

# GENERAL RECEIVED ASSEMBLY 3 MAY 1961

FIFTEENTH SESSION

Official Records INDEX SECTION, LIBRARY


**SIXTH COMMITTEE, 683rd  
MEETING**

 Thursday, 8 December 1960,  
at 11.10 a.m.

NEW YORK

## CONTENTS

	Page
Statement by the representative of Bolivia . . . .	159
Agenda item 12:	
Report of the Economic and Social Council (chapter VII, section II, paragraph 645 only) (continued) . . . . .	159

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

Statement by the representative of Bolivia

1. Mr. ITURRALDE CHINEL (Bolivia) observed that a resumption of the fifteenth session of the General Assembly was contemplated for March 1961, a time that would coincide with two conferences of great interest to the Sixth Committee, namely, the United Nations Conference on Diplomatic Intercourse and Immunities to be held at Vienna, and the eleventh Inter-American Conference to be held at Quito.

2. He would therefore suggest that the Chairman of the Committee should point out that drawback to the General Committee and propose that the resumed session of the General Assembly should be held in January or February, as had been done at the sixth and thirteenth sessions. The disarmament question, which was to have been taken up in March, could form the subject of a special conference.

3. The CHAIRMAN proposed that the statement of the representative of Bolivia should be transmitted to the General Committee.

*It was so decided.*

## 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, 479) (continued)

4. Mr. SERUP (Denmark) said the purpose of the draft resolution co-sponsored by his delegation (A/C.6/L.479) was to ensure the best possible co-ordination between the United Nations and the specialized agencies. Although the Charter did not provide any machinery for consultation between the General Assembly and those agencies, the Assembly could always consult the representatives of specialized agencies who were present at meetings, and it had already had occasion to do so. The draft before the Committee did no more, therefore, than confirm the practice already being followed.

5. The new rule 11 a proposed for inclusion in the rules of procedure of the General Assembly was based

on the first two paragraphs of rule 80 of the rules of procedure of the Economic and Social Council. Its applicability was confined to new activities of direct concern to the specialized agencies. Some slight difference in consultation procedure was provided for as between an item proposed for inclusion in the agenda (para. 1) and a proposal put forward in the course of a meeting (para. 2). As consultation was more difficult in the latter case, the words "such consultation as may be possible" had been included.

6. Mr. EL-ERIAN (United Arab Republic) thought that, before any decision to amend the General Assembly's rules of procedure was taken, the question before the Committee should be studied very carefully, for it concerned both the relationship between the Assembly and the specialized agencies and the relationship between the Sixth Committee and the Second and Third Committees.

7. As far as co-ordination with the specialized agencies was concerned, there was not, from the constitutional point of view, any basis for drawing an analogy between the Economic and Social Council and the General Assembly. The Council was pre-eminently the liaison body between the United Nations and the specialized agencies. While procedures should undoubtedly be established to ensure satisfactory co-ordination between the General Assembly and the specialized agencies in order to avoid the difficulties indicated, care should be taken to avoid adopting a too rigid procedure which might detract from the general competence and the sovereignty of the Assembly. Moreover, as was indicated in the Secretariat's note (A/C.6/L.476, para. 5), there were already a number of provisions under which the Assembly could consult the representatives of specialized agencies participating in its meetings.

8. From the practical point of view, it was for the Second and Third Committees to decide on the need to establish machinery for consultation, since economic and social questions relating to the specialized agencies fell within their competence. The Second Committee, however, had submitted no observations on that subject (see A/C.6/L.475, para. 3), and only a few members of the Third Committee had expressed any views (see A/C.6/L.469 and Corr.1, annex), so that the Sixth Committee could not act on the basis of any crystallized opinion.

9. It would therefore be desirable for the Sixth Committee to transmit to the General Assembly a simple statement proposing that the matter should be referred to the Second and Third Committees, at the Assembly's sixteenth session, so that they might take it up again bearing in mind the constitutional relations between the General Assembly and the specialized agencies and the need not to adopt any rigid procedure which might encroach upon the sovereignty of the General Assembly.

10. Mr. GUERREIRO (Brazil) recalled that, under Article 58 of the Charter, the General Assembly and, under its authority, the Economic and Social Council were required to co-ordinate the policies and activities of the specialized agencies. To that end, it had adopted a number of resolutions designed to prevent duplication of activities and dispersal of efforts, among them resolution 310 (IV), which had been adopted at the suggestion of the Brazilian Government. His delegation was still in favour of any action which would enable the Assembly better to perform its part as co-ordinator, but the draft recommended in Economic and Social Council resolution 800 (XXX) would unduly restrict the Assembly's freedom of action. Until now, the problems raised by the lack of co-ordination between the recommendations of the General Assembly and the activities of the specialized agencies had been few in number. The representatives of the specialized agencies had the possibility of being heard during the General Assembly debates, and the few difficulties which had occurred did not justify the adoption of a rigid rule which might delay the Assembly's decisions and disorganize the work of its Committees.

11. Furthermore, although it was true that the specialized agencies were not subordinate organs of the General Assembly but subjects of international law with full powers, whose relations with the Assembly were governed by international agreements, there was nevertheless a fundamental difference between the General Assembly and the specialized agencies and even between the Assembly and the Economic and Social Council. The General Assembly, more than any other international body, reflected the real views and aspirations of the people of the world in the context of their individual political circumstances, whereas the specialized agencies dealt primarily with technical questions. It was because of that difference in character that the recommendations of the General Assembly were of primary importance to the specialized agencies and ought not, therefore, to be delayed or distorted for purely technical reasons.

12. The Sixth Committee ought accordingly to find a method which would allow the Assembly to be informed of the consequences of its decisions and of the views of the specialized agencies, without its freedom of action being restricted by any rigid rule.

13. The views of the sponsors of the draft resolution (A/C.6/L.479), under which a provision similar to that in rule 80, paragraphs 1 and 2, of the rules of procedure of the Economic and Social Council would be included in the rules of procedure of the General Assembly, were fairly close to those of the Brazilian delegation. His delegation would prefer a simpler provision whereby the General Assembly, the Secretary-General and, indirectly, the specialized agencies and their observers would be reminded that it was advisable, wherever possible, to know the views of the specialized agencies concerned. His delegation would prefer the maintenance of the *status quo*, but was prepared, if necessary, to agree to the inclusion in the rules of procedure of an additional simple and general rule. The Brazilian delegation would have no difficulty either in supporting the suggestion just made by the representative of the United Arab Republic. It was a fact that the Second and Third Committees had not transmitted to the Sixth Committee much information on the substantive aspects of the matter, and the latter was justified in deferring consideration of the item until such information was forthcoming.

14. Mr. TABIBI (Afghanistan) noted that there was general agreement on the principle of consultations between the General Assembly and the specialized agencies and on the value of rule 80 of the rules of procedure of the Economic and Social Council. In view, however, of the existence of that rule and of Articles 57 and 63 of the Charter, from which it was clear that the specialized agencies were brought into relationship with the United Nations through the Economic and Social Council rather than through the General Assembly, his delegation did not think that the addition of a new rule to the rules of procedure of the Assembly was an urgent necessity.

15. There was, however, the statement by the Council, in paragraph 645 of its report (A/4415), that it had recommended the draft resolution concerned for adoption by the General Assembly "after noting the interest attached to this matter by the specialized agencies". The Sixth Committee was not, in any event, called upon to discuss that matter with the representatives of the specialized agencies; the members of the Second and Third Committees should have obtained some knowledge of the problems which had aroused the interest of the specialized agencies in that regard. Those Committees were able, far better than the Sixth Committee with its purely legal sphere of action, to understand the technical problems which the specialized agencies might face in the spheres of action of those Committees. While his delegation appreciated the considerations which had led the sponsors to submit their draft resolution, it did not feel that the Sixth Committee could act unless the Second and Third Committees declared that the relationships between the General Assembly and the specialized agencies were in fact unsatisfactory.

16. The insertion of a rigid provision in the rules of procedure would be tantamount to limiting the General Assembly's authority. Moreover, it was undeniably clear from Articles 57 and 63 of the Charter that, inasmuch as the specialized agencies were "brought into relationship with the United Nations" and their activities might be co-ordinated by the Economic and Social Council, they were organs in relation to which the United Nations and the General Assembly were a supreme authority. He felt, therefore, that it was pointless to formulate still another rule. Furthermore, although the Sixth Committee could, with regard to the legal aspects of the matter, draw up an amendment to the rules of procedure, it had no authority to take a substantive decision on a subject within the competence of other Committees.

17. In conclusion, he recalled that Afghanistan, like other smaller under-developed countries, did not have many experts in the specialized agencies but always attached the greatest importance to its representation in the General Assembly and, accordingly, strongly supported the maintenance of the Assembly's authority.

18. Mr. MOLINA LANDAETA (Venezuela) said that his delegation understood from the statements made by some representatives that certain doubts existed as to the way in which the Sixth Committee should proceed with regard to the request made of it and also as to its competence to deal with the matter.

19. The Venezuelan delegation considered that the Sixth Committee was obliged to examine and present a report on paragraph 645 of the Economic and Social Council's report, in order to comply with the procedure

approved by the General Assembly at its 881st plenary meeting. Consideration of the Economic and Social Council's report was primarily a matter for the Second and Third Committees, in accordance with Article 62 of the Charter and rule 101 of the rules of procedure of the General Assembly, but the opinion of the Sixth Committee had been sought upon the instructions of the General Assembly, and there were no valid reasons for not responding to such a request.

20. The Sixth Committee was composed of jurists and it was for that reason that the matter had been referred to it, as the paragraph in question would require an amendment of the General Assembly's rules of procedure. He would recall in that connexion annex II to the Assembly's rules of procedure.

21. If, then, it was agreed that the Sixth Committee was indeed competent to deal with the matter put before it, it should undertake an examination of the substance of the question. It was perhaps not necessary for it to take a final decision at the present time, but it should not evade its responsibilities.

22. The Venezuelan delegation would give its views on the proposed draft resolution at a later date. He would like, however, to say at once that it seemed preferable to make the new rule on consultation rule 14 a or 15 a of the General Assembly's rules of procedure instead of rule 11 a, because there was a close connexion between the proposed new rule and the subjects of rules 14 and 15. It would also be useful if the sponsors of the draft resolution could explain whether they were thinking of the additional items (rule 15), although those were not mentioned in paragraph 1 of the draft rule.

23. Lastly, it should be understood that the "implications" to which paragraph 2 of the four-Power draft referred were of a general kind; and that the General Assembly could take a decision at any time with regard to an item connected with the specialized agencies, even if no consultation had taken place.

24. Mr. NISOT (Belgium) saw no reason why the four-Power draft resolution should not be adopted, but suggested that the words "to the outcome of that consultation" be substituted for the words "to these implications of the proposal" at the end of paragraph 2. The suggested wording seemed to be more in accord with the nature of the Secretary-General's duties.

25. Mr. PEREIRA (Portugal) thought that the Sixth Committee was competent to deal with the question, since the practical and substantive aspect of the relationships between the General Assembly and the specialized agencies was determined by the legal basis of those relationships, which it was the Sixth Committee's duty to establish.

26. Encroachment by the General Assembly on the activities of the specialized agencies should be avoided. It should not be forgotten that the specialized agencies were autonomous bodies deriving their authority not from the United Nations but from the Governments which were members of such agencies. The membership of the agencies differed in character from that of the United Nations. Some countries were members of the specialized agencies and not of the United Nations, and vice versa. In addition, only Governments were Members of the United Nations, whereas non-governmental opinions were expressed in some of the specialized agencies, as, for example, the ILO, which included the representatives of employers and workers

as well as of Governments. He stressed that, while Articles 58 and 63 of the Charter conferred the task of co-ordination on the United Nations, they did not grant it the right to interfere in the activities of the specialized agencies.

27. The question of preliminary consultations raised an awkward problem. Although it was certainly necessary to ensure that the United Nations did not take decisions which might create problems for the specialized agencies, it was equally essential for the General Assembly to retain the necessary authority to deal with the many items on its agenda which might concern the specialized agencies.

28. Although his delegation could not, at present, give its unconditional support to the principle of preliminary consultations, it might wish at a later stage to make a statement concerning the draft resolution before the Committee.

29. Mr. ZEMANEK (Austria) said that, on the whole, he shared the views of the representative of the United Arab Republic concerning the practical aspect of the problem, but could not agree with him regarding the constitutional aspect. The General Assembly was undoubtedly empowered to discuss questions within the competence of the specialized agencies, as was clearly indicated by Articles 58 and 60 of the Charter. In addition, Article 64, relating to the reports sent to the Economic and Social Council by the specialized agencies, provided that the Council might communicate its observations on those reports to the General Assembly. It therefore went without saying that the Assembly might be required to consider those reports and, consequently, to discuss matters within the competence of the specialized agencies.

30. The same applied to measures to be adopted in connexion with those matters. The agreements concluded under Article 63 of the Charter between the Economic and Social Council and each specialized agency contained a standard clause in which the United Nations recognized the sphere of competence of the specialized agency concerned. Those agreements referred to the United Nations and not the Economic and Social Council, and the General Assembly was certainly, quite as much as the Council, an organ of the United Nations. Moreover, those agreements were subject to approval by the Assembly, and the Assembly was therefore bound to be interested in questions of implementation, even if it were required to consult the specialized agencies concerned.

31. As for the practical aspect of the problem, he thought, like the representative of the United Arab Republic, that the Committee ought to have at its disposal all possible information on the substance of the question. The Committee did not, in fact, have the information to enable it to assess the difficulties that might be encountered and it was therefore not in a position to prepare the text of a possible rule. It might ask the Second and Third Committees to enlighten it and make recommendations to it on that point, or request the representatives of the specialized agencies to explain the position to it.

32. Mr. ITURRALDE CHINEL (Bolivia) did not share the views of the United Arab Republic and Afghanistan, but supported those of Venezuela. The Sixth Committee was clearly qualified to give an opinion on the question, as was apparent from annex II to the rules of procedure of the General Assembly (part I, para.



1 (c)), which repeated the terms of General Assembly resolution 684 (VII). It was also obvious that consultations were necessary, but the text contained in the Secretariat's note (A/C.6/L.476, para. 1) went further than rule 80 of the rules of procedure of the Economic and Social Council. It referred to prior consultations that would take place, in conformity with the usual practice, before the Assembly adopted any project or proposal relating to matters of direct concern to the specialized agencies. That meant that the General Assembly would have to defer to organs of limited competence and that it would be virtually hamstrung. That solution was unacceptable to Bolivia.

33. The four-Power draft resolution, on the other hand, maintained the General Assembly's sovereignty, for it was the Secretary-General who would enter into consultation and report to the Assembly. Mr. Iturralde Chinel considered, however, that it would be desirable to combine the two paragraphs of the proposed rule 11 a into a single, more general one, from which the economic consideration of "co-ordinated use of the resources of the respective agencies" would be deleted, and under which the Secretary-General would merely report to the Assembly the means of avoiding overlapping or the adoption of decisions harmful to the specialized agencies. Bolivia would be prepared to support a text along those lines.

34. Mr. EL-ERIAN (United Arab Republic) wished to know whether the Second Committee had not had time to submit its comments, whether it had been unable to reach a unanimous opinion on the Council's recommendations or whether it was to resume discussion of the question, in which case the Sixth Committee might postpone discussion of the problem for a few days.

35. As had already been said, a distinction must be drawn between prior consultations and the principle of consultation itself. The United Arab Republic would support a revised text setting forth that general principle, but could do so only in the light of the comments of the Second and Third Committees. He thought, like the Bolivian representative, that, in the absence of those comments, the Sixth Committee might adopt a draft resolution of a general nature which would not

entail a revision of the Assembly's rules of procedure. No doubt, the four-Power text was milder than the one proposed by the Council in its reports, but it, too, implied the necessity of prior consultation and could not be adopted until all the constitutional and practical aspects referred to had been cleared up.

36. The CHAIRMAN announced that he would confer with the Chairman of the Second Committee to secure the information requested by the representative of the United Arab Republic.

37. Mr. PERERA (Ceylon) said it must be borne in mind that the Sixth Committee had been instructed to examine and report on the draft resolution recommended by the Council. The fact was that the Committee did not seem to have a clear idea of the nature of the problem. Perhaps it was ill-advised, at the present stage of the current session, to submit an opinion on the drafting of a new rule for the rules of procedure of the General Assembly. The Committee should move cautiously, and he wished to ask the sponsors of the draft resolution what they thought was the best course to follow at the current session: to ask the Second and Third Committees to clarify the problem, as the representative of the United Arab Republic had suggested, or to study the draft resolution recommended by the Council. For his part, he would be very hesitant about adopting a draft resolution or even stating an opinion on the matter. However, it would be possible to discuss the substance of the matter after receiving the views of the Second and Third Committees.

38. Mr. MAURTUA (Peru) considered the Second and Third Committees to be under no obligation to furnish comments to the Sixth Committee. If those Committees were requested to take up the question again, they could do so only by a two-thirds majority vote and their conclusions might further increase the difficulties.

39. Mr. GONZALEZ GALVEZ (Mexico) shared the views of the Austrian representative. He thought that, at its next meeting, the Committee might request the representatives of the specialized agencies to express their opinions on the problem under discussion.

The meeting rose at 1.5 p.m.