

UNITED NATIONS
ECONOMIC AND
SOCIAL COUNCIL
OFFICIAL RECORDS



FIFTH YEAR, TENTH SESSION

351st MEETING

TUESDAY, 14 FEBRUARY 1950, AT 2.45 P.M.
LAKE SUCCESS, NEW YORK

President: Mr. Hernán SANTA CRUZ (Chile).

Tentative outline programme for the remainder of the week (*continued*)

1. The PRESIDENT reminded the Council that according to its tentative outline programme it was to examine the reports of the Social Committee at the plenary meetings to be held on 15 February 1950. The Social Committee, however, would certainly not have finished its work by that time. The Council would therefore have to consider only items 18,¹ 19² and 14³ of its agenda, which would not require long discussion.

2. He therefore proposed that the Council should not hold a plenary meeting on 15 February 1950, but that on that day the Social Committee should meet in the morning and, if necessary, in the afternoon, and that the Council Committee on Non-Governmental Organizations should hold a meeting in the afternoon.

3. The Council would hold plenary meetings on 16 and 17 February and would study items 25,⁴ 26,⁵ 18,¹ 19,² 14,³ 16⁶ and 36⁷ of its agenda.

It was so decided.

Revision of the rules of procedure of functional commissions of the Council (except for the amendment of rules relating to non-governmental organizations): report of the Committee on Procedure (E/1593)

4. The PRESIDENT recalled that during its eighth session the Council had adopted resolution 219 (VIII), in which it reconstituted the Committee on Procedure and requested it to undertake the revision of the rules of procedure of the functional commissions in the light of the changes made in the Council's rules of procedure. The Committee on Procedure submitted a report (E/1593) in which reference was made to document E/AC.28/L.5, which gave the financial implications of the application of rule 36 as proposed by the Committee on Procedure.

5. Mr. LARRAÍN (Chile) thought that the Council could commence the study of the draft revision submitted by the Committee on Procedure and adopt it at the current meeting. Approval of the draft resolution concerning the ratification of the new rules of procedure of functional commissions could be left until

later. In that way, the Council could wait until a decision had been taken regarding the report of the Committee on Non-Governmental Organizations and could then include all the necessary modifications in the rules of procedure of the functional commissions.

6. Mr. ENCINAS (Peru) presented the report of the Committee on Procedure and drew the Council's attention to paragraphs 6, 7 and 8, which he read. He also emphasized the importance of the notes annexed to rules 5, 12, 36, 54 and 57. The Committee had decided to include those notes in order to draw the Council's attention to certain aspects of the discussions which had taken place in the Committee.

7. The PRESIDENT stated, with reference to paragraph 7 of the report, that if during the current meeting the Council adopted rules 5, 6, 7, 36 and 40 proposed by the Committee on Procedure, it would reserve the possibility of making any amendment to those rules which might become necessary as a result of its decision on the report of the Council Committee on Non-Governmental Organizations concerning the revision of the consultative status of those organizations.

RULES 1 TO 3

Rules 1 to 3 were adopted.

RULES 4 AND 5

8. Mr. HYDE (United States of America) pointed out that the Council and the functional commissions were not of the same nature. One proof of that was the fact that the members of functional commissions were not appointed in the same way as members of the Council. For that reason he did not consider it necessary to provide for so long a period as that visualized in rules 4, 5 and 6. The remarks the representative of the Secretariat had made on that subject to the Committee on Procedure had seemed to him very cogent.

9. He therefore proposed that the period provided in rules 4 and 5 should be reduced to twenty-eight days and that in rule 6 to thirty-five days.

10. Mr. WOULBROUN (Belgium) said that the difficulties encountered during the current session showed the desirability of sending Governments the notification and documents as long as possible before the opening of the session.

¹ Report of the International Bank for Reconstruction and Development.

² Report of the International Monetary Fund.

³ Trade union rights (freedom of association).

⁴ Calendar of conferences for 1950: adjustments consequent upon decisions of the General Assembly and other changes.

¹ Report of the Social Commission (fifth session).

² Housing and town and country planning.

³ Report of the Commission on Human Rights (fifth session): completion of the consideration of the report, begun at the ninth session.

11. Although he did not underestimate the difficulties to which the representative of the Secretary-General had alluded, he favoured the text proposed by the Committee on Procedure.

12. Sir Ramaswami MUDALIAR (India) proposed that at the current meeting the Council should adopt all the rules to which no amendments were proposed. The discussion of any rules to which delegations proposed amendments would be postponed to a later date.

13. With regard to rules 4 and 5, he emphasized that it was easy to foresee the date of a regular annual session and in that case the period of forty-two days provided by the Committee on Procedure could be accepted. If, however, the Council decided that a functional commission would hold a second session in the same year, the period should be reduced. Furthermore, he proposed that in exceptional cases the Secretary-General should not be bound by the period fixed by the Committee on Procedure but should be able to send the documents to the various Governments within a period of less than twenty-five, or thirty-two, days, for such reasons as he thought fit.

14. Finally, he wondered why rule 5 did not provide that the agenda of each session would be sent also to the President of the Economic and Social Council.

15. Mr. CORLEY SMITH (United Kingdom) stated that the adoption of the Indian representative's suggestions would be liable to lead to exceptions becoming rules. The task of the numerous delegations would be made more difficult if too short a time limit were fixed. It might, however, be possible to add a sentence requesting the Secretary-General to give the reasons why he had not respected the time limit.

16. Replying to a question from Mr. HYDE (United States of America), Sir Ramaswami MUDALIAR (India) explained that, in accordance with the procedural motion he had submitted at the beginning of his last intervention, the Council could take a decision forthwith, on any proposal for the deletion of a rule proposed by the Committee on Procedure.

17. The PRESIDENT invited the Council to give its decision on the procedural motion of the Indian representative, to the effect that the examination of any rule to which a delegation submitted an amendment should be deferred until a later meeting.

The Indian proposal was adopted.

18. The PRESIDENT pointed out that, since the Indian delegation had suggested amendments to rules 4 and 5, the examination of those rules should be postponed to a later date.

It was so decided.

RULES 6 AND 7

19. Sir Ramaswami MUDALIAR (India) stated that, if the amendments he had submitted to rules 4 and 5 were adopted by the Council, it would be necessary to amend paragraph 3 of rule 6.

20. The PRESIDENT asked the Council nevertheless to give its opinion on rule 6, on the understanding that its adoption would be subject to the modifications which would be made in it later as the result of the adoption of the Indian amendments and to any decision the Council

might take regarding the existing right of non-governmental organizations in category A to ask for an item to be placed on the Council's agenda.

Rule 6 was adopted, subject to the reservations made by the President.

Rule 7 was adopted with the same reservations.

RULE 8

Rule 8 was adopted.

RULE 9

21. Mr. BORBERG (Denmark) pointed out that rule 9 was exactly the same as rule 16 of the Council's rules of procedure. The Council, however, was one of the principal organs of the United Nations and it might be dangerous to grant to functional commissions the right not to consider an item or to defer the consideration of an item which had been submitted to them by the Council or by other major organs of the United Nations. He understood, however, that the functional commissions would not use that right without valid reasons.

Rule 9 was adopted.

RULES 10 AND 11

Rules 10 and 11 were adopted.

RULE 12

22. Mr. HYDE (United States of America) emphasized that the functional commissions were of a special character which distinguished them from other organs of the United Nations. It was the predominantly technical character of those commissions which had enabled them to carry out useful work.

23. The adoption of rule 12 as proposed by the Committee on Procedure would, he felt, be prejudicial to the very nature of the technical commissions. The existing rule 11 laid down that if a member of a commission was unavoidably prevented from attending a session, his Government could designate, in consultation with the Secretary-General, an alternate "for that session". That provision constituted a certain guarantee, in that the alternate designated would himself be an expert and would possess the necessary technical qualifications.

24. If the rule 12 proposed by the Committee on Procedure was adopted, a member of a commission could be readily replaced by an alternate who had no technical qualifications. Mr. Hyde added that those remarks of his applied also to the rule 69 the Committee on Procedure had proposed.

25. The second paragraph of the new rule 12 laid down that in the case of a member of the commission who was for the time being acting as chairman, the alternate could, at the discretion of the chairman, be permitted to participate in the proceedings and vote in the commission. That paragraph might give the impression that the alternate had the same technical qualifications as the regular member, which did not follow from the first paragraph, as he had just pointed out.

26. He therefore suggested that the second paragraph of rule 12 should be deleted, for he was most anxious for the technical character, the continuity and stability of the commissions to be maintained.

27. Mr. LEDWARD (United Kingdom) observed that rule 12 had been adopted by a substantial majority in the Committee on Procedure. As the suggestion had originated from his delegation, it might not be out of place for him to state briefly the reasons for it.

28. In the first place it was essential that the technical character of the commissions should be maintained. Nevertheless experience had shown that certain governments had not chosen to nominate specialist experts, but had relied upon their permanent delegations. In other cases nominated experts had not always been able to make the long journey themselves, and it had been convenient for governments to nominate alternates with the necessary technical knowledge. It was desirable that such experts should have the right to vote.

29. The second paragraph of the rule was designed to avoid the inconveniences of a member who had been elected chairman speaking alternately in his capacity as chairman and as the nominated representative of his country. It was sometimes of convenience to chairmen to allow their alternates to speak for them in the latter capacity.

30. Mr. AMANRICH (France) did not consider that the provisions of the first paragraph of rule 12 could in any way prejudice the technical character of the commissions; that paragraph could only facilitate the work of the commissions and do away with the difficulties that had been encountered in the past.

31. With regard to the second paragraph, the French delegation would not object to the United States proposal to delete it although its retention might offer some advantages.

32. Mr. LARRAÍN (Chile) said that rule 12 dealt with a question of great importance to the various Governments. There was a great deal of truth in the arguments of the United States delegation, but it must be recognized that in practice they conflicted with realities. In many instances the fact that a representative's country was so far distant from the temporary headquarters of the United Nations, and other *force majeure* considerations, had prevented him from attending a session. The designation of an alternate in no way affected the technical character of the commissions; furthermore, there was no doubt that the governments would show discretion in designating alternates.

33. The Chilean delegation thought that the second paragraph of rule 12 also raised a delicate problem; each Government should decide for itself whether the representative designated should act in a dual capacity as representative and chairman, or whether a distinction should be drawn between those two functions. It seemed that a chairman would enjoy greater liberty of action and could show greater impartiality if he did not simultaneously act as a representative of his country. The representative of a country, for his part, would have greater latitude if he was not at the same time called upon to act as chairman.

34. The Chilean delegation could not, therefore, approve the United States proposal for the deletion of the second paragraph of rule 12.

35. Mr. ENCINAS (Peru) stated that the new rule did not in any way prejudice the technical character

of commissions; alternates were expected to be experts just as much as the regular members. Moreover, the presence of an alternate would not entail any further expenditure for the United Nations, since the latter was required to cover the travelling expenses of only one member of a commission.

36. He favoured the provisions of the second paragraph, which provided for cases where a Government appointed both a member and an alternate and the former was elected chairman.

37. Mr. ALI (Pakistan) approved of rule 12, as proposed by the Committee on Procedure.

38. Sir Ramaswami MUDALIAR (India) recalled that the Economic and Social Council had originally wanted members of functional commissions to be experts appointed without the intervention of their respective Governments. It had, however, been decided that Governments, in agreement with the Secretary-General, would designate persons whose choice as members of a commission would be confirmed by the Council. Nevertheless, members of commissions retained their initial character: they did not represent their countries, nor did they pledge the Government which had designated them. They were appointed by the Economic and Social Council, whose members were designated by the governments of the different States elected by the General Assembly to serve on the Council. The appointment was made in consultation with the Secretary-General.

39. The representative of Peru had put forward the very interesting argument that the travelling expenses of only one member of a commission could be charged to the budget of the United Nations. If a Government was required to cover the travelling expenses of an alternate, it would obviously prefer to choose him from among the members of its permanent delegation at the interim headquarters. That was precisely what the United States wished to avoid and Sir Ramaswami fully shared that view.

40. It would be better to retain rule 11 in its existing form in place of the first paragraph of rule 12 proposed by the Committee on Procedure.

41. With respect to the second paragraph of rule 12, he recalled the difficulties with which he had been faced when he had been President of the Economic and Social Council; it was to overcome them that the rules of procedure had been amended on that point. The members of the Council, however, unlike the members of a functional commission, represented their respective Governments. Furthermore, it was difficult to know in advance who would be elected chairman of a commission. If the second paragraph were applied, all the members of a functional commission would have to attend the sessions of that commission accompanied by an alternate.

42. In view of those considerations, he favoured the deletion of the proposed rule 12 and the retention of the former rule 11.

43. Mr. ENCINAS (Peru) thought that, in adopting a new text for rule 12, the Council should not lose sight of the objective that the Indian representative had stressed, namely the retention of the technical character of the Council commissions.

44. Mr. HYDE (United States of America) congratulated the Indian representative on his statement.

45. He suggested that a vote should be taken immediately on the United States proposal, which called for the deletion of the second paragraph only of rule 12, and that the Indian proposal, which he was inclined to support, should be considered subsequently.

46. The PRESIDENT considered that the Indian and the United States proposals were interrelated and that it would therefore be preferable to postpone the consideration of both of them.

47. Mr. CHANG (China) thought that after four years of experience, the system of organization of the functional commissions revealed serious shortcomings. There was too much manoeuvring at the time of the election of commission members. Furthermore, he wondered whether it was really necessary for the Council's functional commissions to be established permanently. He regarded that matter as the crux of the question. Under the present system, functional commissions continued to meet even if the items on their agenda were of little significance.

48. In his opinion, the functional commissions of the Council should be convened only in order to assist the Council to solve a specific technical problem. It mattered little whether that work took them two weeks or two years. What did matter was that some of the commissions, particularly the Social Commission, had a tendency to transform themselves into Council committees and that their members became more and more representatives of Governments. Such commissions should be called "committees" and the term "commission" should be reserved exclusively for organs composed entirely of experts convened by the Council in order to solve a specific technical problem.

49. If that were done, the problem of alternates would not arise, for the commission members would be chosen specifically on the basis of their competence with regard to the problem to be solved by the body on which they served.

50. Some functional commissions of the Council had scarcely any reason for continuing to exist and they were holding meetings simply as a matter of habit. According to the Charter, the Council was to concern itself with the economic and social welfare of all Member States. It was quite natural that when faced with a difficult technical problem it should have recourse to a functional commission; but it was equally natural that once the functional commission had completed the study requested by the Council, it should be dissolved.

51. The Council should therefore reconsider the entire question of the functional commissions, rather than adopt new rules of procedure, which, like the ones they were to replace, would only constitute an unsatisfactory compromise.

52. Mr. LEDWARD (United Kingdom) pointed out that, although the Committee on Procedure had thought it unnecessary to retain the provisions of the former rule 12 because they had never been applied, certain conspicuous absences that could have been observed recently in functional commissions were an argument in favour of the retention of those provisions in the new

rules of procedure. He made no formal proposal, but if other members of the Council thought that there would be advantage in doing so, he would propose reinstatement of the rule.

53. Mr. WOULBROUN (Belgium) did not have very strong feelings about the second paragraph of rule 12. He thought that, in most cases, the chairman of a functional commission could act simultaneously as a member of the commission and as its chairman. Be that as it might, the question was of no great practical importance.

54. Mr. Woulbroun preferred the new drafting of rule 12 proposed by the Committee on Procedure. He agreed with the French representative that in relation to the corresponding provisions of the former rules of procedure, the new text did not alter the expert character of the members of the functional commissions.

55. The PRESIDENT suggested that further consideration of rule 12 should be deferred to another meeting.
It was so decided.

RULES 13 TO 23

Rules 13 to 23 were adopted.

RULE 24

56. Mr. BORBERG (Denmark) suggested that the words "shall be responsible for keeping" should be replaced by the words "shall keep", in order to bring the text of rule 24 into conformity with that of rule 23.

The Danish proposal was adopted.

Rule 24, as amended, was adopted.

RULES 25 AND 26

Rules 25 and 26 were adopted.

RULE 27

57. Sir Ramaswami MUDALIAR (India) interpreted the provisions of rule 27 to mean that the functional commissions and their subsidiary organs could be informed of the financial implications of resolutions they were considering adopting, but that they did not authorize them to approve the actual pledging of funds.

58. The PRESIDENT called attention to the provisions of rule 33 of the Council's rules of procedure and confirmed the Indian representative's interpretation.

Rule 27 was adopted.

RULES 28 TO 35.

Rules 28 to 35 were adopted.

RULE 36

59. Mr. ENCINAS (Peru) recalled that the question of the summary records of the Council's commissions had been discussed at length. The question was of great concern to the commissions and had been given particular attention by the Council itself.

60. The Secretary-General had provided the Committee on Procedure with a report on the budgetary implications of the adoption of rule 36 (E/AC.28/L.5). Supplementary estimates amounted to about 4,700 dollars.

61. Mr. YATES (Secretary of the Council) said that the essential difference under the new rule 36 was that

the first draft of the summary record was distributed only to participants in the meetings concerned. There was a second distribution after the Secretariat had received corrections to the provisional summary records.

62. He added that, if the Council wished, the Secretariat could make the technical adjustments which adoption of the new rule would entail. The additional cost would be about 5,000 dollars and the members of the Committee on Procedure had considered that sum comparatively small.

63. Mr. WOULBROUN (Belgium) considered the provisions of the new rule 36 most useful. The additional cost entailed by adoption of the rule was negligible in comparison with the advantages the functional commissions would derive from it.

64. The main effect of the rule was that it permitted members of the Commissions to submit corrections to the provisional summary records which would be incorporated in the final text.

65. Mr. FRIIS (Denmark) noted that the Secretary-General's report envisaged the employment of two new secretaries for four months of the year. He wondered whether it would not be possible to divide the additional work among the various Secretariat sections concerned.

66. Further, he wondered whether it would not be possible to compensate, and even over-compensate, the additional cost of adoption of rule 36 by reducing the length of the summary records. He suggested specifically the deletion of the list of those present, which took up from one to three pages of every summary record.

67. Mr. YATES (Secretary of the Council) said that the additional cost would in fact be spread over several sections.

68. Referring to the suggested deletion of the list of those present, he stated that the list was very much appreciated by many non-governmental organizations and deletion of it would lead to considerable disappointment.

69. Mr. ENCINAS (Peru) thought that the expenses entailed by the application of the new rule 36 would be reduced to a minimum if the corrections were made addenda to the summary record instead of being incorporated in it.

70. Mr. HYDE (United States of America) supported the proposal of the Committee on Procedure.

71. Mr. AMANRICH (France) also supported the proposal of the Committee on Procedure.

72. The procedure under the new rule 36 must have its merits, since the Economic and Employment Commission had applied it even before it had been adopted.

Rule 36 was adopted.

RULES 37 TO 53

Rules 37 to 53 were adopted.

RULE 54

73. Mr. AMANRICH (France) recalled that his delegation had submitted an amendment to rule 54 in the Committee on Procedure. That amendment referred only to voting procedure in the functional commissions

and required a majority of one-third of the members for the adoption of a proposal. The purpose of the amendment had been to prevent a commission from forwarding any proposal to the Council in spite of a significant number of abstentions. The French delegation had thought it desirable that those commissions whose activities were in expert fields should submit to the Council only proposals supported by a certain number of their members.

74. The Committee had wondered whether the amendment was not in contradiction with the provisions of the Charter inasmuch as it provided for a specific majority. In that connexion Mr. Amanrich recalled that the Legal Department had given an opinion¹ which made it clear that there was no legal obstacle to the French amendment.

75. In spite of that fact, and although certain members of the Committee had expressed their support of the French amendment, the Committee on Procedure had not deemed it possible to accept it. It had nonetheless considered it useful to mention the proposal in its report and to draw the Council's attention to it.

76. He thanked the members of the Committee on Procedure for that decision. His delegation did not intend to open a debate on the matter at that time and therefore was not submitting any amendment to rule 54. It thought it was sufficient to recall its proposal.

Rule 54 was adopted.

RULES 55 AND 56

Rules 55 and 56 were adopted.

RULE 57

77. Mr. LEDWARD (United Kingdom) recalled that in the Committee on Procedure his delegation had raised the question of the interpretation of rule 57. It had been acknowledged that the rule was ambiguous but the Committee had not succeeded in making it clearer. Everything which could be said on the subject had been said, and the United Kingdom delegation would not re-open a debate on it. It noted that the chairmen of the functional commissions enjoyed great freedom in interpreting the rule but Mr. Ledward was not convinced that all the difficulties in interpreting it had been cleared up. For example, did the text as it stood make it quite clear that the act of voting, for the purpose of that rule, did not start afresh on each part of a vote when a motion was voted upon in separate parts? That point was not clear, nor was it any clearer in rule 62 of the Council's rules of procedure.

78. Moreover, the United Kingdom delegation would like it to be provided that, if the word "voting" was interpreted to include the whole of a vote taken in parts, it would still be possible to introduce minor drafting changes to make the text adopted coherent. The Committee on Procedure had feared that if any such loop-hole were written into the text of the rule, the provision might give rise to abuses. The United Kingdom delegation had not feared that it would be misused and had thought that the chairmen, in their wisdom, would use their discretion to prevent abuses.

79. In conclusion, the United Kingdom representative again stated that he was not making a formal proposal,

¹ See document E/AC.28/L.13.

but would like the Council to be fully aware that the difficulty existed.

80. The PRESIDENT mentioned his experience as chairman of various United Nations organs and confirmed the fact that rule 57 as it stood at times gave rise to delicate questions of interpretation for the chairmen who had to apply its provisions.

81. Mr. HYDE (United States of America) thought that an attempt to clarify the meaning of rule 57 would create more problems than it solved.

82. Mr. ENCINAS (Peru) observed that there were obvious difficulties in applying rule 57 as it was worded. That was what had impelled the United Kingdom representative to propose an amendment. But the Committee on Procedure had found itself unable to decide the question of when a text became incoherent. It was that difficulty which had caused the United Kingdom amendment to fail.

Rule 57 was adopted.

RULES 58 AND 59

Rules 58 and 59 were adopted.

RULE 60

83. Mr. BORBERG (Denmark) thought that, in all logic, rule 60 should precede rule 58. He further proposed that the second sentence of the first paragraph of rule 60 should appear as a separate paragraph.

84. Mr. HYDE (United States of America) observed that the only reason it would be better to preserve the order of rules proposed by the Committee on Procedure was that it was desirable to model the rules of procedure of the commissions on the rules of procedure of the Council.

85. He supported the Danish proposal to divide the first paragraph of rule 60 into two.

86. The CHAIRMAN put to the vote the Danish proposal to re-paragraph rule 60.

The proposal was adopted.

Rule 60, as amended, was adopted.

RULES 61 TO 68

Rules 61 to 68 were adopted.

RULE 69

87. The PRESIDENT proposed that consideration of that rule should be postponed, as it might have to be altered as a result of the decision on the proposed amendments to rule 12.

It was so decided.

RULES 70 TO 74

Rules 70 to 74 were adopted.

88. The PRESIDENT said that the Council would reconsider the rules on which the discussion had been postponed during the following week.

89. He congratulated the Chairman and the members of the Committee on Procedure on their excellent work.

90. He pointed out that Washington's birthday fell on Wednesday, 22 February, which would be a holiday for the United Nations Secretariat, and asked members of the Council if they also wished to observe the holiday.

91. Sir Ramaswami MUDALIAR (India) proposed that the Council and its Committees should not meet on that day.

92. Mr. ENCINAS (Peru) supported the Indian proposal.

The Indian proposal was adopted.

The meeting rose at 5.40 p.m.