

UNITED NATIONS
ECONOMIC AND
SOCIAL COUNCIL
OFFICIAL RECORDS



FIFTH YEAR, TENTH SESSION
355th MEETING
FRIDAY, 17 FEBRUARY 1950, AT 3 P.M.
LAKE SUCCESS, NEW YORK

President: Mr. Hernán SANTA CRUZ (Chile).

Calendar of conferences for 1950: adjustments consequent upon decisions of the General Assembly and other changes (E/1569, E/1569/Corr.1, E/1600 (paragraph 62), E/1610/Corr.1, E/1616) (continued)

1. The PRESIDENT recalled the decision he had taken at the previous meeting regarding the holding of the following session of the Council at Geneva. He asked the members of the Council to state their views concerning that decision.

2. Mr. DEHOUSSE (Belgium) said that the question had already caused much controversy at previous sessions of the Council. While recalling that the ninth session, which might be considered the most fruitful of all, had been held in Geneva, he said that he did not wish to dwell at length on the comparative merits of Geneva and Lake Success as a meeting place.

3. The problem was essentially a legal one. The considerations set forth in the Secretariat's memorandum (E/L.16) were very sound. A further argument might, however, be adduced. The Charter of the United Nations did not in any way lay down that one principal organ of the Organization was superior in any respect to another. Article 7 of the Charter simply gave a list of the various principal organs. It could not be maintained therefore that the rights and powers of the General Assembly were superior to those of the Economic and Social Council. Truly Article 60 laid down that the Economic and Social Council should carry out its functions under the authority of the General Assembly; the provisions of that Article were, however, a remnant of the proposals which had been made at the Dumbarton Oaks Conference, according to which the General Assembly should have precedence over the Council. Furthermore, the provisions of Article 60 were purely theoretical.

4. According to Chapters IX and X of the Charter, the General Assembly would intervene to approve a recommendation of the Council only on the basis of an explicit text. In that connexion it was sufficient to refer to Article 62 and to paragraph 1 of Article 66. It followed from those texts, that the General Assembly could not set aside a recommendation of the Council, any more than the Council could set aside a decision reached by the General Assembly. Moreover, while a legal act or a treaty could obviously be set aside by a subsequent act or treaty, it was difficult to see how one recommendation could set aside another. At its ninth session, the Council had expressed the opinion that the eleventh session should be held at Geneva. A recommendation

by the General Assembly could not in any case set aside the Council's opinion in that respect.

5. He agreed that the General Assembly was competent to pronounce on the financial implications of a recommendation adopted by any organ of the United Nations. The General Assembly might not approve the allocation of the necessary funds to enable that recommendation to be carried out. The text of the General Assembly's recommendation had, however, been drafted in a spirit of good-will. It did not insist that the favourable opinion of the Advisory Committee on Administrative and Budgetary Questions was essential in order that the necessary funds might be granted.

6. The Belgian delegation approved the President's decision for the above purely legal reasons.

7. Mr. BORIS (France) had little to add to the statement made by the representative of Belgium regarding the legal aspect of the question. The President, adhering to the legal opinion given by the Secretariat, had taken a decision which to the French delegation appeared less important in connexion with the current debate than as a decision of principle creating a precedent for the future. No precedent should be created whereby a decision by the Council could be considered as void merely because the General Assembly had required that decision to be confirmed. The President's decision upheld the prerogatives of the Council and appeared to be legally unassailable.

8. The French delegation had more than once been accused of causing the Council to waste time on the question of where to hold its sessions. The French delegation, however, was in no way responsible for the fact that the Council had had to consider that question once again.

9. The French representative pointed out that the current debate did not place the Economic and Social Council at issue with the General Assembly, which had refused to reverse the former's decisions; it did, however, set the Council against the Fifth Committee, whose recommendations were based solely upon budgetary considerations.

10. After having fully weighed the possible financial consequences of its decision, and taking into account various considerations of general policy by its resolution 264 (IX), the Council had decided by a large majority to hold its eleventh session at Geneva.

11. In support of that decision it might be argued that the tenth session would most likely be shorter than had been expected originally and that thus economies would be made which might counter-balance the supplementary expenses which the eleventh session would entail; it might be contended that experience had shown that conditions at Geneva were better suited to the

Council's work and that consequently it did more work in less time; a number of other arguments might be adduced, but he would confine himself to mentioning a passage from President Truman's speech of 24 October 1949 in which the President of the United States had said that he approved of sessions of organs of the United Nations being held outside the United States.

12. In view of the present position of the United Nations and of the Economic and Social Council, Mr. Boris, in conclusion, called on the Council to consider whether it would be well-advised to reverse its previous decision by taking advantage of the absence of certain delegations whose participation in the vote on the United Kingdom proposal would have made the outcome of that vote a foregone conclusion. The Council should further decide whether it was not, more than ever before, the right time to assert its active presence in Europe.

13. Mr. PLIMSOLL (Australia) recalled that for the past three years his delegation had voted in favour of proposals to hold the Council's sessions at Geneva. It had done so in the belief that until the permanent headquarters were completed, conditions in Geneva in summer were better suited to the Council's work. The representative of the United Kingdom had expressed doubts (354th meeting) as to whether the document services in Geneva were satisfactory. Mr. Plimsoll held, on the contrary, that those services were entirely satisfactory.

14. The Australian delegation was unable to accept the legal arguments adduced by the representatives of Belgium and France nor was it able to accept the opinion expressed by the Secretariat in document E/L.16, but it would not challenge the President's decision. Its attitude with respect to the United Kingdom proposal would therefore remain consistent with the stand it had taken in the three previous years whenever the question where the Council would hold its summer sessions had been raised.

15. Mr. CHANG (China) said that the Belgian representative had admirably explained the legal considerations which had moved him to support the President's decision. At the previous meeting, on the other hand, the representative of the United Kingdom had taken the opposite view. To hold a session at Geneva would, of course, entail additional expenditure which could be covered only by drawing on the Working Capital Fund.

16. He felt that a broader view should be taken of the question. He would confine his remarks to the general organization of the Council's work. The French representative had stressed that some of the activities of the United Nations should be carried on in different parts of the world, so that world public opinion might be kept informed of its work. That raised the question of what exactly was meant by the activities of the Economic and Social Council. Mr. Chang divided the work entrusted to the Council into two categories. On the one hand, it examined the various reports submitted to it, which covered an ever-growing field of activity. That might be described as the Council's routine work. In carrying out that type of work the presence of numerous Directors of Divisions in the Secretariat was required. To hold a session away from temporary headquarters, Secretariat officials had to be sent to the place of the Council meeting, which entailed considerable expenditure and loss of time. Moreover, the Directors concerned were unable to supervise the work of their respective Divisions.

17. On the other hand, the Council was called upon from time to time to consider a specific question, to study it in all its aspects and then to take a decision which might have far-reaching consequences. The successful results of the Council's ninth session, held at Geneva in 1949, could be attributed to the fact that it had spent nearly three weeks in an uninterrupted examination of the programme of technical assistance to under-developed countries. That was a very model for conference work.

18. Mr. Chang felt that the Council should meet at the temporary headquarters of the United Nations to do its ordinary routine work. For conference work, it could very well meet in different parts of the world. During its tenth session, the Council would be called upon to effect a preliminary examination of means to finance the development of under-developed countries. That was conference work which would not require the presence of many Secretariat officials. That type of work could be carried out away from temporary headquarters, preferably in an under-developed country.

19. In conclusion, he hoped that the Council would refrain from constantly discussing the respective merits of Geneva and Lake Success and would decide to meet at temporary headquarters to do its routine work and to hold a special session in another part of the world whenever conference work was undertaken.

20. Mr. PADILLA NERVO (Mexico) said that he was taking part in the discussion despite the fact that his country had not been a member of the Council when it had taken its original decision regarding the place where its eleventh session would be held.

21. He recalled that at a plenary meeting during the fourth session of the General Assembly,¹ he had argued that while, under Article 72 of the Charter, the Council was free to adopt its own rules of procedure and that, under rule 6 of its rules of procedure, it could decide to hold a session away from temporary headquarters, that decision should be taken advisedly and in consideration of all the circumstances. The Fifth Committee should not, therefore, have made its recommendation for purely budgetary reasons.

22. In accordance with the rules of procedure of the General Assembly, the Fifth Committee had examined the financial implications of a proposal submitted to it. In accordance with his duty, the Secretary-General had advised the Fifth Committee of the repercussions its recommendation would have,² and it had been for the General Assembly to decide whether, despite the budgetary implications of the Council's decision, that decision should be confirmed or not. Two proposals had been laid before the General Assembly, one submitted by the delegation of New Zealand and reversing the Council's decision, the other jointly by the delegations of Denmark, France and Lebanon³ and amending the Fifth Committee's recommendation.

23. The General Assembly had rejected the New Zealand proposal and adopted the French one.⁴ That decision meant that the General Assembly, apprised of the financial implications of the Council's decision to hold

¹ See *Official Records of the fourth session of the General Assembly*, 276th plenary meeting.

² See document A/1233.

³ *Ibid.*

⁴ See *Official Records of the fourth session of the General Assembly*, 276th plenary meeting.

its eleventh session in Geneva, had not considered them to be a sufficient reason for reversing that decision. The General Assembly had decided to authorize the additional cost of holding the Council's eleventh session in Geneva if the Council itself, having reconsidered the question in the light of the discussion in the General Assembly, maintained its original decision.

24. Consequently, unless there was some new development which neither the Council, at its ninth session, nor the General Assembly, at its fourth session, had taken into consideration, there was no reason why the Council should not confirm its previous decision.

25. He therefore concluded that the legal opinion of the Secretariat and the President's decision that the Council would follow the procedure laid down in the Secretariat document provided the necessary elements for a correct solution of the problem.

26. The General Assembly had used the words "should the Council . . . confirm its decision". The action to be taken by the Council would be less important than the confirmation of a decision already taken by the General Assembly. The latter could not confirm a previous decision unless a draft resolution in positive terms were submitted to it. In the case of the Council's decision, the Assembly had indicated that unless the former altered its point of view, the Assembly approved the decision it had taken at its ninth session. Consequently, unless the Council were to reverse its previous decision that decision would stand.

27. With regard to the substance of the matter, he had considered every argument both for and against holding a session of the Council in Geneva. Apart from purely budgetary considerations, no sufficiently valid or serious argument had been adduced to outweigh those advanced in favour of holding a Council session in Geneva. Budgetary considerations, of course, had considerable weight, but they were not always decisive. In any event, the additional expenditure involved by holding a session at Geneva would not be excessive.

28. On the other hand there were serious arguments, based on the effectiveness of the Council's work and on political considerations, which militated in favour of a Geneva session.

29. The General Assembly's decision not to adopt the recommendation of the Fifth Committee had indicated that it did not consider the arguments based on budgetary considerations sufficiently strong to warrant its reversing the decisions taken by the Economic and Social Council and the Trusteeship Council respectively. That attitude was the best reply which could be given to the various arguments based on budgetary considerations.

30. In those circumstances, he felt that the Council should not reverse the decision it had taken at its ninth session.

31. Sir Ramaswami MUDALIAR (India) pointed out that Article 72 of the Charter provided that the Council should adopt its own rules of procedure and should meet as required in accordance with its rules. The Council's rules of procedure contained provisions concerning decisions on the place and date of its various sessions. It would be regrettable if a General Assembly resolution were to violate the terms of the Charter and infringe the provisions of the Council's rules of procedure. That had not been the intention of the General

Assembly in adopting its resolution. It had merely suggested, taking account of the report submitted by the Fifth Committee, that the Council should re-examine the decision it had taken at its ninth session. Neither the Fifth Committee nor the General Assembly had the right to annul a decision taken by the Council.

32. During the ninth session, the Indian delegation had declared itself in favour of holding the eleventh session at Geneva. That was a question which had been frequently discussed. It might perhaps be claimed that the public which came to listen to Council meetings in Geneva was of a more cosmopolitan character. At all events, the newspapers of the European countries undoubtedly gave longer reports of the meetings of the Council when the latter held its sessions at Geneva than they did when it met at Lake Success. The American Press was too much occupied by the internal affairs in the United States or even local news, to publish long accounts of the Council's deliberations. All those elements should be borne in mind when taking a decision similar to that adopted by the Council at its ninth session.

33. The Chinese representative had stated that there was one disadvantage in holding a session in Geneva: the fact that many Directors of Divisions in the Secretariat had to be sent to Europe. The Secretary-General, however, was very careful in selecting the officials to be sent to Geneva. It indeed frequently happened that a single official represented the Secretariat in connexion with a number of items of the agenda, and thus participated in the Council's work on behalf of various sections. Sir Ramaswami had no fear in that respect: the offices at Lake Success would not be deserted during the summer if the Council held its session at Geneva.

34. He had been much interested by the Chinese representative's remarks with regard to the organization of the Council's work. It would perhaps be desirable for the Council to consider those suggestions during one of its future sessions; but the question before the Council was different: it was whether the Council should reconsider the decision it had taken at its ninth session. That decision had been taken with the co-operation of three members who were not now present in the Council chamber. It would be regrettable to reconsider in their absence a decision adopted in such circumstances. The Council should, on the contrary, confirm that decision.

35. He asked whether the Agenda Committee, which was due to meet on 27 June, could meet at some earlier date during the three weeks before the date set.

36. Mr. PENTEADO (Brazil) said his delegation had always maintained, on grounds of economy and efficiency, that most sessions of the various organs of the Organization should be held at the temporary headquarters. He was not completely convinced by the arguments presented in favour of holding the following session of the Council at Geneva. While adhering to his delegation's attitude of principle, he stated that he would abstain from voting on the question.

37. Mr. ENCINAS (Peru) recalled that his delegation had maintained throughout that the Council's sessions should as a rule be held at the temporary headquarters of the Organization. He would be obliged to abstain in the vote which was about to be taken, however, for the following reasons: in the first place, neither the arguments for nor those against the holding of the session

at Geneva had convinced him. Such a decision would doubtless entail additional expenditure. It should be remembered, on the other hand, that the Secretariat would shortly move to the permanent headquarters in Manhattan. In the second place, the legal arguments advanced by certain speakers had not been fully convincing either; he recalled the attitude of the Fifth Committee towards the financial implications of holding a session at Geneva. Finally, the Council was currently carrying out its work in the absence of three of its members. Under those circumstances, the Peruvian delegation felt that it would be unfair to cast an affirmative or a negative vote, and it would therefore abstain in the vote.

38. Mr. EUDES (Canada) said his delegation's opinion was well known and it was thus unnecessary to repeat it. He would make no comments on the arguments for or against the United Kingdom proposal but, as at the General Assembly, he would vote in favour of holding the Council's eleventh session at Lake Success.

39. The PRESIDENT put to the vote the United Kingdom proposal to hold the Council's eleventh session at Lake Success.

The proposal was rejected by 8 votes to 3, with 4 abstentions.

40. The PRESIDENT concluded from the results of the vote that the decision taken by the Council at its ninth session was maintained and that the eleventh session of the Council would take place at Geneva.

41. He then opened the discussion on the Indian proposal. If that proposal meant that the Agenda Committee should meet at Geneva, its adoption would cause some difficulty in that it would oblige the members of the Agenda Committee to be in Geneva three weeks before the opening of the Council session.

42. Sir Ramaswami MUDALIAR (India) pointed out that he had not proposed that the Agenda Committee's session should begin three weeks before the Council session. He proposed the date of 23 June.

43. Mr. CHANG (China) thought that the Agenda Committee might meet at Lake Success two or three weeks before the opening of the Council's eleventh session at Geneva, and meet again at Geneva a few days before the opening of the Council's session.

44. Mr. DEHOUSSE (Belgium) saw no reason why the Agenda Committee should meet at Lake Success when the Council was holding its session in Geneva. The members of the Secretariat who had to be present at the meetings of the Agenda Committee would already be in Geneva, or on their way there, and the adoption of the proposal would, moreover, cause considerable expense to some Governments. He therefore urged that the Agenda Committee should meet at Geneva, and he left it to the President to decide upon the date of its meeting.

45. The PRESIDENT recalled that the Agenda Committee consisted of the President, the two Vice-Presidents and two other members of the Council. The latter two had not yet been elected. The Council would elect them during its consideration of item 40 of the agenda, in the course of the current session.

46. He therefore suggested that a decision on the date when the Agenda Committee would meet, and the

place of its meeting, should be postponed until all the members of the Agenda Committee had been appointed.

It was so decided.

47. The PRESIDENT opened the discussion on the date of the next meeting of the Sub-Commission on Employment and Economic Stability. He submitted the recommendation of the Economic and Employment Commission (E/1600, paragraph 62).

48. Mr. PLIMSOLL (Australia) submitted his delegation's draft resolution (E/L.15), which reproduced the unanimous recommendation of the Economic and Employment Commission. The Council had before it a report drawn up by the group of experts on a subject which the Sub-Commission would normally consider. The Commission rightly indicated that there was no point in the Sub-Commission considering that report until the various Governments had submitted their comments on it.

49. Sir Ramaswami MUDALIAR (India) supported the Australian proposal. The Council would consider the report of the group of experts and decide whether it would be useful for the Sub-Commission to hold a session. It could hardly take a decision before it had considered the report.

50. Mr. CHANG (China) also supported the Australian proposal because it very clearly indicated that the moment was arriving for the Council to reconsider the whole question of its commissions and sub-commissions. He wondered why the Sub-Commission on Employment and Economic Stability should meet, when there was no item on its agenda.

51. Mr. MULLIKEN (United States of America) did not think that the Australian draft resolution exactly met the problem the Council was trying to solve. At its fourth session, the Economic and Employment Commission had recommended (E/1356) the abolition of its two sub-commissions. He noted that in the report drawn up at its fifth session (E/1600), the Economic and Employment Commission had made no recommendation with regard to the selection of future members of the two sub-commissions pending the Council's decision. The question of the dissolution of the two sub-commissions was to be considered at the eleventh session of the Council.

52. In the circumstances, he thought that neither of the two sub-commissions should meet until the Council had decided on the recommendation of the Economic and Employment Commission. He therefore proposed two amendments to the Australian proposal: first, the deletion of the first paragraph of the draft resolution, and, secondly, the addition of the words "or the Sub-Commission on Economic Development" after the words "Sub-Commission on Employment and Economic Stability".

53. Mr. PLIMSOLL (Australia) said that it would be preferable if the United States amendments were submitted as a separate draft resolution as some Governments might wish to draw a distinction between the fates of the two sub-commissions.

54. Mr. VALENZUELA (Chile) asked for consideration of the Australian draft resolution and the United States amendments to be postponed for twenty-four hours.

55. Sir Ramaswami MUDALIAR (India) supported the Chilean proposal.

The Chilean proposal was adopted.

56. The PRESIDENT opened the discussion regarding the opening date of the session of the Population Commission.

57. Sir Ramaswami MUDALIAR (India) suggested that consideration of the question should be deferred until the next meeting.

It was so decided.

58. The PRESIDENT, replying to a question from the representative of DENMARK, stated that the Conference on the Declaration of Death of Missing Persons would open on 13 March and last approximately ten days.

59. He proposed that the time-table should be approved, on the understanding that certain decisions were deferred.

The President's proposal was adopted.

Programme of work of the Council

60. The PRESIDENT suggested that the Council should consider items 36, 7 and 8, 6 and 31 of its agenda at the plenary meetings to be held on Monday and Tuesday, 20 and 21 February 1950. Furthermore, in view of the fact that an important document on economic development (E/1654) was to be published in a few days time, that problem would only be considered by the Council later. The Council should consider items 30, 15, 35 and 22 of its agenda at the meetings on Thursday, 23, and Friday, 24 February.

It was so decided.

Sir Ramaswami Mudaliar replaced Mr. Santa Cruz in the Chair.

Trade union rights (freedom of association): report of the social committee (E/1615 and E/L.18)

61. Mr. DEHOUSSE (Belgium) stated that as Chairman of the Social Committee he wished to make certain observations on paragraph 4 of the Committee's report (E/1615).

62. After its discussion of infringement of trade union rights, the Social Committee had set up a drafting committee which had submitted a report to the Social Committee at the 121st meeting held on Tuesday afternoon, 14 February 1950.

63. The Indian representative had pointed out at that time that he had withdrawn his amendments and had given that withdrawal a certain interpretation which the Committee had decided to adopt. Subsequently, some representatives had submitted to the Chairman of the Social Committee certain observations on the significance of that decision which they thought had been taken as a result of a misunderstanding. At the time of voting, in fact, it had not been possible for the Social Committee to know whether the interpretation thus given had been endorsed by the drafting committee or whether it merely represented the point of view of the Indian representative.

64. With regard to the substance of paragraph 4, he stressed that sub-paragraphs (a) and (b) contained instructions addressed to the ILO, which was an autonomous specialized agency, and an interpretation bearing on the attitude the Governing Body and the Fact-Finding and Conciliation Commission of that agency should take. Such instructions seemed to him automatically null and void. It was not for an organ of

the United Nations to give orders to a specialized agency and dictate the attitude it should adopt.

65. For these reasons, he objected to the inclusion of paragraph 4 of the Social Committee's report in the Council's report and requested its deletion.

66. Mr. SEN (India) regretted that the proposal he had submitted to the Social Council should have been adopted as the result of a misunderstanding. In order to avoid any difficulty, therefore, he proposed to submit amendments to the Social Committee's draft resolution to the Council.

67. The Belgian representative's view of the interpretation of paragraph 4 of the Social Committee's report was a question of personal opinion, and the Belgian representative could express it again when the Indian amendments were discussed.

68. Mr. GORDON (United Kingdom) agreed with the Belgian representative's views in regard to sub-paragraphs (a) and (b) of paragraph 4 of the Social Committee's report. There was a similar provision to that contained in sub-paragraph (a) in sub-paragraph (c) of paragraph 5 of the resolution proposed by the Social Committee. If, on receipt of the annual report of the ILO, the Council considered that the information supplied was inadequate, it could always ask the ILO for supplementary data.

69. He thanked the Indian representative for his recognition of the situation and his expressions of regret over the misunderstanding which had arisen in the Social Committee.

70. Mr. ENCINAS (Peru) shared the view of the representatives of Belgium and the United Kingdom. As the Indian representative proposed to submit certain amendments to the draft resolution, the Council should decide to delete paragraph 4 of the Social Committee's report.

71. It could easily express its opinion either by adopting or by rejecting the Indian amendments.

72. The PRESIDENT pointed out that the Council could not delete paragraph 4 of the Social Committee's report. The only procedure which the Council could follow was to adopt a resolution indicating that it could not approve that paragraph.

73. Mr. DEHOUSSE (Belgium) accordingly suggested the following draft resolution:

"The Economic and Social Council,

"Having taken note of the report of the Social Committee (E/1615),

"Decides to reject paragraph 4 of that report."

74. Mr. JOCKEL (Australia) recalled that his delegation had submitted certain proposals to the Social Committee. As those proposals had not been adopted, he had been unable to approve the draft resolution presently submitted to the Council by the Social Committee. Similarly, the Australian representative in the Council would have to vote against the draft resolution. In the Social Committee his delegation had raised certain basic questions regarding constitutional aspects of the Fact-Finding and Conciliation Commission. Those questions did not only concern that particular Commission on that particular subject, since that Commission might create a precedent for establishing similar bodies in the future. He stated that complaints machinery should be in respect of specific voluntarily accepted obliga-

tions, that provision for supervision of that kind was usually associated with conventions or similar agreements involving contractual obligations. Under the contemplated machinery, Governments would be internationally accountable for their conduct in a field in which they had never accepted international obligations.

75. Secondly, his delegation had pointed out in the Social Committee that nowhere was there any definition of the rights of freedom of association which the Commission was to safeguard. The ILO and the United Nations had decided to establish enforcement machinery without deciding upon the rights which were to be enforced. Governments therefore did not know what they were accepting. Moreover, all the different bodies concerned and, in particular, the Council itself, the Governing Body of the ILO and the Commission would have to establish their own standards. Furthermore, the private organizations which were given the power to complain would not know about what matters they could legitimately complain. That was especially important in view of the far-reaching decision of the Committee to suspend Council resolution 75 (V) thereby committing the Council to act upon allegations from many organizations. His Government would vote against the draft resolution, thereby reserving its freedom of action at the General Conference of the ILO.

76. Mr. SEN (India) introduced his amendment (E/L.17) to the Social Committee's draft resolution. The first part of the amendment was the same as the one he had submitted to the Social Committee. It followed on the reply to the question of principle, which was whether, in deciding to set up a fact-finding and conciliation commission, the United Nations could give different treatment to allegations against States Members of the United Nations which were members of the ILO and allegations against States Members of the United Nations which were not. That was a basic question and the Indian delegation had a very definite opinion on it.

77. If a fact-finding and conciliation commission acted in the name of the United Nations, the United Nations should be able to follow the same procedure in considering allegations, whether the States against which the allegations were made were members of the ILO or not.

78. The Indian delegation was otherwise quite satisfied with the arrangements the ILO had made, and was grateful for the serious consideration it had given to the problem. From the point of view of States members of the ILO, the proposed solution was excellent, but States Members of the United Nations did not necessarily hold the same view.

79. Mr. DAVIDSON (Canada) said that he would abstain from voting on the Social Committee's draft resolution for the same reasons as had caused him to abstain when the text had been put to the vote in the Social Committee. That abstention did not mean that the Canadian delegation was opposed to the draft resolution. On the contrary, it approved it in the main; but doubted the wisdom of the procedure proposed in paragraph 4 of the Social Committee's report. According to that paragraph, the Secretary-General would be requested to bring every alleged infringement of trade-union rights reported by Governments or non-governmental organizations to the Council's attention and put them on its agenda.

80. Even if the Council were in principle to confine itself to transmitting such allegations to the ILO, he did not think that it was possible to take such a decision without debate on the substance of the allegations. There would therefore be two similar discussions on the substance: one in the Economic and Social Council and the other in the ILO. He would rather the Secretary-General referred allegations against States members of the ILO directly to that specialized agency; and allegations against non-members of the ILO directly to the Fact-Finding and Conciliation Commission provided the Governments concerned did not object to that procedure. If they objected, then the questions should be placed directly on the Council's agenda. The Canadian delegation would therefore abstain because of its fear of the possible effects of the provisions of paragraph 4 of the Social Committee's report.

81. He agreed unreservedly with the views of the representatives of Belgium and the United Kingdom and considered that to give the Indian representative an opportunity to submit his amendment was a very happy solution to the Council's dilemma.

82. He asked the President whether, if the Council adopted the first solution proposed by the Indian representative in part B of his amendment, he would consider it necessary to put the second solution to the vote, or whether he would consider that, if the first solution was not adopted, the second would be pointless.

83. Mr. SEN (India) observed that should the Council reject the amendments A and B submitted by his delegation, he would propose one amendment to add two sub-paragraphs (*d*) and (*e*) to paragraph 5 of the resolution proposed by the Social Committee.

84. In drafting the first amendment, consideration had been given to the criticisms expressed in the Social Committee to the effect that the Council would not be able to issue instructions direct to the Fact-Finding and Conciliation Commission. The Indian delegation felt that the Council could not give the Commission instructions direct, except on the question whether or not it should investigate any particular complaint. It was not for the Council to tell the Commission what attitude it should take in carrying out that investigation.

85. The Indian amendment left the Council complete freedom to decide whether a complaint should or should not be transmitted to the Fact-Finding and Conciliation Commission. It should be borne in mind that the fact that some members of the Council were not members of the ILO presented some difficulty. That question had given rise to considerable discussion and controversy, which it would be inadvisable to renew.

86. The Fact-Finding and Conciliation Commission was being established by the ILO at the initiative of the Economic and Social Council. It would act on behalf of both the ILO and the United Nations. The latter was therefore entitled to transmit instructions to the Commission with regard to the way it should carry out its work or the length of its reports. If further proof of that was necessary, it could be found in paragraph 3 of article 4 of the Agreement between the United Nations and the International Labour Organisation, which showed that not only the United Nations was entitled to indicate what it expected from the ILO on certain matters, but that it was its moral obligation to do so. It was indeed regrettable that some Members of the United Nations were not members of the ILO, but it was for the pre-

cise purpose of avoiding any aggravation of the effects of that distinction, and not in order to damage the prestige of the ILO, that the Indian delegation was submitting its amendments.

87. Mr. GORDON (United Kingdom) stated that his delegation would vote against the Indian amendment, for it failed to distinguish between complaints involving Member States of the United Nations who were members of the ILO and those involving Member States of the United Nations who were not. The procedure established by the Social Committee provided for distinct but parallel handling of the two cases. He considered that that procedure should be quite satisfactory.

88. He agreed with the representative of India that it was impossible for the Council to issue instructions to another international organization and that the Council should not encroach upon the jurisdiction of another organ.

89. Mr. RICARD (Denmark) agreed with the representative of Belgium that certain portions of the report of the Social Committee were based upon a misunderstanding. The representative of India had stated that it was because he did not wish to take advantage of that misunderstanding that he had submitted his amendment to the Council. Mr. Ricard recalled that the Social Committee's draft resolution had been drafted in a spirit of conciliation and he thought it was the best compromise on the basis of which agreement could be reached. In the circumstances, he could not vote in favour of the amendment submitted by the delegation of India.

Amendment A was rejected by 10 votes to 1, with 3 abstentions.

90. Mr. SEN (India) recalled that the system proposed in the draft resolution proposed by the Social Committee was the following: a complaint was addressed by a member of the ILO to the Governing Body of that organization. The Governing Body examined the complaint and decided to send it to the Fact-Finding and Conciliation Commission. The latter then reported upon it to the Governing Body of the ILO and not to the Economic and Social Council.

91. If, however, the applicant State was not a member of the ILO, it made its complaints to the Economic and Social Council, which addressed its instructions direct to the Fact-Finding and Conciliation Commission. The latter then reported to it.

92. The system established a distinction between two groups of complainants: reports concerning allegations against a member of the Council were submitted to the Council for criticism and the Council thus had at its disposal all the necessary documentation. On the other hand, the Council could not criticize allegations made against members of the Council who were not members of the ILO.

93. It was for those reasons that the Indian delegation had submitted its amendments. It had been suggested that the report of the Fact-Finding and Conciliation Commission should be included in the annual report of the ILO. The annual report of the ILO, however, was of a concise nature and it was not possible for it to submit many details.

94. Mr. GORDON (United Kingdom) said that his main objection to Indian amendment B was the absence of any distinction in the treatment of the different complaints which might be lodged and in the way in which

their investigation was reported. Such a distinction provided the only practical way of dealing with the problem. He would be opposed to the repetition of discussions on the same complaints which would take place both in the ILO and the Economic and Social Council if that amendment was adopted. He thought the provisions of paragraph 5 (c) of the draft resolution submitted by the Social Committee were wide enough to allow for all the difficulties mentioned by the Indian representative.

95. Furthermore, the ILO's report to the Council might contain a more detailed account of the activities of the Fact-Finding Commission than of some other activities of the ILO to which the representative of India had drawn attention. In any case, the Council could always ask for fuller information if it considered the information it was given inadequate. He further recalled that the Director-General of the ILO had intimated that its Governing Body had accepted the draft resolution adopted by the Social Committee and had declared it to be in accordance with the Agreement between the United Nations and the ILO. It could not be denied that there were already adequate arrangements for the exchange of information between the ILO and the United Nations. The Social Committee's draft resolution was setting up a new experiment and it would not be wise at the very outset to establish a rigid procedure which would be liable to prove difficult in application. It would always be possible later, in the light of experience, to amend the procedure proposed by the Social Committee. In general, it would not be good procedure for both international organizations to examine the same question when a large number of States Members of one were members of the other.

96. In the circumstances, he thought the Social Committee's draft resolution, which was a reply to the Director-General of the ILO, was quite satisfactory.

97. Mr. SEN (India), replying to the United Kingdom representative, did not understand how the latter could say that duplication should be avoided, while at the same time stating that the annual report of the ILO should be as detailed as possible. Furthermore, it was essential not to make the distinction between member and non-member States of the ILO more pronounced.

98. Mr. GORDON (United Kingdom) emphasized that he had not suggested that the report of the Fact-Finding Commission should go into every case in great detail. He had stressed the fact that if the Council did not find the report satisfactory it might ask for additional information.

99. The PRESIDENT put to the vote amendment B submitted by the Indian representative.

Amendment B was rejected by 9 votes to 1, with 5 abstentions.

100. Mr. SEN (India) asked that the new sub-paragraph (d) he was proposing to paragraph 5 of the Social Committee's draft resolution be put to the vote. He would not press for a vote on his proposal for the addition of a new sub-paragraph (e) to the same paragraph.

The new sub-paragraph (d) proposed by the Indian representative to paragraph 5 was rejected by 8 votes to 4, with 3 abstentions.

101. Mr. DAVIDSON (Canada) said that he had voted against the last Indian amendment, not because he objected to the ILO submitting adequately detailed reports, but because he felt that the idea of that sub-

paragraph was already contained in sub-paragraph (c) of paragraph 5 of the Social Committee's draft resolution.

The Social Committee's draft resolution was adopted by 12 votes to 1, with 2 abstentions.

102. The PRESIDENT declared the Belgian draft resolution (E/L.18) open for discussion.

103. Mr. DEHOUSSE (Belgium) had only one argument to add to those which had been expressed in the statement he had made at the beginning of the examination of item 16; the Indian amendments having been put to the vote and rejected, paragraph 4 of the Social Committee's report could not be retained.

104. Mr. ENTEZAM (Iran) did not object to the substance of the Belgian proposal, but he wondered whether the Council could delete a part of a report which had been transmitted to it by another body.

105. Mr. DEHOUSSE (Belgium) pointed out that paragraph 4 of the Social Committee's report contained an interpretation of the draft resolution submitted by that Committee and adopted by the Council. The Council must either approve or reject that interpretation.

106. Mr. VALENZUELA (Chile) agreed with the representative of Iran. He felt that the Council could not amend the Social Committee's report. The Council had, moreover, taken a definite stand by rejecting the Indian amendment.

107. Mr. DEHOUSSE (Belgium), taking up a suggestion made by Mr. ENTEZAM (Iran), proposed the following text for his draft resolution:

"The Economic and Social Council . . .

"Decides not to approve the interpretation contained in paragraph 4 of that report."

108. He realized that from the historical point of view, paragraph 4 could not be amended, since it noted a fact that had occurred, but he wished the Council not to accept the interpretation given.

109. Mr. PADILLA NERVO (Mexico) did not think it was necessary to adopt a resolution to that effect. The Social Committee had approved the Indian representative's interpretation by 4 votes to none, with 8 abstentions. There was nothing the Council could do to change that fact. The fact that it did not share the Social Committee's opinion would be made clear in the summary record of the current meeting and by the votes that had taken place on the Indian amendments. The representatives of the United Kingdom and Canada had stated, moreover, that they were not opposed to the detailed report requested by the Indian delegation, but that the matter was adequately covered in paragraph 5, sub-paragraph (c), of the draft resolution.

110. The PRESIDENT shared the Mexican representative's view. It was unnecessary to adopt a resolution, since in view of the Council's discussion at the current meeting, paragraph 4 of the Social Committee's report no longer had any weight.

111. Mr. DEHOUSSE (Belgium) feared that unless the Council gave its precise interpretation of the resolution there and then, all kinds of interpretations were likely to be put forward later, on the basis of the dis-

cussions in the Committee, when the resolution adopted by the Council on the Social Committee's proposal was to be implemented. He proposed that his draft resolution should be amended to read:

"The Economic and Social Council . . .

"Decides to accept paragraphs 1, 2 and 3 of the report."

112. Paragraph 4 would thus automatically disappear.

113. The PRESIDENT accepted the proposed wording.

114. Mr. SEN (India) also accepted the new text proposed by the Belgian representative. He wondered, however, whether it was necessary for the Council to adopt a formal resolution in order to take note of a report. That procedure had not been followed in the past and he therefore suggested that it would be sufficient to state in the summary record that the Council took note of paragraphs 1, 2 and 3 of the Social Committee's report.

115. Mr. GORDON (United Kingdom) remarked that it might be rather difficult at a later date to find the Council's decisions in the summary records. The objection of the majority of the Council to paragraph 4 of the Social Committee's report was that, while it reproduced the facts as they had occurred, it now appeared that it was based on a misunderstanding. That being so, he considered it essential that the Council should repudiate that paragraph either by resolution or by a statement specifically.

116. The PRESIDENT said that, if the Council so decided, he would be prepared to draft a statement explaining what had occurred, to be included in the summary record. If not, the Council had no alternative but to adopt a resolution.

117. Mr. MULLIKEN (United States of America) recalled that views had been expressed over and over again that the Council should not adopt unnecessary resolutions. He therefore supported the President's suggestion.

The President's suggestion was adopted.

118. The PRESIDENT made the following statement for inclusion in the summary record of the meeting:

119. "The Economic and Social Council considered paragraph 4 of the report of the Social Committee as embodied in document E/1615.

120. "Several representatives maintained that while the facts were as stated in that paragraph, it was not their understanding that the Committee had approved the withdrawal of the amendment of the representative of India on the understanding that sub-paragraphs (a) and (b) of paragraph 4 of the report would go on record as the view of the Committee.

121. "Their understanding was that it was to be the view of the Indian representative and not of the Social Committee, and that the Social Committee had therefore misunderstood the whole position.

122. "In view of those statements, the Indian representative felt he was at liberty to move his amendment. He accordingly moved his amendment in the Economic and Social Council, which subsequently rejected it."

The meeting rose at 6.25 p.m.