

FIRST COMMITTEE

(Legal and Constitutional Questions)

Credentials of Delegates to the Assembly

On the report of the Credentials Committee that certain of the forms adopted by Member States in accrediting their delegates to the Assembly were open to objection and might one day cause difficulty in connection with important Resolutions for which unanimity is necessary or important elections of which the result is doubtful, the First Committee was called upon to consider what documents were to be regarded as credentials within the meaning of the rules of procedure of the Assembly. It was further asked to consider whether it would not be desirable to amend the rules of procedure to provide that the credentials of delegates to the Assembly should be sent to the Secretary-General one week before the opening of the session.

The Committee proposed, on a report of a sub-committee which examined the situation in detail, that, since delegates to the Assembly are not Ministers Plenipotentiary accredited to a Government, the word "credentials" should be replaced by the words "full powers" and that the "full powers" should be issued by the Head of the State, the Minister for Foreign Affairs or other authority possessing similar or equivalent powers. It further proposed that the rules of procedure be amended to provide that the full powers of representatives should be delivered to the Secretary-General, if possible, one week before the opening of the session.

In order to bring the text of the rules of procedure into conformity with the practice which had been found more convenient in recent years, the Committee recommended that the Credentials Committee should be elected by the Assembly on the proposal of the President, instead of by secret ballot. At the same time, it recommended, with a view to avoiding an even number of members on the Credentials Committee, that membership be increased from eight members to nine members.

Interpretation of Article 15 of the Covenant

When the dispute between Bolivia and Paraguay came before the Sixth or Political Committee of the Assembly, the representative of Paraguay, M. Caballero de Bedoya, took the position that, in view of the state of hostilities existing between the parties, the Assembly, while authorized under the Covenant to apply the procedure of conciliation laid down in paragraph 3 of Article 15, could not legally go beyond the phase of conciliation and apply the procedure of paragraph 4 of Article 15, which envisages, without the concurrence of the parties to the dispute, the drawing up and publication by the Assembly of recommendations for the settlement of the dispute. He based his plea upon the words in the first paragraph of the Article "any dispute likely to lead to a rupture," and his principal argument was that the dispute, which had actually led to a rupture, did not come within the meaning of the words "likely to lead to a rupture." For these reasons, M. Caballero de Bedoya stated that his Government desired to raise forthwith the question whether the provisions of paragraph 4 and the following paragraphs of Article 15 of the Covenant could be applied integrally by the Assembly to the case of an existing and legally declared war between two Members of the League, in particular, when the Council had already had the question of this war laid before it under Article 11 of the Covenant.

The First Committee, charged with the examination of legal and constitutional questions coming before the Assembly, was thereupon called upon for a legal opinion on the question of the applicability in its entirety of Article 15 of the Covenant to the dispute between Bolivia and Paraguay.