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President: Mr. Eelco N. VAN KLEFFENS
 (Netherlands).

AGENDA ITEMS 53, 48, 73 AND 38

Organization of the Secretariat

REPORT OF THE FIFTH COMMITTEE (A/2884)

Awards of compensation made by the United Nations Administrative Tribunal

REPORT OF THE FIFTH COMMITTEE (A/2883)

Commemoration of the tenth anniversary of the United Nations in 1955

REPORT OF THE FIFTH COMMITTEE (A/2885)

Budget estimates for the financial year 1955

REPORT OF THE FIFTH COMMITTEE (A/2886)

Mr. Liveran (Israel), Rapporteur of the Fifth Committee, presented the reports of that Committee and then spoke as follows:

1. Mr. LIVERAN (Israel), Rapporteur of the Fifth Committee: I should like to make just two observations. The Fifth Committee is very conscious of the invaluable help given to it by the Advisory Committee. The expert examination of many problems which the Advisory Committee provides and which, taken together, constitute a remarkable record in the administrative practice of international organizations, is eloquent testimony of the untiring labour of that Committee and of

the devotion of its members to the work which they have been called upon to do by the General Assembly.

2. Secondly, I wish to recall the tribute paid in the Fifth Committee to the Secretary-General for his achievement during the past year. Even on the administrative side alone these have been remarkable. The feeling which remained in the minds of all members of the Fifth Committee at the conclusion of a long and difficult agenda was that the affairs of the United Nations, under the distinguished leadership of its Secretary-General, were in good hands.

3. The PRESIDENT: We all thank Mr. Liveran for his report. Unfortunately, the Secretary-General was called away when Mr. Liveran spoke of his good stewardship, but I can assure the Assembly that I shall take good care that these observations will be brought to the attention of the Secretary-General.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee.

4. The PRESIDENT: I now invite the Assembly's attention to the report [A/2884] of the Fifth Committee relative to agenda item 53, entitled "Organization of the Secretariat". The Fifth Committee has unanimously recommended the adoption of two draft resolutions, the first entitled "Organization of the Secretariat", and the second, "Amendments to the staff regulations of the United Nations".

5. As no member of the Assembly feels it necessary to explain his vote on these two draft resolutions and in view of the unanimous decision in the Fifth Committee, I shall, if there is no objection, consider that the Assembly unanimously adopts both draft resolutions.

It was so decided.

6. The PRESIDENT: We now pass to the next report of the Fifth Committee, on agenda item 48, "Awards of compensation made by the United Nations Administrative Tribunal". In this connexion, the Assembly has before it the following documents: A/2883, the report of the Fifth Committee; A/L.192, which contains two amendments submitted by fifteen Members to the draft resolution proposed by the Committee in its report; and A/L.193, which contains an amendment submitted by Sweden.

7. Before calling on representatives who wish to explain their votes, I would point out that it is of course quite appropriate for members to speak on any of the three documents which are before us.

8. Mr. HEMSLEY (Canada): It gives me great pleasure to introduce to the Assembly the amendments to the draft resolution which has been recommended by the Fifth Committee in its report on the awards of compensation of the Administrative Tribunal. These

amendments are before the Assembly in document A/L.192, co-sponsored by fifteen Member States.

9. To my delegation and to the other sponsors of these amendments, it seemed apparent that many Member States were not entirely satisfied with either of the alternative wordings of the draft resolution which was before them in the Fifth Committee. A slightly different version would, it appeared, have been more widely accepted, and the wishes of the majority of Member States would have been much more clearly expressed. The co-sponsors of the original draft resolution, therefore, consulted with other Member States in an attempt to devise an amendment which would be acceptable to the great majority of delegations. We are hopeful that the amendments which are now before us achieve this end.

10. All delegations are aware that in the course of the discussion of this item in the Fifth Committee, there was a continuous process of compromise. The first draft resolution on this subject, proposed by Argentina and the United States, was withdrawn in favour of a greatly modified draft resolution with wider sponsorship. Certain amendments to this draft resolution were subsequently suggested and accepted by the sponsors. Other amendments did not prove acceptable to the sponsors of the draft resolution, but were approved by the Fifth Committee by a narrow majority. Canada and the other Member States whose names appear on the amendments which are before us have tried to carry the process of compromise one step further and to achieve a draft resolution of much wider acceptance.

11. The first amendment proposes to substitute the words "review of" for the words "appeal against" in the last paragraph of the preamble of the draft resolution. Members are aware that "review" was a term employed by the International Court of Justice when it referred to this matter in its advisory opinion.¹ I wish to emphasize that, in the view of the co-sponsors of the amendment, the word "review" is a broader term which would include appeals and other judicial procedures.

12. The object of this change, therefore, and the similar amendment in paragraph (b) (ii) of the second amendment before us is not to limit the special committee to the consideration of only one specific form of judicial review.

13. The second of our amendments seeks to insert as the first paragraph of section B of the draft resolution a provision by which the General Assembly would accept in principle judicial review of judgments of the United Nations Administrative Tribunal. Members will recall that this provision was included in section B of the original draft resolution but was never voted upon. It is our belief that this paragraph might have found acceptance in the Committee, and it is for this reason that the co-sponsors seek to place it before Members at this time. The proposed amendment to delete the word "possible" would then bring the present first paragraph of section B into harmony with this additional paragraph.

14. In conclusion, may I repeat that these amendments are offered in a spirit of compromise and in the conviction that the draft resolution will represent the greatest possible measure of agreement if the amend-

ments are accepted. We therefore earnestly commend them to the Assembly.

15. Mr. ENGEN (Norway): I should like to explain the vote which my delegation will cast on the draft resolution contained in the Committee's report [A/2883] and on the amendments submitted in document A/L.192, sponsored by the fifteen delegations and now explained by the previous speaker, the representative of Canada.

16. During the consideration of this item in the Fifth Committee, there was a considerable difference of opinion between the sponsors of the original draft resolution on the one hand, and, on the other hand, a number of delegations which sought to amend this draft to bring it into harmony with their views, which turned out to be the views of the majority of the Committee. A recommendation to the Assembly embodying these views was adopted by the Committee. However, the minority has persisted in its efforts to have the Assembly adopt a resolution which would be closer to its views than the draft adopted by the Fifth Committee. In order to achieve this, some amendments have been submitted for the consideration of the Assembly.

17. After having studied these amendments, we acknowledge that they have been drafted in a spirit of conciliation, and by this we are gratified. I can assure the sponsors of these amendments that, as far as the Norwegian delegation is concerned, we have studied them in a genuine desire to seek a conciliation of conflicting views. Our task in this respect has been made easier because the sponsors of these amendments have abandoned certain clauses in their original proposals to which my delegation objected for reasons of principle.

18. Among the amendments, we now have before us a proposal that the General Assembly should accept in principle a judicial review system. My delegation, quite frankly, still entertains serious doubts as to the wisdom of expressing such approval before the question has been studied much more thoroughly than we have had an opportunity to do during this session. As far as we are concerned, we shall certainly need more time before we can make up our minds on all the aspects of this extremely complicated problem.

19. At any rate, such acceptance in principle cannot be considered final and binding on us for our future discussion of the problem. Our understanding of such an acceptance on the part of the Assembly simply means that we express the opinion that the establishment of a system of judicial appeal will safeguard the principle of due process of law more effectively than a system without any such possibility of appeal. We can agree that, under such circumstances, an appeal system could be introduced unless arguments advanced against it are compelling.

20. In the light of these considerations, my delegation will not vote against paragraph (a) of the second amendment in document A/L.192; it will abstain. I stress, however, that the Assembly should make no final decision either way until it is confronted with concrete, detailed proposals. Only then will we be in a position to answer the following pertinent questions: Will an appeal system serve to complicate and exacerbate the dispute? Will it lead to undue delay, or will it facilitate a just settlement of the dispute? Furthermore, will the appeal system work with sufficient speed to ensure the redress of a wrong within a reasonable period of time? Or will it actually make it well-nigh impossible for the

¹ *Effect of awards of compensation made by the United Nations Administrative Tribunal, Advisory Opinion of 13 July 1954: I.C.J. Reports 1954, p. 47.*

injured party to see justice done because it will take too long to reach a final decision? Bearing in mind the rather complicated machinery already in existence, the last question seems to us to be a particularly pertinent one. However, we have mentioned only a few of the many questions which will arise when a detailed study of the problem is undertaken. We, for our part, reserve our right to raise a number of these questions in due course.

21. At this point, because of certain statements made in the Fifth Committee, my delegation deems it necessary to state that we have found nothing in the judgments of the Administrative Tribunal which would lead us to the conviction that there is any urgent need for an appeal system.

22. As regards their first amendment, to substitute the words "review of" for the words "appeal against", my delegation, in a spirit of co-operation, is willing to accept this change. This, however, does not mean that we have in any way abandoned our conviction that a non-judicial review system is unacceptable. The *conditio sine qua non* for our agreement to any new procedure would be that we are going to discuss a judicial appeal system. It is equally important that the authority, independence and judicial character of the Administrative Tribunal be preserved within such a system. On this specific understanding which I have outlined, the Norwegian delegation is prepared to vote in favour of the amendments now before us, except, as I have said, paragraph (a) of the second amendment, on which we shall abstain.

23. Finally, we shall vote in favour of the draft resolution as a whole even if the acceptance in principle of a judicial review system is included in it. This question, after all, is of secondary importance compared with the questions which will be settled once and for all by the adoption of sections A and C of the draft resolution.

24. Mr. SANDLER (Sweden): My delegation feels that the draft resolution adopted by the Fifth Committee deals with two questions which should have been kept separate. Once the International Court of Justice rendered its advisory opinion that awards made by the Administrative Tribunal are final, the only thing the United Nations had to do was to take note of this opinion and to provide for the necessary budgetary arrangements.

25. The question of a judicial review of the Tribunal's future judgments is quite another issue. We therefore find it unfortunate that, due to the combination of these two different questions in the draft resolution, a situation arose in which certain States voted against the budgetary arrangements because they were not in agreement with the result of the vote on the judicial review. While regretting the situation that has thus been allowed to arise, we will confine ourselves to an abstention on the joint amendments now before this plenary meeting. We will do so for the same reasons that have already been explained by the Norwegian delegation.

26. We do not find it possible to take a stand on the question of the desirability of a judicial review of the Administrative Tribunal's judgment before we know in what way such a review would be provided for. We would certainly not be able to subscribe to the substantive proposals that were put forth in the Committee by the delegation of the United States. Should the joint

amendments be accepted, we will nevertheless vote in favour of the draft resolution as a whole in order to ensure that the obligations of the Organization be honoured.

27. In view of what has been said, my delegation will consider itself entirely free when the question of a judicial review, or rather appeal, will be discussed next year on the basis of the future report of the special committee.

28. I now wish to say a few words about the amendment submitted by my delegation [A/L.193]. In our opinion an increase in the membership of the special committee is desirable in order to ensure a better geographical distribution and to ensure that the different opinions voiced in the debate on the subject are fully represented. For these reasons, my delegation has proposed that Norway and Syria be added to the list of members of the special committee.

29. Mr. FULBRIGHT (United States of America): The joint amendments [A/L.192] before the plenary meeting are the product of very earnest efforts among the fifteen co-sponsors and many other delegations to achieve maximum agreement—meaningful agreement—on a basic common premise. Paragraph (a) of the second amendment would add a new first paragraph to section B to record agreement in principle to judicial review of the judgments of the United Nations Administrative Tribunal without prejudicing in any way the final decision of the Assembly in establishing procedures to give effect to the principle.

30. As a consequence, it is proposed to substitute the word "review" for the word "appeal" in the final paragraph of the preamble and in the second paragraph of section B. This will make the wording of the draft resolution conform to that of the new first paragraph of section B and also to the language of the majority opinion of the International Court of Justice. The Court's language—to be found on pages 56 and 61 of the advisory opinion of 13 July 1954—is "review" and "judicial review".

31. Finally, paragraph (b) (i) of the second amendment would eliminate the word "possible" from the present first paragraph of section B since this qualification is inconsistent with a clearly expressed intention to go to work at once on the basis of the agreement in principle.

32. The debates in the Fifth Committee have shown the serious attention which Member States are prepared to give the problem of review procedure. Governments have had long and varied experience with their own national institutions. There is also the precedent of article XII of the Statute of the International Labour Organisation Administrative Tribunal. The projected conference will be able to draw heavily on all this experience in recommending a system best fitted to the special needs of the United Nations.

33. I believe that it has become clear in the course of the debate on this item that the purpose motivating my Government in seeking the adoption of a procedure for judicial review of Tribunal awards is to strengthen, not to weaken, the Secretariat of this Organization. We believe that a strong Secretariat is essential to the sound development of the United Nations. We also believe that it is impossible for this or any other secretariat to be strong if it is completely insulated from the outside world; if it appears that its members are not re-

quired to meet normal standards of conduct and if, as a result, it fails to retain the full confidence of the general public.

34. Now, when I say that the Secretariat should not be insulated or treated as a group apart from the outside world, I do not mean that the Secretariat should not be independent. Of course, the Secretariat should be independent, and its integrity should not be subject to abuse by Member States. It must be remembered, however, that, to this duty on the part of Member States to refrain from interfering with the integrity of the Secretariat, there is a reciprocal obligation on the part of Secretariat members to maintain the standard of integrity expected of law-abiding citizens. We believe that the provision of judicial review with respect to judgments of the Administrative Tribunal will give the peoples of Member States a greater assurance that staff members comply with the standards of conduct expected of them.

35. We also believe that the establishment of a judicial review procedure will strengthen the relationship between the Secretary-General and members of the staff. On their side, the staff will have greater assurance that their legal rights and privileges will be observed. On his side, the Secretary-General will have an assurance that the decisions he makes as the chief administrative officer of the Organization will receive the fullest judicial consideration and that his authority laid down in the Charter and the staff regulations will be given full legal respect.

36. Before concluding, I wish to express appreciation to the co-sponsors of this amendment and to the representatives of other Governments who have responded to the efforts which my delegation and others have made to secure the acceptance in principle of judicial review of Tribunal judgments. I fully understand the doubts and difficulties they have had and also the fact that many of them would have preferred more time to consider this matter. In my opinion, those delegations which have found it possible to respond to our successive efforts to meet their point of view have demonstrated, in heartening fashion, the fundamental value of the United Nations as a meeting place where disagreements can be reconciled and a meeting of the minds can be achieved.

37. In this same spirit, my delegation warmly supports and will vote in favour of the draft amendment [A/L.193] introduced by the delegation of Sweden, which would add Norway and Syria to the proposed special committee. Their presence will add to the stature of the committee and assure a fuller representation of differing views.

38. With agreement in principle, an abundance of available expert guidance, and a will to succeed, Members can have confidence in achieving a fair and workable system of review for the United Nations Administrative Tribunal.

39. May I conclude by expressing my deep personal appreciation to the various delegations with which I have had the honour to work during this session. It has been one of the most interesting experiences of my life. We of course have many differences of view about common problems. However, I think we have once again demonstrated that with good humor and restraint we can reach tolerable adjustments of our difference. May I wish all of the members a Merry Christmas.

40. Mr. SAPRU (India): I am glad to be able to say that the amendments now put before the Assembly by Canada and fourteen other States constitute a vast improvement over the draft resolution originally sponsored by some of them and by the United States in the Fifth Committee. They have dropped paragraph 4 of section B of their original draft resolution, and that, from our point of view, was the most unacceptable part of the resolution.

41. I must not be understood to suggest that we have any quarrel with the awards of the Administrative Tribunal or with the majority opinion of the International Court of Justice, but we have endeavoured to approach this question from the point of view of juristic principles.

42. I do not think it is necessary to go into the history of the question. My delegation is not opposed to the principle of a purely judicial appeal. Indeed, provided an agreed machinery is arrived at, there is much that can be said for a judicial tribunal which will act as a court for correction of error. In every judicial tribunal system, whether national or international, there should be a place for a high-powered judicial tribunal which can interfere in order to correct a court when it usurps a jurisdiction it does not possess, or fails to exercise a jurisdiction it does possess, or acts with material irregularity or contrary to the principles of natural justice as courts conceive them to be. The question of the powers which the appeal court should possess, of its constitution and the procedure to be adopted by it in admitting and disposing of appeals, will be matters of consideration by the special committee, which we hope will be composed as suggested by the representative of Sweden, with Norway and Syria included.

43. I would, however, like to make it clear that although we are not moving an amendment to that effect, we have a preference for the word "appeal". "Review", in our jurisprudence, does not have the wide connotation given to it in the jurisprudence of the United States. Review, in our system of law, is a rehearing by the court deciding the case on certain specified grounds, such as an error patent on the face of the record or the availability of material evidence at a subsequent stage of the proceedings, evidence which was not available to the party at the time the case was taken up and which could not be produced even after due diligence and care. In American law, it has a wider connotation and would cover cases which would be known as appeals.

44. I would like, however, to make it plain that we are completely opposed to any discussion of a case on the initiative of any member or members before the General Assembly or the Fifth Committee. I am also assuming that the procedure which we have in mind will have relation only to the future, and will not have any retrospective or retroactive effect. The Assembly cannot, in the very nature of things, act as a judicial body; discussions there are likely subsequently to prejudice seriously a fair trial of the issues between the staff member and the Organization.

45. I would also like to make it clear that the parties to the appeal—and no objection has been raised to this view—can only be, in our opinion, the Organization and the staff members concerned. The staff member is not the servant of any particular Member State; he is the employee of the Organization. The Organization

as we conceive it, is what in law would be called a *juristis persona*, a *corporatio sola*. It is represented by, and acts through, its chief administrative officer, the Secretary-General. Indeed, under the Charter, which is binding on us, the Secretary-General is the appointing authority and, under the regulations and in accordance with prescribed procedure, he can dispense with the services of a staff member. The appointing authority is, by necessary implication, the dismissing authority also. It would be contrary to the principles of jurisprudence as we understand them and it would be contrary to the principle of the international character of the Organization if a Member State were given the right of initiating or presenting reviews, revisions or appeals in cases in which staff members were concerned.

46. Such a procedure would profoundly affect the international character of the Organization and undermine the authority of the Secretary-General. It would prejudicially affect the international character of our civil service. It would be inconsistent with the principle that, at the appellate stage, only parties to a case can be parties in appeal, revision or review.

47. Provided these considerations are borne in mind—and the important details will have to be worked out by the Committee—it should not be beyond the ingenuity of the Committee which is to be appointed by us to evolve a procedure for judicial appeals, the final touches to which can be given by the Assembly at its tenth session.

48. I have not considered it necessary to go over the ground covered by the majority and minority opinions of the Court, or the difficulty in which we found ourselves when a surprise was sprung upon us in the Fifth Committee by the United States draft resolution. Frankly speaking, we could read in the majority report of the International Court no recommendation to the effect that a judicial review procedure should be established. The Court discussed the question of what might be called delegated legislation, and what it meant to say is that the statute did not go beyond the permissible limit because it has not faced this Assembly. This, I think, is the argument.

49. But we have considered this matter on juristic principles, and we have appreciated the conciliatory spirit shown by the representative of the United States and by the other representatives who originally sponsored the draft resolution in the Fifth Committee.

50. We, for our part, are not opposed to the idea of judicial review. Indeed, we shall vote for all the parts of the draft resolution. We earnestly hope that the suggestion of the representative of Sweden that two more members should be added, namely, the representatives of Norway and Syria, will be accepted. We feel that a better geographical representation is desirable in connexion with this question.

51. Mr. ORDONNEAU (France) (*translated from French*): The French delegation has already explained clearly in the Fifth Committee its views on the establishment of procedure for appeal against the judgments of the United Nations Administrative Tribunal. At that time it asked some questions concerning the advisability of establishing such an appeals procedure, whether permanent or temporary, and the powers and competence of the body to be established. In that Committee my delegation voted in favour of the draft resolution which is now before the General Assembly in the Fifth Committee's report [A/2883] because its provisions an-

swered some of our questions. Nevertheless, reluctant to commit itself in advance in what it realizes is an important matter, my delegation had previously supported the amendments proposed by Belgium, Brazil, Egypt, India, Norway and Pakistan, under which Member States were to be asked to communicate their views before the General Assembly came to a definite decision on the establishment of an appeals procedure and under which, as proposed by the French representative in the Fifth Committee, a small special committee was to be appointed to study the replies received from States. For the sake of the widest possible agreement on this important question the French delegation agreed that the principle of the establishment of procedure for appeal against judgments of the Administrative Tribunal should be mentioned in the preamble of the draft resolution.

52. With respect to the amendments [A/L.193] just proposed by the fifteen delegations, the French delegation will, in the same spirit, agree that the principle of the establishment of appeals machinery should be recognized, not in the preamble, but in section B of the operative part of the draft resolution. My delegation also accepts the replacement of the words "appeal against" by the words "review of" in the English text of this draft resolution. I wish to point out, however, that in mind of the French delegation the words "review of" can only have one meaning, namely; that of an appellate consideration of the judgments of the Tribunal on the appeal of the parties concerned. It also considers that the authority which in the final analysis settles administrative disputes between the Secretary-General and United Nations staff members must be able to carry out its task impartially, objectively and unemotionally. The French delegation will accordingly spare no effort to facilitate the establishment by the United Nations of a strictly judicial appellate body whose prestige and authority will be universally recognized from the outset.

53. Mr. TRUJILLO (Ecuador) (*translated from Spanish*): I shall make some very brief comments on the draft resolution before us and the amendments thereto.

54. My delegation believes that a mistake has been made in the Spanish translation of the amendment submitted by Sweden [A/L.193] which says: "*en el tercer párrafo, añádanse los nombres de Noruega y Suecia a la lista de miembros del Comité Especial*", whereas the sponsor's intention is that this should read: "*Noruega y Siria*". I would accordingly ask the President to have the Spanish translation altered so that the amendment refers to Syria and not to Sweden.

55. Having said that I now consider the question of the composition of the special committee envisaged in the third paragraph of section B of the draft resolution proposed by the Fifth Committee; the special committee is to be composed of various countries, and it is to this that the amendment refers. The amendment of Sweden proposes the addition of two more countries to those composing the Committee. I think that if they are added the distribution will no longer be equitable, particularly for our region, Latin America, which is represented in the Committee only by Argentina, Brazil and Cuba; accordingly, I would request the addition of El Salvador to provide additional representation for the Latin-American region. I therefore propose that the relevant passage in the Swedish amendment should be amended to read: "El Salvador, Norway and Syria".

56. My delegation is to some extent in favour of the amendment [A/L.192] proposed jointly by fifteen delegations, especially the first, to replace the words "appeal against" by "review of", which is unquestionably broader and more comprehensive.

57. With regard to the second amendment, my delegation regrets that it cannot accept paragraph (a), which would add as the first paragraph of section B the following:

"Accepts in principle judicial review of judgments of the United Nations Administrative Tribunal".

The basic problem is whether this instance should be established or not, and the introduction of this paragraph would prejudice the outcome of the special committee's deliberations. Since, however, some Latin-American countries have proposed this amendment my delegation will not vote against it, but will merely abstain.

58. The PRESIDENT: My attention has already been drawn to the fact that there was, in fact, an error in the Spanish text of the Swedish amendment where the words "y Siria" should replace the words "y Suecia".

59. I have taken note of the amendment proposed by the representative of Ecuador and we shall vote on it at the appropriate time.

60. Mr. PERRY (New Zealand): In the Fifth Committee the New Zealand delegation voted in favour of the draft resolution now submitted to the Assembly and we shall vote for it here. This affirmative vote will be maintained irrespective of the decision taken by the Assembly on the amendments contained in document A/L.192.

61. However, my delegation will abstain on the amendment to insert in section B of the resolution a paragraph accepting in principle the judicial review of judgments of the Administrative Tribunal.

62. May I recall the statement of the representative of New Zealand in the Fifth Committee to the effect that New Zealand is not opposed, in principle, to the establishment of a system of judicial review. We have supported in Committee the procedure set out in section B of the draft resolution for the study of the question in all its aspects and for its further consideration at the Assembly's tenth session.

63. Our doubts concern the necessity and the desirability of taking at this stage a positive decision of principle before all the implications of such a decision have been analysed. On the one hand, my delegation doubts the necessity for such a decision when the procedures for study and further examination at the next session are being put in train. On the other hand, we think it preferable that the special committee—although it should, and no doubt will approach its task with a proper understanding of the desire of many delegations for a procedure for judicial review—should not begin its work under conditions which might be interpreted to prejudice the central purpose of its task. For its part the New Zealand delegation will, of course, examine the report of the special committee with full regard for the important issues with which it will deal, although we must, for the present, reserve our position on the feasibility of establishing a review authority.

64. My delegation is, however, bound to place on record one condition: any review procedure which may be established at the tenth session must, in our opinion, be truly independent and judicial in character. On the

understanding that this condition is not prejudiced by the proposal to substitute the words "review of" for the words "appeal against", my delegation will support the first amendment and paragraph (b) of the second amendment, but, for the reasons stated, we shall abstain on paragraph (a) of the second amendment of the amendments appearing in document A/L.192.

65. We shall, in any case, vote in favour of the draft resolution as a whole.

66. Mr. BIHIN (Belgium) (*translated from French*): The Belgian delegation finds the draft resolution proposed by the Fifth Committee completely satisfactory. Nevertheless, it will vote in favour of the fifteen-Power amendments [A/L.192]. The inclusion of these amendments in the draft resolution will serve to safeguard the principles to which Belgium attaches great importance. Indeed, no immediate change in the statute of the Administrative Tribunal is proposed, and its nature, authority, independence, as well as the judicial nature of the decision which the General Assembly cannot refuse to carry out, will not be affected.

67. The committee which the General Assembly will probably set up will be completely free in its work. It is not being given any directives, especially as regards the composition of the board of judicial review, the manner in which cases will be brought before it and its powers. Belgium would of course have preferred the General Assembly to take no decision on the question whether the Administrative Tribunal's judgments are subject to appeal, and instead to leave it to the committee to study the problem. Nevertheless, we have no objection to establishing a second judicial instance. Appeals have always existed in Belgium, so that we could hardly vote against an amendment on that point.

68. The Belgian delegation remains faithful to the principles it has upheld in this matter, and considers that the draft resolution, even as amended, will not prevent it from upholding those principles in the future. It hopes to persuade the committee, if it is a member of that body, and the General Assembly at future sessions, likewise to accept those principles.

69. The Belgian delegation will vote in favour of the Swedish amendment [A/L.193].

70. Mr. STRAUCH (Brazil): I wish to make a brief intervention to state the position of my delegation in regard to the draft resolution before us.

71. The Brazilian delegation will vote in favour of the first amendment [A/L.192] for the acceptance of the principle of judicial review of judgments of the Administrative Tribunal. My delegation has stated, at committee level, that it was not opposed in principle to such a system of judicial review, although it did not consider itself prepared, at that stage, to take a definite stand on such a procedure. Doubts have been raised during the discussion as to the advisability of taking a final decision on the question of principle, inasmuch as this question was closely related to the question of form, and there was no common agreement that a satisfactory form of judicial review could then be devised. My delegation, for its part, felt that any procedure to be established should be truly judicial, and, in our opinion, the system proposed in the Fifth Committee did not prove to be satisfactory. We considered, therefore, along with the majority of the Committee, that the general question was too complex not to require further study if the system of judicial guaran-

tees with regard to the United Nations staff was to be strengthened and not weakened. It has always been our opinion that the United Nations staff can work efficiently only if it is assured of security of tenure and protected by the system of judicial guarantees.

72. In accepting the amendment, my delegation is aware of the marked improvement and the conciliatory spirit of the amendments put forward by Argentina and the other fourteen Powers and believes that the acceptance of the principle of judicial review, as well as the proposed new wording of the last paragraph of the preamble, will not necessarily affect the conclusion of the careful study which we have in mind for the purpose of strengthening the system of judicial guarantees, of which the Administrative Tribunal must be the cornerstone. For our part, we are prepared to make our contribution in a spirit of constructive co-operation.

73. Finally, I should like to add, on behalf of my delegation, that we shall also support the amendments proposed by the delegations of Sweden and Ecuador regarding the composition of the special committee.

74. Mr. HASSAN (Pakistan): This year the starting point of discussions in the Fifth Committee regarding the question of awards of compensation made by the Administrative Tribunal was the draft resolution originally proposed by the delegation of the United States and some other delegations. That draft resolution did not meet the approval of all members of the Fifth Committee in all its aspects. It was felt, and felt honestly, by most delegations that this draft resolution, in so far as it related to the question of review of judgments of the Administrative Tribunal, in some exceptional cases that might be decided by the Tribunal in the future, was of a far-reaching character and should therefore be modified. Some delegations expressed concern as to whether, in the short time at their disposal before the conclusion of the present session of the General Assembly, they would be able to commit their Governments to acceptance either of the principle of the review of judgments of the Administrative Tribunal or of the machinery outlined in the draft resolution of the United States and the other co-sponsors, pertaining to the way in which this review was to be instituted.

75. The issues involved were of a complex and legal nature and required careful deliberation on the part of all concerned. My delegation took the position that haste would only make waste, that the principle of review of judgments of the Administrative Tribunal might be desirable in itself, but that we could not accept it without further careful consideration.

76. Along with the delegations of Belgium, Brazil, Egypt, India and Norway, we proposed certain amendments in the Fifth Committee to the original draft resolution sponsored by the United States and other delegations. We were glad that the Fifth Committee, in its wisdom, thought it proper to go over this question slowly and with deliberation and to take a final decision at the tenth session of the General Assembly, when the views of Governments of Members would have been received by the Secretary-General and the fifteen-member committee would also have submitted its report.

77. We were gratified by the fact that the United States delegation, despite its strongly dissenting opinion with regard to the advisory opinion of the International Court of Justice, agreed to abide by it and respect it. This spirit of conciliation and compromise shown by

the United States delegation is indeed commendable. Its attitude has paved the way to a satisfactory solution of a very vexed and complicated problem. That chapter is now closed and we hope that the review machinery to be evolved will be of a fair, practical and efficient nature, acceptable to most Members.

78. With regard to the amendments [A/L.192] now proposed by the delegation of the United States and the other co-sponsors, I am now in a position to state that, on reconsideration and in a reciprocal spirit of compromise, my delegation has no objection to their adoption.

79. As to the amendment [A/L.193] proposed by the Swedish delegation, we would with pleasure support the inclusion of Norway and Syria in the list of members of the special committee.

80. Mr. URQUIA (El Salvador) (*translated from Spanish*): I should first like to thank Mr. Trujillo, the representative of Ecuador, for his kindness in proposing El Salvador for membership in the special committee to be set up under the draft resolution which is now before the General Assembly and which is about to be put to the vote.

81. My delegation in the Fifth Committee supported the amendments submitted by Belgium and five other countries, and the draft resolution, as amended, which the Fifth Committee is recommending to the General Assembly. Although our views remain unchanged, we gladly agree to the inclusion of two more countries—Norway and Syria—in the membership of the committee.

82. As regards the inclusion of El Salvador, though we should be very pleased to serve on the committee, we shall abstain in the vote on the matter for obvious reasons.

83. I should like to comment on the amendments submitted by fifteen countries in this plenary meeting [A/L.192]. They concern a few interesting paragraphs of the draft resolution before us. Without being directly opposed to the amendments, we nevertheless have some doubts regarding them, for the following reason. The last paragraph of the preamble of the draft resolution reads:

"Believing that the establishment of procedure for appeal against the judgments of the Administrative Tribunal requires careful examination".

The General Assembly accordingly decides, first, to consult the views of Governments; secondly, to invite the Secretary-General to consult with the specialized agencies concerned; and thirdly, to set up a special committee of 15, 16 or 17 members, to carry out this careful examination. According to the draft, the special committee's function will be "to study the question of the establishment of such a procedure in all its aspects and to report to the General Assembly at its tenth session". Inasmuch as, under the draft resolution, the General Assembly considers it necessary first to carry out a careful examination and to consult the views of governments and the specialized agencies concerned, it seems somewhat premature, it would be prejudging the issue, as we say in legal parlance, to make, in advance, the statement proposed in the amendments of the fifteen delegations, namely, that the General Assembly "accepts in principle judicial review of the judgments of the United Nations Administrative Tribunal". This, we feel, might be one of the points to be studied by the special committee; it might also

be one of the points on which Governments and the specialized agencies would be consulted. It is probable that in consequence of the study and the consultations, it would be considered necessary to establish such a procedure. The committee would recommend to the General Assembly how the machinery should be set up and incorporated into the procedure of the United Nations staff regulations.

84. It is very possible that my delegation, if it becomes a member of the committee, or later in the General Assembly, may be inclined to think that there should be such a procedure; but at the present stage, the General Assembly would be prejudging the issue if it were to include that concept in the draft resolution.

85. There is something else I should like to say. I notice a number of Latin-American delegations among the sponsors of amendments; in my country—whose law concerning procedure, as everybody knows, resembles that of the other Latin-American countries—the term “judicial review” is used to describe a situation in which the court which gave a judgment in very special circumstances may reopen a case and reconsider its judgment. In other words, it may re-examine, in the light of new evidence, a case which it has already tried and which has become *res judicata*. But the same court gives the new judgment. Let me give an example. Let us assume, say, a criminal case where a man was convicted of murder and is serving his sentence and the person supposedly murdered reappears. This happens very rarely, but it does happen, and not only in novels and films. In such a case, our legislation and, we assume, the legislation of all other countries, provides that the judgment should be reviewed by the same court. In the amendment, however, I find that the word “judicial” is used. This makes the situation in the amendment somewhat different, for the original decision was administrative, that is to say, it was issued by the Administrative Tribunal; whereas the amendment speaks of judicial review. The idea is that the review will be effected by another, by a judicial, body. Inasmuch as the whole subject matter is not judicial at all, I do not know to what extent we may prejudge the question by saying that the review should be judicial.

86. According to our law, our rules of procedure and our public law, such cases are said to involve administrative acts, and consequently any review would be not a judicial review in the strict sense of the term but only a review, on appeal, of the judgment of a lower court.

87. In view of these doubts, based on purely theoretical and technical considerations, my delegation, without opposing the amendment, will abstain from the vote on it. Since the other amendments are more or less related to it, my delegation will abstain on all the amendments; we do not wish here and now to express a definite opinion which we may revise later if, in the light of the proposed study and the views of other delegations, we arrive at different conclusions.

88. Sir Pierson DIXON (United Kingdom): When this question was discussed in the Fifth Committee, my delegation said that, while it felt that more time was needed before we could consider any specific provision for the judgments of the Administrative Tribunal to be subject to review, we were prepared now to accept the principle that such provision might be made. It would then be left to Governments to suggest what specific and detailed provision should be made to pro-

vide for review of judgments of the Administrative Tribunal, and it was, of course, understood that acceptance of the principle of review was without prejudice to any decisions that might be taken as to the scope of a system of review and other details.

89. The view which was expressed at that meeting was, we believe, shared by most of the other representatives present, and it seemed to us that the draft resolution finally adopted, which covered certain other points as well, did not adequately reflect this view. The United Kingdom delegation is, therefore, glad to support the amendments submitted in document A/L.192, and would support a draft resolution thus amended which, we feel, would be in keeping with the wishes of the majority of delegations.

90. Mr. MENDEZ (Philippines): I should like to ask for a separate vote on the third paragraph of section B of the draft resolution, and I wish to explain the reason for asking for a separate vote on this paragraph, on which my delegation will abstain. I do not think that this provision represents what can be called a geographical balance, but rather a geographical imbalance, because in this case the Far East, being very far away, has been forgotten.

91. The PRESIDENT: If there are no other speakers, we shall proceed to the vote. The voting will be a little complicated, but we shall try to simplify it as much as possible. The draft resolution recommended by the Fifth Committee in its report [A/2883] on agenda item 48 is divided, as members of the Assembly know, into a preamble and three separate operative sections, A, B, and C. Amendments have been submitted both to the preamble and to section B. In accordance with rule 92 of the rules of procedure, the amendments must be voted on first.

92. I shall therefore ask the Assembly to vote in the following order: First, we shall vote on the amendment to the last paragraph if the preamble contained in document A/L.192, and then on the paragraph itself. Next, we shall vote on the amendments to section B contained in documents A/L.192 and A/L.193, and then on section B itself. Following that, we shall vote on section C. Finally, I shall ask the Assembly to vote on the draft resolution as a whole. It is understood that a separate vote will be taken, in conformity with the request of the delegation of the Philippines, on the third paragraph of section B.

93. I should like to announce that the delegation of Sweden has accepted what I shall call the sub-amendment moved by the delegation of Ecuador, and seconded by the delegation of Brazil, to the effect that not only Norway and Syria, but also El Salvador, should be added to the membership of the special committee. It will therefore not be necessary to take a separate vote on the sub-amendment moved by the representative of Ecuador.

94. I shall now ask the Assembly to vote on the first amendment of the fifteen delegations [A/L.192]—namely, Argentina, Australia, Canada, Chile, Colombia, Cuba, Dominican Republic, Guatemala, Iraq, Lebanon, Peru, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland and the United States of America. This amendment would substitute the words “review of” for the words “appeal against” in the last paragraph of the preamble of the draft resolution. It is understood, of course, that we are voting on the basis of a two-thirds majority.

The amendment was adopted by 42 votes to 5, with 9 abstentions.

95. The PRESIDENT: I now ask the Assembly to vote on the amended text of the last paragraph of the preamble of the draft resolution submitted by the Fifth Committee in its report [A/2883].

The paragraph, as amended, was adopted by 47 votes to 5, with 4 abstentions.

96. The PRESIDENT: As members know, the Fifth Committee has unanimously recommended the adoption of section A of the draft resolution. If there is no objection, I shall consider that the General Assembly also adopts section A unanimously.

It was so decided.

97. The PRESIDENT: We now turn to section B, and we shall vote first on paragraph (a) of the second amendment of the fifteen Powers [A/L.192], to the effect that a new first paragraph be added, reading:

"Accepts in principle judicial review of judgments of the United Nations Administrative Tribunal."

A roll-call vote has been requested by the delegation of the United States.

A vote was taken by roll-call.

Chile, having been drawn by lot by the President, was called upon to vote first.

In favour: Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, France, Greece, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Luxembourg, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Afghanistan, Argentina, Australia, Belgium, Brazil, Canada.

Against: Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic.

Abstaining: Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Iceland, Liberia, Mexico, Netherlands, New Zealand, Norway, Saudi Arabia, Sweden, Uruguay, Yemen, Yugoslavia, Burma.

The paragraph was adopted by 36 votes to 5, with 17 abstentions.

98. The PRESIDENT: We shall now vote on paragraph (b) of the second amendment of the fifteen Powers [A/L.192], which relates to the paragraph of section B commencing with the words "Requests Member States". The paragraph consists of two subparagraphs, on which we shall vote separately. We shall vote now on subparagraph (i) of paragraph (b) of the amendment, which calls for deletion of the word "possible" from that paragraph.

The sub-paragraph was adopted by 44 votes to 5, with 6 abstentions.

99. The PRESIDENT: I now put to the vote subparagraph (ii) of paragraph (b) of the second amendment, which would substitute the words "to provide for review of" for the words "for appeal against".

The sub-paragraph was adopted by 42 votes to 5, with 2 abstentions.

100. The PRESIDENT: The Assembly will now vote on the amended text of the paragraph of section B beginning with the words "Requests Member States".

The paragraph, as amended, was adopted by 46 votes to 5, with 4 abstentions.

101. The PRESIDENT: Sweden has submitted an amendment [A/L.193], which was amended orally by Ecuador, to the paragraph of section B beginning with the words "Establishes a Special Committee". Under that amendment, the names of El Salvador, Norway and Syria would be added to the list of members of the proposed special committee. If there is no objection, I shall regard the amendment as adopted.

It was so decided.

102. The PRESIDENT: In accordance with the request of the Philippine delegation, I now put to the vote the paragraph of section B which has just been amended.

The paragraph, as amended, was adopted by 49 votes to 5, with 1 abstention.

103. The PRESIDENT: The Assembly will now vote on section B, as amended, as a whole.

Section B, as amended, was adopted by 51 votes to 5.

104. The PRESIDENT: I now put to the vote section C, as a whole.

Section C was adopted by 52 votes to 5.

105. The PRESIDENT: The Assembly will now vote on the draft resolution recommended by the Fifth Committee in its report [A/2883], as amended, as a whole.

The draft resolution, as amended, as a whole, was adopted by 52 votes to 5.

106. The PRESIDENT: The next report of the Fifth Committee is the one contained in document A/2885, concerning agenda item 73, "Commemoration of the tenth anniversary of the United Nations in 1955."

107. The Fifth Committee recommends two draft resolutions, A and B. Paragraph 3 of draft resolution B refers to a committee, the composition of which has been left open by the Fifth Committee. If there is no objection, I would suggest that the following Member States should be appointed to assist the Secretary-General in arranging the programme for the commemoration of the tenth anniversary of the United Nations: Belgium, Canada, Czechoslovakia, Ecuador, India, Lebanon and Turkey.

It was so decided.

108. The PRESIDENT: No representatives have asked to explain their vote on the draft resolutions. The draft resolutions were adopted without opposition in the Fifth Committee, and, if there is no objection, I shall regard them as approved unanimously by the Assembly.

It was so decided.

109. The PRESIDENT: I wish to thank the General Assembly for the confidence it has expressed in me by inviting me to preside over the unofficial meetings to be held in San Francisco.

110. We now turn to the last report [A/2886] before the General Assembly, which relates to agenda item 38, "Budget estimates for the financial year 1955." In this report, the Fifth Committee has recommended the adoption of draft resolutions A to E. I shall be glad to give representatives who wish to explain their vote an opportunity to do so.

111. Mr. SAKSIN (Union of Soviet Socialist Republics) (*translated from Russian*): The Soviet delegation wishes to explain its vote on the draft resolutions submitted by the Fifth Committee concerning the budget estimates of the United Nations for the

financial year 1955. The Soviet Union delegation will vote against approval of the estimates for 1955, for the following reasons.

112. The report of the Fifth Committee [A/2886] recommends approval of the budget estimates of the United Nations for 1955 in the amount of \$46,963,800, a figure which points to the excessively high expenditure required to finance the activities of the United Nations. It should also be noted that, over the past five years, from 1950 to 1955 inclusive, the United Nations budget has increased by more than \$3 million. The appropriations requested for 1955 are almost double the actual expenditure of the United Nations in the first year of its existence.

113. This situation is obviously inadmissible and testifies to an uneconomical expenditure of the Organization's funds. During the discussion of the Organization's budget estimates for 1955 in the Fifth Committee, the Soviet Union delegation adduced detailed data to prove that there is no justification for the increased appropriations requested by the Secretary-General for the maintenance of an unduly inflated Secretariat.

114. Despite the measures taken by the Secretary-General for the reorganization of the Headquarters Secretariat, the number of established posts proposed for all departments of the Organization in 1955 is very high—approximately 4,000 or about one and a half times the number of staff members employed in the United Nations in 1947. The total number of staff members of the United Nations is nearly 5,000. In all, expenditure on the maintenance of the Secretariat accounts for approximately three-quarters of the entire budget of the United Nations.

115. The Soviet Union delegation considers that there is every reason for a substantial reduction in the appropriations requested for the maintenance of the United Nations Secretariat.

116. One of the main reasons for the vast budgetary expenditure of the United Nations is that the Organization's funds are frequently used for incorrect purposes. Thus, for example, the budget estimates for 1955 provide for the expenditure of approximately \$3,500,000 on the maintenance of agencies such as the Office of the High Commissioner for Refugees, the "Field Service" and other similar institutions, which have been established in violation of the principles of the United Nations Charter. The Soviet Union delegation has objected in the past and now objects to any appropriations for the maintenance of United Nations agencies established in violation of the Charter.

117. Lastly, it is essential to abolish the still prevailing system under which the majority of Secretariat members who are United States citizens are subject to double taxation. Despite resolution 22 A (I), adopted by the General Assembly concerning the exemption by States Members of the United Nations of their citizens who are members of the Secretariat from the payment of national income tax and concerning measures to be taken by Member States to avoid double taxation, this problem is still unsettled. States Members of the United Nations are consequently obliged to pay large sums annually to the United States Treasury from United Nations funds for the reimbursement of income tax paid by staff members who are United States citizens. By the end of 1954, the United Nations will have paid the United States Treasury approxi-

mately \$10,500,000 in respect of the reimbursement of income tax. On the other hand, according to calculations, during the period between 1946 and 1954, the United States benefited to the extent of approximately \$11 million from the staff assessment plan.

118. Thus, by refusing to comply with the General Assembly resolution concerning the elimination of the double taxation of staff members, the United States is deriving a double profit for itself to the detriment and at the expense of other States Members of the United Nations. The Soviet Union delegation, like many other delegations, considered and still considers that the United Nations should not acquiesce in such an abnormal situation.

119. The Soviet Union delegation considers that, taking miscellaneous income into account, the appropriations for 1955 should not exceed \$35 million net. This sum would be quite sufficient to enable the United Nations to discharge its functions.

120. The Soviet Union delegation will vote against the approval of the budget estimates for 1955 because the proposed appropriations are excessive and are not justified by the actual requirements of the United Nations.

121. The Soviet Union delegation will also vote against draft resolution C on the Working Capital Fund for 1955, under which the Working Capital Fund would be increased from \$20 million to \$21,500,000 by transferring surpluses from previous years. The Soviet Union delegation considers that there are no grounds for increasing the Working Capital Fund above the figure of \$20 million previously fixed by the General Assembly.

122. In view of these considerations, the Soviet Union delegation will vote against approval of the appropriations for 1955 in the amount set out in the Fifth Committee's report.

123. Mr. FULBRIGHT (United States of America): My Government regrets the decision taken by the Secretary-General and approved by the Fifth Committee to abandon the present arrangement under which the United Nations guide service is operated by the American Association for the United Nations (AAUN).

124. We have had a high regard for the very capable manner in which the guide service was originally organized and in which it has been operated over the years by the American Association for the United Nations. We have been proud of the fact that the American Association has devoted its efforts unselfishly and, incidentally, with a large profit for the United Nations, to acquainting the people of the world visiting our Headquarters with the operations of this Organization. In this connexion, I might note that, of the visitors to the Headquarters, 90 per cent are citizens of the United States, while 5 per cent come from other countries of North America and the remaining 5 per cent from other countries of the world.

125. We do recognize, however, that it is the feeling of the Secretary-General and the majority of the Member States that the job of explaining the United Nations to visitors should be in the hands of the Secretariat itself. There is, of course, considerable logic to support this position. We have noted with gratification that most of the Members who have voted for a change in the arrangement have nevertheless paid high tribute to the AAUN for the good and important work it has done. We are also happy to learn that it is the

Secretary-General's intention that the guide service as now conducted will be carried on essentially without change under the direction of the Secretariat.

126. For the foregoing reasons, the United States delegation abstained in the vote on the guide service in the Fifth Committee.

127. The PRESIDENT: As there are no further speakers, we shall proceed to the vote on draft resolutions A to E submitted by the Fifth Committee in its report [A/2886] in connexion with agenda item 38.

Draft resolution A was adopted by 55 votes to 5.

Draft resolution B was adopted by 50 votes to 5, with 1 abstention.

Draft resolution C was adopted by 49 votes to 5.

Draft resolution D was adopted by 46 votes to 5, with 1 abstention.

Draft resolution E was adopted by 48 votes to 5, with 3 abstentions.

128. The PRESIDENT: My attention has been called to the fact that in the suggested group of members to advise the Secretary-General in arranging the proposed programme for the commemoration of the tenth anniversary of the United Nations, not one of the members having a permanent seat in the Security Council is represented. I should like to correct that.

129. May I take it that it will meet with the Assembly's approval if the Secretary-General and myself are given leave to add at least one or more of the permanent members of the Security Council?

It was so decided.

Statement by the President

130. The PRESIDENT: This completes our agenda. Our work is done, and the moment has arrived to close the ninth session of the General Assembly.

131. At the approach of the winter solstice, we wish to prepare for the traditional observances of the season, each according to his religion and tradition, and we all hope to find some rest and relaxation after long and strenuous work. These agreeable prospects are not, however, the only consideration in our minds at this hour. We are sorry to say good-bye to colleagues and friends whom we shall miss more, perhaps, than we realize at this moment.

132. As the servant of the Assembly, these feelings are strong in me. I shall greatly miss your stimulating company. I do not know whether I should praise your constant adherence to the seven-minute rule when explaining votes. But in all seriousness I do pay tribute to your concern for the dignity of the Assembly. Your constant goodwill and sense of co-operation made my work as pleasant and as light as it could be. By and large, and without forgetting that mourning struck us twice, as a session it was, I think, a happy session. For this I am deeply grateful. I am sorry if I ever hurt anybody's feelings; if sometimes I thought I should intervene, it was done simply because I thought that the rules of the Assembly required it.

133. I think with great appreciation of my contact with the Vice-Presidents, the Chairmen and Vice-Chairmen of the Main Committees, the Rapporteurs and Committee Secretaries. It was as valuable to me as it was cordial. They are entitled, all of them, to the thanks of the Assembly.

134. Most especially—and here I speak not merely in my own name, but very particularly, I know, in the name of all of you—I want to thank our very excellent Secretary-General, whom long-recognized, devoted filial duty has recalled to Sweden, and also all the members of the Secretariat, both those we see and those very numerous ones whom we usually do not see. Their zeal, their sense of duty, their helpfulness, their experience and, above all, their intelligence applied to the business of the Assembly have been one of the mainstays of the session. Mr. Cordier, the Executive Assistant to the Secretary-General, and his able associates of all ranks come in for special acknowledgment on my part. It was a joy to work with them.

135. Let me not omit also to thank those who made our life easy, pleasant and safe. I refer to such services as the elevator personnel, the staff of the dining room and the guards under the command of Mr. Begley. They could not have been more cheerfully helpful.

136. I also want to thank those men and women of the Press, radio and television who have ably and tirelessly conveyed to the people of all countries an account of our work by the printed word, by pictures and by sound. I would ask them to regard themselves as an indispensable and permanent counterpart of this Organization. We owe a considerable debt of gratitude to them.

137. I believe we may look with some satisfaction—tempered, as is befitting, but still satisfaction—at the results of our labours. There is no point in making a full balance-sheet at this hour. Two things stand out: first, the unanimous resolution on disarmament [*resolution 808 (IX)*]; and secondly, that on the peaceful uses of atomic energy [*resolution 810 (IX)*]. Both correspond to a deep yearning of all nations, for they realize what is at stake. But at the same time we have to keep in mind the sober fact that neither resolution constitutes a real beginning in the substantive sense, however modest. They merely mean the removal of such obstacles as had previously stood in the way of a beginning. Even so, no one can deny that they are essential prerequisites for progress to be made in these important fields. May that progress come, and come soon. In a few months, spring will be here and with it fresh hope and a fresh horizon.

138. With a prayer that our work may be abundantly blessed in its results, I shall in a few minutes declare the ninth session of the General Assembly of the United Nations closed.

139. Mr. URRUTIA (Colombia) (*translated from French*): I have been asked to act as spokesman for all delegations, first of all to thank you, Mr. President, for the words of praise you have been kind enough to address to them and secondly to state that you have eloquently expressed the gratitude and genuine admiration we feel for the Secretary-General, the Assistant Secretary-General and all the staff—particularly the translating staff—of the Secretariat and the personnel of the Press, radio and television.

140. I have been especially urged, on behalf of us all, to pay a tribute to the President both as colleague and as friend.

141. As a President, let me assure you, you are ideal. The presidency of the General Assembly involves not only the conduct of our proceedings, which indeed you have conducted in exemplary and masterly fashion.

One of the factors in the success of this session of the Assembly has certainly been the sure knowledge that we could always look to you for guidance. In the early meetings of your Chairmen of Committees you made a series of suggestions on our procedure with regard to points of order, explanations of vote, corrections and votes on rulings from the Chair; we have all followed these suggestions, which have certainly been most useful in the course of the debates in Committee. We shall always remember the dignity, efficiency and goodwill with which you have presided over us.

142. As a colleague, you have been the mentor who always endeavoured to bring representatives closer together, to smooth out their difficulties, and constantly to make their task easier. You acted with the skill acquired through your experience as Minister of Foreign Affairs throughout the long, hard years of the war and as Ambassador in many capitals: in other words, with the address you have gained in the course of over thirty-five years devoted to international affairs.

143. As a friend, you have acted wisely, tactfully and firmly, but always as the best and sincerest of friends. Hence, while thanks to your leadership we have been able to complete our work, the lingering regret we feel at the approach of the moment when you will declare this session closed is tempered only by the prospect of observing, still under your presi-

dency, the tenth anniversary of the signature of the San Francisco Charter.

144. You have reviewed the work of this Assembly in a fashion which does you honour. It is true that we have rediscovered an atmosphere of trust to which, alas, we have been strangers for many years. May this trust grow in strength and scope. In this hope I say to you on behalf of us all that we have been happy to have you as President and thank you from our hearts for the work you have done admirably, and of which you should be proud.

145. The PRESIDENT: I thank the representative of Colombia and my fellow representatives. Your help in these weeks—and I may say months—has been my constant support. I shall never forget this moment.

AGENDA ITEM 2

Minute of silent prayer or meditation

146. The PRESIDENT: I invite representatives to rise and observe a minute of silent prayer or meditation.

The representatives stood in silence.

Closing of the session

147. The PRESIDENT: I declare closed the ninth session of the General Assembly.

The meeting rose at 5 p.m.