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SOCIAL COUNCIL**

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VERBATIM RECORD OF THE EIGHTEENTH MEETING
OF THE ECONOMIC AND SOCIAL COUNCIL
Lake Success, New York
Thursday, 12 September 1946 at 10:30 am

PRESENT:

The PRESIDENT: DR. STAMPAR

MR. LEBEAU	(Belgium)
HON. MR. MARTIN	(Canada)
MR. DAVILA	(Chile)
DR. CHANG	(China)
H.E. DR. ZULETA ANGEL	(Colombia)
H.E. DR. BELT	(Cuba)
DR. PAPANEK	(Czechoslovakia)
MR. PARODI	(France)
MR. ARGYROPOULOS	(Greece)
SIR G. SHANKAR BAJPAI	(India)
H.E. MR. MALIK	(Lebanon)
MR. COLBJORNSEN	(Norway)
MR. ARCA PARRO	(Peru)
Absent	(Ukrainian SSR)
MR. FEONOV	(Soviet Union)
SIR SIDNEY HARRIS	(United Kingdom)
MR. WINANT	(United States of America)
MR. KRASOVEC	(Yugoslavia)

The PRESIDENT: The meeting will come to order.

Our timetable for today is the discussion on refugee problems. The first item of today's agenda is the problem of refugees. We will have to discuss how to handle this problem, either in a Committee or in full session. Does any Representative wish to speak on this subject?

MR. WINANT (United States): Mr. President, it is the hope of the United States Delegation that we might proceed as we did at the last session and go into a Committee of the Whole.

The PRESIDENT: Any other Representative?

SIR G. Shankar BAJPAI (India): Mr. President, I would like, if I may, to support the suggestion of the Representative of the United States. This is a question which touches all and therefore can best be discussed by all together.

MR. ARGYROPOULOS (Greece): Mr. President, I also adopt the idea of the Representative of the United States and I think that this is a question which ought to be discussed by all the Members of the Committee -- I mean to say, the full Council.

HON. MR. MARTIN (Canada): The Canadian Delegation supports this proposal of the United States Delegation.

MR. PARODI (France) (interpretation from French): I should also like to express my agreement with the proposal of the United States Representative, Mr. President, and add one further argument in its favor; namely, that the question of refugees is not only of great importance and topical importance in itself, but also it contains difficulties which are of a political character.

It seems to me, therefore, clear that it is desirable to treat this question immediately in the Council as a whole. If it were dealt with first by a Committee, those political aspects would inevitably come before the Council sooner or later, and I suggest therefore that we should do well to discuss it immediately in the Council as a whole.

The PRESIDENT: Are there any other proposals?

If there is no objection to the proposal of the United States Representative, we shall consider it as adopted.

Shankar

SIR G./ BAJPAI (India): Mr. President, there seems to be some confusion in our minds, because I think that the Representative of the United States is suggesting that this matter be discussed by a Committee of the whole, whereas the other proposition is that it should be discussed by the Council as such. I should like to know what we are talking about.

The PRESIDENT: As I understand it, the proposal made by the United States Representative is that a Committee consisting of all Members of this Council should consider the matter of refugees. I think there is no objection to this suggestion. If every Member agrees, we shall accept it as our resolution-- that a Committee consisting of all Members of the Council should deal with the question of refugees. I must underline, however, that in the full Council sessions we must not repeat our discussions in the Committee, as happened the last time. I believe that the Members of the Council will agree with me that the discussion in the full session of the Council should last for only one meeting and not more. I think we should conserve our time, and this Committee of the whole will have plenty of opportunity to express our views.

The Members of the Council will be informed about a meeting of this

Committee. This Committee should deal with the proposal of the Secretary-General as to the establishment of an Interim Organization on Refugees and on questions regarding the constitution of the new International Refugee Organization and the report of the Financing Committee.

Is there any objection?

(No objection)

We can continue our deliberation with item 2, Narcotics. A report on this matter has been submitted by the Secretariat, and we have now to discuss it. This report deals with historical developments in the control of narcotics, and proposes a resolution on how to transfer the activities of the League of Nations organization to the United Nations.

MR. CHANG (China) Mr. President, in the establishment of the Commission on Narcotic Drugs, the Chinese Delegation from the days of the Preparatory Commission of the United Nations has had the honor of supporting the measure, not only on the organization of the Commission, but also in maintaining a deep interest in the international efforts to control the traffic in narcotic drugs.

We are, therefore, particularly happy to note the good progress which has been made in preparing for the first meeting of the Commission and for the continuation by the Commission of the important international work in the field of drug control, which was conducted by the League of Nations.

We have given careful study to the documents which have been prepared by the Secretariat, and wish to take this opportunity to commend the Secretariat on the excellence of the documents so far prepared. The two draft resolutions and the draft protocol embodied in these documents are in general acceptable to the Chinese Delegation. We are glad to state our approval of the procedure recommended in these documents. There are only one or two minor changes of a drafting nature which we should like to have considered, and since other Delegations, we understand, may also have some similar changes to suggest, we should like to see a small drafting committee appointed which may study and incorporate changes which the Representatives wish to make.

The PRESIDENT: Does any other Representative wish to speak?

MR. WINANT: (United States): Mr. President, I have examined with interest the material presented in Document E/116.

On behalf of the United States Government, I wish to express general approval of the action already taken by the Secretary-General and the actions proposed. The concern of the United States Government with the international control of narcotic drugs is well known. My Government has submitted certain comments with reference to the proposed resolutions and the protocol, and I should like to join with my Chinese colleague in suggesting to you, Mr. President, that at the conclusion of our discussion this morning a small drafting committee be appointed to incorporate in the resolutions and the protocol such changes as may be suggested.

Mr. LEBEAU (Belgium) (Interpretation from French): I wish to limit myself, Mr. President, to associating myself with what has been said. I would like to congratulate the Secretary-General and the services of the Secretariat which have been concerned in the preparation of this document, 116, dealing with the "Transfer To The United Nations Of Powers Exercised By The League Of Nations Under The Conventions On Narcotic Drugs."

Mr. FEONOV (Soviet Union): Mr. President, may I ask for some information; whether Spain is a Member of the Conventions of 1925 and 1931?

The PRESIDENT: Spain is a Member.

Mr. FEONOV (Soviet Union): Mr. President, in the Draft Resolution it is stated: "To direct the Secretary-General to approach forthwith the governments of all States parties to the 1925 Opium Convention or the Convention on Narcotic Drugs of 13 July 1931, with the request to nominate persons for appointment to membership of the Permanent Central Opium Board ..." Is it to be understood that General Franco's Government is being invited to nominate persons for appointment to membership of the Permanent Central Opium Board?

The PRESIDENT: I was informed that the Government must be approached.

Mr. FEONOV (Soviet Union): Mr. President, if this is the case, the Delegation of the Soviet Union would reserve the right to express its view on that matter later on.

The PRESIDENT: I think it is the general feeling of the Council that we should appoint a Drafting Committee which is going to consider all remarks, recommendations, and views expressed by the Soviet Union Representative. Is this the feeling of the Council? Can I proceed in proposing Members of this Drafting Committee? There is no objection to it?

So I propose the Representative of China, Representative of Czechoslovakia, of France, of Peru, Soviet Union, and the United States should form this Drafting Committee.

There is no objection to my proposal? This Committee has been appointed.

REPORT OF THE SECRETARY-GENERAL ON THE INTERNATIONAL HEALTH CONFERENCE

The PRESIDENT: Now, we have to proceed, and take up point 3 of our Agenda today. This is the Report of the Secretary-General on the International

Health Conference.

I am very happy to see here Dr. Chisholm, who was appointed Executive Secretary of the Interim Commission of the newly-created World Health Organization. May I ask Dr. Chisholm to give his statement?

(Dr. Chisholm assumed a seat at the table.)

Dr. G. B. CHISHOLM (Canada): Mr. President, may I make a brief statement about the present stage of development of the World Health Organization? You will not need to be reminded of its origin in proposals made by Brazil and China; the invitation by the Economic and Social Council to eighteen experts to meet in Paris as a Technical Preparatory Committee in April; the report of that Committee to the Economic and Social Council here; the gathering together of the International Health Conference attended by 61 nations, some of whom had the status of observers; and a meeting, lasting some four weeks, of that Conference here in New York.

There was agreement reached, an astonishing degree of agreement, so that eventually sixty-one nations signed documents, forty-seven of the nations signed without reservations, agreement on the setting up of the Interim Commission. The Interim Commission as elected by the Conference has the following Members:

- Australia
- Brazil
- Canada
- China
- Egypt
- France
- India
- Liberia
- Mexico
- Netherlands
- Norway
- Peru
- United Kingdom
- United States of America
- Union of Soviet Social Republics
- Venezuela
- Yugoslavia

Dr. Stampar, your President, was elected the Chairman of the Interim Commission of the World Health Organization.

Further committees were set up, the Committee on Administration and Finance; a Negotiating Committee to undertake to develop the relationships of the World Health Organization with other bodies including bodies of the United Nations, and an Epidemiological Intelligence and Quarantine Commission.

According to its Constitution, the World Health Organization will be set up whenever twenty-six nations have ratified their signatures to the appropriate documents. At that time the Interim Commission will go out of existence. The United Nations Secretariat and other bodies have been extraordinarily helpful in assisting in every way the beginning of the World Health Organization. Its Interim Commission has been able to secure temporary quarters in the New York Academy of Medicine for which we are very grateful to the New York Doctors.

The administrative policies of the Interim Commission of the World Health Organization and its financial policies will by constitutional

direction conform to those of the United Nations bodies; its personnel policy also. Liaison and joint committees are now in process of exploration with other bodies of the United Nations.

The future relationships and areas of responsibility are gradually being worked out. The Interim Commission has called its next meeting for some time in November, tentatively that meeting was called for Geneva. It will in any case meet somewhere in Europe because it is expecting to explore possibilities as to where it may locate its headquarters in the future.

I think there is nothing further, Mr. President.

The PRESIDENT: Does any Member of the Council wish more explanation from Dr. Chisholm? He is free to put any question he likes.

DR. CHANG (China): The Delegation of China naturally notes with deep satisfaction the report of progress that is made by the World Health Organization. I feel that our Council can congratulate ourselves on having sponsored the birth of such a very healthy offspring which has arrived on schedule according to the timetable we set at our first Session in London. We accept, I think, the report of this Organization and as to what further action is needed to regularize the relationship of this newborn Organization to the United Nations -- the matter can be left to our Negotiations Committee until such time when the organization will be further completed.

We are very happy indeed to see how the war against microbes, suggested by China, is now actually in the real healthy way of being carried out.

Thank you.

SIR G. SHANKAR BAJPAI (INDIA): Mr. President, we seem to be in a felicitatory mood this morning and I don't want anyone here to think that I am not sharing this mood of self-satisfaction and of cordiality and congratulation towards the others. All I wish to say at this stage is that we share the satisfaction expressed so far with the quality of the work that has been accomplished by the Preparatory Commission and the Health Conference.

We in India are as much interested in microbes as our colleagues from China; not in a paternal or protective way, but in a destructive way, and we hope as soon as our legislative processes permit to be able to ratify the new constitution and also the protocol relating to L'Office Internationale d'Hygiene Publique as soon as possible.

MR. MARTIN (CANADA): Mr. President, I don't propose to join in the process of self-congratulation because of the part played by the Government of my country in the molding of the constitution of this Organization. I do want to point out that Canada is probably the first State to deposit a formal instrument of acceptance with the Secretary General, although I do note that the United Kingdom Government did deposit without any reservation. I should like to inquire as to the number of States that have thus far deposited or in some way or another indicated their formal acceptance of the instrument.

The PRESIDENT: I can answer to this question.

MR. MARTIN (CANADA): With great respect, Mr. President, I don't think that we have a list of the States that have adhered.

The PRESIDENT: Sixty-one States signed the constitution, out of which only two signed without reservation - China and the United Kingdom. Forty-seven States out of sixty-one signed without reservation the agreement concerning the establishment of an interim Commission, but before that Organization, according to the constitution, can come in fact into operation only twenty-six Member States of the United Nations sign or ratify it.

MR. MARTIN (CANADA): I don't want to be unduly persistent, Mr. President, but I think it is important to know how many of the twenty-six have expressed agreement - how many of the twenty-six required.

The PRESIDENT: I was informed that Canada has posted ratification. That means three Member States have already ratified, and we believe that by the end of next year the twenty-six will have ratified, but in the meantime the interim Commission will act on behalf of the Organization.

MR. NOEL-BAKER (UNITED KINGDOM): Mr. President, there are still one or two points on this matter of who is bound and who is not, which I think need to be cleared up. In your original statement you made just now about the sixty-one who signed and the two who signed without reservation you did not mean that the other fifty-nine had made reservation about the substance of the Convention. That, as I understand it, was accepted unanimously and signed without reservation as to the substance. The meaning of the phrase "without reservation" as you used it was, if I am right, that they said we must submit this to the authorities at home in order to be able to deposit an instrument what used to be called in the old parlance an 'instrument of ratification' and it is the instrument of ratification which now has to come in. So far only one has come, namely Canada. There are, as you said, three States who are bound, and twenty-three more are required before the Organization comes in to existence. I should like to emphasize the importance of securing early ratification of the other - indeed all of - the Members of the United Nations, because until they have ratified, they are not part of the Organization and do not take part in its work. In particular it is important to have the ratification of twenty-three more in order that the Organization itself must come into action because, important as we must all think the interim Commission, the interim Commission is not the Organization. It can perform, as I understand it certain preliminary functions, but it cannot do the work of the Organization itself, and therefore I, perhaps in a few minutes, shall propose a formula for a resolution, but I hope we shall from this Council urge upon the Governments that they should send in their final instruments of acceptance so that by the time the Assembly meets, this Organization may be definitely in legal being. That is the first point I wanted to clear up. I hope I have understood rightly.

The second is about the signatures of the forty-seven to the protocol concerning the interim Commission. Those signatures, I gather, were in your sense

In other words it was agreed by those who signed that they were bound without further instruments of acceptance to put the interim Commission into operation.

Mr. ARGYROPOULOS (Greece): Mr. President, if I understand well, out of the 61 nations, 59 signed the document at referendum but no reservation was made, is that correct?

The PRESIDENT: I meant with reservation as to the ratification. I have forgotten to add these two votes. I think the interpretation of Mr. Noel-Baker is the correct one. I do not think we should waste too much time on it. Any other Representative?

MR. WINANT (United States): Mr. President, I am sure that the Council will bear with me in saying a personal word. It has to do with my pride and I am sure it is yours--you share it with me--in the fact that a Member of our own Council, a great humanitarian and a great physician, made so great a contribution to the International Health Conference. I wanted to state my appreciation of that contribution and to thank our President, Dr. Stampar, for all that he did.

The PRESIDENT: Thank you, Mr. Winant. Does any other Representative wish to speak on this subject?

The Council agrees with the report prepared by the Secretary-General but I would like to add something to the statement made by Dr. Chisholm. Dr. Krotkov, Chief Representative of the Soviet Union, was elected as Chairman of the Interim Commission but he was obliged to go back to Moscow due to his heavy work there and he resigned from his office. On his recommendation and the recommendation of the United Kingdom and other Representatives, I was elected to be Chairman of the Interim Commission.

I think we can finish the discussion on this subject and ask the Secretariat to prepare a resolution which will be submitted to the Council later for adoption. In my opinion, one very important point should be included in this resolution. As you remember, at the past session of the Assembly of the United Nations, a resolution was passed that all of the technical activities of the League of Nations should be handed over to the Secretariat of the United Nations. That means the League of Nations' health activities but, as the World Health Organization is now established, in my opinion, the Council should include in its resolution a recommendation to

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the Assembly that the Health activities of the League of Nations should be transferred from the Secretariat of the United Nations to the Interim Commission of the World Health Organization. If this is the feeling of the Council, I think we can instruct the Secretariat to prepare a resolution to this effect.

MR. NOEL-BAKER (UNITED KINGDOM): Mr. President, I now have a text of a resolution but I don't think I will trouble the Council by reading the whole of it. I will hand it, if I may, to the Secretariat and perhaps they will take it into consideration in preparing their draft. The purport of it is extremely simple. It is simply to urge on all governments that they should finally accept the Constitution at the earliest possible day, and as I have already said, that they should similarly accept the protocol about the Office International d'Hygiene Publique and that instrument should be made effective with the least possible delay and thirdly, that those recommendations should be sent not only to Members of the United Nations but to all governments -- the other people who were present at the Conference at which the Constitution was drawn up.

I do want to add a few observations, Mr. President, about the Constitution and the work which the Conference has done and perhaps you will allow me to do that when the resolution is received and we have a final consideration.

SIR G. SHANKAR BAJPAI (India): On a point of information, Mr. President, I would like to know from our colleague of the United Kingdom as to whether he wishes to have two separate resolutions or whether he would be satisfied with the incorporation in the text of the other resolution, the substance of what he has suggested just now.

MR. NOEL-BAKER (United Kingdom): Mr. President, I had intended to make it plain that I was going to hand my resolution to the Secretariat to do what they would with it. If they didn't^{do}/enough, I should, of course, complain when it came back to us.

(Interpretation from French)
MR. PARODI (France):/ If I rightly understood the remarks of the Representative of the United Kingdom, Mr. President, he presented his remarks with a view to preparing the ground for the resolution which we shall have to consider later. When we come to consider this resolution, the field will be open, of course, for us to present such remarks as we may wish.

The PRESIDENT: The Council expects a resolution from the Secretariat in due time and I do hope very much that this resolution will be presented

in a very short time.

As you see, we finished our agenda for this morning and we have plenty of time. I think we can take up some other questions. As you remember, yesterday the Representative from Norway underlined the necessity to discuss the matter of expenses of members of commissions and perhaps we can spend some time in discussing this very important matter.

(At this point Dr. Chisholm left his chair).

MR. COLBJORNSEN (Norway): Mr. President, if it is agreed that we can start a discussion on Item 20 on the agenda, I should like to make a few observations.

The PRESIDENT: I think that the Members of the Council agree to it. There is no objection to it.

(Mr. Fausto Soto replaced Mr. Davila as Representative of Chile).

MR. COLBJORNSEN (Norway): I think it has always been taken for granted that expenses of Commission Members and consequently, also Sub-Commission Members, should be paid by the United Nations just like in the old League of Nations and just as was done in the Interim Nuclear Commissions set up, which worked out their reports which were considered at our Council meeting in June. Therefore, I think many Members of the Council were a little surprised when, the Norwegian Delegation and the Norwegian Government received a cable from their Secretariat with regard to the paying of expenses for the Sub-Commission Members now working on the preliminary report on reconstruction of devastated areas. They have been working in London, as you know, and have now set out on some few exploratory expeditions to the mainland. I don't know the reasons why this matter has occurred now. It is my suspicion that it may be a sort of consequence of the fundamental change of the composition of the Commission, decided upon by a rather large majority at our last Council meeting.

As you will remember, there, Interim Nuclear Commissions were set up, appointed or elected, on the basis of all the members of the Commission working in their personal capacity. This decision was reversed at our last Council meeting and it was decided that the Commissions are going to

be set up on the basis of electing members of the countries -- countries which are Members of this Council -- to the Commissions and it is up to the Governments of the elected countries to appoint their Representatives.

I am not going to repeat the very convincing reasons for this change.

Perhaps the fundamental reason is that these Commissions are working on matters which are supposed to be of practical, political and economic importance in the several countries, after they have been passed upon by the Council, and which are going to serve as the basis of legislation in the several countries and, of course, the chances of getting anything practical done would be enormously improved if the Commission Members are really always in contact with a development in their country, with the opinion of their governments, with the trends of legislation and social reform and improvement in the countries, while if we elected some persons purely in their personal capacity^{as} we might very well wish, as has often happened, we may^{get} reports which are not suitable for further discussions in this Council and even if passed upon in this Council, would not be as effective, with respect to their practical implementation later on in their countries, and this practical implementation of course is the sense of the whole matter. If you cannot put that through, all your discussions are of small avail.

There are many other reasons, but the question was decided by a large majority and I do not see why this new way--which is really an old way--of constituting the Commissions should make any change in the practice of paying expenses of the Commissions and the Sub-Commissions. After all, these Commissions are doing a very important work--compared, for instance, with what has appeared up to now from the Secretariat. We have not received very much material to work with from the Secretariat so far; I hope we will get more in the future. At our June meeting, the reports were from the Commissions.

The expenses for the Commissions are very small--I would almost say infinitesimal--in comparison with the expenses of the whole United Nations Organization and the Secretariat. Really we are speaking of comparatively small expenses for Commissions which are performing perhaps the main work, in many respects, of the Organization and on which, at any rate, the Council is relying for its practical work, in just as high degree as on the work done by the Research Department and the Secretariat proper.

Therefore, I think these expenses should be on a line with the payment of experts working in the Secretariat. There is no difference there, except that the expenses of these Commission Members are very small in comparison with the salaries of the experts in the Secretariat.

If the Council should decide, contrary to my expectations, that the expenses of Commission and Sub-Commission Members should be paid by their governments, it would have a very unhealthy influence on the Commissions' work. Take, for instance, the question of the far-away, small countries. They would be practically excluded from working on the Commissions. They would have to pay very heavy travelling expenses, and they would, of course, restrict the participation in Commissions and Sub-Commissions, which would be very unjust and would impair the effective work of the Commissions.

I think this argument is really sufficient to decide the matter. I seriously hope that there can be no question but that we will now confirm the old practice of payment of expenses of Commission Members by the United Nations Organization, from the administrative budget of the Organization.

There may, of course, be a question of limitation. I do not think that it is the intention that Commission Members should be accompanied by experts--and I think it is absolutely unnecessary in most cases. I was surprised myself at the number of experts who attended the meeting of the Sub-Commission in London. I do not think that is really the intention. The Commission and the Sub-Commission Members should represent expert knowledge, and they should do the expert work themselves. In some special cases, of course, there may be need for additional experts, and then the question arises: Should the United Nations also pay the expenses of the experts? There, clearly, a limitation is needed. As a rule, I would say that the United Nations should pay expenses only of the Commission Members and the Sub-Commission Members and not experts. In special difficult cases, it might be extended to paying expenses for experts also; but then this should be limited, say, to one expert for each Commission Member.

I do not think it is necessary to say any more about the question. I seriously hope that no lengthy discussion will be needed about a matter which, to my mind, really does not present any difficulties; and that we can here confirm that the expenses of Commission and Sub-Commission Members--and in special cases of experts--should be paid by the United Nations. If any Member nation wants to let their Commission or Sub-Commission Members be accompanied by further experts, then, of course, they should pay those expenses out of their own pocket.

Mr. TRYGVE LIE (Secretary-General): Mr. President, I am not prepared now at this moment to give any explanation about the payment and traveling expenses and so on for the Members of the Committee in the devastated areas. But I will prepare the paper for the Council so you can study the practice up to now, and if you want any change, the Council should recommend the change to the Assembly, because it is the Assembly which takes all decisions of this kind. But the paper will be ready for tomorrow.

Mr. LEBEAU (Belgium) (Interpretation from French): Mr. President, the fact that the Secretary General has promised us a document for tomorrow on this subject should facilitate a decision on our part as regards this subject. It seems to me that we shall probably be able to settle it without a debate by a simple vote. I do just wish to say here, however, that the question that we are now faced with does involve principles which seem to me perfectly evident and not controversial. There are, in fact, two possible kinds of commissions, commissions on the one hand composed of representatives of governments who receive orders and instructions from their governments and on the other hand commissions composed of individuals, experts, who are either independent or represent organs which appointed them, organs including the Economic and Social Council. This was the case -- these two kinds of commissions existed under the League of Nations, and there this principle was used to distinguish between those commissions, the expenses of whose members were paid by the League and those whose expenses were paid by the governments they represented.

I don't think in this connection the Representative of Norway was quite correct, in fact, I think in the League of Nations commissions composed of representatives of governments had the expenses of members paid by their governments, whereas commissions composed of individuals not representing governments, here the expenses of the members were paid out of the League of Nations budget.

In the case now before us our decision it seems to me should be governed by a previous decision as regards the composition of commissions of the Economic and Social Council. It was decided in the last Session of the Economic and Social Council that the commissions should be composed of representatives of ^{a certain number of members} named by governments. This decision was taken by the majority of the Council, the minority voting against it, including the Belgian Delegation. We continue to think the decision was a wrong one, but it is clear to me that the logical conclusion that follows logically from this decision -- and unless the Council wishes to reverse

its decision we shall have to follow it to its logical conclusion -- that the expenses of members of the commission should be paid by the governments as in the case of the Reconstruction Commission which has been referred to.

I repeat, Mr. President, we disapprove of this principle, and I don't wish to put forward a proposal in this sense. I only say that that is the logical conclusion from the decision that we have already taken as to the composition of our commission.

DR. CHANG (China): Mr. President, it seems to me the major factor to be considered as to whether the United Nations or the respective governments should shoulder the expenses of the members of the commissions in carrying out these duties is the status of these members as seen in the light of the nature of their functions. I agree with the distinction made by the Belgian Representative that there are commissions that are gatherings of representatives of governments for special subjects to be considered. From that point of view the present temporary sub-commission on the Economic Reconstruction for the Devastated Areas, now meeting in London, probably by nature belongs to that type. That is, the different participating governments have direct interests. Now, the commissions which we are considering of composing, mainly the six so far constituted -- they are really of the nature of advisers to the Council. These commissions have no executive function in particular, unless they are given such by the Council. Their chief function, as we all agree, is to advise the Council. They submit their reports to the Council. There are no differences of opinion at all on the part of all members of the Council, as well as on the part, I think, of all people who have taken part in these various commissions. It is that their function is to advise the Council.

Now we did have a difference of opinion concerning how these advisers to the Council should be selected. That was the difference of opinion. One opinion was that this should be individuals. The other opinion was that these advisers were to be representatives of governments. That is a clear thing. When the vote was taken, unfortunately the issue

was not clearly drawn. There was no time for it. I voted for the thing and some of my colleagues here also voted, not exactly "of" representatives of governments. We voted for representatives "from" governments. There is a great distinction there. Some of us felt that inasmuch as these experts are not still wellknown, especially experts who happen to speak and write in languages that are not so widely read or heard. It is not quite appropriate or fitting, or if you like to use a stronger word, fair to consider only the people who write in languages that are wellknown as experts and consider others who happen to write in languages not wellknown as not experts.

Therefore, under these circumstances at least the Chinese Delegation made the suggestion that for a trial period of say two, three, or four years, the governments should nominate these expert advisers to serve on the commissions to advise the Council. I hope that point is clear. At least so far as the standing made by the Chinese Delegation as well as it is in the minds of the Representatives at the Second Session.

There was no time allowed for this discussion. The vote was taken and then it was considered to be representatives "of" governments. Let's go back to this. In accordance with the resolution of the Economic and Social Council adopted on the 21 of June 1946, Documents E/84, Revision 1, "All commissions are to consist of one representative from each of..." Please remember that appeared in this document. A representative "from." "...a certain number of members of the United Nations selected by the Council..." that is, "...the commissions are to consist of representatives from members of the United Nations selected by the Council to serve on the respective commissions."

Further, "...With a view to securing a balanced representation in the various fields covered by the commission, the Secretary General shall consult with the governments so selected before the representatives are finally nominated by these governments and confirmed by the Council." that was definitely stated in the reporting of the Resolution.

Whereas the Council Resolution definitely speaks of members from governments selected by the Council the possibility of misunderstanding regarding the real status of the commission members cannot be ruled out. Thus, for instance, according to the report of the Secretary General on the work of the Organization, the pamphlet, document, very ably prepared by the Secretariat, that is, Document A/65, page 14, the commissions are to consist of representatives "of" governments. I thought that was very unfortunate to make that mistake. The persons writing it did not know how much time we spent discussing this matter. It is therefore necessary to clarify the status of the members of the commissions without leaving any more doubt. The decision that members of the commissions should be representatives "from" governments or member states selected by the Council representatives from member states selected by the Council, was first reached in connection with the discussion on the composition of the commissions in general and that of the Economic and Employment Commission in particular. That is Document E/J.C/1, and E/J.C/2. By "representative" the Council meant persons designated by governments. That is how it was interpreted. In the discussions which followed the President made it quite clear that "...the governments selected by the Council or the Member States selected by the Council had the option to send either a governmental representative or an expert outside the government."

...(At this point Mr. Noel-Baker arrived and assumed the Chair of the United Kingdom Delegation)...

I think many of us still remember that interpretation because I forced the President to make that statement. Otherwise I should consider the decision not clear. That appears in Document ~~W~~JC/2, page 4. It was further agreed that whether a member nominated by a government should be a representative of that government - again quotation - "the representative of that government should speak for the government concerned" or not would be "a matter for individual governments to decide." That again appeared in ~~W~~JC/2, page 4. Now that is all very clear - at least very clear to most of us who voted for that resolution - that we were not voting for representatives of governments, though some Members who voted for the resolution voted for members of governments. Many of us, or several, voted for representatives from Member States selected by the Council to serve on the different Commissions. If that is clear it seems that the matter of payment of expenses should follow, namely, for Members of Commissions of an advisory function to the Council, while the process of selection is for the time being so fixed as to have the Member States selected by the Council as a first instance, and then the Member States would designate the representatives, and these representatives may be representatives of governments, or they may be not directly employed by the governments; they may speak for the governments or may speak for themselves. From the point of view of the Council, however, they all speak as individual experts. I think that is the understanding of many of the people who voted for that measure, and of course I am sure there are reasons why people should say that these representatives must be representatives of governments. These reasons were also very clearly stated, and I am just stating it, for some of the Members who voted for that voted for representatives from Member States selected by the Council to serve as Members of the Commissions. I do not believe it is necessary to go back again, to reverse the vote. That is not a good procedure, so let us keep the instructions we have, as the President made it clear that while some Members voted for representatives of governments and some other Members I am sure would have, but because of the presence of those Members in that vote, that vote was able to be a majority and they voted for representatives from Member States selected by the Council. If that is the case, let us leave the

vote as it is, but at the same time keep the functions of the Members of these Commissions clear, namely advisory to the Council. If that is the case, it seems as though the payment of expenses should be borne by the United Nations.

(Mr. Davila returned and assumed the seat of the Chilean Delegation.)

Mr. NOEL-BAKER (United Kingdom): Mr. President, I would like the Secretary-General's Office to give us a paper on this subject and, of course, I agree with him that the Assembly decided that this is a budgetary question. The Assembly is Supreme but there is a very important matter, a matter of constitutional structure, on which we are creating precedents. It is a matter on which we evidently must advise the Assembly because it is our work. It is a matter on which His Majesty's Government of the United Kingdom happens to have a very clear view. Therefore, with your permission, I will express it.

I listened with great interest to the speech made by our Norwegian colleague. He raised two matters: On the character of the Commission, he renewed a little the debate of the last session and, secondly, the method of payment of expenses. Sir, on the first point, the basis of the Constitution of the Commissions, I found myself in full disagreement with him. I cannot believe that this question is dead or finished and, therefore, I venture with respect to make one or two comments on what he said. He said that we must have in these Commissions, people who are in touch with what their Governments are thinking, people who know what legislation is being passed in their countries, and so on. Well, of course, it is unlikely that an expert we should be likely to choose would not know what was happening in his own country on the subject on which he was an expert. Of course he would know and, of course, all experts have means of going to their Government Departments and finding out what they are thinking. I hope our Norwegian colleague will forgive me for putting it rather strongly, but on that point, he is in error. In the second place, there are certain things which experts can do and Government Representatives cannot do, or at least, which experts can do a great deal better. The time may come when this Council may have to play a part in the debates between Governments. Not all debates are political; they are of different character. I feel convinced - in fact in matters of transport in our Nuclear Commissions Report, we have found out already that there may have to be arbitration and we might at some stage be involved. In that kind of business a Commission of inquiry ought

to consist of independent persons who can speak without engaging their Governments. There are very great advantages in that system. I think that it may well happen in some of the Commissions which we are going to appoint. I will not particularize - that the Members would be in a far stronger position for carrying out the duty which, in the interest of the United Nations as a whole, they have to carry out if they did not directly engage the responsibility of their Governments when they were doing the job. I don't wish to argue it further. I have mentioned it only because in time to come we shall have to reconsider this matter and by unanimous decision, we shall then be forced to some sort of mixed system.

On the question of expenses to be paid to these people, I find myself I am happy to say - in full agreement with the Norwegian Representative and in very close agreement with what has followed from our colleague from China. Our Norwegian colleague spoke of the unfairness to some Governments if they have to pay the costs of representation of having some of their nationals in these Commissions. Well, the Assembly has already recognized the principle that the payment of expenses for people doing United Nations work is unfair if it is left to the Governments to carry themselves. The League of Nations proved that representation in the Assembly, the most important organ, was greatly affected by the fact that for some nations it meant a very heavy burden in traveling costs and for others it meant very little. The importance of that is certainly not diminished since the seat of the United Nations was settled in the United States. Sir, in the Preparatory Commissions' report on page 108, paragraph 15 of the Section on Budgetary Arrangements, it was laid down that expenses for five delegates to the Assembly should be paid by the United Nations; in other words, this burden should be pooled by the Members as a whole. It was an illogical compromise because it limited the payment to five Government representatives, leaving out all experts and secretaries and other people they will need to help them in their work. I am not now going to suggest that the decision should be widened or that the Members of this Council, for example, should have their expenses paid from the United Nations, although, I think it would be

quite as logical as paying the expenses of five ^{Representatives} ~~Induced~~, the case is even stronger because here we are acting for the United Nations as a whole and are chosen by the Assembly in that capacity. I am not proposing that but, having established the principle that unfairness of payment of expenses by National Governments has been definitely recognized by the Assembly already, I now want to follow those who have spoken already in considering the case of Members of these Commissions.

Sir, I agree very much with those who have said that Members of these Commissions are not like ordinary Government ^{Representatives} ~~Members~~; they are not. They are "advisors of the Council," the phrase used by Dr. Chang. They are Representatives "from" Governments; not "of" Governments. There may be other phrases, but the phrase used in our resolution and I have here before me a resolution of the Commission on Human Rights, which says: "One Representative from each of 18 Members of the United Nations". My delegation agrees entirely with what Dr. Chang said about the proceedings on this point at the last session. These Commissions will be acting for the United Nations as a whole and that is why in the resolution the Secretary-General is instructed to consult with Governments about the composition of the Commission in order to secure a balanced composition of these bodies in which different kinds of knowledge will be available. It is quite plain that these are not ordinary Government ^{Representatives} ~~Members~~ from the terms of these resolutions. I think there is another consideration. If we pay the expenses from the United Nations, I think we shall not only get the best men, but we shall get the best work out of them. We shall be able to say to a Government, or to the individual chosen, if he doesn't turn up at a meeting, we shall be able to ask why in a very firm tone of voice.

Sir, I hope that the Council will unanimously agree that as a matter of justice and as a matter of constitutional correctness, the expenses of the members of these Commissions shall be paid from the United Nations budget, and we shall so recommend to the Assembly.

What about experts? Well, Sir, I was not in agreement with what the Norwegian Representative said about the Devastated Areas Sub-Commission which is now working in London. It may be that it was not intended when the Committee was set up that there should be experts attached to the people who formed the Committee; but, I am quite certain, having seen the Committee at work and having been able to follow its transactions from day to day, that if there had not been a large array of experts attached to the Members of the Committee, it would not have reached much result. It has been put on an extraordinarily important piece of work--how important everyone will realize who was present at the last Council meeting if UNRRA, as our Russian colleague and I were. Without the large number of highly competent people who have been taking part in the proceedings in London, I do not think we should have got a report that was worth the paper on which it was written. In fact, I hope and believe that it is going to be a very good report.

But, Sir, there must, of course, in the light of what the Assembly decided about the Representatives to the Assembly--if we are to make a recommendation that has any chance of success--be some limitation on the number of experts. Therefore, I would accept what the Norwegian Representative proposed--namely, that one expert should be allowed to each Member--and I hope that on that basis we shall unanimously agree to put this matter to the Assembly for its decision.

MR. PARRO (Peru): Mr. President, I think the remarks made by the Representatives of China and the United Kingdom are clarifying, a good deal, important questions brought out by the Representative of Norway, although I think there are some questions on the interpretation given by the Representative of China as to what Commissions should be paid by the United Nations and what others should be paid by the respective governments. I don't mean that this interpretation could not be right but we shall still leave an open question for the future if we approve any resolution accepting Dr. Chang's interpretation. I think the right interpretation -- I mean the easiest way and at the same time the fair way is to decide to pass a recommendation as has been suggested on the terms of Mr. Noel-Baker's proposal, that any of the Commissions or all of the Commissions that have been nominated by this Council, which are supposed to work for the United Nations in one way or another, should be paid its expenses by the budget of the United Nations.

Mr. Noel-Baker has touched another important question, such as the means of nominating or electing the members of some commissions. Really, I think the resolution which was approved ~~by~~ this Council is that, in every case, the nomination be for the governments. In some way, the governments are being used, in some cases, to help this Organization to select experts, but it doesn't change the meaning. And if it is necessary to select experts in their personal capacity, as it should be for certain commissions, I agree with Mr. Noel-Baker that certain changes should be introduced in our procedure. In this case, as in the others, all the expenses should be paid by the Organization. That is why we have a general budget. And once a general resolution has been approved on the recommendation of this Council, I think everybody will be happy.

H.E. MR. MALIK (Lebanon): Mr. President, there is a difference between representatives to the ~~major~~ bodies of the United Nations and members of commissions of these bodies. Representatives are representatives of their own governments. They are responsible to them. They meet here and constitute these important organs of the United Nations. On the

other hand, the commissions are Commissions of the United Nations as such. Consequently, they are directly responsible to the United Nations, and the authority therefor and their importance, arises directly from their relationship to the United Nations. Hence, it would seem that these Commissions ought also, in their mode of payment and in their material treatment, to be treated directly and taken on by the United Nations as such. This will help in many ways. It will help in producing a uniformity of payment and treatment among the various members as has been suggested this morning. It will also help, when these commissions are constituted by the bodies of the United Nations, to eliminate from the mind of the Council, any thought, any consideration of overloading a particular government with expense and fixing it only upon sheer necessity, and such a government ought to be represented entirely, regardless of financial considerations. But in my opinion, this system, namely, financial responsibility by the United Nations for the Members of the Commissions, that system will be important -- I mean its value arises from the fact that it will help, above everything else, to give the United Nations itself a certain added prestige, a certain autonomy of action, because then the United Nations will be more than a mere assemblage of individuals representing their own governments in a collective manner, and debating various issues always from the point of view of their own government. The United Nations then will have its own bodies which it constitutes and pays in the manner it chooses.

Of course, Mr. President, it is obvious that ultimately all expenses will be paid by the Member Nations of the United Nations. I am not aware that the United Nations has any income apart from the contributions of those Members. I am not aware that it is making any independent investments in having any separate income. Consequently, ultimately all of us will be paying the expenses of these Commissions. But, for those reasons, for the sake of uniformity of treatment, and for putting aside any consideration of financial overloading of Members, and above all, for the sake of helping to build up for the United Nations itself a separate autonomy of action and weight of authority, it seems to me that we ought to decide, or rather, to recommend to the General Assembly that the United Nations, as such, pays the Members of its various commissions.

Now, our Belgian colleague drew a logical conclusion from a decision taken in the second session of the Economic and Social Council, a decision with which he did not agree, and we at the moment did not agree either. But it seems to me that it is far more logical to draw your conclusion from the basis in which you first believed than from a decision taken afterwards in which you did not believe. It seems to me at least then you will redress part of the error committed which you yourself had fought against in the first place.

Mr. FEONOV (Soviet Union) (Second Interpretation; Original in Russian): It seems to me, Mr. President, that it is a mistake to confuse in this meeting two separate questions, the question on the one hand of the payment of expenses of members of commissions, and on the other hand the question of the principle governing the composition of commissions. When the Representative of Norway raised the question of payment of expenses of commissions it seemed to me that it was quite unnecessary to raise also the question of composition of commissions.

During the last Session of the Economic and Social Council, we came to a perfectly clear decision, namely, that commissions should be composed of representatives of the United Nations. The wording was perfectly clear. We have just heard, however, the suggestion that these words are not absolutely clear, and that a good deal of significance hinges on the distinctions between the meanings of "from" and "of" from the English text, representatives "of" governments, and representatives "from" governments.

I know, Mr. President, that the English language and the English grammar are rather complex, like sometimes English policy. I don't pretend to be an expert in the English language, but I do know enough of it to know the meaning of the word "representative," and so when we use the expression as we did in our decision, representatives of each of say fifteen Members of the United Nations, that sentence means that commissions should be composed of representatives of the United Nations. It does not mean that these commissions should be composed of individuals who represent only themselves. We came, as I say, to an absolutely clear decision on this subject during our last Session. I know that after this decision was taken some Delegations attempted to attribute various interpretations to the meaning of that decision but after a long debate the decision was taken and it was decided to adhere to that decision as it was worded. The question of the composition of commissions was first raised, if I remember rightly, in connection with the United States proposal regarding the

composition of the Commission on Human Rights, and there we decided in clear terms that this Commission should consist of individuals. On the other hand, against this proposal another proposal was put forward that the Commission should consist of representatives of governments. Here we had two diametrically opposed proposals and the Council made a clear decision between them, adopting one and rejecting the other. I think it is regrettable, Mr. President, that this question of the composition of commissions should be raised again in this meeting. It seems to me that it is raised with a view to solving the question of the payment of the expenditure of members of commissions by dragging in this question of the composition of the commissions. I don't think this procedure is correct. I think the question of the composition of commissions is a very important question, but that it is quite distinct from this other question of the payment of expenses of members of commissions. It seems to me that we could discuss the question raised by the Delegate of Norway as to the payment of expenses of members without discussing or bringing into question a decision that we have already come to on the subject of composition of commissions.

As we have been promised by the Secretary General that we shall have a document dealing with this subject tomorrow, I suggest that we leave the discussion where it is for the present and return to it when we have that document.

The PRESIDENT: Does anyone else wish to speak?

Mr. FEONOV (Soviet Union): There is just a small correction in the translation. I think that you noticed that mistake and perhaps you will explain that. (Indicating the Russian-French Interpreter.)

...(The correction was made by the Russian-French Interpreter; the corrected English interpretation is as follows:)...

The United States proposal as regards the composition of the Human Rights Commission was that this Commission should be composed of representatives not of governments but private individuals. The other proposal

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which was diametrically opposed to this was that commissions should be composed of representatives of governments. It was between these two diametrically opposed proposals that the Council made its decision.

MR. FEONOV (SOVIET UNION): Mr. President, I wish to make a small correction.

(Interpretation) The United States' proposal as regards the composition of the Human Rights Commission was that this Commission should be composed of Representatives, not of Governments, but private individuals. The other proposal diametrically opposed was that the Commission be composed of representatives of governments. It was between these two diametrically opposed proposals that the Council made its decision.

MR. ZULETA ANGEL (COLOMBIA):(Interpretation from French): Mr. President, I wish to express my full agreement in this matter with what has just been said by the Representative of the Soviet Union. We have before us two different questions; one, upon which decision was reached by the Council in June as to the composition of Commissions, and I think we ought not to discuss it again. On the other question, the payment of ^{expenses}, the Secretary General has promised us a document for tomorrow, and it seems to me that as we have this promise we should adjourn discussion of this question until then.

MR. NOEL-BAKER (UNITED KINGDOM): Mr. President, I hope Mr. Feonov will forgive me if I say that so far as I am able to judge the matter, I think he speaks English more clearly and convincingly than he speaks Russian. In any case we all know he has many times shown us that English *grammar*, like English *policy*, is as clear as crystal.

I venture to think that if we gave all the time that was needed to the full discussion of the issue involved we should find there was not really a principle which divided Mr. Feonov from me. All work for the United Nations has got to be done by individual human beings. Some of them carry government responsibilities; some do not. We all agree that the Secretariat work has to be done by people who carry no government responsibility; similarly the International Court of Justice. The question which is being debated in this Council is whether these Commissions which are going to advise us ought to be of the ^{first} of the International Court of Justice, or like ourselves, people who speak for their governments primarily, though acting for the United Nations as a whole, as a corporate body.

Now, Sir, I think that is a very important matter. I didn't raise it; it was raised by people who spoke before me and I made comments because I feel sure that in future discussions we shall have to deal with it again, but I want to make it clear to Mr. Feonov and the Council that we are not asking for a change in the decision made by the last Session. On the contrary, we want to continue to work on the basis of that decision. The only question before the Council is how the expenses are to be paid, and I hope and trust when we have had the Secretary General's paper we shall be able to settle that in a few moments by unanimous agreement.

MR. PARODI (FRANCE) (Interpretation from French): Mr. President, I simply want to say I shall wait until I have the Secretary General's document, before forming my own opinion, or at any rate before expressing my opinion on the question.

The PRESIDENT: Gentlemen of the Council, I think we should conclude our discussion today, and we are waiting for the report of the Secretary General and will take the matter up again.

I have the following announcement to make. This afternoon in Committee Room 10 - I don't know where it is, but perhaps we will find it - at three o'clock - I said yesterday two forty-five, but we are rather late today - the Committee on Economic Matters, consisting of Representatives of Canada, Chile, China, Czechoslovakia, France, Greece, Norway, Soviet Union. United Kingdom, United States will meet to discuss proposals submitted by the Chinese and United Kingdom Representatives. This is for this afternoon.

Tomorrow's Agenda: In this Council Chamber the Committee consisting of all Members of the Council will deal with the matter of refugees at ten-thirty sharp. In the afternoon the Negotiating Committee of Non-governmental Organization will meet. In the morning I will announce where and at what time.

With this announcement our meeting of this morning is adjourned.

MR. PRONOV (Soviet Union) (Second Interpretation; original in Russian):

It would be a pity, Mr. President, I think, if we were to come to a final decision tomorrow upon the question of refugees and displaced persons. One of the Members of the Economic and Social Council, the Ukraine, has not yet got its Representative here among us. According to the latest news, the Ukrainian Representative is now in Paris and has been waiting there for some time for transportation to this country.

Tomorrow, therefore, if we discuss the question of refugees and displaced persons, I would express the hope that we do not reach a final decision upon it. In this way, the Representative of the Ukraine, a country which has always shown a great interest in this question, will be able to take a part in the decision.

(During the above remarks, Mr. Phillips replaced Mr. Noel-Baker as the Representative for the United Kingdom)

MR. PHILLIPS (United Kingdom): Mr. President, I should like to support the Soviet Representative in that suggestion.

THE PRESIDENT: I am quite sure that all the Members of the Council will agree that we should wait for the Ukrainian Representative. In my opinion, we are not going to reach any final decision on refugee matters tomorrow. I am quite sure about this. I do not think that we should conclude our debate on refugees without consulting the Ukrainian Representative.

With this understanding, I think we can start with our work tomorrow. I am sure that eventually the Ukrainian Representative will get reservations in Paris and will arrive in New York. With the understanding that we are very much interested in hearing the views of the Ukrainian Representative, we can start tomorrow, without, however, reaching any conclusion. I think that with this understanding, we can convene the meeting tomorrow. Therefore, at 10:30 AM tomorrow, the Committee consisting of all Members will start discussion on the refugee problem.

Members of the Council, we appointed a Drafting Committee on Narcotics, consisting of Representatives of China, Czechoslovakia, France, Peru, Soviet Union and the United States.

I believe that we should ask the United Kingdom Representative to sit on this Committee, because the United Kingdom has some proposal to make and is very interested in this matter as a colonial empire, as I understand it, so there is no harm in including the United Kingdom in this Drafting Committee.

This afternoon at three o'clock sharp, in Conference Room 10, there will be a meeting of the Committee dealing with economic questions.

The meeting is adjourned.

(The meeting adjourned at 1:25 PM)