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

AGENDA ITEM 66

Question of the publication of a United Nations juridical yearbook: report of the Secretary-General (A/4406 and Corr.1; A/C.6/L.471, A/C.6/L.477/Rev.1 and Rev.1/Add.1, A/C.6/L.478) (concluded)

1. Mr. VALLAT (United Kingdom) recalled that at the previous meeting, the Canadian representative had proposed an oral amendment to the revised draft resolution (A/C.6/L.477/Rev.1 and Rev.1/Add.1) requesting the Chairman of the Sixth Committee to appoint a working group consisting of nine representatives to undertake, in consultation with the Secretary-General, a further study on the nature, form and contents of the proposed yearbook and the financial implications of its publication and to report thereon to the General Assembly at its seventeenth session. The representative of the Union of Soviet Socialist Republics had proposed a sub-amendment to that amendment, asking that the group in question should consist of five members. He was afraid that those suggestions would plunge the Committee into confusion and invite an avalanche of amendments and counter-amendments; he hoped that, in a spirit of conciliation, the delegations of Canada and the Soviet Union would not insist on their proposals. If they responded to his appeal, there would remain only the revised draft resolution and the Philippine amendment (A/C.6/L.478). His delegation considered the latter an interesting proposal, since it would allow Governments to submit their ideas to the Secretary-General before the seventeenth session, to consult each other and perhaps to present joint observations. He therefore hoped that that amendment would meet the views of delegations which believed that the revised draft resolution did not go far enough, and that they would be able to accept the text in its amended form.

2. Mr. ASSELIN (Canada) said that his amendment to the revised draft resolution had been intended solely to give more substance to the action proposed. He had suggested that, before consideration of the question by

the General Assembly at its seventeenth session, some specific data might be prepared to serve as a guide in determining the form and contents of the juridical yearbook. That idea had met with some opposition. However, the revised draft resolution before the Committee would only be of value if it were assured of a very wide measure of support. Consequently—and taking into account the considerations advanced by the United Kingdom representative—his delegation had decided to withdraw its amendment.

3. Mr. MOVCHAN (Union of Soviet Socialist Republics) said that, as the Canadian amendment had been withdrawn, the sub-amendment to it would naturally be withdrawn too. He recalled that the Soviet Union had always been anxious that the Sixth Committee should take positive measures to carry out the General Assembly's decision. Some countries had made constructive proposals, but the debate on the composition of the proposed special committee had increased the difficulties. It appeared that, if the revised draft resolution were adopted, the Sixth Committee would have the time to find a formula which would make it possible to implement the General Assembly's decision. He was glad to note that the United Kingdom and Canadian representatives appeared to be agreed on that point.

4. Mr. PERERA (Ceylon) wished to make some modifications in the revised draft resolution to take account of the suggestions offered at the previous meeting. He would accordingly propose that the word "nature" should be deleted from the third preambular paragraph and would suggest that the same should be done in the Philippine amendment, and also that the words "1 July" should be replaced by the words "1 June". With those alterations, the Philippine amendment would be acceptable to the sponsors of the draft resolution.

5. Mr. RODRIGUEZ (Philippines), explaining further the reasons for his amendment, said that the views and recommendations of Governments—and not merely of jurists—on the form and contents of the proposed yearbook would serve as a practical and specific basis for study and fruitful discussion at the seventeenth session. Moreover, all Governments, and not only a chosen few, as would happen in the case of a committee, could avail themselves of the opportunity to present their observations on the question. He accepted the suggestion made by the representative of Ceylon.

6. Mr. GLASER (Romania) recalled that the idea of a juridical yearbook which had been put forward by the representative of Ceylon in the Sixth Committee at the thirteenth session (553rd meeting, paras. 29 and 30), had been prompted by the need to strengthen the activities of the United Nations in the sphere of international law. The idea itself had been unanimously approved in General Assembly resolution 1291 (XIII); the difficulties related solely to its implementation. It was legitimate to hope that the new effort the Com-

mittee was preparing to make would provide a basis for substantive decisions, especially, as there had, on both sides, been a demonstration of a genuine desire to attain the common goal. For that reason, his delegation would vote for the draft resolution.

7. Mr. MAURTUA (Peru) regretted that the formula of a special committee, which would have opened the way to progress, had had to be set aside owing to the objections of a political character which the question of the committee's composition had raised. The revised draft resolution represented the minimum acceptable to his delegation. The Philippine amendment offered some improvement in giving Governments an opportunity to express their views. His delegation would therefore vote for the draft resolution with that amendment.

8. Mr. DADZIE (Ghana) recalled that his delegation had, at the fourteenth session, submitted to the Committee an amendment^{1/} proposing that the views of Governments and juridical bodies should be sought on the purpose to be served by the yearbook, but that suggestion had had to be abandoned. The Philippine amendment had the same goal in view, and his delegation would therefore support it.

9. The Chairman put to the vote the joint revised draft resolution (A/C.6/L.477/Rev.1 and Rev.1/Add.1) and the Philippine amendment (A/C.6/L.478), as they had been amended.

The revised draft resolution (A/C.6/L.477/Rev.1 and Rev.1/Add.1) and the Philippine amendment (A/C.6/L.478), as amended, were adopted unanimously.

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) (continued)*

10. Mr. REIS (United States of America) felt that, in view of the rapid growth of the United Nations and its activities, the General Assembly should ensure that the relations between the Organization and the various members of the United Nations family should be governed by effective procedures. The Economic and Social Council had recognized that fact in resolution 800 (XXX) which recommended the adoption of a draft resolution under which the Assembly would decide to ensure that prior consultations had taken place with the specialized agency or agencies concerned before adopting any project or proposal relating to matters of direct concern to such agency or agencies.

11. Such consultations were particularly necessary when the decision to be taken by the Assembly directly concerned the programme of work of a specialized agency; in the past, resolutions adopted by the Assembly had, in some cases, proved difficult to implement, because there had been no prior discussion with the specialized agency concerned.

12. His delegation considered that, if the General Assembly wished to ensure the proper implementation of its resolutions, it should adopt a provision similar to rule 80 of the Economic and Social Council's rules of procedure. It would, he believed, be preferable to incorporate such a provision in its rules of procedure rather than to adopt an independent resolution, as the Council had recommended.

13. It was, however, essential to avoid any action that might hamstring the General Assembly by giving the specialized agencies what was in effect a right of veto. The Assembly should merely provide for a consultative process without making any action it might take contingent upon prior agreement with the specialized agencies concerned. He would therefore suggest the deletion of the concept "to ensure that" as used in Council resolution 800 (XXX), since it went beyond the terms of rule 80 of the Council's rules of procedure.

14. The provision to be included in the General Assembly's rules of procedure should be based solely on the first two paragraphs of rule 80 of the Economic and Social Council's rules of procedure, since paragraph 3 was superfluous in the present context. The adoption of that simple procedure, under which the Secretary-General would consult the specialized agencies concerned and report to the Assembly, would be sufficient to avoid duplication and to ensure the effectiveness of decisions taken by the central organ of the United Nations.

15. Mr. TAMMES (Netherlands) recalled that, under Article 63 of the Charter, co-ordination between the United Nations and the specialized agencies had been entrusted in the first place to the Economic and Social Council, whose Co-ordination Committee was fulfilling an essential task.

16. The United Nations had concluded relationship agreements with the specialized agencies and with the International Atomic Energy Agency. Most of the specialized agencies had adopted rules of procedure providing for prior consultation before taking action on matters of concern to each other. The Economic and Social Council had a corresponding provision in its rules of procedure (rule 80), but the General Assembly had not, which was contrary to the principle of reciprocity. The Economic and Social Council's recommendation therefore would seem to be justified and involved no infringement of the sovereignty of the supreme organ of the United Nations.

17. Nevertheless, instead of adopting a resolution as the Council had recommended (A/4415, para. 645), the Assembly might well introduce into its own rules of procedure a new rule similar to rule 80 of the Economic and Social Council's rules of procedure, omitting paragraph 3 whose binding effect would present certain difficulties in the case of the General Assembly.

18. Such a solution would improve the existing co-ordination between the United Nations and the specialized agencies, would meet the wishes of the organizations to which the United Nations was bound by reciprocal agreements, would be in harmony with an existing provision, and would satisfy those delegations which had voted at the Economic and Social Council's thirtieth session for an amendment designed to make the Council's recommendation somewhat less rigid.^{2/}

^{1/} Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 57, document A/4312, para. 7.

*Resumed from the 663rd meeting.

^{2/} See E/AC.24/SR.199.

19. Mr. USTOR (Hungary) observed that, in the light of the documents before the Committee, it was reasonable to ask why the Economic and Social Council had made its recommendation and, if there were defects in the co-ordination of the activities of the General Assembly, whether the cure the Council proposed was not more harmful than the disease.

20. With regard to the first question, his research had gone back only to the statement made at the Council's thirtieth session by the representative who had initiated the recommendation in question and who had said that, in recent years, embarrassing situations had several times arisen as a result of the General Assembly's encroachment on the provinces of the specialized agencies;^{3/} he had done no further research, because he had thought that the delegations which had supported the recommendation in the Council would undoubtedly explain their position in the Sixth Committee and that, in any event, it should be possible, if necessary, to prevent such embarrassing situations by far simpler methods than that proposed. His delegation had no objection to the co-ordination of the activities of the United Nations and the specialized agencies. Such co-ordination was absolutely essential from the point of view of efficiency and economy, but his delegation believed that co-ordination should be only a means of avoiding waste of any kind and not an end in itself.

21. A whole network of co-ordination was already in existence and included observers, offices and committees; it might perhaps be advisable to bring their activities under supervision. However, the Economic and Social Council's recommendation as he understood it related to the co-ordination of the activities of the General Assembly and those of the appropriate bodies of the specialized agencies. The adoption of the

recommendation would cause a delay of at least a year and perhaps two years or more in all matters covered by the proposed provisions, since the appropriate bodies of several specialized agencies did not meet annually. That was yet another objection to be added to those which had been raised by the representatives of India, Romania, Brazil, Saudi Arabia and Greece in the Third Committee (see A/C.6/L.469, annex) and with which he entirely agreed.

22. His delegation was therefore unable to accept the Economic and Social Council's recommendation, which would, if adopted, seriously impair the work of the General Assembly. The defects in co-ordination could easily be overcome by the concerted efforts of the Secretariat, delegations and, in particular, the observers of the specialized agencies, whose duty it was to indicate in due time if any action of the General Assembly might lead to embarrassing situations.

23. In the course of the present meeting, the United States representative had advanced some ideas which were not in accordance with the position taken by his delegation in the Economic and Social Council or with the Council's recommendation. Those ideas deserved further consideration and he reserved the right to revert to the matter when the United States proposals were submitted in writing.

24. Mr. NISOT (Belgium) asked what majority was required to amend a rule of the General Assembly's rules of procedure.

25. The CHAIRMAN said that rule 164 of the rules of procedure provided that the rules of procedure might be amended by a decision of the General Assembly taken by a majority of the Members present and voting, after a committee had reported on the proposed amendment.

The meeting rose at 12.25 p.m.

^{3/} See E/AC.24/SR.197.