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President: Mr. Hernán SANTA CRUZ (Chile).

Present: Representatives of the following countries:
 Belgium, Canada, Chile, China, Czechoslovakia, France, India, Iran, Mexico, Pakistan, Peru, Philippines, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Representatives of the following specialized agencies:
 International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, International Refugee Organization.

Reports of the *Ad Hoc* Committee on the Organization and Operation of the Council and its Commissions (E/1995 and Corr.1, E/1995/Add.1 to 4): report of the Co-ordination Committee (E/2129 and Corr.1, E/2129/Add.1 and Corr.1 and 2) (*continued*)

1. The PRESIDENT invited the Council to continue its discussion of section C of the draft resolution contained in the Co-ordination Committee's report (E/2129) and the various proposals related thereto. He called attention to the fact that the Indian amendment to the draft resolution proposed by Sweden (E/L.281) had been amended further and had been submitted as a joint amendment by India and the United States of America (E/L.289).
2. Mr. MOROSOV (Union of Soviet Socialist Republics) pointed out that the draft resolution (E/L.280/Rev.1) submitted by the Soviet Union delegation, proposing that voting rights in the Economic Commission for Europe (ECE) be granted to European countries not members of the United Nations which participated in the work of the Commission, had been thoroughly discussed in the Council. The proposal had been the subject of particularly detailed analysis and study, above all from the legal point of view. He had listened with great attention to the observations of members of the Council on the draft resolution and noted with pleasure that it had stood up to all tests. Experts from the United Nations Secretariat, as well as many members of the Council, had expressed approval of the draft resolution

and, as Mr. Owen had informed the Council at the 555th meeting, the proposal to grant voting rights to members of the regional economic commissions did not contravene either the legal or the general principles of the Charter of the United Nations. On the contrary, as the legal adviser had stated, the Charter of the United Nations fully confirmed the validity of the Soviet Union delegation's proposal to grant voting rights in the ECE to European countries not members of the United Nations.

3. The proposal to grant voting rights had been introduced at the sixth session of ECE by the Bulgarian delegation and the Soviet Union delegation had actively supported it in the Commission. Consistent to the end, the latter was trying to win acceptance for the proposal by submitting to the Council a draft resolution to the same effect. His delegation was convinced that the adoption of that draft resolution would contribute towards the better fulfilment by the Commission of the tasks assigned to it by the Economic and Social Council and the General Assembly.

4. The representative of India had expressed doubt as to the validity of the Soviet Union proposal from the legal point of view. He (Mr. Morosov) presumed that the explanation given by the representative of the Secretariat regarding the legal aspect, had entirely dissipated the legal doubts of the Indian representative and that the latter could now subscribe to the Soviet Union proposal without misgivings. The adoption of the Soviet Union proposal would also assist in the fulfilment of the desire of the representatives of Pakistan, India and other under-developed countries, since greater activity on the part of ECE would result in the establishment of closer relations between it and the Economic Commission for Asia and the Far East (ECAFE).

5. The Soviet Union delegation had no doubt that the granting of voting rights in ECE to European countries not members of the United Nations which at present participated in the work of the Commission in a consultative capacity and wished to participate in ECE with voting rights, would in fact contribute towards an extension of the fruitful activities of that Commission in the interests both of the nations of the European continent and of all other nations, above all the under-

developed countries which had trade relations and economic ties with Europe.

6. The Council had already heard several statements regarding the necessity of stimulating the work of ECE in every possible way. His delegation did not deny that necessity and was ready to co-operate in the successful development of the Commission's activities. But in order to ensure greater efficiency it was necessary that each participant should feel responsible for the work and for the fulfilment of the Commission's tasks. That would be possible if all the so-called associate countries at present taking part in the work of the Commission received voting rights. By granting voting rights to such countries, the Council would give them a specific interest in the work of the Commission, increase their responsibility for the progress achieved there and arouse in them the initiative which was of such importance. Consequently, from all points of view, such action by the Council could only react favourably on the work of ECE, and not only of ECE.

7. A few short observations were called for in connexion with the statement by the United Kingdom representative, at the 555th meeting of the Council, when he had said that the Council must not discuss such a proposal until the Commission had taken a definite decision, and had urged, in that connexion, that the proposal be referred for decision to ECE itself. The unsoundness and inconsistency of the position adopted by the United Kingdom representative was obvious to all members of the Council, and particularly to those of its members who were at the same time members of ECE and who took an active part in the work of that Commission. It was well known that at the sixth session of ECE, the United Kingdom delegation had voted, together with all the other members of the Commission, in favour of the matter being referred to the Council. That could be confirmed by reference to paragraph 156 of the annual report of the Economic Commission for Europe (E/2002) and by reference to resolution 3 contained therein. The United Kingdom representative's statement made it apparent that the United Kingdom delegation had voted in favour of the matter being referred to the Council in order that it might propose, in the Council, that the matter should again be referred back to the Commission.

8. The United Kingdom representative had tried to justify his position by referring to the position taken up by the Soviet Union delegation in the Co-ordination Committee, and to the fact that it had objected to the regional commissions being saddled with recommendations to which they themselves were opposed. It was true that the Soviet Union delegation had objected to the proposal that the date and place of sessions of the regional commissions should be subject to approval by the Economic and Social Council. The Soviet Union delegation had objected to the imposition on the regional commissions of provisions regarding their relations with non-governmental organizations, since that was contrary to the wishes of the commissions, as clearly expressed in decisions taken at the last sessions of ECE and ECAFE. The Soviet Union delegation would also object to those provisions in the Council. In general, the Soviet Union delegation considered that it was not permissible to take

liberties with the position of the regional commissions, arbitrarily to change the provisions regarding their activities or terms of reference, or to deprive them of independence in the conduct of their operations. If a policy of constant revision of the provisions concerning the regional commissions or the question of the relations between the Council and the regional commissions were embarked upon, the regional commissions would have no confidence in their position, since there would be no stability in the rules governing their relations. But stability in the rules governing the relations of the regional commissions and a certain independence in their operations, was one of the conditions for the success of their work. That was the position of the Soviet Union delegation with regard to the Co-ordination Committee's recommendations aiming at a revision of the terms of reference of the Commission, and it was to that position that the United Kingdom representative had tried to refer in order to justify his proposal.

9. The inconsistency of the reference to the position of the Soviet Union delegation, which the United Kingdom representative had made in order to justify his proposal, was, he thought, clear to the Council, since his delegation's position with regard to the question of the granting of voting rights in the Economic Commission for Europe to European countries not members of the United Nations was an entirely different one. The Commission had referred the question of the granting of voting rights to the Council for decision. It followed that the Soviet Union delegation's proposal on the granting of voting rights was not a recommendation which conflicted with a decision of the Commission, but was, on the contrary, a proposal in accordance with a decision which the Commission, had adopted unanimously with the participation of the United Kingdom delegation.

10. The Soviet Union delegation, being interested in developing and improving the work of ECE, hoped that members of the Council—representatives of non-European countries, as well as those of European countries—would support its draft resolution.

11. ECAFE had submitted for the Council's consideration an amended text of its terms of reference, containing *inter alia* an item dealing with the procedure for inviting the participation of Non-Self-Governing Territories and colonies in the work of the Commission. The new paragraph 5 of the terms of reference of ECAFE proposed that any territory, part or group of territories within the geographical scope of the Commission might, "on presentation of its application to the Commission by the member responsible for the international relations of such territory", be admitted by the Commission as an associate member of the Commission. During the discussion of that question in the Co-ordination Committee, the Soviet Union delegation had pointed out that the proposed procedure for inviting the participation of Non-Self-Governing Territories and colonies in the work of ECAFE was contrary to the spirit of the Charter of the United Nations, in particular of Article 73. It was contrary to the purposes of the United Nations, since it was aimed at reinforcing the colonial system and at increasing the dependence of Non-Self-Governing

Territories and colonies on the colonial Powers. For that reason, the Soviet Union delegation was unable to accept the Co-ordination Committee's decision on the proposal it had submitted, and would introduce an amendment to the terms of reference of ECAFE for consideration by the Council in plenary meeting. The Soviet Union delegation proposed that the new paragraph 5 of the terms of reference of ECAFE should be amended so as to give Non-Self-Governing Territories and colonies the right to apply to the Commission direct, and not through the metropolitan countries, if they wished to participate in the work of the Commission in a consultative capacity. The point of principle involved in that amendment was a very important one. Its adoption by the Council would help to enhance the prestige of ECAFE among the colonial peoples and would contribute towards the better fulfilment by the Commission of the tasks assigned to it in the field of the recovery and development of countries of Asia and the Far East.

12. Mr. KATZ-SUCHY (Poland) recalled that he had, at the 555th meeting, expressed his delegation's support for the draft resolution submitted by the Soviet Union delegation (E/L.280/Rev.1) amending the terms of reference of ECE. His delegation believed that the debate on the annual report of ECE and on the reports of the other regional commissions had been proof of the fact that a strong desire existed for strengthening the part played by the countries of each region covered. The only way that could be achieved was to grant all participants full voting rights.

13. The United Kingdom representative had asserted that he (the Polish representative) had accused the United Kingdom delegation of inconsistency. On the contrary, he believed that the United Kingdom delegation was entirely consistent in its desire not to grant voting rights to non-members actively participating in the work of ECE and in its attempts to avoid a decision by seeking to refer the matter back to ECE itself.

14. His delegation would also vote in favour of the Soviet Union amendment (E/L.274) to the terms of reference of ECAFE as the discussion thereon had shown the desire of the majority, and particularly of the members of that region, that the Non-Self-Governing Territories should be given a more active role in the Commission's work and should be given the opportunity to state their own views, since, in the past, that had been the responsibility of countries which had not served their interests.

15. Mr. BORIS (France) said that the French delegation, while supporting the legal interpretation given by the Secretariat, thought that the Indian representative had been right in saying that no attempt should be made to bring about too great a degree of co-ordination in the constitutional rules of the various regional commissions.

16. On the other hand, he feared that some of the proposals made might give rise to serious difficulties in ECE, where he himself had the honour of representing his country.

17. In principle, the French delegation had no objection to the Soviet Union draft resolution; it felt, however, that it was untimely, and that the implementation of a provision granting voting rights to European States not members of the United Nations who "actively" participated in the work of ECE, would give rise to very great difficulties and might result in decisions hardly in accordance with what the Soviet Union representative in fact wanted to achieve.

18. The United Kingdom proposal would, as had already been pointed out, have the effect of shifting the responsibility from one organ to another. In view of the terms of reference of ECE, which authorized it to admit European States not members of the United Nations in a consultative capacity, it was not very clear how it could act otherwise.

19. There did not appear to be any practical reason against the adoption of the Swedish draft resolution (E/L.281), but, in actual fact, it would not modify established practice to any great extent and would merely give a certain theoretical satisfaction to certain countries. The joint Indian and United States amendment (E/L.289) would, in any case, create great difficulties. To leave it to ECE itself to decide whether or not it would grant voting rights in its committees to States not members of the United Nations, would give rise to interminable discussions.

20. Although the Indian representative considered that the Council could not delegate to a commission powers which it did not itself possess, he had nevertheless maintained that a commission might grant certain countries voting rights in the committees. That reasoning was no doubt based on the idea that the committees had no executive authority and that the resolutions adopted by them were submitted for approval to a commission, in which the power of decision rested solely with Members of the United Nations.

21. Nevertheless, the committees of ECE, unlike those of ECAFE, had been authorized in practice to make recommendations direct to governments; that had been particularly evident in the case of the Coal Committee. It was therefore probable that, if the joint Indian and United States amendment were adopted, there would be lengthy arguments in ECE as to whether States not members of the United Nations could be accorded voting rights in committees which were empowered to make recommendations direct to governments.

22. In short, although the French delegation supported the view, expressed on several occasions by the Secretariat, that the Council had the right to grant voting rights in the commissions to States not members of the United Nations, the French Government was not, in present circumstances, in favour of an immediate revision of the terms of reference of ECE. It would prefer the *status quo* to be maintained until circumstances became more favourable.

23. The French delegation would therefore vote against the United Kingdom proposal to refer the problem back to ECE, should that proposal be put to the vote. It could not vote for the Soviet Union draft resolution,

and it would vote against the joint Indian and United States amendment to the Swedish draft resolution.

24. Mr. KRISHNAMACHARI (India) pointed out that despite the legal opinion communicated to the Council by the representative of the Secretary-General, certain delegations had expressed their own views as to the legal position—views which they continued to uphold despite an opinion to the contrary.

25. It was, in his view, inadmissible to object on legal grounds to the granting of voting rights to non-members of a commission. As the Council was no doubt aware, the time factor was essential on legal questions, since an earlier decision might well be reversed at a later stage. In that connexion, he recalled that, four years ago, when the Assistant Secretary-General in charge of the Legal Department had been requested to give his views on the terms of reference of ECAFE, he had concluded that, while no explicit provisions on voting rights of non-members existed in the Charter, the spirit and principles of the Charter enunciated a clear distinction between Members and non-members of the United Nations and did not envisage granting rights unless they were accompanied by obligations. Furthermore, only in exceptional circumstances should full rights be given in subsidiary bodies to non-members. He (the Indian representative) had therefore been compelled to revise his own views in the light of the statement made at the 555th meeting by the Secretary-General's representative. In the circumstances, the Council could expect that, at some future date, the position might again be reversed if yet another legal adviser were called upon to interpret the situation. Delegations were therefore at liberty to choose which interpretation they preferred.

26. He believed that, with the exception of those delegations which supported *in toto* the Soviet Union draft resolution, the Council would do well to reflect on the considerations raised by the French representative. He had been particularly interested to hear what that representative had had to say, as France was a member of ECE. The French representative had taken a highly practical view of the question and had been categorical in his refusal to accept the Soviet Union draft resolution in any form. His statement had provided some indication of the difficulties which members of ECE had to face. The analogy with the Coal Committee which the French representative had made did not appear to be valid, since ECE or any regional commission was free to delegate authority as it wished, provided it took the responsibility for such a step. In that particular case, it had been clear that, for purposes of convenience, the Coal Committee should be able to make recommendations directly to governments. That did not in any way imply that the Coal Committee had become an autonomous body, any more than would any subsidiary body to which similar powers were delegated. The fact that certain practices were current in ECE should not be taken into consideration as a decisive factor in the question of granting voting rights to non-members.

27. He believed that the essential consideration which the Council should not overlook was the question of responsibility. The Council was responsible for its

decisions regarding ECE in the same way as that Commission was responsible for its subsidiary bodies. Those delegations which favoured a middle course between the draft resolution submitted by the Soviet Union and the joint United States and Indian amendment to the Swedish draft resolution wished the Council to bear the full onus of decisions taken by ECE. However, it was for the regional commission itself to decide the action it wished to take. The position taken by the French representative did not appear to him to be tenable whatever legal interpretation was placed on the situation.

28. In the interests of consistency, therefore, the Council should adopt either the Soviet Union draft resolution, modified to some extent if so desired, or the amendments to the Swedish draft resolution submitted by India and the United States. The Swedish draft resolution as it stood was acceptable neither on legal nor on practical grounds. It would also set a bad precedent for the future.

29. Mr. STERNER (Sweden) noted that the United Kingdom delegation had continued to adhere to the view that it was not appropriate for the Council alone to take a decision regarding voting rights in the subsidiary bodies of ECE. The fact remained, however, that the ECE itself had been unanimous in addressing its request to the Council that a decision on voting rights should be taken.

30. In spite of the admiration he felt for the experience and judgment of the Indian representative, he could not fully comprehend the position he had taken from the legal standpoint. If the view were put forward that the Council could not appropriately grant voting rights to non-members in ECE, it was inconsistent to maintain that the Commission itself, which was a subsidiary body of the Council, should have the right of deciding that issue. Moreover, if the situation were interpreted on that basis, the decision to grant voting rights to associate members in ECAFE could not logically have been taken. In his view, the Council was clearly competent to take a decision of that nature.

31. He agreed with the Indian representative that the relationship between rights and obligations was a most important consideration. That, indeed, was one of the reasons why his delegation would be unable to accept the draft resolution submitted by the Soviet Union. If, on the other hand, his own delegation's draft resolution were adopted, voting rights would in effect be granted to non-members in subsidiary bodies of the Commission, but, in view of the fact that those bodies were under its control, the work of those bodies would likewise remain under its control, and hence of its full members who had also assumed financial obligations.

32. His delegation was most concerned with maintaining a consistent attitude on the problem, and he supported the view expressed by the French representative that to refer the matter back to ECE would give rise to considerable difficulties in that body.

33. Although his delegation always sought to achieve compromise solutions, it could not in the present circumstances accept the amendment proposed by the

United States and Indian delegations and would maintain its own draft resolution as it stood.

34. Mr. BORIS (France) remarked that, contrary to the Indian representative's impression, the attitude of the French delegation was perfectly consistent. It reproached the Soviet Union proposal, the amendment submitted by India and the United States of America, and the United Kingdom suggestion with exactly the same defect—namely, that all those proposals would enable the Council to shift on to ECE the responsibility for a decision which it would be incapable of taking.

35. With regard to the legal question of the delegation of powers, it had just been pointed out to him that the United Nations International Children's Emergency Fund (UNICEF), a body on which States not members of the United Nations had the right to vote, offered a precedent in the matter.

36. To sum up, he would repeat that his delegation, in other circumstances, would no doubt be in favour of granting the right to vote to non-member States, but it did not consider it advisable to reopen discussion on the revision of the terms of reference of ECE and, accordingly, would not vote for the Soviet Union draft resolution.

37. Mr. ALVAREZ OLLONIEGO (Uruguay) regretted that his delegation would not be able to vote in favour either of the Soviet Union or of the Swedish draft resolution. Neither could it support the Indian and United States amendment to the latter.

38. It was essential to maintain a clear distinction between the consultative phase of the work of United Nations bodies in which non-members as well as non-governmental organizations and individual experts were called upon to participate actively, and the final phase when decisions were taken and when only those States which were Members of the United Nations could vote. That consideration applied in the first place to the principal organ of the United Nations, the General Assembly, but it also applied to its dependent bodies, the Economic and Social Council and the regional commissions, as well as the subsidiary bodies of such commissions. In his delegation's view, the Council was not competent to take a decision delegating the authority of the Council to a subsidiary body unless it had received specific instructions to do so from the General Assembly, since any action taken in other circumstances might well have serious repercussions. He quoted the hypothetical case of a resolution being adopted by a majority of non-members in a subsidiary body of a commission, assuming that voting rights had indeed been granted to non-members actively participating in the work of such subsidiary bodies; such a resolution might eventually come before the General Assembly itself and, in those circumstances, the General Assembly might feel morally bound to abide by such a decision. The position would obviously be untenable. He had drawn attention to such a possibility in order to lay particular emphasis on the fact that the Council should constantly bear in mind that the General Assembly was the only body competent to grant voting rights and that for it to do so, it had to adopt a specific resolution to that effect.

39. Mr. NOSEK (Czechoslovakia) said that, during discussion of the annual report of ECE, his delegation had pointed out the need for a solution of the problem of voting rights for non-members of the Commission which participated actively in its work and who, furthermore, constituted one-third of the countries represented. All those countries were contributing to the European economy and had expressed the desire to be granted voting rights. In view of the fact that the Commission's principle task was to develop European trade, his delegation believed that it was essential, in order to achieve the maximum effectiveness in the Commission's work, that all countries should be given the same status.

40. His delegation consequently welcomed the Soviet Union draft resolution and would vote in its favour. His delegation would also support the Soviet Union amendment to the draft terms of reference of ECAFE.

41. Mr. LUBIN (United States of America) believed that the Uruguayan representative had raised a most significant point in emphasizing the importance of a decision of that nature and in calling particular attention to the relationship between decisions of the Council and recommendations of the General Assembly.

42. The Council clearly had certain constitutional rights under the Charter. However, a difference of opinion between certain delegations and the representative of the Secretary-General as to the exact scope of such legal rights had emerged.

43. Regarding the comparison drawn between voting rights in ECE and in UNICEF by the French representative, he noted that the situation was different in respect to those two bodies, since, in the latter case, the question of the privilege of voting rights had concerned countries which had undertaken to contribute to UNICEF's budget, whereas no financial obligations had been entered into by non-members invited to participate in the discussions of ECE in a consultative capacity. Moreover, he recalled that the Council had considered the question of voting rights in UNICEF to be of sufficient importance to warrant its being referred to the General Assembly for decision. In view of the fact that the question of voting rights was of such importance and that any precedents established in the Council would necessarily have direct repercussions on all the organs of the United Nations, his delegation believed that any decision as to voting rights should be referred to the General Assembly.

44. He did not believe that the objections raised against referring the matter back to ECE were valid. He noted, furthermore, that the situation with regard to ECAFE was in no way comparable, since that Commission had expressed the desire to grant voting rights to associate members and had asked the Council for confirmation. ECE had, however, made no such specific request. He believed, therefore, that it would be desirable for ECE to take such a decision itself, since, in his view, it was a sufficiently competent body to do so. The decision, of course, would be reported to the Council.

45. There was, furthermore, a clear distinction which could be drawn between the subsidiary bodies of ECAFE and those of ECE, as had already become apparent in the

discussion on the latter's report, in that the subsidiary bodies of ECE made recommendations directly to governments without such recommendations being first referred to the Commission itself, whereas the subsidiary bodies of ECAFE referred their decisions back to ECAFE for confirmation. His delegation fully recognized the need for such action, as in the Coal Committee, for instance. Rightly or wrongly, however, the fact remained that the subordinate bodies of ECE did have such power.

46. Mr. ATWAR HUSSAIN (Pakistan) said that his delegation would support the draft resolution as originally submitted by the Swedish delegation because it was consistent with the procedure followed with regard to ECAFE. After hearing the opinion of the legal adviser communicated to the Council at the previous meeting, his delegation felt that the Soviet Union draft resolution had a legal basis although it proposed a rather radical solution. He would, however, have to consult his Government further before definitely expressing his delegation's view on the principle of that draft resolution. His delegation would therefore abstain from voting on the Soviet Union draft resolution.

47. His delegation did not favour the suggestion to refer the matter back to ECE, since it had already submitted the question to the Council for consideration and any further postponement would give rise to interminable delays.

48. Mr. MOROSOV (Union of Soviet Socialist Republics) noted that the French representative had objected to the Soviet Union draft resolution not on the basis of the principles laid down therein, but because he considered its timing to be inappropriate. It was clear, however, that, in view of the existing economic situation, it was at the present time more essential than ever to ensure that the organs of the United Nations made full use of their possibilities for promoting international co-operation. ECE was therefore called upon to contribute to the best of its abilities to the development of normal economic relations between countries, and the draft resolution submitted by his delegation was designed to increase the effectiveness of the Commission's work. The French representative had also said that the Soviet Union draft resolution might give rise to difficulties within the Commission itself. But, judging the situation impartially, it was clear that that would not be the case.

49. Should the Soviet Union draft resolution be none the less rejected, he would reserve his delegation's right to submit an amendment to the Swedish draft resolution.

50. In reply to a request for clarification from the PRESIDENT as to the reasons which had motivated ECE's decision to refer the question of voting rights of non-members to the Council for consideration, Mr. MYRDAL (Executive Secretary of the Economic Commission for Europe) said that the Commission had unanimously expressed the view that it was not competent to take a decision itself on that matter. Under its terms of reference, the Commission could determine the conditions in which European States not members of the United Nations might participate in its work, but it had been under the impression that that could not be extended to cover the question of voting rights. In the circumstances, there-

fore, it had seemed the normal procedure for the question to be referred to the Council.

51. The Commission had refrained from making any recommendation thereon to the Council as it considered that the Council should bear the sole responsibility for such a decision, since broad principles were involved and any decision taken might set precedents for the future.

52. Mr. CHA (China) considered that voting rights were a fundamental prerogative of membership of the United Nations, and that therefore those rights should not be accorded to associate or consultative members.

53. In the case of ECAFE, any decisions taken by its subsidiary bodies were subject to review by the Commission itself, thus effectively eliminating all danger of abuse.

54. His delegation did not consider that the Council had the right to make it mandatory for ECE to grant voting rights to European States participating in its work in a consultative capacity. For those reasons his delegation would vote against both the Swedish and the Soviet Union draft resolutions. Other things being equal, his opinion would have been that the matter was largely one for the commissions concerned, but, in view of the statement made by the Executive Secretary of ECE, it appeared that the Council was called upon to take a decision with regard to that Commission.

55. Mr. OVERTON (United Kingdom) thought that the Indian representative had clearly underlined the significance of his (the United Kingdom representative's) earlier remarks. The question was whether the Council was to direct ECE to take some action upon which the latter had not yet adopted a definitive attitude, or whether it was to inform ECE that it had the right to settle the issue itself, and then to amend its terms of reference retrospectively in accordance with the action taken.

56. His delegation had observed that there was considerable division of opinion with regard to the Swedish and Soviet Union draft resolutions. Whereas the former largely concerned action which ECAFE had already taken, and which the Council had subsequently confirmed, the latter opened up certain questions of principle and might lead to the establishment of dangerous precedents, of which several delegations were apprehensive—and rightly so. On that ground, it would be logical to oppose taking a decision which would permit ECE to have the last word in the matter. Under those conditions, it appeared that the modified amendment to the Swedish draft resolution submitted by India and the United States of America was not fully adequate and he wondered whether its sponsors would accept a change in the wording. To make it clear that ECE's powers of discretion were to cover a field no different from that of ECAFE, he would propose that the phrase "with the provision, however, that they shall exercise voting rights" be replaced by the phrase "including the question of voting rights".

57. Mr. KOTSCHNIG (United States of America) signified his acceptance of the United Kingdom representative's suggestion.

58. Mr. INGLÉS (Philippines) said that his delegation preferred the original Indian amendment, since it conformed more strictly to his views expressed earlier that the Council should not itself grant voting rights to European States participating in the work of ECE in a consultative capacity, or attempt to lay down the conditions upon which voting rights should be exercised in the subordinate bodies of ECE. As the amendment now stood, ECE was authorized to determine not only the conditions under which such States could vote in its subsidiary bodies, but also in the Commission itself. The amended draft had been submitted on the basis of the legal opinion which the Council had heard at its previous meeting, but, while having every respect for the legal advice available to the Secretariat, the Philippines delegation, and perhaps others, did not entirely accept the legal opinion which had been offered. That opinion differed from the views on the same subject expressed by the Legal Department on another occasion, and, in the face of conflicting secretariat views, delegations obviously had to exercise their judgment upon which opinion was the more acceptable, and conformed more truly to the provisions of the United Nations Charter. His delegation was concerned at the fact that, since the latest legal opinion was based upon Article 68 of the Charter, it was presumably applicable to all and any commissions which had been or which might be established by the Council. He believed that that was rightly a matter of concern, since it opened the door to illegal entry into the United Nations by countries which had no legal claim to membership.

59. If a more authoritative legal opinion was required, his delegation believed that the matter could properly be submitted to the International Court of Justice at The Hague, since the Court was the principal judicial organ of the United Nations. He would concede that the political implications of the matter would have to be handled by the General Assembly, but an expert legal opinion by the International Court would provide a better basis upon which to take a decision on those implications. In that connexion, he wished to draw a distinction between the existence of a right and its exercise. The exercise of a right was often a matter of discretion, upon which political considerations had an important bearing.

60. His delegation could have supported the revised Indian and United States amendment provided that, as the United States representative himself had suggested, any decisions taken by the Commission could be quashed by a contrary decision of the General Assembly and, he might add, of the International Court of Justice, on the broader issue of whether non-members could be granted voting rights in, or membership of, subsidiary bodies of the Council.

61. The modification which the United Kingdom representative had just proposed seemed to him to be more in line with the original Indian amendment; his delegation would support it in the first instance and, if it were rejected, would vote for the joint Indian and United States amendment as an alternative, subject to the proviso to which he had referred.

62. Mr. OWEN (Assistant Secretary-General in Charge of Economic Affairs) referring to the observations of the Philippines and Indian representatives to the effect that there was a discrepancy between the legal opinion given at the previous meeting and that presented three years previously by the Assistant Secretary-General in charge of the Legal Department, pointed out that, on close examination, the discrepancy was only apparent. The earlier legal opinion, which had referred to full membership of ECAFE, had been that only in exceptional circumstances should full membership of a subordinate organ be granted to a non-member. That had, in fact, only occurred once, and in circumstances which had indeed been exceptional. At the same time, it had been made clear that the Council had the right to grant voting rights, but that the question of the exercise of that right was a matter of policy which could not be decided by a legal opinion, but only by governments.

63. Mr. KATZ-SUCHY (Poland) considered it significant that those very delegations which, on other occasions, stood for the maximum of interference by United Nations bodies in the affairs of sovereign States, seemed now strangely reluctant to take any action which would increase the independence or authority of ECE. That reluctance was quite understandable, since the United States of America feared the strengthening of the European element in the Commission which the grant of voting rights in the Commission to those participants who were non-members of the United Nations would involve. The fact remained, however, that the Council had the legal right to decide so to extend the Commission's power. His delegation believed that the annual report of ECE and the *Economic Survey of Europe in 1950* (E/ECE/128/Rev.1) made it clear that that right should be exercised forthwith. In view of the present serious economic situation, there was an urgent need for closer economic co-operation among the countries of Europe and an increase in the scope and authority of ECE; that would be achieved by strengthening the role which the European States themselves played in the Commission.

64. The French representative had drawn attention to certain dangers which he believed inherent in the Soviet Union draft resolution. The Polish delegation believed, however, that the sound sense prevailing in ECE's counsels would ensure that any such pitfalls, even if they did exist, would be avoided.

65. While the Pakistani representative had rightly pointed out that no unnecessary discrimination should be made between the regional economic commissions, it had to be remembered that, in certain important aspects, ECE differed from the other commissions. Several of those States non-members of the United Nations who were participating in the Commission's work played an important role in European economy and, unlike their counterparts in the other regional economic commissions, had the status not of Non-Self-Governing Territories, but of sovereign States representing almost one-third of the population of Europe. To grant them voting rights would be to enhance greatly the strength and efficiency of ECE. On the other hand, to adduce legal considerations as arguments against such a course was merely a

veiled attempt at obstruction and at the restriction of international collaboration.

66. Mr. MOROSOV (Union of Soviet Socialist Republics) asked the Swedish representative whether he would agree to the insertion after the words "not members of the United Nations" in the first paragraph of the preamble and in the last paragraph of the Swedish draft resolution, of the words "which are at present actively participating in the work of the Commission".

67. Mr. STERNER (Sweden) replied that he could not accept that amendment.

68. Mr. KRISHNAMACHARI (India) considered that, in view of the trend which the discussion had taken, it might be better to revise the original method of working and to take a vote on sections B and C of the draft resolution submitted by the Coordination Committee before beginning consideration of section A.

69. The PRESIDENT agreed with the Indian representative.

70. Mr. MOROSOV (Union of Soviet Socialist Republics) considered there was no occasion to go back on the decision already taken with regard to the procedure for considering and voting upon the various sections of the draft resolution.

71. Mr. KRISHNAMACHARI (India) proposed that the vote on sections B and C be taken at the following meeting.

The Indian representative's proposal was adopted by 13 votes to none, with 4 abstentions.

72. The PRESIDENT, opening the discussion on section A of the draft resolution submitted by the Co-ordination Committee (E/2129) drew attention to the United Kingdom amendment (E/L.283) and the Swedish amendment (E/L.288) submitted to that section. The Council would also need to consider the note by the Secretary-General (E/2129/Add.1 and Corr.1 and 2).

73. Mr. KRISHNAMACHARI (India), observing that the note by the Secretary-General involved extensive technical alterations, considered that it would be preferable to start with a consideration of that note and to have its amendments incorporated into the various sections of the draft resolution submitted by the Co-ordination Committee, in order to facilitate their subsequent examination.

74. The PRESIDENT drew the Council's attention to the Secretary-General's first point, concerning the difficulties involved, by reason of the lateness of the opening date of the General Assembly's sixth regular session, in applying in 1951 the provisions set forth in section A I, paragraph 3, of the draft resolution. That problem would arise if the resolution were scheduled to take effect before 1952.

75. Mr. KOTSCHNIG (United States of America) considered that the proposal whereby the arrangements in question should enter into force on 1 January 1952 was on the whole sound. He considered it essential,

however, that the thirteenth session of the Council should be adjourned (and not closed) in order to permit its subsequent resumption for the purpose of elaborating the 1952 work programme. Failure to do that would mean that the new arrangements could only become operative in 1953.

76. The PRESIDENT pointed out that the sixth session of the General Assembly could be expected to continue beyond 31 December 1951. In those circumstances, if the aim was for the Council to hold a series of meetings after the sixth session of the General Assembly it would certainly be difficult to hold the second part of the Council's thirteenth session in 1952, since the actual membership of the Council would by then have changed.

77. Mr. KOTSCHNIG (United States of America) agreed that that might be a serious difficulty. Possible solutions might be either that the Council should hold what he would call a "rump" session, its retiring members being absent, or that the retiring members should continue to serve for the purpose of the extended session or, thirdly, and probably best, that the Council should hold a few meetings before the end of the year in order to elaborate at least the work programme for 1952. Should the third course be followed, however, there might of course be a number of questions which the Council would be unable to decide, since the General Assembly would not have terminated its session by the end of the year.

78. The PRESIDENT pointed out that the meetings suggested by the United States representative should take place, constitutionally speaking, before the end of 1951. In the event of the Council being unable to complete the preparatory work specified in the draft resolution by that date, it would be necessary to hold a special session in 1952.

79. Mr. ALVAREZ OLLONIEGO (Uruguay) said that his delegation had suggested in the Co-ordination Committee that the difficulty might be solved by holding a separate session.

80. The PRESIDENT drew attention to the fact that under Article 61, paragraph 2, of the Charter the term of office of each member of the Council was limited to three years, and submitted that terms expiring on 31 December 1951 could not be extended beyond that date.

81. Mr. KRISHNAMACHARI (India) asked what the carry-over of work would be, and why it could not be entrusted to the new Council.

82. The PRESIDENT reiterated that, in view of the probable duration of the sixth session of the General Assembly, it was to be expected that the second part of the thirteenth session of the Economic and Social Council would have to be held in 1952, when the membership of the Council would have changed. In that case, however, as the Secretary-General pointed out, it would be necessary to amend rule 19 of the Council's rules of procedure, which stipulated that the Council was to elect its officers "each year at the commencement of its first meeting".

83. Were the Council, in fact, to hold a special session to deal with purely administrative questions at the beginning of 1952, the probability was that it would be composed at that juncture of alternate representatives and would be unable to elect its officers. It was for that reason that the Secretary-General was suggesting the provision that "In 1952, for the purposes of rule 19, the first meeting of the first regular session shall be regarded as the first meeting of the year."

84. The Council might likewise decide to amend its rules of procedure in such a way as to provide that the President and the Vice-Presidents would remain in office throughout the whole period of the thirteenth session, subject to the rule providing that if a State ceased to be a member of the Council, its representatives could no longer continue to act as officers.

85. Mr. TSAO (China) felt that the third alternative proposed by the United States representative was the only satisfactory one which had been submitted. It was clear from the work of the Co-ordination Committee that the Council's programme for any year had to be planned at the second part of the second regular session of the previous year—*i.e.*, in the present case, at a short session to be held during, or immediately after, the General Assembly. Indeed, failure to hold such a session would mean that no programme at all could be established for the following year.

86. Mr. KRISHNAMACHARI (India) did not believe that the division of labour between the outgoing and the incoming body was necessarily so difficult. If the programme was to be put into operation in 1952, the obvious course of action would be to terminate the current session and, in the case of 1952, make provision under section A, paragraph 3 (b), of the draft resolution either for a special session of the Council in January or February 1952, or for the delegation of authority for establishing the programme to the Secretary-General or, thirdly, for the task to be accomplished by the present officers. That would avoid the cumbersome procedure of keeping the Council alive until the end of the year, and of then having to face the possibility of its expiring.

87. Mr. CORLEY SMITH (United Kingdom) agreed with the President that the particular difficulty with which the Council was dealing related to the current year only. With the normal timing of the General Assembly's session, the admittedly cumbersome process of adjourning and not terminating the Council's summer session was probably the most suitable. However, the difficulty encountered in the current year had to be faced, and even if it proved impossible, under the terms of the Charter, for the representatives of all the States now sitting on the Council to reassemble after 1 January 1952, then a form of words must be found rendering it possible to hold a short administrative session early in the following year, approximately at the end of the General Assembly.

88. There was likewise the difficulty of the election of officers: part of the draft resolution under review clearly had the purpose of providing for a special administrative session to be attended by the permanent delegations of Member States and not by full delegations, with the

consequence that the election of officers would be difficult, if not impossible.

89. However, he believed that all those were practical difficulties which could be better solved by reference to the Secretariat than by discussion in Council.

90. Mr. KOTSCHNIG (United States of America) thought that some further attempt should be made to reach immediate agreement. To that end his delegation would be pleased to introduce a draft resolution with the following provisions: first, that the draft resolution should come into force as from 1 January 1952; secondly, that the thirteenth session of the Council should be adjourned with a view to holding a limited number of meetings before the end of 1951 for the purpose of drawing up, with the assistance of the Secretary-General, the 1952 work programme and of fixing the dates referred to in paragraph 4 of section A I and of arranging the disposition of any questions arising out of the work of the General Assembly accomplished before the end of 1951.

91. He was urging his proposal for the simple reason that the General Assembly was unlikely to complete its work before the end of February 1952. With the first session of the Council in April it was clearly too late to defer a decision on its 1952 programme until the end of February, or even early March. Such a decision should be taken in good time and, under the terms of his proposal, it could be taken before the end of 1951 by the present Council. The fact that it would be the present Council that took the decision, and not the new body, would also have the advantage of assuring greater continuity.

92. As for the items for Council action on which the General Assembly completed its work only in February or March, they could be taken up at the first meetings of the Council session in April.

93. Mr. MICHANEK (Sweden) pointed out that the difficulties which some representatives believed could only occur in 1951 might easily arise every year. The joint Canadian, Swedish and United Kingdom draft resolution (E/AC.24/L.65), on which the draft resolution submitted by the Co-ordination Committee was based, was itself based on a Belgian, French and United States draft resolution (E/AC.24/L.54), in which the proposed "administrative session" was envisaged as assembling every January. The sponsors of that draft resolution had believed that, in normal years, it would be possible to hold a session of the Council after the General Assembly and before the end of the year. But there was no guarantee that such a procedure would in fact be possible, and when it was not, the problem of new members and the election of officers would inevitably arise.

94. Mr. KOTSCHNIG (United States of America) said that the difficulties to which the Swedish representative had drawn attention existed only in respect of the holding of an administrative session in January as earlier contemplated. Under the proposals now before the Council, the meetings at which the following year's programme of work would be decided would normally be held before the end of the year.

95. The PRESIDENT pointed out that, when the Council voted on the Co-ordination Committee's draft

resolution, a separate vote could be taken on whether or not to insert in it the United States proposal.

96. The matter raised in the observation of the Secretary-General with regard to the Sub-Commission on Statistical Sampling and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities had already been settled by the Council.

97. The Secretary-General's suggestion with regard to section A 1, paragraph 2, of the draft resolution was merely a question of drafting.

98. In connexion with paragraph 3, the Secretary-General stated that "a clear indication by the Council is necessary on the ceiling number of meetings per day so that the Secretary-General can make appropriate financial and administrative arrangements for the sessions of 1952".

99. Mrs. FIGUEROA (Chile) thought it might prove inconvenient to fix a ceiling number of meetings per day in advance, as experience in past years had shown that the ratio of committee meetings to plenary meetings varied from one session to another. If a decision were taken in advance as to the number of meetings to be held each day, it would be impossible to provide for extra meetings if circumstances so required. It seemed essential to leave the Council a certain amount of latitude in that respect.

100. The PRESIDENT noted that estimates of the number of meetings had sometimes proved incorrect. He felt that it would be preferable to defer consideration of that particular point until the Council came to discuss its programme and the calendar of meetings.

101. Mr. OVERTON (United Kingdom) thought that what the Secretary-General required in that connexion was an indication of how the meetings of the summer session would be staggered, and also of how items on the agenda would be grouped. Therefore, to meet both the points raised by the President and that raised by the Secretary-General, he would propose that a decision with regard to the number of meetings held should be taken at the brief series of meetings carried over from the present session at the same time as the basic work programme and agenda were established for the following year.

102. Mr. HESSEL (France) observed that the Secretary-General certainly required some indication from the Council to enable him to make the necessary administrative and financial arrangements for the 1952 sessions.

103. Since no formal proposal had been submitted to limit the number of meetings to be held a day, the Secretary-General should assume that the Council wished to have enough rooms to hold five or six meetings a day, if necessary.

104. The PRESIDENT repeated that the question might well be considered when the Council discussed the calendar of meetings.

105. Mr. MOROSOV (Union of Soviet Socialist Republics) requested that the Secretariat give an account of the financial implications which the measures envisaged in section A I of the draft resolution would involve.

106. The PRESIDENT said that the Secretariat would inform the Council of the estimated expenditure at the next meeting.

The meeting rose at 1 p.m.