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STATISTICAL COMMISSION
Eighth session
Item 10 provisional agenda

INTERNATIONAL CONVENTION RELATING TO ECONOMIC STATISTICS

(Memorandum prepared by the Secretary-General)

1. Of the 26 states, original parties to the International Convention relating to Economic Statistics (1928), 16 have adhered to the Convention as amended by the Protocol of December 1948, and one other state has signed the Convention subject to acceptance. In addition 4 states which were not parties to the original Convention have become parties to the amended Convention.

2. In view of the fact that it was felt that some conflict could arise between the current recommendations on statistics of the Economic and Social Council and those incorporated in the Convention, the Commission reviewed the problem at its seventh session. It noted a legal opinion (document E/CN.3/155 of the seventh session) that the resolutions of the Economic and Social Council concerning statistical definitions and procedures did not have the effect of superseding or modifying the provisions of certain articles and annexes of the Convention. This applied in particular to article 3 and Annex I of the Convention concerning external trade statistics. However, as far as article 6 and Annex IV and article 7 and Annex V were concerned, it was considered that Parties to the Convention were not legally required to adopt the principles contained in these annexes. The Commission therefore discussed the following alternatives as a possible solution to the problem:

- (a) revision of the present Convention;
- (b) adoption of a new Convention;
- (c) denunciation of the Convention.

3. It was decided to postpone discussion on the subject until the states concerned had been consulted; a resolution was adopted requesting the Secretary-General to gather information from states parties to the amended Convention concerning any difficulties encountered in the implementation of the compulsory sections of the Convention, and to solicit their views regarding a solution to the problem.

4. The Secretary-General, having complied with this resolution, has reviewed the replies received from 20 states parties to the Convention and a summary of their observations is given below. In addition pertinent information extracted from all the replies received is to be found in Annex I of this document. From this it will be seen that 7 states have suggested revision of the Convention; 3 states have suggested denunciation of the Convention; 4 states have suggested denunciation or modification; one state has suggested the adoption of a new Convention; 6 states have not expressed an opinion as to solution.

5. While the replies did not indicate any great difficulties in implementation, it is still true that certain recommendations in the Convention and the more recent recommendations of the Statistical Commission and the Economic and Social Council are in contradiction. It is also true that a few additional countries are signing the amended Convention. The Commission, therefore may wish to consider whether these factors occasion sufficient difficulty and misunderstanding as to warrant denunciation or amendment of the Convention.

ANNEX I

Summary of replies received from States party to the Amended
International Convention Relating to Economic Statistics

<u>Australia</u>	No difficulties - no solution suggested.
<u>Austria</u>	Modification of article 3 to read as do articles 4-7 - to be accomplished by calling Conference.
<u>Belgium</u>	Divorce annexes - leave Convention itself as it is, (unofficial views).
<u>Canada</u>	Encountered difficulties valuing trade. Suggests that international comparability be achieved through ECOSOC recommendations only. - If, however, revision of Convention decided upon - annexes should be divorced from text of instrument.
<u>Denmark</u>	Divorce annexes. Considers calling of Conference unnecessary, amendment could be achieved by correspondence as was 1948 Protocol.
<u>Egypt</u>	Is implementing Convention except in few instances.
<u>Finland</u>	Has implemented recommendations of Convention where possible. Has interpreted annexes rather liberally tending to follow recent international recommendations. Would prefer not to be bound by a Convention but just follow United Nations recommendations.
<u>France</u>	Considers Convention should be denounced. United Nations recommendations should suffice, (unofficial views).
<u>Greece</u>	Has difficulty in implementation. Divorce annexes, (unofficial views).
<u>India</u>	Signed Convention with reservations - therefore encounters no difficulties in implementation.

<u>Ireland</u>	Encounters difficulties in implementatkon.
<u>Israel</u>	Favours revision of Convention eliminating cumbersome obligatory articles and annexes.
<u>Italy</u>	Denounce Convention and replace it by United Nations recommendations, (unofficial view).
<u>Japan</u>	Has experienced no difficulties, however would revise or replace Convention.
<u>Netherlands</u>	Signed with reservations, therefore no difficulties encountered in implementation.
<u>Norway</u>	Has experienced no great difficulties - However, draws attention to conflicting international recommendations.
<u>Pakistan</u>	Has encountered difficulties. Consider Convention should be revised so that no clause is obligatory but Parties could implement "as far as possible".
<u>Sweden</u>	No difficulties so far. May be necessary to denounce and establish new Convention, without obligatory clauses or denounce and replace by United Nations recommendations.
<u>Union of South Africa</u>	Not aware of difficulties in implementation, however, best solution to divorce annexes if not, Convention should be denounced and not replaced.
<u>United Kingdom</u>	Revise Convention by deleting articles 3 to 7.

ANNEX II

Legal procedures required if action is to be taken regarding
the Amended International Convention Relating to Economic
Statistics

The United Nations Legal Department has set out below the procedure to be adopted in the event the Commission decides to recommend one of the following alternatives (a) revision of the present Convention (in this connexion attention is drawn to the fact that the divorcing of the annexes from the Convention is considered to be a revision, and therefore would fall within section (a) of the procedures mentioned below); (b) adoption of a new Convention; (c) denunciation of the present Convention without adoption of a new Convention.

(a) Revision of the present Convention

Article 8 of the 1928 Convention as amended by the Protocol of 9 December 1948 provides:

"The Economic and Social Council is requested, if at any time a desire to that effect is expressed by not less than half of the Parties to the present Convention, to convoke a conference for the revision and, if it seems desirable, the amplification of the present Convention."

In order to ascertain the views of the Parties to the Convention the Statistical Commission could request the Secretary-General to ask all the Parties whether or not they desire that a conference be convened for the revision of the Convention. If at least half of the Parties express such desire the Economic and Social Council would call an international conference of States for that purpose, in accordance with Article 62 of the Charter and General Assembly resolution 366 (IV).

(b) Adoption of a new convention

If it is decided that the best method of dealing with this matter would be the adoption of a new convention, the following alternative procedures could be followed:^{1/}

^{1/} See also the Recommendations and Suggestions of the Special Committee on Methods and Procedures approved by General Assembly resolution 362 (IV).

- (1) The Statistical Commission could recommend to the Economic and Social Council to call an international Conference of States for the purpose of adopting a new convention, in accordance with Article 62 of the Charter and General Assembly resolution 366 (IV). Alternatively, the Council could recommend to the General Assembly to convene a Conference.

In order to facilitate the work of the Conference it would be advisable to have a draft of the convention prepared in advance, and to submit it to the Conference as a possible basis for discussion. The draft could be prepared by a committee of experts (either government representatives or experts appointed in a personal capacity) or by the Secretary-General. If it is considered desirable, the draft convention could be transmitted to Governments for their comments prior to the calling of the Conference.

A procedure essentially along the foregoing lines was followed, for example, in the case of the Opium Protocol of 1953 which was called by the Council, and in the case of the Convention relating to the Status of Refugees and the Convention on the Declaration of Death of Missing Persons, both of which were called by the General Assembly.

- (11) The General Assembly could approve the convention and propose it to States for signature or accession. This procedure was followed, for example, with respect to the Convention on the Privileges and Immunities of the United Nations [G.A. resol. 22 A(1)], and the Genocide Convention [G.A. resol. 260 (III)]. In this case too, it would be advisable to have a draft prepared either by a committee of experts or by the Secretary-General for submission to the General Assembly.

It seems obvious that any State becoming a Party to the new convention would want to cease to be bound by the present Convention. This could be accomplished by way of a denunciation of the present convention in accordance with article 16. However, it might be preferable to achieve the same result

by the inclusion in the new convention of a clause providing that the ratification of, or accession to the new convention by any State, Party to the present convention, shall ipso jure constitute denunciation of the present convention.

It may be recalled that the present convention would cease to be in force if, as a result of denunciations, the number of Parties is reduced to less than ten (article 16).

(c) Denunciation of the present convention without
adoption of a new convention

If it is decided to follow this course the procedure is set forth in article 16 of the Convention:

"After the expiration of five years from the coming into force of the present Convention in accordance with Article 14, it may be denounced by an instrument in writing, deposited with the Secretary-General of the United Nations. The denunciation shall take effect six weeks after its receipt by the Secretary-General and shall operate only as regards the Member of the United Nations or non-member State on whose behalf it has been deposited."



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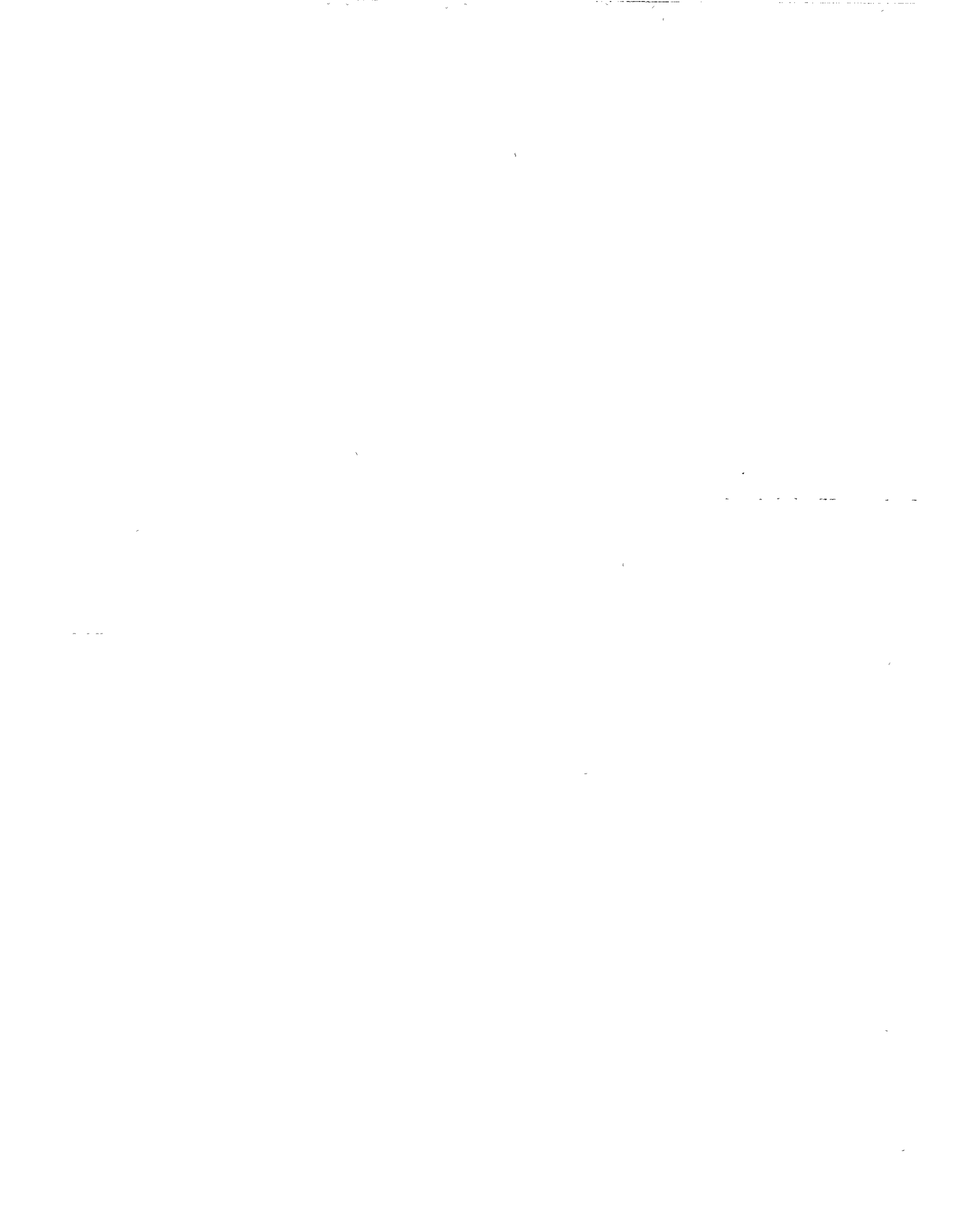
Annex I, page 1, third statement.

Instead of:

Divorce annexes - leave Convention itself as it is, (unofficial views).

read:

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INTERNATIONAL CONVENTION RELATING TO
ECONOMIC STATISTICS

The following clarification has been received regarding the position of the Government of India concerning the present International Convention Relating to Economic Statistics :

"Would prefer modifications of the Convention so as to render them less rigid and more flexible, particularly in regard to provisions relating to foreign trade".

