

## COMMITTEE ON PROCEDURAL QUESTIONS

## FIFTH SESSION

## Summary Record of the Ninth Meeting

Held at Lake Success, New York, on Thursday, 7 August 1947, at 3:00 p.m.

## Present:

Chairman:	Mr. DAVIDSON	(Canada)
	Mr. Chang	(China)
	Mr. Osuna	(Cuba)
	Mr. Pitlik	(Czechoslovakia)
	Mr. Mendes-France	(France)
	Mr. Malik	(Lebanon)
	Mr. Patyn	(Netherlands)
	Mr. Kamenev	(Union of Soviet Socialist Republics)
	Mr. Alexander	(United Kingdom)
	Mr. Hyde	(United States of America)
Secretariat:	Mr. Humphrey	(Division of Human Rights)
	Mr. Dumontet	(Joint Division of Co-ordination and Liaison)
	Mr. Herman	(Conference Division)

1. Consideration of the Report of the Committee on Procedural Questions to the Economic and Social Council. Rules of Procedure of Commissions of the Council and Council Rule of Procedure No. 10 (Document E/530).

The CHAIRMAN pointed out two errors in page 2 of document E/530: in line 3, the figure should read "44" and not "43", and the last line should read as follows: "66 for the amendments of the rules of procedure of the Council".

Mr. ALEXANDER (United Kingdom) feared that the existing text of paragraph 4 might give a wrong impression, and obscure the difference between non-governmental organizations in Category A and Category B. He suggested omitting the reference to rules 5, 6, 7 and 44.

The CHAIRMAN reminded the United Kingdom representative that it had been agreed that a specific reference should be made to some rules.

DECISION: After an exchange of views, the Committee decided to adopt for paragraph 4 the text suggested by the USSR representative and amended by the representative of the United Kingdom to read as follows:

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"4. The Committee has agreed further to draw the attention of the Council to the fact that the proposed uniform rules of procedure make no provision for giving any particular rights to these non-governmental organizations in Category "B", having a special relationship to a particular Commission. It recommends that the Council consider requesting the NGO Committee to study this question with particular reference to rules 5, 6, 7 and 44."

Mr. ALEXANDER (United Kingdom) suggested deleting the word "additional" in paragraph 5 as its interpretation might create difficulties.

DECISION: The Committee agreed to redraft paragraph 5 as follows:

"5. The Committee also has agreed to draw the attention of the Council to the fact that, if the Council adopts the present attached draft resolution with regard to the uniform set of rules of procedure, it may be necessary to make consequential changes in the Council's own rules of procedure. Annex 4 contains a proposed redraft of rules 65 and 66 for the amendment of the rules of procedure of the Council." (see document E/530/Corr.1)

2. Consideration of the Calendar of Economic and Social Meetings and Conferences in 1947 (Document E/280/Rev.2)

The CHAIRMAN explained that all the meetings which were not scheduled to take place at Lake Success would be convened in Geneva, with the exception of the World Statistical Congress, the Trade and Employment Conference, and the Economic Commission for Asia and the Far East. The Economic Commission for Europe would meet in January 1948.

After Mr. HUMPHREY, Secretary of the Human Rights Commission, had explained that the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities and the Commission on Human Rights as scheduled in document E/280/Rev.2 should meet in the same place, Mr. HYDE (United States of America) reviewed the difficulties of fixing the time and place of the meetings of the Commission on Human Rights. Referring subsequently to document E/280/Rev.2 he pointed out that the period of eleven days (8 - 19 December) now proposed by the Secretary-General might not allow the Commission sufficient time to finish its work. He suggested that the Commission meet on 24 November and that its session be prolonged by a few days if necessary. In his opinion the Sub-Commission could meet from 10 to 21 November, overlapping the session of the General Assembly.

Mr. HUMPHREY (Secretariat) replied that the schedule suggested by the

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United States representative was acceptable to the Human Rights Division. The difficulty, however, was that the Department of Conference and General Services had serious objections to meetings before 24 November.

Mr. HERMAN (Secretariat) pointed out that problems of a strictly administrative character prohibited convening meetings of commissions or sub-commissions between the end of the General Assembly and 24 November. The work resulting from the General Assembly would make it impossible to provide the necessary services before that date. Even at that date, it would be possible to service only a session of the Sub-Commission, and not of the Commission itself.

Mr. MENDES-FRANCE (France) said that it was agreed that the Commission on Human Rights should not meet before the end of General Assembly. It was also necessary to have a break of a few days between the end of the General Assembly and the opening of the Commission. The 24th of November was too early for the Commission to meet as there was a possibility that the General Assembly might last longer than was foreseen. The 8th of December was a satisfactory date to convene the Commission on Human Rights, but the Commission should not be asked to deal with the Bill of Human Rights in eleven days. Moreover, it was desirable to convene sub-commissions before the Commission itself. That had been done in the case of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, but not for the Sub-Commission on Freedom of the Press. Consideration of the report of that Sub-Commission would have to be postponed if the proposed schedule of meetings were maintained. He therefore proposed that the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities should meet from 24 November to 5 December, and the Sub-Commission on Freedom of the Press in the second part of December. The Commission on Human Rights would then meet at the earliest possible date in January, having at its disposal the reports of the two sub-commissions. The French delegation intended to propose that the Economic and Social Council should only have two sessions in 1948, the first beginning in February. If that were accepted, the meeting of the Commission on Human Rights in January would not be overlapped by the Economic and Social Council.

The CHAIRMAN stated that to reach a decision it was necessary to consider the 1948 aspects of the calendar problem.

Mr. ALEXANDER (United Kingdom) agreed with the suggestions of the French representative. Outlining the manner in which he considered the work of the Council should be handled in 1948, he suggested that during the first session, to be held from the middle of January to the middle of February, the Council should review the work of the past year. At the same time it should give directions for the work to be carried out in 1948. After that, the

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commissions and the sub-commissions of the sessions of the Council should meet before 1 June. The second session of the Council should begin on 1 July. It would review the work of the commissions and sub-commissions and prepare a report for the General Assembly. World conferences could conveniently be held in November, after the closing of the General Assembly.

Mr. OSUNA (Cuba) supported the French proposal and the remarks made by the representative of the United Kingdom.

Mr. CHANG (China) felt that not only matters of convenience and expense should be considered when planning meetings of the Economic and Social Council. The members should also have long range vision and should consider in particular the position and prestige of the Council within the framework of the United Nations. He observed that the Council had only been in operation for one year and a half and that therefore the experience afforded its members had perhaps been insufficient for any general conclusion to be drawn concerning its work. He felt, however, that the prestige of the Council had not increased during that period, and might have diminished.

Mr. Chang recalled that on previous occasions he had been on the point of suggesting that the Economic and Social Council should be in permanent session or that it should be in session for five or six months and spend the remainder of the year investigating various problems. He visualized the time when the positions of the Security Council and the Economic and Social Council would be reversed, the latter meeting in permanent session and the former only at intervals, as the solution of economic and social problems would undoubtedly bring about a decrease in the number of political problems.

The representative of China felt that the practice of holding three sessions a year should be continued. It had been decided upon at the first session in London, and was also in conformity with the rules of procedure. He observed that although it was generally agreed that the relationship between the Council and specialized agencies was of prime importance to the work of all concerned, nothing had been done to clarify the situation.

Reiterating his belief that the work of the Council was even more fundamental than that of political bodies, Mr. Chang observed the lack of bodies analogous to the Council in international organizations prior to the United Nations and stated with emphasis that members had an opportunity of solving the world's problems from the economic and social instead of the political aspect. He also declared that all sessions of the Council should be held at headquarters and pointed out the inconvenience of transporting large quantities of documentation to other places.

In reply to the representative of China, the CHAIRMAN pointed out that the question of holding a special session of the Council during the

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General Assembly was on the agenda of the Council and had not been referred to the Committee. Any representative could bring the matter up at a plenary meeting.

He noted that the practice of holding three Council sessions a year was based on the Council resolution of 28 March 1947. In conclusion, he suggested that discussion regarding the place of meetings be deferred until the number of meetings to be held had been determined.

Mr. CHANG (China) recalled that the resolution of 28 March as proposed by the United States delegation, while admitting two sessions for 1947, stipulated three for 1948. He reiterated the need for upholding the prestige of the Council.

Mr. ALEXANDER (United Kingdom) thought that it was not appropriate to draw a comparison between the Economic and Social Council and the Security Council as the Chinese representative had done. The Security Council dealt with ad hoc questions, while the Economic and Social Council dealt with fundamental long range problems.

Mr. PATYN (Netherlands) supported the French proposal to hold two sessions of the Council a year.

Mr. HYDE (United States of America) felt that the question of the Council's position and prestige was too vast to discuss without further study. He observed that the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities would not produce much documentation in a two week period and that it was not essential for the Sub-Commission on Freedom of Information to meet before its parent Commission on Human Rights.

Mr. MENDES-FRANCE (France) stated that he had the same object in view as the representative of China. His proposal, which would be distributed at a later date in written form, was intended only to increase the efficiency of the Council. It had not been his intention to discuss it at the present meeting since it was not on the agenda. The Committee had now to decide on the date on which the Commission on Human Rights would be convened. In his opinion, the Commission could meet on 1 December 1947 only if:

- (a) the Secretariat guaranteed that it would be able to provide the Commission with all the necessary services from the first day,
- (b) the General Assembly session were to finish at least a few days before 1 December, since overlapping would cause serious difficulties,
- (c) at least three weeks in December could be reserved for the work of the Commission.

Mr. HERMAN (Secretariat) answered that it was difficult to give any assurances. If the General Assembly finished on 7 November, the earliest possible date on which the Commission on Human Rights could be convened would  
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be a month later, in view of the amount of documentation that had to be prepared. He pointed out that the Trade and Employment Conference, opening on 24 November in Havana, would involve a considerable amount of work. If the General Assembly were to finish its work later than 7 November, it would be still more difficult to provide the Commission on Human Rights with the necessary services, even on the date proposed by the Secretariat.

Mr. KAMENEV (Union of Soviet Socialist Republics) said that he had no objection to the dates proposed by the Secretary-General. He supported the French proposal to hold only two sessions of the Economic and Social Council in 1948, as he felt that the results of the work of the Council did not depend upon the number of meetings held. He had no objection to travelling to Geneva to attend the session of the Economic and Social Council if it were convened there, and he thought that it would even be desirable to hold one session in Europe in order to increase the prestige of the Council.

Mr. HAKIM (Lebanon) said that he would have preferred to support the United States proposal that the session of the Commission on Human Rights should open on 1 December next but that after the explanation given by the Secretariat, he found it difficult to take a decision. The Secretary-General's proposal must be accepted unless a way was found to provide the services from 1 December.

In reply to a question raised by Mr. CHANG (China) as to whether it would be possible to convene the Sub-Commission on Discrimination at the beginning of September or during the General Assembly, Mr. HERMAN (Secretariat) stated that it would be technically impossible.

The CHAIRMAN then reviewed the situation. There were three possibilities:

- (a) The proposal of the Secretary-General to convene the Commission on Human Rights on 8 December,
- (b) The suggestion of the representative of the United States to advance by one week the opening dates of the Sub-Commission on Discrimination and the Commission on Human Rights,
- (c) The French proposal to convene the Commission on Human Rights in 1948.

As the last proposal was the farthest removed, it had to be decided upon first. If the French amendment were accepted, the question of having only two Council sessions in 1948 would have to be referred to the Council.

Mr. MENDES-FRANCE (France) thought that after the explanation given by the Secretariat, there was no possibility other than to postpone the session of the Commission on Human Rights until the beginning of January. He suggested that the Committee should take a decision based solely upon the interests of the Commission on Human Rights, and not take into account the

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question whether there would be two or three sessions of the Council in 1948.

Mr. HUMPEREY (Secretariat) stated that delay was unwelcome. The Bill of Human Rights had to be submitted to the General Assembly in 1948. On the other hand it would be an advantage if both the Sub-Commissions could meet before the Commission on Human Rights. The most important factor, however, was that the Commission should have enough time for its work. He was afraid that eleven days would be insufficient. The Sub-Commission on Freedom of Information and the Press had to be convened in 1948 even if the Commission were to meet in January, as preparatory work had to be done for the International Information Conference which was scheduled to open on 23 March.

Mr. MALIK (Lebanon) recalled that the first session of the Commission on Human Rights had been held in January 1947 and that the second session had been scheduled for July of the same year. The latter session had been postponed until August and then again postponed until the proposed December date. He felt that the work of the Commission was of such import as to require that the session be held at the earliest possible date. Supporting the proposal of the United States representative, Mr. Malik suggested that perhaps the General Assembly itself should be asked to accelerate the request for comments from Governments, which were required for the meetings.

After an exchange of views, during which Mr. MENDES-FRANCE (France) withdrew his proposal, the CHAIRMAN ruled that a vote would be taken on a proposal of the representative of the USSR which could be divided into two parts, and then, if that proposal were rejected, on the proposal of the United States representative.

He called for a vote on the first part of the USSR proposal to defer discussion on the dates of meeting of the Commission on Human Rights and its Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

DECISION: The proposal was adopted.

The CHAIRMAN called for a vote on the second part of the USSR proposal that the Committee present an interim report to the Council recommending the adoption of the dates set for all meetings stipulated in document E/280/Rev.2 except those for the Commission on Human Rights and its Sub-Commission on the Prevention and Protection of Minorities.

DECISION: The proposal was adopted unanimously.

The meeting rose at 7:15 p.m.

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