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INTERIM COMMITTEE  
OF THE  
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ADVISABILITY OF ESTABLISHING A PERMANENT COMMITTEE OF THE GENERAL ASSEMBLY (document A 606)

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# ADVISABILITY OF ESTABLISHING A PERMANENT COMMITTEE OF THE GENERAL ASSEMBLY

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## I. Introduction

1. By its resolution 111 (II) of 13 November 1947 establishing the Interim Committee, the General Assembly as a complement to the various tasks entrusted to the Committee, instructed it, (paragraph 2 (f)), to report to the next regular session on the advisability of establishing a permanent committee to perform the duties of the Interim Committee.

2. As was done for the other tasks entrusted to it, the Interim Committee, on 15 March 1948, established a special sub-committee to study this question.

3. The present report is the report of the Interim Committee under paragraph 2 (f) of resolution 111 (II). It embodies, for consideration by the General Assembly, the recommendations of the Interim Committee on the advisability of establishing a permanent committee of the General Assembly. It also includes a brief review of the tasks accomplished by the Interim Committee, in virtue of the resolution of 13 November 1947, during the period between the closing of the second regular session and the opening of the third session.

### A. ORGANIZATION OF THE INTERIM COMMITTEE

4. In accordance with the resolution of the Assembly, the Secretary-General, on 5 January 1948, convened the first meeting of the Interim Committee at the interim headquarters.

5. After the opening statement by the Secretary-General, the Interim Committee elected its officers as follows:

*Chairman:* Mr. Padilla Nervo (Mexico),

*Vice-Chairman:* Mr. Fernand van Langenhove (Belgium),

*Rapporteur:* Mr. Nasrollah Entezam (Iran).

6. Subsequently, the Interim Committee adopted its rules of procedure and, after a general discussion on its terms of reference, decided to organize its work by establishing sub-committees to prepare the various tasks entrusted to the Committee by the General Assembly.

### B. REVIEW OF THE WORK OF THE INTERIM COMMITTEE

7. In order to assist the General Assembly in determining the advisability of re-establishing the Interim Committee, the

action taken by the Committee in fulfilment of the tasks entrusted to it is briefly reviewed below.

#### (a) *Matters specifically referred to the Committee by the General Assembly*

8. Two questions were referred to the Interim Committee under paragraph 2 (a) of General Assembly resolution 111 (II):

(i) The problem of voting in the Security Council (resolution 117 (II) of 21 November 1947)

On 15 March 1948, after a general discussion on this problem, the Interim Committee established a sub-committee (Sub-Committee 3) consisting of seventeen members to study the question and all proposals relating to it.

The results of the work performed by Sub-Committee 3 and its recommendations were considered by the Interim Committee during its fifteenth to nineteenth meetings, at the end of which the Committee approved its report to the General Assembly on the question (A/578). The report on this particular part of the work of the Interim Committee appears under item 17 (a) in the provisional agenda of the third session.

(ii) Consultation by the United Nations Temporary Commission on Korea with the Interim Committee (resolution 112 (II) of 14 November 1947)

The Interim Committee devoted six meetings to the consideration of the questions brought before it by the United Nations Temporary Commission on Korea. The report of the Interim Committee on the consultation (A/583) will be submitted to the General Assembly under item 16 (b) of the provisional agenda.

(b) *Consideration of disputes and situations which, by virtue of Articles 11, 14 and 35 of the Charter, may be proposed for inclusion in the agenda of the General Assembly*

9. At the time of the adoption of the present report, the Interim Committee had not had occasion to perform the duties assigned to it under paragraph 2 (b) of resolution 111 (II).

(c) *Study of methods for the promotion of international co-operation in the political field*

10. After allowing six weeks for the submission of proposals under paragraph 2 (c) of resolution 111 (II), the Interim Commit-

tee on 2 March 1948 held a general discussion on the various proposals submitted up to that date and established a sub-committee (Sub-Committee 2) consisting of fifteen members to study the question of the implementation of paragraph 2 (c).

The report to the General Assembly on the study of methods for the promotion of international co-operation in the political field (A/605) appears as item 19 in the provisional agenda.

(d) *Summoning of a special session of the General Assembly*

11. No occasion arose requiring the Interim Committee to perform the special duty assigned to it under paragraph 2 (d) of General Assembly resolution 111 (II).

(e) *Conduct of investigations and appointment of commissions of inquiry*

12. At the time of the adoption of the present report, the Interim Committee had not had occasion to perform the duties assigned to it under paragraph 2 (e) of resolution 111 (II).

(f) *Advisability of establishing a permanent committee of the General Assembly*

13. After having discussed the findings and recommendations submitted by its special sub-committee (Sub-Committee 4) on the advisability of establishing a permanent committee, the Interim Committee submits the present report for consideration by the General Assembly.

## II. Continuation of the Interim Committee

### A. WORK OF SUB-COMMITTEE 4

14. By its resolution of 9 January 1948 (A/AC.18/10), the Interim Committee decided to establish, as of 15 March 1948, a Sub-Committee entrusted with the following mandate:

"(1) To study and make recommendations on the advisability of establishing a permanent committee of the General Assembly to perform the duties of the Interim Committee as stated in resolution 111 (II) of 13 November 1947, with any changes considered desirable in the light of experience;

"(2) To prepare and submit to the Interim Committee, not later than 1 July 1948, a preliminary report of its findings and recommendations with a view to receiving further instructions from the Interim Committee in the preparation of a final report before the next regular session of the General Assembly;

"(3) In the performance of the foregoing duties, to observe and evaluate the current operation of the Interim Committee; prepare and study the techniques and procedures which the Interim Committee might use in the preparation of political and security matters for a special session, or for the

next regular session of the General Assembly; and to review *inter alia* the experience gained to date in the preparation of political and security matters placed before previous Assembly sessions."

15. Accordingly, on 15 March 1948, the Interim Committee appointed the following members to constitute Sub-Committee 4: Afghanistan, Bolivia, China, Costa Rica, Egypt, El Salvador, France, Haiti, Iraq, Netherlands, Pakistan, Panama, Philippines, Union of South Africa, United Kingdom, United States of America, Uruguay. Mr. de Beus (Netherlands) and Mr. Ingles (Philippines) were elected Chairman and Rapporteur, respectively.

16. On the same date, the Interim Committee decided to refer to Sub-Committee 4 the proposals submitted by the Dominican Republic on the credentials of representatives on the Interim Committee (A/AC.18/40) and by Belgium on the advisability of authorizing the Interim Committee to request advisory opinions of the International Court of Justice (A/AC.18/44 and Add.1). Pursuant to a directive from the Committee, the representatives of Belgium and the Dominican Republic were invited to participate in the discussion of their respective proposals in the Sub-Committee.

17. Sub-Committee 4 held its first meeting on 17 March 1948 and, after a general discussion, adjourned until 30 March to allow for the submission of concrete proposals.

18. At its second meeting, the Sub-Committee approved an outline of work prepared by its Chairman (A/AC.18/SC.4/1) and decided that its preliminary study of the functions which could usefully be performed by a permanent committee of the Assembly should be carried out by two working groups, one to deal mainly with "preparatory functions" (Working Group 1), and the other with "implementation functions" (Working Group 2). It was agreed further:

(1) That, in order to assist the working groups and the Sub-Committee itself in their task, the Secretariat would be instructed to prepare studies on the experience gained to date in the preparation of political and security matters placed before previous Assembly sessions and on the terms of reference of the Interim Committee, as well as to supply information on the credentials of permanent representatives and on the cost of the Interim Committee;

(2) That the task of observing and evaluating the current operation of the Interim Committee would be carried out by the Chairman of Sub-Committee 4 and its Rapporteur, in collaboration with the Chairman and Rapporteur of the Interim Committee and the officers of the other sub-committees (in order to facilitate their task,

informal summary records of all meetings of sub-committees were communicated by the Secretariat to all these officers);

(3) That the basic question whether to recommend the establishment of a permanent committee would be considered at the conclusion of the work of the Sub-Committee.

19. Working Group 1, on preparatory functions, was composed of the following members: Bolivia, China, the Netherlands and Uruguay. It held seven meetings and submitted its report to the Sub-Committee on 10 June 1948 (A/AC.18/SC.4/6).

20. Working Group 2, on implementation functions, was composed of the following members: France, Haiti, the Philippines and the United States of America. It held four meetings and submitted its report on 3 June 1948 (A/AC.18/SC.4/5).

21. In compliance with the requests of the Sub-Committee and its working groups, the Secretariat prepared the following memoranda:

(1) Preparation of political and security matters placed before previous sessions of the General Assembly (A/AC.18/58);

(2) Study of the experience gained to date in the preparation of political and security matters for the General Assembly (A/AC.18/59);

(3) Study of the terms of reference of the Interim Committee (A/AC.18/SC.4/3);

(4) Permanent delegations to the United Nations (A/AC.18/SC.4/4).

In addition, the Secretariat submitted orally certain budgetary information relating to the Interim Committee.

22. On 17 June 1948, at its third meeting, Sub-Committee 4 resumed its work and, on the basis of the information submitted to it by its Chairman, the two working groups and the Secretariat devoted nine additional meetings to a thorough examination of the question of the advisability of establishing a permanent committee of the General Assembly and of the duties that should be performed by such a committee. Its report on the subject to the Interim Committee was adopted at its eleventh and last meeting on 13 July 1948.

## B. WORK OF THE INTERIM COMMITTEE

23. On 28 July 1948, at its twenty-second meeting, the Interim Committee took up consideration of the report of its Sub-Committee 4.

24. It was noted that the Committee had had to suspend its activities for a considerable time because of the meeting of the second special session of the General Assembly, and that it had not so far been called upon to perform one of the duties

assigned to it, namely to consider and report on important political matters which might be proposed for inclusion in the agenda of the General Assembly (paragraph 2 (b) of resolution 111 (II)).

25. The Committee noted with regret the absence of those Member States which had failed to send representatives to participate in its work. It was hoped that a perusal of the records of the proceedings of the Committee and its sub-committees would remove any apprehension that the Interim Committee would encroach upon, or bypass, the Security Council. The Committee was of the opinion that, while it had functioned effectively, the value of its work would be enhanced if all Members of the General Assembly were to participate in its deliberations.

26. The Interim Committee was agreed that its activities since the closing of the second regular session of the Assembly have given convincing evidence of the practical and general usefulness of such a subsidiary organ of the Assembly, and have justified the Assembly's decision in creating it, in particular:

(a) By its consideration of problems specifically referred to it by the General Assembly, namely:

(i) The problem of voting in the Security Council. On this difficult question the Interim Committee rendered possible a most extensive exchange of views among Members, and the examination of the practical issues involved in the voting in the Security Council. This resulted in the formulation of concrete recommendations which are included in the Committee's report on the subject (A/578);

(ii) The consultation by the United Nations Temporary Commission on Korea, through which the advice of the United Nations was obtained in a convenient and inexpensive manner, and which may have rendered unnecessary the calling of a special session of the Assembly:

(b) By initiating studies of methods to be adopted by the General Assembly for the maintenance of international peace and security and the promotion of international co-operation in the political field. It was noted that the Interim Committee had, through its Sub-Committee 2, prepared the foundation of continuing studies which will undoubtedly serve to assist the General Assembly in the fulfilment of its political duties.

27. Although its experience was still limited in scope and duration, the Committee was aware of the fact that it had to take into account not only the present experience of an interim committee of the General Assembly, but also the previous experience of the Assembly itself. It was the general feeling that the full exercise

and development of the powers which the Interim Committee now possesses would assist the General Assembly and thereby strengthen the United Nations and contribute to its sound and orderly development.

28. At the conclusion of its work, the Committee agreed unanimously to recommend to the General Assembly that the Interim Committee be continued. It was observed that this recommendation should indicate the opinion that the Interim Committee should be continued at least for another experimental year after the third regular session. It was said that, at the end of that year, the Assembly would be in a better position to determine whether the Interim Committee should be established on a permanent basis. However, in order to leave the decision entirely to the Assembly itself, the Committee agreed unanimously to formulate its recommendation on the continuation of the Interim Committee by referring only to a "further period to be determined by the General Assembly".

29. The Interim Committee found difficulty in reaching complete agreement on the specific fields of activity in which the Committee would in the future be authorized to function.

(a) There was general agreement that the Interim Committee should be vested with substantially all the powers laid down in resolution 111 (II).

(b) There were, however, differences of opinion as to whether its activities should be extended beyond the field of political and security matters, and if so, to what extent.

Consequently, in order to facilitate the discussion of the matter by the General Assembly, the present report includes in part III a review of the duties and functions which it was generally agreed should be performed by the Interim Committee. Part IV contains the views expressed and the suggestions made with regard to the fields of activity within which the Interim Committee might exercise such functions.

The conclusions reached by the Committee in the course of its work are listed in part VI.

### III. Duties and functions of the Interim Committee

30. The Committee agreed that the three main duties of an interim committee established as a subsidiary organ to assist the General Assembly in the performance of its functions should remain basically the same as those defined in resolution 111 (II) namely:

(1) To prepare the work of the General Assembly by carrying out a preliminary consideration of important matters which may be proposed for inclusion in the

agenda of the Assembly, or which may be referred to the Committee for study prior to their further consideration by the Assembly;

(2) To supplement the action of the General Assembly by performing functions relating to implementation of General Assembly resolutions. The General Assembly might, for example, deem it useful to authorize the Interim Committee, in specific cases, to give advice to *ad hoc* committees or commissions of the Assembly at their request, or to observe, encourage and report on the carrying out of certain Assembly resolutions;

(3) To initiate and continue systematic studies on methods to be considered and adopted by the General Assembly in implementation of its political duties under Articles 11 and 13 of the Charter.

#### A. PREPARATORY FUNCTIONS

31. The Committee agreed that one of the potential functions of the Interim Committee should be to assist the General Assembly by relieving it of as much preparatory work as possible. With respect to preparatory functions, the Interim Committee was of the opinion that the greater the amount of preparatory work it performed, the greater would be the saving in work, time and cost for the General Assembly.

32. It was recognized that this function would be particularly valuable in connexion with matters which might be proposed for inclusion in the agenda of the Assembly. Although the Committee has not yet exercised this function in respect of such matters, it is well designed to permit calm and thorough preparatory consideration of matters requiring preliminary study. Its work is intended to facilitate the task of the Assembly and presumably to reduce the volume of its debates and therefore the length of its sessions.

33. Moreover, it was said that the same advantages would also result from consideration by the Interim Committee of specific matters referred to it for study in preparation for their further consideration by the Assembly, in particular, in respect of matters which require a more prolonged study than is possible during one session, as for instance the task accomplished on the problem of voting in the Security Council.

#### *Formulation of draft resolutions*

34. The Committee felt it desirable to emphasize that such preparatory work as may be undertaken by the Interim Committee should be understood to include, as and when practicable and advisable, the formulation of draft resolutions. It was pointed out that nothing in the provisions of resolution 111 (II) would seem to prevent the Interim Committee, if it desired

to do so, from inserting in its report a draft resolution for consideration by the General Assembly or one of its Main Committees. This procedure might make possible a discussion and vote in plenary meeting without previous reference to one of the Main Committees, if the General Assembly should consider that the matter had been sufficiently prepared. Even if the matter were referred to a Committee, the discussion there should be substantially shortened as a result of the preparatory work carried out by the Interim Committee. Moreover, the Committee was of the opinion that such a procedure would, on the basis of draft resolutions, facilitate consultation between delegations, and between delegations and their respective Governments, as well as facilitating the formulation of carefully weighed conclusions.

35. In this connexion, the Committee suggests that, whenever the Interim Committee may consider it advisable to complete its preparatory work with conclusions, including draft recommendations or resolutions for consideration by the General Assembly, its reports should also include, on the request of any member of the Interim Committee:

(a) The conclusions, recommendations or draft resolutions formulated by the minority of the Committee, or which were put to the vote in the course of the consideration of any matter; and

(b) Any qualifying considerations, explanations of votes or reservations and observations made by the members of the Interim Committee at the time of the adoption of the reports.

#### B. FUNCTIONS RELATING TO THE IMPLEMENTATION OF RESOLUTIONS OF THE GENERAL ASSEMBLY

36. The Committee generally agreed that the Interim Committee should continue to have, as one of its main duties, functions relating to the implementation of General Assembly resolutions. It was recalled that such a duty was conferred upon the Interim Committee by the Assembly, on the one hand, by that provision of resolution 111 (II) instructing the Committee (paragraph 2 (a)) to "consider and report, with its conclusions... on such matters as have been referred to it by the General Assembly"; and on the other hand, by the authority given to the Committee by the Assembly when the latter resolved (resolution 112 (II)), that the United Nations Temporary Commission on Korea "may consult with the Interim Committee... with respect to the application of this resolution in the light of developments".

37. The Committee agreed that, in principle, the Interim Committee should have the power to receive reports from and give advice to *ad hoc* committees and commis-

sions established by the General Assembly concerning the application of specific resolutions of the Assembly.

It was recognized that, in referring any matter to the Interim Committee, the Assembly would not fail to give it the appropriate instructions and that, therefore, the mandate of the Committee would be defined clearly enough under terms similar to those used in paragraph 2 (a) of resolution 111 (II). However, it was agreed further that it would be very desirable that the initiative for a consultation should be left with the *ad hoc* body concerned, and that the mandate of the Interim Committee should be supplemented by a specific provision to be incorporated in each of the relevant resolutions with regard to which the Assembly might consider it advisable to authorize consultation with the Interim Committee. In particular, this would enable the General Assembly to elaborate more fully its instructions to the Interim Committee in each particular case.

38. On the question of the form in which an opinion or advice expressed by the Interim Committee should be communicated, the Committee noted that, on the occasion of the consultation by the United Nations Temporary Commission on Korea, the reply of the Interim Committee was made known through a resolution supplemented by a letter from the Chairman of the Interim Committee to the Chairman of the Temporary Commission. This letter set forth the main considerations on which the advice of the Committee had been based, in addition to those mentioned in the resolution, and was accompanied, for information, by the summary records of the relevant debates.

It was agreed that the form in which advice, a consultative opinion or reply might be given by the Interim Committee in pursuance of a resolution of the Assembly authorizing such assistance, although it would normally take the form of a resolution, should be left to the wisdom of the Interim Committee.

39. The Committee also examined the question whether the functions of the Interim Committee should include the power to observe and encourage the implementation by States concerned of resolutions of the General Assembly.

It was generally recognized that, although it might be desirable in general that some systematic and periodic observation should be carried out regarding the implementation of at least certain important resolutions of the Assembly, it would be preferable not to include any specific provision to that effect in the terms of reference of the Interim Committee, but to leave it to the Assembly to select those resolutions on which it might desire reports to be made by the Interim Committee.

40. As a result, the Committee agreed that a specific provision should be included in each appropriate resolution with regard to which the Assembly might deem it advisable that the Interim Committee should, between two regular sessions, be available for consultation by the body concerned; or with regard to which the Assembly might deem it desirable for the Interim Committee to observe, encourage and report on implementation of the given resolution. Such a provision could be based on one or other of the models given below :

(1) "...

"Resolves that the (Commission, Committee or generally the *ad hoc* body established by other provisions of the resolution in question, or the organ responsible under the terms of that resolution for carrying out the task or tasks set forth in the same resolution) is authorized, as it may deem practicable, useful and advisable, to consult with the Interim Committee of the General Assembly with regard to the application of the present resolution or part thereof "

(2) "...

"Instructs the Interim Committee, as it deems practicable and advisable, to observe and encourage the implementation of the present resolution and report to the fourth regular session of the Assembly."

41. During its study of the functions of the Interim Committee relating to the implementation of General Assembly resolutions, it was recognized that the Interim Committee might find it necessary to interpret the relevant provisions of such resolutions. It was agreed that the Interim Committee was entitled to do so.

#### C. STUDY FUNCTION RELATING TO METHODS FOR THE PROMOTION OF INTERNATIONAL CO-OPERATION IN THE POLITICAL FIELD

42. As indicated in paragraph 26 (b) above, the Interim Committee agreed that a most valuable and useful task had been accomplished in initiating studies of methods to be adopted by the General Assembly in implementation of its duties under Articles 11 (paragraph 1), and 13 (paragraph 1 (a)), of the Charter. The work undertaken by the Committee, in accordance with paragraph 2 (c) of resolution 111 (II), included the consideration of specific proposals and the formulation of a long-range study programme.

43. As a result, the Interim Committee recommended the adoption of specific measures to facilitate and improve the use of procedures for pacific settlement,<sup>1</sup> as follows :

(a) Resolution to enable full effect to be restored to the General Act for the Pacific Settlement of International Disputes, 1928;

(b) (i) Amendments to the rules of procedure of the General Assembly providing for the appointment of a rapporteur or conciliator for any question placed on the agenda under Article 11 (paragraph 2) of the Charter;

(ii) Resolution containing suggestions to the Security Council relating to the performance of conciliation functions by a rapporteur or conciliator of the Council;

(c) Resolution relating to the establishment of a panel for inquiry and conciliation.

It was recognized that the work of the General Assembly, in considering the general principles for the maintenance of international peace and security and in the systematic promotion of international co-operation in the political field, had barely begun. In devising methods by which the General Assembly may carry out these provisions of the Charter, the Interim Committee will have occasion to consider a wide variety of subjects in addition to the pacific settlement of disputes.

44. With regard to the long-range study programme, the Interim Committee observed that, while, the proposals actually submitted to it fell within the field of pacific settlement of disputes, its studies were not limited to this field. The Committee therefore recommended to the General Assembly (A/605, paragraph 64) :

(a) That the long-range programme for examining existing procedures and machinery of pacific settlement, adopted by the Committee, should be vigorously carried through to completion;

(b) That, in its opinion, this programme should lead to the further development of pacific settlement procedures for use by the United Nations and by Member States;

(c) That this programme should be considered as the beginning of a long-range programme of study leading to the development of all aspects of international co-operation in the political field.

45. The Interim Committee concluded that the function of initiating and continuing systematic studies of the responsibilities of the General Assembly under Articles 11 (paragraph 1), and 13 (paragraph 1 (a)), of the Charter alone amply justifies the continuation of the Interim Committee. The Committee agreed that the studies carried out during the first experimental year should be actively pursued. It was also agreed that this task could be best accomplished by an organ such as the Interim Committee, on which all Members of the General Assembly were entitled to be represented.

<sup>1</sup> See A/605, paragraph 63, and Annexes I to IV inclusive.



#### D. AUTHORITY TO REQUEST ADVISORY OPINIONS OF THE INTERNATIONAL COURT OF JUSTICE

46. After a thorough consideration of the Belgian proposal (A/AC.18/44 and Add.1) the Committee generally agreed that the Interim Committee, under Article 96 (paragraph 2) of the Charter, could and should be empowered to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities.

47. Concern was expressed as to the difficulties that might arise in case the Interim Committee requested an advisory opinion from the Court without a reasonable expectation that the opinion would be forthcoming before the Interim Committee had to report to the following regular session of the General Assembly. It was also said that the power to call on the Court might be more properly left to the Assembly itself, all the more so because in urgent cases it might not be possible to wait for an answer from the Court before the Interim Committee adjourned. However, it was recognized that the Assembly should be able to rely on the wisdom of the Interim Committee.

The following considerations were expressed :

(1) The Interim Committee, following the successful practice of the League of Nations organs, could, when requesting an advisory opinion, draw the Court's attention to the urgent character of the matter at issue. The Committee stressed the desirability of resorting to such a practice;

(2) If the opinion of the Court were not available before the Committee had to report to the General Assembly, it could include in its report alternative recommendations to take into account the various possible answers from the Court;

(3) In its consideration of a report emanating from the Interim Committee, the Assembly would not fail to take note of the fact that a request for an advisory opinion of the International Court of Justice was pending.

#### IV. Fields of activity of the Interim Committee

##### A. POLITICAL AND SECURITY MATTERS

48. The Committee agreed that the Interim Committee should continue to perform in this field basically the same functions as those entrusted to it during the first experimental year, including preparatory functions and functions relating to the implementation of resolutions as elaborated in part III of this report, and with the same safeguards and limitations as set forth in Assembly resolution 111 (II). In connexion with political matters, the Committee took

note of the studies made by the Secretariat on the preparation of such matters placed before previous Assembly sessions.<sup>1</sup>

49. In this connexion it was reaffirmed, as a matter of primary importance, that in discharging its duties the Interim Committee should at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils, or to any committee or commission, and that the Interim Committee should not consider any matter of which the Security Council is seized.

##### B. ADMINISTRATIVE AND BUDGETARY MATTERS

50. Some members were of the opinion that the Interim Committee should try to relieve the overburdened sessions of the General Assembly of as much work as possible and, consequently, that it would be advisable for the Interim Committee to be empowered to perform its functions not only with regard to political and security matters, but also in respect of administrative and budgetary matters. Since the Interim Committee would still be in an experimental stage, it would thus have the opportunity to demonstrate its possible effectiveness in these fields of activity.

51. These members considered that neither the provisions of the Charter nor the rules of procedure of the General Assembly need prevent it, if it should deem fit to do so, from entrusting to a subsidiary organ, such as the Interim Committee, the preparation of its work in the field of administrative and budgetary matters, or part thereof. They were of the opinion that there was no insuperable objection to conferring such powers upon the Interim Committee.

52. It was further stated that it would be a mistake to oppose the extension of the powers of the Interim Committee to include administrative and budgetary matters on the ground that this would be a change in the existing structure of the Organization. It was contended that the machinery of the United Nations, as at present in operation, need not remain fixed. The Interim Committee was sufficiently well adapted to consider general administrative problems, and it would be able to counsel the General Assembly with regard to the efficient functioning of the Organization. As the Fifth Committee would not be in session at the same time as the Interim Committee, there was no reason to fear any possible conflict of authority between the two Committees.

53. It was also stated that the Advisory Committee on Administrative and Budgetary Questions was a body of experts who

<sup>1</sup>See paragraph 21.

did not represent Member States. If emergencies arose during the recess of the Assembly, the Interim Committee would be available and it should be empowered to give its opinion on administrative and budgetary matters.

54. It was emphasized that the purpose of conferring such powers upon the Interim Committee was to enable it to study important problems of financial policy.

55. On the basis of the above considerations, the members in favour of the extension to this field of activity of the powers of the Interim Committee came to the following conclusions :

(1) The Interim Committee would carry further the task of assistance to the Assembly by relieving it of more preparatory work;

(2) There would be continuously available a body with which both the Secretary-General and the Advisory Committee could consult whenever they required an expression of the views of the Members of the United Nations on matters of great importance or on questions of principle or policy;

(3) Such a body could, on the instructions of the General Assembly, exercise functions which could not be exercised by the Advisory Committee in view of its non-representative character. It was stressed, in that connexion, that the Advisory Committee can neither speak authoritatively on behalf of the Members of the United Nations when necessary, nor carry out the preparation of administrative and budgetary matters for the Assembly as extensively as could a fully representative committee.

56. The same members, however, pointed out that appropriate limitations should be included in the terms of reference of the Interim Committee in order to prevent any possible overlapping with the duties of other organs, or with those of the Secretary-General.

57. On the other hand, several members opposed the conferring of such powers upon the Interim Committee even with proper limitations. While recognizing that it was for the General Assembly itself to determine the range of questions it would refer to the Interim Committee, these members felt, as had been expressed during the second regular session, that the reference to the Interim Committee of matters other than those of a political character would be contrary to the spirit of Assembly resolution 111 (II) establishing the Interim Committee, since the preamble of that resolution invokes the duties of the General Assembly under Articles 11, 13, 14 and 35 of the Charter as the justification for the establishment of the Committee. These members recalled that the main reason which had motivated the creation of this subsidiary organ was to relieve the over-

loaded agenda of the First Committee and to assist the General Assembly in the performance of its political duties under the Charter. In view of the present conditions of international relations, it was to be expected that this situation was likely to last for some time and, therefore, it was in the political field more than in any other that the Assembly required the assistance of the Interim Committee.

58. Moreover, they considered that the intention of the General Assembly supported that opinion, particularly in view of the discussions which took place during the second regular session in the First Committee and its Sub-Committee 1 as well as in the Fifth Committee with regard to proposals for the extension of the powers of the Interim Committee, and in view of the definite recommendation made by the Assembly in paragraph 3 of resolution 111 (II), referred to in paragraph 49 above. Since, after considering that very problem, the Assembly itself did not pursue any such suggestion, these members felt it would be improper to act contrary to the opinion of the General Assembly.

59. The same members emphasized the practical impossibility of effecting any clear distinction between those administrative and budgetary matters which involve consideration of questions of policy or principle and those which involve the consideration of administrative and budgetary details. The Advisory Committee has found that it cannot express authoritative advice and mature conclusions on principles or policies without a thorough investigation of details. With respect to the suggested possibility that important budgetary questions requiring an urgent solution might arise during the interval between two regular sessions, it was considered that consultation would not be appropriate with a body of fifty-eight representatives who would in turn presumably wish to consult their respective Governments. As to the budget, these members considered that very little could be achieved by the Interim Committee in the limited interval between the conclusion of the consideration of the budget by the Advisory Committee and its submission to the General Assembly.

60. Consequently, these members were opposed to an extension of the powers of the Interim Committee to cover matters other than political and security matters. In their view, the introduction in the field of administrative and budgetary matters of a new organ would only lead to confusion of authority and duplication of work.

61. In view of the importance of the problem, the Committee sought the opinion of the Secretary-General and of the Chairman of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General sent his representative, while the Chairman of the Advisory Com-

mittee appeared in person. These two officials stated, and several members associated themselves with the arguments advanced by them, that the introduction into the existing United Nations machinery of a new organ to deal with administrative and budgetary matters could only lead to confusion. Summaries of the statements made by these officials are attached to the present report as annexes I and II.

62. For the same reason, and because various diverging views were strongly held on the question whether to extend the powers of the Interim Committee to include administrative and budgetary matters, the Committee finally decided that the matter should more properly be decided upon by the General Assembly itself and that no formal recommendation should be made at the present stage. It was consequently decided that the question would be submitted to the General Assembly and that the following suggestions presented to the Committee in the course of the discussions would be included in its report :

(a) That the Interim Committee should be given the general power to consider administrative and organizational matters including, whenever necessary, the consideration of those parts of the budget relating to these questions;

(b) That the Interim Committee should consider and report with its conclusions to the General Assembly on such administrative and budgetary questions as may be referred to it by the General Assembly or may be brought to its attention by any of its members, by the Secretary-General or by the Advisory Committee on Administrative and Budgetary Questions, and are included in its agenda by a simple majority vote of the members present and voting;

(c) That the Interim Committee should be empowered to consider and report on important administrative and budgetary matters, including the examination of the budget, whenever such matters are referred to it by the Assembly, by the Advisory Committee on Administrative and Budgetary Questions or by the Secretary-General, or are included in its agenda by a two-thirds majority vote of the members present and voting;

(d) That the Interim Committee should be empowered to consider and report only on important administrative and budgetary matters, requiring urgent consideration or involving a question of policy or principle, referred to it by the Assembly, the Advisory Committee or the Secretary-General. This would exclude annual and systematic examination of the budget and any right of initiative on the part of the members of the Interim Committee;

(e) That the *status quo* should be maintained ; that is, that the Interim Committee should not be empowered to discuss administrative and budgetary matters at all.

## C. LEGAL MATTERS

63. It was suggested that the Interim Committee could be used not only to relieve the General Assembly of part of its task, but as an organ through which the Members of the United Nations might express their views on legal matters or on the legal aspects of political questions. It was recalled that Sub-Committee 2 of the Interim Committee had been, for example, studying the advisability of restoring the full efficacy of the General Act of 1928 and that, in connexion with such matters, it might prove useful in general to utilize the Interim Committee as a means of obtaining a consensus of the views of Member States during the interval between two regular sessions.

64. The Committee considered, however, that it was not necessary specifically to empower the Interim Committee to deal with legal matters. This field of activity was the responsibility of the Sixth Committee of the General Assembly, which was not one of the most overloaded Committees. It was therefore concluded that the Interim Committee should not be empowered to consider and report on legal matters which might be proposed for inclusion in the agenda of the General Assembly.

65. However, the Committee also agreed that the general mandate of the Interim Committee to prepare matters either submitted for the agenda of the Assembly or referred to it by the latter, its duty to give advice to *ad hoc* committees and commissions with regard to certain resolutions of the General Assembly, and its function to observe, encourage and report on the implementation of specific Assembly resolutions, might require the Interim Committee on occasion to express an opinion on the legal as well as on the political aspects of such matters, and that the Interim Committee should be considered entitled to do so. Such an opinion might involve the interpretation of the relevant provisions of Assembly resolutions.

## D. ECONOMIC, SOCIAL, HUMANITARIAN, CULTURAL AND TRUSTEESHIP MATTERS.

66. The Committee agreed that there already existed organs of the United Nations competent to deal with economic, social, humanitarian and cultural, as well as with trusteeship matters or with matters arising within Chapter XI of the Charter, namely, the Economic and Social Council, the Trusteeship Council and the special committee on information transmitted under Article 73 e of the Charter.

Both Councils carry out their tasks under the authority of the General Assembly (Articles 60 and 85 of the Charter), and can therefore discharge preparatory functions for the Assembly. It was noted, further, that both Councils meet at least twice a

year between regular sessions of the General Assembly so that such matters need never remain longer than about three months without receiving consideration from a representative body.

With regard to matters arising within Chapter XI of the Charter, it was recalled that the General Assembly had, during its second regular session (resolution 146 (II)), constituted a special committee to examine the information transmitted under Article 73e of the Charter on the economic, social and educational conditions in the Non-Self-Governing Territories.

For these reasons an extension of the powers of the Interim Committee to these fields of activity was considered unnecessary for the time being and even undesirable, as it might give rise to conflicting jurisdictions.

## V. Other questions

### A. CREDENTIALS OF REPRESENTATIVES ON THE INTERIM COMMITTEE

67. The Committee considered the proposal submitted by the Dominican Republic. According to that proposal, the heads of permanent delegations at the seat of the United Nations should, in that capacity, be automatically entitled to represent their countries on the Interim Committee. This would provide for greater elasticity by making it unnecessary for each delegation to submit new credentials for each convocation of the Interim Committee. With regard to alternates and advisers, rule 10 of the rules of procedure of the Interim Committee stated that they could normally be designated by the appointed representative. Consequently, special credentials would only be required when a Member of the United Nations desired to send a special envoy. It was said that such a procedure, in addition to its practical usefulness, would induce all Governments to set up permanent delegations, which would be an important contribution to the work of the United Nations.

68. It was pointed out that the matter of credentials was properly one for the Governments concerned to decide for themselves. For example, in accrediting the head of a permanent delegation, it might be specified that, in the absence of notification to the contrary, he might act as representative on all organs or committees of the United Nations. The representative of the Dominican Republic made it clear, however, that the proposal submitted by his Government was intended to apply exclusively to the Interim Committee.

69. The Committee noted from the memorandum prepared by the Secretariat on permanent delegations to the United Nations (A/AC.18/SC.4/4) that not all Members had permanent delegations in New

York, that there was great variety in the functions performed by such permanent delegations as well as in the manner of accrediting the heads or chiefs thereof to the United Nations, and that permanent delegations as such have no recognized legal status under the Charter or under the rules of procedure of the various organs of the United Nations.

The Committee was sympathetic to the idea contained in the Dominican proposal. Nevertheless, it considered that the whole matter of credentials, particularly in relation to the credentials and status of the heads of permanent delegations, should be studied further before it would be possible to make appropriate recommendations with regard to the Dominican proposal.

70. The Committee however agreed to suggest that, should the Interim Committee be continued, no new credentials should be required for those representatives who were duly accredited during the first experimental year unless the Member Governments concerned desired to appoint a different representative. On this point, the representative of the Dominican Republic stated that in his opinion this exemption was intended to apply not to representatives as individuals, but in their capacity as heads of permanent delegations.

71. In connexion with the matter of credentials of representatives, the Committee considered the proposal submitted by the Bolivian delegation on permanent missions to the United Nations.

While the Committee generally recognized the value and interest of such a proposal, doubts were expressed as to whether the matter was properly within the terms of reference of the Interim Committee. The opinion was expressed that it was a matter which should be studied by the General Assembly itself, all the more so because in the limited time at its disposal the Interim Committee would not be in a position to devote to it the careful and thorough study it deserved. Consequently, it was decided that the Bolivian proposal should be submitted to the General Assembly as an annex<sup>1</sup> to the present report.

### B. BUDGETARY IMPLICATIONS RELATING TO THE INTERIM COMMITTEE

72. The Secretariat was requested to supply information on the cost of the Interim Committee and to prepare estimates on the possible savings that might be derived as a result of the work performed by this organ in doing preparatory work for the Assembly or in making it possible to avoid the calling of a special session of the Assembly.

73. The information supplied was necessarily tentative and somewhat hypothetical

<sup>1</sup> See Annex IV.

in nature. The Committee did not have the time to study this problem in detail and was not able, therefore, to formulate any conclusions regarding the financial cost of the Interim Committee and the possible savings that might result from its establishment.

## VI. Conclusions

74. The conclusions reached by the Interim Committee are reproduced hereunder.

(1) It was agreed unanimously to recommend that the Interim Committee be continued for a further period to be determined by the General Assembly (paragraphs 26 to 28).

(2) This conclusion was based on the conviction that the Interim Committee has, during its first year, performed very useful functions and justified the Assembly's decision in creating it, even though the Committee has not yet had an opportunity to perform one of the functions assigned to it, namely, to consider and report, with its conclusions, on certain important matters proposed for inclusion in the agenda of the General Assembly (paragraphs 31 to 45).

(3) The Committee was of the opinion that, while the Interim Committee has to date functioned effectively, the value of its work would be enhanced if all Members of the General Assembly were to participate in its deliberations (paragraph 25).

(4) It was agreed that the Interim Committee should be vested with basically the same powers as those laid down in General Assembly resolution 111 (II) of 13 November 1947. It was recognized that the three main duties of the Interim Committee should fundamentally remain the same as defined in the aforementioned resolution and enumerated in paragraph 50 of this report.

(5) The Committee was of the opinion that such preparatory work as might be undertaken by the Interim Committee should be understood to include, when practicable and advisable, the formulation of draft resolutions (paragraph 34).

(6) The Committee was also of the opinion that, with regard to functions relating to the implementation of resolutions of the Assembly, the general mandate empowering the Interim Committee to consider and report, with its conclusions, on such matters as might be referred to it by the General Assembly, would authorize it, on further specific instructions from the Assembly, either to receive reports from, and give advice to, *ad hoc* committees and commissions, or to observe, encourage, and report on the implementation of specified resolutions of the General Assembly (paragraphs 36 to 41).

(7) It was further agreed that the Interim Committee might be authorized by the

General Assembly to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities (paragraphs 46 and 47).

(8) It was agreed that the Interim Committee should continue to perform in the political field the same functions as those entrusted to it during the first experimental year (paragraphs 48 and 49).

(9) The Committee, after a thorough discussion of the question whether or not the competence of the Interim Committee should be extended to the field of administrative and budgetary matters, decided to submit the question to the General Assembly for consideration and decision (paragraphs 50 to 62).

(10) The Committee concluded that the Interim Committee should not be empowered to consider legal matters which might be proposed for inclusion in the agenda of the General Assembly. However, it was agreed that the general mandate of the Interim Committee might require it to express an opinion on the legal as well as the political aspects of matters under its consideration and that, therefore, the Interim Committee should be considered entitled to do so. This might involve the interpretation of the relevant provisions of the Assembly resolutions (paragraphs 63 to 65, and 41).

(11) The Committee concluded that there was no present need for its competence to be extended to include economic, social, cultural, humanitarian and trusteeship matters as such, nor to include questions arising within Chapter XI of the Charter (paragraph 66).

(12) The Committee considered that the whole matter of credentials, particularly in relation to the status and credentials of heads of permanent delegations, should be studied further before specific and substantive recommendations could be made with regard to the Dominican proposal (paragraphs 67 to 69).

(13) The Committee agreed, however, to suggest that, should the Interim Committee be continued, those representatives who were duly accredited during the first experimental year should not be required to present new credentials unless the Member Governments concerned desired to send a different representative (paragraph 70).

## VII. Proposed draft resolution of the General Assembly

75. In order to facilitate the task of the General Assembly, the Committee decided to attach as an annex to its report (Annex III), the text of a draft resolution on the re-establishment of the Interim Committee for a further period to be determined by the General Assembly.

Having completed its consideration of the matters before it the Interim Committee, at its twenty-ninth meeting, on 5 August 1948, decided to adjourn.

### Annex I

#### SUMMARY OF STATEMENTS MADE ON BEHALF OF THE SECRETARY-GENERAL CONCERNING THE PROPOSAL TO CONFER UPON THE INTERIM COMMITTEE FUNCTIONS IN THE FIELD OF ADMINISTRATIVE AND BUDGETARY MATTERS

The following observations were submitted on behalf of the Secretary-General by his representative :

(a) One of the reasons which motivated the establishment of the Interim Committee was the lacuna that existed in the organization of the Assembly. It was felt that additional machinery was required to assist the Assembly in fulfilling its political responsibilities under the Charter. Adequate machinery already existed to assist the Assembly in other fields : the Trusteeship Council for trusteeship matters, the Economic and Social Council for economic and social matters, and the Advisory Committee on Administrative and Budgetary Questions for administrative and budgetary matters ;

(b) The Advisory Committee had been set up during the first part of the first session of the General Assembly, and its functions had been laid down in the financial regulations of the Organization and in the rules of procedure of the Assembly. Both the financial regulations and the Assembly's rules of procedure were extensively revised during the second session and, therefore, unless there were overriding considerations that were neglected during these reviews or unless the situation had changed since last December, it was correct to assume that the General Assembly, in adopting these revised rules and financial regulations, had been of the opinion that the machinery provided for in them was adequate for the fulfilment of the Assembly's administrative and budgetary responsibilities.

(c) One problem in this field remained outstanding, i.e. the co-ordination of the United Nations programmes with those of the specialized agencies. The working group of Sub-Committee 4 quite rightly pointed out that the General Assembly had already initiated action to deal with this problem, and it would be under consideration during the third session.

(d) If, in spite of the above considerations, it was felt that the Assembly had not made adequate provisions for dealing with administrative and budgetary matters, it would be necessary, recognizing the complexity and technical nature of these matters, first to examine with thoroughness and great attention the experience of the Assembly to date in dealing with these matters through the existing machinery, in order not to make a recommendation to the Assembly without being in a position to point out the instances in which this machinery had proved ineffective. If such instances were found, it would then be necessary to consider whether the Interim Committee would be the appropriate body to meet such deficiencies or whether other measures might more appropriately be taken ;

(e) In considering whether the Interim Committee would be the appropriate body to meet these deficiencies, account would have to be taken of the difficulty that would be experienced by a body including the full membership of the Assembly in examining detailed problems of a technical nature. Such a body would necessarily be obliged, at an early stage, to establish a sub-committee for this purpose. The sub-committee would then be performing the same work as that performed by the Advisory Committee on Admin-

istrative and Budgetary Questions, whose functions were precisely those of undertaking such technical studies. The Advisory Committee, as the expert instrument established by the Assembly for the preparation of administrative and budgetary matters, assists the Fifth Committee on such matters in the same way as a sub-committee would assist the Interim Committee, and the reports of the Advisory Committee are revised by the Fifth Committee on which all fifty-eight Members are represented ;

(f) If this duplication of function between the Advisory Committee and a special sub-committee were avoided by making the Advisory Committee a subsidiary organ of the permanent committee, this would, in turn, confuse the relations of the Advisory Committee with the Fifth Committee and, at the same time, establish a complicated procedure according to which matters would first be prepared by the Advisory Committee, further considered by the Interim Committee, reconsidered by the Fifth Committee and, finally, referred to the General Assembly for approval ;

(g) Under such a procedure it would seem difficult, if not impossible, to determine clearly a precise field in which the Interim Committee might function without producing a confused overlapping with the technical functions which only the expert Advisory Committee could perform. This would also place the Fifth Committee in an embarrassing position vis-a-vis the Interim Committee and the Advisory Committee.

The occasion for confusion would not only arise from these overlapping functions, but from the increased number of authorities to which the Advisory Committee and the Secretariat would be responsible. The Advisory Committee would be responsible both to the Interim Committee and to the Fifth Committee ; and the Secretariat would be responsible to the Advisory Committee, the Interim Committee and the Fifth Committee. It was obvious that such an arrangement would not make for administrative efficiency. It would impose heavy difficulties upon the Secretary-General in the performance of his responsibilities as the chief administrative officer of the Organization ;

(h) It was further explained that the Secretary-General was responsible for the preparation of budgetary estimates, and for their submission to the Advisory Committee not later than twelve weeks before the opening of each regular session of the General Assembly. The Advisory Committee was responsible for the thorough consideration of the estimates submitted to it by the Secretary-General and for the distribution of its report to Member Governments not later than five weeks before each regular session.

In other words, the Secretary-General submitted his estimates at the beginning of June and the Advisory Committee generally devoted about six weeks to their examination ;

(i) On the basis of the existing regulations, another review of the budgetary estimates or of the report of the Advisory Committee would hardly be feasible, particularly if it were borne in mind that the Interim Committee would primarily have to discharge political functions. The only time when it might review the budget estimates or the report of the Advisory Committee would be in August, that is immediately before the opening of the Assembly, which was likely to be the period during which the Interim Committee might have to consider political and security items submitted for the agenda of the Assembly ;

(j) With respect to urgent or unforeseen expenditures, the Secretary-General was empowered to engage in expenditures by drawing on the Working Capital Fund up to a sum of \$2,000,000 under his sole authority in connexion with commitments concerning the maintenance of peace and security or economic rehabilitation, and to engage in expenditures above that sum

with the concurrence of the Advisory Committee. If an extremely urgent political crisis arose, it would require, in any case, action either by the Security Council or by a special session of the General Assembly, an expedient which had already been used twice ;

(k) It was recalled that, in London, the Preparatory Commission had given extensive consideration to the establishment of an effective and sound machinery with simple procedures for the operation of the Organization. So far, the machinery established had proved satisfactory. In any case, the Fifth Committee and the Secretariat were engaged in an overall series of studies related to the operation of the Organization and, after a careful examination of the suggestions of the Working Group, the Secretary-General wished to state that for the time being, and under the existing arrangements, there was little that an Interim Committee of the General Assembly could accomplish with utility in the field of administrative and budgetary matters. Its activity could only result in confusion.

The Secretary-General considered that, in view of the observations summarized above, it was his duty to express grave concern with regard to the suggestion and to urge members not to recommend the extension of the powers of the Interim Committee to administrative and budgetary matters.

## Annex II

### SUMMARY OF STATEMENTS MADE BY THE CHAIRMAN OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS CONCERNING THE PROPOSAL TO CONFER UPON THE INTERIM COMMITTEE FUNCTIONS IN THE FIELD OF ADMINISTRATIVE AND BUDGETARY MATTERS

The observations made by the Chairman of the Advisory Committee on Administrative and Budgetary Questions are summarized below :

(a) The constituting bodies of the Organization and the Assembly itself have already soundly distributed all duties and responsibilities among various organs with a view to achieving the maximum effectiveness ;

(b) In respect of administrative and budgetary questions, a yearly control system was established through the operation of the Fifth Committee, the Advisory Committee and the Board of Auditors. A sound succession of stages has thus been designed to ensure an unquestionable financial operation ;

(c) Administrative and budgetary questions are complex matters involving many detailed problems of a technical character which could not be dealt with by an organ composed of fifty-eight representatives of Member States. Besides, the General Assembly specifically referred this task to an organ composed not of representatives as such but in their capacity of experts in this matter ;

(d) The problem was to decide whether in fact the existing machinery, with the safeguards it includes, is appropriate to meet the requirements of a sound administrative and budgetary operation of the Organization. The Chairman of the Advisory Committee considered that this question may be answered in the affirmative, and that the creation of additional machinery would be tantamount to revising, if not to censoring, fundamental decisions of the constituting bodies and of the General Assembly ;

(e) The Advisory Committee performed its task within the framework of the regulations and resolutions adopted by the General Assembly. This constitutes a safe policy. If the Interim Committee would also be competent to deal with administrative and budgetary matters, the Secretary-General might be led to appeal to it in connexion with any advice of the Advisory Com-

mittee while the latter might, in other cases, ask for the support of the Interim Committee. This would create confusion between the powers of the Advisory Committee and those of the Secretary-General and result in paralyzing their respective functions ;

(f) The General Assembly has taken care to provide by its decisions on such matters enough flexibility so as to enable the Secretary-General to take the initiative whenever such action may be required. If the administrator of the Organization was at any moment threatened with the possible intervention of an additional organ, he would not be in a position to discharge his duties on his own responsibility with the freedom of action which is indispensable to meet the instructions of the General Assembly between two regular sessions ; nor could he be held responsible in the event that his efforts to implement decisions of the General Assembly should prove unavailing. Indeed, it is for that purpose also that the Assembly decided to entrust the supervisory functions to a consultative organ rather than a representative one, whose powerful influence might paralyze the action of the Secretary-General.

## Annex III

### CONTINUATION OF THE INTERIM COMMITTEE

#### *Proposed draft resolution of the General Assembly*

##### *The General Assembly,*

*Having taken note of the reports submitted to it by the Interim Committee and of its conclusions that the tasks performed by it in the interval between the second and third regular sessions have effectively assisted the Assembly in the performance of its functions and well justify the continuation of the Interim Committee;*

*Affirming that, for the effective performance of the duties specifically conferred upon the General Assembly by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13), and the peaceful adjustment of any situation likely to impair the general welfare or friendly relations among nations (Article 14), it is necessary to continue the Interim Committee for the purpose of considering such matters further and reporting with its conclusions to the General Assembly ;*

*Recognizing fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24) ;*

##### *Resolves that :*

1. There shall be re-established (for a period to be determined by the General Assembly) an Interim Committee on which each Member of the General Assembly shall have the right to appoint one representative ;

2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties :

(a) To consider and report with its conclusions to the General Assembly on such matters as may be referred to it by the General Assembly ;

(b) To consider and report with its conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (paragraph 2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations or brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both

important and requiring preliminary study. Such determination shall be made by a majority of two-thirds of the members present and voting, unless the matter is one referred by the Security Council under Article 11, paragraph 2, in which case a simple majority will suffice ;

(c) To consider systematically, using as a starting point the recommendations and studies of the Interim Committee contained in document A/605, the further implementation of that part of Article 11, paragraph 1, relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13, paragraph 1a, which deals with the promotion of international co-operation in the political field, and to report with its conclusions to the General Assembly ;

(d) To consider, in connexion with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if it seems that such a session is required, so to advise the Secretary-General in order that he may obtain the views of the Members of the United Nations thereon ;

(e) To conduct investigations and appoint commissions of inquiry within the scope of its duties, as it may deem useful and necessary, provided that decisions to conduct such investigations or inquiries shall be made by a two-thirds majority of the members present and voting. An investigation or inquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place ;

(f) To report to the next regular session of the General Assembly on any changes in the constitution of the Committee [its duration] or its terms of reference which may be considered desirable in the light of experience ;

3. The Interim Committee is hereby authorized to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities ;

4. In discharging its duties, the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized ;

5. The rules of procedure governing the proceedings of the Interim Committee and such sub-committees and commissions as it may set up shall be those adopted by the Interim Committee on 9 January 1948, with such changes and additions as the Interim Committee may deem necessary, provided that they are not inconsistent with any provision of this resolution or with any applicable rule of procedure of the General Assembly. The Interim Committee shall be convened by the Secretary-General, in consultation with the Chairman elected during its previous session or the head of his delegation, to meet at the headquarters of the United Nations not later than 31 January 1949. At the opening meeting, the Chairman elected during the previous session of the Interim Committee, or the head of his delegation, shall preside until the Interim Committee has elected a Chairman. The Interim Committee shall meet as and when it deems necessary for the conduct of its business. No new credentials shall be required for representatives who were duly accredited on the Interim Committee during the previous session ;

6. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions.

## BOLIVIAN PROPOSAL ON PERMANENT MISSIONS TO THE UNITED NATIONS

The Dominican Republic submitted a proposal with a view to enabling the permanent representatives to the United Nations to be automatically entitled, in that capacity, to represent their countries on the Interim Committee (A/AC.18/40).

The Interim Committee considered favourably the Dominican Republic proposal but concluded that the questions of the status and of the credentials of heads of permanent delegations required further study before it would be possible to make any specific recommendation.

In this connexion, the Bolivian delegation has the honour to submit the following proposal :

Since the creation of the United Nations, the practice has been developed by most Member States of establishing "permanent missions" at the seat of the United Nations as a means of following more closely the activities of the Organization and of its organs and to assist them generally in the fulfilment of their duties as Members. As is well known, this practice developed in the absence of any regulations governing the status of such permanent delegations or the rights and duties of the permanent representatives, heads of these delegations.

It is suggested that the Interim Committee and the General Assembly should consider whether the time has not come to consider the advisability of defining the status of the permanent delegations to the United Nations by means of a resolution which formally recognizes such an institution, to be called "Permanent Missions to the United Nations". To this end, the Bolivian delegation submits the following draft resolution for the consideration of the Interim Committee :

*"The General Assembly,*

*"Considering that since the creation of the United Nations the practice has developed of establishing, at the seat of the Organization, permanent missions of Member States,*

*"Considering that the establishment at the seat of the Organization of permanent missions of Member States would serve to assist in the realization of the purposes and principles of the United Nations, and,*

*"Considering that it would be of interest for all Member States and for the United Nations as a whole that a legal status be given to the institution of permanent missions to the United Nations,*

*"Recommends Member States of the United Nations, as they may deem useful and advisable, to establish permanent missions to the United Nations at the seat of the Organization, and to that end,*

*"Resolves that :*

*" (1) The credentials of permanent representatives and the names of members of a permanent mission shall be submitted to the Secretary-General on the establishment of such a mission. The credentials shall be issued either by the head of the State or Government or by the Minister of Foreign Affairs ;*

*" (2) Whenever Member States wish their permanent representatives to represent them on one or more of the organs of the United Nations, they shall state the names of those organs in the credentials submitted to the Secretary-General, under paragraph (1) of the present resolution ;*

*" (3) In each case where a permanent representative is accredited by his credentials to represent his Government on any organ of the United Nations he shall, before the opening of each session of that organ, send to the Secretary-General a letter notifying him that the credentials*



already submitted at the time of his appointment as permanent representative are valid for that session ;

" (4) Whenever a Member State decides to appoint a new permanent representative, the head of the State or Government or the Minister of Foreign Affairs shall notify the Secretary-General that the permanent representative previously accredited has been recalled, and issue credentials for the envoy appointed to replace him ;

" (5) The Secretary-General shall, at each regular session, submit to the General Assembly a report on the credentials of permanent representatives to the United Nations. This report shall be examined by the Credentials Committee appointed in accordance with rule 21 of the rules of procedure of the General Assembly ;

" (6) Rule 24 of the rules of procedure of the General Assembly shall be amended as follows :

" Add at the end as a new paragraph :

" 24 (2) The Credentials Committee shall, at each regular session, examine the credentials of the permanent representatives accredited to the United Nations since the closing of the preceding regular session and report to the General Assembly ;

" (7) During the interval between the third and fourth regular sessions, the Secretary-General shall, at convenient intervals, submit to the Interim Committee of the General Assembly for provisional approval a report on the credentials of permanent representatives to the United Nations. "

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