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ORIGINAL: ENGLISH

COMMITTEE ON THE TERMS OF REFERENCE OF THE SUB-COMMISSIONS
OF THE ECONOMIC AND EMPLOYMENT COMMISSION

SUMMARY RECORD OF THE FIFTH MEETING

Held at Lake Success, New York, on Saturday
28 September 1946 at 2:45 p.m.

The following were present:

Chairman:	Mr. O. Colbjornsen	(Norway)
	Mr. W. A. Mackintosh	(Canada)
	Mr. Y. L. Wu	(China)
	Mr. L. Radimsky	(Czechoslovakia)
	Mr. Hoffner	(France)
	Mr. Villey	(France)
	Mr. A. Morosov	(U.S.S.R.)
	Mr. J. M. Fleming	(United Kingdom)
	Mr. L. Stinebower	(U.S.A.)

Secretariat: Mr. Carl Major Wright

CONTINUATION OF THE DISCUSSION ON THE NOTE PREPARED BY THE SECRETARIAT
REGARDING THE COMPOSITION OF THE SUB-COMMISSIONS, BASED ON THE INFORMAL
DISCUSSIONS OF 25 SEPTEMBER 1946

The CHAIRMAN recalled that the Committee had still to decide on the following points:

The number of members to be appointed to each sub-commission; whether to recommend that the sub-commissions should include one or two members of the Commission; the term of office of members of the sub-commissions; and finally, the question of the participation of representatives of specialized agencies or other experts.

Mr. WU (CHINA) suggested that for the sake of clarity the words "limited to" be deleted from paragraph 1 of the Secretariat draft, which would then read: "The membership of each Sub-Commission should be seven persons". In practice, it was unlikely that the Commission would select fewer than seven members.

Mr. FLEMING (UNITED KINGDOM) preferred to retain the original wording of paragraph 1 in order not to bind the Commission too rigidly.

As a compromise, he proposed, however, that the words "six to eight" might be included instead of the word "seven".

Mr. VILLEY (FRANCE) supported the proposal of the delegate for China. It would be preferable to have an uneven number of members and to fix the number in advance in order to avoid subsequent discussion.

Decision: After Mr. FLEMING (UNITED KINGDOM) had withdrawn his proposal and agreed to that of the delegate for China, the Committee decided upon the following wording: "The membership of each sub-commission shall be seven persons".

Participation of Commission Members as Members of the Sub-Commissions

Mr. WU (CHINA) suggested that the question of liaison between the Commission and its sub-commissions might be dealt with by the retention of the paragraph contained in Section 2 of the Resolution of 21 June (Journal No. 29, p. 513) to the effect that "not more than three members, not members of the Commission, may be appointed to a sub-commission without the previous approval of the Council".

Mr. FLEMING (UNITED KINGDOM) considered that the question should be dealt with in the report of the Rapporteur, where it could be explained more fully, rather than in the text of the Resolution. No rigid number should be fixed. The Report could merely state that the terms of reference were not meant to exclude the possibility that the Commission would choose some of its own members to serve in their individual capacity on the sub-commission, and that it would be an advantage, from the point of view of liaison, if two or three were so chosen.

Mr. VILLEY (FRANCE) pointed out that, whereas the Commission was composed of government representatives, the Committee had decided to recommend that the Sub-Commissions be made up of individual experts. The appointment of too many members of the Commission to the Sub-Commissions, would therefore alter the character of the latter.

The CHAIRMAN said that members of the Commission, if selected to serve on the Sub-Commissions, would do so in their personal capacity and not as government representatives. In addition to their expert knowledge of the particular questions involved, they would bring to the Sub-Commissions valuable background knowledge of the work of the Commission itself.

Mr. MACKINTOSH (CANADA) agreed with the delegate for the United Kingdom. Too rigid provisions should not be written into the Resolution, since the Commission might wish to deal with the important matter of liaison differently in different circumstances. In some cases it might merely appoint its own Chairman as chairman of a particular sub-commission. In other cases it might have amongst its own members two or three who were particularly expert in the question to be dealt with by a Sub-Commission and whom it felt should therefore be included in its membership.

Mr. STINEBOWER (UNITED STATES) agreed with the delegate for Canada.

In regard to the Chairman's remarks, he felt that there might be some difficulty in drawing a distinction between government representatives serving on the Commission and the same persons serving in their individual capacity as members of a sub-commission. If that distinction could be agreed upon, however, he suggested that paragraph 1 of the Secretariat draft, as amended by the Committee, could be combined with Alternative A of paragraph 2, to read:

"The membership of each sub-commission shall be seven persons, selected by the Commission in consultation with the Secretary-General and subject to the consent of the governments of the countries of which the persons are nationals. Not more than one person shall be selected from any single country."

Mention could also be made of the question in the report.

Decision: The Committee agreed to the wording proposed by the delegate for the United States, it being understood that it would be elaborated on in the Rapporteur's report, in the light of the discussions.

Term of Office of Members of the Sub-Commissions

The CHAIRMAN proposed the following wording:

"The term of office for Sub-Commission members shall be as for Commission members (see provision of paragraph 3 (c) and (d) above.

"If a member of a sub-commission is unable to serve for a

full three-year term, the vacancy shall be filled by a person selected by the Commission, subject to the above provisions."

Mr. WU (CHINA) supported the Chairman's proposal.

Mr. FLEMING (UNITED KINGDOM) considered that the provisions regarding rotation and staggered terms of office, (Section 3, paragraph 3(c) of the Resolution of 21 June - Journal No. 29, page 513) might occasion some difficulty in the case of small membership and a number which was not a multiple of three. In addition, they seemed less necessary since the sub-commissions were composed of experts appointed in their individual capacity and not of government representatives.

The CHAIRMAN agreed with the delegate for the United Kingdom that staggering could be dispensed with in the case of the sub-commissions, and modified his proposal accordingly.

Decision: The Committee agreed on the following provision:

"The term of office shall be for three years and the members shall be eligible for re-election.

"In the event that any member of the sub-commission is unable to serve for the full three-year term, the vacancy thus arising shall be filled by a person selected by the Commission".

Participation of Representatives of Specialized Agencies or Other Experts in the Work of the Sub-Commissions.

The CHAIRMAN said that under paragraph 3 of the SECRETARIAT note, the Committee was faced with three alternative proposals concerning the participation of additional experts in the work of the Sub-Commissions. Alternative A emanated from the United States Delegation, Alternative B from the United Kingdom delegation, and Alternative C from the delegation of the Soviet Union.

The principal difference between Alternatives A and B lay in the fact that the United Kingdom proposal named the particular Specialized Agencies which were to be invited, whereas the United States proposal left the choice of agencies to the Commission.

Alternative C resembled the general provisions for mutual representation laid down in the agreements already negotiated between certain agencies

and the United Nations, whereas Alternatives A and B were complementary to these agreements and envisaged the participation of representatives of the Agencies in their personal capacity as experts with special background knowledge.

Mr. MOROSOV (UNION OF SOVIET SOCIALIST REPUBLICS) considered that the question of participation of Specialized Agencies in the work of the Sub-Commissions was a general one which should not have been dealt with by the Committee at this organizational stage. In practice, it might be found desirable to invite prominent experts in many fields and not only representatives of intergovernmental agencies.

In his opinion, the wording of Alternative A did not correspond to the draft agreements negotiated at the second session of the Council. Under no circumstances should experts or representatives of agencies be invited until a definite agreement had been reached with the agency concerned, in accordance with the provisions of the Charter.

Mr. HOFFHER (FRANCE) agreed that the Specialized Agencies should be closely associated with the work of the Sub-Commissions, but considered that in whatever proposal was adopted, mention should be made, not only of those agencies but also of the World Federation of Trade Unions which had such a great role to play in the solution of employment problems.

Mr. FLEMING (UNITED KINGDOM) said that the agreements between the Specialized Agencies and the United Nations were contractual undertakings which stipulated only the minimum relationship. It was always open to either party to offer closer co-operation.

The Economic and Social Council could only make recommendations, whereas some of the agencies had wide executive powers to implement those recommendations. It was therefore desirable that they be consulted at an early stage, and on an expert level.

Particular agencies had been specified in the United Kingdom proposal, in order to distinguish clearly between the status accorded to them and the

kind of ad hoc participation which might subsequently be offered to other agencies in the discussion of a particular agenda item. There were, however, advantages in not mentioning the agencies by name, in order that future bodies, such as the International Trade Organization, could be included without a fresh ruling from the Council. He therefore proposed the amalgamation of Alternatives A and B, to include the first sentence of A and the last sentence of B. The provision would then read as follows:

The Commission shall invite experts, named by those inter-governmental agencies which are deemed by the Commission to be particularly concerned with the work of the Sub-Commission on Employment and Economic Stability, to participate regularly in the work of the Sub-Commission. Experts from other inter-governmental agencies may also be invited by the Sub-Commission to participate in the discussion of agenda items relating to matters within the scope of their activities.

The CHAIRMAN suggested that Alternative C might also be incorporated in order to provide for the co-operation of experts belonging to non-governmental organizations or holding no official positions.

Mr. STINEBOWER (UNITED STATES) agreed to the amalgamation of Alternatives A and B as proposed by the delegate for the United Kingdom.

As regards the Chairman's proposal to include also Alternative C he felt that within the limits of the budget, the Sub-Commissions would always be free to call upon individual experts of outstanding competence in any particular subject. If, however, the Committee considered that the Sub-Commissions had not already sufficient authority to obtain such collaborators, through the medium of the Secretary-General, he was willing to agree to include the further provision. It would be unwise, however, to invite too many experts to a sub-commission composed of only seven members, and he therefore suggested that the proposal of the Soviet Union might be made slightly more restrictive by the addition of the word "special". The words: "in consultation with the Secretary-General" might also be amended to "with the consent of the Secretary-General", since consent was what was really required as the Secretary-General's agreement would be based on

budgetary considerations.

The provision would then read:

"Experts may be invited by the Sub-Commission, with the consent of the Secretary-General, to participate in the discussion of agenda items relating to matters within their special competence".

Mr. RADIMSKY (CZECHOSLOVAKIA) considered that the proposals of the United Kingdom and United States delegates were not in line with the terms of the agreements so far negotiated. The question was, however, one for the Standing Committee on Relationships with Specialized Agencies, rather than for the present Committee to discuss.

The CHAIRMAN said that the proposals were intended to be complementary to the agreements in question.

Mr. MOROSOV (UNION OF SOVIET SOCIALIST REPUBLICS) said that he could agree to the fusion of Alternatives A and B as proposed if the joint text were amended to include reference to the participation of non-governmental as well as inter-governmental agencies. If the latter were not specifically enumerated, the W.F.T.U. need not be named, on the understanding that it would be among the first organizations to be called in.

Mr. VILLEY (FRANCE) proposed the addition of the words "and other international agencies" after the words "inter-governmental agencies".

Mr. STINEBOWER (UNITED STATES) recalled that the Council had found it necessary to distinguish clearly between its relationship with inter-governmental agencies and the purely consultative character of its relations with non-governmental organizations. The Committee should not, therefore, place the two types of organizations on exactly the same basis, as implied by the amendment of the delegate for France.

In order to achieve the purpose of that amendment, and yet remain within the framework of the Council's decision, he suggested either an additional sentence referring to consultation of non-governmental organizations, or a statement in the Report of the Committee's opinion

that such consultation would be governed by the provisions of the Council's decisions.

The CHAIRMAN pointed out that if the French amendment were adopted non-governmental organizations would have greater rights than the majority of the members of the United Nations, who were not represented on the Economic and Employment Commission or its Sub-Commissions.

If Alternative C, as amended by the delegate for the United States, were added to the amalgamated text of Alternatives A and B, the possibility of inviting experts from non-governmental organizations would be provided for.

Mr. MOROSOV (UNION OF SOVIET SOCIALIST REPUBLICS) said that if Alternative C were adopted in place of Alternatives A and B, no difficulty would arise. But if priority was to be given to any organizations, the W.F.T.U. should be included among them.

Mr. FLEMING (UNITED KINGDOM) proposed the addition of the words: "including experts nominated by non-governmental organizations" after the first word of Alternative C as amended by the delegate for the United States. The new text of Alternative C could then be added at the end of the joint text of Alternatives A and B.

Both the provisions of the Charter and the decisions of the General Assembly distinguished between the participation of Specialized Agencies and the consultation of non-governmental organizations. The Committee must maintain that distinction.

Mr. MOROSOV (UNION OF SOVIET SOCIALIST REPUBLICS) considered that the proposal of the United Kingdom delegate was drawing away from the spirit of the Council's decision that "most close consultative connection" should be established with the W.F.T.U. (Journal No. 29, page 483, paragraph 10).

Mr. VILLEY (FRANCE) pointed out that the W.F.T.U. had a major interest in the work of the Sub-Commission on Employment and Economic Stability.

Decision: The proposal of the representative for France to include the words: "and other inter-governmental agencies" in the text of Alternatives A and B as amalgamated by the delegates for the United Kingdom and the United States, was rejected.

The amalgamated text of Alternatives A and B was adopted.

Alternative C, as amended by the delegate for the United States was adopted.

The text therefore reads:

"The Commission shall invite experts, named by those inter-governmental agencies which are deemed by the Commission to be particularly concerned with the work of the Sub-Commission on Employment and Economic Stability, to participate regularly in the work of the Sub-Commission. Experts from other inter-governmental agencies may also be invited by the Sub-Commission to participate in the discussion of agenda items relating to matters within the scope of their activities.

"Experts may be invited by the Sub-Commission, with the consent of the Secretary-General, to participate in the discussion of agenda items relating to matters within their special competence".

The Committee agreed that the same provisions should apply to the Sub-Commission on Economic Development.

Form of the Draft Resolution to be submitted to the Economic and Social Council.

Decision: The Committee agreed that the form of the resolution regarding the Economic and Employment Commission should be modified to show the following section headings:

1. Terms of reference
2. Composition
3. Sub-Commissions

Provisions regarding both the terms of reference and the composition of the sub-commissions would be included under Section 3.

The Report of the Rapporteur would be drafted under similar headings.

The meeting rose at 6 p.m.
