations has accepted the conditions deemed just by the Security Council for participation under Article 32.

CONCLUSION: That this decision is procedural.

"34. Approval of credentials of representatives of States invited under Articles 31 and 32 of the Charter and rule 39 of the provisional rules of procedure.

CONCLUSION: That this decision is procedural.

#### Chapter VI

"35. Determination as to whether a question is a situation or a dispute for purposes other than those of Article 27, paragraph 3.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"36. Determination of the parties to a dispute for purposes other than those of Article 27, paragraph 3.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"37. To remind Members of their obligations under the Charter.

CONCLUSION: That this decision is procedural.

"38. Establishment of procedures for the hearing of disputes or situations.

CONCLUSION: That this decision is procedural.

"39. Request for information on the progress or the results of resort to peaceful means of settlement.

CONCLUSION: That this decision is procedural.

"40. Deletion of a question from the list of questions of which the Security Council is seized.

CONCLUSION: That this decision is procedural.

"41. To call upon the parties to a dispute to settle

their dispute by peaceful means of their own choice in accordance with Article 33, paragraph 1.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"42. To invite the parties to a dispute to continue or to resume their efforts to seek a solution of their dispute in accordance with Article 33, paragraph 1.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"43. Investigation of any dispute or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"44. Determination whether the continuance of a dispute or situation is likely to endanger the maintenance of international peace and security.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"45. To consider and discuss a dispute or a situation brought before the Security Council (adoption of the agenda).

CONCLUSION: That this decision is procedural.

"46. Whether a State not a Member of the United Nations has accepted, for the purposes of the dispute which it desires to bring to the attention of the Security Council, the obligations of pacific settlement provided in the Charter.

CONCLUSION: That this decision is procedural.

"47. Recommendation of appropriate procedures or methods of adjustment of a dispute of the nature referred to in article 33, or of a situation of like nature.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"48. Recommendation that a legal dispute should be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"49. Whether a dispute referred to the Security Council in accordance with Article 37, paragraph 1, is in fact likely to endanger the maintenance of international peace and security.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"50. Recommendation of such terms of settlement as the Security Council may consider appropriate for a dispute referred to the Security Council in accordance with Article 37, paragraph 1.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"51. Recommendation at the request of all the parties to a dispute with a view to pacific settlement of the dispute.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

## Chapter VII

"52. Determination of the existence of any threat to the peace, breach of the peace or act of aggression.

CONCLUSION: No recommendation.

"53. Recommendations after the determination of the existence of any threat to the peace, breach of the peace, or act of aggression.

CONCLUSION: No recommendation.

"54. Decision as to what measures shall be taken in accordance with Articles 41 and 42.

CONCLUSION: No recommendation.

"55. To call upon the parties concerned to comply with such provisional measures as the Security Council deems necessary or desirable.

CONCLUSION: No recommendation.

"56. Ascertainment of compliance with provisional measures under Article 40.

CONCLUSION: That no recommendation can be made on this item, since the voting procedure would depend upon the specific steps to be taken by the Security Council to ascertain such compliance.

"57. Decision as to what measures not involving the use of armed forces are to be employed to give effect to the decisions of the Security Council.

CONCLUSION: No recommendation.

"58. To call upon the Members of the United Nations to apply measures not involving the use of armed force.

CONCLUSION: No recommendation.

"59. Whether measures provided for in Article 41 would be inadequate or have proved to be inadequate.

CONCLUSION: No recommendation.

"60. To take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security.

CONCLUSION: No recommendation.

"61. Establishment of the general principles to govern the special agreements provided for in Article 43.

CONCLUSION: No recommendation.

"62. Initiation and negotiation of agreements under Article 43 governing the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

CONCLUSION: No recommendation.

"63. To call upon the Members of the United Nations to make available to the Security Council armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

CONCLUSION: No recommendation.

"64. Invitation to a Member of the United Nations not a member of the Security Council to participate in the decision of the Security Council concerning the employment of contingents of that Member's armed forces.

CONCLUSION: That this decision is procedural.

"65. Determination of the strength and degree of readiness of the national air force contingents to be held immediately available for combined international enforcement action and of plans for their combined action, within the limits laid down in the special agreements referred to in Article 43.

CONCLUSION: No recommendation.

"66. Approval of plans for the application of armed force.

CONCLUSION: No recommendation.

"67. Establishment of and instructions to the Military Staff Committee.

CONCLUSION: That no recommendation can be made on this item, since the voting procedure would depend upon the specific instructions to be given to the Military Staff Committee.

"68. Approval of rules of procedure and organization of the Military Staff Committee.

CONCLUSION: That this decision is procedural.

"69. Solution of questions relating to the command of armed forces placed at the disposal of the Security Council.

CONCLUSION: No recommendation.

"70. Authorization to the Military Staff Committee to establish regional sub-committees.

CONCLUSION: No recommendation.

"71. Determination as to which Members of the United Nations shall take the action required to carry out the decisions of the Security Council for the maintenance of international peace and security.

CONCLUSION: No recommendation.

"72. Deleted<sup>273</sup>

"73. Consideration of a report on measures taken by Members in the exercise of the right of self-defence under Article 51.

CONCLUSION: No recommendation.

#### Chapter VIII

"74. Recommendation to encourage the development of pacific settlement of local disputes through regional arrangements or regional agencies.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"75. Utilization of regional arrangements or agencies for enforcement action.

CONCLUSION: No recommendation.

"76. Authorization to take enforcement action under regional arrangements or regional agencies.

CONCLUSION: No recommendation.

#### Chapter X

"77. Request for assistance from the Economic and Social Council.

CONCLUSION: That this decision is procedural.

#### Chapter XII

"78. Exercise of the functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment.

CONCLUSION: No recommendation.

"79. To avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas.

CONCLUSION: That this decision is procedural.

"80. To dispense, on grounds of security, with the assistance of the Trusteeship Council.

CONCLUSION: That this decision is procedural.

#### Chapter XIV

"81. Recommendation of the Security Council on conditions on which a State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"82. Recommendation or decision in pursuance of Article 94, paragraph 2, upon measures to be taken to give effect to a judgment of the International Court of Justice.

CONCLUSION: No recommendation.

"83. Request to the International Court of Justice for an advisory opinion on a legal question.

CONCLUSION: That this decision is procedural.

#### Chapter XV

"84. Recommendation on the appointment of the Secretary-General.

CONCLUSION: No recommendation.

"85. Decision to entrust to the Secretary-General additional functions.

CONCLUSION: That no definite recommendation can be made on this item, since the voting procedure would depend upon the functions to be entrusted to the Secretary-General.

#### Chapter XVII

"86. Enunciation of opinion by the Security Council that there have come into force such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42.

CONCLUSION: No recommendation.

#### Chapter XVIII

"87. Vote regarding the date and place of a general conference of the Members of the United Nations for the purpose of reviewing the Charter.

CONCLUSION: That this decision is governed by Article 109, paragraph 1, of the Charter, under which an unqualified majority suffices.

"88. Vote regarding the proposal to call a general conference of the Members of the United Nations for the purpose of reviewing the Charter after the tenth annual session of the General Assembly.

CONCLUSION: That this decision is governed by Article 109, paragraph 3, of the Charter, under which an unqualified majority suffices.

### STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

#### Chapter I

"89. Election of judges of the International Court of Justice.

CONCLUSION: That this decision is subject to an absolute majority vote of the Security Council, according to Article 10, paragraphs 1 and 2, of the Statute of the International Court of Justice.

"90. Recommendation on the conditions under which a State which is a party to the Statute, but is not a Member of the United Nations, may participate in electing members of the Court.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"91. Appointment of three members of the joint conference for the purpose of choosing one name for each vacant seat in the International Court.

CONCLUSION: That this decision is governed by Article 10, paragraph 2, of the Statute of the International Court of Justice.

"92. Request of the Security Council for the appointment of a joint conference for the purpose of choosing one name for each vacant seat in the International Court.

CONCLUSION: That this decision is procedural.

"93. Acceptance of names submitted by the joint conference for vacant seats in the International Court.

<sup>273</sup> This item, originally included in the list of possible decisions of the Security Council, was subsequently deleted.

CONCLUSION: That this decision is subject to an absolute majority vote of the Security Council, according to Article 10, paragraphs 1 and 2, of the Statute of the International Court of Justice.

"94. Fixation of a period within which those members of the Court who have already been elected shall proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

CONCLUSION: That this decision is procedural.

"95. Fixation of the date of the election to fill vacancies in the International Court.

CONCLUSION: That this decision is procedural.

#### Chapter II

"96. Determination of conditions under which the International Court shall be opened to States other than the States parties to the Statute of the International Court.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council.

"97. Deleted<sup>274</sup>

#### Chapter V

"98. Recommendation concerning the participation of States which are parties to the Statute but are not Members of the United Nations in the amendment of the Statute.

CONCLUSION: That this decision should be adopted by the vote of any seven members of the Security Council."

#### (b) CLASSIFICATION BY CATEGORIES OF POSSIBLE DECISIONS OF THE SECURITY COUNCIL

The Interim Committee reached definite conclusions (A/578) on the voting procedure which should apply to the following four categories in the list of possible decisions reproduced above:

(i) Decisions which, according to the Statute of the International Court of Justice, are taken by an absolute majority of votes of six members of the Security Council, without distinction between permanent and non-permanent members (Article 10, paragraphs 1 and 2, of the Statute). This provision applies to Items 89 and 93.

(ii) Decisions which, according to the Charter or the Statute of the International Court of Justice, are taken by a vote of any seven members of the Security Council, without distinction between permanent and non-permanent members (Article 109, paragraphs 1 and 3, of the Charter and Article 10, paragraph 2, of the Statute of the International Court of Justice) (Items 87, 88 and 91).

(iii) Decisions which are of a procedural character within the meaning of Article 27, paragraph 2, of the Charter.

(iv) Decisions which the Interim Committee recommends should be adopted by the vote of any seven members of the Security Council, whether these decisions are considered procedural or non-procedural.

#### (c) METHODS FOR IMPLEMENTATION OF RECOMMENDATIONS REGARDING THE CLASSIFICATION OF POSSIBLE SECURITY COUNCIL DECISIONS

Three principal methods were suggested in the course of the Interim Committee's consideration of the implementation of the conclusions reached with regard to the voting on the various categories of possible Security Council decisions, namely:

(i) Implementation by means of interpretation of the Charter, a method proposed, among others, by the representative of China.

(ii) Implementation on the basis of agreement among the five permanent members of the Security Council, a method likewise advocated by the representative of China, as well as by other representatives, including those of the United Kingdom and the United States.

(iii) Implementation on the basis of convoking a general conference to review the Charter, a method advocated in an Argentine proposal.<sup>275</sup> This proposal was opposed by the representatives of Canada, France, Norway, United Kingdom and United States. It was adopted by the Interim Committee by a vote of 19 to 7, with 10 abstentions.

The final conclusions of the Interim Committee are set forth in Part IV of its report to the General Assembly (A/578). They read as follows:

"A. The Interim Committee presents the following conclusions for the approval of the General Assembly:

"1. That the General Assembly

"Recommend to the permanent members and the other members of the Security Council that they deem the following items in the list of possible decisions of the Security Council to be procedural: items 3, 10, 11, 12, 13, 14, 15, 17, 18, 23, 24, 25, 26, 27, 28 (and sub-headings), 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 45, 46, 64, 68, 77, 79, 80, 83, 92, 94 and 95; and that the members of the Security Council conduct their business accordingly.

"2. That the General Assembly

"Recommend to the permanent members of the Security Council that they agree that the following items in the list of possible decisions of the Security Council should be adopted by the vote of any seven members, whether the decisions are considered procedural or non-procedural: items 2, 21, 21 (a), 22, 22 (a), 35, 36, 41, 42, 43, 44, 47, 48, 49, 50, 51, 74, 81, 90, 96 and 98; and that steps be taken to make this agreement effective.

"3. That the General Assembly

"Recommend to the permanent members of the Security Council that:

"(a) Wherever possible, consultations should take place among them concerning important decisions to be taken by the Security Council;

"(b) They agree among themselves to consult with

<sup>274</sup> This item, originally included in the list of possible decisions of the Security Council, was subsequently deleted.

<sup>275</sup> Doc.A/AC.18/53; see p. 290.

one another, wherever possible, before a vote is taken, if their unanimity is required to enable the Security Council to function effectively;

"(c) They agree that, if there is not unanimity, the minority of the permanent members, mindful of the fact that they are acting on behalf of all the United Nations, would only exercise the veto when they consider the question of vital importance to the United Nations as a whole, and that they would explain on what grounds they consider this condition to be present;

"(d) They agree that they will not exercise their veto against a proposal simply because it does not go far enough to satisfy them;

"(e) They agree, for the purposes of Article 27, paragraph 3, of the Charter, on a definition of a dispute, taking into account the proposal contained in the comment on item 22, part II, of the present report.

"4. That the General Assembly

"Recommend to the Members of the United Nations that, in agreements conferring functions on the Security Council, such conditions of voting within this body be provided as would exclude the application of the rule of unanimity of the permanent members.

"B. Whereas the deficiencies observed in the present functioning of the Organization of the United Nations require due consideration,

"The Interim Committee recommends to the General Assembly to consider at its third regular session whether the time has come or not to call a general conference, as provided for in Article 109 of the Charter."

(4) Advisability of the Establishment of a Permanent Assembly Committee

Another task entrusted to the Interim Committee by the General Assembly required the Committee to report to the third regular Assembly session on the advisability of establishing a permanent committee to perform the duties of the Interim Committee, and to formulate recommendations concerning the fields of activity of such a permanent body.

In a report (A/606) on this matter to the General Assembly, the Interim Committee unanimously recommended that it (i.e., the Interim Committee) be continued for a further period to be determined by the Assembly.

The advisability of such a step had been explored both by the Committee itself and by one of its sub-committees (Sub-Committee 4). The conclusion itself was based on the Committee's conviction that the Interim Committee "has, during its first year, performed very useful functions and justified the Assembly's decision in creating it, even though the Committee has not yet had an opportunity to perform one of the functions assigned to it, namely, to consider and report, with its conclusions, on certain important matters proposed for inclusion in the agenda of the General Assembly".

The Committee also concluded that, while it had functioned effectively, the value of its work

"would be enhanced if all Members of the General Assembly were to participate in its deliberations" and expressed the hope that those Members which had refused to participate in its work,<sup>276</sup> fearing that the Committee would infringe upon the prerogatives of other Charter organs, such as the Security Council, would therefore decide to join in its future work.

Concerning the functions of a future Interim Committee, as recommended by the Committee, "it was agreed that [it] . . . should be vested with basically the same powers as those laid down in General Assembly resolution 111(II) of 13 November 1947".

By way of clarification and, to some extent, amplification of the powers and functions laid down in that Assembly resolution, the Interim Committee proposed that "such preparatory work as might be undertaken by the Interim Committee should be understood to include, when practicable and advisable, the formulation of draft resolutions"; and, on specific instructions from the Assembly, the Interim Committee, when discharging its functions relating to the implementation of Assembly resolutions, would have the authority "either to receive reports from, and give advice to, ad hoc committees and commissions, or to observe, encourage, and report on, the implementation of specified resolutions of the General Assembly".

Accepting a Belgian proposal (A/AC.18/44 and Add.1), the Interim Committee further suggested to the General Assembly that a future Interim Committee "might be authorized . . . to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities".

The Interim Committee concluded that the future Interim Committee "should not be empowered to consider legal matters which might be proposed for inclusion in the agenda of the General Assembly. However, it was agreed that the general mandate of the [future] Interim Committee might require it to express an opinion on the legal as well as the political aspects of matters under its consideration and that, therefore, the [future] Interim Committee should be considered entitled to do so. This might involve the interpretation of the relevant provisions of the Assembly resolutions."

It was further concluded that "there was no present need for its [i.e., the future Interim Committee's] competence to be extended to include economic, social, cultural, humanitarian and trusteeship matters as such, nor to include questions

<sup>276</sup> See p.79.

arising within Chapter XI of the Charter [Declaration on Non-Self-Governing Territories]".

Opinion in the Interim Committee was divided as to the advisability of empowering the future Interim Committee to deal with administrative and budgetary matters. The Secretary-General, in a statement made on his behalf to the Committee, expressed "grave concern" and urged members of the Committee "not to recommend the extension of the powers of the Interim Committee to administrative and budgetary matters", warning that it would lead to administrative inefficiency because of overlapping functions of separate organs (A/606, Annex I). The Committee eventually decided to submit this question to the General Assembly for consideration and decision.

No changes were recommended in the functions to be performed by the future Interim Committee in the political field as compared with those performed during its first experimental year.

During the consideration of the over-all question of the future Interim Committee, the Dominican Republic had proposed (A/AC.18/40) certain changes as regards the method of accrediting Committee representatives with a view to enabling the permanent representatives to the United Nations to be entitled automatically to represent their countries on the Interim Committee. In this connection, the Committee "considered that the whole matter of credentials, particularly in relation to the status and credentials of heads of permanent delegations, should be studied further before specific and substantive recommendations could be made with regard to the Dominican proposal. The Committee agreed, however, to suggest that, should the Interim Committee be continued, those representatives who were duly accredited during the first experimental year should not be required to present new credentials unless the Member Governments concerned desired to send a different representative." A similar proposal on the accreditation of representatives to the United Nations was submitted by Bolivia, and included as an annex to the Committee's report (A/606, Annex IV).

Finally, the Committee decided, in order to facilitate the Assembly's task, to attach as an annex to its report (A/606, Annex III) the text of a draft resolution on the re-establishment of the Interim Committee for a further period to be determined by the General Assembly. This draft resolution read as follows:

"The General Assembly

"Having taken note of the reports submitted to it by the Interim Committee and of its conclusions that the tasks performed by it in the interval between the

second and third regular sessions have effectively assisted the Assembly in the performance of its functions and well justify the continuation of the Interim Committee;

"Affirming that, for the effective performance of the duties specifically conferred upon the General Assembly by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13), and the peaceful adjustment of any situation likely to impair the general welfare or friendly relations among nations (Article 14), it is necessary to continue the Interim Committee for the purpose of considering such matters further and reporting with its conclusions to the General Assembly;

"Recognizing fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24);

"Resolves that:

"1. There shall be re-established (for a period to be determined by the General Assembly) an Interim Committee on which each Member of the General Assembly shall have the right to appoint one representative;

"2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties:

"(a) To consider and report with its conclusions to the General Assembly on such matters as may be referred to it by the General Assembly;

"(b) To consider and report with its conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (paragraph 2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations or brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring preliminary study. Such determination shall be made by a majority of two-thirds of the members present and voting, unless the matter is one referred by the Security Council under Article 11, paragraph 2, in which case a simple majority will suffice;

"(c) To consider systematically, using as a starting point the recommendations and studies of the Interim Committee contained in document A/605, the further implementation of that part of Article 11, paragraph 1, relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13, paragraph 1 (a), which deals with the promotion of international co-operation in the political field, and to report with its conclusions to the General Assembly;

"(d) To consider, in connexion with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if it deems that such a session is required, so to advise the Secretary-General in order that he may obtain the views of the Members of the United Nations thereon;

"(e) To conduct investigations and appoint commissions of inquiry within the scope of its duties, as



it may deem useful and necessary, provided that decisions to conduct such investigations or inquiries shall be made by a two-thirds majority of the members present and voting. An investigation or inquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place;

"(f) To report to the next regular session of the General Assembly on any changes in the constitution of the Committee [its duration] or its terms of reference which may be considered desirable in the light of experience;

"3. The Interim Committee is hereby authorized to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities;

"4. In discharging its duties the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized;

"5. The rules of procedure governing the proceedings of the Interim Committee and such sub-committees and commissions as it may set up shall be those adopted by the Interim Committee on 9 January 1948, with such changes and additions as the Interim Committee may deem necessary, provided that they are not inconsistent with any provision of this resolution or with any applicable rule of procedure of the General Assembly. The Interim Committee shall be convened by the Secretary-General, in consultation with the Chairman elected during its previous session or the head of his delegation, to meet at the headquarters of the United Nations not later than 31 January 1949. At the opening meeting, the Chairman elected during the previous session of the Interim Committee, or the head of his delegation, shall preside until the Interim Committee has elected a Chairman. The Interim Committee shall meet as and when it deems necessary for the conduct of its business. No new credentials shall be required for representatives who were duly accredited on the Interim Committee during the previous session;

"6. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions."

## 2. United Nations Special Committee on the Balkans (UNSCOB)

The United Nations Special Committee on the Balkans was created by the General Assembly's resolution 109(II) of October 21, 1947.<sup>277</sup> It met for the first time in Paris, on November 21, 1947, and, after meeting in Athens between November 25 and 29 to arrange organizational and procedural questions, it established on December 1, 1947, its principal headquarters in Salonika, Greece, as directed by the Assembly's resolution.

In June 1948 it went to Geneva, where its report

to the General Assembly (A/574) was adopted on June 30. While in Geneva it decided that although it would maintain its principal headquarters in Salonika and would assemble there from time to time, it would hold its sittings in Athens from the beginning of July 1948 unless otherwise decided. In a supplementary report (A/644) the Committee reviewed the developments between June 17 and September 10, 1948.

On November 25, 1947, the Special Committee adopted a resolution requesting the Secretary-General to inform the Governments of Poland and of the U.S.S.R. of its hope that they "would see fit to participate in the work of the Committee by appointing representatives in the near future" to fill the seats held open for them in accordance with the General Assembly's resolution.

### a. ORGANIZATION OF THE COMMITTEE

On November 26, 1947, the Committee decided, in principle, to establish observation groups to enable it to carry out efficiently the duty, imposed upon it by the Assembly, of observing the compliance of the four Governments (Albania, Bulgaria, Greece and Yugoslavia) with the Assembly's recommendations. These observation groups were to be stationed on both sides of the frontier between Greece, on the one hand, and Albania, Bulgaria and Yugoslavia, on the other.

The Committee reported that only the Greek Government had co-operated with it in this connection, and that the observation groups were able to operate within Greece only, except on one occasion, when Observation Group 6 was allowed to enter Bulgarian territory to investigate a Bulgarian claim of a Greek border violation.

Originally, the Committee had planned to set up six observation groups in the field and one in reserve, each composed of four observers and auxiliary personnel, but this plan was later modified, largely because of financial reasons. On December 5, 1947, the Special Committee requested the Secretary-General to provide funds considered indispensable to the proper execution of its work, indicating that in order to safeguard the international character of the observation groups, operating costs should be borne by the United Nations. The Secretary-General replied on December 10, 1947, that the appropriation requested by the Special Committee greatly exceeded the appropriation approved by the General Assembly, and stated that it would be difficult to guarantee appropriations from the Working Capital Fund of the United Nations in

<sup>277</sup> See General Assembly, pp. 74-75.

order to cover such high costs. In reply to a renewed request, the Secretary-General indicated (December 30, 1947) that some moderate adjustment might be possible, but only for incidental expenses. On January 16, 1948, UNSCOB decided "to accept offers of equipment and maintenance thereof which may be made by one or more of the Members of the United Nations as an aid, the re-imbursement of which the Special Committee will recommend to the next session of the General Assembly, in the event of the Secretary-General's not having done so before."

The Secretary-General subsequently approved, in principle, a request for a supplementary budget of \$164,000, and allotted funds for the period from February 13 to May 31, 1948. The allotment did not, however, cover such basic and major expenses as the salaries, transport and equipment of the observation group.

In its report the Committee stated that it had found the budget provided by the General Assembly to be completely inadequate, and a serious handicap throughout its work.

On December 10, 1947, UNSCOB established three sub-committees: the first to concern itself with the observation groups, the second with political problems and the third with refugees and minorities. Later, on February 24, 1948, when the Special Committee had completed its examination of the problem of political refugees, it decided that there should only be two sub-committees. Sub-Committee 1 was henceforth to deal with observation groups and budgetary matters, Sub-Committee 2 with political and administrative problems and with the question of political refugees and minorities.

On May 27, 1948, UNSCOB decided to establish an ad hoc Committee to sit in Salonika during the time that the special Committee itself would be working on its report in Geneva. This ad hoc Committee was to carry on the normal routine work connected with the reports of the observation groups, to deal with any emergency concerning the groups, pending a decision of the Special Committee, and to draw the attention of the Special Committee to all questions within its competence.

#### b. CONCILIATORY ROLE OF THE SPECIAL COMMITTEE

In its report the Special Committee stated that from the inception of its work it had "regarded the establishment of good neighbourly relations as the key to the problem. . . .; however, [it] could not secure co-operation from Albania, Bulgaria and Yugoslavia and has so far been unable to assist the four Governments concerned to establish such rela-

tions". It reviewed in detail its efforts in this connection and stated that its efforts to render effective help in the establishment of frontier conventions had likewise been fruitless.

As regards the question of political refugees, the Committee found that Greece was ready to comply with the General Assembly's recommendation that the four Governments co-operate in the voluntary repatriation of refugees where possible. It also found that the Greek Government had done all that could be expected of it under present circumstances in housing and feeding the refugees under conditions which at least were comparable to those of Greek domestic refugees.

The Committee felt that the political refugees in Greece (some 1,200) should be removed from that country because they were an international irritant, a burden on the Greek Government, and their lives were hopeless in many cases. The Special Committee therefore decided that the problem and the records of the refugees in Greece be turned over to a competent agency of the United Nations, and, if no United Nations body should be able to assume this responsibility, that the Committee should make a direct approach to countries to which some of the refugees had indicated a desire to emigrate—for example, to Australia, France, Syria, Turkey, the United Kingdom and the United States.

On February 9, 1948, the Preparatory Commission for the International Refugee Organization, having been contacted by the Special Committee, replied that it would be unable to assist in the solution of the refugee problem concerned. Later, on June 10, 1948, the Preparatory Commission informed the Special Committee that it had made a preliminary study of certain aspects of the problem and that it was prepared to examine the possibility of rendering assistance in solving the problem of international refugees in Greece.

The Special Committee reported that it was unable to take any action concerning Greek refugees in Albania, Bulgaria and Yugoslavia because it "was unable to approach either the Governments of those countries or the refugees themselves".

The Special Committee also reported that it was hampered by a similar lack of co-operation in its study of the practicability of concluding agreements for the voluntary transfer of minorities, although the Greek Government was willing to co-operate with it. The Committee stated, however, that it "fully appreciates the complex character of the problem of minorities and is continuing its studies, but is not now in a position to state its views".

c. OBSERVATION BY UNSCOB ON THE  
EXTENT OF COMPLIANCE WITH THE  
GENERAL ASSEMBLY'S RESOLUTION OF  
OCTOBER 21, 1947

In its report, the Special Committee reviewed the evidence, gathered by its own observation groups by direct observation and through the testimony of witnesses, which led it to conclude that, in varying degrees, Albania, Bulgaria and Yugoslavia were furnishing support to Greek guerrillas and the "so-called 'Provisional Democratic Greek Government' headed by Markos".

UNSCOB also investigated Greek allegations that Greek children were being forcibly removed by the guerrillas across the frontiers into Albania, Bulgaria and Yugoslavia, as well as into a number of other Southeastern and Eastern European countries. The Special Committee found that in some cases parents had agreed, either wholeheartedly or under duress, to the removal of their children from Greek territory, while in others the children had been removed notwithstanding their parents' protests. The Committee concluded that, although the responsibility for the initiation of the plan could not be ascertained, the appearance of large numbers of Greek children in the countries of the north indicated that the program enjoyed the approval and assistance of the northern governments. The Committee suggested that the Greek Government take up the matter directly with the governments concerned. The Special Committee further decided to forward reports on this issue to the Governments of Albania, Bulgaria and Yugoslavia and to urge these Governments to discourage any further removal of Greek children from Greek territory and to return Greek children already in their respective territories to Greece.

The Greek Government subsequently (June 2, 1948) informed UNSCOB that it had sent telegrams, in connection with the removal of the children, to the Governments of Bulgaria, Czechoslovakia, Hungary, Poland and Yugoslavia and, through the Secretary-General of the United Nations, to the Government of Albania. The Polish Government denied that any Greek children were in Poland, but said it considered that Greek children who might be forced to abandon their homes had the right to shelter. The Hungarian Government acknowledged receiving Greek children on humanitarian grounds, stating that they had lost their parents as a result of military operations in Greece and had not been torn from their families.

As regards the various allegations of border violations made by Greece, on the one hand, and by Albania, Bulgaria and Yugoslavia, on the other,

the Committee reported that, with the exception of one case, it had not been permitted to visit the territories of the northern neighbor states of Greece. This case arose out of a Bulgarian complaint that a Bulgarian patrol of three soldiers, while on Bulgarian soil, had been fired on and abducted by Greek troops. The incident was said to have occurred on an island in the Evros River, where the Greco-Bulgarian boundary line is in dispute, on April 4, 1948. In this instance, Bulgaria, accepting a request of the Special Committee, permitted an UNSCOB observation group (Observation Group 6) to make an on-the-spot investigation and provided Bulgarian officers to co-operate with the Group. The investigation on the island took place on April 29, 1948, and the Committee concluded that the Bulgarian version of the incident was more probable than the differing account thereof by Greek authorities.

The Australian delegation abstained from voting on the chapter (Chapter III) of the Committee's report dealing with the observations by the Special Committee of the extent of compliance to the General Assembly's resolution, and expressed general reservations to this chapter.

In these reservations, the Australian delegation stated that the Special Committee had been given the primary function of assisting the four Governments concerned in the implementation of certain recommendations (i.e., those contained in paragraph 5 of the Assembly's resolution,<sup>278</sup> to the effect that the four Governments should establish normal diplomatic and good neighborly relations; that they establish frontier conventions; that they co-operate in the settlement of problems arising out of the presence of refugees; and that they study the practicability of concluding agreements for the voluntary transfer of minorities). As a secondary function, the Committee was to observe the compliance of the four States with these recommendations.

The Special Committee had, however, been given no mandate as far as paragraph 4 of the Assembly's resolution was concerned (i.e., the paragraph calling on Albania, Bulgaria and Yugoslavia to do nothing to furnish aid and assistance to the guerrillas). In this connection, the Australian delegation referred to the unanimous opinion of the Special Committee on January 15, 1948, that the instructions to the Committee's observation groups should be based on paragraph 5(I) of the Assembly's resolution, to the exclusion of paragraph 4. The observation groups had, however,

<sup>278</sup> See General Assembly, p. 74.

not merely concerned themselves with the presence or absence of good neighborly relations, but had carried out investigations, cross-examined witnesses and heard evidence from various sources. In May 1948 the Special Committee had reversed its previous decision and based its instructions to the observation groups on paragraph 4, as well as on paragraph 5, of the Assembly's resolution, and had authorized the observation groups to make use of all available sources of information. The Australian delegation dissented from this decision. The Australian reservation concluded:

"It is largely on the 'investigations' by the observation groups of 'aid and assistance' that chapter III, and in particular chapter III B, of the report is based. The Australian delegation as a rule abstained from these 'conclusions' contained in chapter III B which were not based on the direct observations of observers. In its opinion, it was as unnecessary as it was inadvisable to draw categorical conclusions either from the presumptions of observers who had no access to three of the four countries concerned or from the evidence of witnesses produced by only one of the four interested Governments.

"Maintaining then its view, that the observation groups should have been limited to observing the compliance or non-compliance of the Governments concerned with the Assembly's recommendation that they establish good neighbourly relations among themselves, the Australian delegation must enter a general reservation to chapter III of the report. This section gives disproportionate emphasis to activities which in the opinion of the Australian delegation were not in accordance with the spirit and intention of the General Assembly when it passed its resolution of 21 October 1947."

#### d. CONCLUSIONS AND RECOMMENDATIONS

##### (1) Conclusions

On the basis of events which had come to its knowledge up to June 16, 1948, the Special Committee reported the following conclusions to the General Assembly (A/574):

"The Special Committee has consistently endeavoured to assist Albania, Bulgaria and Yugoslavia, on the one hand, and Greece, on the other, to establish normal diplomatic and good neighbourly relations amongst themselves. The Government of Greece has co-operated with the Special Committee in implementing the resolution of the General Assembly of 21 October 1947. The Governments of Albania, Bulgaria and Yugoslavia, on the other hand, have refused to co-operate with the Special Committee or even to recognize it as a duly constituted body of the United Nations. Because of this refusal to co-operate with it, the Special Committee has thus far been unable to give substantial assistance to the four Governments in the implementation of the recommendations contained in the General Assembly's resolution concerning (1) establishment of normal diplomatic and good neighbourly relations; (2) frontier conventions; (3) political refugees; and (4) voluntary transfer of minorities.

"Good neighbourly relations between Greece and her northern neighbours do not exist. Diplomatic relations

exist between Greece and Yugoslavia, but these relations are not normal. There are no diplomatic relations between Albania and Greece. The Special Committee has been informed that the resumption of diplomatic relations between Bulgaria and Greece is now under discussion in Washington, D. C. (U.S.A.).

"It appears to the Special Committee that the Greek guerrillas have received aid and assistance from Albania, Bulgaria and Yugoslavia; that they have been furnished with war material and other supplies from those countries; that they have been allowed to use the territories of Albania, Bulgaria and Yugoslavia for tactical operations; and that after rest or medical treatment in the territories of Albania, Bulgaria and Yugoslavia, their return to Greece has been facilitated. The Special Committee further finds that moral support has been given to the guerrillas through Government-controlled radio stations, the existence of the broadcasting station of the Greek guerrillas on Yugoslavia soil, and the systematic organization of aid committees. This assistance has been on such a scale that the Special Committee has concluded that it has been given with the knowledge of the Governments of Albania, Bulgaria and Yugoslavia.

"So long as events along the northern borders of Greece show that support is being given to the Greek guerrillas from Albania, Bulgaria and Yugoslavia, the Special Committee is convinced that a threat to the political independence and territorial integrity of Greece will exist, and international peace and security in the Balkans will be endangered.

"Although the Governments of Albania, Bulgaria and Yugoslavia have not so far co-operated with it, the Special Committee is convinced that it would be possible to assist these Governments and the Government of Greece to reach, in the interest of all, a peaceful settlement of their differences if the Governments concerned were prepared to act in accordance with the General Assembly's resolution of 21 October 1947 and in the spirit of the Charter of the United Nations. It is with this hope that the Special Committee is continuing its task."

##### (2) Recommendations

On the basis of its work and conclusions, the Special Committee made the following four recommendations:

"As long as the present disturbed conditions along the northern frontiers of Greece continue, it is, in the opinion of the Special Committee, essential that the functions of exercising vigilance with regard to the relations between Albania, Bulgaria, Yugoslavia and Greece and of endeavouring to bring about a peaceful settlement of existing tension and difficulties, remain entrusted to an agency of the United Nations."

This recommendation was accepted by a vote of 8 to 0, with 1 member (France) abstaining.

"The Special Committee, however, recommends that consideration should be given to the constitution of the Special Committee in a form which would not entail so heavy a financial burden on the United Nations and on the nations members of the Special Committee."

This recommendation was adopted by a vote of 6 to 0, with 3 members—Australia, France, United Kingdom—abstaining.

"The Special Committee recommends that the nations which have provided observers and equipment shall be reimbursed for the expenses incurred and that the United Nations shall meet all such expenses in the future."

This recommendation was adopted unanimously, as was the fourth (final) recommendation reading:

"The Special Committee recommends that the General Assembly shall consider ways and means of obtaining the co-operation of Albania, Bulgaria and Yugoslavia with the Special Committee."

#### e. SUPPLEMENTARY REPORT

In its supplementary report (A/644), covering developments between June 17 and September 10, 1948, the Special Committee informed the General Assembly that no fundamental change had occurred in the situation as described in its original report and confirmed the conclusions and recommendations which it had there expressed. It also recommended that the Assembly warn Albania, Bulgaria and Yugoslavia that continued aid to the Greek guerrillas endangered peace in the Balkans and that it recommend all states to exercise care not to do anything to assist any armed group fighting against the Greek Government.

It recommended that the General Assembly should instruct the Special Committee

"(1) To observe and report upon the response of Albania, Bulgaria and Yugoslavia to the General Assembly's injunction not to furnish aid and assistance to the Greek guerrillas, in accordance with General Assembly resolution 109 (II) of 21 October 1947 and any other resolution which the General Assembly may adopt;

"(2) To continue to utilize observation groups in such a manner and with such personnel and equipment as the Special Committee deems necessary for the fulfilment of its task;

"(3) To be available to assist the Governments of Albania, Bulgaria, and Greece and Yugoslavia in the implementation of the recommendations of the General Assembly."

The Australian delegation abstained from voting on these general recommendations on the grounds that it would have been wiser in the circumstances for the Committee to have made no recommendations and to have left the question of finding a solution to the General Assembly.

### 3. United Nations Temporary Commission on Korea

The United Nations Temporary Commission on Korea, established by resolution 112(II) of the General Assembly on November 14, 1947,<sup>279</sup> submitted the first part of its report to the Assembly in August 1948 (A/575 and Add. 1, and Add. 2).<sup>280</sup>

The Commission held its first meeting in Seoul, Korea, on January 12, 1948, and elected K.P.S. Menon (India) as temporary Chairman. On February 4, Mr. Menon was elected permanent Chairman. Later, in view of the imminent departure from Seoul of Mr. Menon, the Commission decided to rotate the office of Chairman among Commission members for fifteen-day periods, a system which began with the chairmanship of the French representative on March 17, 1948. Liu Yu-Wan (China) was elected permanent Rapporteur of the Commission on February 4.

To facilitate its tasks, the Commission established three sub-committees, one ad hoc sub-committee, several observation groups and a Main Committee.

While the Commission enjoyed the co-operation of the United States military authorities in Southern Korea, its efforts to establish liaison with the Soviet authorities in Northern Korea proved unsuccessful, and the Commission did not gain access to Northern Korea.

In these circumstances, the Commission decided to avail itself of a provision in the General Assembly's resolution, authorizing it to consult the Interim Committee of the General Assembly. The latter, on February 26, 1948, expressed the view that "it is incumbent upon the United Nations Temporary Commission on Korea" to implement the Assembly's resolution of November 14, 1947, "in such parts of Korea as are accessible to the Commission".

The Commission, guided by this expression of the Interim Committee's opinion, decided to observe the elections in South Korea which, according to an announcement of the United States military authorities, would be held on May 10, 1948. This decision, the Report of the Commission added, "did not imply any essential change in the opinion of the members of the Commission that they were primarily concerned with Korea as a whole".

The Commission submitted certain suggestions to the authorities concerned, calling for modifications of existing regulations to assure free elections. These suggestions were accepted. During the elections themselves, observer groups of the Commission made extensive journeys throughout South Korea. While noting certain complaints, the Commission concluded (A/575) that:

"(a) There existed in South Korea during the period of preparation for the elections and on Election Day itself, a reasonable degree of free atmosphere wherein

<sup>279</sup> See p. 88.

<sup>280</sup> The Committee completed the second part of its report (A/AC19/80/Add.1) on October 15, 1948.

democratic rights of freedom of speech, Press and assembly were recognized and respected;

"(b) The United States Army Forces in Korea and the South Korean Interim Government complied with the recommendations of the Commission on electoral procedures and the conduct of the elections conformed generally to the electoral laws and regulations;

"(c) The elections were regarded as a step in the re-establishment of the independence of Korea and, as such, were the only substantial issue placed before the electorate, resulting in the large percentage both of registration and balloting; the candidates who stood for election were in favour of this method of effecting the unity and independence of Korea and therefore did not place any fundamentally conflicting issues before the electorate; and opposition to the issues involved in the elections took the form of a boycott of the elections themselves;

"(d) Having taken into account the reports of its observation groups, and the conclusions noted above, and bearing in mind the traditional and historical background of the people of Korea, the results of the ballot of 10 May 1948 are a valid expression of the free will of the electorate in those parts of Korea which were accessible to the Commission and in which the inhabitants constitute approximately two-thirds of the people of all Korea."

The statistics gathered by the Commission indicated that approximately 75 per cent of the potential electorate of South Korea had actually participated in the elections.

Observation of the elections constituted only one part of the task assigned to the Commission by the General Assembly. A further instruction called upon the Commission to consult with the national Korean Government constituted as a result of the elections.

Since not all parts of Korea had participated in the elections, some members of the Commission doubted whether the authorities established in South Korea could properly be regarded as a national government of the kind referred to in the resolution of the General Assembly. The Commission, however, decided by a vote of 4 to 2 to enter into consultations with the Korean Government, a decision of which it notified President Syngman Rhee of that Government on August 18, 1948.

The task of the actual consultations was assigned subsequently to the Commission's Main Committee, which had remained in Seoul. The Commission itself left Korea shortly after the elections and drafted the first part of its report in Shanghai. It returned to Seoul on June 7, remaining there until September 2, when it left for Lake Success to draft the second part of the report. In this report (A/AC.19/80/Add.1) the Commission stated, *inter alia*:

"(c) Even though the elections of 10 May 1948 were restricted to South Korea and were opposed by some

political parties and kindred organizations in that area, nevertheless, they were an impressive expression of the will of the Korean people in their attempt to achieve their independence and the unification of their country. The misgivings that the elections might produce an Assembly of a unilateral character proved finally to be groundless. For it was indeed significant that the election of a large number of independents prevented the two parties which had been predominant in politics in South Korea from jointly obtaining an absolute majority in the Assembly. Moreover, the elected representatives undertook their responsibilities with seriousness and despatch, and there was considerable evidence that, in the exercise of their judgment, they were not subject to the control of any one political party. Their proceeding without delay to the constituting of an Assembly and the formation of a Government was a reflection of the desire of the Korean people to expedite the achievement of their independence.

"(d) The Government established by the elected representatives has assumed the functions previously exercised by the Military Government of the United States Armed Forces in Korea and a progressive and orderly transfer of these functions is reaching its final stage.

"Agreements have been reached for the training of internal security forces and the settlement of financial matters. Providing the transfer of governmental functions is satisfactorily completed and provisions made for adequate security forces, it is to be expected that the degree of support accorded to the new Korean Government by the people, as evidenced by the election returns of 10 May 1948, will enable it adequately to perform the normal functions of a government. In view of the fact, however, that for some years to come South Korea will be unable to support itself without help from abroad, the establishment of the basis for a viable economy is of paramount importance."

The Commission went on to point out:

"(e) All these developments, however, have been overshadowed by the grim reality of a divided Korea. All Koreans, regardless of their political affiliations or social standing, are united in their condemnation of this disunity. The Commission maintains the view that for the social, political and economic well-being of Korea immediate unification is absolutely essential.

"The efforts of the Korean leaders for the attainment of this unity, official and unofficial such as they have been, have failed to achieve any positive results. The reason for this failure must be attributed in the main to the tension prevailing in the international situation."

The Assembly was therefore faced with the situation of two regimes, one in North Korea and one in South Korea, both claiming sovereignty in their respective areas and both exercising effective authority, subject only to the rights of the occupying forces. The Commission stated its opinion that even though

"effective jurisdiction of the Government established in Seoul does not extend to the north, the view is held that this Government does provide a basis from which it may be possible to proceed to unification by peaceful methods of negotiation, at least in the economic field where such unity is of vital importance. It is the opinion of the

Commission that the need for setting up some procedure for peaceful negotiations is urgent and must take place before military evacuation of the occupying forces abandons Korea to the arbitrary rule of rival political regimes whose military forces might find themselves driven to internecine warfare."

The Commission refrained from outlining any specific resolution for consideration by the Assembly, expressing the view that the Korean problem was only one aspect of the general international situation. It did, however, express the belief that, notwithstanding this, there were prospects that the prevailing tension between North and South Korea might be eased in the course of time. It recommended that the Assembly should remain seized of the Korean question.

#### 4. Progress Report of the United Nations Mediator on Palestine

On September 16, 1948, 24 hours before his assassination, the United Nations Mediator on Palestine, Count Folke Bernadotte, had prepared a progress report for submission to the General Assembly.<sup>281</sup>

##### a. STRUCTURE OF THE REPORT

The report (A/648) states the Mediator's conviction that prompt Assembly action would greatly enhance the prospects of a peaceful settlement in the Holy Land, and would, in fact, be indispensable for such a settlement.

It covers the Mediator's activities during the Palestine truce from June 11 to July 9, 1948, and the one which, beginning on July 18, 1948, was still in force when the report was submitted to the Assembly.

The report is divided into three parts, each of which is devoted to a broad aspect of the Palestine situation. Thus Part I deals with the mediation effort per se, Part II with the supervision of the two truces and Part III with the question of assistance to refugees, particularly some 360,000 Arab refugees who left, or were expelled from, Israel-ruled parts of Palestine during the fighting in the Holy Land.

Annexes to the report reproduce textually important communications exchanged between the Mediator and the two contesting parties (Annexes I and II to Part I) and tabulate the replies and aid furnished in response to requests for specific commodities to alleviate the plight of refugees (Annexes I and II to Part III). A further annex contains the flight log of the Mediator from May 27

to September 9, 1948 (Annex III to Part I). The flight log is reproduced below.<sup>282</sup>

##### b. THE MEDIATOR'S CONCLUSIONS

###### (1) Conclusions on the Mediation Effort

The operative part of the report consists of the conclusions reached by the Mediator on each of the three major aspects of the Palestine problem. These conclusions are stated in his report in the following terms:

"1. Since I presented my written suggestions to the Arab and Jewish authorities on 27 June,<sup>283</sup> I have made no formal submission to either party of further suggestions or proposals for a definitive settlement. Since that date, however, I have held many oral discussions in the Arab capitals and Tel Aviv, in the course of which various ideas on settlement have been freely exchanged. As regards my original suggestions, I hold to the opinion that they offered a general framework within which a reasonable and workable settlement might have been reached, had the two parties concerned been willing to discuss them. They were flatly rejected, however, by both parties. Since they were put forth on the explicit condition that they were purely tentative, were designed primarily to elicit views and counter-suggestions from each party, and, in any event, could be implemented only if agreed upon by both parties, I have never since pressed them. With respect to one basic concept in my suggestions, it has become increasingly clear to me that, however desirable a political and economic union might be in Palestine, the time is certainly not now propitious for the effectuation of any such scheme.

"2. I do not consider it to be within my province to recommend to the Members of the United Nations a proposed course of action on the Palestine question. That is a responsibility of the Members acting through the appropriate organs. In my role as United Nations Mediator, however, it was inevitable that I should accumulate information and draw conclusions from my experience which might well be of assistance to Members of the United Nations in charting the future course of United Nations action on Palestine. I consider it my duty, therefore, to acquaint the Members of the United Nations, through the medium of this report, with certain of the conclusions on means of peaceful adjustment which have evolved from my frequent consultations with Arab and Jewish authorities over the past three and one-half months and from my personal appraisal of the present Palestinian scene. I do not suggest that these conclusions would provide the basis for a proposal which would readily win the willing approval of both parties. I have not, in the course of my intensive efforts to achieve agreement between Arabs and Jews, been able to devise any such formula. I am convinced, however, that it is possible at this stage to formulate a proposal which, if firmly approved and strongly backed by the General Assembly, would not be forcibly resisted by either side, confident as I am, of course, that the Security Council stands firm in its resolution of 15 July that military action shall not be employed by either party in the Palestine dispute. It

<sup>281</sup> For the Mediator's appointment, see p. 281; for notification of his death, see Security Council, p. 450.

<sup>282</sup> See pp. 312-13.

<sup>283</sup> Doc. S/863; see Security Council, p. 432.

cannot be ignored that the vast difference between now and last November is that a war has been started and stopped and that in the intervening months decisive events have occurred.

#### SEVEN BASIC PREMISES

"3. The following seven basic premises form the basis for my conclusions:

##### Return to peace

"(a) Peace must return to Palestine and every feasible measure should be taken to ensure that hostilities will not be resumed and that harmonious relations between Arab and Jew will ultimately be restored.

##### The Jewish State

"(b) A Jewish State called Israel exists in Palestine and there are no sound reasons for assuming that it will not continue to do so.

##### Boundary determination

"(c) The boundaries of this new State must finally be fixed either by formal agreement between the parties concerned or failing that, by the United Nations.

##### Continuous frontiers

"(d) Adherence to the principle of geographical homogeneity and integration, which should be the major objective of the boundary arrangements, should apply equally to Arab and Jewish territories, whose frontiers should not, therefore, be rigidly controlled by the territorial arrangements envisaged in the resolution of 29 November.

##### Right of repatriation

"(e) The right of innocent people, uprooted from their homes by the present terror and ravages of war, to return to their homes, should be affirmed and made effective, with assurance of adequate compensation for the property of those who may choose not to return.

##### Jerusalem

"(f) The City of Jerusalem, because of its religious and international significance and the complexity of interests involved, should be accorded special and separate treatment.

##### International responsibility

"(g) International responsibility should be expressed where desirable and necessary in the form of international guarantees, as a means of allaying existing fears, and particularly with regard to boundaries and human rights.

#### SPECIFIC CONCLUSIONS

"4. The following conclusions, broadly outlined, would, in my view, considering all the circumstances, provide a reasonable, equitable and workable basis for settlement:

"(a) Since the Security Council, under pain of Chapter VIII sanctions, has forbidden further employment of military action in Palestine as a means of settling the dispute, hostilities should be pronounced formally ended either by mutual agreement of the parties or, failing that, by the United Nations. The existing indefinite truce should be superseded by a formal peace, or at the minimum, an armistice which would involve either complete withdrawal and demobilization of armed forces or their wide separation by creation of broad demilitarized zones under United Nations supervision.

"(b) The frontiers between the Arab and Jewish territories, in the absence of agreement between Arabs and Jews, should be established by the United Nations and delimited by a technical boundaries commission ap-

pointed by and responsible to the United Nations, with the following revisions in the boundaries broadly defined in the resolution of the General Assembly of 29 November in order to make them more equitable, workable and consistent with existing realities in Palestine.

"(i) The area known as the Negeb, south of a line running from the sea near Majdal east-southeast to Faluja (both of which places would be in Arab territory), should be defined as Arab territory;

"(ii) The frontier should run from Faluja north-northeast to Ramleh and Lydda (both of which places would be in Arab territory), the frontier at Lydda then following the line established in the General Assembly resolution of 29 November;

"(iii) Galilee should be defined as Jewish territory.

"(c) The disposition of the territory of Palestine not included within the boundaries of the Jewish State should be left to the Governments of the Arab States in full consultation with the Arab inhabitants of Palestine, with the recommendation, however, that in view of the historical connexion and common interests of Transjordan and Palestine, there would be compelling reasons for merging the Arab territory of Palestine with the territory of Transjordan, subject to such frontier rectifications regarding other Arab States as may be found practicable and desirable.

"(d) The United Nations, by declaration or other appropriate means, should undertake to provide special assurance that the boundaries between the Arab and Jewish territories shall be respected and maintained, subject only to such modifications as may be mutually agreed upon by the parties concerned.

"(e) The port of Haifa, including the oil refineries and terminals, and without prejudice to their inclusion in the sovereign territory of the Jewish State or the administration of the city of Haifa, should be declared a free port, with assurances of free access for interested Arab countries and an undertaking on their part to place no obstacle in the way of oil deliveries by pipeline to the Haifa refineries, whose distribution would continue on the basis of the historical pattern.

"(f) The airport of Lydda should be declared a free airport with assurance of access to it and employment of its facilities for Jerusalem and interested Arab countries.

"(g) The City of Jerusalem, which should be understood as covering the area defined in the resolution of the General Assembly of 29 November, should be treated separately and should be placed under effective United Nations control with maximum feasible local autonomy for its Arab and Jewish communities, with full safeguards for the protection of the Holy Places and sites and free access to them, and for religious freedom.

"(h) The right of unimpeded access to Jerusalem, by road, rail or air, should be fully respected by all parties.

"(i) The right of the Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date should be affirmed by the United Nations, and their repatriation, resettlement and economic and social rehabilitation, and payment of adequate compensation for the property of those choosing not to return, should be supervised and assisted by the United Nations conciliation commission described in paragraph (k) below.

"(j) The political, economic, social and religious rights of all Arabs in the Jewish territory of Palestine and of all Jews in the Arab territory of Palestine should be fully guaranteed and respected by the authorities. The conciliation commission provided for in the follow-



ing paragraph should supervise the observance of this guarantee. It should also lend its good offices, on the invitation of the parties, to any efforts toward exchanges of populations with a view to eliminating troublesome minority problems, and on the basis of adequate compensation for property owned.

"(k) In view of the special nature of the Palestine problem and the dangerous complexities of Arab-Jewish relationships, the United Nations should establish a Palestine conciliation commission. This commission, which should be appointed for a limited period, should be responsible to the United Nations and act under its authority. The commission, assisted by such United Nations personnel as may prove necessary, should undertake:

"(i) To employ its good offices to make such recommendations to the parties or to the United Nations, and to take such other steps as may be appropriate, with a view to ensuring the continuation of the peaceful adjustment of the situation in Palestine;

"(ii) Such measures as it might consider appropriate in fostering the cultivation of friendly relations between Arabs and Jews;

"(iii) To supervise the observance of such boundary, road, railroad, free port, free airport, minority rights and other arrangements as may be decided upon by the United Nations;

"(iv) To report promptly to the United Nations any development in Palestine likely to alter the arrangements approved by the United Nations in the Palestine settlement or to threaten the peace of the area."

## (2) Conclusions regarding the Truce Operation

"1. The supervision of the truce is a continuing responsibility and it is neither necessary nor desirable at this stage to formulate any definitive views concerning the operation. The experience thus far gained in the supervision of two truces extending over a total period of more than three months has been very valuable, however, and on the basis of this experience certain analyses and conclusions may even now be usefully set forth.

"2. In assessing in general terms the entire period of truce, my dual role of Mediator and of supervisor of truce observation is an important factor. Conditions of truce, even though subject to frequent minor and occasional major infractions by both parties, provide a peaceful basis indispensable to the task of mediation. At the same time, organizing and supervising truce observance make imperative demands on time and staff. I am inevitably drawn into the settlement of disputes arising solely out of the truce, and it may be readily appreciated that my position and decisions as truce supervisor cannot, in the minds of the disputants, be easily dissociated from my role in the more fundamental task of mediation.

"3. The situation in Jerusalem has been considerably more tense and difficult during the second truce than during the first. This fact is due to a complex of reasons among which are the change in military dispositions between truces, and the increased concentration of manpower which appears to have taken place there in the interval between the truces. The special importance which each side attaches to the status of Jerusalem in a general settlement of the Palestine problem is, in the circumstances, a constant influence tending to heighten the tension there.

"4. However, the situation in Jerusalem has shown recent improvement. The decision of the Security Coun-

cil on 19 August fixing the responsibility of the parties under the cease-fire order, a considerable increase in the number of United Nations Observers stationed there, and intensive efforts to achieve localized demilitarization agreements, have produced beneficial results. Nevertheless, the conditions in Jerusalem are such that not even the increased number of Observers now there could for long maintain the truce in the City if it should appear likely that a settlement would be indefinitely deferred.

"5. United Nations supervision of the regular food convoys for Jerusalem has been an important feature of both truces. The movement of these convoys involved difficult negotiation and constant supervision and escort. Apart from some sniping activity during the early days of each truce, the convoy system has worked remarkably well. On the other hand, persistent efforts to ensure the flow of water to Jerusalem through the main pipe-lines have met with failure during both truces, the destruction of the Latrun pumping station having so far nullified all efforts to solve the problem during the second truce.

"6. The period of the first truce coincided with the ripening of cereal crops in Palestine. Since the front lines ran almost entirely through land belonging to Arab cultivators, a great number of fields bearing crops was in no-man's land or behind Jewish positions. Attempts by Arabs to harvest crops in no-man's land and in the vicinity of and sometimes behind Jewish positions often led the Jews to react by firing on the harvesters. This was a major complication during the first truce, both before and after my ruling of 16 June, and explains many of the breaches of truce and the difficulties of truce observation over a wide area. During the second truce, incidents of this nature have been relatively few, since the harvest season for cereal crops is over. The efforts of Observers in securing local agreements regarding harvesting of crops undoubtedly saved many crops that would otherwise have been lost.

"7. The fact that in the Negev there is no continuous front line has been, during both truces, a special cause of difficulty as a result of the need for each side to by-pass the other's positions in order to supply some of its own positions. Convoys under United Nations supervision largely solved the problem, though not without friction, during the first truce. During the second truce a similar system was proposed, but agreement on conditions could not be reached with the parties. Consequently, on 14 September I laid down the terms governing future convoys in the Negev.

"8. In considering the effectiveness of the truce supervision, attention must be paid to two distinct, though related, aspects of the problem. On the one hand, there is the problem of observing the actual fighting fronts, of dealing with incidents which may arise there and preventing, if possible, any further outbreak of hostilities. On the other hand, there is the observation which is necessary over a vast area to check whether or not materials and men are being moved in a manner to confer a military advantage contrary to the terms of the truce. As regards the second aspect of this problem, an important consideration is that the area under observation covers a very large part of the Middle East and that the necessity to concentrate a majority of the limited number of Observers at my disposal near the fighting fronts restricts the number available for duties elsewhere. The availability of an increased number of Observers has enabled me to ensure a more extensive supervision, especially in territories outside Palestine.

"9. Experience has shown that the more quickly action can be taken to deal with a local violation, the more easily incidents are controlled or prevented. It must be admitted that, on occasion, slowness to act, often because of circumstances beyond control, has hampered the operation of the truce supervision. Although the Secretary-General of the United Nations has given me the fullest co-operation and every assistance available to him, it is apparent that the United Nations was not in position as regards Observer personnel, armed guards, communications and transportation equipment or budgetary provision to set up rapidly the elaborate machinery of truce observation required.

"10. The second truce differed from the first principally in the fact that it was ordered by the Security Council under threat of further action under Chapter VII of the Charter, and that no time limit was set. This introduced a new element into the situation as compared with the first truce, in that the second truce involved compliance with a Security Council order. There is a tendency on each side to regard alleged breaches by the other side of a truce which has been ordered by the Security Council as calling for prompt action by that Council. Both sides now evidence a sense of grievance and complain that the compulsory prolongation of the truce is contrary to their interests. This feeling is inevitably reflected in their attitudes toward the Observers and truce obligations in general. The truce undoubtedly imposes a heavy burden on both sides, but even so, the burden of war would be heavier.

"11. The truce is not an end in itself. Its purpose is to prepare the way for a peaceful settlement. There is a period during which the potentiality for constructive action, which flows from the fact that a truce has been achieved by international intervention, is at a maximum. If, however, there appears no prospect of relieving the existing tension by some arrangement which holds concrete promise of peace, the machinery of truce supervision will in time lose its effectiveness and become an object of cynicism. If this period of maximum tendency to forego military action as a means of achieving a desired settlement is not seized, the advantage gained by international intervention may well be lost."

### (3) Conclusions regarding Assistance to Refugees

"1. Conclusions which may be derived from the experience to date are summarized as follows:

"(a) As a result of the conflict in Palestine there are approximately 360,000 Arab refugees and 7,000 Jewish refugees requiring aid in that country and adjacent States.

"(b) Large numbers of these are infants, children, pregnant women and nursing mothers. Their condition is one of destitution and they are 'vulnerable groups' in the medical and social sense.

"(c) The destruction of their property and the loss of their assets will render most of them a charge upon the communities in which they have sought refuge for a minimum period of one year (through this winter and until the end of the 1949 harvest).

"(d) The Arab inhabitants of Palestine are not citizens or subjects of Egypt, Iraq, Lebanon, Syria and Transjordan, the States which are at present providing them with a refuge and the basic necessities of life. As residents of Palestine, a former mandated territory for which the international community has a continuing responsibility until a final settlement is achieved, these

Arab refugees understandably look to the United Nations for effective assistance.

"(e) The temporary alleviation of their condition, which is all that my disaster relief programme can promise them now, is quite inadequate to meet any continuing need, unless the resources in supplies and personnel available are greatly increased. Such increased resources might indirectly be of permanent value in establishing social services in the countries concerned, or greatly improving existing services. This applies particularly to general social administrative organizations, maternal and child care services, the training of social workers, and the improvement of food economics.

"(f) The refugees, on return to their homes, are entitled to adequate safeguards for their personal security, normal facilities for employment, and adequate opportunities to develop within the community without racial, religious or social discrimination.

"(g) So long as large numbers of the refugees remain in distress, I believe that responsibility for their relief should be assumed by the United Nations in conjunction with the neighbouring Arab States, the Provisional Government of Israel, the specialized agencies, and also all the voluntary bodies or organizations of a humanitarian and non-political character.

"2. In concluding this part of my report, I must emphasize again the desperate urgency of this problem. The choice is between saving the lives of many thousands of people now or permitting them to die. The situation of the majority of these hapless refugees is already tragic, and to prevent them from being overwhelmed by further disaster and to make possible their ultimate rehabilitation, it is my earnest hope that the international community will give all necessary support to make the measures I have outlined fully effective. I believe that for the international community to accept its share of responsibility for the refugees of Palestine is one of the minimum conditions for the success of its efforts to bring peace to that land."

### c. SUMMARY OF OTHER PARTS OF THE REPORT

The conclusions stated above were preceded, in the Mediator's report to the General Assembly, by an account of his actual work. A brief resume of these parts of the report follows.

#### (1) The Mediation Effort

The Mediator's activities up to July 15, 1948—the date on which the Security Council, in the presence of Count Bernadotte, ordered the second Palestine truce—are covered in another part of the present Yearbook<sup>284</sup> and are not reviewed here, although an account thereof is contained in the Mediator's report to the Assembly. Of the period following July 15, the Mediator reported:

"14. Following my return to Rhodes on 19 July, after my short visit to Lake Success to attend the meetings of the Security Council, I consulted with Arab leaders on different occasions at Beirut, Amman and Alexandria. These conversations persuaded me that while the Arab States would maintain the truce, they would reject any

<sup>284</sup>See Security Council, pp. 429-41.

suggestion of acceptance or recognition of the Jewish State, and would not meet with Jewish representatives. The Arab leaders had become greatly concerned and incensed about the mounting distress among the huge number of Arab refugees. They considered the solution of this problem fundamental to a settlement of the Palestine question. I recognized that in the Arab States public opinion on the Palestine question was considerably agitated and that each of my visits to Arab capitals projected the question into prominence in the Arab Press. I decided, therefore, in addition to the truce supervision, to concentrate my efforts in the immediate future on the problem of refugees and the demilitarization of Jerusalem, since no useful purpose could be served by taking precipitate action in forcing matters to a head. I concluded that a short 'cooling-off' period as regards the basic political problems might best serve the cause of later mediation. I decided, therefore, in the circumstances, that I could fulfil my previous commitment to attend the International Red Cross Conference in Stockholm. While there I would use the opportunity afforded by this Conference to further United Nations action in favour of immediate relief for Arab refugees.

"15. The two visits which I paid to Tel Aviv, at the end of July and early in August, made it apparent that the Jewish attitude had stiffened in the interval between the two truces, that Jewish demands in the settlement would probably be more ambitious, and that Jewish opinion was less receptive to mediation. A feeling of greater confidence and independence had grown out of Jewish military efforts during the interval between the two truces. Less reliance was placed in the United Nations and there was a growing tendency to criticize its shortcomings with regard to Palestine.

"16. Following my return to Rhodes from Stockholm on 3 September, I undertook further talks with Arab and Jewish leaders in Alexandria, Amman and Tel Aviv in the period 6 to 9 September. These talks revealed that there was, at least for the time being, no prospect of voluntary agreement between the disputants, nor any willingness on the part of Arabs to negotiate with the Jews either directly or through the Mediator. But I did sense a more moderate and reasonable atmosphere in all quarters and a tendency to discuss more realistically the basic problems.

"17. As a result of these talks, I became convinced: (a) that it would be of utmost urgency that the General Assembly consider and reach decisions upon the Palestine question at its forthcoming session; (b) that if the General Assembly should reach firm and equitable decisions on the principal political issues there would be a reasonable prospect that settlement could be achieved if not by formal at least by tacit acceptance; and (c) that the truce could be maintained with reasonable fidelity throughout the General Assembly session but that it might be gravely doubted that it could be indefinitely prolonged beyond then in the absence of tangible progress toward a settlement."

The Mediator also recalled the offer of direct negotiations which the Provisional Government of Israel, through him, extended to the Arab States on August 6, 1948, an offer which the Arab States declined. In this connection, the Mediator declared in his report:

"For my part ... I would welcome direct negotiations

at any time the parties could agree to hold them, though I was well aware that at this particular time such an offer was probably premature, since I had just discussed the question of settlement with the Arabs. I am convinced, however, that the offer was sincerely made. It had recently been brought to my attention by both Arab and Jewish officials that other offers for direct negotiations have been transmitted by Jewish representatives directly to Arab authorities. I have reaffirmed to both Arab and Jewish authorities that I would be very pleased should they find it possible to enter into direct negotiations and that I am prepared to offer every possible assistance toward that end."

The Mediator also reviewed his efforts to bring about the demilitarization of Jerusalem, efforts which at the writing of the report had not yet borne fruit.

In a section dealing with the problem of Arab refugees in so far as that problem entered into his mediatory efforts, Count Bernadotte recalled that his proposal to permit such refugees to return to their homes in Jewish-occupied parts was rejected by the Provisional Government of Israel on security grounds. The Mediator added:

"... notwithstanding the views expressed by the Provisional Government of Israel, it was my firm view that the right of the refugees to return to their homes at the earliest practicable date should be affirmed.

"It must not be supposed, however, that the establishment of the right of refugees to return to their former homes provides a solution of the problem. The vast majority of the refugees may no longer have homes to return to and their re-settlement in the State of Israel presents an economic and social problem of special complexity. Whether the refugees are re-settled in the State of Israel or in one or other of the Arab States, a major question to be faced is that of placing them in an environment in which they can find employment and the means of livelihood. But in any case their unconditional right to make a free choice should be fully respected."

As regards the Assembly's resolution of November 29, 1947, the Mediator's observations on the spot led him to the view that "the ... question ... is not whether it may be advisable to review and revise the resolution. ... It has already been out-run and irrevocably revised by the actual facts of recent Palestine history." Among these facts he cited the non-internationalization of Jerusalem, the lack of implementation of the clauses providing for economic union, the non-creation of the proposed Arab State, as well as the attitude of both parties. On the last point, the Mediator stated that the only implementation of the partition resolution—although admittedly not in accordance with the procedure envisaged therein—had been the creation of the State of Israel, a "vigorous reality" which would continue to exist. On the other hand, the Jews, as a result of recent events,

had apparently modified their attitude towards some of the territorial provisions of the partition scheme, notably as regards the internationalization of Jerusalem and the disposition of some other territories not intended for inclusion in the Jewish State in the resolution of November 29.

On the Arab side, the Mediator declared in his report, the dilemma was that the Arab States knew and felt that the State of Israel could only be destroyed by force, although they had been unable to do this. Besides, there was the fact that the Security Council had decreed that force should in no case be employed. The Arabs, the Mediator further reported, feared that Israel might not be satisfied to stay within its borders as of that time. In this connection, as well as in connection with the problem of immigration, the Mediator suggested that it would be helpful if the Jews as well as others were somewhat more understanding with respect to the general Arab attitude.

Any proposal for a unitary state, comprising Arabs and Jews in Palestine, as envisaged by the Arabs, was in the Mediator's opinion, unrealistic in the circumstances at the time he was reporting, and while economic union remained desirable, it was not at that time attainable.

Although officially the attitude of the two parties had not, at the time of the report, undergone any marked change, the Mediator nevertheless was able to report:

"There are recent indications of more moderate and sober counsel in at least some important quarters."

He added:

"Although it cannot be said that neither side will fight again under any circumstances, I am strongly of the view that the time is ripe for a settlement. I am reasonably confident that given the permanent injunction against military action issued by the Security Council, and firm political decisions by the General Assembly, both sides will acquiesce, however reluctantly, in any reasonable settlement on which is placed the stamp of approval of the United Nations."

#### (2) The Supervision of the Two Truces

Under this heading, the Mediator reviewed the operation of the first and second truces, the first lasting from June 11 to July 9, 1948, the second having begun on July 18 and continuing to be in force at the time the report was written.

Both truces, the Mediator stated, had worked well on the whole. In both there were initial difficulties because of the fact that no United Nations Observers were on hand at the respective times fixed for cessation of hostilities, a fact which made it difficult for the Mediator's staff to judge the validity of rival claims of positions won or lost

after the two truces were to become effective. In most such cases, therefore, the report stated, the Observers took as their point of departure the position of the front lines as they found them upon arriving on the scene.

Charges of truce violations were registered with the Mediator by both sides. The overwhelming majority of these charges were found to be either grossly exaggerated or without valid evidence. There were, however, three serious breaches of the truce between June 11 and July 9, and four serious violations between July 18 and the date of the writing of the report. In each of these cases, the Security Council was formally notified by the Mediator.

#### (a) SERIOUS TRUCE VIOLATIONS

##### (i) The Altalena Incident

Sponsored by the Irgun Zvai Leumi, the ship Altalena attempted to bring war materials and men of military age to Palestine in circumvention of the truce terms. The Provisional Government of Israel took strong police action to prevent the landing, and the ship was set on fire, but some of the men and arms had already been successfully landed in Israel. The Provisional Government of Israel was informed by the Mediator that its explanation regarding the disposition of the men and arms was not satisfactory. The incident occurred toward the end of the first truce.

##### (ii) Firing on Negeb-bound Convoys

Egyptian forces refused to permit convoys carrying relief supplies under United Nations control to pass through their territory to isolated Jewish settlements in the Negeb, and fired on them. The incident was settled temporarily, but re-occurred toward the end of the first truce.

##### (iii) Blocking Jerusalem Water Supply

Transjordan and Iraqi forces refused to permit the flow of water to Jerusalem through the pipeline and pumping stations controlled by them. Despite repeated representations by the Mediator to the Arab authorities and despite the decision of the Security Council of July 7, no water flowed to Jerusalem during the first truce.

##### (iv) Destruction of Latrun Pumping Station

The Latrun pumping station, located in no-man's land and controlled by the Mediator's staff, was blown up on August 12, 1948. This violation of the truce was found to have been the responsibility of Arab forces, possibly irregulars.

## (v) Violation of Jerusalem Red Cross Zone

Egyptian, Transjordan and Israeli forces were located in close proximity in the vicinity of Jerusalem's Red Cross Zone, which included Government House, the Jewish Agricultural School and the Government Arab College. Following the occurrence of a number of minor incidents, Israeli forces, during the night of August 16-17, launched an attack on Egyptian positions south of the Zone. Although the attack was repulsed, Israeli forces remained in occupation of part of the Zone, and refused to withdraw unless the Arab Legion complied with a previous order of the Observers to withdraw from positions occupied by them in no-man's land at Nabi Dawid and Deir Abu Tor, and unless the Egyptian and Transjordan forces agreed to the establishment of, and withdrawal from, an enlarged neutral zone in the area surrounding the Red Cross Zone. The Central Truce Supervision Board decided on August 27 that the Israeli forces had committed two flagrant violations of the terms of the truce in (a) launching the attack and in (b) retaining troops in the Red Cross Zone, and ordered them to withdraw by August 29. At the same time, the Board decided to create a Neutral Zone, supervised by United Nations Observers, around the Red Cross Zone, and ordered all troops to be withdrawn from the Neutral Zone. After initial delays, this order was complied with by all concerned, and on September 4, all troops were withdrawn from both the Red Cross Zone and the newly created Neutral Zone.

Commenting upon the matter, the Mediator stated in his report: "I am convinced that the settlement arrived at in this case and the establishment of the enlarged Neutral Zone will help to ameliorate the generally tense situation in Jerusalem." He added that Israeli authorities "are protesting against the failure of the Arab Legion to comply with Board's order that they withdraw from the positions occupied by them at Nabi Dawid and Deir Abu Tor. The Observers are exerting strong efforts to induce the Arab forces to withdraw from those positions."

## (vi) Murder of Two French Observers at Gaza

The third serious violation of the second truce occurred on August 28, when two French Observers, Lt.-Col. Joseph Queru and Captain Pierre Jeanne, were killed at Gaza by Saudi Arabian irregular troops under Egyptian military command. Although there was an element of United Nations responsibility in that the Egyptian forces did not receive advance notice of the arrival of the plane carrying

the two Observers, and the pilot was not properly briefed, "nevertheless"—the Mediator reported—"Egyptian anti-aircraft guns fired at the plane in violation of the truce, and the two unarmed Observers were murdered and robbed by troops under Egyptian command after the officers had landed and left their plane. The Egyptian Government was notified of its responsibility and appropriate redress was requested."

## (vii) Attack on Three Arab Villages

The Secretary-General of the League of Arab States, in the latter part of July, complained to the Mediator against the attack on three Arab villages—Ein Gazal, Jaba and Ijzim—located south of Haifa, in Israeli territory, claiming that Jewish attacks had led to the capture or massacre of tens of thousands and that there were four thousand refugees from these localities. A preliminary investigation by the Mediator's staff disclosed that the villages were deserted and had been damaged, but uncovered no evidence of massacre or capture. Israeli authorities admitted that some of the inhabitants had been killed or made prisoners during what they called a "police raid" undertaken to stamp out sniping and the activities of irregulars who were blocking the Tel Aviv-Haifa road. After a thorough investigation, the Observers located more than 8,000 of the villagers and established that less than 130 were killed or missing. The Central Truce Supervision Board found that the villages were attacked by the Jews between July 18 and 25 by air and land, and that the inhabitants had been forced to evacuate. Following this evacuation, the villages of Ein Gazal and Jaba were destroyed by the Israeli forces. The attack could not be excused as a police action since there had been fighting prior to the truce, and at the commencement of the truce, the villagers had offered to negotiate with the Jews, who had apparently failed to explore the offer. The Mediator, on September 9, informed the Provisional Government of Israel that the action at the three villages constituted a violation of both the spirit and letter of the truce terms, that the evacuated villagers should be permitted forthwith to return, and that the Provisional Government must do everything possible to rehabilitate them, including the restoration at its expense of all houses damaged or destroyed.

All in all, there had been some five hundred complaints and incidents reported to the Mediator during the first truce, as compared to some three hundred between July 18 and September 4, 1948. All but the seven incidents described above were of

a less serious nature, and no special reports were submitted to the Security Council in connection with them.

Concerning the machinery of dealing with alleged violations of the truce, the Mediator stated:

"All complaints are submitted to investigation by Observers in the field and, where necessary, by a special investigation team. In cases where they cannot be settled by Observers on the spot, they are referred, together with the Observer's report, to Haifa Headquarters for disposal. The less serious cases are referred to the Chief of Staff, and the more serious ones to the Central Truce Supervision Board. Decisions by both the Chief of Staff and the Central Truce Supervision Board are transmitted to me for review and are then dispatched to the Governments concerned. Major violations, if not immediately rectified by the parties, are reported to the Security Council."

The allocation of Observers was flexible. As of September 8, 1948, the distribution and location of Observers were as follows:

Israel: Haifa, 76; Aqir, 2; Natanya, 4; Rama David, 4; Tel Aviv, 28; Tiberias, 13.

Jerusalem: 79.

Arab areas of Palestine: Hebron, 4; Gaza, 14; Nablus, 15; Ramallah, 7.

Egypt: Alexandria, 5; Cairo, 5; El Arish, 3; Port Said, 1.

Iraq: Baghdad, 3; Basra, 3.

Lebanon: Beirut, 17.

Syria: Damascus, 14.

Transjordan: Aqaba, 2; Amman, 16.

In both truces, the Mediator reported, the most sensitive spot was the City of Jerusalem, which, particularly during the second truce, was gripped by an atmosphere of tenseness, punctuated by many instances of sniping and other forms of dangerous, if limited, military action, chiefly by irregulars on both sides. The situation was somewhat eased through the creation of neutral zones, but the only real solution of the problem was, the Mediator reported, to be found in the eventual total demilitarization of the City, as yet unachieved.

#### (b) PERSONNEL OF THE TRUCE SUPERVISION

The first truce was supervised by 93 military Observers, i.e., 31 each from Belgium, France and the United States, five Swedish officers, 51 United Nations guards and 70 additional men serving as auxiliary personnel.

Three hundred officers from Belgium, France and the United States came to Palestine and the surrounding countries as military Observers for the second truce—125 each from the United States and France, 50 from Belgium. In addition, there were ten Swedish officers, including Major-General Aage Lundstrom, Chief of the Mediator's Military Staff and his personal representative. During the middle of August, it became clear to the Mediator

that his staff, although larger than during the first truce, was still too small and he therefore requested the services of an additional 300 enlisted men—50 from Belgium, and 125 each from France and the United States—to act as Observers and to assist the officer Observers in their work. At the time the report was written (September 16), 84 United States enlisted men had arrived, and the Mediator had also secured four French and 78 United States enlisted men to serve the Observers as auxiliary technical personnel. The latter included air crewmen, clerks, communications and motor transport personnel and medical assistants.

Equipment needed by the Mediator's staff was made available by the United Nations, France, the United Kingdom and the United States.

In both truces, Haifa was chosen as headquarters of the observation organization, while the Mediator's headquarters as such remained throughout on the island of Rhodes.

#### (c) OBSERVER CASUALTIES

In his report to the General Assembly, the Mediator stated:

"I can speak only with praise of the loyalty of the Observer personnel to the cause of international peace, and of their courage and impartiality in the performance of their duty. They are unarmed and have no power to prevent truce violations or to enforce their rights or decisions. They are engaged in a difficult and hazardous task. It is with deep regret that I must record the following casualties among Observers. . . ."

Those killed were:

Commandant RENE DE LABARRIERE, of the French Army, killed while on duty near Afula on July 3, 1948.

OLE H. BAKKE, of Norway, a United Nations guard, killed while on duty at Jerusalem on July 13, 1948.

Lieutenant-Colonel JOSEPH QUERU, of the French Army, killed while on duty near Gaza on August 28, 1948.

Captain PIERRE JEANNEL, of the French Army, killed while on duty near Gaza on August 28, 1948.

The wounded men were:

Commandant DU MOUSTIER DE CANCHY, of the French Army, wounded while on duty near Afula on July 3, 1948.

Captain ROBERT DENS, of the Belgian Army, wounded while on duty near Gaza on July 3, 1948.

Private First-Class EDWARD BRODEUR, of the United States Marine Corps, wounded while on duty at Jerusalem on July 3, 1948.

Captain PAUL J. J. LEYDER, of the Belgian Army, wounded while on duty at Latrun on August 1, 1948.

Captain MICHEL TAYMANS, of the Belgian Army, wounded while on duty at Jerusalem on August 13, 1948.

Captain HENRI TORS, of the French Army, wounded while on duty at Jerusalem on August 28, 1948.

ERIC GORMSEN, of the United States, a United Nations guard, wounded while on duty at Jerusalem on September 8, 1948.

"All these men"—the Mediator declared in his report—"were casualties in the service of the international community. I commend their gallantry and devotion to duty, and express my sincerest sympathy to the families of those who have lost their lives."

(3) Assistance to Refugees

The Mediator estimated that some 360,000 Arabs and some 7,000 Jews became refugees as a result of hostilities in Palestine. The 7,000 Jews were women and children from Jerusalem and various Arab-occupied areas who sought refuge in Jewish-controlled territory. As for the Arabs, the Mediator's report provided these "confirmed estimates":

3,000 sought refuge in Iraq,  
50,000 in Lebanon,  
70,000 in Syria,  
50,000 in Transjordan,  
145,000 in various parts of Arab Palestine,  
12,000 in Egypt.

330,000

(The remainder were scattered along access roads or distributed in tiny isolated communities or hiding places over a wide area.)

Approximately 50,000 Arabs remained in Jewish-controlled territory.

By the middle of July 1948, the refugee problem had become grave, and the Mediator considered that urgent measures had to be taken for humanitarian reasons. An appeal for assistance to the Preparatory Commission for the International Refugee Organization, elicited the response that PC-IRO doubted the eligibility of the Arab refugees under the IRO's constitution, adding that even if these doubts should prove to be unfounded, ". . . prior claim on its [PC-IRO's] limited resources would still be had by a large number of persons [which] the Organization had not yet been able to assist, but which have long had urgent refugee status".

The Mediator, on July 21, 1948, requested the Secretary-General to dispatch to his headquarters on Rhodes a senior official from the United Nations' Department of Social Affairs for the purpose of surveying the grave refugee problem. The request was met, and the basic emergency relief needs of the refugees were determined. Subsequently, the Mediator addressed appeals to 53 nations for voluntary contributions to assist these refugees and enlisted the services of such bodies as the World Health Organization, the Food and Agriculture Organization, the United Nations International Children's Emergency Fund and the International

Refugee Organization (in an advisory capacity). UNICEF agreed to provide up to \$411,000 plus shipping costs to cover an initial two months' program. The Mediator had requested \$796,000.

Further aid came from the International Red Cross and the World Council of Churches, as well as from many of the nations to which an appeal had been made.

In his report, the Mediator differentiated among three phases of the problem of assistance to refugees: immediate relief of basic needs, short-term planned program and a long-range program.

As regards a short-term program, this would consist of integrating into a single co-ordinated whole the aid and assistance which individual nations and organizations might be willing to furnish. Such an attempt was in progress at the time of the report. A senior member of the United Nations Secretariat was serving as the Mediator's Director of Disaster Relief, with headquarters in Beirut, established with the assistance of the Government of Lebanon and the League of Arab States. Assistance in the work, the Mediator reported, "will be provided by a Chief Medical Officer (WHO); a Chief Supply Officer (IRO, with subsequent replacement by UNICEF); and a Director of Field Operations (IRC); two Supervisory Field Medical Officers (IRC and UN); a Field Supervisory Supply Officer will support the programme in the field and will be assisted by Liaison and Supply Officers established, besides Beirut, at Damascus, Amman, Ramallah, Tel Aviv or Haifa, Gaza and Jerusalem."

Concerning the long-range program, the report declared that "even if the refugees were able to return to their homes at once, it would nevertheless be necessary, owing to their present circumstances, to maintain them during the winter and until August/September 1949, when harvesting will have been completed. It is obvious that action must be taken to determine the necessary measures and to provide for their implementation. It is my hope that the General Assembly of the United Nations will assume this responsibility."

#### d. FLIGHT LOG OF THE MEDIATOR

	Date	Itinerary of Flight
May	27 ..	Paris-Rome-Athens
	28 ..	Athens-Cairo
	31 ..	Cairo-Haifa
June	1 . .	Haifa-Mafrak-Amman-Mafrak-Cairo
	3 . .	Cairo-Mafrak-Amman-Haifa
	4 . .	Haifa-Cairo
	5 . .	Cairo-Beirut
	6 . .	Beirut-Haifa-Mafrak—Amman-Mafrak-Haifa
	7 . .	Haifa-Cairo
	12 ..	Cairo—Jerusalem-Damascus

Date	Itinerary of Plight	Date	Itinerary of Flight
June 13 . .	Damascus-Tel Aviv-Haifa-Rhodes	July 18 ..	Amsterdam-Geneva-Rome
15 ..	Rhodes-Cairo	19 ..	Rome-Rhodes
17 ..	Cairo-Tel Aviv	24 ..	Rhodes-Beirut
18 ..	Tel Aviv-Haifa-Rhodes	25 ..	Beirut-Haifa
July 1 . .	Rhodes-Jerusalem	26 ..	Haifa-Tel Aviv-Rhodes
2 . .	Jerusalem-Rhodes	August 1 . .	Rhodes-Amman
3 ••	Rhodes-Cairo	3 . .	Amman—Jerusalem-Alexandria
4 . .	Cairo-Rhodes	5-6 . .	Alexandria—Tel Aviv-Haifa-Rhodes
5-6 . .	Rhodes-Tel Aviv-Cairo	9 . .	Rhodes-Haifa-Jerusalem
7 . .	Cairo-Tel Aviv—Haifa	11 ..	Jerusalem-Haifa-Rhodes
8 . .	Haifa-Rhodes	12 ..	Rhodes-Rome-Geneva
9 . .	Rhodes-Amman-Haifa-Beirut-Rhodes	13 ..	Geneva-Stockholm
10 ..	Rhodes-Rome-Geneva	September 1 . .	Stockholm-Copenhagen-Paris
11 ..	Geneva-Amsterdam	2 . .	Paris-Geneva-Rome
11-12 ..	Amsterdam-Prestwick-Gander-New York	3 . .	Rome-Rhodes
17 ..	New York-Gander-Prestwick	6 . .	Rhodes-Alexandria
18 ..	Prestwick—Amsterdam	8 . .	Alexandria-Mafrak-Amman-Mafrak-Haifa
		9 . .	Haifa-Tel Aviv-Rhodes

## ANNEX I

## DELEGATIONS TO THE GENERAL ASSEMBLY 285

## A. Second Regular Session of the General Assembly

## AFGHANISTAN:

Representatives Abdul Hosayn Aziz  
Abdul Hamid Aziz  
Abdul Kayoum  
Sultan Ahmed

## ARGENTINA:

Representatives Jose Arce  
Enrique V. Corominas  
Brig.-General Franklin Lucero  
Luis Arean  
Rodolfo Munoz  
Alternates Coronel Eduardo Lonardi  
Carlos Quiros  
Guillermo Roque Spangenberg  
Jose Moneta  
Ruben Dussaut

## AUSTRALIA:

Representatives Herbert V. Evatt  
N. J. O. Makin  
Lt.-Colonel W. R. Hodgson  
A. S. Watt  
J. D. L. Hood  
Alternates W. D. Forsyth  
C V. Kellway  
J. E. Oldham  
J. Plimsoll  
A. H. Tange

## BELGIUM:

Representatives Paul-Henri Spaak  
Fernand van Langenhove  
Herman Vos  
Pierre de Smet  
Pierre Ryckmans  
Alternates R. Scheyven  
Victor Larock  
Georges Kaeckenbeeck  
Fernand Dehousse  
Joseph Nisot

## BOLIVIA:

Representatives Adolfo Costa du Rels  
Eduardo Anze Matienzo  
Ernesto Sanjines  
Humberto Palza  
Luis Romero Saenz  
Alternate Antonio Mogro Moreno

## BRAZIL:

Representatives Oswaldo Aranha  
Alvaro Adolfo da Silveira  
Arthur de Souza Costa  
Joao Carlos Muniz  
Gilberto Amado  
Alternates Henrique de Souza Gomes  
Afranio de Mello Franco  
Enrico Penteado  
Octavio Bulhoes  
Olyntho Machado

## BYELORUSSIANS.S.S.R.:

Representatives Kuzma V. Kiselev  
Vladimir V. Skorobogaty  
Leonid I. Kaminsky  
Vasili P. Smoliar

## CANADA:

Representatives Louis S. St. Laurent  
J. L. Ilsley  
Norman P. Lambert  
Walter A. Tucker  
Joseph Bradette  
Alternates L. B. Pearson  
George F. Davidson  
L. R. Beaudoin  
Sidney D. Pierce  
Escott Reid

## CHILE:

Representatives Jose Maza  
Humberto Alvarez Suarez  
Manuel Trucco Gaete  
Hernan Santa Cruz  
Rodrigo Aburto Orostegui  
Alternate Joaquin Larrain

## CHINA:

Representatives Wang Shih-chieh  
V. K. Wellington Koo  
T. F. Tsiang

<sup>285</sup> The Charter of the United Nations provides that no Member may have more than five representatives in the General Assembly. Replacements for those representatives who served only a short time account for the fact that in some instances more than five representatives for a Member State are listed.



	P. C. Chang Liu Chieh Lt.-Gen. Shih-ming Chu C. L. Hsia Shuhsi Hsu Chang Chung-fu	Alternates	Mohamed Amin Rostem Abdel Monem Mostapha Saad Kamel Colonel Mohamed Abdel-Halim Khalifa Abbas Ammar
COLOMBIA:		EL SALVADOR:	
Representatives	Alfonso Lopez Gonzalo Restrepo Jaramillo Evaristo Sourdis Julio Cesar Turbay Alberto Gonzalez Fernandez	Representatives	Hector David Castro Joaquin Leiva Roberto Aguilar Trigueros
COSTARICA:		ETHIOPIA:	
Representatives	Ricardo Fournier Francisco de Paula Gutierrez R. Arturo Morales Flores	Representatives	Aklilou Abte Wold Getahoun Tesemma Emmanuel Abraham Zaudie Gabre Heywot Gabre Maskal Kifle-Egzi John H. Spencer Petros Sahlou
Alternates	Fernando Flores B. Miguel A. Blanco	Alternates	
CUBA:		FRANCE:	
Representatives	Guillermo Belt Ernesto Dihigo Jose Perez Cubillas Joaquin E. Meyer Jose Ensenat	Representatives	Georges Bidault Yvon Delbos Jules Moch Alexandre Parodi Leon Jouhaux Rene Mayer Pierre Olivier Lapie Mme. Marie Heiene Lefauchaux Roger Garreau Maurice Couve de Murville
CZECHOSLOVAKIA:		Alternates	
Representatives	Jan Masaryk Juraj Slavik Jan Papanek Jaromir Spacek Mrs. Gertruda Sekaninova	GREECE:	
Alternates	Karel Lisicky Josef Hanc Ladislav Radimsky Vaclav Hyka Vaclav Benes	Representatives	Constantine Tsaldaris Georges Melas Vassili Dendramis Constantine Sakellaropoulos Christos Diamantopoulos Alexis Kyrrou John Spyropoulos Xenophon Zolotas John Kalergis G. Couklelis
DENMARK:		Alternates	
Representatives	Gustav Rasmussen Hartvig Frisch Ernst Christiansen Per Federspiel J. Villemoes Einar P. Foss Ib Norlund Henrik Kauffmann H. Lannung William Borberg Mrs. Bodil Begtrup	GUATEMALA:	
Alternates		Representatives	Jorge Garcia Granados Ernesto Viteri Bertrand Julio Camey Herrera Federico Rolz Bennet Jose Luis Mendoza Carlos Garcia Bauer
DOMINICAN REPUBLIC:		Alternate	
Representatives	Arturo Despradel Julio Ortega Frier Max Henriquez-Urena Elias Brache Enrique de Marchena Joaquin Balaguer Tulio Franco y Franco Ricardo Perez Alfonseca	HAITI:	
Alternates		Representatives	Joseph D. Charles Antonio Vieux Max H. Dorsinville Herard C. L. Roy Luc Grimar
ECUADOR:		HONDURAS:	
Representatives	L. Neftali Ponce Clemente Duran-Ballen Jose A. Correa Arturo Meneses Pallares	Representative	Tiburcio Carias, Jr. Raul Alvarado Trochez
Alternates		Alternate	
EGYPT:		ICELAND:	
Representatives	Mohamed Hussein Heykal Pasha Mahmoud Fawzi Taha El-Sayed Nasr Wahid Fikry Raafat Abdel Hakim El Rifai	Representatives	Thor Thors Asgeir Asgeirsson Hermann Jonasson Olafur Thors
		INDIA:	
		Representatives	Mrs. Vijaya Lakshmi Pandit Sir Fazl Ali Raja Sir Maharaj Singh M. C. Setalvad K. M. Pannikar

Alternates	M. K. Vellodi P. P. Pillai B. R. Sen Sri Narayan Mahtha B. Shiva Rao		
IRAN:			J. V. Wilson Mrs. I. E. Roberts
Representatives	Mostafa Adl Abolghassem Forouhar Nasrollah Entezam Fazlollah Nabil Jalal Abdoh Morteza Moshefegh Kazemi Hossein Navab Abolghassem Panahi Abbasali Khalatbary	Alternates	W. B. Sutch T. O. W. Brebner C. K. Webster C. Craw Miss I. P. Coates Miss H. N. Hampton
		NICARAGUA:	
Alternates		Representatives	Guillermo Sevilla-Sacasa Octavio Salinas Juan Jose Martinez-Lacayo
IRAQ:		NORWAY:	
Representatives	General Noury As-Said Mohammed Fadhil Jamali Abdullah Damluji Abdul-Majid Abbass	Representatives	Halvard M. Lange Nils Langhelle Wilhelm Munthe Morgenstjerne Carl J. Hambro Terje Wold Finn Moe Arthur Sundt J. Strand Johansen Mrs. Aase Lionaes Frede Castberg
Alternates	Mrs. Fadhil Jamali Mrs. Badia Afnan Miss Sirria Al Khoja Awni Khalidy Hashiem Hilli	Alternates	
LEBANON:		PAKISTAN:	
Representatives	Camille Chamoun Abdallah Yafi Charles Malik Victor Khouri Adel Osseiran Edouard Ghorra Ramiz Shamma Karim Azkoul	Representatives	Sir M. Zafrulla Khan M. A. H. Ispahani Mrs. S. Tasadduque Hussain M. Laik Ali Abdus Sattar Pirzada Mohamed Ayub Laurie Shaffi M. Farookhi
Alternates		Alternates	
LIBERIA:		PANAMA:	
Representatives	Gabriel L. Dennis William E. Dennis A. Dash Wilson	Representatives	Ricardo J. Alfaro Jorge E. Boyd Jose A. Sosa Juan Rivera Reyes Manuel Mendez Guardia
LUXEMBOURG:		PARAGUAY:	
Representatives	Joseph Bech Hugues Le Gallais Pierre Elvinger Pierre Pescatore	Representatives	Guillermo Enciso Velloso Cesar R. Acosta Carlos Soler
MEXICO:		PERU:	
	Jaime Torres Bodet Luis Padilla Nervo Primo Villa-Michel Luis Quintanilla Antonio Carrillo Flores Gustavo Martinez Cabanas Rafael de la Colina Raul Noriega	Representatives	Alberto Ulloa Juan Bautista de Laval Juvenal Monge Carlos Holguin de Laval Rear-Admiral Enrique A. Labarthe
Alternates		PHILIPPINES:	
NETHERLANDS:		Representatives	Brig.-General Carlos P. Romulo Miguel Cuaderno Emilio Abello Vicente Sotto Tomas Cabili Teodoro Evangelista Leonides S. Virata Salvador P. Lopez Colonel Amado N. Bautista Jose D. Ingles Renato Constantino
	Baron C. G. W. H. van Boetelaer van Oosterhout J. H. van Roijen J. W. M. Snouck Hurgronje J. A. W. Burger E. M. J. A. Sassen L. J. C. Beaufort Baron A. W. C. Bentinck J. P. A. Francois W. J. A. Kernkamp Miss Marga A. M. Klompe	Alternates and Advisers	
NEW ZEALAND:		POLAND:	
Representatives	Sir Carl August Berendsen James Thorn	Representatives	Zygmunt Modzelewski Oscar Lange Jozef Winiewicz Tadeusz Zebrowski Jan Drohojowski Manfred Lachs
		Alternates	

	Karol Lapter Juliusz Katz-Suchy Ksawery Pruszyński Ignacy Zlotowski	
SAUDI ARABIA:		
Representatives	H. R. H. Amir Faisal Al Saud Hafiz Wahba Asad Al Faqih Ebrahim Sulaiman Ali A. Alireza	
Alternates	Ahmed A. Jabbar Ahmed Shata Abdul Rahman Helaisi	
SIAM:		
Representatives	Arthakitti Banomyong Prince Wan Waithayakon Direck Jayanama Prince Subha Svasti Svastivat Suchit Hiranyapruck	
Alternate		
SWEDEN:		
Representatives	Osten Uden Axel Gjores Rickard Sandier Gosta Bagge Gustaf H. Eriksson	
Alternates	Vilmar Ljungdahl John Bergvall Gunnar Hagglöf Rolf Sohlman Mrs. Ulla Lindstrom	
SYRIA:		
Representatives	Faris el-Khouri Emir Adel Arslan Fayez el-Khouri Najib Armanazi Farid Zeineddin	
Alternate	Rafik Asha	
TURKEY:		
Representatives	Selim Sarper Zeki Polar	
UKRAINIAN S.S.R.:		
Representatives	Dmitri Z. Manuilsky Alexei D. Voina Stephen P. Demchenko Vasili A. Tarasenko	
UNION OF SOUTH AFRICA:		
Representatives	H. G. Lawrence H. T. Andrews J. Naser L. C. Steyn Seymour Jacklin	
Alternates	J. R. Jordaan W. Dirkse-Van Schalkwyk L. H. Wessels A. H. Hamilton H. H. Woodward	
U.S.S.R.:		
Representatives	Andrei Y. Vyshinsky Andrei A. Gromyko Valerian A. Zorin Konstantin K. Rodionov Semen K. Tsarapkin	
Alternates	Boris E. Stein Vsevolod N. Durdenevsky Amazasp A. Arutiunian Alexei A. Roschin	

## UNITED KINGDOM:

Representatives	Ernest Bevin Hector McNeil Arthur Creech-Jones Sir Hartley Shawcross Sir Alexander Cadogan
Alternates	C. P. Mayhew A. G. Bottomley Kenneth G. Younger E. Davies Mrs. Florence Paton

## UNITED STATES:

Representatives	George C. Marshall Warren R. Austin Herschel V. Johnson Mrs. Franklin D. Roosevelt John Foster Dulles
Alternates	Charles Fahy Willard L. Thorp Francis B. Sayre Adlai E. Stevenson Major-General John H. Hilldring

## URUGUAY:

Representatives	Juan Carlos Blanco Pedro Manini y Rios Felipe Ferreira Jaime Bayley Adolfo Tejera
Alternates	Enrique Rodriguez Fabregat Juan Carlos Arrosa

## VENEZUELA:

Representatives	Carlos Eduardo Stolk Carlos D'Ascoli Pedro Zuloaga Gabriel Angel Lovera Lorenzo Mendoza Fleury
Alternates	Victor M. Perez Perozo Julio Pocaterria

## YEMEN:

Representatives	Prince Seif El Islam Abdullah Hassan Ibrahim Mohammed El Amri
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## YUGOSLAVIA:

Representatives	Stanoje Simic Sava Kosanovic Ales Bebler Ljubo Leontic Vladimir Popovic
Alternates	Vladislav Ribnikar Joza Vilfan Milan Bartos Josip Djerdja Leo Mattes

## B. Second Special Session of the General Assembly

## AFGHANISTAN:

Representative	Abdul Hamid Aziz
Alternates	Abdul Kayoum Sultan Ahmed

## ARGENTINA:

Representative	Jose Arce
Alternate	Rodolfo Munoz

## AUSTRALIA:

Representative	J. D. L. Hood
Alternate	W. D. Forsyth

<b>BELGIUM:</b>		<b>GREECE:</b>	
Representatives	Herman Vos Pierre Ryckmans Joseph Nisot	Representative	Alexis Kyrrou
Alternate		Alternates	John Kalergis Alexis S. Liatis
<b>BOLIVIA:</b>		<b>GUATEMALA:</b>	
Representative	Eduardo Anze Matienzo	Representative	Jorge Garcia Granados
<b>BRAZIL:</b>		Alternate	Carlos Garcia Bauer
Representatives	Joao Carlos Muniz Gilberto Amado Henrique de Souza Gomes	<b>HAITI:</b>	
Alternate		Representative	Joseph D. Charles
<b>BURMA:</b>		Alternate	Mauclair Zephirin
Representative	U So Nyun	<b>HONDURAS:</b>	
Alternate	U Tin Maung	Representative	Tiburcio Carias, Jr.
<b>BYELORUSSIAN S.S.R.:</b>		<b>ICELAND:</b>	
Representative	Leonid I. Kaminsky	Representative	Thor Thors
<b>CANADA:</b>		<b>INDIA:</b>	
Representative	General A. G. L. McNaughton	Representatives	Sir Girja Shankar Bajpai P. P. Pillai
Alternates	E. R. Hopkins George Ignatieff	Alternate	M. Gopala Menon
<b>CHILE:</b>		<b>IRAN:</b>	
Representative	Hernan Santa Cruz	Representative	Nasrollah Entezam
Alternates	Joaquin Larrain Higinio Gonzalez Enrique Bustos Fernando Maquieira	Alternates	Khosrow Khosrovani Khosrow Afshar
<b>CHINA:</b>		<b>IRAQ:</b>	
Alternates	T. F. Tsiang C. L. Hsia Shuhsi Hsü	Representatives	Naji Al-Asil Abdullah Bakr
<b>COLOMBIA:</b>		Alternates	Awni Khalidy Baha Awni
	Alfonso Lopez Gonzalo Restrepo-Jaramillo Alberto Gonzalez Fernandez Emilio Toro Jorge Ortiz Rodriguez	<b>LEBANON:</b>	
<b>COSTA RICA:</b>		Representative	Charles Malik
	Ricardo Fournier	Alternate	Edouard Ghorra
<b>CUBA:</b>		<b>LIBERIA:</b>	
Representatives	Guillermo Belt Carlos Blanco	Representatives	Benjamin G. Freeman Nete Sie Brownell Walter F. Walker
<b>CZECHOSLOVAKIA:</b>		<b>LUXEMBOURG:</b>	
Representative	Vladimir Houdek	Representative	Hugues Le Gallais
Alternate	Zdenek Smetacek	<b>MEXICO:</b>	
<b>DENMARK:</b>		Representatives	Luis Padilla Nervo Rafael de la Colina Octavio Barreda
Representative	William Borberg	Alternate	
<b>DOMINICAN REPUBLIC:</b>		<b>NETHERLANDS:</b>	
Representative	Max Henriquez-Ureña	Representative	J. W. M. Snouck Hurgronje
<b>ECUADOR:</b>		Alternates	J. G. de Beus A. I. Spits
Representative	Jose A. Correa	<b>NEW ZEALAND:</b>	
Alternate	Arturo Meneses Pallares	Representatives	Sir Carl August Berendsen A. D. McIntosh J. S. Reid
<b>EGYPT:</b>		<b>NICARAGUA:</b>	
Representatives	Mahmoud Fawzi Mohamed Amin Rostem	Representative	Guillermo Sevilla-Sacasa
<b>EL SALVADOR:</b>		Alternate	Major Juan Jose Rodriguez S.
Representative	Roberto Aguilar Trigueros	<b>NORWAY:</b>	
<b>ETHIOPIA:</b>		Representative	Finn Moe
Representatives	Ras H. S. Imru Getahoun Tesemma	<b>PAKISTAN:</b>	
<b>FRANCE:</b>		Representatives	Sir M. Zafrulla Khan M. A. H. Ispahani Mohammad Ali Colonel Majid Malik Akhtar Husain
Representative	Alexandre Parodi	<b>PANAMA:</b>	
Alternates	Roger Garreau Guy de La Tournelle Claude de Boisanger	Representative	Manuel de J. Quijano
		Alternate	Roberto de la Guardia
		<b>PARAGUAY:</b>	
			(no list submitted)

## PERU:

Representative Carlos Holguin de Laval  
 Alternate Alberto Soto de la Jara

## PHILIPPINES:

Representatives Brig.-General Carlos P. Romulo  
 Vicente J. Francisco  
 Alternates Salvador P. Lopez  
 Jose D. Ingles  
 Renato Constantino  
 Major Antonio Chanco  
 Major Patricio R. Monzon

## POLAND:

Representative Juliusz Katz-Suchy  
 Alternates Tadeusz Kassem  
 Aleksander Rudzinski

## SAUDI ARABIA:

Representatives H. R. H. Amir Faisal Al Saud  
 Hafiz Wahba  
 Asad Al Faqih  
 Ebrahim Sulaiman  
 Ali A. Alireza

## SIAM:

Representative Prince Wan Waithayakon

## SWEDEN:

Representative Gunnar Hagglof  
 Alternate Sverker Astrom

## SYRIA:

Representative Faris el-Khoury  
 Alternate Rafik Asha

## TURKEY:

Representative Selim Sarper  
 Alternate Adnan Kural

## UKRAINIAN S. S. R.:

Representatives Vasili A. Tarasenko  
 A. I. Galagan  
 V. P. Kovalenko

## UNION OF SOUTH AFRICA:

Representative H. T. Andrews  
 Alternate Seymour Jacklin

## U.S.S.R.:

Representatives Andrei A. Gromyko  
 Alexander S. Panyushkin  
 Semen K. Tsarapkin

## UNITED KINGDOM:

Representative Arthur Creech-Jones  
 Alternate Sir Alexander Cadogan

## UNITED STATES:

Representatives Warren R. Austin  
 Francis B. Sayre  
 Philip C. Jessup  
 Alternates Dean Rusk  
 John C. Ross

## URUGUAY:

Representative Enrique Rodriguez Fabregat

## VENEZUELA:

Representative Carlos Eduardo Stolk  
 Alternates Pedro Zuloaga  
 Victor M. Perez Perozo

## YEMEN:

Representatives Hassan Ibrahim  
 Abdel Rahman Abdel Samad

## YUGOSLAVIA:

Representative Joza Vilfan

## ANNEX II

## OFFICERS OF THE GENERAL ASSEMBLY

## A. Second Regular Session of the General Assembly

## President

Oswaldo Aranha (Brazil)

## Vice-Presidents

CHINA: Wang Shih-chieh  
 CUBA: Guillermo Belt  
 FRANCE: Georges Bidault  
 MEXICO: Jaime Torres Bodet  
 U.S.S.R.: Andrei Y. Vyshinsky  
 UNITED KINGDOM: Ernest Bevin  
 UNITED STATES: George C. Marshall

## General Committee

Chairman—The President of the General Assembly

Members—The Vice-Presidents of the General Assembly and the Chairmen of the Six Main Committees

## First (Political and Security) Committee

Chairman—Joseph Bech (Luxembourg)  
 Vice-Chairman—Adolfo Costa du Rels (Bolivia)  
 Rapporteur—Per Federspiel (Denmark)  
 Henrik Kauffmann (Denmark)

## Second (Economic and Financial) Committee

Chairman—Hernan Santa Cruz (Chile)  
 Vice-Chairman—C. L. Patijn (Netherlands)  
 Rapporteur—Josef Hanc (Czechoslovakia)

## Third (Social, Humanitarian and Cultural) Committee

Chairman—Oscar Lange (Poland)  
 Vice-Chairman—A. Dash Wilson (Liberia)  
 Rapporteur—Charles Malik (Lebanon)

## Fourth (Trusteeship) Committee

Chairman—Sir Carl August Berendsen (New Zealand)  
 Vice-Chairman—Kuzma V. Kiselev (Byelorussian S.S.R.)  
 Rapporteur—Max H. Dorsinville (Haiti)

## Fifth (Administrative and Budgetary) Committee

Chairman—Sir Fazl Ali (India)  
 Vice-Chairman—Joza Vilfan (Yugoslavia)  
 Rapporteur—Gosta Bagge (Sweden)  
 Richard Bergstrom (Sweden)

## Sixth (Legal) Committee

Chairman—Faris el-Khoury (Syria)  
 Vice-Chairman—Max Henriquez-Ureña (Dominican Republic)  
 Rapporteur—Georges Kaeckenbeeck (Belgium)

## Ad hoc Committee on the Palestinian Question

Chairman—H. V. Evatt (Australia)  
 Vice-Chairman—Prince Subha Svasti Svastivat (Siam)  
 Rapporteur—Thor Thors (Iceland)

## Ad hoc Committee on Headquarters

Chairman—Warren R. Austin (United States)  
 Vice-Chairman—Finn Moe (Norway)  
 Rapporteur—Alexis Kyrrou (Greece)

## Credentials Committee

Representatives of Chile, Czechoslovakia, Honduras, Iran (Chairman), Netherlands, New Zealand, Norway, Siam and United Kingdom.

## B. Second Special Session of the General Assembly

## President

Jose Arce (Argentina)

## Vice-Presidents

FRANCE: Alexandre Parodi  
 PERU: Carlos Holguin de Lavallo  
 SWEDEN: Gunnar Hagglof  
 TURKEY: Selim Sarper  
 U.S.S.R.: Andrei A. Gromyko  
 UNITED KINGDOM: Arthur Creech-Jones  
 UNITED STATES: Warren R. Austin

## General Committee

Chairman—The President of the General

Assembly

Members—The Vice-Presidents of the General Assembly and the Chairmen of the Six Main Committees

## First Committee

Chairman—T. F. Tsiang (China)  
 Vice-Chairman—Juliusz Katz-Suchy (Poland)  
 Rapporteur—Finn Moe (Norway)

Second Committee<sup>286</sup>

Chairman—Eduardo Anze Matienzo (Bolivia)

Third Committee<sup>286</sup>

Chairman—Carlos Garcia Bauer (Guatemala)

Fourth Committee<sup>286</sup>

Chairman—Sir Carl August Berendsen (New Zealand)

Fifth Committee<sup>286</sup>

Chairman—Joza Vilfan (Yugoslavia)

Sixth Committee<sup>286</sup>

Chairman—Nasrollah Entezam (Iran)

## Credentials Committee

Representatives of Belgium (Chairman), Dominican Republic, Egypt, India, Mexico, Netherlands, Pakistan, Ukrainian S.S.R. and Uruguay.

Members elected for three years to Dec. 31, 1950:

Andre Ganem (France)  
 Jan Papanek (Czechoslovakia)  
 N. Sundaresan (India)

## B. Committee on Contributions

## Chairman

G. Martinez Cabanas (Mexico)

Members elected for two years to Dec. 31, 1947:

Henry de Baumont (France)  
 Sir Cecil Kisch (United Kingdom)  
 Nedim El-Pachachi (Iraq)

Members elected for three years to Dec. 31, 1948:

J. P. Brigden (Australia)  
 G. Martinez Cabanas (Mexico)  
 Seymour Jacklin (Union of South Africa)  
 Nicolai V. Orlov (U.S.S.R.)

Members elected for three years to Dec. 31, 1949:

K. V. Dzong (China)  
 Jan Papanek (Czechoslovakia)  
 James E. Webb (United States)

Members elected for three years to Dec. 31, 1950:

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

## C. Board of Auditors

Served to June 30, 1948:

V. Shishov (Ukrainian S.S.R.)

To serve to June 30, 1949:

Uno Brunsog (Sweden)

To serve to June 30, 1950:

Robert Watson Sellar (Canada)

To serve to June 30, 1951:

Antonio Ordenez Ceballos (Colombia)

## D. Interim Committee of the General Assembly

## Chairman

Luis Padilla Nervo (Mexico)

## Vice-Chairman

Fernand van Langenhove (Belgium)

## Rapporteur

Nasrollah Entezam (Iran)

## ANNEX III

## MEMBERSHIP OF SUBSIDIARY BODIES OF THE GENERAL ASSEMBLY 287

## A. Advisory Committee on Administrative and Budgetary Questions

## Chairman

Thanassis Aghnides (Greece)

Members elected for one year to Dec. 31, 1947:

G. Martinez Cabanas (Mexico)  
 Andre Ganem (France)  
 S. K. Kirpalani (India)

Members elected for two years to Dec. 31, 1948:

Thanassis Aghnides (Greece)  
 C. L. Hsia (China)  
 Valentin I. Kabushko (U.S.S.R.)

Members elected for three years to Dec. 31, 1949:

Olyntho Machado (Brazil)  
 Sir William Matthews (United Kingdom)  
 Donald C. Stone (United States)

## AFGHANISTAN:

Representative Abdul Hamid Aziz

## ARGENTINA:

Representative Jose Arce  
 Alternate Guillermo Roque Spangenberg

## AUSTRALIA:

Representative J. D. L. Hood  
 Alternates W. D. Forsyth  
 Ralph L. Harry

<sup>286</sup> The Second to Sixth Committees met only to elect chairmen so as to form the General Committee. No other officers of these Committees were therefore elected during this session.

<sup>287</sup> For membership of Special Committee to Examine Information Transmitted under Article 73 e of the Charter, see Non-Self-Governing Territories, Annex II, p. 724.

<b>BELGIUM:</b>			<b>ICELAND:</b>	
Representative	Fernand van Langenhove		Representative	Thor Thors
Alternate	Joseph Nisot			
<b>BOLIVIA:</b>			<b>INDIA:</b>	
Representative	Eduardo Anze Matienzo		Representative	P. P. Pillai
Alternate	Antonio Mogro Moreno			
<b>BRAZIL:</b>			<b>IRAN:</b>	
Representative	Joao Carlos Muniz		Representative	Nasrollah Entezam
Alternate	Henrique de Souza Gomes			
<b>BURMA:</b>			<b>IRAQ:</b>	
Representative	U So Nyun		Representative	Abdullah Bakr
<b>BYELORUSSIAN S.S.R.:<sup>288</sup></b>			<b>LEBANON:</b>	
<b>CANADA</b>			Representative	Camille Chamoun
Representative	L. B. Pearson		Alternates	Edouard Ghorra
Alternates	George Ignatieff			Karim Azkoul
	R. G. Riddell			
<b>CHILE:</b>			<b>LIBERIA:</b>	
Representative	Hernan Santa Cruz		Representative	Frederick A. Price
Alternate	Joaquin Larrain			
<b>CHINA:</b>			<b>LUXEMBOURG:</b>	
Representative	T. F. Tsiang		Representative	Pierre Elvinger
Alternate	Shuhsi Hsü		Alternate	Hugues Le Gallais
<b>COLOMBIA:</b>			<b>MEXICO:</b>	
Representatives	Alfonso Lopez		Representative	Luis Padilla Nervo
	Roberto Urdaneta Arbelaez		Alternate	Raul Noriega
Alternate	Alberto González Fernandez			
<b>COSTA RICA:</b>			<b>NETHERLANDS:</b>	
Representatives	Ricardo Fournier		Representative	J. W. M. Snouck Hurgronje
	Alberto F. Carias		Alternate	J. G. de Beus
Alternates	Arturo Morales		<b>NEW ZEALAND:</b>	
	Rodrigo Fournier		Representative	Sir Carl August Berendsen
<b>CUBA:</b>			<b>NICARAGUA:</b>	
Representative	Guillermo Belt		Representative	Guillermo Sevilla-Sacasa
Alternate	Carlos Blanco		Alternates	Colonel Camilo Gonzalez-Cervantes
<b>CZECHOSLOVAKIA:<sup>288</sup></b>				Major Juan Jose Rodriguez S.
<b>DENMARK:</b>			<b>NORWAY:</b>	
Representative	William Borberg		Representative	Finn Moe
Alternate	Mrs. Nonny Wright		Alternates	Finn Seyersted
<b>DOMINICAN REPUBLIC:</b>			and Advisers	Einar Ansteensen
Representative	Max Henriquez-Ureña			Erik Nord
Alternate	Enrique de Marchena		<b>PAKISTAN:</b>	
<b>ECUADOR:</b>			Representative	M. A. H. Ispahani
Representative	Homero Viteri-Lafronte		Alternate	Laurie Shaffi
Alternate	Jose A. Correa		<b>PANAMA:</b>	
<b>EGYPT:</b>			Representatives	Manuel de J. Quijano
Representative	Mahmoud Fawzi			Mario de Diego
<b>EL SALVADOR:</b>			Alternate	Roberto de la Guardia
Representative	Roberto Aguilar Trigueros		<b>PARAGUAY:</b>	
<b>ETHIOPIA:</b>			Representatives	Guillermo Enciso Velloso
Representative	Getahoun Tesemma			Juan Felix Morales
<b>FRANCE:</b>			Alternate	Cesar R. Acosta
Representative	Alexandre Parodi		<b>PERU:</b>	
Alternate	Guy de La Tournelle		Representative	Alberto Ulloa
<b>GREECE:</b>			Alternate	Alberto Soto de la Jara
Representative	Alexis Kyrrou		<b>PHILIPPINES:</b>	
<b>GUATEMALA:</b>			Representative	Brig.-General Carlos P. Romulo
Representative	Carlos Garcia Bauer		Alternates	Salvador P. Lopez
<b>HAITI:</b>				Jose D. Ingles
Representatives	Emile Saint-Lot			Renato Constantino
	Stephen Alexis		<b>POLAND:<sup>288</sup></b>	
<b>HONDURAS:</b>			<b>SAUDI ARABIA:</b>	
Representative	Tiburcio Carias, Jr.		Representative	Asad Al Faqih

<sup>288</sup> The Governments of Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R. and Yugoslavia declared in the General Assembly that they would not participate in the work of the Interim Committee.

SYRIA:  
 Representative Faris el-Khourī  
 Alternate Fayez el-Khourī

TURKEY:  
 Representative Selim Sarper

UKRAINIAN S.S.R.:<sup>288</sup>

UNION OF SOUTH AFRICA:  
 Representative H. T. Andrews  
 Alternate Seymour Jacklin

U.S.S.R.:<sup>288</sup>

UNITED KINGDOM:  
 Representative Sir Alexander Cadogan  
 Alternate V. G. Lawford

UNITED STATES:  
 Representative Warren R. Austin  
 Alternates Philip C. Jessup  
 Joseph E. Johnson

URUGUAY:  
 Representative Enrique Rodríguez Fabregat

VENEZUELA:  
 Representative Carlos Eduardo Stolk  
 Alternates Pedro Zuloaga  
 Lorenzo Mendoza Fleury  
 Víctor M. Pérez Perozo

YEMEN:  
 Representative Rafik Asha

YUGOSLAVIA:<sup>288</sup>

E. United Nations Special Committee on the Balkans

AUSTRALIA:  
 Representative Lt.-Colonel W. R. Hodgson  
 Alternate Terence G. Glasheen

BRAZIL:  
 Representative Vasco T. L. da Cunha  
 Alternate Jorge de Oliveira Maia

CHINA:  
 Representative Sih Kwang-tsien  
 Alternate Chao Tsun-hsin

FRANCE:  
 Representative Emile Charveriat  
 Alternate Roger Monmayou

MEXICO:  
 Representative Francisco Castillo Najera  
 Alternate General Tomas Sanchez Hernandez

NETHERLANDS:  
 Representative James Marnix de Booy  
 Alternate Colonel J. J. A. Keuchenius

PAKISTAN:  
 Representative Colonel Abdur Rahim Khan  
 Alternate Colonel R. S. Chhatari

UNITED KINGDOM:  
 Representative Sir Horace Seymour  
 Alternate Brigadier J. C. Saunders-Jacobs

UNITED STATES:  
 Representative Admiral Alan G. Kirk  
 Alternate Gerald A. **Drew**

Seats were held open for representatives of Poland and the U.S.S.R., which were also elected to membership of the Committee, but both Governments declared that they would not participate in the work of the Committee.

#### F. United Nations Temporary Commission on Korea

AUSTRALIA:  
 Representative Lt.-Colonel S. H. Jackson

CANADA:  
 Representative George Sutton Patterson

CHINA:  
 Representative Liu Yu-wan

EL SALVADOR:  
 Representative Miguel Angel Pena Valle

FRANCE:  
 Representative Jean Paul-Boncour

INDIA:  
 Representatives K. P. S. Menon  
 I. J. Bahadur Singh

PHILIPPINES:  
 Representatives Melecio Arranz  
 R. Luna

SYRIA:  
 Representatives Ziki Djabi  
 Y. Mughir

The Government of the Ukrainian S.S.R., which was also elected to membership of the Commission, declared that it could not participate in its work.

#### G. United Nations Commission on Palestine

BOLIVIA:  
 Representative Raul Diez de Medina  
 (Vice-Chairman)

CZECHOSLOVAKIA:  
 Representative Karel Lisicky (Chairman)

DENMARK:  
 Representative Per Federspiel

PANAMA:  
 Representative Eduardo Morgan

PHILIPPINES:  
 Representative Vicente J. Francisco

#### H. Headquarters Advisory Committee

AUSTRALIA:  
 Representative C. V. Kellway

BELGIUM:  
 Representative Roland Lebeau

BRAZIL:  
 Representative Henrique de Souza Gomes

CANADA:  
 Representatives C. D. Howe  
 H. D. Scully

CHINA:  
 Representatives C. L. Hsia  
 Cheng Paonan

COLOMBIA:  
 Representative Edmundo de Holte-Castello

FRANCE:  
 Representative Guy de La Tournelle

GREECE:  
 Representative Alexis Kyrou

<sup>288</sup> The Governments of Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R. and Yugoslavia declared in the General Assembly that they would not participate in the work of the Interim Committee.



## INDIA:

Representatives P. P. Pillai  
S. Sen

## NORWAY:

Representatives Finn Moe  
Finn Seyersted  
Erik Nord

## POLAND:

Representative Juliusz Katz-Suchy

## SYRIA:

Representative Rafik Asha

## U.S.S.R.:

Representative V. I. Kabushko

## UNITED KINGDOM:

Representative H. A. Cooper

## UNITED STATES:

Representative Warren R. Austin (Chairman)

## YUGOSLAVIA:

Representative Misa Levi

### I. Advisory Committee on the Site of the Third Session of the General Assembly

Consisted of representatives of Australia, Byelorussian S.S.R., Ethiopia, India, Lebanon, Netherlands,<sup>289</sup> Norway, Panama and Uruguay.

### J. United Nations Mediator on Palestine

Count Folke Bernadotte (Sweden) (until September 17, 1948)

Ralph J. Bunche (United Nations) (Acting Mediator after September 17, 1948)

### K. Special Municipal Commissioner for Jerusalem (appointed by the Mandatory Power)

Harold Evans (United States)

### L. Investments Committee

Term of office to expire on December 31, 1948:

Marriner S. Eccles, Chairman of the Board of Governors, Federal Reserve System of the United States

Term of office to expire on December 31, 1949:

Ivar Rooth, Managing Director of the Bank of Sweden

Term of office to expire on December 31, 1950:

Jacques Rueff, Honorary Governor of the Bank of France

### M. United Nations Staff Benefit Committee

Members elected by the General Assembly:

Roland Lebeau, Belgium (Chairman)

Pavel M. Chernyshev, U.S.S.R.

Arthur J. Altmeyer, United States

Members appointed by the Secretary-General:

Miss Mary Smieton

Ralph J. Bunche

M. Perez Guerrero

Members elected by the Participants:

Marc Schreiber

Miss K. Petersen

Ansgar Rosenborg

## ANNEX IV

## RULES OF PROCEDURE OF THE GENERAL ASSEMBLY

In view of the extensive changes to the rules of procedure made at the second regular session of the General Assembly,<sup>290</sup> the revised rules (A/520) are reproduced below in extenso.

Note: Rules 42, 75, 76, 77 and 135, which reproduce textually provisions of the Charter, are printed in heavy type. A footnote has been added in the case of other rules which, while based directly on provisions of the Charter, do not reproduce those provisions textually.

### I. SESSIONS

#### Regular Sessions

#### Rule 1\*

Date of meeting.<sup>291</sup>—The General Assembly shall meet every year in regular session commencing on the third Tuesday in September.

#### Rule 2

Place of meeting.—Sessions shall be held at the headquarters of the United Nations unless convened elsewhere in pursuance of a decision of the General Assembly at a previous session or at the request of a majority of the Members of the United Nations.

#### Rule 3

Any Member of the United Nations may, at least one hundred and twenty days before the date fixed for the opening of a regular session, request that the session be held elsewhere than at the headquarters of the United Nations. The Secretary-General shall immediately communicate the request, together with his recommendations, to the other Members of the United Nations. If within thirty days of the date of the communication a majority of the Members concur in the request, the session shall be held accordingly.

#### Rule 4

Notification of session.—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 5

Adjournment of session.—The General Assembly may decide at any session to adjourn temporarily and resume its meetings at a later date.

#### Special Sessions

#### Rule 6

Summoning by the General Assembly.—The General Assembly may fix a date for a special session.

\*Rule based directly on a provision of the Charter.

<sup>289</sup>The Netherlands Government decided not to be represented on the Advisory Committee in view of the fact that a city of the Netherlands was being considered as one of the possible towns where the third session of the General Assembly might be held.

<sup>290</sup>See pp. 35-37 and 45-47.

<sup>291</sup>See rule 151: The description of the rules in the explanatory notes shall be disregarded in the interpretation of the rules. (Where no explanatory note is given, the previous explanatory note applies.)

**Rule 7**

Summoning on request from the Security Council or Members.—Special sessions of the General Assembly shall be held within fifteen days of the receipt by the Secretary-General of a request for such a session from the Security Council, or of a request from a majority of the Members of the United Nations, or of the concurrence of a majority of Members as provided in Rule 8.

**Rule 8**

Request by Members.—Any Member of the United Nations may request the Secretary-General to summon a special session. The Secretary-General shall immediately inform the other Members of the United Nations of the request and inquire whether they concur in it. If within thirty days of the date of the communication of the Secretary-General a majority of the Members concur in the request, a special session of the General Assembly shall be summoned in accordance with rule 7.

**Rule 9**

Notification of meeting.—The Secretary-General shall notify the Members of the United Nations at least fourteen days in advance, of the opening of a special session summoned at the request of the Security Council, and, at least ten days in advance, in the case of a request by a majority of the Members or the concurrence of a majority in the request of any Member.

## Regular and, Special Sessions

**Rule 10**

Notification to other bodies.—Copies of the notice summoning each session shall be addressed to all other principal organs of the United Nations and to the specialized agencies referred to in Article 57, paragraph 2, of the Charter.

## II. AGENDA

## Regular Sessions

**Rule 11**

Provisional agenda.—The provisional agenda for a regular session shall be drawn up by the Secretary-General and communicated to the Members of the United Nations at least sixty 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 the inclusion of which has been ordered by the General Assembly at a previous session;

(d) All items proposed by the other principal 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;

(g) All items which the Secretary-General deems it necessary to put before the General Assembly; and

(h) All items proposed under Article 35, paragraph 2, of the Charter by States not Members of the United Nations.

**Rule 13**

Supplementary items.—Any Member or principal organ of the United Nations or the Secretary-General may, at least thirty days before the date fixed for the opening of a regular session, request the inclusion of supplementary 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 twenty days before the date fixed for the opening of the session.

**Rule 14**

Amendments, deletions and additional items.—During any regular session of the General Assembly items may be amended or deleted from the agenda, and additional items of an important and urgent character may be placed on the agenda, by a majority of the Members present and voting. Consideration of additional items shall be postponed until seven days after they have been placed on the agenda, unless the General Assembly, by a two-thirds majority of the Members present and voting, decides otherwise, and until a committee has reported upon them.

## Special Sessions

**Rule 15**

Provisional agenda.—The provisional agenda of a special session, summoned at the request of the Security Council, shall be communicated to the Members of the United Nations at least fourteen days before the opening of the session. The provisional agenda of a special session summoned at the request of a majority of the Members, or the concurrence of a majority in the request of any Member, shall be communicated at least ten days before the opening of the session.

**Rule 16**

The provisional agenda for a special session shall consist only of those items proposed for consideration in the request for the holding of the session.

**Rule 17**

Supplementary items.—Any Member or principal organ of the United Nations or the Secretary-General may, at least four days before the date fixed for the opening of a special session, request the inclusion of supplementary 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.

**Rule 18**

Additional items.—During a special session items on the supplementary list and additional items may be added to the agenda by a two-thirds majority of the Members present and voting.

## Regular and Special Sessions

## Rule 19

Approval of the agenda.—At each session the provisional agenda and the supplementary list, together with the report of the General Committee thereon, shall be submitted to the General Assembly for approval as soon as possible after the opening of the session.

## Rule 20

Modification of the allocation of expenses.—No proposal for a modification of the allocation of expenses for the time being in force shall be placed on 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.

## III. DELEGATIONS

## Rule 21\*

Composition.—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 22

Alternates.—An alternate representative may act as a representative upon designation by the Chairman of the delegation.

## IV. CREDENTIALS

## Rule 23

Submission of credentials. — 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 Government or by the Minister of Foreign Affairs.

## Rule 24

Credentials Committee. — A Credentials Committee shall be appointed 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 25

Provisional admission to a session.—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 26

Temporary President.—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 27\*

Elections.—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, after the election of the Chairmen of the six Main Committees referred to in rule 90, on the basis of ensuring the representative character of the General Committee.

## Rule 28

Acting President.—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 29

A Vice-President acting as President shall have the same powers and duties as the President.

## Rule 30

Replacement of the President.—If the President is unable to perform his functions, a new President shall be elected for the unexpired term.

## Rule 31

General powers of the President.—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, 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 and over the maintenance of order thereat.

## Rule 32

The President shall not vote.—The President, or Vice-President acting as President, shall not vote but shall appoint another member of his delegation to vote in his place.

## VI. GENERAL COMMITTEE

## Rule 33

Composition.—The General Committee shall consist of fourteen members no two of whom shall be members of the same delegation, and shall be so constituted as to ensure its representative character. It shall comprise the President of the General Assembly, who shall preside, the seven Vice-Presidents and the Chairmen of the six Main Committees.

## Rule 34

Substitute members.—If a Vice-President of the General Assembly finds it necessary to be absent during a meeting of the General Committee he may designate a member of his delegation as his substitute. A Chairman of a Main Committee shall, in case of absence, designate the Vice-Chairman of the Committee as his substitute. A Vice-Chairman shall not have the right to vote if he is of the same delegation as another member of the Committee.

## Rule 35

Functions.—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

\*Rule based directly on a provision of the Charter

requests 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 coordination 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 36

Participation by representatives of Members requesting the inclusion of items in the agenda.—A Member of the General Assembly which has no representative on the General Committee, and which has requested the inclusion of an 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 37

Formal revision of resolutions of the General Assembly.—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. SECRETARIAT

#### Rule 38\*

Duties of the Secretary-General.—The Secretary-General shall act in that capacity in all meetings of the General Assembly, its committees and sub-committees. He may designate a member of the staff to act in his place at these meetings.

#### Rule 39

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 40

Duties of the Secretariat.—The Secretariat shall receive, translate, print and distribute documents, reports and resolutions of the General Assembly, its committees and organs; interpret speeches made at the meetings; prepare, 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 41\*

Annual report of the Secretary-General.—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 the opening of the session.

#### Rule 42

Notification under Article 12 of the Charter.—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 43\*

Regulations concerning the Secretariat.—The General Assembly shall establish regulations concerning the staff of the Secretariat.

### VIII. LANGUAGES

Official and working languages.—Chinese, English, French, Russian and Spanish shall be the official languages of the General Assembly, its committees and sub-committees. English and French shall be the working languages.

#### Rule 45

Interpretation from a working language.—Speeches made in either of the working languages shall be interpreted into the other working language.

#### Rule 46

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

#### Rule 47

Interpretation from other languages.—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 48

Language of verbatim records.—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 49

Language of summary records.—Summary records shall be drawn up as soon as possible in the official languages.

#### Rule 50

Language of Journal.—The Journal of the General Assembly shall be issued in the working languages.

#### Rule 51

Language of resolutions and important documents.—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 52

Publications in languages other than the official languages.—Documents of the General Assembly, its com-

\*Rule based directly on a provision of the Charter.

mittees and sub-committees, shall, if the General Assembly so decides, be published in any languages other than the official languages.

## IX. RECORDS

### Rule 53

Verbatim records.—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 54

Resolutions.—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.

## X. PUBLIC AND PRIVATE MEETINGS: PLENARY MEETINGS; MEETINGS OF COMMITTEES AND SUB-COMMITTEES

### Rule 55

General principles.—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 sub-committees shall also be held in public unless the body concerned decides otherwise.

### Rule 56

Private meetings.—All decisions of the General Assembly taken at a private meeting shall be announced at an 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.

## XL PLENARY MEETINGS

### Conduct of Business

### Rule 57

Report of the Secretary-General.—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 58

Reference to Committees.—The General Assembly shall not, unless it decides otherwise, make a final decision upon any item on the agenda until it has received the report of a committee on that item.

### Rule 59

Discussion of committee reports.—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 present and voting at the plenary meeting consider such a discussion to be necessary.

### Rule 60

Quorum.—A majority of the Members of the General Assembly shall constitute a quorum.

### Rule 61

Speeches.—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 62

Precedence.—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 63

Statements by the Secretariat.—The Secretary-General, or a member of the Secretariat designated by him as his representative, may at any time make either oral or written statements to the General Assembly concerning any question under consideration by it.

### Rule 64

Points of order.—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 65

Time limit on speeches.—The General Assembly may limit the time to be allowed to each speaker.

### Rule 66

Closing of list of speakers.—During the course of a debate the President may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. He may, however, accord the right of reply to any Member if a speech delivered after he has declared the list closed makes this desirable.

### Rule 67

Adjournment of debate.—During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote.

### Rule 68

Closure of debate.—A representative may at any time move the closure of the debate on the item under discussion whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the General Assembly is in favour of the closure the President shall declare the closure of the debate.

**Rule 69**

Suspension or adjournment of the meeting.—During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote.

**Rule 70**

Order of procedural motions.—Subject to rule 64, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

**Rule 71**

Proposals and amendments.—Proposals and amendments shall normally 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, even though these amendments and motions have not been circulated or have only been circulated the same day.

**Rule 72**

Decisions on competence.—Subject to rule 70, any motion calling for a decision on the competence of the General Assembly to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

**Rule 73**

Withdrawal of motions.—A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be re-introduced by any Member.

**Rule 74**

Reconsideration of proposals.—When a proposal has been adopted or rejected it may not be reconsidered at the same session unless the General Assembly, by a two-thirds majority of the Members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

## Voting

**Rule 75**

Voting rights.—Each Member of the General Assembly shall have one vote.

**Rule 76**

Two-thirds majority.—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 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 77**

Simple majority.—Decisions of the General Assembly on questions other than those provided for in rule 76, 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 78**

Meaning of the expression "Members present and voting".—For the purpose of these rules, the phrase "Members present and voting" means Members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

**Rule 79**

Method of Voting.—The General Assembly shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the Members, beginning with the Member whose name is drawn by lot by the President. The name of each Member shall be called in any roll-call and one of its representatives shall reply "Yes", "No" or "Abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the Members.

**Rule 80**

Conduct during voting.—After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. Explanations of their votes by Members may, however, be permitted by the President either before or after the voting.

**Rule 81**

Division of proposals.—Parts of a proposal shall be voted on separately if a representative requests that the proposal be divided. The resulting proposal shall then be put to a final vote in its entirety.

**Rule 82**

Voting on amendments.—When an amendment is moved to a proposal, the amendment shall be voted on first. When 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 therefrom, and so on, until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

## Rule 83

Voting on proposals.—If two or more proposals relate to the same question, the General Assembly shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The General Assembly may, after each vote on a proposal, decide whether to vote on the next proposal.

## Rule 84

Elections.—All elections shall be held by secret ballot. There shall be no nominations.

## Rule 85

When only one person or Member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken which shall be restricted 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. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two-thirds of the votes cast; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a person or Member is elected. These provisions shall not prejudice the application of rules 132, 133, 135 and 137.

## Rule 86

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 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, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled. These provisions shall not prejudice the application of rules 132, 133, 135 and 137.

## Rule 87

Equally divided votes.—If a vote is equally divided on matters other than elections, a second vote shall be taken at a subsequent meeting which 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.

## XII. COMMITTEES

Creation, Officers, etc.

## Rule 88

Creation.—The General Assembly may set up such committees as it deems necessary for the performance of its functions.

## Rule 89

Categories of subjects.—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 90

Main Committees.—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 (including Non-Self-Governing Territories);
- (5) Administrative and Budgetary Committee; and
- (6) Legal Committee.

## Rule 91

Representation of Members.—Each Member may be represented by one person on each Main Committee and on 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 92

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.

## Rule 93

Sub-committees.—Each committee may set up sub-committees, which shall elect their own officers.

## Rule 94

Officers.—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. These elections shall be held by secret ballot.

## Rule 95

The Chairman of a Main Committee shall not vote.—The Chairman of a Main Committee shall not vote but another member of his delegation may vote in his place.

## Rule 96

Absence of officers.—If the Chairman finds it necessary to be absent during a meeting or any part thereof, the Vice-Chairman shall take his place. A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman. If any officer of the committee is unable

to perform his functions, a new officer shall be elected for the unexpired term.

#### Rule 97

Functions of the Chairman.—The Chairman shall declare the opening and closing of each meeting of the committee, shall direct its discussions, 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 of the committee and over the maintenance of order at its meetings.

#### Conduct of Business

#### Rule 98

Quorum.—A majority of the members of a committee shall constitute a quorum.

#### Rule 99

Speeches.—No representative may address the committee without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

#### Rule 100

Precedence.—The Chairman and the Rapporteur of a committee or sub-committee may be accorded precedence for the purpose of explaining the conclusion arrived at by their committee or sub-committee.

#### Rule 101

Statements by the Secretariat.—The Secretary-General or a member of the Secretariat designated by him as his representative may, at any time, make oral or written statements to any committee or sub-committee concerning any question under consideration by it.

#### Rule 102

Points of order.—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 Chairman in accordance with the rules of procedure. A representative may appeal against the ruling of the Chairman. The appeal shall immediately be put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members present and voting.

#### Rule 103

Time limit on speeches.—The committee may limit the time to be allowed to each speaker.

#### Rule 104

Closing of list of speakers.—During the course of a debate the Chairman may announce the list of speakers, and, with the consent of the committee, declare the list closed. He may, however, accord the right of reply to any member if a speech delivered after he has declared the list closed makes this desirable.

#### Rule 105

Adjournment of debate.—During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may

speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote.

#### Rule 106

Closure of debate.—A representative may at any time move the closure of the debate on the item under discussion whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the committee is in favour of the closure the Chairman shall declare the closure of the debate.

#### Rule 107

Suspension or adjournment of the meeting.—During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote.

#### Rule 108

Order of procedural motions.—Subject to rule 102, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

#### Rule 109

Proposals and amendments. — Proposals and amendments shall normally 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 committee unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though these amendments and motions have not been circulated or have only been circulated the same day.

#### Rule 110

Decisions on competence.—Subject to rule 108, any motion calling for a decision on the competence of the General Assembly to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

#### Rule 111

Withdrawal of motions.—A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be re-introduced by any member.

#### Rule 112

Reconsideration of proposals.—When a proposal has been adopted or rejected it may not be reconsidered at the same session unless the committee, by a two-thirds majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be



accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

#### Voting

##### Rule 113

Voting rights.—Each member of the committee shall have one vote.

##### Rule 114

Majority required.—Decisions in the committees of the General Assembly shall be taken by a majority of the members present and voting.

##### Rule 115

Meaning of the expression "Members present and voting".—For the purposes of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

##### Rule 116

Method of voting.—The committee shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in any roll-call and he shall reply "Yes", "No" or "Abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the members.

##### Rule 117

Conduct during voting.—After the Chairman has announced the beginning of voting, no representative shall interrupt the vote except on a point of order in connexion with the actual conduct of the voting. Explanations of their votes by members may, however, be permitted by the Chairman either before or after the voting.

##### Rule 118

Division of proposals.—Parts of a proposal shall be voted on separately if a representative requests that the proposal be divided. The resulting proposal shall be put to a final vote in its entirety.

##### Rule 119

Voting on amendments.—When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

##### Rule 120

Voting on proposals.—If two or more proposals relate to the same question, a committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. A committee may, after

each vote on a proposal, decide whether to vote on the next proposal.

##### Rule 121

Elections.—When only one person or member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted 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 Chairman shall decide between the candidates by drawing lots.

##### Rule 122

Equally divided votes.—If a vote is equally divided on matters other than elections the proposal shall be regarded as rejected.

### XIII. ADMISSION OF NEW MEMBERS To THE UNITED NATIONS

##### Rule 123

Applications.—Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration, made in a formal instrument, that it accepts the obligations contained in the Charter.

##### Rule 124

Notification of applications.—The Secretary-General shall send for information a copy of the application to the General Assembly, or to the Members of the United Nations if the General Assembly is not in session.

##### Rule 125

Consideration and decision by the General Assembly.—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 126

If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, the General Assembly may, after full consideration of the special report of the Security Council, send back the application to the Security Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report.

##### Rule 127

Notification of decision and effective date of membership.—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 General Assembly takes its decision on the application.

### XIV. ELECTIONS TO PRINCIPAL ORGANS

#### General Provisions

##### Rule 128

Terms of office.—Except as provided in rule 136, the term of office of members of Councils shall begin on 1

January following their election by the General Assembly, and shall end on 31 December following the election of their successors.

#### Rule 129

By-elections.—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.

#### Election of the Secretary-General

#### Rule 130

Election of the Secretary-General.—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.

#### The Security Council

#### Rule 131\*

Annual elections.—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 132\*

Qualifications for membership.—In the election of non-permanent members of the Security Council, in accordance with Article 23, paragraph 1 of the Charter, 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 133†

Re-eligibility.—A retiring member of the Security Council shall not be eligible for immediate re-election.

#### The Economic and Social Council

#### Rule 134\*

Annual elections.—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 135

Re-eligibility.—A retiring member of the Economic and Social Council shall be eligible for immediate re-election.

#### The Trusteeship Council

#### Rule 136

Occasions for elections.—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 proceed to such election or elections to the Trusteeship Council as may

be necessary, in accordance with Article 86. A Member or Members elected at any such election at a regular session shall take office immediately upon their election and shall complete their terms in accordance with the provisions of rule 128, as if they had begun their terms of office on 1 January following their election.

#### Rule 137\*

Term of office and re-eligibility.—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.

#### Rule 138

Vacancies.—At each session the General Assembly shall, in accordance with Article 86 of the Charter, elect members to fill any vacancies.

#### The International Court of Justice

#### Rule 139

Method of election.—The election of the members of the International Court of Justice shall take place in accordance with the Statute of the Court.

#### Rule 140

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.

### XV. ADMINISTRATIVE AND BUDGETARY QUESTIONS

#### Rule 141

Regulations for financial administration.—The General Assembly shall establish regulations for the financial administration of the United Nations.

#### Rule 142

Estimates of expenditure.—No resolution involving expenditure shall be recommended by a committee for approval by the General Assembly unless it is accompanied by an estimate of expenditures prepared by the Secretary-General. No resolution in respect of which expenditures are anticipated by the Secretary-General shall be voted by the General Assembly until the Administrative and Budgetary Committee has had an opportunity of stating the effect of the proposal upon the budget estimates of the United Nations.

#### Rule 143

Information on the cost of resolutions.—The Secretary-General shall keep all committees informed of the detailed estimated cost of all resolutions which have been recommended by the committees for approval by the General Assembly.

#### Rule 144

Advisory Committee on Administrative and Budgetary Questions.—The General Assembly shall appoint an

\*Rule based directly on a provision of the Charter.

†Rule reproducing textually a provision of the Charter.

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 145

Composition of the Advisory Committee.—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 reappointment. The two financial experts shall not retire simultaneously. The General Assembly shall appoint the members of the Advisory Committee at the regular session immediately preceding the expiration of the term of office of the members, or, in the case of vacancies, at the next session.

#### Rule 146

Functions of the Advisory Committee.—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.

#### Rule 147

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

#### Rule 148

Composition of the Committee on Contributions.—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 reappointment. The General Assembly shall appoint the members of the Committee on Contributions at the regular session immediately preceding the expiration of the term of office of the members, or, in case of vacancies, at the next session.

#### Rule 149

Functions of the Committee on Contributions.—The Committee on Contributions shall advise the General Assembly concerning the appointment, 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 assessments 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. The Committee shall also advise the General Assembly on the assessments to be fixed for new Members, on appeals by Members for a change of assessments, and on the action to be taken with regard to the application of Article 19 of the Charter.

### XVI. SUBSIDIARY ORGANS OF THE GENERAL ASSEMBLY

#### Rule 150†

Creation and rules of procedure.—The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions. The rules relating to the procedure of committees of the General Assembly, as well as rules 38 and 55, shall apply to the procedure of any subsidiary organ, unless the General Assembly or the subsidiary organ decides otherwise.

### XVII. INTERPRETATION AND AMENDMENTS

#### Rule 151

Notes in italics.—The description of the rules in the table of contents and the notes in italics to these rules shall be disregarded in the interpretation of the rules.

#### Rule 152

Method of amendment.—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.

†Rule reproducing textually a provision of the Charter.