

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL

E/AC.24/SR.99
19 November 1951

ENGLISH

ORIGINAL: ENGLISH AND
FRENCH

Dual distribution

Thirteenth Session

CO-ORDINATION COMMITTEE

SUMMARY RECORD OF THE NINETY-NINTH MEETING

held at the Palais des Nations, Geneva,
on Saturday, 15 September 1951, at 9.30 a.m.

CONTENTS:

Reports of the Ad hoc Committee on the Organization
and Operation of the Council and its Commissions
(item 36 of the Council agenda) (E/1995 and Corr.1,
E/1995/Add.1, 3 and 4, E/AC.24/L.56, E/AC.24/L.63,
E/AC.24/L.64, E/AC.24/L.65, E/AC.24/L.66) (continued):
Organization and operation of the Council (continued)

Present:

Chairman: Mr. KOTSCHNIG

Members:

Belgium	Mr. van der SCHUEREN
Canada	Miss MEAGHER
Chile	Mrs. FIGUEROA
China	Mr. TSAO
Czechoslovakia	Mr. NOSEK
France	Mr. HESSEL
India	Mr. DESAI
Iran	Mr. JAZAERI
Mexico	Mr. CALDERÓN PUIG Mr. GONZALEZ SOSA
Pakistan	Mr. Atwar HUSSAIN
Philippines	Mr. REYES
Poland	Miss KALINOWSKA
Sweden	Mr. MICHANEK
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Mr. CORLEY SMITH Mr. OVERTON
United States of America	Mr. LUBIN Miss BELL
Uruguay	Mr. ALVAREZ OLLONIEGO

Observers from Member States:

Brazil	Mr. MACHADO
Netherlands	Mr. van ASCH van WLJK

Representatives of specialized agencies:

International Labour Organisation	Mr. FLORES
Food and Agriculture Organization	Mr. McDOUGALL
United Nations Educational, Scientific and Cultural Organization	Mr. TERENZIO

Representatives of non-governmental organizations:

Category B

International Statistical Institute	Mr. NIXON
--	-----------

Secretariat:

Mr. Steinig	Acting Assistant Secretary-General in charge of the Department of Social Affairs
Mr. Feller	Legal Adviser
Mr. Lukac	Director, Division of Transport and Communications
Mr. Powers	Department of Administrative and Financial Services
Mr. Hogan	Secretary to the Committee

REPORTS OF THE AD HOC COMMITTEE ON THE ORGANIZATION AND OPERATION OF THE COUNCIL AND ITS COMMISSIONS (item 36 of the Council agenda) (E/1995 and Corr.1, E/1995/Add.1, 3 and 4, E/AC.24/L.56, E/AC.24/L.63, E/AC.24/L.64, E/AC.24/L.65, E/AC.24/L.66) (continued):

Organization and operation of the Council (continued)

The CHAIRMAN invited the Committee to consider the draft resolution submitted jointly by the Canadian, Swedish and United Kingdom delegations (E/AC.24/L.65), which was intended to assist the Committee in reaching a conclusion on the question of the organization and operation of the Council. There were still a few representatives who wished to speak in the general discussion. Representatives who wished to submit amendments, as well as those responsible for the amendments included within square brackets in the text of document E/AC.24/L.65, would also be entitled to make statements.

Mr. Atwar HUSSAIN (Pakistan) recalled the fact that at the preceding meeting he had withdrawn his amendment (E/AC.24/L.59), because it had been somewhat irrelevant to the revised text (E/AC.24/L.58) of the original joint working paper, and because it had been closely bound up with the Indian amendment (E/AC.24/L.57) which had also been withdrawn. His amendment had been submitted on the assumption that a procedure similar to that followed in the General Assembly with regard to the reopening of the discussion after a decision on any matter had been taken in committee would be out of order in the Council. But, after listening to the Philippine representative and the Legal Adviser at the preceding meeting, he had been obliged to re-consider his position. He felt that such an important decision as one to preclude debate in the Council could not be taken by a simple majority, otherwise a tyranny of the majority might easily develop.

He was prepared to support paragraphs 1 to 12 of the joint draft resolution (E/AC.24/L.65), subject to certain minor reservations.

If paragraph 12 were adopted, paragraph 13 would seem to be redundant. If a committee of the whole was to draw up the agenda, it would be reasonable to allow it to decide which matters should be discussed in committee and which in the Council itself, because it would in any event have to consider fully which items were of major and which of minor importance. Although it was very likely that

major questions would be dealt with in plenary meeting, he did not believe that representatives' views had crystallized sufficiently to enable a broad directive of that nature to be laid down.

As to paragraph 14, nothing had occurred to cause him to change his original position. The sponsors of the joint draft resolution had admittedly made minor changes to the text, but rather for the sake of agreement among themselves than by way of concession to those holding the opposite view.

Even if paragraph 14 were deleted, the Pakistani delegation would still feel that the sponsors of the joint draft resolution had provided for enough reform for one session's work. They could hardly criticize certain delegations for harbouring misgivings about that paragraph, which was based on the suspicion with which certain delegations viewed the question of double discussion. It was therefore equally reasonable for others to suspect its sponsors of attempting to restrict discussion in the Council. He considered that it was rather undignified for an international body to attempt to establish certain stringent rules of procedure on the ground that it could not trust its members to maintain high standards of conduct.

He felt that, even if the Council had to sit a week longer to allow double discussion, that would not be a high price to pay for the democratic right of freedom of expression.

There seemed to be a sharp division of opinion about the substance of paragraph 14. If the sponsors of the joint draft resolution succeeded in getting their text adopted, that would be due to their forceful tactics rather than to the superiority of their case. It would indeed be unfortunate if there was a close vote on such a fundamental issue; as wide an area of agreement as possible should be the Committee's aim.

The Philippine representative had made a useful compromise suggestion. He (Mr. Hussain) had hoped that that representative would have submitted an appropriate formal amendment. But, since there had been very little response to that suggestion either from the sponsors of the joint draft resolution or from the opposite camp, it was doubtful whether it would be possible to incorporate it

in the text finally adopted by the Committee. In any case, the Pakistani delegation could not accept a formula providing for automatic prevention of debate in the Council. He therefore ventured to hope that, for the sake of compromise and in order to secure as wide an area of agreement as possible, the sponsors of the joint draft resolution would withdraw paragraph 14.

Mrs. FIGUEROA (Chile) had intended, as she had stated at the previous day's meeting, to submit several amendments to the joint draft resolution. But as a result of a conversation with the United Kingdom representative, those amendments had now been incorporated in paragraphs 9, 10 and 12 of the new text (E/AC.24/L.65). She could not, however, support the new joint draft resolution as a whole, in view of the fact that paragraph 14 had been retained. She felt that the Council's present rules of procedure already adequately governed the conditions under which questions before the Council were examined by the Committees and by the Council itself. Moreover, there was no procedural provision which would warrant the application of paragraph 14, and she therefore considered that the paragraph was out of order, as well as pointless. Its continued inclusion would considerably reduce the value of the joint draft resolution, and would make its adoption by a substantial majority impossible.

Miss BELL (United States of America) explained that the United States delegation supported the joint draft resolution in general, albeit with little enthusiasm, although it appreciated the efforts of the sponsors of the resolution and the endeavours of the French representative to effect a compromise.

As could be seen from the text given in document E/AC.24/L.65, the United States delegation had submitted an amendment to paragraph 10. She appreciated that it might not be possible, or even desirable, to separate economic and social items and to group items by sessions. On the other hand, she felt that all major items should, if possible, be taken up at the first session. It was only on that basis that it would be possible to arrange the calendar in such a way as to provide the first session with all the regional surveys, with the World Economic Survey, and with the reports of the regional commissions. Such a procedure would allow the Council to embark for the first time on a productive discussion with the proper

documentation before it. Ministers for Economic Affairs or Ministers of Finance, or top-level economic experts, were among the busiest people in the world at the present day. They could not be expected to attend a session of the Council twice a year, particularly if the economic agenda for the two sessions were thinned out owing to the fact that the major economic items were distributed over two sessions. Thus, the United States amendment was intended to ensure that a high level of discussion was maintained.

Mr. NOSEK (Czechoslovakia) observed that the joint draft resolution was in essence a synthesis of the joint working document (E/AC.24/L.54) submitted by the Belgian, French and United States delegations with the working paper (E/AC.24/L.58) submitted by the Canadian, Philippine, Swedish and United Kingdom delegations, together with certain other proposals and working papers. He had the same objections to the new text as he had raised to the joint working document (E/AC.24/L.54).

The new text was an attempt to increase the number of sessions, although its sponsors had tried to conceal that fact by referring to the resumption of the second session after or during the annual session of the General Assembly. An attempt was also being made to classify the items on the Council's agenda with the object of dispensing with the discussion of items which were not to the liking of certain delegations, and which embarrassed them. The terms of reference prescribed in sub-paragraphs (a) and (b) of paragraph 9 for the so-called "resumed" session would make it an utterly useless, artificial creation. It would be impossible to discuss the substance of the resolutions adopted by the General Assembly at the "resumed" session of the Council, owing to the very short interval between that session and the end of the annual session of the General Assembly. It would be superfluous to provide for the resumption of the second session, because rule 8 of the Council's rules of procedure already did so in adequate fashion.

With regard to the suggestion that the basic agenda and programme of work should be determined, in collaboration with the Secretary-General, at the resumed session, he felt that if such a course was necessary, it could be provided for by suitably amending rule 9 of the Council's rules of procedure.

Finally, he considered that, if followed up, the suggestions outlined in paragraphs 10 and 11 would only lead to confusion.

Mr. MOROSOV (Union of Soviet Socialist Republics) recalled the fact that the Canadian, Swedish, Philippine and United Kingdom delegations had the previous day submitted a joint draft resolution (E/AC.24/L.58), to which the United Kingdom representative had submitted additional amendments (E/AC.24/L.62) on behalf of a small group of delegations which had met informally. The joint draft resolution (E/AC.24/L.65) before the Committee had finally emerged from those documents and discussions.

He was in general agreement with the clauses of the preamble, except paragraph 5. He also disagreed with paragraph 6.

He had no objection to the Council's holding two sessions each year, but considered that there was no need to increase the number to three.

During the discussion, certain representatives had stressed the advisability of impressing upon the Council the need for dealing primarily with major items, but he felt that important subjects, instead of being confined to one session, should be evenly divided between the two sessions. He could not therefore support paragraphs 7 to 11.

Paragraph 10 stated that "At its first regular annual session the Council shall take up such main items as are ripe for consideration". He agreed that it was important for items to be ripe for consideration before they were taken up, and that all relevant documentation should be available, but the consideration of a given item could not be governed solely by such factors. The Council's business could not be made dependent on the Secretariat's administrative machinery. Paragraphs 10 and 11 would make it possible for the Council to neglect certain items on the pretext that they were inadequately documented. Moreover, the statement that items which could be conveniently disposed of should be taken up at the first regular annual session of the Council was inconsistent with the suggestion that the Council should deal at the same session with such main items as were ripe for consideration.

The sponsors of the joint draft resolution had asserted that, in suggesting that double discussion should be avoided, their intention was not to restrict the free expression of views by representatives; that, however, was simply an attempt to disguise the general principle expounded in paragraph 14. That paragraph was a flagrant attempt to curtail the right to free speech of members of the Council, which was one of the main organs of the United Nations.

Despite the eloquent advocacy of the usefulness of its provisions, the joint draft resolution was an illegal proposal, the general objective of which was to dictate to members of the Council how they should behave during its discussions. It reflected a policy, the main proponents of which were the United States, United Kingdom and French representatives, designed to transform the Council into a rubber-stamp for endorsing their views. It should be remembered that the members of the Council were not the recipients of favours; they had certain inalienable rights under the Charter.

As he had remarked previously, the procedure followed by the General Assembly could not be automatically applied in the Council. In any case, the rules of the General Assembly provided for a liberal procedure. The sponsors of the joint draft resolution maintained that they did not wish to restrict debate on important issues, but "important issues" was a vague concept, the meaning of which varied from delegation to delegation.

No one could refute the contention that at the present session the United States, United Kingdom and other delegations had tried to obstruct the discussion in the Council itself of the problem of the financing of under-developed countries for reasons of pure opportunism, and with the intention of imposing their will on the Council. Fortunately, that plan had been frustrated, and the question had been discussed at length in plenary meeting. The same delegations were now seeking to introduce, by means of paragraph 14, new ways of preventing the discussion of items which did not interest or were distasteful to them, such as the important question of national incomes in the under-developed countries, which had been described by some delegations as a technical issue on which the Council should not waste time. If paragraph 14 were adopted, cases would arise where delegations would be deprived of the opportunity of speaking in the Council on

similar topics. Paragraph 14 was certainly not calculated to contribute to the Council's constructive work, and if it were adopted the authority and prestige of the Council would be undermined even further. Thus, instead of promoting co-operation among delegations it would have the opposite effect.

The joint draft resolution was a nefarious attempt to transform the Council into a procedural organ, and thus cause it to neglect the tasks assigned to it in Articles 62 to 66 of the Charter.

Mr. HESSEL (France) thanked the Chilean representative for having agreed to the incorporation in the joint draft resolution of the substance of the amendments she had intended to introduce. The Committee's position was now perfectly clear. The Belgian and French delegations had submitted an amendment (E/AC.24/L.64) to paragraph 5 of the earlier joint draft resolution (E/AC.24/L.58), with the object of crystallizing their views on the respective tasks of the Council and the Committees, which had already been explained to the present Committee and reported in the summary records. However, the new joint draft resolution itself took account of those views; hence the Belgian and French delegations would withdraw their amendment, in order to obviate unnecessary discussion.

But there were still one or two difficulties to be overcome. The Mexican amendment (E/AC.24/L.56) really did no more than reproduce the provisions of rule 6 of the Council's rules of procedure. Thus it added nothing vital to the joint draft resolution, while implying a desire to limit the number of sessions which the Council could hold away from headquarters. The French delegation would therefore vote against it.

The United States amendment (E/AC.24/L.63) to paragraph 10 was both laudable and justifiable. Its object was to ensure that governments were informed in advance of the particular sessions at which the Council would examine economic questions and social questions respectively. However, that amendment had not been altogether satisfactorily drafted, and was at variance with the principle of the proper organization of the two sessions. He hoped that a better compromise text would be devised, and understood that the Indian representative had a suitable suggestion to make.

The most important and most serious question was that raised by paragraph 14, but there appeared to be some contradiction between the various arguments put forward against it. One was that its provisions were already implicit in the Council's rules of procedure; another, that its provisions were at variance with the Charter. Both arguments could not be right. The French delegation would be sorry to see the Committee permanently divided on so vital an issue. If paragraph 14 were adopted by only a small majority, the resultant situation would be awkward and highly regrettable. Of course, he fully appreciated the misgivings of certain delegations who feared that the right and freedom of speech might be restricted were that paragraph adopted.

It had been argued that any such restriction would be an attack on the indefeasible right of delegations to state their views fully. Actually, the proposal did not go beyond the limitations at present imposable under the Council's rules of procedure. In any case, it was essential to avoid waste of time, which on many occasions had impaired the efficiency of the Council's work. He hoped, therefore, that the Committee would adopt paragraph 14 with something approaching unanimity.

The Philippine suggestion was based on the rules of procedure of the General Assembly, and it was to be hoped that the Philippine representative would submit a suitable formal proposal. If he did, the French delegation would sympathetically consider the possibility of supporting it, in view of the desirability of the Committee's reaching unanimity on the issue.

In the light of all those considerations, he could now vote in favour of the joint draft resolution.

Mr. DESAI (India) pointed out that the first sentence of paragraph 10 of the new joint draft resolution and the United States amendment thereto were incongruous. Although economic items were extremely important, it would be both unnecessary and undesirable to concentrate on them unduly. He therefore suggested that the United States amendment might be modified to read "particularly major economic items".

Miss BELL (United States of America) was quite prepared to agree to the Indian suggestion, provided her amendment would then be acceptable to the sponsors of the joint draft resolution. She pointed out that the word "upon" should be added after the words "and decided" in paragraph 14, and also proposed that the word "primarily" should be included before the words "in order:" in paragraph 9, to allow for any emergency that might arise.

Mr. REYES (Philippines) said that at the previous meeting he had asked for enlightenment on the question of the Council's power to adopt a rule similar to rule 67 of the rules of procedure of the General Assembly, because he had wished that the nature and limits of the Council's authority in that connexion should be clearly established, and because he had felt that the adoption of such a course might enable a compromise to be reached between the two extreme positions maintained in the Committee with regard to paragraph 14. The Legal Adviser had given a clear explanation of the Council's authority in that respect.

Rule 67 of the rules of procedure of the General Assembly had, in practice, been interpreted and applied very liberally. In his opinion, if the Council adopted a similar rule, its temper in any given case would determine whether it would be applied liberally or not. The Belgian representative, referring to paragraph 2 of Article 67 of the Charter, had pointed out the previous day that decisions of the Council on requests to re-open a discussion in plenary meeting were to be taken by simple majority vote. He (Mr. Reyes) felt that to be an indication that the temper of the Council was not likely to be the same as that of the General Assembly. He had accordingly withdrawn his suggestion and announced that he would support the Chilean and Uruguayan representatives, and revert to his original position, which his delegation had maintained consistently in the General Assembly and other United Nations organs, on the question of the limitation of discussion.

Mr. van der SCHUEREN (Belgium), replying to the Philippine representative, said that it was true that the interpretation which he had placed on rule 67 of the General Assembly's rules of procedure might not have been correct. That was due to the fact that he had not at that time had the French text of those rules

with him. Rule 67 stipulated that:

"Discussion of a report of a Main Committee in a plenary meeting of the General Assembly shall take place if at least one-third of the Members present and voting at the plenary meeting consider such a discussion to be necessary. Any proposal to this effect shall not be debated, but shall be immediately put to the vote."

That text would appear to mean that the proposals to be put to the vote were those mentioned in the first sentence of the article. He asked the Secretariat to confirm that interpretation, which was the one given by the Legal Adviser. If it was the correct one, it would enable the Philippine representative to submit his amendment - an amendment which the Belgian delegation would willingly support.

He had referred, in his earlier statement, to the inaugural speech made by the President of the Council at the opening meeting of the present session, in which the latter had expressed the view that

"the great inspiration that was needed, the opportunity of playing leading role that the Council had confidently been offered, had been forgotten in the search for unanimity and the adoption of resolutions designed either to satisfy the majority or to satisfy those countries which bore the major responsibility for the execution of the Council's recommendations".

But that was precisely what the Co-ordination Committee itself had been doing for the last few days. When the magnitude of the task which that Committee could accomplish was compared with the text which it was prepared to adopt, it would be generally agreed that the Committee had taken a considerable step backwards. The changes proposed in the organization of the Council's operations were in point of fact secondary ones, which would do little to dispose of current criticisms of the Council's working methods.

The Belgian delegation would nevertheless vote for the joint draft resolution, although without much enthusiasm.

Mrs. FIGUEROA (Chile) thanked the Belgian representative for his quotation from the President's opening speech. Mr. Santa Cruz was not only President of the Economic and Social Council, but head of the Chilean delegation to the Council. Therefore the views of the Chilean delegation in that respect were those of the President of the Council.

Reverting to the relation between the procedures of the General Assembly and those of the Council, she again pointed out that delegations of States Members of the United Nations to the General Assembly consisted of five accredited representatives with full powers. Each of those representatives could serve on each of the Main Committees, participate in their discussions and take decisions on the matters considered by them. It was quite otherwise in the case of the Economic and Social Council. When the Council was sitting in plenary meeting, and two of its committees were meeting at the same time, three representatives of the same delegation were sitting simultaneously, but only one of them had full powers - the other two were merely alternates. Thus there was a basic difference between the structure of the General Assembly and that of the Council. Consequently, she failed to see how the provisions of the General Assembly's rules of procedure could be adapted to the case of the Council. To adopt a provision like that of rule 6 of the General Assembly would be tantamount to modifying the actual structure of the Council. Her misgivings about the feasibility of implementing the provisions of paragraph 14 of the new joint draft resolution (E/AC.24/L.65) were thus confirmed. Rule 25 of the Council's rules of procedure provided that the Council might at each session set up such committees as it deemed necessary and refer to them for study and report any questions on the agenda. That was perfectly clear: the function of the committees was not to take final decisions on the items referred to them, but simply to study those items and to report on them to the Council. There could be no ban on the discussion of the reports thus produced by the committees; if they were not discussed in plenary meeting, how could the Council reach a final decision on the matters dealt with in them? The Council's present rules of procedure clearly defined the respective functions of the committees and the Council: the committees studied problems; the Council settled them.

The CHAIRMAN, referring to the remarks of the Philippine representative, said that it would be unsatisfactory if important decisions were left dependant on the temper of the Council at any given moment; the procedures of the Council should be rooted in clear-cut rules of procedure which were not open to differing interpretations. As the Legal Adviser had indicated, decisions by the Council

were to be adopted by simple majority. One way of clearing the matter up would be to amend the final phrase of paragraph 14 of the new joint draft resolution to read:

"unless it is agreed by one-third of the members present at the plenary meeting that the discussion is necessary."

Mr. van der SCHUEREN (Belgium), replying to the Chilean representative's assertion that there was some incompatibility between certain of the Council's rules of procedure and the provisions of the joint draft resolution (E/AC.24/L.65), pointed out that paragraph 14 of the latter went no further than to make a recommendation. Under the terms of paragraph 15, the Council would request the Secretary-General to prepare such draft revised rules of procedure as were required in order to make the rules of procedure of the Council and of the functional Commissions conform to the provisions of the draft resolution. Hence, if there were any contradiction between a particular provision of the draft resolution and the existing rules of procedure, it would be for the Secretary-General to reconcile them.

Mr. CORLEY SMITH (United Kingdom) thought that before the Committee could take a decision on paragraph 14 of the joint draft resolution, it should be perfectly clear as to the legal aspects of the problem, and should therefore once more seek the advice of the Legal Adviser.

It was desirable that the Committee should remember the frequent expressions of contempt for the Council's methods of work. It was time that the Council took some definite action and adopted a proper form of parliamentary procedure.

Referring to the Chilean representative's remarks, he pointed out that the United Kingdom delegation had arranged its affairs satisfactorily at the present session of the Council, despite the departure of its leader after the first few days. Whether one or three persons were nominated as representatives was a pure formality; it was not the titles of members of delegations that mattered, but their right to vote.

Regarding the length of speeches, he reminded the Committee that any body which failed to impose some limitation on its discussions was in danger of falling

victim of filibustering tactics. The Council had suffered, and was continuing to suffer, from such tactics, and it was essential that members of the Committee should make the Council a more efficient instrument, even if that meant their taking decisions which they considered unpleasant. He knew of no national parliament which lacked rules for limiting debate, rules which were usually more severe than any that the Council would even consider adopting. The Council's debates had certainly been conducted in a most liberal spirit in the past, long speeches having been permitted which were hardly relevant to the item under discussion at the time. The reform proposed in paragraph 14 of the joint draft resolution (E/AC.24/L.65) was a very modest one, and while it would not, perhaps, entirely save the Council from continuing to stagger from failure to failure, it did constitute a preliminary step towards the better ordering of the Council's business.

Rule 67 of the General Assembly's rules of procedure, which had proved so useful in the last twelve months, provided in effect that no one representative could engineer the reopening of the discussion on an item on which a decision had already been taken in committee, and that debate could only be re-initiated in plenary meeting at the request of one-third of the members of the General Assembly. The Council, however, under its present rules of procedure, allowed any representative to reopen the debate in plenary meetings.

It had been suggested that the Committees would thereby usurp the powers of the Council itself. That would, however, not be the case, for the implication of paragraph 14 was simply that the Council itself should decide in plenary meeting what items should be referred to committees for decision. After a decision by the Committee concerned, the item would be referred back to the Council, where the representatives of governments would cast their final votes on the subject, and where discussion could be reopened if one-third of the members of the Council so agreed.

The proposal made in paragraph 14 represented an attempt to remedy the existing anarchical state of affairs in the Council, and he earnestly urged members of the Committee to reconsider their opinions, putting the good name and the effective operation of the Council above all other considerations.

Mr. NOSEK (Czechoslovakie) asked whether, under rule 84 of the Council's rules of procedure, the Co-ordination Committee was entitled to propose amendments to those rules.

Mr. HOGAN, Secretary to the Committee, said that the Committee could propose such amendments, since it was a Committee of the Council.

Mr. Atwar HUSSAIN (Pakistan) did not think that the effect of paragraph 14 would, in the final analysis, be to shorten the discussions in plenary meeting. In practice, it would probably be necessary to invoke rules 50, 51 or 52 of the Council's rules of procedure in order to achieve the purposes that had inspired paragraph 14 of the joint draft resolution.

Miss KALINOWSKA (Poland) considered that, in the matter of the number of sessions, there was little difference between the joint working paper submitted earlier by the delegations of Belgium, France and the United States of America (E/AC.24/L.54) and the joint draft resolution now before the Committee. Paragraph 9 of the latter provided in effect that three sessions should be held each year.

The same general criticism applied to paragraph 10, which dealt with the specialization of sessions. The provisions that the Council should consider such items as were ripe for consideration, or which could be conveniently disposed of, had been made deliberately vague, and would allow those delegations which did not wish a particular item to be discussed to contend either that it was not ripe for consideration, or that it was inconvenient. That indeed had already happened, and items which were in fact over-ripe had been side-tracked.

As to paragraph 14, she wondered whether its effect would indeed be to save time. The United Kingdom representative had referred to filibustering tactics, but, as the Council had had occasion to observe, the tactic of filibustering by invoking procedural issues also existed. She recalled the fact that one delegation had managed to avert the discussion of a certain item for an entire plenary meeting of the Council by asserting that the item had really been a procedural one. As a result, the Council had found itself involved in a long

and unnecessary procedural debate. The adoption of paragraph 14 might well lead to many similar debates in the Council in the future, and she therefore considered that its adoption would not result in simplification of, but rather in a deterioration in, the Council's method of conducting its business.

The CHAIRMAN asked the Legal Adviser to clarify the situation with regard to a minority request for the discussion of the report of a Main Committee at a plenary meeting of the General Assembly, under rule 67 of the General Assembly's rules of procedure.

Mr. FELLER (Legal Adviser) recalled the fact that the committee which had drafted rule 67 had had before it a number of proposals under which a minority of the Assembly would have had the right to open discussion on the report of a committee in a plenary meeting of the General Assembly. Under the original rule, any single member had had that right, but the question had subsequently arisen of the advisability of limiting such further discussion in plenary meetings, and of what should be the size of the minority required to secure the opening of such discussion. The Committee in question had had before it a number of proposals as to what that minority should be, some expressed in absolute figures, others as a proportion of Members present, and had finally agreed on a figure of one-third of the Members present and voting. That suggestion had been duly approved by the General Assembly, and incorporated in rule 67. The intention of the rule had been to grant the right to open discussion to a minority instead of requiring a formal (majority) decision by the plenary Assembly. The last sentence of rule 67, which called for a vote, and which, he thought, had given rise to the present discussion in the Co-ordinating Committee, had been intended to meet the case where a Member demanded that the discussion be reopened. However, so far as he could recall, it had never been invoked, since it was the practice for the President to ask, when the report of a Committee came up for consideration, whether any Members wished it to be discussed. Thus the rule had come to be interpreted by the General Assembly as relating to a request, rather than to a formal proposal requiring a vote.

So far as the Economic and Social Council was concerned, there was no doubt, as he had said the day before, that it was bound by Article 67 of the Charter,

which stated that the Council's decisions must be taken by a majority of the members present and voting. If a request for the discussion in the Council of a report submitted by a Council Committee was put to the vote, it could not, therefore, be carried by a one-third vote in favour. However, from the legal point of view, the Council could decide by a majority vote that a member, or a certain proportion of its members, should enjoy the right to request that a discussion should be reopened in plenary meeting.

Replying to the CHAIRMAN, he confirmed that it would be constitutionally in order for the Council to adopt a rule similar to rule 67 of the General Assembly's rules of procedure, but without its last sentence.

Mr. MOROSOV (Union of Soviet Socialist Republics) asked the Legal Adviser whether he thought that the reply he had given was consistent with Article 9, paragraph 2, of the Charter, according to which Member States had five representatives in the General Assembly, and with Article 61, paragraph 4, which laid down that Member States should be represented in the Economic and Social Council by one representative only. In his (Mr. Morosov's) opinion, there was, in the light of Article 61, paragraph 4, no justification for applying to the Council the provisions of the rules of procedure of the General Assembly.

Mr. FELLER (Legal Adviser) explained that, in the practice of all United Nations organs, a distinction was drawn between representatives and alternates. While Article 9, paragraph 2, of the Charter stated that each Member of the United Nations should have not more than five representatives in the General Assembly, the General Assembly, under its rules of procedure, had interpreted that provision as meaning that delegations could also have additional alternates and advisers, to whom the right of voting in committees had been extended. Paragraph 4 of Article 61 provided for one representative for each Member of the Economic and Social Council, but no provision in the Charter imposed any limitation on the number of alternates or advisers, and the General Assembly interpretation of Article 9, paragraph 2, could be applied with full validity to Article 61, paragraph 4. It was true that certain commentators had questioned the legality of the General Assembly's interpretation of Article 9, paragraph 2, of the Charter, but he thought the General Assembly was the best

judge of how the Charter should be interpreted, and its feeling about the case in point was demonstrated by the fact that the interpretation concerned had been made as long ago as the days of the Preparatory Commission.

Mr. NOSEK (Czechoslovakia) asked the Legal Adviser to explain the intention of rule 84 of the Council's rules of procedure.

Mr. FELLER (Legal Adviser) replied that rule 84 had been designed to prevent the possibility of hasty amendments being made to the rules of procedure; but any Committee of the Council could propose amendments to those rules. In drafting rule 84, the Council had had no particular committee in mind, and it could even, if it wished, set up an ad hoc committee to deal with amendments to its rules of procedure. Rule 85 was also relevant to the case in point.

Mr. CORLEY SMITH (United Kingdom) asked the Legal Adviser whether the following wording of the final clause to paragraph 14 of the joint draft resolution (E/AC.24/L.65) would be in conformity with the Charter:

"unless a member of the Council requests that the debate be reopened. The debate shall then be reopened provided that at least one-third of the members present consider such debate desirable."

Mr. FELLER (Legal Adviser) stated that there was no constitutional objection to that form of words, but the final sentence might be better phrased if it read:

"The debate shall then be reopened, provided that one-third of the members support the request."

Mr. MROSOV (Union of Soviet Socialist Republics) observed that certain delegations were, for political reasons, trying to foist on to the Council certain provisions of the rules of procedure of the General Assembly. The Soviet Union delegation could not agree to that, for the Council and the General Assembly differed in structure, and the questions submitted to them likewise differed. Nor could he tolerate an attempt by those delegations to enlist the help of members of the Secretariat to achieve their ends.

The CHAIRMAN pointed out that any member of the Committee or of the Council had the right to seek a legal opinion from the Secretariat. It was, of course, the privilege of any other representative to accept or to reject that legal opinion.

Mr. CORLEY SMITH (United Kingdom) thanked the Legal Adviser for his answers, and apologized for having placed him in what appeared to be an embarrassing situation. He pointed out, however, that he had merely asked the Legal Adviser whether his (Mr. Corley Smith's) proposed amendment was constitutional or not.

Mr. FELLER (Legal Adviser) wished to state, for the sake of the record, that since the foundation of the United Nations he had been asked for a legal opinion several hundred times in various organs of the United Nations. He would venture to say, although he had no exact information at hand, that every one of the sixty delegations to the United Nations had at one time or another asked questions similar to those which had been put to him at the present meeting. His advice had frequently been rejected, but on other occasions it had been followed.

Mr. TSAO (China) wondered whether the "one-third of the members" supporting a request to re-open a debate was to be interpreted as including the initiator of the request.

Mr. FELLER (Legal Adviser) admitted that, as proposed by the United Kingdom representative and amended by himself, the text of the final clause of paragraph 14 of the joint draft resolution (E/AC.24/L.65) was ambiguous. It should be modified to make it clear that the initiator of the request was included in the one-third majority.

Mr. ALVAREZ OLLONIEGO (Uruguay) stated that the Uruguayan delegation was generally in favour of the new joint draft resolution, since that proposal constituted a compromise acceptable to all, and would promote the better functioning of the Council.

He pointed out, in passing, that in the first sentence of paragraph 9 of the French text the words "se terminera" should be amended to read "s'ajournera".

As to paragraph 14, the Uruguayan delegation was willing to co-operate fully in an endeavour to devise some formula which would command the support of all, but the legal problems which had been raised were not so important as the issues of principle. In the view of the Uruguayan delegation, the right to absolute freedom of discussion should be strictly respected, and he could not support a proposal which sought to make that right dependent on a certain number, or proportion, of members of the Council.

Mr. HESSEL (France), referring to paragraph 9, thought that it was a matter of mistranslation. He agreed that the French text should read "s'ajournera", not "se terminera".

Mr. van der SCHUEREN (Belgium) pointed out that the words "s'ajournera" would raise consequential difficulties in the French text. Later on, that text stated that the Council "... tiendra un petit nombre de séances ..."; consequently the sentence could not begin with the words "La session reprendra".

Mr. CORLEY SMITH (United Kingdom) suggested that the words "The session shall be resumed" should be substituted for the words "The Council shall be reconvened".

The CHAIRMAN requested the Secretary to the Committee to incorporate the drafting changes suggested by the representatives of the United Kingdom and Uruguay in the revised text of the joint draft resolution.

Mr. REYES (Philippines) said that, after the lucid explanations given by the Legal Adviser, the Philippine delegation no longer doubted the Council's authority to adopt a rule of procedure analagous to rule 67 of the General Assembly's rules. However, the question of authority having been disposed of, there still remained the question of the desirability of amending the Council's rules of procedure. The proposed limitation of debate would be a retrograde step for the

Council, and his instructions from the Philippine Government were that he should support a proposal to limit discussion only if there was a unanimous desire for such limitation or if the overwhelming majority of the Council favoured such a proposal. However, the discussion had revealed that the Committee was sharply divided on the question, and for that reason his delegation had decided not to press its suggestion. He had in fact withdrawn that suggestion the previous day.

Mr. CALDERÓN-PUIG (Mexico) considered that the new joint draft resolution was an improvement on the former proposal (E/AC.24/L.54), but noted that it still embodied the idea, albeit concealed, of holding three sessions of the Council each year. However, since paragraph 9 would make it possible for representatives attend the annual session of the General Assembly to attend the third session of the Council as well, he had no strong objections to the suggestion that such a session should be held.

Referring to the Mexican amendment to paragraph 7 (E/AC.24/L.56), he pointed out that it had been introduced in order to reaffirm the provisions of rule 6 of the Council's rules of procedure, although it left the Council free to take a contrary decision should circumstances warrant it.

With reference to paragraph 14 of the new joint draft resolution, he pointed out that many delegations to the present session of the Council were very small, one, indeed, being composed of only one person. Such a delegation could obviously not be represented on all the committees, and would be obliged to state its views in the Council itself. It had been said in favour of paragraph 14 that it would tend to forestall filibustering tactics. Such tactics, however, were an inevitable shortcoming of the democratic system, and still persisted even in those countries which had given democracy to the world. The adoption of paragraph 14 would not solve the Council's difficulties, but would merely restrict delegations' freedom of expression - a very serious matter in an international organization.

Miss MEAGHER (Canada) was prepared to accept the United States amendments to paragraphs 9 and 10, if they were acceptable to the other authors of the joint draft resolution. If not, she would vote for them when they were put to the vote.

She enquired whether the rewording of paragraph 14 suggested by the United Kingdom representative was intended as a formal amendment. The Canadian delegation would prefer a rule requiring the support of at least one-third of the members present and voting, but had agreed to the original form of the paragraph because it felt certain misgivings concerning the legality of applying to the Council's business a rule similar to rule 67 of the rules of procedure of the General Assembly. In any case, regardless of whether or not paragraph 14 stipulated the approval of one-third of the members present and voting, it should be put to the vote separately, as the trend of the discussion in the Committee indicated a serious cleavage of opinion as to its desirability.

Mr. CORLEY SMITH (United Kingdom), adverting to the Mexican representative's remarks, pointed out that the parliamentary tradition was deeply ingrained in the United Kingdom, where freedom of speech had been jealously guarded for longer than anywhere else. When the provisions of the joint draft resolution had been framed, its sponsors had had in mind, not freedom of speech itself, but abuse of that freedom; the provisions had accordingly been designed to prevent delegations from repeating their views unnecessarily when the Council was already fully aware of them and when they had already been voted on in Committee.

If his co-sponsors so agreed, he would remove paragraph 14 from the joint draft resolution and introduce it as a separate proposal. The question of unnecessary duplication of discussion differed in nature from those dealt with in the remainder of the joint draft resolution, and, if the question of double discussion was raised in a separate draft resolution, the time of the Committee need not be wasted, the problem being left for the Council to decide.

Mr. van der SCHUEREN (Belgium) felt that the Committee had reached a stage at which no fresh constructive contribution to the discussion could be expected. He therefore moved the closure of the debate, under rule 52 of the Council's rules of procedure.

The CHAIRMAN asked whether any speaker wished to oppose the motion, under the same rule.

Mr. CORLEY SMITH (United Kingdom), speaking to a point of order, drew the attention of the Committee to rule 84 of the Council's rules of procedure. The problem of unnecessary duplication of discussion would be dealt with in the Committee's report to the Council. He accordingly enquired whether mention in the report would be enough to ensure consideration of the problem by the Council, or whether the United Kingdom delegation would have to submit an amendment on which the Committee could report formally.

The CHAIRMAN considered that it would be preferable, in the light of rule 84, for the United Kingdom representative to introduce his joint draft resolution or amendment in the present Committee.

Mr. CORLEY SMITH (United Kingdom) formally submitted his amendment to paragraph 14 of the joint draft resolution (E/AC.24/L.65) in the form of a new draft resolution.¹⁾

Replying to a point raised by Mr. MICHANEK (Sweden), the CHAIRMAN said that the motion for the closure must be voted on before any other proposal.

Mr. MOROSOV (Union of Soviet Socialist Republics) pointed out that the Committee had had a new proposal formally submitted to it since the Belgian representative had moved the closure.

Mr. van der SCHUEREN (Belgium) withdrew his motion that the debate be closed.

Mr. MICHANEK (Sweden) could not accept the amendment (E/AC.24/L.56) to paragraph 7 of the joint draft resolution of which he (Mr. Michanek) was one of the co-sponsors; the reasons for his inability to do so had been adequately expressed by the French representative, and he would refrain from recapitulating the latter's arguments. If the amendment were put to the vote, therefore, he would vote against it. He would, however, accept the United States amendments to paragraphs 9 and 10.

1) Subsequently circulated as document E/AC.24/L.66.

He also supported the United Kingdom proposal that paragraph 14 should be dropped from the joint draft resolution (E/AC.24/L.65) and reintroduced as a separate draft resolution. Sweden was one of the most advanced democracies in the world, but it was also a disciplined democracy, and its progress had been the fruit of that discipline. In his anxiety to defend democratic institutions, he would co-sponsor the new draft resolution (E/AC.24/L.66), and, moreover, appealed to all members of the Committee who were equally anxious to defend democracy likewise to accept it. Rule 67 of the rules of procedure of the General Assembly, which had provided the model for that proposal, had in fact been adopted in its present form after a proposal submitted jointly by the delegations of Denmark, Iceland, Norway and Sweden in the Sixth Committee at the fourth session of the General Assembly.

Mrs. FIGUEROA (Chile) saw no essential difference between the new draft resolution introduced by the United Kingdom representative, and supported by the Swedish representative, and paragraph 14 of the joint draft resolution (E/AC.24/L.65); instead of ten votes in favour being required in the Council to secure the reopening of a discussion, however, six would now be sufficient. Clearly, as she had pointed out before, rules 49 to 53 of the Council's rules of procedure had been drafted with the intention that they should be applied; but she understood that they never had been called upon to any great extent. However, there was no reason why they should not be invoked, for they provided a clear and acceptable method of limiting unnecessary double discussion. The only amendment to paragraph 14 that the Chilean delegation would be able to accept, therefore, would be one that proposed the replacement of paragraph 14 by some such wording as:

"The discussion in the plenary Council shall be limited by articles 50 et seq of the Council's rules of procedure".

Mr. TSAO (China) believed that the original recommendations of the Ad hoc Committee on the Organization and Operation of the Council and its Commissions would constitute the most effective method of reorganizing the work of those bodies. He was convinced that it would be impossible to achieve

unanimity on the question that was at present taking up so much of the Council's time, and equally impossible to work out an adequate scheme on paper; trial and error and appropriate subsequent improvement was the only method which would yield satisfactory results in practice. The Chinese delegation was prepared to support the joint draft resolution (E/AC.24/L.65), however, as well as the amendments submitted thereto by the Mexican, United States and United Kingdom representatives. With regard to the last-named representative's latest proposal, he had no objection either to paragraph 14 being redrafted in the words of document E/AC.24/L.60, or to the latter document being taken as a separate draft resolution. His vote in favour of the joint draft resolution, however, would in no way prejudice the Chinese delegation's position when and if reorganization of the Council's procedure was discussed in any other organ.

Mr. MOROSOV (Union of Soviet Socialist Republics) observed that the United Kingdom representative, who time and time again had complained about the length of the debates, had at the last moment introduced a new draft resolution (E/AC.24/L.66). Furthermore, although a number of delegations had been opposed to the adoption of the provisions of paragraph 14 of the joint draft resolution (E/AC.24/L.65), the new United Kingdom text again re-stated those provisions. Thus, yet another attempt was being made to apply the provisions of the General Assembly's rules of procedure to the conduct of the Council's business. Perhaps the United Kingdom delegation was hoping that its insistence would wear down the opposition of certain delegations to the principles set forth in paragraph 14. But so far as the Soviet Union delegation was concerned, it would stand its ground, and would continue to oppose any and every attempt to curtail the rights of members of the Council, whatever the means envisaged to achieve that end.

Mr. CORLEY SMITH (United Kingdom), like the Swedish representative, was also prepared to accept the United States amendments to paragraphs 9 and 10 of the joint draft resolution. However, the opinions of the sponsors of the joint draft resolution (E/AC.24/L.65) were divided on the Mexican amendment, and it would therefore have to be put to the vote.

Miss MEAGHER (Canada), replying to a question put to her by the CHAIRMAN, said that as all the co-sponsors of the joint draft resolution, of whom

she was one, were now sponsoring the new United Kingdom draft resolution (E/AC.24/L.66), paragraph 14 of document E/AC.24/L.65 should be regarded as withdrawn.

The CHAIRMAN thought that, as paragraph 14 had been withdrawn, the Committee could proceed to vote on the remainder of the joint draft resolution (E/AC.24/L.65).

Mr. Atwar HUSSAIN (Pakistan) asked that a separate vote should be taken on paragraphs 10 and 11. The Pakistani delegation could not accept the United States amendments to paragraph 10, and it objected to the second sentence in paragraph 11, as it was opposed to specialization of the Council's sessions.

Mr. CORLEY SMITH (United Kingdom) pointed out that the new draft resolution, which had just been circulated as document E/AC.24/L.66, was not an amendment to paragraph 14 of the joint draft resolution (E/AC.24/L.65), but a separate proposal. The Secretariat had made a clerical error in describing it as an amendment to paragraph 14.

Mrs. FIGUEROA (Chile) said that as the co-sponsors of the joint draft resolution (E/AC.24/L.65) had withdrawn paragraph 14, she would not formally submit the amendment she had proposed orally to that paragraph, but would vote in favour of the joint draft resolution.

The CHAIRMAN proposed that the joint draft resolution (E/AC.24/L.65) should be voted on in the following order: first, the preamble (paragraphs 1-4); then the amendments to each succeeding paragraph; then those paragraphs themselves.

It was so agreed.

Mrs. FIGUEROA (Chile) wondered whether it was necessary to retain paragraph 15 of the joint draft resolution (E/AC.24/L.65), in view of the fact that paragraph 14 had been withdrawn.

The CHAIRMAN considered that other provisions in the joint draft resolution might equally involve changes in the rules of procedure. The Secretary-General should be enabled to consider such a possibility and draft any

revised rules of procedure that might be found necessary.

He then proceeded to put to the vote the different paragraphs, and the amendments thereto, of the joint draft resolution (E/AC.24/L.65).

Paragraphs 1 to 4

Paragraphs 1 to 4 were adopted unanimously.

Paragraph 5

Paragraph 5 was adopted by 14 votes to 3.

Paragraph 6

Paragraph 6 was adopted by 14 votes to none, with 3 abstentions.

Paragraph 7

The CHAIRMAN put to the vote the Mexican amendment to paragraph 7 (E/AC.24/L.56)

The Mexican amendment to paragraph 7 was adopted by 9 votes to 6, with 2 abstentions.

Mr. MOROSOV (Union of Soviet Socialist Republics) asked that a separate vote be taken on the original text (the first sentence) of paragraph 7.

Mr. MICHANEK (Sweden) supported the Soviet Union proposal.

The CHAIRMAN accordingly put to the vote the original text of paragraph 7.

The original text of paragraph 7 was adopted unanimously.

The CHAIRMAN put to the vote paragraph 7, as amended.

Paragraph 7, as amended, was adopted by 13 votes to none, with 4 abstentions.

Paragraph 8

Paragraph 8 was adopted by 16 votes to none, with 1 abstention.

Paragraph 9

Mr. MOROSOV (Union of Soviet Socialist Republics) requested that a separate vote should be taken on the first sentence of paragraph 9.

The CHAIRMAN put to the vote the first sentence of paragraph 9.

The first sentence of paragraph 9 was adopted by 16 votes to none, with 1 abstention.

The CHAIRMAN put to the vote the remainder of paragraph 9.

The remainder of paragraph 9 was adopted by 14 votes to 3.

The CHAIRMAN put to the vote paragraph 9 as a whole.

Paragraph 9 as a whole was adopted by 14 votes to 1, with 2 abstentions.

Paragraph 10

Mr. Atwar HUSSAIN (Pakistan) requested that the United States amendment to paragraph 10 (E/AC.24/L.63) should be voted on separately.

The CHAIRMAN accordingly put to the vote the United States amendment to paragraph 10.

The United States amendment to paragraph 10 was adopted by 9 votes to 4, with 4 abstentions.

Mr. NOSEK (Czechoslovakia) requested that a separate vote should be taken on the first sentence of paragraph 10, as amended.

The CHAIRMAN accordingly put to the vote the first sentence of paragraph 10, as amended.

The first sentence of paragraph 10, as amended, was adopted by 13 votes to 3, with 1 abstention.

The CHAIRMAN put to the vote paragraph 10 as a whole, as amended.

Paragraph 10 as a whole, as amended, was adopted by 13 votes to 3, with 1 abstention.

Paragraph 11

Mr. Atwar HUSSAIN (Pakistan) requested that a separate vote should be taken on each of the two sentences of paragraph 11, for reasons which he had already given.

The CHAIRMAN accordingly put to the vote the first sentence of paragraph 11.

The first sentence of paragraph 11 was adopted by 14 votes to none, with 3 abstentions.

The CHAIRMAN put to the vote the second sentence of paragraph 11.

The second sentence of paragraph 11 was adopted by 12 votes to 1, with 4 abstentions.

The CHAIRMAN put to the vote paragraph 11 as a whole.

Paragraph 11 as a whole was adopted by 12 votes to 3, with 2 abstentions.

Mr. HESSEL (France) asked that the final words of the second sentence of the French text of paragraph 12 should be amended to read "Le Conseil siégeant en séance plénière et en comité", which was a more accurate rendering of the English text of that paragraph.

It was so agreed.

The CHAIRMAN put paragraph 12 to the vote.

Paragraph 12 was adopted by 14 votes to none, with 3 abstentions.

Paragraph 13

Paragraph 13 was adopted by 14 votes to none, with 3 abstentions.

Former paragraph 15

Mr. CORLEY SMITH (United Kingdom) said that the Chilean representative's doubts as to the necessity for paragraph 15 might be allayed if the words "may be required" were substituted for the words "are required".

It was so agreed.

The CHAIRMAN put to the vote former paragraph 15, now paragraph 14, as amended.

Former paragraph 15 was adopted, as amended, by 14 votes to 3.

The CHAIRMAN put to the vote the joint draft resolution (E/AC.24/L.65), as a whole, as amended.

The joint draft resolution as a whole, as amended, was adopted by 14 votes to none, with 3 abstentions.

Mr. REYES (Philippines), explaining his vote, said that he had abstained from voting on parts of paragraphs 10 and 11 because the Philippine delegation had always insisted that no session of the Council should be devoted to special subjects. The adoption of the United States amendment to paragraph 10 implied that economic issues were more important than social issues, a contention with which he could not agree.

The meeting rose at 1.35 p.m.