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ECONOMIC
AND
SOCIAL COUNCIL



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PROVISIONAL SUMMARY RECORD OF THE ELEVENTH MEETING OF THE AD HOC COMMITTEE
ON IMPLEMENTATION OF RECOMMENDATIONS ON ECONOMIC AND SOCIAL MATTERS

Held at Lake Success, New York
on Thursday, 22 December 1949, at 11 a.m.

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Draft report of the Ad Hoc Committee (E/AC.31/L.12) and amendments to that report (E/AC.31/L.13, E/AC.31/L.14, E/AC.31/L.15, E/AC.31/L.16).

Chairman and Rapporteur:

Mr. J. PLIMSOLL

Members:

Mr. TSAO	China
Mr. CATES	United States of America
Mr. AMANRICH	France
Mr. AZKOUL	Lebanon
Mr. RUDZINSKI	Poland
Mr. LEDWARD	United Kingdom of Great Britain and Northern Ireland
Mr. CHERNYSHYEV	Union of Soviet Socialist Republics
Mr. NASS	Venezuela

Consultant from non-governmental organization:

Mr. STOLZ	American Federation of Labor
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Secretariat:

Mr. YATES	Representative of the Secretary-General
Mrs. GRANT	Secretary of the Committee

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DRAFT REPORT OF THE AD HOC COMMITTEE (E/AC.31/L.12) AND AMENDMENTS TO THAT REPORT (E/AC.31/L.13, E/AC.31/L.14, E/AC.31/L.15, E/AC.31/L.16)

1. Mr. YATES (Secretariat) opened the meeting at 11.15 a.m. and asked whether, in the absence of the Chairman, it would be better to begin the discussion or to devote half an hour to unofficial consultations.

2. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) proposed that the meeting should be suspended.

It was so decided.

3. The CHAIRMAN opened the meeting at 11.40 a.m. and drew the attention of the Committee to the amendments presented by the United Kingdom, France and the United States to the draft report.

4. Mr. RUDZINSKI (Poland) said that he would like a reference to the memorandum prepared by the Legal Committee to be inserted at the end of the chapter entitled "General Considerations".

5. The CHAIRMAN requested the representative of Poland to present an amendment to that effect.

6. Mr. CATES (United States of America) was of the opinion that it would be better to indicate that the question had been raised in the Committee and that a document on the matter had been presented by the Legal Committee.

7. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) requested that reference to that document should be made in the introduction and that it should be annexed to the report. The document had been prepared at the request of the Committee, which should transmit it to the Economic and Social Council.

8. The CHAIRMAN called for discussion of the chapter entitled "General Considerations". An amendment to the second paragraph of that chapter had been submitted by the representative of France and was being translated; that paragraph would therefore be considered later.

/9. Mr. CATES

9. Mr. CATES (United States of America) proposed some amendments to the English text of the first paragraph, to give the second sentence of that paragraph a less peremptory tone: the word "helps" in the fourth line should be replaced by the words "should help" and the word "discloses" in the sixth line by "should disclose". Those changes would not apply to the French text.

10. Mr. RUDZINSKI (Poland) thought that the words "were inadequate" in the third line of the third paragraph on page 2 should be replaced by "seemed inadequate" or "were unsatisfactory".

11. Mr. CATES (United States of America) proposed that the words "in the resolutions making the recommendations" in the second sentence of the third paragraph on page 2 should be replaced by the words "the resolutions themselves, which were so vague and indefinite as to make it very difficult to ascertain exactly what action was desired".

12. The CHAIRMAN considered that that proposal would duplicate the terms of the sentence immediately following.

13. Mr. CATES (United States of America) thought that that idea should be brought out at the place which he had proposed.

14. Mr. LEDWARD (United Kingdom) proposed that the words "particularly in under-developed countries" in the final sentence of the third paragraph of page 2 should be deleted.

It was so decided.

15. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) said that he could have found many points to criticize in the draft report. In order to save the Committee's time, however, he would merely state that his silence should not be interpreted as tacit approval of the report.

16. The CHAIRMAN announced that the French amendment to the second paragraph had just been circulated. He invited the Committee to state its views on the paragraph.

/17. Mr. AMANRICH

17. Mr. AMANRICH (France) pointed out that his delegation's amendment did not alter the meaning of the paragraph, but only its form. The amendment was designed to stress the necessity of helping Governments to satisfy the requirements of the United Nations.

18. Mr. CATES (United States of America) supported the amendment, but suggested that the words "make reports on implementation easier" should be substituted for "make implementation easier".

19. Mr. AMANRICH (France) agreed to that change, although his original idea had been to facilitate implementation itself.

20. Mr. LEDWARD (United Kingdom) thought that the original French proposal was more in conformity with the Committee's intentions.

21. Mr. AZKOUL (Lebanon) agreed that the Committee's real purpose was to facilitate the implementation of recommendations; the Committee had confined itself, however, to studying the means of facilitating the preparation by Governments of reports on implementation. An attempt might be made, however, to take account of both ideas at the same time.

22. The CHAIRMAN proposed the following version: "to assist Governments in reporting on implementation and thus to help them in carrying out the recommendations of the United Nations."

It was so decided.

23. Mr. CATES (United States of America) proposed that in the English text of the second paragraph of the general considerations, the last line should be amended to read as follows: "progress may be slower in some fields of the Council's work than in others". The original drafting seemed to him to be too pessimistic.

24. Mr. LEDWARD (United Kingdom) and Mr. AMANRICH (France) preferred the original drafting.

25. Mr. NASS (Venezuela) thought that the original drafting would discourage Governments from sending in reports. He proposed that in the last line of that paragraph the word "will" in the English text should be replaced by "may", and the words "dans bien des domaines" in the French text should be replaced by "dans certains domaines".

26. The Committee proceeded to the consideration of the fourth paragraph of the general considerations.

27. Mr. CATES (United States of America) proposed that the words "such a study by segments" should be added at the end of the paragraph.

28. Mr. TSAG (China) asked, with respect to the penultimate paragraph of the "General considerations", whether the Secretary-General should circulate requests for information on the subject of the ratification of conventions.

29. The CHAIRMAN replied that the Secretary-General would be informed on that point by the fact that instruments of ratification were deposited.

30. The Committee next examined the last paragraph of the "General considerations" and the United States amendment to that passage (E/AC.31/L.15).

31. Mr. LEWARD (United Kingdom) preferred the text of the draft report which covered all the necessary points; the more detailed version suggested by the United States did not seem called for.

32. Mr. CATES (United States of America) pointed out that the Economic and Social Council should be able to find in the Committee's report a detailed statement of the debates on the subject of procedure. The report should therefore be as clear and accurate as possible.

33. Mr. ALKOU (Lebanon) thought that the United States amendment outlined more clearly the main ideas involved and would therefore facilitate discussion.

34. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) felt that the United States amendment would complicate unduly the text of the report and would introduce details with which the Council was not concerned.
35. Mr. TSAO (China) remarked that the United States amendment represented an improvement on the first sentence of the last paragraph, as the statement that the Assembly and the Council should endeavour to reduce the number of resolutions adopted by them containing recommendations was far too general in scope.
36. Mr. YATES (Secretariat) pointed out that the application of the United States proposals would be likely to cause serious drafting difficulties for the Assembly and the Council. For example, the Council would be unable to implement that recommendation unless it had a drafting committee or similar machinery at its disposal.
37. Mr. LEDWARD (United Kingdom) observed that the Committee should decide whether it wished to list its recommendations in the manner suggested in the United States amendment.
38. Mr. CAMES (United States of America) recalled that the Committee had been asked to prepare recommendations on a question with which the Council had been long concerned. It should therefore not hesitate to state that the drafting of resolutions should be improved.
39. The CHAIRMAN remarked that in some circumstances it might be impossible for the Council to adopt resolutions which met those requirements.
40. Mr. AZKOUK (Lebanon) said that the Committee was faced with a question of form -- which was of secondary importance -- and a question of substance. What had to be decided was whether the report should advocate reducing the number of recommendations requiring replies. He felt that if the wording to that effect contained in the draft report were adopted, the impression might arise that the

Committee was recommending that the Council should confine itself to exhortations and vague recommendations. That, however, was not at all the aim of the Committee, which on the contrary wished the Council to draft precise recommendations on which it would be easy for Governments to prepare reports.

41. From that point of view, the United States text appeared preferable.

42. Mr. Azkoul proposed that the Committee should vote separately on each idea contained in the five paragraphs of the United States amendment.

43. For his part, he preferred the first paragraph of that amendment to the first sentence of the last paragraph of the "General considerations", inasmuch as the latter might be interpreted as a recommendation by the Committee to the Council and the Assembly to adopt in the future resolutions which either contained no recommendations or did not require definite action on the part of Member States on which the latter should report. That was obviously not the intention of the Committee.

44. Mr. LEDWARD (United Kingdom) and Mr. TSAO (China) thought it should be possible to draft a generally acceptable text containing the ideas put forward in the United States amendment.

45. Mr. CATES (United States of America) did not wish to press for the adoption of the actual wording he had proposed. He merely wished the first sentence to contain some mention of the fact that the Council and the Assembly should keep in mind the real needs of the Council, and the second sentence to stress the importance of so drafting resolutions as to make entirely clear to Governments what was being asked of them.

46. Mr. TSAO (China) proposed the addition, at the end of the first sentence, of the following words: "by concentrating on the real needs of the Council and the Assembly and by taking into account the previous resolutions adopted by them."

47. Mr. AZKUL (Lebanon) supported that suggestion. He said he would vote against the first sentence if the Committee decided to maintain it as it stood.

48. Mr. RUDZINSKI (Poland) pointed out that the Committee was not in any way recommending to the Council and the Assembly that they should adopt nothing but resolutions containing only general statements without any recommendations; the Committee was putting them on their guard against the adoption of too many resolutions of a certain type.

49. The CHAIRMAN suggested the insertion, after the word "endeavour" in the first sentence, of the following words: "consistent with the real needs of the Council and the Assembly."

It was so decided.

50. Mr. AZKOU (Lebanon) repeated his objection to that phrase and requested that his position should be recorded in the report.

51. The CHAIRMAN proposed that the following phrase should be inserted at the end of the second sentence: "so that there may be no doubt as to exactly what action the Council or the Assembly expect Members to take."

It was so decided.

52. The CHAIRMAN said that the fourth paragraph of the United States amendment would be taken up during the discussion of that part of the report headed "Timetable".

53. Mr. LEDWARD (United Kingdom) thought that the paragraph should rather be included in the part headed "Requests for information from Governments".

54. Mr. CATES (United States of America) thought it would be better to include ^{it} under the heading "Timetable", as the work of Governments would be facilitated if the Secretary-General grouped resolutions which had been adopted according to the type of report required.

55. Mr. RUDZINSKI (Poland) reminded the Committee that he had proposed the insertion of a paragraph relating to a memorandum submitted by the Legal

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Department of the Secretariat concerning the question whether Member States were under an obligation to furnish reports on the implementation of recommendations relating to economic and social matters. Members of the Committee had before them the text of the paragraph (E/AC.31/L.16), which read as follows:

"The Legal Department of the Secretariat submitted a memorandum (E/1567) concerning the question whether Member States are under a legal obligation to furnish reports and relating to other provisions of Article 64 of the Charter. The said memorandum appears as Annex II to this report".

56. He proposed that his ~~amendment~~ should be included as the last paragraph of the section "General considerations".

57. Mr. AMANRICH (France) said that his delegation had maintained that the legal aspect of the matter was outside the competence of the Committee. He had no objection to the mention of the memorandum submitted by the Legal Department, but he wondered whether it was really necessary to include it as an annex to the report. The memorandum had been distributed under document number E/1567; as such it constituted a document of the Council, and the latter would certainly deal with it.

58. He suggested that a paragraph should be inserted in the report, before the part headed "General considerations", giving a list of the various documents which had been considered by the Committee.

59. Mr. NASS (Venezuela) and Mr. LEDWARD (United Kingdom) supported the observations of the French representative.

60. Mr. HUDZINSKI (Poland) said that, if the majority of the Committee objected to his proposal that the memorandum by the Legal Department should be annexed to the report, he would insist that the report should mention the fact that some delegations had considered that Member States were under no legal obligation to furnish reports on measures taken for the implementation of recommendations concerning economic and social questions.

/61. Mr. CHERNYSHEV

61. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) regretted to note that the proposal made by the representative of France constituted yet one more manifestation of the tendency which had made itself felt in the Committee and which was to bring pressure to bear upon Governments in order to obtain certain information.

62. As the report of the Committee was intended to clarify the procedure whereby information would be requested from Member States, it was only right that the legal position in that respect, as governed by the Charter, should also be clarified. He requested, therefore, that the report should contain a statement of the minority opinion on the scope of the provisions of Article 64 of the Charter, and in particular on the question whether or not Member States were under a legal obligation to furnish the reports for which they were asked.

63. The CHAIRMAN remarked that the memorandum from the Legal Department would be included in the Council's agenda as one of the documents bearing on the item dealing with the report of the Ad Hoc Committee.

64. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) urged that the Chairman should call for a vote on his proposal that the Legal Department's memorandum should be annexed to the Committee's report.

65. Mr. AMANRICH (France) explained that his delegation's opposition to having the Legal Department's memorandum annexed to the report did not mean that it was either in favour of or opposed to the contents of the document; it simply felt that the legal aspect of the question did not come within the Committee's competence and that the Council's attention should not be drawn to that document in particular.

66. Mr. AZKOL (Lebanon) agreed with the French representative that the legal aspect of the question was outside the Committee's competence, but thought that the Council's attention should be specially drawn to the Secretariat memorandum. He therefore suggested that the reference to the symbol of the document in the first sentence of the Polish amendment should be deleted and that the second sentence should be replaced by the following words: "This memorandum was circulated as E/1567".

/67. Mr. CATES

67. Mr. CATES (United States of America) wondered whether it would not be better to say that some of the members had raised the question whether under Article 64 of the Charter the Council was entitled to require Member States to send in reports on the implementation of recommendations on economic and social matters, and that the Legal Department of the Secretariat had been consulted, but that its opinion had not been discussed, as the Committee had taken the view that the legal aspect of the question was outside its competence.

68. The CHAIRMAN pointed out that if it was decided to alter the Polish amendment, the following words should be added at the beginning of the first sentence: "At the request of some members of the Committee".

69. Mr. RUDZINSKI (Poland) and Mr. CHERNYSHEV (Union of Soviet Socialist Republics) agreed to the compromise text proposed by the representative of Lebanon.

70. Mr. LEDWARD (United Kingdom) also supported that text.

71. Mr. CATES (United States of America) pointed out that the Legal Department's memorandum dealt chiefly with the interpretation of the English word "arrangements" (in French "peut s'entendre") in Article 64 of the Charter. The Polish amendment said that the memorandum dealt with "the question whether Member States are under a legal obligation to furnish reports".

72. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) could see no ground for opposition to the compromise text suggested by the Lebanese representative. That text merely stated facts; it gave no indication of the tenor of the Legal Department's findings nor of the conclusions the Committee might have drawn from those findings.

73. Mr. RUDZINSKI (Poland) pointed out that although the Secretariat's memorandum was entitled "Interpretation of the term 'Arrangements' in Article 64 of the Charter", only paragraph 4 of the memorandum dealt with that term. All the other paragraphs dealt with the question whether Member States

/were under

were under a legal obligation to furnish the Council with the reports asked for.
74. In the opinion of the Polish representative no misunderstanding was possible; a reading of the Secretariat's memorandum would make that quite clear.

The Polish amendment was adopted as amended by the Lebanese representative and the Chairman.

The meeting rose at 1.20 p.m.