

a dispute according to the provisions of the respective Treaties?"

In the event of an affirmative reply to question III:

"IV. Would a Treaty Commission composed of a representative of one party and a third member appointed by the Secretary-General of the United Nations constitute a Commission, within the meaning of the relevant Treaty articles, competent to make a definitive and binding decision in settlement of a dispute?"

4. *Requests* the Secretary-General to make available to the International Court of Justice the relevant exchanges of diplomatic correspondence communicated to the Secretary-General for circulation to the Members of the United Nations and the records of the General Assembly proceedings on this question;

5. *Decides* to retain on the agenda of the fifth regular session of the General Assembly the question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania, with a view to ensuring that the charges are appropriately examined and dealt with.

*235th plenary meeting
22 October 1949.*

295 (IV). Re-establishment of the Interim Committee of the General Assembly

The General Assembly,

Having taken note of the report⁶ submitted to it by the Interim Committee of the General Assembly on the changes in the Committee's constitution, its duration or its terms of reference which are considered desirable in the light of experience,

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 and reporting with 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 an Interim Committee of the General Assembly, to meet when the General Assembly is not actually in regular session, 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

⁶ See *Official Records of the fourth session of the General Assembly*, Supplement No. 11.

assist the General Assembly in the performance of its functions by discharging the following duties:

(a) To consider and report with conclusions to the General Assembly on such matters as may be referred to the Committee by or under the authority of the General Assembly;

(b) To consider and report with 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 by any non-member State under Articles 11 (paragraph 2) or 35, or has been 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 to the General Assembly by the Security Council, in which case a simple majority will suffice;

(c) To consider systematically, using the recommendations and studies of the Interim Committee contained in documents A/605⁶ and A/AC.18/91,⁷ 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 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 the Committee deems that 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 the Committee's 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 General Assembly, should the occasion arise, on any changes in the Committee's constitution or its terms of reference which may be considered desirable in the light of experience;

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

4. In discharging its duties, the Interim Committee shall at all times take into account the responsibilities of the Security Council under the

⁶ See *Official Records of the third session of the General Assembly*, Supplement No. 10.

⁷ See *Official Records of the fourth session of the General Assembly*, Supplement No. 11, annex I.

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 and which the latter has not submitted to the General Assembly;

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 1948⁸ as amended by the Interim Committee on 31 March 1949,⁹ with such changes and additions as the Interim Committee may deem necessary, provided that they are not inconsistent with any provisions of this resolution. The Interim Committee shall hold the first meeting of its annual session at the Headquarters of the United Nations within six weeks from the date of the conclusion or adjournment of any regular session of the General Assembly. The date of the first meeting of each session of the Interim Committee shall be determined by the Chairman elected during the previous session, or by the head of his delegation, in consultation with the Secretary-General, who shall notify the members of the Committee accordingly. At the opening meeting, the Chairman elected during the previous session of the 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 to the Interim Committee during its 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.

*250th plenary meeting,
21 November 1949.*

296 (IV). Admission of new Members

A

The General Assembly,

Noting from the special report¹⁰ of the Security Council on the reconsideration of the application of Austria for membership in the United Nations that nine members of the Security Council, on 13 September 1949, supported a draft resolution recommending the admission to the United Nations of Austria, but that no recommendation was made to the General Assembly because of the opposition of one permanent member,

Deeming it important to the development of the United Nations that all applicant States which possess the qualifications for membership set forth in Article 4 of the Charter should be admitted,

⁸ See document A/AC.18/8.

⁹ See document A/AC.18/8/Rev.1.

¹⁰ See *Official Records of the fourth session of the General Assembly, Annex to the Ad Hoc Political Committee*, document A/982.

¹¹ See *Official Records of the third session of the General Assembly, Part I, Resolutions*, page 30.

Considering that the opposition to the application of Austria was based on grounds not included in Article 4 of the Charter,

Recalling the recommendation of the General Assembly in resolution 197 (III) A¹¹ of 8 December 1948 that each member of the Security Council and of the General Assembly, in exercising its vote on the admission of new Members, should act in accordance with the advisory opinion¹² of the International Court of Justice of 28 May 1948, which declared that a State was not juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph 1 of Article 4,

1. *Reaffirms* its determination that Austria is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations;

2. *Requests* the Security Council to reconsider the application of Austria, in the light of this determination of the General Assembly.

*252nd plenary meeting,
22 November 1949.*

B

The General Assembly,

Noting from the special report¹³ of the Security Council on the reconsideration of the application of Ceylon for membership in the United Nations that nine members of the Security Council, on 13 September 1949, supported a draft resolution recommending the admission to the United Nations of Ceylon, but that no recommendation was made to the General Assembly because of the opposition of one permanent member,

Deeming it important to the development of the United Nations that all applicant States which possess the qualifications for membership set forth in Article 4 of the Charter should be admitted,

Considering that the opposition to the application of Ceylon was based on grounds not included in Article 4 of the Charter,

Recalling the recommendation of the General Assembly in resolution 197 (III) A of 8 December 1948 that each member of the Security Council and of the General Assembly, in exercising its vote on the admission of new Members, should act in accordance with the advisory opinion of the International Court of Justice of 28 May 1948, which declared that a State was not juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph 1 of Article 4,

1. *Determines* that Ceylon is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations;

¹² See *Admission of a State to the United Nations (Charter, Article 4), Advisory Opinion*: I.C.J. Reports 1948, page 57.

¹³ See *Official Records of the fourth session of the General Assembly, Annex to the Ad Hoc Political Committee*, document A/982.