



ECONOMIC AND SOCIAL COUNCIL

Forty-eighth Session

OFFICIAL RECORDS

Monday, 12 January 1970,
at 3.20 p.m.

NEW YORK

President: Mr. J. B. P. MARAMIS (Indonesia).

Organization of work

1. The PRESIDENT announced that, after consultations with the three Vice-Presidents, it had been decided that in accordance with rule 20, paragraph 2, of the rules of procedure, Mr. Franzi (Italy) would be Chairman of the Economic Committee, Mr. Driss (Tunisia), Chairman of the Social Committee and Mr. Mojsov (Yugoslavia), Chairman of the Co-ordination Committee.

AGENDA ITEM 3

Report on the position concerning infringements of trade-union rights in the Portuguese colonies in Africa

2. The PRESIDENT recalled that in paragraph 15 of resolution 1412 (XLVI), the Council had requested the International Labour Organisation (ILO) to prepare a report on the position concerning the infringements of trade-union rights in the Portuguese colonies in Africa. At its 1645th meeting, on 31 October 1969, the Council had deferred consideration of the report until the organizational meetings of the forty-eighth session in January 1970. In a letter addressed to the Secretary-General, on 1 December 1969, the Director-General of the ILO had stated that the Governing Body of the ILO had taken up the item at its 177th session in November 1969 but that it had not concluded consideration of it. The next regular session of the ILO Governing Body would be held from 23 February to 6 March 1970.

3. Mr. SEN (India) felt that the Council could not consider the item until it had before it the ILO report; the Council should decide to take up the item when the report was ready.

4. Mr. CARANICAS (Greece) endorsed the Indian representative's observations; the item should be considered at the resumed forty-eighth session in May, since the Council normally devoted its summer session to economic questions and did not convene the Social Committee.

5. Mr. DRISS (Tunisia) thought that the Council should keep the item on its agenda and decide when it would be considered once the report was available.

6. Mr. BRADLEY (Argentina) considered that the basic issue was whether the Council would discuss the item in plenary or merely in the Social Committee. In the former case, it could consider it at its forty-eighth session or at its forty-ninth session; in the latter case, it would be obliged to take it up at the resumed forty-eighth session in May.

7. Mr. PAOLINI (France) supported the Indian and Greek proposal that the item should be considered at the resumed forty-eighth session in May. In fact, that type of question was normally considered in plenary but should also be studied by specialists in the Social Committee.

8. Mr. KASSUM (Secretary of the Council) recalled that the Secretary-General had proposed in his draft programme of work of the Council in 1970 (E/L.1293) that the question of trade-union rights should be considered at the resumed forty-eighth session.

9. The PRESIDENT proposed that the Council should defer consideration of the item until the resumed forty-eighth session in May 1970.

It was so decided.

AGENDA ITEM 5

Procedure for the election of members of the International Narcotics Control Board (E/4761)

10. The PRESIDENT pointed out that the Secretary-General had suggested, in paragraph 3 of his note (E/4761), that the Council might wish to follow its previous practice in connexion with elections to the International Narcotics Control Board and its predecessor body, the Permanent Central Narcotics Board, and establish a Committee on Candidatures. The Committee could meet in Geneva in mid-March and report to the Council at its resumed forty-eighth session, at which the election of the members of the Board could also take place. At present, the elections were scheduled as agenda item 10 of the forty-eighth session in March, entitled "Elections"; however, it did not appear that the proposed Committee on Candidatures would be able to submit its report to the Council before the end of March; the Council should therefore elect the members of the International Board during the resumed forty-eighth session in May when considering item 5 of the agenda entitled "Narcotic drugs".

11. The Committee might be composed of thirteen members, as was the Committee established by the Council in 1966 at its fortieth session. Its terms of reference would be as described in paragraph 3 of the Secretary-General's note.

12. Mr. TARASOV (Union of Soviet Socialist Republics) wished to know if the establishment of a Committee on Candidatures would have financial implications.

13. Mr. PAOLINI (France) shared the concern of the Soviet delegation with regard to the establishment of new bodies, but considered that, in the present case, the financial implications would be minimal. The representa-

tives who would serve on the Committee were already at Geneva since they participated in the Commission on Narcotic Drugs. Furthermore, it appeared that the body had existed previously.

14. Mr. KASSUM (Secretary of the Council) pointed out that in the past the Committee had played an extremely useful role and had studied hundreds of pages of information. As a result, the most qualified men had been elected as members of the International Narcotics Control Board. The financial implications of its establishment were certainly negligible and could be covered by the regular budget.

15. The PRESIDENT proposed that the Council should return to that suggestion at its 1652nd meeting, when the financial implications would be known.

It was so decided.

AGENDA ITEM 8

Term of office of members of the Commission for Social Development and the Commission on the Status of Women (E/4763)

16. The PRESIDENT suggested that the Council should approve the Secretary-General's proposals contained in his note (E/4763).

It was so decided.

AGENDA ITEM 4

Measures to improve the organization of the work of the Council (A/7576 and Corr.1; A/C.5/1247; E/L.1249 and Add.1 and 2)

17. The PRESIDENT drew attention to the recommendations of the Joint Inspection Unit contained in the annex to the report of 25 July 1969.¹ The Advisory Committee on Administrative and Budgetary Questions had stated its views in its report to the General Assembly at its twenty-third session.² Those of the Secretary-General were given in document A/C.5/1247,³ which had been submitted to the Fifth Committee and which was currently before the Council. In that document, the Secretary-General had pointed out that the implementation of a number of the Inspectors' recommendations would require approval by the General Assembly or the Economic and Social Council. To that effect, the General Assembly had adopted resolution 2538 (XXIV). The Economic and Social Council, for its part, had to consider recommendations 3, 9, 12 and 25 (a). It also had before it suggestions 16 to 19 appearing in the working paper prepared by the Secretariat (E/L.1249), consideration of which the Council had decided (1596th meeting) to refer to its Co-ordination Committee at its forty-seventh session.

18. Mr. KASSUM (Secretary of the Council) said that recommendation 3 of the Joint Inspection Unit in a way

¹ A/7576 and Corr.1 (mimeographed).

² Official Records of the General Assembly, Twenty-third Session, Annexes, agenda item 75, document A/7400.

³ Ibid., Twenty-fourth Session, Annexes, agenda item 82.

reiterated rule 14, paragraph 4, of the rules of procedure. In adopting it, the Council would consequently be reaffirming the provisions laid down in its rules of procedure.

19. Mr. ALLEN (United Kingdom) thought that, in that case, as in the case of the report on the situation concerning trade-union rights, a more precise wording should be used to indicate clearly whether a meeting or a session was referred to.

20. Mr. VIAUD (France) pointed out that the Joint Inspection Unit had not recommended the postponement of questions to the following session but to a later session, which was much more logical. If a question of a clearly economic or social character could not be considered at a session of the Council, it did not follow that it could be considered at the following session, since sessions dealt alternately with economic and with social questions.

21. His delegation considered that the Council should not merely take note of the recommendation of the Joint Inspection Unit but accept it, since it seemed to remedy an unsatisfactory situation with regard to procedure. In fact, if representatives examined, for example, the documents relevant to the agenda of the current meeting, they would see that none of them had been distributed within the required time-limit. Obviously, the Council was not observing its own rules of procedure, and although rule 14, paragraph 4, used the term "normally", it must be admitted that it was but very rarely followed.

22. Another aspect of that question which his delegation could not emphasize too strongly was the problem of the issue of documents in all the working languages. Neither the Council's rules of procedure nor the recommendation of the Joint Inspection Unit made it clear that the documentation, besides being issued six weeks in advance, must appear in all the working languages. In 90 per cent of cases, documents were issued in the original language well before their translation into the other working languages. His delegation hoped that the Council would give close attention to the serious delay in the distribution of documents, which placed many delegations at a disadvantage and seriously hampered their work. If the Council did not impose a certain discipline, no improvement would be possible. It was certainly not realistic to hope that documents would be available in all languages six weeks in advance, but if they were issued in all the working languages two weeks in advance, his delegation would be very content.

23. Mr. BRADLEY (Argentina) shared the point of view of the French representative: Spanish-speaking delegations, too, were faced with that problem, which was all the more serious since, whereas the least important documents were distributed within the required time, the basic documents were invariably issued at the last moment.

24. He suggested that, if the Council decided to adopt the recommendation of the Joint Inspection Unit, it should amend the wording in such a way as to specify that documentation must be issued in the four working languages. However, he felt bound to stress that such recommendations were of little use. Whether or not that text were adopted by the Council, it was clear that nothing would change in practice.

25. Mr. SEN (India) pointed out that the difficulty had impeded the work of delegations for more than twenty years. The English-speaking delegations had also been inconvenienced, since their Governments had never had adequate time to consider the documents thoroughly. He proposed the following text, which would reflect the objections raised by the representatives of the United Kingdom, France and Argentina: "The Council should not normally consider any item adequate documentation for which has not been made available, in the working languages, six weeks in advance".

26. Mr. TARASOV (Union of Soviet Socialist Republics) said that his delegation had no fundamental objection to the recommendation of the Joint Inspection Unit and fully supported the views of the French and Argentinian representatives. The wording of the recommendation, however, did cause some concern, since, by subordinating the consideration of items to the availability of documents issued by the Secretariat, it was apparently putting the Council in a position of dependence on the Secretariat. The text should therefore be amended so that the recommendation was addressed to the Secretariat, not to the Council, since it was the responsibility of the Secretariat to issue the documents in adequate time.

27. Mr. CARANICAS (Greece) said he did not see the point of adopting a recommendation which, so far as most representatives were concerned, would probably remain a dead letter. All the efforts made in that direction for more than twenty years had not produced a solution, although the vast majority of delegations were affected by the inconvenience, particularly those, like the Greek delegation, whose language was not a working language.

28. The Greek delegation did not attach too great an importance either to the recommendation or to the pertinent rule in the rules of procedure, since the Council was sovereign and could, if it so wished, consider any item at any time. It shared, however, the views of the French representative, and found the text proposed by the Indian representative acceptable.

29. Mr. BRADLEY (Argentina) invited the members of the Council to show a spirit of realism. The recommendation of the Joint Inspection Unit did not in any way alter the situation, since, whenever documentation was not available, the Council deferred consideration of the item in question. Consequently, nothing was being achieved by the present unnecessary debate and it would be far better to take up the next item.

30. Mr. OLDS (United States of America) considered that the recommendation of the Joint Inspection Unit was intended to expedite the work of the Council, and if any difficulty arose, it was up to the Council to intervene and try to surmount it. If the Council decided to maintain the six-week rule, the rule should be adhered to as far as possible. The same was true of any new arrangements the Council might decide to make. It would, in any case, be anomalous for the Council to adopt a recommendation when convinced of its ineffectiveness.

31. Mr. BRADLEY (Argentina) asked if the text proposed by the representative of India was drafted in the condi-

tional or the future tense. He suggested that the future would impart too peremptory a tone.

32. Mr. VIAUD (France) said that, in his opinion, the main point of the recommendation of the Joint Inspection Unit was that it envisaged the automatic deferment of any item for which documentation had not been issued in due time. If a delegation particularly wished the Council to consider an item for which documents were lacking, it could always so request. However, the contrary procedure was at present followed, and delegations were constantly having to request and justify the deferment of items for which they had not received documentation in adequate time. For its part, the French delegation found it extremely unpleasant to be constantly compelled to fall back on that procedure. Furthermore, the inspectors had drafted their text in the conditional tense, as was appropriate in a recommendation addressed to the Council; but if the Council adopted the text, it should use the future tense.

33. With regard to the observation made by the Greek representative concerning delegations whose language was not a working language, he acknowledged the difficulties which they had to face. Precisely for that reason, it was in their interests to have the documents available in several languages.

34. His delegation preferred the text submitted by the Joint Inspection Unit, since it envisaged the automatic deferment of items; however, if the majority of the members favoured the text proposed by the Indian representative, it also would be acceptable to his delegation because it referred to the different working languages.

35. Mr. ARAUJO CASTRO (Brazil) considered that the present debate was of little value since the Council was free at all times to take any decision it deemed appropriate. The word "normally" made rule 14, paragraph 4, of the rules of procedure very flexible; furthermore, under rule 15, the Council could, if necessary, refer items to other bodies. The Council could, therefore, only take note of the recommendation of the Joint Inspection Unit, which did nothing to alter the present situation. The text proposed by the Indian representative, being drafted in the future tense, was mandatory; it constituted, in fact, an amendment to rule 14 of the rules of procedure. In that case, the Council was obliged to follow the procedure set forth in chapter XVII of the rules of procedure. For its part, the Brazilian delegation hoped that no formal decision would be taken on the matter.

36. Mr. KASSUM (Secretary of the Council) read out again the text submitted by the representative of India.

37. Mr. BRADLEY (Argentina) was pleased to note that the text was drafted in the conditional mood, which meant that it could not be interpreted as an amendment to the rules of procedure. He suggested that the Council should merely take note of it; if, however, there was any question of adopting it, it should be put to the vote, in which case his delegation would abstain.

38. Mr. TARABANOV (Bulgaria) said that the salient point of the Joint Inspection Unit's recommendation was the phrase "unless otherwise decided by the Council". The

Council should not be prevented in any way from considering an item if it wished to do so. He felt that the Council should take note of the recommendation, without, however, adopting it, for that would involve amending the rules of procedure.

39. In addition, in an attempt to remedy the very serious problem of time-limits for the publication of documents, he asked whether the Secretariat could, when publishing the agenda for a session before that session opened, indicate in a separate note the items for which documents had been distributed, in which languages and on what date. That would certainly help the members of the Council in their work.

40. Mr. KASSUM (Secretary of the Council) drew attention to certain aspects of the problem of documentation. With regard to documents for the current session, for example, it was physically impossible to comply with the six-week rule, since most of those documents had been prepared on the basis of decisions taken by the General Assembly at its last session, which had ended less than six weeks earlier. However, when a document was ready six weeks before the opening of the session, the Secretariat always endeavoured to publish it in all the working languages.

41. Furthermore, with reference to the documents emanating from the Council's subsidiary bodies, everything depended on the date of the sessions; very often, however, less than six weeks elapsed between the end of the session of such bodies and the opening of the Council's session.

42. Since the recommendations before the Council raised such complex problems, he proposed that they should be referred to the Co-ordination Committee, which could examine them at its summer session and submit suggestions to the Council accordingly.

43. Mr. CHRISTIANSEN (Norway) supported the proposal of the representative of India, which might make it possible to obtain better results. Although, as the Secretary had indicated, it was often difficult in practice to observe the six-week time-limit, the exception should not become the rule.

44. Mr. ALLEN (United Kingdom) said that he would not oppose the adoption of the Secretary's suggestion. He pointed out that recommendation 3 of the Joint Inspection Unit related to the consideration of items already on the agenda, while rule 14, paragraph 4, of the Council's rules of procedure dealt with items which might possibly be placed on the Council's agenda. Consequently, the adoption by the Council of the text proposed by the representative of India would not entail an amendment of the rules of procedure.

45. Mr. VIAUD (France) considered the Secretary's suggestion acceptable. It was true that certain documents, for example, the *World Economic Survey*, which was dealt with in recommendation 12, could not be ready six weeks before the session. However, the most important debate of the Council's summer session centred on the *Survey*. It was the duty of delegations to organize a debate which was worthy of the Council, but they could not express the opinions of their Governments unless the latter had studied the *Survey*.

The Secretariat must be induced to observe the six-week rule strictly and to submit important documents in sufficient time for Governments to study them.

46. He would be prepared to accept the Indian representative's proposal, although he felt that preferably it should be written in the future imperative. However, it might perhaps be better to let the Co-ordination Committee take a decision on the Joint Inspection Unit's recommendations.

47. Mr. SEN (India) explained that the six-week rule applied to the consideration of an agenda item and not to the beginning of the session. In addition, the rules of procedure of the Economic and Social Council prevailed over any decisions which might be taken by the Council. The proposed statement did not involve any amendment of the rules of procedure. The matter could be settled immediately. If, however, the Council wished to study it in greater detail, he would have no objection to its being referred to the Co-ordination Committee.

48. Mr. FRANZI (Italy) agreed with the representative of Argentina that such recommendations were not effective. Italy was one of the countries for which it was important that documents should be published in all working languages, for although representatives could be expected to know several working languages, the same could hardly be demanded of technical experts sent by Governments.

49. Furthermore, he wondered whether the Council would take note of the Joint Inspection Unit's recommendation—in which case it could not amend it—or whether it would adopt it, thus making it necessary to amend the rules of procedure, in violation of rule 88, which provided that the rules might not be amended until the Council had received a report on the proposed amendment from a committee of the Council.

50. If the intention was to achieve a balanced distribution of documents in the various working languages, attention would have to be given to the very structure of the Secretariat.

51. Mr. LEGNANI (Uruguay) supported the Joint Inspection Unit's recommendation, which was an attempt to facilitate the Council's work. It could, however, be improved, along the lines suggested by the representative of India, by adding the expression "in the working languages", to ensure that a document was not considered to have been distributed until it was available in all the working languages.

52. Mr. CARANICAS (Greece) supported the Secretary's proposal, which was in accordance with rule 88 of the rules of procedure.

53. Mr. BRADLEY (Argentina) shared that view. He suggested that the Council should also take note of all the other recommendations of the Joint Inspection Unit and refer them to the Co-ordination Committee.

54. Mr. ARAUJO CASTRO (Brazil) supported the representatives of Greece and Argentina. In his view, the six-week rule was sometimes unrealistic. He suggested that

the Council should recommend to the Secretariat that it expedite, to the fullest extent possible, the preparation of documents in the various working languages. He wondered, as the representative of Italy had done, whether the text of the Joint Inspection Unit's recommendation could be amended without changing rule 14, paragraph 4, of the rules of procedure. It would be better to leave the Co-ordination Committee to take a decision on the matter.

55. The PRESIDENT suggested that consideration of recommendations 3, 9, 12 and 25 (a) made by the Joint Inspection Unit and suggestions 16 to 19 contained in the working paper prepared by the Secretariat should be postponed until the forty-ninth session of the Council.

It was so decided.

The meeting rose at 5.35 p.m.