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AND SOCIAL MATTERS

SUMMARY RECORD OF THE NINTH MEETING

Held at Lake Success, New York,  
on Monday, 19 December 1949, at 11 a.m.

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<u>Chairman:</u>	Mr. PLIMSOLL	Australia
<u>Members:</u>	Mr. TSAO	China
	Mr. AMANRICH	France
	Mr. RUDZINSKI	Poland
	Mr. CHERNYSHEV	Union of Soviet Socialist Republics
	Mr. LEDWARD	United Kingdom of Great Britain and Northern Ireland
	Mr. CATES	United States of America
	Mr. NASS	Venezuela
<u>Secretariat:</u>	Mr. YATES	Secretary of the Economic and Social Council
	Mrs. GRANT	Secretary of the Committee

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DISCUSSION OF PROVISIONAL LIST OF RECOMMENDATIONS ON WHICH REPORTS ARE NOT REQUIRED (E/AC.31/L.10, E/AC.31/1, E/1325)

1. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) explained the position of his delegation in regard to the classification of resolutions in several categories. He had no objection to the adoption of the proposals made by the United Kingdom and the United States of America in connexion with resolutions which did not call for reports from Governments.
2. The USSR delegation could not accept a classification of the resolutions of the General Assembly and of the Economic and Social Council which made it compulsory for Governments to draw up reports. The Economic and Social Council did not have the right to take such a decision, because it was the prerogative of the Governments of Member States to apply the resolutions and to report on them if and when they saw fit. They had, in particular, to take their national legislation into account.
3. The CHAIRMAN announced that the representative of the United States had made new proposals suggesting the inclusion of Economic and Social Council resolutions 159(VII), 208(VIII) and 227(IX)D and General Assembly resolution 279(III) in category (2) of the provisional list of recommendations on which reports were not required (E/AC.31/L.10).
4. Mr. AMANRICH (France) pointed out that resolution 208(VIII) already appeared on page 3 of document E/AC.31/L.10.
5. The CHAIRMAN agreed with the representative of France. He also pointed out that resolution 227(IX)D could be struck from the list, because it duplicated certain decisions of the Economic Commission for Latin America.

It was so decided.

The United States proposal on resolution 279(III) was adopted.

6. Mr. CATES (United States of America) pointed out that the expression "recommends...to pay particular attention...", appearing in resolution 159(VII), II, A, might be used in all resolutions of a general nature.

7. Mr. RUDZINSKI (Poland) pointed out that that resolution should be put in category (1), because the first part of it recalled certain recommendations concerning the presentation of reports.

It was decided to include resolution 159(VII), II, A, in category (2) of the provisional list (E/AC.31/L.10).

8. Mr. CATES (United States of America) thought that resolution 226(IX) D should be retained on the list, as it would help greatly in obtaining copies of agreements, the names of the parties to those agreements, etc.

9. Mr. RUDZINSKI (Poland) remarked that Article 102 of the Charter already provided for registration of treaties which were in force. He therefore thought it useless to make further requests for information on that subject.

10. Mr. CATES (United States of America) proposed that that resolution should be classified in category (3) (E/AC.31/L.6).

It was so decided.

11. The CHAIRMAN pointed out that Council resolution 248(IX) A had been replaced by a subsequent resolution of the General Assembly.

12. Mr. LEDWARD (United Kingdom) was not certain that the General Assembly resolution had exactly the same aim.

13. The CHAIRMAN therefore proposed that that resolution should be omitted from the list.

It was so decided.

14. The CHAIRMAN submitted the United States proposal concerning resolution 246(IX) E, which was acceptable to the Narcotics Division.
15. Mr. RUDZINSKI (Poland) pointed out that, as it was, Governments concerned were required to transmit reports.
16. Mr. YATES (Secretariat) stated that the resolution in question was intended to recall the obligations which had already been assumed by the Governments concerned.
17. The CHAIRMAN proposed that that resolution should be kept on the list.  
It was so decided.
18. The CHAIRMAN submitted the United States proposal concerning Economic and Social Council resolution 246(IX) G, which was acceptable to the Narcotics Division.
19. Mr. CATES (United States of America) asked if the States were required by a convention to take the measures provided for in those resolutions.
20. Mr. RUDZINSKI (Poland) pointed out that drugs of a special chemical type were new and that their control was not yet the subject of a convention.
21. Mr. CATES (United States of America) remarked that the resolution in question had been adopted at the last session of the Council and that, consequently there had as yet been no replies to it. It was therefore necessary to wait for a series of reports concerning it.
22. Mr. LEDWARD (United Kingdom) thought that the Secretary-General himself might take a decision.
23. Mr. RUDZINSKI (Poland) explained that the Secretariat was preparing a new convention which would cover drugs of a special chemical type.

The Commission on Narcotic Drugs would doubtless receive the replies of the Governments to resolution 246 (IX) G at its next session, and it was therefore useless to make other provisions for its implementation.

24. Mr. YATES (Secretariat) pointed out that the World Health Organization was acting as United Nations consultant in that case.

25. Mr. TSAO (China) proposed that that resolution should be kept on the list.

It was so decided.

26. Mr. GATES (United States of America) thought that the Committee might mention that resolution as being one of the most difficult to classify.

27. With regard to resolution 248 (IX) A of the Economic and Social Council concerning a study of statelessness, Mr. RUDZINSKI (Poland) recalled that a special committee would meet on 16 January 1950 to study the matter. He thought that the resolution in question could not be the subject of reports from the Governments of Member States on account of its very general nature. It was impossible to apply it.

28. Mr. GATES (United States of America) admitted that that resolution was drawn up in general terms but pointed out that it represented an effort to dispose of a definite, practical problem. The Governments of the Member States might indicate whether they had taken measures for the legal protection of stateless persons.

29. The CHAIRMAN proposed that resolution 248 (IX) A should be struck from the list.

It was so decided.

Document E/AC.31/L.10, as amended, was adopted.

#### ADOPTION OF A TIME-TABLE

30. The CHAIRMAN introduced a proposal which he had prepared and which took account of the proposals submitted by the United Kingdom representative (E/AC.31/L.17, part A). He also drew the attention of the Committee to the proposed time-table submitted by the United States representative (E/AC.31/L.17, part B).

31. Mr. LEIWARD

31. Mr. LEDWARD (United Kingdom) pointed out that his delegation still preferred a solution whereby the implementation of resolutions would be considered every three years. He considered that an examination of the situation before that time had elapsed might have an adverse effect on the ratification of conventions, and that any premature examination would be unwise. In the circumstances, the United Kingdom delegation could not support the proposal whereby the Council would review the situation as of July 1951, as suggested in the time-table put forward by the United States representative.

32. The Chairman's proposal came closer to the original proposal of the United Kingdom even though it was a compromise. If the majority was willing to vote for it, Mr. Ledward would also support it.

33. Mr. CATES (United States of America) explained that the purpose of his time-table was to satisfy those delegations which considered that the United Nations should keep a close check on the implementation of their recommendations and those who considered that a yearly examination would be superfluous. Thus, under the provisions of his proposal, the Council would only review the situation every two years.

34. Mr. RUDZINSKI (Poland) pointed out that certain difficulties of a practical nature and various questions of principle would prevent the adoption of the two proposals submitted.

35. Practical difficulties arose in the following connexion. If the Council was called upon to study how the various Member States implemented the resolutions, it would have to review the whole field of social and economic questions from the standpoint of implementation. It would, therefore, not be able to make a thorough study of the question, which would assuredly be given the last place on the agenda of its sessions. In such circumstances, whenever a State failed to implement a given resolution, the Council would run the risk of creating dangerous friction although it would be unable to study the causes that lead it to take such action or to find the appropriate remedy. Therefore, for practical reasons,

the Polish delegation considered that the best solution would be to single out in each case, a limited number of resolutions to be examined and to undertake an exhaustive study of the manner in which they were implemented. Were that to be so, the Polish delegation would propose the serious study of the implementation of conventions concerning narcotic drugs and those relating to the status of women. The Governments concerned could submit their answers to those questions before the summer of 1951 and the results obtained could be studied with the help of adequate information.

36. From the point of view of difficulties of principle, neither of the two proposals was acceptable because the Member States were under no legal obligation to implement General Assembly resolutions, nor were they obliged to answer the questionnaire dispatched by the Secretariat. In other words, no Government could be held responsible for failing to answer questionnaires. The various decisions taken by the Council whether in the form of an "invitation", a "recommendation" or a "request" should not have the force of a real recommendation. There was, however, a tendency to consider all decisions in such a light.

37. The Polish delegation considered that Article 64 of the Charter made it clear what a recommendation should really be. The meaning of that Article had been challenged. In order to clarify matters, the Secretariat had referred to the discussions held at San Francisco, but it had had to admit that the real purpose did not emerge clearly from those discussions. If the debates of San Francisco did not throw any light on that point, it seemed wise to abide by its text which was not as obscure as it had been made out. Article 64 said that the Economic and Social Council "may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly". It was therefore clear that to make sure that a resolution would be implemented, the Council should "make arrangements" with the Members of the United Nations as in fact it did with the specialized agencies. It was a fact that in the case of the

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specialized agencies the arrangements resulted in written agreements. Therefore, the Council should proceed in the same manner with Member States when it desired the implementation of its recommendations. In any study of the procedure of implementation the provisions of Article 64 could not be ignored.

38. The CHAIRMAN said that Governments were not in fact under any obligation to apply resolutions or to reply to the questionnaire. While the Council had authority to request any information it required and to take the necessary steps to study such information, its action should not be interpreted as implying any legal obligation on the part of Governments.

39. Mr. AMANRICH (France) enquired what recommendations the Secretary-General would be called upon to circulate in October 1950, in accordance with the Chairman's proposal. Were they not contained in document E/AC.31/1 which had already been circulated?

40. The CHAIRMAN replied that the paragraph of part A of document E/AC.31/L.17 to which the French representative had referred was a list of all resolutions adopted after a given date and of which the implementation was recommended. That list would thus serve as an index. All resolutions were of course circulated to Governments immediately after their adoption.

41. Mr. AMANRICH (France) said that, in his delegation's opinion, a considerable period should be allowed to elapse before the first examination of the conventions to be implemented. Such examinations might be undertaken more frequently at a later stage, but, in order to stimulate the ratification of conventions, the French delegation could not support any proposal that an annual examination should take place from the start. It could at most agree to a biennial examination, if that was the desire of the majority of the Committee.

42. Mr. CATES (United States of America) did not agree with the Polish representative's view that a time-table was unnecessary.



The debate on the obligations flowing from recommendations adopted by the Council might be summarized in one or two paragraphs in the report which the Council would submit to the General Assembly on the conclusion of the work of its next session.

43. Mr. TSAO (China) thought that a biennial examination would provide an acceptable compromise. In the time-table suggested by the Chairman, it would be preferable to postpone the examination proposed for February 1952 until the summer of that year, which would give Governments more time to reply. In the time-table suggested by the United States of America, the discussion proposed for March should be deferred until April or May.

44. Mr. Tsao found the proposal made by the Polish representative quite acceptable and was of the opinion that a detailed study of some questions should be undertaken in addition to a general study.

45. Mr. CHEPRNYSHEV (Union of Soviet Socialist Republics) reiterated his delegation's view that the adoption of a time-table specifying the dates by which Governments were required to submit their replies would establish a procedure entailing automatic compliance with requests from the Secretariat. Such a procedure was contrary to the principles by which the Charter had been inspired. The existing procedure by which the Secretariat circulated resolutions to Governments immediately after their adoption was quite adequate.

46. The USSR delegation was therefore unable to support any of the provisional time-tables which had been put forward. Since it was obvious that the Committee would be unable to reach a compromise acceptable to the majority, he requested the Chairman to put the various proposals before the Committee to the vote.

47. The CHAIRMAN put the United States proposal to the vote.  
The United States proposal was rejected by 4 votes to 3.

48. Mr. TSAO (China) said that he did not wish to vote against the only remaining proposal in case his vote was interpreted as opposition to a time-table in principle. He therefore wished to confine his vote to the substance of the Chairman's proposal, reserving the right to submit amendments regarding dates at a later stage.

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49. In the course of a brief discussion, a number of delegations expressed misgivings that the rejection of the Chairman's proposal, which had not yet been considered, might be interpreted to mean that the Committee was opposed to a time-table in principle.

50. The CHAIRMAN then put to the vote the question whether the Committee approved the idea of adopting a time-table.

The principle was approved by 5 votes to 2.

51. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) challenged the validity of the preceding vote and pointed out that a vote on the principle involved should have been taken before the United States proposal was put to the vote. It would now be necessary to take a second vote on that proposal. If the Chairman's proposal was adopted, the Committee would by implication have voted for the principle of a time-table.

52. The CHAIRMAN put his own proposal to the vote.

The proposal was adopted by 5 votes to 2.

53. Mr. CATES (United States of America) said he had voted for the Chairman's proposal only because his own proposal had been rejected and there had been no other alternative.

The meeting rose at 1 p.m.