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ASSEMBLY**

FIFTEENTH SESSION

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**SIXTH COMMITTEE, 686th  
MEETING**

(Closing meeting)  
Wednesday, 14 December 1960,  
at 3.35 p.m.

**NEW YORK**

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Chairman: Mr. Gonzalo ORTIZ MARTIN (Costa Rica).

**AGENDA ITEM 12**

Report of the Economic and Social Council (chapter VII, section II, paragraph 645 only) (A/4415; A/C.6/L.469 and Corr.1, A/C.6/L.475, 476, 480) (concluded)

1. Mr. HAJARNAVIS (India) explained the remarks which he had made at the 684th meeting and which had induced the representative of the United Kingdom to comment in reply. He had not intended to imply that the specialized agencies were subordinate to the General Assembly or that they were its subsidiary organs in the sense of Article 22 of the Charter. Under Article 60, however, it would seem that supreme authority was conferred on the General Assembly, since that Article vested responsibility for the discharge of the functions of the Organization, so far as international economic and social co-operation was concerned, in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council. It was also legitimate to conclude from Articles 63 and 57 that, while the specialized agencies were indeed completely independent of the General Assembly from the administrative point of view, neither the Economic and Social Council nor the specialized agencies claimed the right to derogate from the supreme authority of the General Assembly. It would be a distortion of the provisions of Article 60 to say that they were autonomous bodies.

2. Mr. MAURTUA (Peru) said that, at the informal discussion which had followed the previous meeting, his delegation had repeated that the question should not be allowed to fall into oblivion, and had emphasized that the draft resolution should indicate the nature of the Committee's discussion and the fact that, because of divergencies of opinion, no final recommendation had been adopted. The draft resolution submitted by Costa Rica and Pakistan now before the Committee (A/C.6/L.480) did not reflect that view. He therefore proposed that the second preambular paragraph should be replaced by the words: "Considering that the debate has revealed the existence of different opinions".

3. Mr. MOLINA LANDAETA (Venezuela) supported that suggestion and also proposed the addition to the operative paragraph of the following phrase: "and to

continue discussion of the question at the sixteenth session".

4. Mr. BUCETA (Argentina), Mr. GONZALEZ GALVEZ (Mexico) and Mr. NUÑEZ (Ecuador) supported both amendments.

5. Mr. CERNIK (Czechoslovakia) said that, in his view, the text of the draft resolution was excellent as it stood. While divergent opinions had been expressed in the debate, it had been understood that they would be reflected in the Committee's report. There was, therefore, no reason to amend the present text of the draft resolution.

6. Mr. NEDBAILO (Ukrainian Soviet Socialist Republic), Rapporteur, said that he agreed. The stand taken by Peru would not lose any of its importance if it was stated in the Committee's report. Moreover, as the amendment had been submitted orally, a written text would be needed before a decision could be taken, and that would prolong the debate still further. He hoped, therefore, that the representative of Peru would not press his proposal.

7. The Venezuelan amendment seemed unnecessary. It was quite possible that the agenda for the sixteenth session of the General Assembly would be drawn up when the fifteenth session was resumed and that the question might then be referred back to the Sixth Committee, irrespective of whether the draft resolution was adopted. In those circumstances, the representative of Venezuela might be willing to withdraw his amendment.

8. Mr. GUERREIRO (Brazil) said that the Peruvian delegation might perhaps be satisfied by the addition of the word "different" before "opinions" in the second preambular paragraph. While the Venezuelan proposal was of interest, it might unduly prolong the debate and, hence, the better course might be for the representative of Venezuela to withdraw it.

9. Mr. DADZIE (Ghana) said that he also agreed. It was implicit in the draft resolution that, although the Sixth Committee was not making any recommendation at the current session, it was prepared to resume its study of the question on another occasion, although not necessarily at the sixteenth session. He would, therefore, support only the Brazilian amendment.

10. Mr. MUSTAFA (Pakistan) said that he would also support the Brazilian amendment.

11. Mr. MAURTUA (Peru) and Mr. MOLINA LANDAETA (Venezuela) said that, in a spirit of compromise, they would withdraw their amendments.

12. The CHAIRMAN put to the vote the two-Power draft resolution (A/C.6/L.480), as amended on the proposal of the representative of Brazil.

*The draft resolution (A/C.6/L.480), as amended, was unanimously adopted.*

13. Mr. MAURTUA (Peru) said that he deplored the inertia displayed by the Sixth Committee in the course of its work. Instead of seeking to adapt international law to the realities of the modern world, the Committee had refused to examine the problems which had come within its province.

14. The draft resolution which had just been adopted also reflected a purely negative outlook. Despite the lack of time at its disposal, the Sixth Committee should at least have emphasized, in that draft resolution, that—as several delegations had remarked—consultations were necessary and were provided for by the Charter itself, although, in the case of consultations with the General Assembly, it was understood that the sovereignty of the General Assembly should not in any way be impaired. The Sixth Committee should also have made provision for the procedures to be followed and should have laid down guiding principles.

15. Consultations had been provided for by the Charter to enable the United Nations to ascertain the administrative, financial and constitutional potentialities of the specialized agencies. That arrangement did not imply the exercise of jurisdiction by the General Assembly over the specialized agencies, nor a limitation of the General Assembly's powers, but was simply an element in the legal co-ordination essential to the proper functioning of the United Nations and of the agencies in relationship with it. The United Nations would not achieve any of its objectives if it did not apply the principle of division of work that was the very reason for the existence of the specialized agencies. The varied activities of those agencies had as a common goal the peace of mankind. That was not merely a political question; it was a matter that called for international co-operation in all fields.

16. His delegation had therefore hoped that the Sixth Committee, which, as the Legal Committee, had a particular responsibility in the matter, would have reaffirmed a generally accepted principle so as to leave no room for misunderstanding and confusion.

17. The habit, into which the Sixth Committee had fallen, of postponing the discussion of important questions was the cause of its gradual decline. The Committee could justify its existence only by finding solutions to such legal problems as international criminal jurisdiction, the definition of aggression, and so on; it had no right to shirk its task for political reasons.

#### Completion of the Committee's work

18. Mr. USTOR (Hungary), speaking on behalf of the delegations of the socialist countries, Mr. ROSENBAUM (United States of America), Mr. CHAYET (France), speaking on behalf of the delegations of the Western European countries and of Greece, Mr. SHARP (New Zealand), speaking on behalf of the delegations of the countries of the British Commonwealth, Mr. DADZIE (Ghana), Mr. NUÑEZ (Ecuador), speaking on behalf of the delegations of the countries of Latin America, Mr. HSU (China), Mr. MUSTAFA (Pakistan), and Mr. BARNES (Liberia) congratulated the Chairman on the competence and courtesy with which he had conducted the debates. The impartiality and tact which he had always shown had enabled the Committee to do useful work. They also congratulated the Vice-Chairman and the Rapporteur on having so ably supported the Chairman, and they thanked the Legal Counsel, the Secretary of the Committee and the other Secretariat members who had contributed to the smooth functioning of the Committee.

19. Mr. NEDBAILLO (Ukrainian Soviet Socialist Republic), Rapporteur, endorsed the tributes paid to the Chairman and the Vice-Chairman, and thanked the members of the Secretariat, especially those who had helped in the preparation of reports. He thanked the members of the Committee for the kind words addressed to him.

20. Mr. ROSENNE (Israel), Vice-Chairman, also endorsed the congratulations to the Chairman and the Rapporteur and the thanks expressed to the Secretariat. He thanked the members of the Committee for the kind words addressed to him.

21. The CHAIRMAN said that he was deeply touched by the tribute paid to him by the members of the Committee. His task as Chairman had been made easier by the spirit of co-operation and understanding shown by all members.

22. He thanked the Vice-Chairman, the Rapporteur and the Secretariat for the valuable assistance which they had given both to the Committee and to him personally.

The meeting rose at 5 p.m.