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AD HOC COMMITTEE ON THE ORGANIZATION AND OPERATION OF THE COUNCIL
AND ITS COMMISSIONS

PROVISIONAL SUMMARY RECORD OF THE SEVENTEENTH MEETING

Held at Headquarters, New York,
on Wednesday, 9 May 1951, at 10.30 a.m.

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<u>Chairman:</u>	Mr. SAKSENA	India
<u>Members:</u>	Mr. BRENNAN	Australia
	Mr. de ALMEIDA	Brazil
	Mr. CHANG	China
	Mr. de SEYNES	France
	Mr. CHERNYSHEV	Union of Soviet Socialist Republics
	Mr. CORLEY SMITH	United Kingdom of Great Britain and Northern Ireland
	Mr. LUBIN	United States of America

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Representative of a specialized agency:

Mr. HILL World Health Organization (WHO)

Secretariat:

Mr. LUKAC Director of the Transport and
 Communications Division

Mr. HOGAN Secretary of the Committee

DRAFT FIRST REPORT OF THE COMMITTEE (Conference Room Papers Nos. 18, 20, 16)
(continued)

The CHAIRMAN invited the Committee to continue its consideration of the proposed preamble (Conference Room Paper No.20) to the section on the organization of the functional commissions and the addition to that preamble proposed by the French representative (Conference Room Paper No.16).

Mr. CORLEY SMITH (United Kingdom) suggested that the additional text proposed by France might be incorporated instead in part IV of the report, which would contain minority views.

Mr. de SEYNES (France) was ready to accept the United Kingdom representative's suggestion, provided that his text was inserted in the body of the report itself and not relegated to an annex.

He found it difficult to understand, however, why there had been so much opposition to placing his text immediately after the proposed preamble. His suggestion had been both modest and justified: modest, because the French text which contained the views of a fraction of the majority was couched in five brief paragraphs and would take up barely one-fourth the space allotted to the views of the rest of the majority; and justified, because the usual practice in reports to the Council was to state minority views side by side with those of the majority.

He attached considerable importance to his text for the following reason. The Committee's recommendations with regard to subsidiary organs were open to a number of interpretations, especially the proposal that certain functional commissions were to be convened on the recommendation of the Secretary-General. No definite criteria had been laid down for the convening of a commission; much had been left to individual judgment, which might differ greatly according to the individual -- a fact of which he and the United Kingdom representative were the best examples, since they held very different conceptions of the role to be performed by the functional commissions.

/Whenever

Whenever a text called for interpretation, the material explaining the intentions of the drafters was of great importance. In the present case, that material would be the Committee's report. Inasmuch as the proposed preamble reflected the views not of the whole majority but only of part of that majority -- in fact, it reflected best the views of the United Kingdom representative himself -- it did not lead directly to the conclusions reached by the Committee; it would not have to be altered greatly to serve^{as} an introduction to proposals made by the United Kingdom representative and rejected by the Committee. The French representative had been unable to introduce the views of his delegation merely by amending that text.

He hoped that the text he himself had proposed could be inserted bodily somewhere in part IV of the report. It embodied the views of the French delegation on the entire matter in a deliberately condensed form, and he did not wish the paragraphs to be separated.

Lastly, he said that if he had been familiar with the proposed preamble before voting for the recommendations which it was to precede, he might have been unable to vote for some of them, as the preamble gave them a meaning his delegation was not ready to accept. He therefore reserved the right to adopt a different attitude in the Economic and Social Council not only towards the preamble, but also towards the recommendations themselves.

Mr. CHERNYSHEV (Union of Soviet Socialist Republics), for reasons which he had previously explained, was able to agree with one part of the French representative's text -- that dealing with the Commission on the Status of Women.

Mr. LUBIN (United States of America) inquired whether the reference to "some delegations" in the French representative's proposal might not be changed to "the French delegation", as it was submitted by that delegation alone. He also wished to know to what "important task" the French representative referred in the last paragraph of his proposal.

Mr. de ALMEIDA (Brazil) hoped that the words "some delegations" would stand. He had originally supported the French proposal; when a new text of the preamble (Conference Room Paper No. 20), of which he was a co-sponsor, had

/been

been brought out, he had felt that the preamble had in the main included the French representative's views. As he still agreed with the statements in the French text and, in particular, with those referring to the widest possible participation of United Nations Members in the Council's activities and the need for the three functional commissions mentioned to remain very active, he did not wish that it should be thought that those were the views of the French delegation alone.

Mr. de SEYNES (France) said, in reply to the United States representative's second question, that he had had in mind the whole present work programmes of the three commissions in question.

In reply to Mr. CORLEY SMITH (United Kingdom), he said that paragraph 4 of the proposed preamble was very skilfully drafted; it was, however, too vague to render unnecessary the third paragraph of the French text, for the French delegation had a very definite position on that subject.

Mr. CHANG (China) noted that there seemed to be general agreement that the additional text proposed by France would be inserted somewhere in part IV of the report. He pointed out that the last paragraph of that text differed in character from the preceding four, in that it mentioned specific commissions. That particular paragraph should be detached from the rest and the statements it contained should be made separately with regard to each Commission. To do otherwise would create a most undesirable precedent.

The CHAIRMAN said that, since the French representative had agreed to the insertion of his text later in the report, the Committee might proceed to consider the proposed preamble (Conference Room Paper No. 20).

Speaking as the representative of India, he proposed a series of amendments to that preamble, and suggested that they should be discussed separately. His first amendment was that the last sentence of paragraph 1 should be deleted. He recalled that in the course of the Committee's debates glowing tributes had been paid to the achievements of the Transport and Communications, Statistical and Population Commissions and the Commission on Narcotic Drugs, the members of which combined the functions of experts and Government representatives. The Committee was therefore not justified in drawing the conclusion embodied in the sentence he wished to delete.

Mr. CORLEY SMITH (United Kingdom) was unable to accept the amendment. The word "usually" in the last sentence represented an effort to reconcile all the views on the matter, which had ranged from a preference for individual experts through the Chairman's concept that representatives should combine both functions to the USSR representative's idea that all members of subsidiary bodies should be Government representatives. The sentence expressed the views of the Committee and should be allowed to stand.

Mr. CHERNYSHEV (Union of Soviet Socialist Republics) found the proposed preamble entirely unacceptable, because it was based on the assumptions that there was a need for subsidiary bodies of experts who were not responsible to their Governments and that the creation of ad hoc bodies was desirable. The adoption of such proposals would unduly complicate the Council's work instead of simplifying it and making it more effective.

He explained that, while all members of subsidiary organs should, in his view, be government representatives, it was also his understanding that governments would appoint persons particularly competent in the fields concerned. The danger of making use of experts who did not act under government instructions was that, as experience had shown, they might discard the basic ideas of the United Nations in favour of their own notions.

He would accordingly have to vote against the proposed preamble.

Mr. CHANG (China) said that he would abstain from voting on the Indian amendment, as he could not take a definite stand on the matter. The Chinese delegation had in the past favoured the system under which governments played a part in the selection of the members of Commissions not because it was opposed to the appointment of experts on an individual basis but because it had feared that experts little known outside their countries or regions owing to language difficulties might easily be overlooked.

Mr. LUBIN (United States of America) observed that his delegation had always held the view that certain problems were best dealt with by obtaining advice from independent experts who were not moved by political considerations. Recommendations of such experts, which had at first appeared impracticable, had become feasible when the political situation had changed. On the other hand, experience had also shown that other problems were best dealt with by competent persons who represented their governments. He was therefore opposed to the deletion of a sentence which recognized those important facts.

The Indian

The Indian amendment to delete the last sentence of paragraph 1 of the proposed preamble was rejected by 4 votes to 3, with one abstention.

The CHAIRMAN, speaking as the representative of India, introduced his second amendment, to the effect that the last sentence of paragraph 2 should be deleted. The inference that the Council and the General Assembly had in principle given preference to ad hoc bodies was not justified; they had recently set up ad hoc bodies simply because it was felt that there were enough functional commissions already in existence. Furthermore, those ad hoc bodies had been asked to look into some specific problem with which a commission had for one reason or another been unable to deal.

Mr. LUBIN (United States of America) was opposed to the deletion. The fact that a number of ad hoc bodies had been recently created because a functional commission had been unable to cope with the problem was quite important enough to deserve mention in the report.

Mr. CORLEY SMITH (United Kingdom) supported that view.

The Indian amendment to delete the last sentence of paragraph 2 of the proposed preamble was rejected by 5 votes to 3, with no abstentions.

The CHAIRMAN, speaking as the representative of India, presented his third and final amendment to the draft preamble and proposed the insertion of the following text after the word "requires" in line 5 of paragraph 2:

"The Committee, however, recognizes that the Council may require continuing study and analysis of a whole range of problems in a specialized field. In such cases, it would be appropriate to establish permanent subsidiary organs for each specialized field of activity. The meetings of these organs should not be held annually, but only at such intervals as the work programme and the urgency of business relating to the scope of their activities may dictate. The dates of meetings of these organs should be determined by the Council on the advice of the Secretary-General."

He explained that paragraph 2 as drafted created the impression that there could only be one type of body, the ad hoc. It was essential to make it clear that permanent subsidiary bodies might be desirable and that such commissions should meet according to the requirements of their work rather than on the basis of a fixed schedule.

/In addition,

In addition, his amendment sought to cover the point raised in the second paragraph of the French proposal.

Mr. CHANG (China) said that the Indian amendment included some reflections and decisions which had not been definitively reached during the Committee's deliberations. The Indian text for the first three sentences contained many definite decisions which the Chinese delegation would be unable to support.

Mr. de SEYNES (France) suggested that in the third sentence the word "should" be changed to "need".

Mr. CHANG (China) proposed the deletion of the words "relating to the scope of their activities" from the third sentence in order to shorten the text.

The CHAIRMAN, speaking as the representative of India, accepted the amendments proposed by the representatives of France and China to the third sentence.

Mr. LUBIN (United States of America) noted that paragraph 5 of the preamble recognized the fact that certain functional commissions would continue to exist. In the circumstances, it might be desirable to insert the third sentence of the Indian amendment at the end of paragraph 5 of the preamble and to delete the final sentence of the Indian text.

Mr. CORLEY SMITH (United Kingdom) expressed the view that the text proposed by the Indian delegation would indirectly constitute an interpretation. While there was no objection to continuing study, a distinction must be made between continuing bodies and permanent bodies. Nothing in the preamble precluded unlimited extension of the existence of any organ but it would be undesirable to make a recommendation for permanent organs. He could however agree to an adaptation along the lines suggested by the representative of the United States.

/The CHAIRMAN,

The CHAIRMAN, speaking as the representative of India, observed that the report might be unbalanced if it was suggested that ad hoc bodies alone should be used. While such bodies met definite needs in certain cases, it was his opinion that the Economic and Social Council in addition required permanent bodies which could exercise continuing vigilance in connexion with general problems and make recommendations as and when the need arose. Provision should therefore be made for continuing study as well as for ad hoc bodies.

Mr. de SEYNES (France) noted that the Chairman had referred to a number of the difficulties which the French delegation had experienced in connexion with the preamble. In addition to vigilance, initiative was needed in certain cases. In that connexion he noted a sharp difference of opinion among the majority regarding the role of functional commissions. On the one hand, the Commissions were looked upon as mere subsidiaries of the Council while, on the other hand, they were regarded as organs with a measure of independence and with the power to take the initiative.

Mr. CHANG (China) stressed the fact that the Committee had arrived at no definite decision regarding permanent subsidiary organs because of its decision to make its recommendations on an experimental basis with a provision for review of the entire question at the end of 1953. In his opinion, the question of permanent organs was too important to be dealt with in a mere passing reference.

Mr. LUBIN (United States of America) stated that there was fairly general agreement that activities in certain fields would have to be carried out by Economic and Social Council bodies of some kind. It must be remembered that development often produced different needs and required new functions which sometimes could better be performed by a body other than that which had operated earlier in the field. The Committee was not overlooking the need for specialized bodies. It was making its recommendations on an experimental basis until 1953 and calling for review of the situation at that time. In view of the stress which had been placed on the experimental nature of the recommendations it seemed unwise to reverse the position and make a recommendation for certain permanent organs.

Mr. BRENNAN (Australia) stated that the Australian delegation felt that paragraph 2 as drafted did not preclude the existence of continuing bodies. In its view, a series of solutions and arrangements were open to the Council in dealing with a given problem: it could set up an ad hoc body, assign the problem to a body already in existence, request a study by the Secretariat, call for action by a specialized agency or make any other decision which it deemed appropriate. The Australian delegation did not wish to give the impression of seeking to put an end to the work of permanent bodies.

Mr. de ALMEIDA (Brazil) supported the Indian amendment which in his opinion gave greater balance to paragraph 2 of the preamble. Subsidiary bodies performed functions in addition to those set forth in the opening section of the preamble. He agreed that such bodies should exercise initiative. While in some cases ad hoc bodies were preferable, certain problems could be dealt with more satisfactorily by continuing bodies. In that connexion he expressed preference for the expression "continuing bodies" rather than "permanent bodies".

The CHAIRMAN, speaking as the representative of India, agreed to change the word "permanent" to "continuing" as suggested by the representative of Brazil. He suggested that the Committee might first consider the insertion of the first two sentences of his amendment in the second paragraph and then proceed to the consideration of the third sentence for insertion at the end of the fifth paragraph. He agreed to the deletion of his fourth sentence.

Mr. CORLEY SMITH (United Kingdom) expressed appreciation of the compromise effort which had been made but indicated that he would be obliged to vote against the Indian amendment which in his opinion failed to effect improvement in the text.

Mr. LUBIN (United States of America) agreed with the representative of the United Kingdom that the Indian amendment would produce no definite improvement particularly since the original text stressed the experimental nature of the Committee's recommendations.

The CHAIRMAN, speaking as the representative of India, accepted a proposal by Mr. CHANG (China) for the deletion of the words "of a whole range" in his first sentence.

Mr. BRENNAN (Australia) proposed that in the second sentence the word "would" should be changed to "might". The fact that a problem was continuing was not in itself sufficient justification for the establishment of a subsidiary body of the Council.

/The CHAIRMAN,

The CHAIRMAN, speaking as the representative of India, expressed the view that the word "may" in his opening sentence indicated sufficient discretionary power on the part of the Council. In addition he pointed out that the word "would" was not mandatory.

Mr. BRENNAN (Australia) stated that "may" in the opening sentence was difficult to interpret and constituted essentially a statement of fact. The word "would" conveyed more than the Australian delegation was prepared to accept. If it was retained, the Australian delegation would be obliged to vote against the Indian amendment.

The CHAIRMAN put to the vote the proposal to change the word "would" in the second sentence to "might".

That proposal was adopted by 5 votes to 2, with 1 abstention.

The CHAIRMAN put to the vote the following amended text of the first two sentences of the Indian amendment for insertion in paragraph 2 after the word "requires":

"The Committee, however, recognizes that the Council may require continuing study and analysis of problems in a specialized field. In such cases it might be appropriate to establish continuing subsidiary organs for each specialized field of activity."

The result of the vote was as follows: 3 in favour, 3 against and 2 abstentions.

The CHAIRMAN stated that under the terms of the resolution creating the Committee the President of the Council had a casting vote in case of a tie. He had been informed, however, that the President of the Council was not expected in New York until June. Moreover, since the President had not participated in the Committee's discussion he could hardly be expected to cast a vote.

After an exchange of views regarding the procedure to be followed, the Committee unanimously agreed that a footnote should be inserted at that point in the report giving the Indian amendment to paragraph 2, stating that it had resulted in a tie vote, that the President of the Council who had a casting vote had not been present, and that the amendment had therefore been regarded as rejected.

/Mr. CHERNYSHEV

Mr. CHERNYSHEV (Union of Soviet Socialist Republics) explained that he had voted against the Indian amendment because it was directed towards the establishment of new permanent organs.

The CHAIRMAN put to the vote the following text of the third sentence of the Indian amendment for insertion at the end of paragraph 5: "The meetings of these organs need not be held annually, but only at such intervals as the work programme and the urgency of business may dictate".

That proposal was adopted by 7 votes to none, with 1 abstention.

The CHAIRMAN noted that the last sentence of the Indian amendment had been withdrawn.

He put to the vote the preamble as a whole as amended and with the word "one" in the first line changed to "the" and the word "outside" in the fifth line changed to "specific additional".

The preamble, as amended, was adopted by 6 votes to 2.

The CHAIRMAN called for consideration of the French proposal contained in Conference Room Paper No. 16.

Mr. de SEYNES (France) stated that he would agree to the insertion of his proposal between paragraphs 30 and 31 of the report, with a transitional phrase to indicate that "in connexion with the preamble, certain delegations felt...".

He would also be willing to consider an amendment to the last paragraph to the effect that broad interpretation of the Committee's recommendation was particularly desirable in the case of the three commissions indicated because of their special character and their important effect on world public opinion.

In reply to a question by Mr. LUBIN (United States of America), he indicated that despite the amendments which had been accepted in the preamble he wished to maintain the second paragraph of his proposal in order to indicate the measure of agreement among the majority of which he was a part.

/Mr. CHANG

Mr. CHANG (China) said that he would be willing to consider a redraft of paragraph 5 which was unacceptable to him in its present form. In his opinion, it was inadvisable to mention the names of commissions.

Mr. de SEYNES (France) suggested that the Committee should agree to the insertion of the first four paragraphs of his proposal between paragraphs 30 and 31 of the report and defer a decision on the fifth paragraph.

Mr. CHANG (China) proposed that in view of the general agreement on the insertion of the French proposal, the first four paragraphs should be approved in principle, subject to necessary drafting changes by the representative of France.

Mr. CHERNYSHEV (Union of Soviet Socialist Republics) concurred and stated that it was the right of each member of the Committee to request the inclusion of a statement of his views in the report.

The Committee approved the insertion after paragraph 30 of the report of the first four paragraphs of the French proposal, subject to drafting changes, and deferred decision on the final paragraph.

The meeting rose at 1 p.m.

14/5 p.m.