

## X. Administrative Questions<sup>1</sup>

### A. COMPOSITION OF THE SECRETARIAT AND THE PRINCIPLE OF GEOGRAPHICAL DISTRIBUTION

The General Assembly by resolution 153(II), adopted on 15 November 1947, requested the Secretary-General to examine the recruitment policy previously followed, with a view to improving the geographical distribution of the staff and to report to the next regular session of the General Assembly on the action he had taken in this regard.

In his report (A/652) to the third session of the General Assembly, the Secretary-General stated that a review of the recruitment policy previously followed had shown that three main measures should be taken to improve existing practice: (1) to hold examinations in under-represented countries with a view to recruitment of promising junior professional and administrative staff for career appointment; arrangements to hold examinations in India and Latin America had been made and it was hoped that approximately twenty candidates might be recruited; (2) to send recruiting officers to the Middle East, the principal area to which no such visits had, at that time, been made; this had been done, and improvement in the supply of candidates from this area might shortly be expected; (3) to provide delegations of under-represented countries with details of specific vacancies, and to request that they should supply information about candidates who were *prima facie* suitable. Willing co-operation from these delegations had furnished the Secretariat with a valuable nucleus of information which would continue to facilitate more successful appointments from the areas concerned.

The report went on to state that, as a second step, the Secretary-General had taken necessary measures to engage staff from countries which, in 1947, were unrepresented at the Secretariat.

The third step was to review the qualifications, background and experience of existing staff members with a view to replacing those who did not reach the high standards contemplated by the Charter.

Under the terms of the same Assembly resolu-

tion, the Secretary-General had also been asked to take all practicable steps to improve the existing geographical distribution, including the issuance of rules and regulations which he might deem necessary to comply with the principles of the Charter. On 21 April 1948, the Secretary-General issued a bulletin (No. 77) on the improvement of geographical distribution. It stated that, until a more balanced geographical distribution was achieved, in every appointment to the Secretariat above grade 7, no appointments from over-represented countries should be made unless the Department of Administrative and Financial Services was satisfied, after consultation with the Department concerned, that no suitably qualified candidates from under-represented countries were available. This principle was also to be taken into account whenever the contracts of existing staff members were under review. The bulletin added that, as a rough guide, it should be assumed that the numerical representation of a country on the Secretariat was reasonable if its percentage of total staff did not deviate more than 25 per cent from its percentage of total contribution to the budget of the United Nations. The deviation, however, was not to apply in an upward direction to countries whose contribution was more than 10 per cent, and no country was to be regarded as over-represented if the number of its nationals employed in the Secretariat was less than four.

The Secretary-General's report stated that the measures outlined above had resulted in progressive and, in the circumstances, substantial improvement.

<sup>1</sup> For further information, see: Official Records of the General Assembly for its third and fourth sessions, including summary records of plenary meetings (separate vols. covering meetings 136 to 187, 188 to 219, and 220 to 276, and separate annex to each vol.) and summary records of meetings of the Fifth (Administrative and Budgetary) Committee (separate vols. covering meetings 104 to 178, 179 to 183, and 184 to 235, and separate annex to each vol.). See also documents referred to in text, e.g., reports of the Secretary-General and reports of the Advisory Committee on Administrative and Budgetary Questions.

The question was considered by the Fifth Committee at its 107th, 115th and 116th meetings on 27 September and 1-2 October 1948, at which time the Secretary-General was commended for the progress he had made.

The representatives of Brazil and Czechoslovakia pointed out, however, that there was an undue prominence of certain nationalities, and the representative of Egypt noted that, although the Secretariat was three years old, the Middle East was still under-represented.

The representative of the United States stressed the importance of granting the Secretary-General the widest reasonable discretion in dealing with Secretariat affairs, and of respecting his full authority in that field. This opinion was endorsed by the representatives of France, the Netherlands and Argentina. The representative of Belgium, supported by the representative of the Netherlands, thought that, while the geographical distribution of posts should be as wide as possible, it was dangerous to introduce the idea of proportional representation of the Member States within the Secretariat, especially since the staff did not represent the Members. The representative of Czechoslovakia asserted that it was unfair to base the composition of the Secretariat on the contributions of Member States. Certain representatives, including those of Egypt, Pakistan and Burma, made suggestions for closer consultation with Governments concerning recruitment and the representative of Haiti stated that it was important to take into consideration the international outlook of candidates.

The Committee rejected by 14 votes in favour to 20 against, with 5 abstentions, an amendment presented by the representative of China proposing that the phrase "notes with approval the progress made by the Secretary-General in the field of geographical distribution" be reworded to read "notes and approves the fact that some progress has been achieved by the Secretary-General in the matter of geographical distribution of staff in 1948."

In its report to the Assembly (A/672), the Fifth Committee took note of the fact that the

figures presented by the Secretary-General revealed more progress in the numerical distribution of the various nationalities than in the nationality distribution in the higher posts. Consequently, it was the sense of the Committee that the resolution should be interpreted as commending to the Secretary-General that continued efforts should be made to improve the geographical distribution of the staff throughout the internationally recruited categories, and particularly in the higher grades.

At its 150th plenary meeting on 8 October 1948, the General Assembly adopted, without objection, the resolution proposed by the Fifth Committee, as its resolution 233(III) as follows:

"The General Assembly

"1. Notes with approval the progress made by the Secretary-General in the field of geographical distribution of the staff;

"2. Recommends that, with due regard to the other principles embodied in paragraph 3 of Article 101 of the Charter, he continue his efforts toward the objective of staffing on as wide a geographical basis as possible all posts and grades internationally recruited;

"3. Reaffirms for this purpose General Assembly resolution 153(II) of 15 November 1947."

On 21 September 1949, the Secretary-General issued a report (A/C.5/L.1) giving information on the composition of the Secretariat as of 31 August 1949.

The table below (annex 3), taken from the Secretary-General's report, shows the number of the internationally recruited staff at Headquarters. The figures used were limited to Headquarters staff in grade 8 and above, with the exception of those occupying posts which require special language ability. Staff for grades through 7 is recruited in the New York area to reduce costs of transportation, installation and allowances, but up to 25 per cent of recruits in grades 5 through 7 may be drawn, if necessary, from outside the New York area; grades 8 and above are staffed internationally. Posts specifically linguistic in character are normally filled by staff whose mother tongue is the language required and they are not counted for purposes of numerical distribution, irrespective of their place of recruitment.

INTERNATIONALLY RECRUITED STAFF AT HEADQUARTERS

Comparative Table 1946-1949

15 OCT. 1946 31 AUG. 1947 31 AUG. 1948 31 AUG. 1949

NATIONALITY	15 OCT. 1946		31 AUG. 1947		31 AUG. 1948		31 AUG. 1949		DESIRABLE RANGE OF POSTS <sup>2</sup> BASED ON SGB/77
	TOTAL	PER CENT	TOTAL	PER CENT	TOTAL	PER CENT	TOTAL	PER CENT	
Afghanistan .....					1	0.10	1	0.10	1-3
Argentina .....			3	0.33	9	0.92	8	0.79	14-23
Australia .....	5	0.79	14	1.56	20	2.04	14	1.38	15-25
Austria (non-member) ....	1	0.16	1	0.11	1	0.10	1	0.10	

<sup>2</sup> Calculated on the basis of 1,000 internationally recruited posts (present number is 979) and using the formula contained in SGB/77, paragraph 2.

## Yearbook of the United Nations

NATIONALITY	15 OCT. 1946		31 AUG. 1947		31 AUG. 1948		31 AUG. 1949		DESIRABLE RANGE OF POSTS BASED ON SGB/77
	TOTAL	PERCENT	TOTAL	PERCENT	TOTAL	PER CENT	TOTAL	PER CENT	
Belgium	13	2.05	21	2.33	20	2.04	22	2.06	10-17
Bolivia	2	0.31	3	0.33	3	0.31	2	0.20	1-3
Brazil	6	0.94	15	1.67	16	1.62	16	1.57	14-23
Bulgaria (non-member)			1	0.11	2	0.21	2	0.20	
Byelorussian SSR									2-3
Canada	35	5.51	50	5.55	45	4.59	49	4.82	24-40
Chile	4	0.63	6	0.67	7	0.72	7	0.69	3-6
China	32	5.03	32	3.55	53	5.41	61	6.00	45-75
Colombia			2	0.22	5	0.51	2	0.20	3-5
Costa Rica			1	0.11	1	0.10	1	0.10	1-3
Cuba	3	0.47	3	0.33	4	0.41	4	0.39	2-4
Czechoslovakia	16	2.52	21	2.33	21	2.14	19	1.87	7-11
Denmark	9	1.42	16	1.78	16	1.62	16	1.57	6-10
Dominican Republic	2	0.31	2	0.22	2	0.21	2	0.20	1-3
Ecuador	3	0.47	5	0.55	6	0.61	4	0.39	1-3
Egypt	2	0.31	6	0.67	8	0.82	9	0.89	6-10
El Salvador									1-3
Ethiopia									1-3
France	61	9.59	61	6.76	64	6.54	69	6.78	45-75
Greece	4	0.63	8	0.89	7	0.72	8	0.79	1-3
Guatemala			1	0.11	1	0.10	2	0.20	1-3
Haiti			4	0.44	2	0.21	4	0.39	1-3
Honduras	1	0.16			2	0.21	1	0.10	1-3
Hungary (non-member)			1	0.11	2	0.21	2	0.20	
Iceland			1	0.11	1	0.10	1	0.10	1-3
India	2	0.31	7	0.78	20	2.04	23	2.26	24-40
Iran	2	0.31	5	0.55	6	0.61	4	0.39	3-6
Iraq	1	0.16	1	0.11	1	0.10	1	0.10	1-3
Israel									1-3
Lebanon					2	0.21	5	0.49	1-3
Liberia							1	0.10	1-3
Luxembourg			2	0.22	2	0.21	3	0.30	1-3
Mexico	1	0.16	5	0.55	7	0.72	10	0.99	5-8
Netherlands	12	1.89	22	2.44	22	2.25	22	2.16	11-18
New Zealand	2	0.31	7	0.78	11	1.12	10	0.99	4-6
Nicaragua									1-3
Norway	12	1.89	22	2.44	22	2.25	15	1.47	4-6
Pakistan					2	0.21	5	0.49	5-9
Panama	1	0.16	2	0.22	1	0.10	1	0.10	1-3
Paraguay			2	0.22	3	0.31	2	0.20	1-3
Peru			1	0.11	3	0.31	5	0.49	1-3
Philippines	1	0.16	1	0.11	3	0.31	5	0.49	2-4
Poland	10	1.57	22	2.44	23	2.35	25	2.46	7-12
Saudi Arabia									1-3
Spain (non-member)			1	0.11	1	0.10	1	0.10	
Sweden			8	0.89	22	2.25	21	2.06	15-26
Switzerland (non-member)	3	0.47	3	0.33	5	0.51	6	0.59	
Syria			1	0.11	4	0.41	4	0.39	1-3
Thailand			1	0.11	1	0.10	1	0.10	2-3
Turkey			1	0.11	4	0.41	7	0.69	7-11
Ukrainian SSR	4	0.63	3	0.33	3	0.31	2	0.20	6-11
Union of Burma					1	0.10	2	0.20	1-3
Union of South Africa	2	0.31	6	0.67	9	0.92	9	0.89	7-15
USSR	6	0.94	20	2.22	16	1.62	12	1.18	48-79
United Kingdom	88	13.84	129	14.30	130	13.28	127	12.48	86-115
United States	273	42.93	340	37.69	321	32.79	345	33.89	299-399
Uruguay	3	0.47	2	0.22	4	0.41	2	0.20	1-3
Venezuela	2	0.31	2	0.22	1	0.10	5	0.49	2-3
Yemen									1-3
Yugoslavia	6	0.94	5	0.55	5	0.51	5	0.49	3-4
Stateless and undetermined	6	0.94	3	0.33	5	0.51	5	0.49	
TOTALS	636	100.00	902	100.00	979	100.00	1,018	100.00	

Calculated on the basis of 1,000 internationally recruited posts (present number is 979) and using the formula contained in SGB/77, paragraph 2.

## B. UNITED NATIONS STAFF PENSION FUND

A provisional pension scheme was inaugurated on 27 January 1947 and the Staff Benefit Committee submitted its first annual report to the General Assembly at its second session (A/397). At its 121st plenary meeting on 20 November 1947, the General Assembly adopted resolution 162(II) by which the provisional scheme would be continued for a further period of one year, and which declared that a permanent pension scheme should be promulgated, if possible, in 1948.<sup>3</sup>

### 1. Consideration by the General Assembly at its Third Session

The second annual report of the Staff Benefit Committee (A/622) was submitted to the third regular session of the General Assembly, and considered at the 107th to 109th meetings of the Fifth Committee on 27 and 28 September 1948. A supplementary statement (A/622/Add.1) was presented verbally by the Chairman and showed that, as of 21 September 1948, 1,893 employees had been admitted to the pension scheme, of whom 104 had ceased to participate on account of death, retirement or withdrawal, leaving an active membership of 1,789. In referring to medical examinations, the report stated that the Committee had under consideration a modification of the standards with a view to some relaxation in certain categories. Since the first annual report, two death benefits had been incurred, one person had become entitled to a retirement pension, and fifty-five ex-participants had been paid withdrawal benefits.

The report showed the average yield on investments, which was 1.134 per cent as of 31 December 1947, had been increased to 2.416 per cent as of 30 June 1948, largely through the acquisition of long-term United States Government bonds. It was also noted that the pension scheme had been reviewed by the Staff Benefit Committee with the assistance of a panel of international actuaries and a consulting actuary.

The Fifth Committee had before it the reports of the Advisory Committee on Administrative and Budgetary Questions (A/534 paragraphs 44-54, and A/598 paragraphs 257-266) and a communication from the Secretary-General (A/C.5/225) transmitting the report of the Staff Benefit Committee which contained proposals for a permanent pension scheme (A/584, annexes 1 and 2). The Secretary-General observed that the proposals had been examined by the Advisory Committee and

substantially approved in their present form, except for four points on which there was a divergence of views between the Staff Benefit Committee and the Advisory Committee.

The Chairman of the Advisory Committee, in referring to the first of these four points which was concerned with the financing of orphans' benefits, was of the opinion that these benefits, at present chargeable against the general budget, should be provided under the pension scheme and could be included within the cost limit of 21 per cent. He suggested that this be achieved by reducing the rate of disability benefits by 10 per cent. The Staff Benefit Committee was opposed to any reduction in the rate of disability benefits, and contended that if the orphans' benefits were to be provided through the pension fund, the cost should be taken care of by an additional contribution to be paid by the United Nations and the staff in the usual ratio. The Advisory Committee's proposal that the benefits be included within the 21 per cent limit was adopted by 30 votes to 2, and its recommendation to reduce the rate of the disability benefits by 10 per cent was adopted by 19 votes to 11.

The second point referred to by the Secretary-General related to conditions under which a widow's pension would be payable when a staff member qualified for a disability pension. The Advisory Committee suggested that a provision be included whereby the wife of a staff member who had qualified for a disability pension would not be entitled to a widow's pension if their marriage had taken place within six months of his qualifying for a disability pension. The Staff Benefit Committee had recommended that the marital status be considered as at the time of the member's cessation of services. The Advisory Committee's proposal was accepted, after it had been agreed that the six-month limitation would not apply in cases where disability resulted from an accident.

Point three dealt with the protection of acquired rights of participants and beneficiaries. Several representatives supported the Chairman of the Staff Benefit Committee in his contention that any pension scheme which an employee's contract compelled him to enter was, in effect, a part of that contract, and could not be altered with the effect of reducing benefits payable thereunder so long as the staff member continued in the service of the United Nations. Other representatives supported

<sup>3</sup> See Yearbook of the United Nations 1947-48, pp. 180-81.

the viewpoint of the Advisory Committee, which held that it was impossible to abridge the right of the General Assembly to make changes in the pension scheme which would affect the acquisition of rights thereafter. The Advisory Committee's recommendation was adopted by a vote of 37 to 2.

The fourth point raised, had reference to benefits to be paid on separation after five years service but before retirement age. Without objection, the Committee accepted a proposal made by the Advisory Committee which provided for a third option with respect to benefits to be paid on separation after five years service but before retirement age. It authorized the payment of a lump sum plus a deferred annuity.

At its 150th plenary meeting on 8 October 1948, the General Assembly, on the recommendation of the Fifth Committee, adopted resolution 230(III) which read:

"The General Assembly

"Takes note of the second annual report of the Staff Benefit Committee to the General Assembly."

At the 169th meeting of the Fifth Committee on 30 November 1948, the general principles set out in the report of the Staff Benefit Committee submitting regulations for a permanent pension scheme (A/584) were approved subject to specific amendments agreed upon and as shown in the amended draft (A/C.5/W.115 and A/C.5/W.115/Corr.1). As a result of these amendments, the Staff Committee recommended (A/C.5/273) the cancellation of Provisional Staff Regulations Nos. 31 and 32 relating to the payment of children's allowances and orphans' benefits.

The representatives of Egypt and Saudi Arabia pointed out that the Joint Staff Pension Fund Regulations made no provision for the case of an official who had more than one wife. The Committee Chairman gave assurance that the matter would be given careful consideration by the Secretariat and would be taken into account by the Joint Staff Benefit Committee.

At the 174th plenary meeting of the General Assembly on 7 December 1948, the report of the Fifth Committee (A/750) was considered and adopted without discussion. Regulations for the United Nations Joint Staff Pension Fund were recorded as General Assembly resolution 248(III) as follows:

"The General Assembly

"Resolves that the following regulations shall be adopted for the United Nations Joint Staff Pension Fund."

## REGULATIONS FOR THE UNITED NATIONS JOINT STAFF PENSION FUND

### ARTICLE 1. Definitions

(a) "Member organization" means a specialized agency referred to in Article 57, paragraph 2, of the Charter which has been admitted to the United Nations Joint Staff Pension Fund under article 28 of these regulations.

(b) "Age of retirement" means the age at the end of the month in which the participant reaches the age of sixty years or such later age as may be determined in the staff regulations applying to the participant concerned for the termination of appointment by retirement, or in his conditions of appointment.

(c) "Pensionable remuneration" means the basic remuneration of a participant stated in his terms of employment to be pensionable. It shall not include any special grants or allowances, such as children's allowances, education grants, expense allowances, cost-of-living allowances, payments for overtime, fees, honoraria, and payments for any expenses incurred in the service of the United Nations or of a member organization. If part or the whole of the basic pensionable remuneration is paid in kind, the value of such payments, if not stated in the terms of employment, shall be determined by the Joint Staff Pension Board.

(d) "Final average remuneration" means the average annual pensionable remuneration of the participant during the last ten years of contributory service before the termination of employment. Where the participant has less than ten years of contributory service, the final average remuneration shall mean the average pensionable remuneration during the actual period of contributory service.

(e) "Contributory service" means the actual time spent in continuous employment, with the United Nations or a member organization or with two or more of these organizations, for which contributions have been paid on the pensionable remuneration in accordance with article 16, and such periods of non-pensionable service as may be treated as contributory service under article 3, and contributory service restored under article 12.

Intervals of not more than thirty calendar days in the period of service shall not be considered as breaking the continuity of service. The time covered by these intervals shall not be included in the period of contributory service.

(f) "Actuarial equivalent" means a benefit of equal value when determined on the basis of the mortality tables and the rate of interest last adopted by the United Nations Joint Staff Pension Board under article 29.

### ARTICLE 2. Participation

Every full-time member of the staff of the United Nations shall be subject to these regulations if he enters employment under a contract for one year or more, or when he has completed one year of employment, provided that he is under sixty years of age at the time of entering such employment and that his participation is not excluded by his contract of employment.

The foregoing provision shall apply to the Registrar and every full-time officer of the International Court of Justice.

Every full-time member of the staff of each member organization who is under sixty years of age at the time of his appointment shall, under conditions de-

terminated by the competent authority of the member organization, be subject to these regulations.

#### ARTICLE 3. Reckoning of non-pensionable service

When a person who has been in the employment of the United Nations or of a member organization in a non-pensionable capacity becomes subject to these regulations, his period of service before he became subject to these regulations shall be treated as contributory service to the extent to which he pays into the Joint Staff Pension Fund a sum or sums equal to the contributions which he would have paid had he been subject to these regulations throughout this period; plus 2.5 per cent compound interest, provided that there is continuity of service. For the purposes of this article, intervals of not more than thirty calendar days in the period of service shall not be considered as breaking the continuity of service. The time covered by these intervals shall not be included in the period of contributory service.

The earliest date from which employment with the United Nations can be reckoned is the first day of February 1946.

#### ARTICLE 4. Retirement benefits

Upon retirement on reaching the age of retirement, a participant shall be entitled during the remainder of his life to an annual retirement benefit, payable monthly, equal to one-sixtieth of his final average remuneration multiplied by the number of years of his contributory service not exceeding thirty years.

A participant may, with the consent of the Joint Staff Pension Board, prior to the date on which the first payment of his retirement benefit becomes due, elect to receive a lump sum not greater than one-third of the actuarial equivalent of the retirement benefit payable to him, and his retirement benefit shall be reduced in the proportion that such lump sum bears to the actuarial equivalent of his retirement benefit prior to reduction.

A participant who is entitled under this article to a benefit which is less than one hundred and twenty dollars per annum may at any time, with the consent of the Joint Staff Pension Board, receive the whole benefit payable to him in the form of a lump sum which is the actuarial equivalent of his benefit.

#### ARTICLE 5. Disability benefits

A participant who, before reaching the age of sixty, becomes unable to perform his duties satisfactorily due to serious physical or mental impairment, shall be entitled, subject to article 9, while such disability continues, to a disability benefit payable in the same manner as a retirement benefit and equal to nine-tenths of one-sixtieth of his final average remuneration multiplied by the number of years of his contributory service not exceeding thirty years. This disability benefit shall be not less than the smaller of:

(a) Three-tenths of the final average remuneration; or

(b) Nine-tenths of the retirement benefit to which he would have been entitled if he had remained in service until he had reached the age of sixty and his final average remuneration had remained unchanged.

#### ARTICLE 6. Commencement and discontinuance of disability benefit

The Joint Staff Pension Board shall determine, in accordance with article 5 and the procedure laid down in the administrative rules made under these regulations, when a participant qualifies for a disability benefit. The participant shall not, however, be entitled to a

disability benefit so long as he is entitled to receive any larger payments under the staff regulations applying to him.

Until the recipient of a disability benefit reaches the age of sixty, the Joint Staff Pension Board may require evidence of the continuance of disability and review his eligibility to a disability benefit in the light of such evidence. Where the Board decides that the recipient is no longer eligible for a disability benefit, it shall, after giving such notice as it considers proper in each case, discontinue the disability benefit. Where the disability benefit is discontinued and the recipient is not re-employed by the United Nations or a member organization, the Board, after taking into consideration all the circumstances existing while the benefit was being paid and at the time the benefit was discontinued, may grant to the recipient a withdrawal benefit not exceeding the amount of the withdrawal benefit which he would have received under article 10 if he had become entitled to a withdrawal benefit at the time he began to receive the disability benefit.

#### ARTICLE 7. Death benefits

(a) If a married male participant dies while in service, his widow shall be entitled, subject to article 9, to a widow's benefit amounting, except as provided in paragraph (c) below, to half of the benefit which would have been paid to the participant had he qualified for a disability benefit at the time of his death. This benefit shall cease on the widow's remarriage.

(b) (1) If a married man who is a recipient of a retirement benefit as provided under article 4 dies, his widow, provided she was his wife at the time of the cessation of his service with the United Nations or member organization, shall be entitled, except as provided in paragraph (c) below, to a widow's benefit half as large as the benefit which was being paid to the deceased at the time of his death. However, if the deceased at the time of his retirement had received a lump sum as provided in article 4, in lieu of part of the retirement benefit to which he was entitled, the widow's benefit shall be the half of the total retirement benefit to which the staff member was entitled at the cessation of his service. This benefit shall cease on the widow's remarriage.

(2) If a married man who is a recipient of a disability benefit dies, his widow, provided she was his wife six months before he qualified for a disability benefit, shall be entitled, except as provided in paragraph (c) below, to a widow's benefit half as large as the benefit being paid to the deceased at the time of his death. This benefit shall cease on the widow's remarriage.

(3) Notwithstanding article 7 (b) (2), when the disability of the deceased was the result of an accident or of damage to health arising from service in an unhealthy area, his widow, provided she was his wife at the time he qualified for the disability benefit, shall be entitled to a widow's benefit half as large as the benefit which was being paid to the deceased at the time of his death. This benefit shall cease on the widow's remarriage.

(c) If a widow eligible for a benefit under paragraph (a) or (b) is younger than the deceased by more than twenty years, the annual amount of the benefit shall be reduced so that the value of the benefit shall be the actuarial equivalent of the benefit which would have been payable to a widow twenty years younger than the deceased.

(d) Upon ceasing to be entitled to a widow's benefit by reason of remarriage, the widow shall be entitled to a lump-sum payment equal to twice the annual amount of her widow's benefit.

(e) Upon the death in service of a female participant who leaves no orphans entitled to an orphan's benefit, or of a male participant who leaves no widow entitled to a pension or orphan entitled to an orphan's benefit, there shall be paid to the person or persons who had been designated to the Joint Staff Pension Board by the participant as the beneficiary or beneficiaries a sum equal to:

(1) His own contributions to the Pension Fund, with compound interest at 2.5 per cent per annum, plus

(2) Such amount as may have been transferred on his account to the Pension Fund from the Provident Fund at the time of his entry into the Pension Fund, without interest.

(f) Participants referred to in paragraph (e) shall be entitled to designate more than one beneficiary, in which case the participants shall determine the proportion of the benefit to be paid to each of the beneficiaries.

#### ARTICLE 8. Children's benefits and orphans' benefits

If a participant dies while in service and does not leave a widow entitled to a widow's benefit, each child of such participant shall be entitled to an orphan's benefit amounting to six hundred dollars per annum, payable monthly from the date of the death of such participant until the end of the month in which the orphan shall reach the age of eighteen years.

A male recipient of a retirement benefit (as provided under article 4) or of a disability benefit and a widow in receipt of a widow's benefit shall be entitled, while living, to a child's benefit amounting to three hundred dollars per annum in respect of each child of the recipient, payable monthly up to and including the month in which the child shall reach the age of eighteen years.

A female recipient of a retirement benefit (as provided under article 4) or of a disability benefit shall be entitled, while living, to a child's benefit amounting to three hundred dollars per annum in respect of each dependent child of such recipient, payable monthly up to and including the month in which the child shall reach the age of eighteen years.

Should a recipient of a retirement benefit (as provided under article 4) or of a disability benefit and also of a child's benefit die and not leave a widow entitled to a widow's benefit, each child in respect of whom a child's benefit was being paid to such recipient shall be entitled to an orphan's benefit amounting to six hundred dollars per annum, payable monthly from the date of the death of such recipient until the end of the month in which the orphan shall reach the age of eighteen years.

Should a widow in receipt of a child's benefit die, each child in respect of whom a child's benefit was being paid to her shall be entitled to an orphan's benefit amounting to six hundred dollars per annum, payable monthly from the date of the death of such widow until the end of the month in which the orphan shall reach the age of eighteen years.

#### ARTICLE 9. Eligibility for disability and death benefits

The Joint Staff Pension Board shall require every entrant or re-entrant, before admission to coverage by the benefits provided under articles 5 and 7, to undergo a medical examination to be prescribed in the adminis-

trative rules made under these regulations, unless the Board decides to accept the findings of a medical examination previously undergone by the entrant.

On the basis of the medical examinations referred to in the preceding paragraph, the Joint Staff Pension Board shall decide whether the participant concerned shall be entitled to the benefits provided under articles 5 and 7 immediately, or shall not be entitled to those benefits until he has five years of contributory service unless disability or death is the direct result of an accident; provided that, when a participant who has been declared by the Joint Staff Pension Board not to be entitled to the benefits provided in articles 5 and 7 until he has five years of contributory service ceases to be employed by the United Nations or by a member organization, prior to his having five years of contributory service, as the result of disability or death not the direct result of an accident or of damage to health arising from service in an unhealthy area, he or his designated beneficiary or beneficiaries shall be paid a sum equal to:

1. His own contributions to the Pension Fund, with compound interest at 2.5 per cent per annum, plus

2. Such amount as may have been transferred on his account to the Pension Fund from the Provident Fund at the time of his entry into the Pension Fund, without interest.

#### ARTICLE 10. Withdrawal benefits

If a participant leaves the service of the United Nations or of a member organization prior to reaching the age of sixty for reasons other than disability, death, or dismissal for serious misconduct, as defined in the staff regulations, he shall be entitled to the following withdrawal benefits:

(a) If the participant has less than five years of contributory service, he shall be paid a sum equal to:

(1) His own contributions to the Pension Fund, with compound interest at 2.5 per cent per annum, plus

(2) Such amount as may have been transferred on his account to the Pension Fund from the Provident Fund at the time of his entry into the Pension Fund, without interest.

(b) If the participant has five or more years of contributory service he shall be entitled, four months after his service ceases, to a lump-sum payment which shall be the actuarial equivalent, at the date his service ceased, of the retirement benefit payable at the age of sixty calculated on the basis of his contributory service and final average remuneration, provided that the amount to be received under this clause shall be not less than the amount receivable under paragraph (a) above. During that period of four months, he shall be eligible for a death benefit based on his contributory service at the date he ceased to be employed by the United Nations or by a member organization; but a widow's benefit will be payable only if his widow was his wife at the time his service ceased. If he dies during this period of four months and a death benefit becomes payable under article 7, no further benefit shall be payable.

(c) At the request of a participant, the Joint Staff Pension Board may pay the lump sum due under paragraph (b) at a date earlier than that prescribed, but the participant shall cease to be eligible for death benefits on the date that such payment is made.

(d) Any participant whose years of contributory service when added to his age at withdrawal equal sixty years may elect to receive, in lieu of the lump sum

due under paragraph (b), his withdrawal benefit in the form of, either

(1) A retirement benefit which is the actuarial equivalent of such lump sum; or

(2) One half of the lump sum due under paragraph (b) and a retirement benefit deferred to age sixty which is the actuarial equivalent of one-half of such lump sum.

#### ARTICLE 11. Summary dismissal for serious misconduct

A participant who, in conformity with the staff regulations, has been summarily dismissed for serious misconduct shall receive:

1. His own contributions to the Pension Fund, with compound interest at 2.5 per cent per annum, plus

2. Such amount as may have been transferred on his account to the Pension Fund from the Provident Fund at the time of his entry into the Pension Fund, without interest, provided that, on the recommendation of the Secretary-General of the United Nations, or of the competent authority of the member organization concerned, the Joint Staff Pension Board may, to the extent so recommended, grant to such participant a lump sum equal to either the whole or a part of the remainder of the benefit he would have been entitled to, under article 10, had he ceased to be employed for reasons other than summary dismissal for serious misconduct.

#### ARTICLE 12. Re-employment

If a person who has ceased to be employed by the United Nations or a member organization becomes a participant by virtue of a new appointment, the following provisions shall apply, subject to article 9:

(a) If the participant received a lump-sum withdrawal benefit:

(1) He shall pay into the Pension Fund in a manner acceptable to the Joint Staff Pension Board a sum or sums equivalent to the withdrawal benefit received, with compound interest at 2.5 per cent per annum;

(2) The repayments so made shall be credited as additional contributions in accordance with the provisions of article 18.

(b) If the participant was in receipt of a withdrawal benefit under article 10 (d):

(1) Payment of that benefit shall cease;

(2) The lump sum which is the actuarial equivalent of such discontinued benefit at the date upon which payments were discontinued shall be credited as an additional contribution in accordance with the provisions of article 18.

(c) If the participant was in receipt of a disability benefit:

(1) Payment of that benefit shall cease;

(2) He shall re-enter the Pension Fund as a participant with credit for the contributory service which he had accumulated when his disability benefit began.

#### ARTICLE 13. Preservation of pension rights

Any agreement adjusting the provisions of these regulations which the Secretary-General proposes to conclude with a Member Government, with a view to securing continuity of the pension and staff-benefit rights of participants, shall be communicated to the Joint Staff Pension Board by the representatives of the Secretary-General on that Board, for observations, prior to the submission of such an agreement to the General Assembly for approval.

#### ARTICLE 14. Establishment of a Pension Fund

A Fund shall be established to meet the liabilities

resulting from these regulations. All moneys deposited with bankers, all securities and investments and all other assets which are the property of the Fund shall be deposited, acquired and held in the name of the United Nations. The Fund shall be administered separately from the assets of the United Nations by the Joint Staff Pension Board in accordance with these regulations, and shall be used solely for the purposes provided for in these regulations.

#### ARTICLE 15. Payments into the Fund

The Fund shall be maintained by

(a) The contributions of the participants;

(b) The payments of the United Nations and of the member organizations;

(c) The yield from the investments of the Fund;

(d) Any other receipts appropriate to the purposes of the Fund.

#### ARTICLE 16. Contributions of participants

Seven per cent of the pensionable remuneration of each participant shall be deducted from his remuneration and paid each month to the Pension Fund.

During any period of sick leave on full or half pay, participants shall continue to contribute to the Pension Fund by deduction from such payments on the basis of their full pensionable remuneration.

During any period of authorized leave without pay or sick leave without pay, a participant may have such periods included in his contributory service by paying his own contribution and the contribution that would normally be payable, under article 17 of these regulations, by the United Nations or a member organization on the basis of his full pensionable remuneration. In cases approved by the Secretary-General in respect of the United Nations staff, or by the competent authority in respect of the staff of member organizations, the United Nations or the member organizations may continue to pay the contribution otherwise due under article 17 of these regulations notwithstanding that the participant is not in receipt of pensionable remuneration; and in such cases the participant will pay only his own contribution.

#### ARTICLE 17. Payments by the United Nations and each member organization

The United Nations and each member organization shall pay to the Pension Fund in respect of the participants employed by them:

(a) Each month a contribution of an amount equal to 14 per cent of the total monthly pensionable remuneration of these participants;

(b) Each month such additional contributions as are necessary to maintain the Fund in a position to meet the obligations in respect of participants to whom the provisions of article 3 apply.

#### ARTICLE 18. Voluntary deposits by participants

(a) In addition to the contributions deducted from the remuneration of a participant as provided in article 16, any participant may, subject to the approval of the Joint Staff Pension Board and under such conditions as the Board may prescribe, deposit in the Pension Fund, in a lump sum or sums and/or by an increased rate of contribution, an amount computed to be sufficient to purchase an additional retirement benefit which, together with his prospective regular retirement benefit as provided herein, will provide for him a total retirement benefit not to exceed one-third of his final average remuneration at the age of retirement. Interest



at such rates as may be set from time to time by the Board shall be allowed on such contributions.

(b) Such additional contributions and/or amounts deposited under the provisions of article 12, together with the interest thereon, shall be credited to the participant's individual account in the Pension Fund and shall be used to provide an additional benefit, payable in the same form and at the same time as any regular benefit to which he may become entitled under these regulations; and such additional benefit shall be the actuarial equivalent of the amount so credited at the time such benefit becomes payable.

(c) Any married male participant who has contributed under the provisions of this article and who becomes entitled to a retirement or disability benefit may, prior to the commencement of payment of such benefit, elect to receive, in lieu of the additional benefit payable in accordance with paragraph (b) of this article, a benefit payable only during his own lifetime which is the actuarial equivalent of the benefit, including the prospective widow's benefit, otherwise payable.

#### ARTICLE 19. Deficiency payments

If at any time an actuarial valuation shows that the assets of the Pension Fund may not be sufficient to meet the liabilities under the regulations, there shall be paid into the Fund by the United Nations and each member organization the sum necessary to make good the deficiency. The United Nations and each member organization shall contribute to this sum an amount proportionate to the total contributions which each paid under article 17 during the three years previous to the date of the actuarial valuation referred to above.

#### ARTICLE 20. United Nations Staff Pension Committee

The United Nations Staff Pension Committee shall consist of three members, elected for three years by the General Assembly, three members appointed by the Secretary-General and three members, who must be participants and on the staff of the United Nations, elected for three years by such participants by secret ballot. Where questions directly affecting participants employed in the Registry of the International Court of Justice are under consideration, a member appointed by the Registrar shall be entitled to attend the meetings of the Staff Pension Committee. The Assembly and the participants shall each elect three alternate members for three years, and the Secretary-General shall appoint three alternate members.

The term of office of elected members of the United Nations Staff Pension Committee shall begin on 1 January following the election, and shall terminate on 31 December following the election of their successors. The elected members shall be eligible for re-election.

A secretary to the United Nations Staff Pension Committee shall be appointed by the Secretary-General upon the recommendation of the United Nations Staff Pension Committee. The Secretary of the Joint Staff Pension Board can be appointed to this office.

#### ARTICLE 21. Staff pension committees of member organizations

Each member organization shall have a staff pension committee, which shall include members chosen by the body of the member organization corresponding to the General Assembly of the United Nations, by the chief executive officer, and by the participants.

#### ARTICLE 22. Joint Staff Pension Board

The Joint Staff Pension Board shall consist of nine

members appointed by the United Nations Staff Pension Committee, and three members appointed by each of the staff pension committees of the member organizations.

The Joint Staff Pension Board may appoint a standing committee, which will act on its behalf when the Board is not in session.

#### ARTICLE 23. Secretary of the Joint Staff Pension Board

Upon the recommendation of the Joint Staff Pension Board, the Secretary-General of the United Nations shall appoint a secretary and other officer or officers to act in the absence of the secretary. The secretary and the officer acting in his absence shall exercise their functions under the authority of the Board. The payment of all benefits under these regulations must be certified by the secretary or the officer authorized by the Board to act in his absence.

#### ARTICLE 24. Power of delegation

Subject to article 23, the Joint Staff Pension Board may delegate to the staff pension committees of the United Nations and of each member organization, in respect of the participants and beneficiaries in these bodies, some or all of its discretionary powers relating to:

- (a) Admission of participants;
- (b) The granting of benefits under these regulations.

#### ARTICLE 25. Investment of assets of the Fund

Subject to the complete separation to be maintained between the assets of the Fund and the assets of the United Nations as provided in article 14, the investment of the assets of the Fund shall be decided upon by the Secretary-General, after consultation with an Investments Committee and after having heard any observations or suggestions by the Joint Staff Pension Board concerning the investments policy. The Investments Committee shall consist of three members appointed by the Secretary-General after consultation with the Advisory Committee on Administrative and Budgetary Questions, subject to subsequent confirmation by the General Assembly.

#### ARTICLE 26. Staff

Subject to article 23, the Secretary-General shall provide the staff required by the Joint Staff Pension Board of the United Nations and by the United Nations Staff Pension Committee, including the staff necessary for keeping of the accounts and records of the Fund and the payment of benefits.

Consulting actuaries to the Joint Staff Pension Board shall be appointed by the Secretary-General on the recommendation of the Board.

#### ARTICLE 27. Administrative expenses

Expenses incurred in the administration of these regulations by the Joint Staff Pension Board of the United Nations and by the United Nations Staff Pension Committee shall be met out of the general budget of the United Nations.

Expenses incurred in the administration of these regulations by the Staff Pension Committee of a member organization shall be met out of the general budget of that organization.

#### ARTICLE 28. Admission of specialized agencies

A specialized agency referred to in Article 57, paragraph 2, of the Charter shall become a member organization of the United Nations Joint Staff Pension Fund on its acceptance of these regulations, provided that agreement has been reached with the Secretary-General of the United Nations as to any payments necessary to be made by such specialized agency to the Pension Fund in respect of the new obligations incurred by the Fund through

its admission, and as to the other transitional arrangements that may be necessary, including the extent to which these regulations are to be applicable to employees of the specialized agency at the time of admission to the Fund.

Any agreement which the Secretary-General proposes to conclude with a specialized agency shall be communicated to the Joint Staff Pension Board by the representatives of the Secretary-General on that Board, for observations, prior to its conclusion.

#### ARTICLE 29. Adoption of basic tables

The Joint Staff Pension Board, upon the advice of a qualified actuary or actuaries, shall adopt from time to time service and mortality tables and the rate of regular interest which shall be used in all actuarial calculations required in connexion with the Pension Fund. Unless and until changed by the Joint Staff Pension Board, a rate of 2.5 per cent per annum shall be the applicable rate of regular interest. Once in each five years following the establishment of the Pension Fund, the Board shall have an actuarial investigation made into the mortality, service, and compensation experience of the participants and beneficiaries of the Pension Fund; and taking into account the results of such investigation, the Board shall adopt such mortality, service and other tables as it shall deem appropriate.

#### ARTICLE 30. Currency

Contributions and benefits shall be calculated in the currency in which the pensionable remuneration is fixed by the terms of employment.

Payments of benefits may be made in the currency selected from time to time by the recipient at the rate of exchange prevailing at the date of payment.

#### ARTICLE 31. Actuarial valuations

The Joint Staff Pension Board shall have an actuarial valuation of the Pension Fund made not later than one year after the appointed date\* by a qualified actuary or actuaries, and thereafter at least every three years. The actuarial report shall state the assumptions on which the calculations are based; it shall describe the method of valuation used; it shall state the results of the investigations as well as the recommendations, if any, for any appropriate action. The report shall be presented to the Joint Staff Pension Board, to the Secretary-General of the United Nations and to the competent authority of each member organization.

Upon the receipt of the actuarial report, the Joint Staff Pension Board shall make proposals to the General Assembly, and to member organizations, for any action to be taken as a result thereof. Copies of the actuarial report and of any such proposals shall be forwarded to the Advisory Committee on Administrative and Budgetary Questions.

#### ARTICLE 32. Non-assignability of rights

A participant or a beneficiary may not assign his rights under these regulations to another person.

#### ARTICLE 33. Debts owed to the Fund

Any payment due from a participant to the Pension Fund and unpaid at the date of his becoming entitled to any benefit under these regulations shall be deducted from the benefit in a manner to be determined by the Staff Benefit Committee.

#### ARTICLE 34. Documentary evidence

Every participant and every beneficiary under these regulations shall furnish such documentary evidence as may be required under the administrative rules.

#### ARTICLE 35. Annual report

The Joint Staff Pension Board shall present annually to the General Assembly of the United Nations and to the member organizations a report, including a balance sheet, on the operation of these regulations. The Secretary-General shall inform each member organization of any action taken by the General Assembly upon the report.

#### ARTICLE 36. Administrative rules

The Joint Staff Pension Board shall make administrative rules necessary for the carrying out of these regulations. These administrative rules shall be reported to the General Assembly and to the competent organ of each member organization.

#### ARTICLE 37. Amendments

The Joint Staff Pension Board may recommend to the General Assembly amendments to these regulations. The General Assembly may, after the Joint Staff Pension Board has been consulted, amend these regulations; and the regulations so amended shall take effect in regard to the participants in the Fund, including those who were participants before the regulations were amended, as from the date specified by the General Assembly but without prejudice to rights to benefits acquired through contributory service accumulated prior to that date.

#### ARTICLE 38. Appointed date

These regulations, which supersede and replace the Provisional Regulations of the United Nations Joint Staff Pension Scheme, shall come into force on 23 January 1949.

### TRANSITIONAL PROVISIONS RELATING TO THE UNITED NATIONS

#### PROVISION A. Transfer of Provident Fund credits

The credit of a participant in the Staff Provident Fund shall be transferred to the Pension Fund on the date on which he becomes a participant in the Pension Fund.

#### PROVISION B. United Nations payment

The United Nations shall pay into the Pension Fund a sum equal to 75 per cent of the amounts transferred under provision A.

#### PROVISION C. Transfer of contributory service

For the purpose of these regulations, the period in respect of which a participant contributed to the Staff Provident Fund shall be counted as contributory service.

#### PROVISION D. Administration of the Fund

Until such time as a member organization is admitted to the United Nations Joint Staff Pension Fund under article 28, the United Nations Staff Pension Committee shall exercise the powers and perform the functions of the Joint Staff Pension Board, and the secretary of the United Nations Staff Pension Committee appointed on the recommendation of the Committee by the Secretary-General shall exercise the powers and perform the functions of the secretary of the Joint Staff Pension Board.

#### PROVISION E. Election of members of the United Nations Staff Pension Committee

Notwithstanding the provisions of article 20, the first election of the three members of the United Nations Staff Pension Committee, and their alternates, elected by the participants, shall be for a one-year term, and the second election shall be for a two-year term.

The amendment to the United Nations Provisional Staff Regulations was adopted without ob-

<sup>4</sup>See article 38.

servations and recorded as General Assembly resolution 249(III) as follows:

"The General Assembly

"Resolves that Provisional Staff Regulation 31, relating to the payment of the children's allowance when a full-time staff member becomes entitled to benefits under the United Nations Joint Staff Pension Fund Regulations, and Provisional Staff Regulation 32, relating to orphans' benefits, shall be cancelled as from 23 January 1949."

## 2. Consideration by the General Assembly at its Fourth Session

The third annual report of the United Nations Joint Staff Pension Fund (A/987) was considered by the Fifth Committee at its 186th meeting on 28 September 1949. It was shown that approximately 1,500 new members had been brought into the scheme as a result of the new provision in the revised regulations enabling staff members to participate on completion of one year's service. As of 31 July 1949, 3,793 members had entered the fund and there had been 312 withdrawals, leaving an active membership of 3,481. The examination of 3,346 medical reports on entrants to the fund showed that 190, or approximately 6 per cent, had failed to meet the medical standards laid down for immediate coverage by the insurance provisions of the scheme. The hope was expressed that identity of standards would be achieved, as far as practicable, between the medical standards for employment and the standards for entitlement to immediate full benefits under the pension fund. It was felt that this would have the effect of reducing the rather high rate of 6 per cent of entrants medically disqualified. It was pointed out that, since 23 January 1949, practically the whole of the Secretariat had been covered by the pension fund.

The statement of cash income and disbursements (annex A) showed total cash receipts of \$6,504,319.18 and total disbursements of \$184,755.95,

leaving the accumulated fund, as of 31 July 1949, at \$6,319,563.23. The investments of the fund (annex B) showed the total value of investments at cost to be \$6,006,640.64 and the average yield to be 2.52 per cent. It was stated that the first actuarial valuation of the fund would be made as of 31 December 1949, and that an actuarial balance sheet would be presented to the General Assembly at the fifth session.

The report noted that the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, and the International Civil Aviation Organization had resolved to enter the pension fund as member organizations. It was also observed that, on the admission of any of the three specialized agencies referred to, the conditions requiring the constitution of the Joint Staff Pension Board would have been realized. In the meantime, the Board's functions were being carried out by the United Nations Staff Pension Committee, which had held 52 meetings up to 31 August 1949.

In discussing the report, the representatives of Australia, Belgium and the Netherlands recorded their satisfaction with the progress achieved in the operation of the pension fund, and voiced the hope that the specialized agencies would soon participate. It was agreed that the Committee would recommend that the General Assembly take note of the third annual report as submitted by the United Nations Staff Pension Committee.

At its 231st plenary meeting on 20 October 1949, the General Assembly considered the report of the Fifth Committee (A/1018) and on its recommendation adopted without objection resolution 341 (IV) which read:

"The General Assembly

"Takes note of the third annual report of the United Nations Staff Pension Committee to the General Assembly."<sup>5</sup>

## C. AMENDMENT TO THE UNITED NATIONS PROVISIONAL STAFF REGULATIONS

In his report (A/986) transmitted to the General Assembly on 21 September 1949, the Secretary-General suggested that, with the disappearance of the Appeals Board, a joint disciplinary committee be established through which representatives of the staff and the Administration could inquire into proposed disciplinary measures and advise the Secretary-General prior to the taking of action. He submitted a draft resolution (annex 2) to this effect as an amendment to Regulation 23 of the Provisional Staff Regulations. On the

other hand, the report of the Staff Committee (annexes 4 and 5) stated there was no need for a revision of Regulation 23. It welcomed the proposal to set up a joint disciplinary board, but contended that the need for a possibility of appeal against disciplinary action remained unchanged. The Advisory Committee on Administrative and Budgetary Questions (A/1003) was of the opinion

<sup>5</sup> For appointment of members of the United Nations Staff Pension Committee and of a member of the Investments Committee, see p. 38.

that the proposed joint disciplinary committee would protect members of the staff against any arbitrary disciplinary action.

The Fifth Committee considered the question at its 187th to 190th, 214th to 216th and 221st meetings during the period 29 September to 8 November 1949. The representative of Yugoslavia supported the position taken by the Staff Committee, which held that the redrafting proposed in the Secretary-General's report (A/C.5/L.4/Rev.1) of 4 October 1949, while an improvement, was still insufficient. In reply to a query from the representative of the United States as to whether there was to be any right of appeal to the Tribunal on disciplinary matters which had been considered by the Secretary-General's advisory board, the representative of the Secretary-General stated that there was no intention of providing for such an appeal, as this would be tantamount to interfering with the competence of the Secretary-General.

A further redrafting of the proposed amendment was submitted by the Secretary-General in a working paper (A/C.5/L.4/Rev.2) on 31 October 1949, at which time he stated that the Provisional Staff Regulation 23, in its revised form, would be entirely acceptable from the point of view of the staff. The representative of the Secretary-General assured the representatives of Belgium and the Netherlands that the joint ad-

ministrative machinery would be paritative and that the Secretary-General contemplated asking the administrative organ for advisory opinions. At the 221st meeting of the Fifth Committee on 8 November 1949, the amendment was unanimously adopted.

At the 255th plenary meeting of the General Assembly on 24 November 1949, resolution II contained in the Fifth Committee report (A/1127) was adopted by 48 votes to none, with no abstentions. It was recorded as General Assembly resolution 352 (IV) and read as follows:

"The General Assembly

"Resolves that Provisional Staff Regulation 23 shall be revised, as of 1 January 1950, to read as follows:

"(a) The Secretary-General shall establish joint administrative machinery with staff participation to advise him before disciplinary action is taken against any staff member.

"(b) The Secretary-General shall establish joint administrative machinery with staff participation to advise him in case of any appeal by staff members against any administrative decision alleging the non-observance of contracts of appointment or regarding the application of rules and regulations and established administrative practices or against disciplinary action.

"(c) An Administrative Tribunal shall be established to hear and pass judgment upon applications from staff members alleging non-observance of their contracts of employment or terms of appointment, including all pertinent regulations and rules.' "

## D. ESTABLISHMENT OF AN ADMINISTRATIVE TRIBUNAL

The General Assembly, by resolution 13(I) adopted on 13 February 1946, authorized the Secretary-General to appoint a small advisory committee to draft a statute for an Administrative Tribunal. Pursuant to this resolution, a committee was appointed and a report (A/91) was transmitted to the General Assembly at the second part of the first regular session. The report was considered at the 25th and 26th meetings of the Fifth Committee on 15-16 November 1946, when it was decided to postpone a decision until a later session of the Assembly. On 3 April 1947, as an interim measure, the Secretary-General established an Appeals Board.

At the 107th and 159th meetings of the Fifth Committee on 27 September and 6 November 1948, the representatives of Poland and Belgium stressed the importance of creating an Administrative Tribunal with the least possible delay. A Belgian draft resolution (A/C.5/261) asking the Secretary-General to submit a scheme for an Administrative Tribunal was withdrawn following a

verbal report by the Secretary-General that he had given the Staff Committee definite assurances that a final proposal would appear on the agenda of the General Assembly at the fourth regular session.

On 21 September 1949, the Secretary-General presented a report (A/986) to the General Assembly with the following annexes:

(1) Draft resolution of the General Assembly adopting the statute of the United Nations Administrative Tribunal;

(2) Draft resolution of the General Assembly amending regulation 23 of the Provisional Staff Regulations;

(3) Report of the Secretary-General (A/91 dated 16 October 1946) together with the annexed report of the special advisory committee appointed in conformity with resolution 13(I) of the General Assembly;

(4) The views of the Staff Committee on the draft statute, together with a supplementary memorandum (A/986/Add.1).

The Secretary-General specifically drew attention to the opinion expressed by the 1946 advisory committee that the Administrative Tribunal was intended to deal only with questions of the

interpretation of an official's contract and with the claims of officials for non-observance of the contract, and not with matters of internal administration which would go before internal bodies within the Secretariat and in which the Secretary-General's decision would be final.

The question was considered by the Fifth Committee at its 187th to 190th, 214th to 216th, and 221st meetings in the period between 29 September to 8 November 1949. The Fifth Committee also had before it the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/1003) as well as a working paper (A/C.5/L.4/Rev.2) prepared by the Secretariat which presented a revised text of the draft statute on the basis of amendments suggested by representatives.

During its debate on the question the Committee discussed a number of proposals. Among the decisions taken were the following. A USSR proposal to change the title from "Administrative Tribunal" to "Staff Claims Board" was rejected by 5 votes in favour to 19 against, with 13 abstentions. A Polish amendment which would establish the Tribunal as being competent to deal with any application which was not disposed of by the Appeals Board prior to 1 January 1950 was rejected by 9 votes in favour to 15 against, with 15 abstentions. A proposal to abolish the Appeals Board met with considerable opposition in the Fifth Committee. A Netherlands proposal to delete from the draft statute a Staff Committee proposal that the Administrative Tribunal be authorized to give advisory opinions was adopted by 30 votes to 3, with 7 abstentions. A Swedish amendment reducing the number of members serving on the Tribunal from seven to five was adopted by 19 votes to 15, with 4 abstentions. At the request of the representative of Pakistan, the wording of the paragraph was clarified to ensure that the Tribunal would not include two nationals of the same State.

A suggestion of the Advisory Committee that the members of the Tribunal be appointed by the General Assembly rather than by the International Court of Justice, as provided for in the draft statute, was adopted by 33 votes to 4, with 2 abstentions. A United States amendment, whereby no member of the Tribunal could be dismissed unless the General Assembly, by a two-thirds majority, should decide that he was unsuited for further service, was adopted by 16 votes to 14, with 11 abstentions.

At the suggestion of the representative of the United States, the wording of paragraph 3, article 7, was revised in order to make clear that the ad-

missibility of an application hinged primarily on the Secretary-General's decision. A South African amendment, proposing the deletion of paragraph 6 of the same article, which authorized the President of the Tribunal to order the suspension of the execution of a contested decision, was adopted by 14 votes to 12, with 15 abstentions.

Separate Polish amendments which provided for applications being filed in any of the five official languages of the United Nations and for judgments to be drawn up in any of the said five official languages were adopted.

A proposal made by the representatives of the Philippines and New Zealand, and endorsed by the Secretary-General, to delete article 8 of the original text of the draft statute (A/986, annex 1) which specified that an amount equal to 2 per cent of the annual salary of the applicant be deposited upon making an application to the Tribunal was adopted.

To allow for some discretion in the question of holding closed meetings of the Tribunal, the Committee stipulated that meetings in private would be held only in exceptional cases.

The provisions of article 9, relating to compensation, were amended so as to provide that the Tribunal should order payment of compensation if the Secretary-General, in exceptional circumstances, was of the opinion that the rescinding of a contested decision or the specific performance of the obligation invoked was impossible or inadvisable. A further suggestion submitted by the representative of Poland, establishing a time-limit of not more than sixty days for payment of compensation, was adopted without objection.

At the request of the representatives of Iran and the Philippines, the article dealing with authority to amend the statute was redrafted to make certain that the final approval of all amendments rested with the General Assembly.

A proposal by the Advisory Committee that the Tribunal should have the discretionary authority to withhold reasons on which a judgment was based was withdrawn by the Chairman of the Committee after representatives of Belgium, the Netherlands, Iran, Yugoslavia and the USSR had objected to the proposal as contrary to the practice followed in all civilized countries.

In his report (A/986), the Secretary-General mentioned that discussions with the specialized agencies indicated that the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization, the International Civil Aviation Organization and the World Health Organization had all expressed an interest in the

subject. On the other hand, the International Bank for Reconstruction and Development and the International Monetary Fund did not intend participating in any Administrative Tribunal which might be established by the United Nations.

The Committee also took note of a communication (A/C.5/L.21) from the World Health Organization which expressed concern over the fact that disputes arising out of disciplinary action would be placed outside the competence of the Administrative Tribunal. The communication mentioned that WHO staff regulations 28 and 29 assured its staff members the right to bring any dispute arising out of disciplinary action before the Tribunal. In referring to the possible participation by specialized agencies, the representative of Iran agreed with the Advisory Committee that it should be made perfectly clear that any award made by the Tribunal in connexion with a participating specialized agency should be paid by the agency itself.

A communication received from the President of the International Court of Justice, under date of 29 September 1949 (A/C.5/304), asked that all reference to the Registry of the Court be deleted from article 2 of the draft statute. It was explained that the International Court of Justice, by virtue of its own Statute, was vested with the right to determine the jurisdictional guarantees to be afforded to officials of the Registry in the event of non-observance of contracts of employment.

The draft statute as a whole, as amended, was adopted by the Fifth Committee by 39 votes to 2, with 2 abstentions.

The report of the Fifth Committee (A/1127 and A/1127/Corr.1) was considered at the 255th plenary meeting of the General Assembly on 24 November 1949. The representatives of Belgium, Egypt, France, the Netherlands and Venezuela submitted a joint resolution (A/1132) proposing that article 3 of the draft statute be amended to provide for seven members on the Tribunal instead of five. The amendment was adopted by 31 votes to 6, with 7 abstentions. The joint resolution also included an amendment authorizing the election of two Vice-Presidents. This was adopted by 35 votes to 1, with 11 abstentions. A third amendment included in the same draft resolution provided that no member of the Tribunal could be dismissed by the General Assembly unless the other members of the Tribunal were of the unanimous opinion that he was unsuited for further service. The amendment was adopted by 27 votes to 15, with 8 abstentions.

Resolution A, relating to the draft statute of the Administrative Tribunal, as amended, was

voted upon as a whole and adopted by 48 votes to none, with no abstentions. Recorded as General Assembly resolution 351 (IV),<sup>6</sup> it read as follows:

"The General Assembly

"Resolves that the following Statute shall be adopted for the United Nations Administrative Tribunal to come into force on 1 January 1950:"

#### STATUTE OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL

##### Article 1

A Tribunal is established by the present Statute to be known as the United Nations Administrative Tribunal.

##### Article 2

1. The Tribunal shall be competent to hear and pass judgment upon applications alleging non-observance of contracts of employment of staff members of the Secretariat of the United Nations or of the terms of appointment of such staff members. The words "contracts" and "terms of appointment" include all pertinent regulations and rules in force at the time of alleged non-observance, including the staff pension regulations.

2. The Tribunal shall be open:

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

(b) To any other person who can show that he is entitled to rights under any contract or terms of appointment, including the provisions of staff regulations and rules upon which the staff member could have relied.

3. In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by the decision of the Tribunal.

4. The Tribunal shall not be competent, however, to deal with any applications where the cause of complaint arose prior to 1 January 1950.

##### Article 3

1. The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Only three shall sit in any particular case.

2. The members shall be appointed by the General Assembly for three years, and they may be re-appointed; provided, however, that of the members initially appointed, the terms of two members shall expire at the end of one year and the terms of two members shall expire at the end of two years. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

3. The Tribunal shall elect its President and its two Vice-Presidents from among its members.

4. The Secretary-General shall provide the Tribunal with an Executive Secretary and such other staff as may be considered necessary.

5. No member of the Tribunal can be dismissed by the General Assembly unless the other members are of the unanimous opinion that he is unsuited for further service.

6. In case of a resignation of a member of the Tribunal, the resignation shall be addressed to the President of the Tribunal for transmission to the Secretary-General. This last notification makes the place vacant.

<sup>6</sup> For resolution 351 (IV) B, relating to the appointment of members of the Tribunal, see p. 37.

## Article 4

The Tribunal shall hold ordinary sessions at dates to be fixed by its rules, subject to there being cases on its list which, in the opinion of the President, justify holding the session. Extraordinary sessions may be convoked by the President when required by the cases on the list.

## Article 5

1. The Secretary-General of the United Nations shall make the administrative arrangements necessary for the functioning of the Tribunal.

2. The expenses of the Tribunal shall be borne by the United Nations.

## Article 6

1. Subject to the provisions of the present Statute, the Tribunal shall establish its rules.

2. The rules shall include provisions concerning:

- (a) Election of the President and Vice-Presidents;
- (b) Composition of the Tribunal for its sessions;
- (c) Presentation of applications and the procedure to be followed in respect to them;
- (d) Intervention by persons to whom the Tribunal is open under paragraph 2 of article 2, whose rights may be affected by the judgment;
- (e) Hearing, for purposes of information, of persons to whom the Tribunal is open under paragraph 2 of article 2, even though they are not parties to the case; and generally
- (f) Other matters relating to the functioning of the Tribunal.

## Article 7

1. An application shall not be receivable unless the person concerned has previously submitted the dispute to the joint appeals body provided for in the staff regulations and the latter has communicated its opinion to the Secretary-General, except where the Secretary-General and the applicant have agreed to submit the application directly to the Administrative Tribunal.

2. In the event of the joint body's recommendations being favourable to the application submitted to it, and in so far as this is the case, an application to the Tribunal shall be receivable if the Secretary-General has:

- (a) Rejected the recommendations;
- (b) Failed to take any action within the thirty days following the communication of the opinion; or
- (c) Failed to carry out the recommendations within the thirty days following the communication of the opinion.

3. In the event that the recommendations made by the joint body and accepted by the Secretary-General are unfavourable to the applicant, and in so far as this is the case, the application shall be receivable, unless the joint body unanimously considers that it is frivolous.

4. An application shall not be receivable unless it is filed within ninety days reckoned from the respective dates and periods referred to in paragraph 2 above, or within ninety days reckoned from the date of the communication of the joint body's opinion containing recommendations unfavourable to the applicant. If the circumstance rendering the application receivable by the Tribunal, pursuant to paragraphs 2 and 3 above, is anterior to the date of announcement of the first session of the Tribunal, the time-limit of ninety days shall begin to run from that date. Nevertheless, the said time-limit on his behalf shall be extended to one year if the heirs of a

deceased staff member or the trustee of a staff member who is not in a position to manage his own affairs, file the application in the name of the said staff member.

5. In any particular case the Tribunal may decide to suspend the provisions regarding time-limits.

6. The filing of an application shall not have the effect of suspending the execution of the decision contested.

7. Applications may be filed in any of the five official languages of the United Nations.

## Article 8

The oral proceedings of the Tribunal shall be held in public unless the Tribunal decides that exceptional circumstances require that they be held in private.

## Article 9

If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked; but if, in exceptional circumstances, such rescinding or specific performance is, in the opinion of the Secretary-General, impossible or inadvisable, the Tribunal shall within a period of not more than sixty days order the payment to the applicant of compensation for the injury sustained. The applicant shall be entitled to claim compensation in lieu of rescinding of the contested decision or specific performance. In any case involving compensation, the amount awarded shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 12.

## Article W

1. The Tribunal shall take all decisions by a majority vote.

2. The judgments shall be final and without appeal.

3. The judgments shall state the reasons on which they are based.

4. The judgments shall be drawn up, in any of the five official languages of the United Nations, in two originals which shall be deposited in the archives of the Secretariat of the United Nations.

5. A copy of the judgment shall be communicated to each of the parties in the case. Copies shall also be made available on request to interested persons.

## Article 11

The present Statute may be amended by decisions of the General Assembly.

## Article 12

The competence of the Tribunal may be extended to any specialized agency brought into relationship with the United Nations in accordance with the provisions of Articles 57 and 63 of the Charter upon the terms established by a special agreement to be made with each such agency by the Secretary-General of the United Nations. Each such special agreement shall provide that the agency concerned shall be bound by the judgments of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that agency and shall include, inter alia, provisions concerning the agency's participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing the expenses of the Tribunal.

## E. ORGANIZATION OF A UNITED NATIONS POSTAL ADMINISTRATION

The General Assembly, by resolution 150(II) of 20 November 1947, requested 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.

The Secretary-General investigated the matter and submitted a report (A/655) to the Assembly at its third session. The report stated that, excluding philatelic operations, it was estimated that it would cost the United Nations a net amount of at least \$60,000.00 to undertake its own postal administration. It was believed that, if the United Nations were to follow a policy similar to that of the United States, by accepting all orders for stamps however small, the administrative cost would be \$100,000.00 per annum, while the net annual revenue would be about \$65,000.00. The report stated that it did not appear to be possible for a United Nations postal administration to be affiliated directly with the Universal Postal Union under the terms of the Union's present convention. The United Nations would be required to set up a complete postal operation to be affiliated with the Universal Postal Union through an agreement with the United States. The report concluded that, because of limited financial prospects, complicated technical and administrative operations involved, and limited usefulness to overseas offices and specialized agencies, it appeared that there would be no financial advantage in pursuing the project further at the present time.

This conclusion was concurred in by the Advisory Committee on Administrative and Budgetary Questions, which considered the Secretary-General's report, and in its report to the General Assembly (A/663), recommended that, pending the completion of the permanent Headquarters of the United Nations, the Secretary-General be requested to pursue the inquiries and negotiations which he had already initiated.

The Advisory Committee was of the opinion that regard should be had to another and distinct aspect of the proposal, namely, the advantages in terms of publicity and propaganda likely to result from the issue of special United Nations stamps (in the event that a postal administration was created), or, alternatively, from the issue of national stamps primarily designed for United Nations purposes. The Committee also recommended, among other things, that the General Assembly

should request the Universal Postal Union to consider a revision of the constitution to permit, if necessary, the direct affiliation of the United Nations.

The question was considered at the 114th and 115th meetings of the Fifth Committee on 1 October, and at the 150th plenary meeting on 8 October 1948. At its 114th meeting, the Committee agreed on two recommendations: (1) that the Assembly should approve the principle of the establishment of a United Nations postal administration by 21 votes to 7, with 16 abstentions; (2) that it should be made clear that the carrying out of the plan should involve no financial loss to the United Nations by 30 votes to 10, with 4 abstentions. The recommendations were included in a draft resolution adopted by the Committee at the following meeting by 29 votes to none, with 10 abstentions.

The General Assembly considered the Committee's report (A/671/Rev.1) at its 150th plenary meeting on 8 October 1948, at which time the representative of Argentina stated that his delegation would vote in favour of the resolution but wished to make certain reservations. It considered the idea of establishing a United Nations postal administration to be one of the most interesting initiatives taken by the United Nations, and the issuance of postage stamps by the United Nations would be of inestimable value from the point of view of propaganda. However, his delegation rejected the alternative of issuing national stamps primarily designed for United Nations purposes, being of the opinion that the United Nations had the legal right to issue its own stamps and, in this way, become a member of the Universal Postal Union. He also suggested that arrangements for concluding agreements with Governments, before the issue of special postage stamps, should be limited to those countries where the United Nations organs were located, for example, the Netherlands, Switzerland and the United States. He hoped that a resolution would be adopted at the Assembly's fourth session enabling the United Nations to issue its own postage stamps.

The representative of the USSR felt that, inasmuch as it was too early to know the results of the inquiries and negotiations to be undertaken by the Secretary-General, it was untimely for the General Assembly to approve in principle the idea of establishing a United Nations postal administration. His proposal to delete that particular part



of the resolution was rejected by 13 votes in favour to 30 against, with 11 abstentions.

The draft resolution recommended by the Fifth Committee was adopted without objection by the General Assembly at its 150th plenary meeting on 8 October 1948, as its resolution 232(III):

"The General Assembly

"1. Takes note of the report of the Secretary-General on the question of a United Nations postal administration and of the report thereon of the Advisory Committee on Administrative and Budgetary Questions;

"2. Approves in principle the idea of establishing a United Nations postal administration;

"3. Invites the assistance of the Universal Postal Union in attaining this objective;

"4. Authorizes the Secretary-General to conclude arrangements with various Governments, beginning with the Governments of those countries in which the main United Nations offices are situated, for the issue of special or over-printed postage stamps, subject to the provisions that:

"(a) Words, designs and face values of such issues shall be approved by the Secretary-General;

"(b) No arrangements entered into under this paragraph shall involve financial loss to the United Nations;

"5. Requests the Secretary-General to pursue the inquiries and negotiations which he has already initiated and to present a report to the next regular session of the General Assembly."

In pursuance of this resolution, the Secretary-General consulted further with the competent organs of the Universal Postal Union and with the United States postal authorities, and reported (A/988 and Add.1) to the fourth session of the General Assembly. There were two annexes to the report; (1) the estimated cost of a United Nations postal administration, and (2) a report by W. R. Van Goor, Chief Director of the Netherlands Postal Service, an internationally recognized expert on postal questions:

The Secretary-General stated that the matter was considered at a meeting of the Executive and Liaison Committee of the Universal Postal Union in Locarno in October 1948, at which time a resolution was adopted expressing the opinion that the United Nations could, without being a member of the Universal Postal Union, set up a separate postal administration adhering to the Universal Postal Union and represented, from the postal point of view, by the United States. He explained that, in view of the complications which would necessarily arise if United Nations postage stamps were to be issued and used in different currencies in a number of different countries where United Nations regional offices and specialized agencies are located, the activities of a United Nations postal administration would best be limited, at least at the outset, to its Headquarters in the United States.

The Secretary-General detailed the functional operations of a United Nations postal administration, if established, and stated that a special agreement would have to be negotiated with the United States Post Office. He commented upon the possibility of arranging for an international competition for United Nations stamp designs, and estimated that the time needed for preparatory work to establish a postal administration would be twelve months. Referring to arrangements for the issue of special or over-printed stamps, he stated that an agreement had been reached with the Swiss authorities for the issue of over-printed Swiss postage stamps for use of all official mail dispatched from the European office. The Swiss authorities were also prepared to consider a stamp issue with special United Nations design when opportune. The United States authorities stated that an unusually heavy programme of commemorative stamps scheduled for 1949 precluded the possibility of issuing any special stamps during the calendar year, although consideration was being given to such an undertaking for some later date. It was understood such an issue would be more in the nature of a regular stamp issue for continuing use and would be issued only in the event the General Assembly decided against the establishment of a United Nations Postal System.

Annex 1 of the Secretary-General's report recorded the total estimated cost of United Nations postal services, as operated under the current system, at \$241,480. The estimated cost of the United Nations postal administration was set at \$280,480, against which would be applied revenue from the sale of postage stamps of about \$60,000, leaving a net cost of \$220,480.

Mr. Van Goor's report (annex 2) questioned the need for the United Nations to have a postal service of its own and indicated that current arrangements were eminently satisfactory. He discouraged the thought of issuing new postage stamps not primarily motivated by actual postal needs, and was of the opinion that the estimated cost of operations would be considerably higher than the figure shown in annex 1.

The Secretary-General's report was considered from 28 to 30 September 1949 at the 186th to 188th meetings of the Fifth Committee, which also had before it the report of the Advisory Committee on Administrative and Budgetary Questions (A/1002). The Advisory Committee recommended that the Secretary-General be requested to continue his preparations in view of the General Assembly's approval in principle of the establishment of a United Nations postal administration. It also asked that every effort be made to secure an ex-

tension of the issue of over-printed national postage stamps as constituting an important medium of publicity for the United Nations.

The representative of Argentina was critical of many of the findings made by Mr. Van Goor. He submitted a draft resolution (A/C.5/L.2) asking that the Secretary-General be authorized to continue to conclude the necessary arrangements for the organization of a United Nations postal administration so that operations might be started at the earliest possible date.

The representatives of Canada, India, the United Kingdom, Norway and the Union of South Africa felt that more detailed information was required before any decision could be reached, and the representative of the Netherlands asked that the Committee delay action until the final report of the Secretary-General had been received. The representative of Egypt expressed himself as being satisfied with the current postal arrangements and raised the question of possible censorship being enforced by the United States authorities. The Committee Chairman observed that a convention would have to be concluded between the United Nations and the United States to exclude any possibility of postal censorship. The representative of the United States stated that his Government was ready to co-operate with the United Nations irrespective of whatever decision might be taken.

In asking for the deletion of the second paragraph of the Argentine draft resolution, which requested the Assembly to approve the organization of a United Nations Postal Administration, the representatives of Syria, the USSR and Norway pointed out that the General Assembly had already taken a decision on the principle of the matter.

The representative of the Secretary-General explained that the Secretariat was not yet in a position to set up a postal administration without seeking the advice of experts, and he favoured the idea of allowing additional time to obtain detailed information, draw up the text of agreements to be reached with the United States postal authorities, and study the question of equipment and internal organization. He felt that the General Assembly could thereupon authorize the Secretary-General to bring into force the system so established, with effect from 1 January 1951.

A drafting committee, appointed to consider the Argentine draft resolution and amendments submitted by France and Brazil, presented an agreed text of a draft resolution (A/C.5/L.3), requesting the Secretary-General to continue the preparation of necessary arrangements for the establishment of a United Nations postal administration, and to submit a new report to the General Assembly not later than the beginning of the fifth regular session.

The representatives of New Zealand, Australia, China and the USSR questioned the use of the word "arrangements" and felt that this envisaged practical measures for the functioning of the United Nations postal administration. They considered such arrangements to be premature.

The draft resolution prepared by the drafting committee was adopted by 34 votes to none, with 8 abstentions. It was considered by the General Assembly at its 231st plenary meeting on 20 October 1949 (A/1015) and adopted without objection, as the Assembly's resolution 342 (IV). It read:

"The General Assembly,

"Referring to resolution 323(III) of 8 October 1948 adopted at its third regular session and in particular to paragraph 2 of that resolution,

"1. Takes note of the report of the Secretary-General on the organization of a United Nations postal administration, and of the report of the Advisory Committee on Administrative and Budgetary Questions;

"2. Requests the Secretary-General, in accordance with the provisions of the above-mentioned resolution to continue the preparation of necessary arrangements for the establishment of a United Nations postal administration;

"3. Requests the Secretary-General to submit a new report on this matter to the General Assembly not later than the beginning of the fifth regular session."

In accordance with a decision taken by the Fifth Committee at its 227th meeting on 22 November 1949, the Advisory Committee on Administrative and Budgetary Questions considered the report by the Secretary-General (A/C.5/355) on the financial implications for the year 1950 of General Assembly resolution 342 (IV). The Advisory Committee recommended approval of a supplementary estimate of \$10,000 for consultants for the preparation of necessary arrangements for the establishment of a United Nations postal administration.

## F. UNITED NATIONS TELECOMMUNICATIONS SYSTEM

The General Assembly, by resolution 158(II) adopted on 20 November 1947, directed the Secretary-General to take all steps necessary to ensure that the United Nations could proceed with negotiations 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 session.

In compliance with that resolution, the Secretary-General presented a report (A/676) to the third session of the General Assembly, informing the Members that all initial technical and administrative measures had been taken to obtain allocations of wave-lengths for the United Nations and urging that the General Assembly, at its present session, approve in principle the United Nations telecommunications plan as outlined in document A/335.<sup>7</sup> A detailed analysis of frequency requirements, call-signs etc., had been prepared as a result of action taken at the International Telecommunications Union conference held at Atlantic City in 1947, and it was planned to discuss definite assignments of short-wave frequencies at a meeting of the ITU to be held in Mexico City on 23 October 1948.

The Secretary-General pointed out that if all available wave-lengths were allocated at the Mexico City meeting to meet demands of existing agencies, as would be likely if the United Nations failed to announce its plans for its own services, it would be unrealistic to suppose that any of the above-mentioned agencies would be ready to relinquish allocations to the United Nations at a future date. He emphasized that current operations of United Nations radio services were possible only because transmission time of United States and Canadian transmitters had been placed at the disposal of the United Nations, and he held that it was essential that the United Nations obtain its own wave-lengths and continue its own services.

Turning to the political implications of the subject, the Secretary-General observed that United Nations radio programmes were now being broadcast on wave-lengths used also by national information services. He was of the opinion that such close association might give rise to confusion in the minds of listeners and should therefore be avoided if the usefulness of the United Nations service was to be maintained unimpaired. He also drew attention to the activities of the United Na-

tions in Palestine to show that in the case of urgent critical issues it was absolutely essential for the United Nations Headquarters to be able to communicate directly with any Member or with any of the subsidiary organs of the United Nations in the field.

The Secretary-General presented a draft resolution (annex 4) which would have the Assembly: approve in principle the establishment of a United Nations telecommunications system, reaffirm the United Nations position as an operating agency in the field of international telecommunications, and authorize the Secretary-General to proceed with his planning.

The question was considered by the Fifth Committee at its 150th, 151st and 159th meetings on 29 to 30 October and 6 November, and by the General Assembly at its 159th plenary meeting on 18 November 1948. The representatives of the United States, the United Kingdom, Brazil and the Union of South Africa made certain reservations with regard to the budgetary and technical aspects of the problem. They wished to know specifically whether approval in principle, as called for in the draft resolution proposed by the Secretary-General, would commit the Fifth Committee to approve the financial implications of the plan for a United Nations telecommunications system, thus calling upon the current session of the Assembly to appropriate funds for that purpose. They also asked whether, if necessary, the plan for a telecommunications system could be altered in the future.

The Chief Communications Engineer of the United Nations explained that the draft resolution was devised to allow the Secretary-General to make use of frequencies which were at that time available to the United Nations, but which might not be available after the Mexico City conference.<sup>8</sup> The United Nations had to have frequencies and, in order to get those frequencies, it had to have a technical plan. He stated that, at this time, approval of the plan in principle only was requested and such action by the Fifth Committee would not be binding on the United Nations at any time. The representatives of Brazil, the United Kingdom and the United States considered it would be difficult for the United Nations to base an argument

<sup>7</sup> See Yearbook of the United Nations, 1947-48, p. 182.

<sup>8</sup> At the Mexico City conference, favourable consideration was given to the request submitted by the representative of the United Nations with respect to the allocation of frequencies. Allocation plans, as of 31 December 1949, had not been finalized.

in favour of frequencies on a plan approved in principle, without committing itself to carry out that plan.

The representative of Belgium declared that his delegation was not opposed in principle to the setting up of a United Nations radio transmitting station, but felt that the present time was not opportune for the adoption of such measures. He was of the opinion that the commercial broadcasting networks could serve the needs of the United Nations, and if, at a later date, it was considered necessary to set up a United Nations radio broadcasting station, all Member States would be obliged to give the United Nations the necessary wavelengths. He suggested that the Fifth Committee content itself with taking note of the draft resolution contained in the Secretary-General's report.

The representatives of France and the USSR supported the draft resolution and felt that it was essential for the independence of the United Nations that it have its own radio facilities, rather than lease them from national Governments.

Amendments to the draft resolution contained

in the Secretary-General's report were proposed by the representatives of France, the USSR and the United States. At the request of the Committee, the three representatives formulated a joint draft resolution (A/C.5/W.99) which was adopted by the Committee by 28 votes to 1, with no abstentions, and incorporated in its report (A/705). It was adopted by the General Assembly at its 159th plenary meeting on 18 November 1948 by 44 votes to 1, and recorded as resolution 240 (III) as follows:

"The General Assembly

"Approves in principle the establishment of a United Nations telecommunications system;

"Reaffirms the United Nations position as an operating agency in the field of international telecommunications, and calls upon all Member Governments to support at all international telecommunications conferences the requirements of the United Nations for frequencies and services envisaged in the report of the Advisory Committee on United Nations Telecommunications (A/335);

"Authorizes the Secretary-General to present to the General Assembly, at its regular session of 1950, such recommendations as he deems necessary to establish a United Nations telecommunications system."