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AD HOC COMMITTEE ON IMPLEMENTATION OF RECOMMENDATIONS
ON ECONOMIC AND SOCIAL MATTERS
SUMMARY RECORD OF THE THIRD MEETING

Held at Lake Success, New York,
on Monday, 12 December 1949, at 11.15 a.m.

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<u>Chairman:</u>	Mr. PLIMSOLL	Australia
<u>Members:</u>	Mr. TSAO	China
	Mr. AMANRICH	France
	Mr. AZKOUL	Lebanon
	Mr. KATZ-SUCHY	Poland
	Mr. LEDWARD	United Kingdom of Great Britain and Northern Ireland
	Mr. CATES	United States of America
	Mr. CHERNYSHEV	Union of Soviet Socialist Republics

Consultant from Non-Governmental Organization:

Mr. STOLZ American Federation of Labor
(AF of L)

Secretariat:

Mr. YATES Representative of the
Secretary-General

Mr. FELLER Director of the Legal Department

Mrs. GRANT Committee Secretary

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GENERAL DISCUSSION (E/1561, E/1561/Add.1, E/AC.31/L.1, E/AC.31/L.2, E/AC.31/L.3, E/AC.31/L.4, E/1567)

1. The CHAIRMAN recalled that it had been generally agreed at the previous meeting that it was only certain types of recommendations which should be the subject of reports. There were two distinct matters: firstly, reports on resolutions and secondly, their implementation by the Council. The Committee was competent to take action on the first point only, namely on the procedural question. He also recalled the proposal submitted by the Polish representative that investigations should be carried out on the whole of a specific subject.
2. Mr. KATZ-SUCHY (Poland) wished to clarify his proposal. The segmentary analysis by subject groups, which he had suggested, should not be confused with the spot investigations which had been suggested when the Economic and Social Council had discussed General Assembly resolution 119(II).
3. He suggested that a thorough analysis should be made of one whole subject, narcotic drugs, for example, at which time the implementation of all the resolutions adopted on that question should be reviewed.
4. The CHAIRMAN asked the Polish representative if the segmentation he had suggested should be applied to reports requested from governments as well as to studies made by the Council.
5. Mr. KATZ-SUCHY (Poland) felt that there was not necessarily any connexion between the restriction of the Council's studies to certain subjects and the reports requested from Governments.
6. Mr. CATES (United States of America) thought that the Polish representative's proposal should be studied when the Committee considered how the reports were to be dealt with. The Council might, for instance, decide to discuss certain groups of subjects at specified intervals.
7. The Committee should first examine the replies received regarding resolutions and decide whether they were satisfactory. It could then exclude the resolutions which were no longer relevant. It should also decide whether or not the inadequacy of reports from Governments was due to defects in certain resolutions

resolutions. If necessary, a new text could be suggested for such resolution. The Committee would then decide whether the reports should be submitted annually or at less frequent intervals. Finally, it should formulate proposals for the improvement of the quality of reports and should recommend the necessary measures to help Governments in the preparation of reports.

8. The CHAIRMAN felt that the Committee should first decide on which recommendations Governments were to be asked to submit reports. The form in which those reports were to be drafted should then be determined.

9. Mr. CATES (United States of America) said that the Committee could study first either the resolutions or the question of replies.

10. Mr. LEDWARD (United Kingdom) supported the Polish representative's suggestion that reviews should be carried out by segments. He considered it necessary, however, that reports submitted by Governments should cover the whole of the subject, so as to provide a complete picture of the situation.

11. The CHAIRMAN thought that the Committee was in agreement that the idea of fragmentary reports should be rejected. In those circumstances, the Polish representative's suggestion regarding fragmentary investigations would be studied when the Committee considered how reports were to be dealt with.

12. He asked the members of the Committee to give their views on the form of the reports received in connexion with the various recommendations.

13. Mr. CATES (United States of America) considered that a very difficult question, in view of the fact that a large number of resolutions had been summarized in document E/1325, in which the Secretariat had merely summarized the replies without stating to what extent they could be used.

14. The CHAIRMAN suggested a plan of general classification of the various recommendations. There might be four types of recommendations:

1. Recommendations which consisted of declarations of principle or exhortations.
2. Recommendations which asked for information. In his opinion, it was not necessary to submit reports concerning such recommendations.
3. Recommendations

3. Recommendations inviting Member States to ratify conventions or treaties. That type of recommendation should not be the subject of reports, but should be examined in a special way.

4. Resolutions containing specific recommendations. Where that last category was concerned, there was no difficulty with regard to reports.

15. Once the Committee had agreed on a classification it could then consider the type of report to be requested under each heading.

16. Mr. LEDWARD (United Kingdom) recalled that at the previous meeting he had made certain general observations on that question. On the one hand the number of reports was very small in comparison with the number of Member States, and on the other, the quality of the reports varied a great deal. It was essential that reports should make particular mention of the steps taken to implement recommendations.

17. Mr. AMANRICH (France) pointed out that a study of the replies received from Governments showed that in many cases they merely reproduce the replies which had already been given to other organs of the United Nations. That was a very unsatisfactory method, and in order that Governments might not be tempted to use it, questions to which replies had already been submitted to other bodies should not be asked.

18. Mr. CATTES (United States of America) supported the suggestions of the United Kingdom and French representatives. He felt it would be helpful if in their reports Governments stated, where necessary, the reasons why they had not been able to carry out the recommendations. That suggestion did not imply any criticism of Governments which would have to submit negative replies.

19. The CHAIRMAN asked the members of the Committee if they agreed to the classification he had proposed. The first type of recommendation would be the most difficult to classify. Each resolution would no doubt have to be studied separately.

20. Mr. YATES (Secretariat) stated that general information on certain resolutions of that type appeared in the World Economic Survey published by the Secretariat. There was admittedly no such document where social questions were concerned, although the Social Commission was studying the possibility of producing such a publication, as proposed in General Assembly resolution 280 (III)

/An analysis

An analysis in a document of that type of the resolutions adopted on social questions and of the steps taken to implement them might perhaps be the most appropriate solution.

21. Mr. CATES (United States of America) considered that if the Committee approved the proposed classification it should suggest to the Council that reports should be requested only in connexion with the recommendations in the fourth category.

22. The CHAIRMAN expressed the view that, when it had accepted a classification of recommendations, the Committee would have to decide what should be done with regard to each category. It would certainly not be necessary to request reports on recommendations in the first category. If, however, the Polish suggestion that an analysis according to subject should be made at infrequent intervals were adopted, resolutions in that category would be included in the questionnaires sent to Governments. It seemed unnecessary to formulate any suggestion with regard to the second category. In the case of conventions, the Council could from time to time verify the number of ratifications and, in the event of that number appearing inadequate, it could examine the reasons for that state of affairs.

23. Mr. LEIWARD (United Kingdom) was of the opinion that the procedure proposed by the Chairman was excellent.

24. With regard to recommendations in the first category, the United Kingdom delegation had cited two striking examples of resolutions in connexion with which Governments should not be asked to furnish reports. The examples in question were the Council's resolutions 183 (VIII) on the problem of wasting food in certain countries and 221 (IX) D on unemployment and full employment. In both cases there were other far more specific recommendations, on the basis of which it would be much easier for Governments to report on the state of affairs in that field.

25. Mr. AZKOUL (Lebanon) took up the consideration of the four categories proposed by the Chairman.

26. It could be conceded that reports could scarcely be asked for in the case of general recommendations which were in the nature of appeals; recommendations belonging to the second category required explicit replies but did not involve any special measures on the part of the Council in order to obtain such
/replies;

replies; recommendations in the third category also presented a special problem; finally, the fourth category was made up of recommendations which, while they made no definite request for information, gave specific and concrete suggestions. For those resolutions, replies were both possible and necessary.

27. In principle, reports should not be requested on general recommendation but only on specific recommendations. That being so, the question was who was to make the choice. Would the classification of recommendations be made by the Secretary-General or by the Council itself? Mr. Azkoul recalled the Chairman's suggestion that at the end of the session the Secretariat should draw up a list of the resolutions which had been adopted classifying them according to categories, to be approved by the Council.

28. Mr. EDWARD (United Kingdom) considered that it might be somewhat difficult for the Council to state that one of its resolutions did not come under the provisions of resolution 119 (II) and was therefore merely an appeal. That would be tantamount to telling Governments that they need not trouble to implement that resolution.

29. Mr. YATES (Secretariat) thought that the question might not be quite so difficult as the representative of the United Kingdom imagined. The Council might state that, although the resolution came under the provisions of resolution 119 (II), there was no need to submit a special report concerning it. Moreover, in cases of that kind, a study on the lines of that produced by the Secretariat on world economy might provide information regarding the implementation of those recommendations, thus making it unnecessary to ask for special reports.

30. The CHAIRMAN pointed out that, instead of requesting a report on one single recommendation, questionnaires could be sent out from time to time on one whole subject, which would cover a number of recommendations.

31. Mr. AZKOUL (Lebanon) thought that requests for reports could be restricted to certain resolutions, while in the case of other recommendations it would be sufficient to have the information supplied in general documents, such as the proposed overall report on the social and cultural situation.

32. Mr. AMANRICH (France) reminded the Committee that no decision had yet been taken on the authority which was to be responsible for the classification of the recommendations in the various proposed categories. Differences of opinion on that matter had been expressed in the Committee. The Secretariat would certainly encounter the same difficulties as the Economic and Social Council in that connexion. If no agreement was reached on that point, the same situation as that facing the Committee was likely to arise again and it would be necessary to examine a large number of resolutions which had not been classified in categories. The Committee would recall the agreement reached at the previous meeting on the necessity of reducing the number of questions sent to Governments. A reverse tendency had appeared during the past few years.

33. The CHAIRMAN observed that it was for the Committee to make suggestions to the Council on how the classification should be made.

34. Mr. CATES (United States of America) drew the Committee's attention to the fact that the classification of recommendations should in no way prejudice the obligations assumed by Member States to implement the resolutions adopted by the United Nations. The Committee was regarding recommendations solely from the point of view of procedure, with the purpose of deciding on which of them reports should be requested.

35. Mr. TSAC (China) supported the classification proposed by the Chairman. He pointed out, however, that certain recommendations might fall into several categories at the same time. The third category of recommendations, in which Member States were invited to ratify conventions, did not mean that they were obliged to ratify them. Recommendations in that category should not be subject to measures of implementation.

36. The CHAIRMAN acknowledged that a resolution might possibly fall into several categories at the same time. An unduly specific statement must therefore be avoided. Such resolutions could be subjected to the general analysis already mentioned.

37. Mr. CATES (United States of America) pointed out that there was a difference between the obligations of Governments under conventions which they had ratified and their obligation to implement recommendations of the Council, including recommendations that a convention should be ratified. The implementation of obligations, as provided for in the actual text of conventions, could be studied by the signatories of the convention rather than by the Council.

38. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) pointed out that the language of the Charter made it mandatory for Governments to co-operate in the application of measures in the international field, but not in the case of internal questions which fell within their domestic jurisdiction. That was an essential point.

39. There was a danger of going too far and establishing an authority which would set a form of world government over Governments. It was for the Governments concerned to define the attitude they would adopt towards resolutions and to decide whether or not they would reply to questionnaires sent out by the United Nations. Particular caution should be exercised with regard to the form in which questions to Governments were couched, in order to avoid any infringement of national sovereignty.

40. Mr. AZKUL (Lebanon) thought that the first question to be studied was what authority would establish the distinction between resolutions falling within the first category and those in the fourth category, and by what process that distinction would be established. A study of the implementation of the recommendations falling within the first category might be a subject for the general study on social and cultural matters, should it be decided to produce one, for the survey of world economic conditions or for the studies by subject, as suggested earlier.

41. Mr. LEDWARD (United Kingdom) thought that it was for the Council itself to decide the category into which each resolution it had adopted would fall. The question arose whether that point should be settled with regard to each resolution immediately it was adopted, or whether it should be settled at the end of a session for all the resolutions adopted during that session. The best method would be to specify the category into which a resolution fell during the discussion of the draft of that resolution and then in the text of the resolution itself.

/42. Mr. YATES

42. Mr. YATES (Secretariat) thought it would be better if the Council had one single discussion for all the resolutions it had adopted rather than a series of discussion which might involve a certain amount of repetition. It would be particularly difficult in the case of the General Assembly, where there would be the danger of instituting a double discussion.

43. In reply to a question from the United States representative, the CHAIRMAN explained that general annual reports came into the fourth category.

44. In reply to the USSR representative, he explained that the four categories were the following:

- (1) Resolutions which were appeals or declarations of principle;
- (2) Resolutions containing requests for specific information on technical subjects;
- (3) Resolutions inviting Governments to ratify or accede to a convention or treaty;
- (4) Resolutions calling for specific measures.

45. In his opinion, the Ad Hoc Committee could classify the resolutions already adopted and make recommendations to the Council on the mechanism which should be set up to classify future resolutions.

46. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) asked whether the Governments of Member States would be requested to report on the implementation of only those resolutions which fell within the fourth category.

47. The CHAIRMAN said that it was for the Ad Hoc Committee to reply to that question. In his opinion, resolutions in the first category might be the subject of periodical studies, according to subject. Resolutions in the second category presented no difficulty. Resolutions in the third category might be the subject of a general study at fixed intervals of three or five years. Finally, resolutions in the fourth category should be the subject of a specific questionnaire addressed to all Governments.

48. Thus the implementation of resolution 260 (III) of the General Assembly might not be studied until several years had elapsed.

49. Mr. AZKOU (Lebanon) pointed out that resolutions of the Council or the General Assembly relating to the ratification of conventions were normal resolutions and there was therefore no point in isolating them. It would be useful to know what measures had been taken by Governments for the ratification of the conventions presented to them, namely, whether the convention had been submitted to Parliament, what difficulties might stand in the way of its ratification, and so on. Those resolutions might come into the fourth category.

50. Mr. KATZ-SUCHY (Poland) thought resolutions in the first category should not even be the object of an analysis by subjects. Requests for technical information presented no difficulty, since the extent to which such resolutions were implemented was indicated by the number of replies received. Moreover, the Council was not required to supervise the ratification of conventions and still less their implementation: in general, conventions themselves contained provisions relating to their application. Anyone could know at any time how many States had ratified a particular convention.

51. The Ad Hoc Committee should give its particular attention to the implementation of resolutions which came within the fourth category.

52. Mr. CATES (United States of America) thought that the third and fourth categories might be incorporated into one, since it would be interesting to know how far each country had gone in the ratification of conventions. The idea of an analysis was excellent, but that analysis could not be a substitute for the reports for which the Assembly had asked on the implementation of resolutions.

53. The CHAIRMAN agreed with the representative of Poland concerning resolutions in the second category. He thought, furthermore, that it would be advisable to have a special category for resolutions on conventions, since it was useless to ask the same question every year. A general survey every three or five years would be adequate and Governments which had not ratified the

/convention

convention could then be asked what were their objections. That procedure would help the Council and might lead it to consider amending certain conventions.

54. Mr. AZKOUL (Lebanon) expressed agreement with the Chairman.

55. The CHAIRMAN drew attention to resolutions 265 (III) and 285 (III) of the General Assembly, appearing in document E/AC.31/1. Those were special cases, since they were addressed to a limited number of Governments.

56. Mr. CATES (United States of America) admitted that the cases in question were special cases with regard to the number of Governments to which a questionnaire should be sent, but not with regard to the obligation of those Governments to implement the resolutions.

57. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) pointed out that resolution 285 (III) of the General Assembly did not fall within the province of the Economic and Social Council. It was political in character and had been discussed in the First Committee.

58. The CHAIRMAN pointed out that human rights were mentioned in the very title of the resolution. He thought, however, that the Committee should not have to concern itself with recommendations to particular Member States. It was for the Economic and Social Council or the General Assembly to solve that problem.

59. Mr. CATES (United States of America) agreed with the Chairman. He wished, however, to make it clear that it did not in any way alter the obligation of Governments to observe recommendations of the kind.

60. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) thought that it was not within the competence of the Ad Hoc Committee to consider the implementation of resolutions which had not been adopted by either the Economic and Social Council or the Second and Third Committees of the General Assembly. He thought, therefore, that it was a mistake for resolutions 265 (III) and 285 (III) of the General Assembly to have been included in document E/AC.31/1.

/61. Mr. CATES

61. Mr. CATES (United States of America) pointed out that, under resolution 119 (II) of the General Assembly, it was for the Committee to decide which resolutions of the General Assembly were within the competence of the Economic and Social Council.

62. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) stated that, directly or indirectly, all the resolutions of the General Assembly concerned human rights. Such an argument could not therefore be used to justify the inclusion of resolution 285 (III) in document E/AC.31/1.

63. Mr. YATES (Secretariat) recalled the fact that resolution 119 (II) of the General Assembly concerned all the General Assembly resolutions which dealt with matters within the competence of the Council, whatever Main Committee had presented them. The question of the implementation of human rights had not yet been settled and the Committee could not take a general decision on a matter of such importance in connexion with the inclusion of resolutions 265 (III) and 285 (III) in document E/AC.31/1.

The meeting rose at 1 p. m.