

UNITED NATIONS  
ECONOMIC AND  
SOCIAL COUNCIL  
OFFICIAL RECORDS



ELEVENTH SESSION, **428th**  
MEETING

SATURDAY, 28 OCTOBER 1950, AT 11 A.M.  
LAKE SUCCESS, NEW YORK

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**President:** M. Hernán SANTA CRUZ (Chile).

**Present:** Representatives of the following countries:

Australia, Belgium, Brazil, Canada, Chile, China, Czechoslovakia, Denmark, France, India, Iran, Mexico, Pakistan, Peru, Poland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

Representatives of the following specialized agencies:

International Labour Organisation, World Health Organization.

**Representation of the World Federation of Trade Unions at the current session of the Council (*continued*)**

1. The PRESIDENT recalled that at the end of the previous meeting he had been asked by the Polish representative to inform the Council of the steps taken to secure the admission of the WFTU representative into the United States.

2. The representative of the Secretary-General had already given the Council some information on that subject at its 421st meeting, and had stated that the WFTU had applied for a United States visa for one of its representatives to attend the current session of the Council. Since then the Secretary-General had communicated with the United States Government asking what decision had been taken regarding that visa. No reply, however, had as yet been received from the United States Government, nor had the Secretary-General received any further communication from the WFTU during the past few days.

3. The President then said that he had received a letter from Mr. Louis Saillant, Secretary-General of the WFTU, enclosing a memorandum entitled "Communication from the WFTU on the violation by United States Immigration Authorities of the Headquarters Agreement between the United Nations and the United States of America." That memorandum referred to the case of Mr. Fischer, who had been refused admission

to the United States at the beginning of the current session of the General Assembly. That was the only new information he could give the Council for the time being.

4. Mr. DE SEYNES (France) thanked the President for the information he had given to the Council, but felt that it was not a satisfactory answer to the problem under consideration. Negotiations were proceeding slowly. He hoped they were also proceeding surely, but unfortunately there was no indication that they were.

5. At one of the previous meetings, the USSR representative had proposed (420th meeting) that the Council should not hear the representative of the International Confederation of Free Trade Unions because it had been deprived of the possibility of hearing a representative of the World Federation of Trade Unions. At that time the French delegation had voted against the proposal because it had thought that the Council should not be prevented from hearing one organization merely because it had been deprived of the co-operation of another organization. Furthermore, his delegation had felt that to vote for the USSR motion would have been tantamount to admitting that the Council no longer entertained any hope of hearing the representative of WFTU on the Korean problem. At the time that hope did in fact exist; since then, however, it had become extremely slender. His government would not be able to adopt the same position in the future if it became clear that one of the organizations enjoying consultative status with the Council was permanently debarred from taking part in the Council's work, for that would constitute a clear case of discrimination. Consequently he wished to reserve the future attitude of his government on such questions.

6. He had refrained from speaking on the question not only because Mr. Fischer happened to be a French citizen, but also, and mainly, because it raised a most important legal and constitutional problem. Indeed, whereas the information supplied by the Secretariat had been precise regarding facts, it was extremely

vague in so far as the theory was concerned. In his opinion three different elements entered into that problem: first, the domestic legislation of the United States—a field in which the Council neither enjoyed, nor wished to enjoy, any authority whatever; secondly, the consultative status enjoyed by certain organizations which conferred definite rights upon them; and third, the Headquarters Agreement concluded between the United Nations and the United States of America, which should enable consultative arrangements to function properly.

7. While, he repeated, the Council enjoyed no authority whatever over the first element of the problem, it had very definite powers regarding the other two. It had the duty of examining whether the consultative arrangements and the Headquarters Agreement were workable, because it obviously could not continue to rely on two texts which were rendered inoperative by changes in the first element of the problem, namely, the domestic legislation of the United States.

8. In his opinion the Council should act during the current session, or at any rate before the beginning of its twelfth session, and to that end it should ask the Secretariat to furnish it with full information on all the legal and constitutional factors involved.

9. Mr. KATZ-SUCHY (Poland) remarked that the question of WFTU representation had been raised a fortnight earlier. He thought that the Council had proceeded with the utmost caution and care in the matter, patiently awaiting some explanation and never losing hope that something would be done to remedy the situation. The session was now drawing to a close and it had become abundantly clear that the United States Government had all along been using delaying tactics, postponing the issue and appeasing the Council with promises of forthcoming action.

10. All members of the Council knew how much time they had wasted on that problem; they also knew that the action of the United States Government constituted a violation of some of the principles underlying the very work of the Council. By preventing the Council from hearing representatives of organizations enjoying consultative status, the United States Authorities had made it impossible for that organ to proceed with its work in a normal manner.

11. The implications of the United States action were even farther-reaching. The United States Authorities were now discriminating among non-governmental organizations, and that discrimination might later also extend to members of the Secretariat, and even to representatives of governments. Through the exercise of such discriminatory and selective measures regarding attendance at sessions of the Council, the United States hoped to gain increasing influence on the composition of the Council, on its work and on the attitude of the non-governmental organizations. It was abundantly clear that such an action constituted a direct violation of the Headquarters Agreement and infringed the independence and integrity of the United Nations. The United Nations was based on the principle of the equality of all its Members, and there was a strict understanding that no Member State should enjoy a privileged position in the United Nations.

12. The Council had been extremely patient thus far. It should realize, however, that, if left unanswered, such actions would be repeated in the future. Indeed, only the previous day he had had to protest to the United States Government against its refusal to grant a visa to a Polish press correspondent accredited to the General Assembly. The Council had to react in some way immediately, for if it were to wait until its next session, as the French representative had suggested, no one could be sure of being able to attend that session. Anyone might be affected by United States domestic legislation.

13. Consequently, it was imperative that the current session should examine the problem in all its aspects and take the necessary measures before the session adjourned. To that end it should request the publication of the memorandum sent by WFTU and also request the Secretary-General to publish all relevant documents and correspondence, together with an authoritative legal opinion on the legal aspects of the question. All that material should be submitted to the next meeting of the Council. In conclusion, he said that his delegation reserved the right to return to that question and to propose whatever measures it thought fit.

14. The PRESIDENT observed that the WFTU had not requested that its memorandum should be distributed. In accordance with the wish expressed by the Polish representative he would, however, circulate it to all members of the Council.<sup>1</sup>

15. Mr. DE SEYNES (France) wished to make it quite clear that he had not proposed that the settlement of the problem under discussion should be adjourned to the following session of the Council. He wanted that problem to be solved as soon as possible, but he believed that no decision could be taken before the Council received full information on all the legal and constitutional factors involved. He hoped that the document he had requested would be submitted to the Council without much delay.

16. Mr. NORIEGA (Mexico) thought that the Secretariat should supply the Council with adequate information on the operation of the Headquarters Agreement, the question of privileges and immunities of the United Nations, and the participation of organizations in the work of the Council. The Secretariat should report on the existing status of the Headquarters Agreement in the light of the new legislation adopted by the United States concerning the admission of aliens into the country.

17. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) said it was clear that the refusal of the United States to admit representatives of non-governmental organizations enjoying consultative status had created an abnormal situation in the Council. The action taken by the United States Authorities was a direct violation of the obligations of the United States under the Headquarters Agreement concluded between the United Nations and the United States of America. Article IV of that Agreement clearly stated that "The Federal, State or local Authorities of the United States shall not impose any impediments to transit to or from the headquarters district of . . . representatives of non-governmental organizations recognized by the United

<sup>1</sup> Later circulated as document E/1862.

Nations for the purpose of consultation under Article 71 of the Charter". No one disputed that the United States had violated that Agreement. Yet the solution of the problem had been delayed for so long that the WFTU representative would probably be unable to attend the current session of the Council.

18. The domestic legislation of the United States was no concern of the Council. On the other hand it was impossible to admit that explicit international commitments might be violated and the work of the United Nations greatly handicapped by the domestic legislation of any State. The Council had already wasted a very considerable amount of time on that question. Furthermore the action of the United States Government represented a violation of the most fundamental principles of international law.

19. Thus far the Council had only appealed to the Secretary-General to uphold the interests and rights of the United Nations in the matter. That was not enough. The United States was a member of the Council and its representative should be asked to give some information on the steps he was taking as a member of the Council to remedy the existing position. Consequently, he asked the United States representative to intervene in the matter, do his utmost to help the Council, and report to the Council on what he had done and achieved.

20. Mr. LUBIN (United States of America) said that his government could not accept as binding the legal interpretations of the USSR representative to the Council. The Government of the United States was bound by the action taken by Congress. The matter under discussion was being examined by the United States Department of Justice and would be settled between the United States Government and the United Nations as between the two Parties to the Headquarters Agreement, and not by the USSR representative's interpretation of that Agreement.

21. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) fully agreed that neither his opinion nor that of any other member of the Council could be binding on the United States Government. He was at a loss, however, to understand why the United States referred to any interpretation of the Headquarters Agreement, because article IV, which he had quoted, was so clear and so explicit that it could not possibly need any interpretation whatever. The same article also said that "the appropriate American authorities shall afford any necessary protection to such persons while in transit to or from the headquarters district". The "interpretation" given by the United States Authorities to the word "protection" had certainly been most unexpected, because it had led them to arrest, imprison and then expel the representative of a non-governmental organization. That was very strange protection indeed.

22. It should be clearly realized that the United Nations would not tolerate being treated as a kind of a poor relation in the United States. It had definite rights and those rights should be upheld. He could not agree that the work of the United Nations should be made dependent on various provisions in the domestic legislation of the United States. It was the duty of the United Nations to protest when the United States so flagrantly violated its commitments under the Headquarters Agreement.

23. He sincerely hoped that the United States representative would make inquiries and give some information to the Council at its following meeting, and not at the end of the session.

24. Mr. WALKER (Australia) appreciated the difficulties encountered by the United States as a Party to the Headquarters Agreement. He also realized that there might be various problems of interpretation. In view of the difficulties which had arisen, however, he agreed that the Council should request the Secretary-General to submit at the earliest possible moment a statement on the existing legal position in the matter. The Council could then consider the question and take a decision thereon. In the meantime, however, he did not think that it should be given priority over all other matters before the Council.

25. The PRESIDENT asked the Polish, French and Mexican delegations to submit their proposals in writing so that the Council could deal with them during the current meeting. In the meantime, the Council would resume its discussion on the plans for relief and rehabilitation of Korea.

**Plans for relief and rehabilitation of Korea**  
(A/1435, E/1851/Rev.1, E/1851/Add.1,  
E/1852, E/1858/Rev.1, E/1858/Rev.1/Corr.1,  
E/1858/Rev.1/Add.1, E/1859, E/L.112/Rev.2,  
E/L.113, E/L.114, E/L.115 and E/L.117)  
(continued)

26. The PRESIDENT announced that the Council would continue its study of the joint draft resolution, paragraph by paragraph.

JOINT DRAFT RESOLUTION SUBMITTED BY AUSTRALIA  
AND THE UNITED STATES (E/1858/Rev.1, E/1858/  
Rev.1/Corr.1 and E/1858/Rev.1/Add.1 (continued)

*Paragraph 2 (continued)*

*Additional sub-paragraph (f) (continued)*

27. Mr. LUBIN (United States of America) suggested that the additional sub-paragraph (f) proposed by India should be amended to read:

"To call for reports on those aspects of the work of the Agent General which the Commission may require for the effective discharge of its responsibilities in relation to the establishment of a unified, independent and democratic government in Korea".

28. Mr. SAKSENA (India) regretted that he was unable to accept the United States version. As the representative of Pakistan had stated at a previous meeting, the General Assembly resolution establishing the Commission<sup>2</sup> had two aspects, one political and the other economic, and neither was stressed more than the other. The Council must ensure that the Commission had equal responsibility in both the political and the economic fields.

29. He felt that the original Australian draft resolution (E/1852) would have enabled the Commission to discharge its economic duties effectively; that effectiveness was considerably reduced, however, in the joint draft resolution, which would make it exceedingly diffi-

<sup>2</sup> See document A/1435.

cult for the Commission to discharge the economic responsibilities vested in it by the General Assembly. His delegation had accepted the joint draft resolution because it felt that, in the interests of administrative efficiency, there should be no interference in the day-to-day work of the Agent General.

30. It was inadmissible, however, that the Commission should be refused the right to call for reports on the work within its field. He agreed that the Commission should not question the Agent General on his day-to-day administrative duties, but it should have the right to call for reports on any aspect of his work. That was a very important safeguard which must be included in the resolution.

31. He shared the hope expressed by the United Kingdom representative that there would be a very close co-operation between the Agent General and the Commission. In that case his amendment would remain a dead letter but it would do no harm anyway; in all events it would spur the Commission and the Agent General to reach a mutual understanding.

32. He hoped that the United Kingdom opposition to his amendment on the grounds that it might lead to an increase in the Agent General's clerical staff was not a serious objection. A sound amendment should not be dismissed simply because its implementation would involve extra clerical assistance.

33. Mr. LUBIN (United States of America) felt that, while no one wished the Commission to interfere in the Agent General's work, the Indian amendment would make such interference possible, since it authorized the Commission, at its discretion, to call for reports on any aspect of the Agent General's work. There was no reason why the Commission should be authorized to ask for information, for example, on the origin and cost of supplies; the amendment would in fact make it possible for the Commission to take over the Agent General's functions.

34. The Indian representative had referred to the economic functions attributed to the Commission in the General Assembly resolution. Mr. Lubin quoted paragraph 3 of that resolution to show that the General Assembly had left it to the Council to decide how the Commission should operate in the economic field. The Commission would not have full responsibility in the economic field; it would only exercise those functions recommended by the Council which would be approved by the General Assembly.

35. It was not in the interest of efficiency and speed that any body should have the right to call for a report from the Agent General on any matter it saw fit; an authorization of that nature would enable the Commission to impede the Agent General in his work.

36. Mr. DICKEY (Canada) considered that the Commission should have some degree of economic responsibility as well as its political responsibilities. The existence of some direct channel of communication would facilitate the work both of the Commission and of the Agent General. He felt, however, that the Indian amendment was rather formal. The Commission would not always require formal reports; it might sometimes ask for information to be given in a less formal manner.

37. He therefore suggested that sub-paragraph (f) should read:

"To call for information on the work of the Agent General which the Commission may consider necessary for the proper performance of its work".

38. Mr. SAKSENA (India) was happy to accept the Canadian amendment. His principal objection to the United States amendment had been that it linked the question of the Agent General's reports to the Commission's responsibility for establishing a unified, independent and democratic government in Korea; in other words, it linked the political problem to the purely economic questions before the Council. His delegation intended the Commission to call for reports only on economic, not on political ones; that point was quite clear in the Canadian suggestion, which was therefore acceptable to his delegation.

39. Mr. LUBIN (United States of America) stated that he also found the Canadian amendment acceptable, though he wished to clarify one point. The United States delegation did not fully accept the Indian interpretation of that amendment. If the amendment were adopted, it should be understood that the Commission was not entitled to ask for details on salary scales and other administrative matters which were not necessary to its work. The Commission would have no power to impose its wishes on the Agent General outside fields already specified in the joint draft resolution.

40. Mr. WALKER (Australia) considered that the United States representative had rather exaggerated the danger of the Agent General's work being impeded or controlled by the Commission. He disagreed with him that the Commission would have no economic functions except those explicitly stated in the joint draft resolution under consideration. According to the General Assembly resolution, the first function of the new Commission was to carry on the work of the former Korean Commission<sup>3</sup> whose work had included certain economic functions such as the promotion of trade between North and South Korea.

41. Mr. CORLEY SMITH (United Kingdom) wished to emphasize that he had been quite serious in drawing attention to the dangers of bureaucracy. While agreeing with the Indian representative that the relationship between the Commission and the Agent General would probably make sub-paragraph (f) unnecessary, he disagreed with him with regard to the stimulating value of his amendment, which would merely have incited the officials concerned to write a greater number of reports. He conceived the relief programme as a "shirt-sleeve operation", and thought that emphasis should be placed on active work rather than on the writing of reports. Of course some reports would be necessary, but the Canadian amendment was less likely to encourage the tendency to write reports and was therefore acceptable to his delegation.

42. Mr. ALI (Pakistan) agreed with the United Kingdom representative that the programme should be a "shirt-sleeve operation" with as few reports as possible. He could not understand, however, why such emphasis had been placed on "the rolling up" of the Agent General's "sleeves"; surely the responsibilities and functions of the Commission were even more im-

<sup>3</sup> United Nations Commission on Korea.

portant than those of the Agent General and should be equally, or even more, emphasized.

43. Like the Australian representative, his interpretation of the resolution differed from that put forward by the United States representative. The very name of the Commission showed that its functions were both political and economic. He had represented Pakistan in the First Committee when the resolution later adopted by the General Assembly had been discussed, and he assured the United States representative that the trend of the discussion in that Committee had been to the effect that it was the Council's responsibility to define the Commission's economic functions. The General Assembly resolution did not give the Commission, as such, any detailed powers, but its wording clearly indicated that the Commission would have special functions which would be formulated in detail by the Council.

44. While he would have preferred the original Indian text, he would accept the Canadian amendment.

*The Council adopted the Canadian version of sub-paragraph (f).*

#### *Paragraph 3*

*Sub-paragraphs (a) and (b) of paragraph 3*

*Sub-paragraphs (a) and (b) were adopted without discussion.*

*Sub-paragraph (c) of paragraph 3*

45. In reply to a question by the PRESIDENT, Mr. LUBIN (United States of America) explained that the word "governed" had been applied to sub-paragraphs 2 (b) and (c) because it was mandatory for the Agent General to accept the Commission's advice on the matters covered in those paragraphs. With regard to sub-paragraph 2 (a), however, the Agent General need not necessarily follow that advice, and the word "guided" had therefore been used.

*Sub-paragraph (c) was adopted.*

#### *Paragraph 4*

*Sub-paragraph (a) of paragraph 4*

46. The PRESIDENT drew attention to the Danish amendment (E/L.117) consisting in the deletion of the word "essential" and to the joint Australian and United States corrigendum (E/1858/Rev.1/Corr.1).

47. Mr. WALKER (Australia) and Mr. LUBIN (United States of America) accepted the Danish amendment.

*Sub-paragraph (a), as amended, was adopted.*

*Sub-paragraph (b) of paragraph 4*

48. The PRESIDENT announced that the representative of the Secretary-General wished to make a statement.

49. Mr. HILL (Secretariat) stated that the special funds set up under previous General Assembly resolutions creating operational programmes such as the United Nations International Children's Emergency Fund and the United Nations Relief for Palestine Refugees were in the formal custody of the Secretary-General and were held in the name of the United Nations.

50. If the Council wished to follow a similar course it might wish to consider a text along the following lines, based on the resolution relating to the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

*"Authorizes the Secretary-General to establish a special fund to which should be credited all contributions in cash, kind or services, this fund to be used exclusively for the programme of relief and reconstruction and administrative expenses connected therewith; and directs the Secretary-General to make withdrawals from the cash reserves of the fund upon request of the Agent General."*

51. The new text would replace paragraph 4, sub-paragraph (b) of the joint draft resolution and might be inserted between paragraphs 6 and 7. If that wording were acceptable, the fund would contain a cash evaluation of all forms of contributions. The Secretary-General would be responsible for the opening of accounts for cash contributions, but arrangements would be made for delegation of responsibility to the Agent General in the same manner as to the executive heads of UNICEF and UNRWAPRNE. Contributions other than cash could be received and disposed of by the Agent General directly.

52. It would make little practical difference whether the formula proposed in the joint draft resolution or the text which he had just read were adopted; there might, however, be some advantage in adhering to a principle to which the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions had attached some importance.

53. On behalf of the Secretary-General he also called attention to the financial questions mentioned in part II of the Secretary-General's report (E/1851/Add.1) which would have to be brought to the attention of the Fifth Committee with a view to incorporation in the final financial provisions.

54. Mr. LUBIN (United States of America) wondered how much detail it was necessary to include in the joint draft resolution. He would like to see the text proposed by the Secretariat in writing and therefore suggested that the discussion of sub-paragraph (b) might be deferred.

55. The PRESIDENT suggested that the representative of the Secretary-General should discuss the question with the authors of the joint draft resolution.

56. Mr. YU (China) preferred the text of the joint draft resolution because he felt that too many burdens should not be placed on the Secretary-General, particularly when political factors were involved. The Agent General would be administering the programme and should have direct knowledge of the sources of available funds.

*The Council decided to postpone the discussion of sub-paragraph (b).*

*Sub-paragraphs (c), (d), (e) and (f) of paragraph 4*

*Sub-paragraphs (c), (d), (e) and (f) were adopted without discussion.*



*Paragraph 5*

57. Mr. ALI (Pakistan) asked when the Council would be informed of the names of the representatives referred to in paragraph 5.

58. The PRESIDENT asked the authors of the joint draft resolution whether they intended to leave it to the General Assembly to appoint representatives, or to make such appointments themselves.

59. Mr. LUBIN (United States of America) said the question had not been fully discussed between his delegation and his Australian colleagues, but it had been his delegation's intention that the General Assembly should nominate the representatives.

60. Mr. WALKER (Australia) agreed with the United States representative. He further pointed out that in his delegation's original proposal a larger advisory committee had been visualized, and he felt that there should be some flexibility in the interpretation of paragraph 5 so that if the General Assembly wished to appoint more representatives it might do so.

61. The PRESIDENT pointed out that the joint draft resolution did not indicate where the proposed advisory committee was to meet.

62. Mr. LUBIN (United States of America) said that could hardly be decided at the present stage. The general intention was that the committee should meet at the United Nations Headquarters, but it might be left to the Agent General to decide the most convenient meeting-place in accordance with circumstances.

63. Mr. WALKER (Australia) said that the assumption had been that the proposed advisory committee would meet mainly at Headquarters, although in special circumstances it might have to meet in Korea. He did not, however, think that the committee's meeting-place should be left to the discretion of the Agent General. Members of the Committee were not working for the Agent General but were representatives of governments and the members themselves should decide on the Committee's meeting-place after consultation with the Agent General.

64. Mr. CORLEY SMITH (United Kingdom) fully agreed with the representative of Australia. His delegation had interpreted the text as meaning that the proposed advisory committee would give advice on broad general problems, such as the size of the budget, the probable amount of contributions over a long period, and so forth. From the very nature of that advice it was obvious that the committee was not a body which should be required to meet in the field or to move about at the whim of the Agent General. It was, on the contrary, a fairly static organ which would normally meet four times a year at Headquarters.

65. Mr. LUBIN (United States of America) suggested that the paragraph might be amended by the addition of the words: "... at a place to be mutually agreed upon", at the end of the paragraph.

66. The PRESIDENT said that it appeared advisable that the United States and Australian representatives should have time to consider the joint text further before the Council adopted it, and proposed that the Council should proceed to consider the following paragraph without taking a final decision on paragraph 5.

67. Mr. BORBERG (Denmark), in connexion with paragraph 5, suggested that the representatives of Australia and the United States might also consider the organization and conduct of the proposed advisory committee's business.

68. Mr. DICKEY (Canada), in view of the general agreement which had appeared to emerge in the Council, proposed the addition to paragraph 5 of the following sentence:

"The meetings of the advisory committee shall be held at United Nations Headquarters except in special circumstances when the committee may meet abroad when it decides that this would be essential for the proper performance of its work."

**Representation of the World Federation of Trade Unions at the current session of the Council (E/L.118) (continued)**

69. The PRESIDENT suspended discussion of the joint draft resolution and placed before the Council for consideration the joint draft resolution submitted by France, Mexico and Poland (E/L.118) on the measures concerning consultation with non-governmental organizations, the text of which had just been distributed. The joint draft resolution merged the various suggestions which had been made at the beginning of the meeting.

70. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) said that the joint draft resolution crystallized what had been stated repeatedly in the Council and could, he felt sure, give rise to no controversy. He therefore moved its immediate adoption.

71. Mr. DICKEY (Canada) asked for a clarification of the distinction between the request in paragraph 1 (b) for a legal opinion and the request contained in paragraph 2 for a report by the Secretary-General on the implications of the United States legislation. He felt that a legal opinion on the actual case which had arisen would have to refer to the questions mentioned in paragraph 2, in which case it would be unnecessary to have an additional report by the Secretary-General.

72. Mr. NORIEGA (Mexico) said that a study of the situation with respect to the application of the Headquarters Agreement was quite different from an opinion on all the legal implications of the matter. It would be foolish to render the Council's task more difficult by attempting to save the Secretary-General a little additional work. He therefore felt that the Secretariat should be given an opportunity of going into the question thoroughly and producing all the relevant information.

73. Mr. BORBERG (Denmark) suggested that the construction of the text of the draft resolution would be improved if paragraph 2, with the deletion of the words "*Requests the Secretary-General*", were to become paragraph 1 (b), and the original paragraph 1 (b) became paragraph 1 (c). If that change were adopted it might be necessary to substitute a more explicit expression for the words "on this matter" in the new paragraph 1 (c).

74. Mr. DE SEYNES (France) accepted the Danish representative's suggestion with regard to the order of

the paragraphs, and said that if the words "on this matter" were not clear, they might be replaced by some such expression as: "on the difficulties encountered by the representative of the WFTU in attending this session of the Council".

75. Mr. NORIEGA (Mexico) and Mr. KATZ-SUCHY (Poland) accepted the Danish representative's amendment.

76. Mr. YU (China) questioned the value of a legal opinion by the Secretary-General on such a highly legal and controversial question, indicating that doubts had been cast on a previous legal opinion expressed by the Secretary-General with regard to Chinese representation in the United Nations. His delegation felt, therefore, that although the Secretary-General might be requested to furnish documents for reference purposes, his legal opinion should not be considered binding by the Council.

77. The PRESIDENT proposed to put to the vote the joint draft resolution (E/L.118).

78. Mr. CORLEY SMITH (United Kingdom) stated that he would prefer to have time to take legal advice on the question before voting on the draft. He therefore requested postponement of the vote under rule 55 of the Council's rules of procedure.

79. Mr. NORIEGA (Mexico) said that the joint draft resolution was intended for people who were not legal experts. It raised no question of legal substance; it merely asked for information. He therefore saw no reason why it should not be put to the vote at once.

80. Mr. YU (China), while sympathizing with the Mexican representative's view that information should be requested, supported the representative of the United Kingdom in moving a postponement of the vote on the resolution.

81. Mr. TAUBER (Czechoslovakia) did not understand the opposition to the joint draft resolution since the question had been under discussion for over a month; all delegations should by now be prepared to discuss it. He pointed out that there was no reason why delegations should be bound by the Secretary-General's opinion if they did not wish to be so bound. That opinion would, however, be of help to legal experts on the Council.

82. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) said that the issue was not new but that in order to have a complete picture of it the Council required the publication of the appropriate information. That might have been achieved without having to adopt a resolution, by following the Council's usual practice of making a request for information to the Secretary-General through the President of the Council. He himself (Mr. Arutiunian) would not have insisted on the

adoption of a formal resolution. Since, however, a joint draft resolution had been submitted and consequently the customary procedure could not be followed, he moved that under the last part of rule 55 of the Council's rules of procedure, which stated that draft resolutions could be voted upon without the application of the twenty-four hour rule if the Council so decided, the joint draft resolution should be put to the vote at once. He pointed out that if the decision were postponed until Monday, the Council would have no time to discuss the documents as requested in the resolution, since its session was scheduled to end by Monday or Tuesday.

83. The PRESIDENT put to the vote the USSR representative's motion that the joint draft resolution (E/L.118) should be discussed and voted upon at once.

*The motion was adopted by 11 votes to 3, with 4 abstentions.*

84. Mr. YU (China) appealed to the authors of the joint draft resolution to omit the new paragraph 1 (c) which dealt with a legal opinion on the matter. If the authors could not agree to its omission, he requested that a separate vote should be taken on that paragraph.

85. Mr. DE SEYNES (France) regretted that he could not accept the Chinese representative's suggestion.

86. In accordance with the Chinese representative's request, the PRESIDENT put paragraph 1 (c) to the vote separately.

*Paragraph 1 (c) was adopted by 14 votes to one, with 3 abstentions.*

87. The PRESIDENT put to the vote the joint draft resolution as a whole, as amended.

*The joint draft resolution was adopted, as amended, by 15 votes to none, with 3 abstentions.*

88. Mr. CORLEY SMITH (United Kingdom) explained that he had abstained from voting on the resolution, not because of its contents but because of the way in which it had been tabled. When the amendments had been proposed he had not yet received an English copy of the text of the resolution and had therefore been unable to incorporate the amendments in the text or to get a clear idea of what was being put to the vote. He felt that such procedure was unfair to delegations.

89. Mr. YU (China) explained that he had voted against sub-paragraph 1 (c) and had abstained from voting on the resolution because his delegation believed that the Secretariat was not the correct body to give a legal opinion on the matter, because it would be difficult for the Secretariat to produce a legal opinion between the time of the adoption of the resolution and the end of the Council's session, and because, like the United Kingdom representative, he had only received a copy of the English text at the last minute.

The meeting rose at 1.40 p.m.