

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL

E/C.3/SR.22
16 February 1951

ENGLISH
ORIGINAL: FRENCH

AGENDA COMMITTEE

SUMMARY RECORD OF THE TWENTY-SECOND MEETING

Held at the Hotel Carrera, Santiago, Chile,
on Friday, 16 February 1951, at 10.30 a.m.

CONTENTS:

Recommendations regarding the provisional agenda (E/1890, E/C.3/L.6,
E/C.3/L.7, E/C.3/L.8).

Chairmen:

Mr. SANTA CRUZ

President of the Council

Members:

Sir Ramseswami MUDALIAR

First Vice-President (India)

Mr. FENAUX

Representing the Second
Vice-President (Belgium)

Miss MEAGHER

Canada

Mr. BORATYNSKI

Poland

Also present:

Mr. KOTSCHNIG

United States of America

Representative of a specialized agency:

Mrs. BROISMAN

International Labour Organisation
(ILO)

Representatives of non-governmental organizations:

<u>Category A:</u>	Miss KAHN	World Federation of Trade Unions
	Mr. THOOKE	International Co-operative Alliance
	Mr. MOORE	International Chamber of Commerce
<u>Secretariat:</u>	Mr. YATES	Secretary of the Economic and Social Council
	Mr. DUMONTET	Secretary of the Committee

RECOMMENDATIONS REGARDING THE PROVISIONAL AGENDA (E/1890, E/C.3/L.6, E/C.3/L.7, E/C.3/L.8).

The CHAIRMAN recalled that under rule 15 of the rules of procedure the Committee must consider proposals for the inclusion, exclusion or postponement of agenda items put forward in pursuance of rule 10, and also decide on the order in which the various items should be considered and their distribution among the plenary and committee meetings.

He proposed that **they** should first consider the provisional agenda and the various proposals for the addition, deletion or postponement of certain items (E/1890, E/C.3/L.7, E/C.3/L.8).

Mr. BORATYNSKI (Poland) asked for the deletion of items 11, 24, 25 and 30.

It was apparent from document E/1890, page 6, that the purpose of item 24 was to allow of the accession of the so-called Federal Republic of Western Germany which had been constituted illegally in violation of the provisions of the Potsdam Agreement on German unity. Under Article 107 of the Charter, the United Nations was not competent to deal with questions of that kind, and their inclusion in the agenda could not be justified on technical grounds.

The same arguments applied to item 25. It was inadmissible that countries under military occupation like Western Germany and Japan, and puppet governments closely dependent on colonial Powers should be represented in UNESCO.

/The examination

The examination of item 11 would represent an interference in matters falling under the sovereign jurisdiction of States with which the Economic and Social Council was in no way competent to deal.

Lastly, the question raised in item 20 should be settled by bilateral agreements without any intervention on the part of the United Nations.

The CHAIRMAN opened the discussion on the various points the deletion of which had been proposed.

Item 11

Sir Ramaswami MUDALIAR (India) expressed the view that the argument advanced by the Polish representative to the effect that the item was a matter of national competence was not convincing. The United Nations frequently intervened in matters of that kind, and such intervention was legitimate, provided it was made pursuant to an agreement and not in an arbitrary manner.

The CHAIRMAN recalled that the item had been included in the provisional agenda two years before at the request of the International Co-operative Alliance and that its consideration had been several times deferred. The Council should deal with it at the session now about to open, the agenda of which was comparatively light.

The Polish proposal was rejected by 4 votes to 1.

Item 24

Sir Ramaswami MUDALIAR (India) agreed that, as the Polish representative had said, the question was of a political nature. That aspect of the matter was therefore outside the Committee's competence, and did not constitute a sufficient reason for the deletion of the item from the agenda. It was for the Council to decide on that.

Mr. BORATYNSKI (Poland) said that although the Committee was a technical body, it had both the right and the duty to delete from the agenda a question of a political nature when proposed in violation of the Charter.

/The CHAIRMAN

The CHAIRMAN recalled that the inclusion of that item had been requested by the United Kingdom representative. Whatever opinion might be expressed with regard to the substance of the matter, it was for the Council itself to make a decision.

The Polish proposal was rejected by 4 votes to 1.

Item 25

The CHAIRMAN pointed out that as applications for admission to UNESCO from States not Members of the United Nations had to be submitted by UNESCO to the Economic and Social Council, which could recommend their rejection, the Council should consider item 25.

Mr. FENAUX (Belgium) thought that the question was not only technical but also political and that the decision lay with the Council itself

Mr. BORATYNSKI (Poland) denied that the decision to be adopted was of a technical nature and asked the Committee to decide in accordance with the spirit of the Charter.

The Polish proposal was rejected by 4 votes to 1.

Item 30

The CHAIRMAN recalled that the item had been included in the provisional agenda at the request of the International Chamber of Commerce and gave the floor to the representative of that body.

Mr. MOORE (International Chamber of Commerce) wished merely to supplement the explanations given to the Committee at its meeting at Lake Success and to reply to the Polish representative. The question was one of co-operation for the solution of international economic problems as provided for in the Charter and was therefore within the jurisdiction of the United Nations.

The CHAIRMAN also felt that the question was within the Council's jurisdiction but that did not necessarily mean that the measures proposed by the International Chamber of Commerce had to be adopted.

/Mr. BORATYNSKI

Mr. BORATYNSKI (Poland) said that his delegation was not opposed to the conclusion of international agreements in that field, but felt that it would be best to conclude bilateral agreements.

Mr. FENAUX (Belgium) thought that the question was an outstanding example of the type of problem requiring international solution.

The Polish proposal was rejected by 4 votes to 1.

Item 16(b)

Mr. KOTSCHNIG (United States of America) referred to the explanations given in the document presented by his delegation (E/C.3/L.8) in support of the proposal that the item should be deleted. The Council was not required to pronounce on the question at the session now about to open and it was therefore preferable to delete the item from the agenda.

Sir Ramaswami MUDALIAR (India) would have preferred the Committee to recommend that the item should be postponed, rather than deleted.

Mr. FENAUX (Belgium) thought it undesirable to discuss a question which had been submitted to another body at the same time and proposed that the item be deleted from the agenda.

It was so decided.

Item 22

The CHAIRMAN recalled that the General Assembly in its resolution of 7 October 1950 had requested the Economic and Social Council to develop plans for the relief and rehabilitation of Korea and also to study long-term measures to promote that country's economic development and social progress. At its eleventh session at Lake Success the Council had been able to consider only the first of those tasks and had postponed the second to the twelfth session.

Mr. YATES (Secretariat) said that the Commission for the Relief and Rehabilitation of Korea had informed the Secretary-General that it was in favour of postponing the discussion of this point to the thirteenth session.

/The CHAIRMAN

The CHAIRMAN supported that proposal in view of the present situation in Korea, which was no longer that which had obtained when the resolution had been adopted by the General Assembly.

Mr. FENAUX (Belgium) shared that view.

Mr. KOTSCHNIG (United States of America) formally proposed that the Committee should postpone the question, not indefinitely, but to the Council's thirteenth session, so as to show that the United Nations wished to assist the Korean population as soon as possible.

Miss MEAGHER (Canada) supported that proposal.

This proposal was adopted by 4 votes to none, with 1 abstention.

Item 20

Mr. FENAUX (Belgium) asked that discussion on item 20 should not extend to the report of the new Executive Board of the United Nations International Children's Emergency Fund which had not yet been communicated to Governments, but that the Council should confine itself at this session to studying the report of the former Board, as published in 1950 (E/ICEF/160).

The CHAIRMAN thought that, even if that report was not discussed, it would be particularly desirable to make a general review of UNICEF activities at the session about to open in view of the importance of UNICEF's work in Latin America.

Mr. FENAUX (Belgium) wanted it to be made clear in those circumstances that the latest UNICEF report would not be discussed.

By 3 votes to 1, with 1 abstention, the Council decided to retain this item on the agenda and leave it to the Council to decide whether the two reports should be discussed.

Inclusion of new items

Mr. BORATYNSKI (Poland) asked that the item proposed by the World Federation of Trade Unions, "Lowering of the Workers' Standard of Living: A

/Result

Result of War Economy", be included in the agenda. He recalled that at the meeting of the Council Committee on Non-Governmental Organizations the United States representative had himself recognized the fundamental importance of the problem, and he pointed out that the World Federation of Trade Unions, which was the largest trade union organization, included member federations in almost all the Latin American countries.

The CHAIRMAN regretted that he was unable to submit the question to the Committee and was obliged to give a ruling himself. He recalled that the Council Committee on Non-Governmental Organizations had refused to place the item on the provisional agenda and said that its decision, in accordance with rule 10 of the Council's rules of procedure, should be regarded as final.

Mr. BORATYNSKI (Poland) challenged the Chairman's ruling.

The Chairman's ruling was confirmed by 3 votes to 1.

Item 16(a)

Mr. KOTSCHNIG (United States of America) explained why his delegation proposed that consideration of item 16 (a) should also be postponed. Twelve countries only had replied to the Secretary-General's request for information and his delegation thought that it would be better if the Council waited a few months longer before taking up the question of statelessness. It would perhaps be appropriate, however, to recommend the Secretary-General to bring the question again to the notice of governments and fix a deadline for their replies.

The CHAIRMAN said that if there were no objection the Committee would recommend the Council to press governments for their co-operation in the field under consideration.

It was so decided.

Order of items

The CHAIRMAN invited the Committee to consider the order in which the Council should study the items retained on its agenda.-

/Sir Ramaswami MUDALIAR

Sir Ramaswami MUDALIAR (India) said that it would be desirable if the Council dealt with certain questions itself in the plenaries and passed certain other questions directly to its Committees.

The CHAIRMAN observed that in document E/C.3/L.8, the United States delegation had put forward suggestions concerning the disposition of the provisional agenda items for the twelfth session. Those suggestions were exactly in line with the Indian representative's proposal and provided for the discussion of certain items in the plenary and for the submission of certain items directly to the Economic Committee, the Social Committee or the Committee on Negotiations with Specialized Agencies.

He proposed that the Agenda Committee should adopt the suggestions contained in part I of document E/C.3/L.8 to the effect that items 1, 2, 24, 25, 28(a), 28(c), 29, 3, 4, 5, 7, 8, 6, 13, 21, 23, 33, 26(a) and (b), 31, 32, 34, and 35 should first be discussed in the plenary.

It was so decided.

Mr. BORATYNSKI (Poland) asked that item 14 "Trade union rights: allegations regarding infringements of trade union rights", should also be discussed in the plenary. The question was extremely important and deserved prompt and lengthy study by the Council.

Mr. KOTSCHNIG (United States of America) warned the Committee against overloading the agenda of the plenary meetings since the Council could usefully study only a limited number of items in the plenaries. Moreover, so important a question as item 14 deserved detailed study which should be entrusted to the Social Committee. He also pointed out that those allegations which concerned the members of the International Labour Organisation should be referred to that body. The Social Committee would thus confine itself to considering the allegations relating to States not members of the ILO and would thus be able to save time.

Mr. FENAU (Belgium) also felt that the need to avoid overloading the plenaries was a weighty argument and that, in view of the probable length of the discussions, item 14 should be left to the Social Committee.

/The CHAIRMAN

The CHAIRMAN pointed out that the Council could certainly refer to the ILO the allegations which had been made against the members of that Organisation without that decision being interpreted as meaning that the Council did not wish to consider them. The arguments advanced by the United States and Polish representatives appeared to him to be equally pertinent and he would therefore abstain from voting on the question whether or not item 14 should first be discussed by the Council at a plenary meeting.

Mr. BORATYNSKI (Poland) was glad to note the importance attached by the United States delegation to the question of allegations regarding infringements of trade union rights, but in his view, it was not necessary to determine whether the allegations had been made against members of the ILO or against non-member States. He therefore urged that the Council should consider that important item at a plenary meeting.

Miss MEAGHER (Canada) recognized the force of the United States arguments but agreed with the Polish representative that the question should be discussed in the plenary.

Sir Ramaswami MUDALIAR (India) agreed with the Canadian representative.

By 3 votes to 1, with 1 abstention, the Committee decided to recommend that item 14 (Trade union rights: allegations regarding infringements of trade union rights) should first be discussed at a plenary meeting.

The CHAIRMAN proposed that the Committee should accept the suggestions contained in part II (page 2) of document E/C.3/L.8 submitted by the United States, to the effect that items 9, 10, 11 and 30 of the provisional agenda should be referred directly to the Economic Committee.

It was so decided.

The CHAIRMAN then invited the Committee to take up the items which the United States delegation had proposed should be referred directly to the Social Committee.

/Mr. KOTSCHNIG

Mr. KOTSCHNIG (United States of America) pointed out, with regard to item 12, (Draft Covenant on Human Rights and measures for implementation), that the question had given rise to an important exchange of communications between the Commission on Human Rights and the specialized agencies. It was probable that the latter would wish to state their views and that would take time. Since the plenary meetings already had a heavy agenda, his delegation felt that item 12 should be referred to the Social Committee. He pointed out that the Council was, in principle, to complete its work in four weeks, and that would not be possible unless the work were suitably distributed among its various organs.

Sir Ramaswami MUDALIAR (India) agreed with the United States representative that the agenda of the plenaries should not be overloaded. He observed, however, that the question of human rights was at least as much an economic as a social problem, since it was necessary to add an article concerning the economic clause recommended by the General Assembly, and that item 12 could be referred to the Economic Committee.

Mr. FENAUX (Belgium) thought that item 12 should be discussed at a plenary meeting in order to avoid any overlapping. Moreover, as the Indian representative had pointed out, there were economic as well as social aspects to the question, and the multiplicity of those aspects constituted a further reason why the item should be dealt with by the Council at a plenary meeting.

The CHAIRMAN proposed that the Council should be recommended to study item 12 at a plenary meeting; in that way those delegations wishing to present their points of view would be able to do so at the plenary. If the Council so desired, it could afterwards refer the question to the Social Committee.

It was decided to recommend that the Council should consider item 12 (Draft Covenant on Human Rights and measures for implementation) at a plenary meeting.

The Committee decided to recommend that items 15, 16(a), 17, 18, 19, 20, and 26(d) should be referred direct to the Social Committee.

The Committee also decided that item 26(c) (Arrangements for negotiations of an agreement with the World Meteorological Organization) and item 27 (Emergency action by the Economic and Social Council and Specialized Agencies to assist in the maintenance of international peace and security) should be referred direct to the Committee on Negotiations with Specialized Agencies.

The Committee further decided that item 28(b) should be referred direct to the

The CHAIRMAN then drew the Committee's attention to document E/C.3/L.7, paragraph 4 of which contained the proposed order of items, subject to finalization at Santiago. In that regard he pointed out that the Director of the International Monetary Fund would be available to present the report of the Fund on 1 March and that the Director of the International Bank for Reconstruction and Development would be present in Santiago on 5 March. It was for that reason that consideration of items 6 and 7 had been deferred to the second week of the session.

Sir Ramaswami MUDALIAR (India) observed that although the Technical Assistance Committee's second report was not yet ready, its first report had already been submitted, so that the Committee itself could meet during the second week of the session.

Mr. KOTSCHNIG (United States of America) thought that there should be changes in the arrangements which had been made, in view of the decision that items 12 and 14 should be discussed by the Council. He proposed, for example, that items 16, 17 and 15 should be submitted to the Social Committee during the first week of the session.

After discussion, it was decided that the Social Committee should be recommended to study items 18, 19, 16(a), 17, 15 and 20 in that order.

Mr. FENAUX (Belgium) recalled the protest which had been made by the French representative at a recent meeting of the Technical Assistance Committee at Lake Success against the delay in distributing the French text of documents, a protest in which the Belgian delegation had joined. He asked the Secretariat to arrange for the French texts to be distributed in good time.

The CHAIRMAN also stressed the need to have a complete documentation in the two working languages. He announced that the Committee would meet again at 5.30 p.m. to consider its report to the Council.

The meeting rose at 12.45 p.m.

20/2 p.m.