

HUNDRED AND FIFTY-THIRD MEETING

Held at Lake Success, New York, on Wednesday, 5 October 1949, at 3 p.m.

Chairman: Mr. LACHS (Poland).

Methods and procedures of the General Assembly: report of the Special Committee (A/937, A/997) (continued)

1. The CHAIRMAN invited the Committee to continue consideration of the Special Committee's recommendations on rule 81 (A/937, paragraph 33) and the Netherlands and Australian amendments to that draft rule and to the Special Committee's proposed rule 118. The Egyptian proposal (A/C.6/L.18) had been withdrawn. The text of the Netherlands and Australian amendments, now combined in document A/C.6/L.20, follows:

"A representative may move that parts of a proposal shall be voted on separately. If the motion for division is contested by a Member, it shall be voted upon."

"Permission to speak on the motion for division shall be given only to two speakers in favour, and two speakers against. If the motion for division is carried, those parts of the proposal which have been approved shall then be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole."

2. Mr. WENDELEN (Belgium) thanked the representative of Australia for having offered so valuable a suggestion. The new version of the proposed text for rule 81 would greatly simplify the Sixth Committee's task.

3. During the debate many arguments had been advanced in favour of the existing rule 81, while other very persuasive arguments had been raised in favour of the two amendments before the Committee. He did not think that the existing rule 81 should be maintained. The representative of New Zealand had very lucidly explained how difficult it had been in the past to apply the provisions of that rule: almost invariably, there had been a procedural debate on the question of whether to vote on a proposal as a whole when all the parts of that proposal had been rejected. In most cases, Committees had decided not to vote on the proposal as a whole in those circumstances. It did not, indeed, seem logical to claim that a vote could be taken on a non-existent text. He did not feel, furthermore, that the advantages claimed for that procedure outweighed the difficulties involved.

4. For those reasons, his delegation would not support the text of the existing rule 81. He found the Netherlands proposal, as amended by the representative of Australia, preferable to the Special Committee's recommendation.

5. Mr. PÉREZ PEROZO (Venezuela) wished to state briefly his Government's point of view with

regard to the question of principle involved in rule 81. His delegation was opposed in principle to all limitations imposed on the right of representatives to request a vote by parts on any proposal. During the previous meeting, some representatives had said that such a request was usually made because a delegation was opposed to certain clauses of the proposal; those representatives had maintained that the delegation in question could have proposed the deletion of any part of a proposal or an amendment during the debate, so that there was no need at the last moment to request a vote in parts. That contention was of course valid. There were, however, many occasions when a delegation asked for a vote in parts merely because it wished to abstain from voting on certain clauses.

6. Since the majority of the Committee seemed to favour the Netherlands draft, the Venezuelan delegation would not oppose it and hoped that that text, if adopted, would prove practical. It thought, moreover, that the Australian amendment to the Netherlands proposal was reasonable and useful, since that amendment, by enabling representatives to speak in favour of a motion to divide a proposal, established a balance which was not present in the Netherlands text. That balance, however, gave rise to another inequality, since under its provisions three persons would be able to speak in favour of the motion — assuming that the mover of the motion spoke in favour of it — whereas only two could speak against it. Since rule 67 of the rules of procedure of the General Assembly provided for much the same procedure, however, that consideration could perhaps be set aside.

7. The Venezuelan delegation would vote in favour of the Netherlands proposal, provided the Australian amendment was accepted.

8. Mr. CHAUMONT (France) had listened with great interest to the debate on rule 81. He considered that an important question of principle was involved. He had come to the debate with an open mind, but during the course of the discussions, he had become convinced that it would be wiser to maintain the existing rule 81. In his opinion, the Netherlands proposal was dangerous.

9. Several arguments had been advanced for retaining the existing rule but he felt that his argument, in which the representatives of Yugoslavia and the USSR had concurred, was decisive. Division of a proposal to be voted upon was in accordance with a traditional principle underlying any true co-operation. There were times when a delegation was obliged to vote in favour of some parts of a proposal and against other parts of that same proposal. The existing rule 81, however,

made it possible for delegations to arrive at a common ground of agreement. If the Netherlands proposal were adopted, representatives would be obliged to adopt a rigid position. He felt that would be unwise.

10. Earlier in the debate, he had stated that his delegation would abstain from voting on the proposals concerning rule 81. Nevertheless, the French delegation had altered its position and would vote against the Netherlands proposal, against the Special Committee's recommendation and in favour of maintaining the existing rule 81.

11. Mr. ABDON (Iran) wished to clarify the statement he had made at the 152nd meeting. It was essential that Members should have the possibility of expressing their opinions. Customarily rules of procedure for international organizations provided for voting on parts of a proposal, so as to permit different groups to express their views on each part. It had been claimed at the preceding meeting that such a division was not the only means whereby that end could be accomplished, and that amendments or motions to delete could be made in connexion with any proposal. He had stated that such a procedure would prolong debates and was fundamentally in contradiction with the task before the Committee.

12. If the right to vote on proposals by parts was not recognized, the only alternative would be for representatives to present amendments, which would perhaps entail unlimited debate. Furthermore, it would also be possible to have a discussion on a proposal for a vote on parts. Consequently, instead of shortening the debate, such a procedure would probably achieve the opposite effect.

13. Mr. ROLING (Netherlands), speaking in reply to an earlier statement by the representative of the USSR, was still convinced that his was not a far-reaching proposal. Indeed, at that stage of the Committee's deliberations, he would hesitate to introduce extensive alterations in the Special Committee's work.

14. He regretted that his text had not been sufficiently clear. The alteration suggested by the representative of Australia, however, should suffice to eliminate most of the doubts regarding his proposal which had been expressed by representatives during the preceding meeting. Members would note that he had adopted the Australian suggestion to enable two speakers to speak in favour of, and two against, a motion for division.

15. He agreed with the United Kingdom representative that while the Committee had to decide on the principle, a drafting committee could amend the final wording to the satisfaction of all members.

16. Mr. RODRÍGUEZ FABREGAT (Uruguay) recalled that the existing rule 81 provided that a vote should be taken on a proposal as a whole even if it had been voted on in parts. The Special Committee had proposed a dual amendment to that rule. The Sixth Committee also had before it the joint Netherlands-Australian text, which amended the Special Committee's recommendation.

17. The existing rule, which provided for voting on parts of a proposal, consecrated a normal and natural procedure traditional in the annals of representative assemblies. Some alterations in that practice involving an entirely new concept had been proposed. That, however, was not the most

serious aspect of the matter. He was concerned over the fact that while the Sixth Committee seemed to be considering and debating the best way to expedite the business of the Assembly by limiting debates on the substance of items, the Committee at the same time was introducing the possibility of additional debates on matters of procedure.

18. The Sixth Committee had decided that recommendations from the Main Committee's to the General Assembly should not be debated in plenary session. That decision had been taken in the interests of saving time. Yet now that the Committee had begun to discuss whether or not the suggestion to vote on a proposal in parts should be debated, it was creating new opportunities for discussion, which would consume the time it had attempted to save.

19. The existing rule 81 was, in his opinion, sufficient. If delegations considered that a representative had the right to request that a proposal be voted on by parts, there was no need for debate. If the proposed rule 81 were put into effect, however, there would be a debate on a request for the division of the proposal, because undoubtedly delegations would want to explain their request. If no division of proposals were allowed, representatives would have either to vote against a proposal of which they were not entirely in favour or to abstain. Either of those courses would be contrary to the orders the representative's Government had given him. For those reasons, the Uruguyan delegation considered the existing rule 81 preferable.

20. Experience in the application of the existing rule 81 might have indicated the need for some revision. In that case it would be possible to add some of the Special Committee's recommendations, particularly the sentence: "Those parts of the proposal which have been approved shall then be put to the vote as a whole." The last part of the Special Committee's recommendations might be debatable, although that phrase too could be added to rule 81 in order to clarify its provisions. To allow discussion on a motion to divide a proposal seemed, however, unnecessary and a waste of time, and hence in direct contradiction to the purpose the Special Committee was trying to achieve.

21. The CHAIRMAN put to the vote the Netherlands-Australian joint amendment (A/C.6/L.20) to the proposed rule 81 to replace the first sentence of the Special Committee's text.

The joint amendment was adopted by 21 votes to 18, with 8 abstentions.

22. The CHAIRMAN put to the vote the USSR proposal to delete the last sentence of rule 81 as proposed by the Special Committee.

That proposal was rejected by 23 votes to 13, with 5 abstentions.

23. The CHAIRMAN put to the vote in its entirety the Special Committee's proposed text for rule 81 (A/937, paragraph 33), as amended.

That text was adopted by 21 votes to 19, with 5 abstentions.

24. The CHAIRMAN invited the Committee to consider rule 118 as proposed by the Special Committee (A/937, paragraph 33), and the Netherlands-Australian amendment thereto (A/C.6/L.20).

25. Mr. KORETSKY (Union of Soviet Socialist Republics) pointed out that rule 118 contem-

plated much the same situation as did rule 81 of the rules of procedure of the General Assembly. If he could not justify, he could at least understand the desire to limit debate in the General Assembly, but he could see absolutely no justification for limits of discussion in the Main Committees. He therefore saw no need to reply to the technical or legal arguments which had been raised against the existing rule 118. His delegation urged that the Sixth Committee should reconsider the proposed amendments to rule 118.

26. Mr. GLASHEEN (Australia) proposed that, in the interests of consistency, the wording of rule 81 of the rules of procedure of the General Assembly as adopted by the Committee should be approved for rule 118 of the rules of procedure of the Main Committees.

27. The CHAIRMAN put to the vote the Netherlands-Australian joint amendment (A/C.6/L.20) to the first sentence of the proposed rule 118, as recommended by the Special Committee (A/937, paragraph 33).

That amendment was adopted by 22 votes to 16, with 8 abstentions.

28. The CHAIRMAN put to the vote the USSR motion to delete the last sentence of the text of rule 118 as recommended by the Special Committee.

The proposal was rejected by 24 votes to 12, with 6 abstentions.

29. The CHAIRMAN put to the vote in its entirety the Special Committee's proposal text for rule 118, as amended.

That text was adopted by 22 votes to 15, with 7 abstentions.

30. The CHAIRMAN invited the Committee to consider the French proposal for a rule 31 (a) (A/C.6/L.14)¹. He pointed out that a corresponding rule, rule 97 (a), had been adopted for the rules of procedure of the Main Committees. If the French proposal were adopted, a drafting committee would decide where it should be inserted in the Assembly's rules of procedure.

31. The CHAIRMAN put to the vote the French proposal for rule 31 (a).

The French proposal was adopted by 32 votes to none, with 10 abstentions.

32. The CHAIRMAN stated that the Committee had concluded its consideration of the amendments to the rules of procedure recommended by the Special Committee. There remained for consideration a number of recommendations by that Committee which did not require the adoption of amendments to the rules of procedure of the General Assembly (A/C.6/L.16 and Corr.1) a list of questions on which no specific recommendations had been made by the Special Committee (A/C.6/L.15), and the United Kingdom proposals for amending the rules of procedure (A/C.6/L.8). He invited the Committee to consider paragraph 12 of the Special Committee's report (A/937).

33. Mr. KORETSKY (Union of Soviet Socialist Republics) was surprised that the Sixth Committee was asked to consider paragraph 12 of that report. If the Special Committee had seen no need to revise the rules of procedure, there was no reason to bring the matter up in the Sixth Committee. It seemed illogical for the Sixth Com-

mittee to attempt to imagine what might be the future conduct of the General Assembly. Members had been entrusted with the task of drafting rules of procedure, and the Committee should limit itself to that.

34. The USSR delegation considered that it was entirely out of order for the Sixth Committee to consider that paragraph, and therefore suggested that it should be transmitted to the President of the General Assembly with a statement that the Sixth Committee had noted the paragraph. He saw no need to take a vote on the question. To discuss paragraph 12 was not only beyond the competence of the Sixth Committee but also beyond the functions which had been assigned to that body.

35. Mr. FITZMAURICE (United Kingdom) pointed out that, in order to focus discussion on additional points in the Special Committee's report, his delegation had circulated a number of proposals in document A/C.6/L.8. Members would notice that a new rule 13 (d) or 35 (b) had been suggested which more or less covered the points raised in paragraphs 1 and 2 of the synopsis (A/C.6/L.16 and Corr.1) of the recommendations of the Special Committee not requiring the adoption of amendments to the rules of procedure of the General Assembly. In the text submitted for the new rule 13 (d) or 35 (b), his delegation stressed the considerations which should be borne in mind before recommendations were made to the General Assembly.

36. He was surprised at the USSR representative's statement that paragraph 12 of the Special Committee's report was not within the competence of the Sixth Committee. The whole question of the methods and procedures of the General Assembly had been referred to the Committee, including the report of the Special Committee as a whole. Consequently, it was not only within the competence of the Sixth Committee but even the duty of that body to discuss every paragraph of that document and report its findings to the General Assembly. The Special Committee's report contained a number of valuable suggestions, which had not been accompanied by specific recommendations. A lack of any concrete proposal, however, should not indicate that the Sixth Committee was not to consider those suggestions and draw conclusions. He therefore suggested that the USSR proposal should be disregarded and that the Committee should continue its consideration of the report.

37. Mr. KORETSKY (Union of Soviet Socialist Republics) thought that the Committee should of course deal with concrete suggestions. If the Special Committee, however, had been unable to take a decision on some aspects of the rules of procedure and had contented itself with drawing attention to the rights and duties of the General Assembly, it should be sufficient to state that the Sixth Committee had noted the Special Committee's remarks without entering into a discussion of the questions involved. There was nothing for the Committee to consider in paragraph 12; and he therefore suggested that it should proceed to consider the United Kingdom proposals contained in document A/C.6/L.8. The Committee had a heavy agenda and it was unnecessary to create new tasks. He pointed out, in passing, that the United Kingdom position, as explained by Mr. Fitzmaurice, was at variance with the opinion it had held earlier in the session.

¹ For the text of the proposal, see the summary record of the 151st meeting, paragraph 11.

38. Mr. GRAFSTRÖM (Sweden), speaking as Chairman of the Special Committee, agreed with the remarks of the United Kingdom representative. The Special Committee had been told to consider every aspect of methods and procedures to expedite the Assembly's work. It had discovered a number of points on which recommendations could be made, without proposing specific rules of procedure.

39. In reply to the USSR representative, he pointed out that paragraph 13 of the report contained a definite recommendation by the Special Committee. He did not wish at that point to suggest how the recommendation might materialize. It might be possible to add an annex to the rules of procedure covering those matters which could not properly be incorporated in the body of the rules. He thought, however, that it would be advisable for the Sixth Committee to begin work on the suggestions contained in the report as soon as possible.

40. Mr. BARTOS (Yugoslavia) did not agree with the USSR representative; he considered that the Sixth Committee was competent to deal with all questions referred to it by the General Assembly. Neither did he agree with the Special Committee's suggestions contained in paragraph 12.

41. He did not consider that it should be possible for the General Assembly to refer items to other organs of the United Nations without having held a discussion on their substance. In some bureaucracies that procedure might be possible but he did not think it was advisable for the world Organization.

42. The suggestions contained in paragraph 12 were contrary to the Charter and to the very spirit of the United Nations. Under the terms of the Charter, if an item was already inscribed on the agenda, the General Assembly had the duty to study it rather than to transfer the task to some other body. It was obliged to give its opinion on the matters on its agenda. In the past, items which had been raised in the General Assembly and discussed there had later been referred to other bodies, always, however, accompanied by specific recommendations or comments from the parent body. That was the correct procedure.

43. If the Special Committee's suggestions were adopted, the General Assembly would not discuss the substance of items but neither would it save time. The suggestions would seem, therefore, to offer a very insignificant advantage for, if the smaller nations brought a matter before the General Assembly, it was because they expected that body to deal with the question and give its advice. If, upon the recommendation of the General Committee, the General Assembly undertook the consideration of an item, that would prove the item's fundamental importance. It would indicate that the General Assembly considered it worth while to study that item at that particular stage of its development.

44. In conclusion, he stated that the Sixth Committee was competent to study the questions raised in paragraph 12 but that it could not revise the Charter. Were the Committee to adopt the suggestions contained in paragraph 12, it would be altering the scope of the authority of the General Assembly and its historic role in the world Organization.

45. Mr. GRAFSTRÖM (Sweden) proposed that the Sixth Committee should take a decision on

the USSR motion that the discussion of paragraph 12 of the Special Committee's report was out of order, so as to avoid a repetition of the debate on similar motions which might be presented with regard to the subsequent recommendations.

46. Mr. KORETSKY (Union of Soviet Socialist Republics) pointed out that his motion had been made specifically with respect to paragraph 12 of the Special Committee's report. He recalled, in that connexion, that in contesting his view that there was no need for action on the considerations brought to the attention of the General Assembly in paragraph 12 of the Special Committee's report, the Swedish representative had based his arguments on the recommendations in paragraph 13 of that report. Each paragraph should be considered separately on its own merits.

47. The CHAIRMAN put to the vote the USSR representative's motion that the Sixth Committee should take no action on paragraph 12 of the Special Committee's report (A/937), which paragraph merely brought certain considerations to the attention of the General Assembly, and that the Committee should go on to the following paragraph.

The USSR proposal was rejected by 24 votes to 7, with 10 abstentions.

48. The CHAIRMAN proposed that the Committee, having completed the discussion of the specific proposals made by the Special Committee in regard to the rules of procedure, should proceed to the consideration of the latter's recommendations (A/C.6/L.16 and Corr.1). The Committee could then take up the general considerations on which no recommendations had been made (A/C.6/L.15), together with the United Kingdom proposals (A/C.6/L.8).

49. Mr. FITZMAURICE (United Kingdom) pointed out that the United Kingdom proposals (A/C.6/L.8) covered both the general considerations on which no recommendations had been made in the Special Committee's report and the Special Committee's recommendations, as listed in the Secretariat working papers A/C.6/L.15 and A/C.6/L.16 and Corr.1 respectively. The United Kingdom proposals specifically covered the Special Committee's recommendations listed in document A/C.6/L.16 and Corr.1, paragraphs 1, 2, 3, 4, 7 and 8. He therefore requested that his proposals should be considered in conjunction with the two Secretariat papers which he had mentioned. In reply to a question put by Mr. GRAFSTRÖM (Sweden), he explained that his delegation had combined a number of the suggestions made by the Special Committee and had presented them as concrete proposals covering many, though not all, of the considerations in the Special Committee's report.

50. Mr. RODRÍGUEZ FABREGAT (Uruguay) inquired whether the parts of the United Kingdom proposal relating to the recommendations and suggestions of the Special Committee should be considered in conjunction with them. He referred, in particular, to sub-paragraph (4) of the draft for the new rule 13 (d) or 35 (b) proposed by the United Kingdom (A/C.6/L.8), which covered the recommendations in paragraph 13 of the Special Committee's report.

51. The CHAIRMAN said that it would be difficult to consider that sub-paragraph of the United Kingdom proposal, which was connected with the question of the establishment of an agenda com-

mittee, before deciding on the principle of establishing such a committee.

52. Mr. FITZMAURICE (United Kingdom) thought that there was some misapprehension regarding the United Kingdom proposal. While the proposal had been made for concrete rules dealing with the establishment of an agenda committee, the considerations listed in sub-paragraphs (1) to (6) of the United Kingdom proposal were intended either for the agenda committee, or, if it was not established, for the General Committee. He therefore thought that the Committee should discuss those considerations in his proposal without reference to the question of the establishment of an agenda committee.

53. Mr. KORETSKY (Union of Soviet Socialist Republics) felt that the general considerations of the Special Committee provided no legal basis for the Committee's work. He therefore suggested that the discussion should be based on the concrete United Kingdom proposals.

54. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) wished to make some suggestions regarding the procedure to be followed. The Committee had before it two Secretariat working papers recapitulating the Special Committee's recommendations and general considerations; it also had before it the relevant United Kingdom proposals. It seemed to him that the simplest procedure would be to base the discussion on the United Kingdom proposals.

55. The Committee would thus first consider whether or not an agenda committee should be established, and then the United Kingdom proposals (A/C.6/L.8) for rules 13 (a), 13 (b) and 13 (c) dealing with the functions and composition of an agenda committee. It could then take up the United Kingdom proposal for adding a new rule 13 (d) for the agenda committee or, if the Committee decided against the establishment of an agenda committee, of a new rule 35 (b) embodying the same provisions as part of the functions of the General Committee. Most of the questions listed in sub-paragraphs (1) to (6) of that proposed rule corresponded to the Special Committee's recommendations as set out in the working paper (A/C.6/L.16 and Corr.1). A preliminary question to be decided would be whether the Committee wished to present those recommendations as guiding principles in an annex or a preface to the rules of procedure, or whether it would include them in a rule for the agenda committee or the General Committee, as the case might be.

56. There would be no need to consider the United Kingdom amendment to rule 35 (a) as proposed by the Special Committee (A/937, paragraph 25) since that question had already been settled. Thus, if the Committee would go through the United Kingdom proposals, it would find that there would be very few recommendations or suggestions by the Special Committee left for it to consider.

57. Mr. KORETSKY (Union of Soviet Socialist Republics) was unable to agree with Mr. Keruo. Before the Committee would be in a position to decide whether or not an agenda committee should be set up, it had to consider in detail the functions proposed for that new body. Only if the functions were found to be useful could it be said that an agenda committee was desirable.

58. Paragraph 1 of the United Kingdom proposal involved political considerations; it was not for

the Sixth Committee, when dealing with rules of procedure, to discuss or adopt recommendations of a political character.

59. Rule 89 (a), as recently adopted by the Committee, called on each Main Committee to establish its own priorities; yet the United Kingdom proposal in effect instructed the General Committee in what manner it should assign priorities. There was surely no reason to doubt the wisdom of the General Committee or the fact that it would, without being directed to do so, let itself be guided by the importance and urgency of the item concerned.

60. He was opposed to the United Kingdom proposal to set up an agenda committee, which would be costly and would serve no useful purpose.

61. The CHAIRMAN remarked that, while Mr. Keruo's suggestion was sound, it was too late for the Committee to adopt it without a needless repetition of the debate. He therefore thought that the Committee should proceed with the joint consideration of paragraph 12 of the Special Committee's report and sub-paragraph (3) of draft rule 13 (d) of the United Kingdom proposal (A/C.6/L.8) which it had already embarked upon. Paragraph 12 of the Special Committee's report drew attention to the General Assembly's power to decide to refer certain not very urgent items, without preliminary debate, to other organs of the United Nations or to the author of the proposal for further information and documentation. Sub-paragraph (3) of draft rule 13 (d) of the United Kingdom proposal specifically stated that the agenda committee (or the General Committee) should have regard to the fact that as a general rule, questions of an exclusively economic, social or cultural nature should not be submitted to the General Assembly until they had first been considered by the Economic and Social Council.

62. Mr. KORETSKY (Union of Soviet Socialist Republics) stated that the United Kingdom proposal under consideration (A/C.6/L.8, rule 13 (d), sub-paragraph (3)) was contrary to the provisions and principles of the Charter. He recalled, in that connexion, how strongly on previous occasions certain Members of the United Nations had defended the right of the General Assembly to discuss all questions, even those falling within the competence of the Security Council; and now the proposal was made that economic, social and cultural questions, questions which under the Charter fell within the scope of the General Assembly, should be referred by it to other organs. Although in practice the General Assembly had taken such action, to include a provision to that effect in the rules of procedure would clearly violate the rights of the General Assembly and be contrary to the Charter. The Sixth Committee could not accept such a proposal.

63. Mr. CHAUMONT (France), with reference to paragraph 12 of the Special Committee's report (A/937) and draft rule 13 (d), sub-paragraph (3) of the United Kingdom proposal (A/C.6/L.8) agreed with the USSR representative's views concerning the latter. Noting the careful wording of the Special Committee's recommendations in that regard, he felt that the Committee should be circumspect in dealing with the question of the competence of the General Assembly, which would be limited if the United Kingdom proposal was adopted. Furthermore, the proposal was contrary to the Charter since, according to its provisions,

the General Assembly could deal directly only with political and security questions and would deal only indirectly with questions of an exclusively economic, social or cultural nature after they had been considered by another organ. He could not agree with such a position which implied that political questions were more important than the other questions mentioned. That was not the case; there were many economic questions which were more important than political ones. He therefore could not support the United Kingdom proposal, which would establish a hierarchy in the items falling within the competence of the General Assembly. Nor could he support the Special Committee's recommendations.

64. Mr. FITZMAURICE (United Kingdom), in reply to the representatives of France and the Union of Soviet Socialist Republics, stated that sub-paragraph (3) of the United Kingdom proposal was not in conflict with the observations of the Special Committee, which showed that many of its members had felt that economic, social and cultural questions should be referred to the Economic and Social Council before being considered by the General Assembly. It was only to give effect to that view that the United Kingdom delegation had proposed certain concrete rules. Those who felt that the United Kingdom proposal was contrary to the Charter, were overlooking the true nature of that proposal. Quoting from the preamble to draft rule 13 (d), Mr. Fitzmaurice pointed out that the object of sub-paragraph (3) was to ensure that the General Assembly should deal efficiently with its work. A large body like the General Assembly was not always suited for a preliminary consideration of a technical question. It had therefore seemed preferable that economic, social and cultural questions should be given preliminary consideration in the Economic and Social Council in order that the General Assembly might be able to examine them after full preparation. The United Kingdom proposal therefore provided that, in recommending whether or not an item should be included in the agenda of the General Assembly, the agenda committee, or the General Committee, should have regard to the fact that, as a general rule, such questions should not be discussed in the Assembly until they had first been considered by the Economic and Social Council. That provision was not inconsistent with the Charter since the General Committee could only make recommendations to the General Assembly, which took the final decision in the matter.

65. The Sixth Committee had already adopted an amendment to rule 35 of the rules of procedure in which it was stated that the General Committee could make specific recommendations to the General Assembly; in view of that decision, it had seemed advisable to provide the General Committee with some considerations to guide it in its work. The Special Committee had recommended a number of such principles, and the United Kingdom had incorporated them in its proposal. In view of those considerations, he felt that whether or not the Sixth Committee decided to adopt his proposals, there could be no question of their being inconsistent with the Charter.

66. Mr. BARTOS (Yugoslavia) agreed with the French representative that the proposals contained in paragraph 12 of the Special Committee's report and in sub-paragraph (3) of the rule

suggested by the United Kingdom were unconstitutional.

67. He recalled that Article 13 of the Charter specifically empowered the General Assembly to "initiate studies" on economic, social, cultural and educational matters. When Article 10, which gave a wide general competence to the Assembly, and Article 13 containing those specific provisions were taken together, there could be no doubt that, under the Charter, the initiative on all questions considered by the General Assembly or proposed for inclusion in the agenda by Member States lay with the General Assembly. The effect of the United Kingdom proposal, which limited that initiative to political matters, would be to suspend Article 13 of the Charter.

68. It was the duty of the Sixth Committee to call attention to the unconstitutionality of such proposals. If it wished to comply with the provisions of Article 13 of the Charter, the Committee had no choice but to reject the United Kingdom proposal and to repudiate paragraph 12 of the Special Committee's report.

69. Mr. SORO (Chile) remarked that paragraph 12 of the Special Committee's report (A/937) merely called the attention of the General Assembly to a power it already possessed. The United Kingdom proposal went considerably further; if it were adopted, an agenda committee or the General Committee would be able to decide that certain social, economic or cultural questions should be referred to other bodies without being discussed by the General Assembly. While the General Assembly itself was free, after due consideration, to take such a decision, no rule providing for a referral without preliminary debate should be written into the rule of procedure.

70. The two texts before the Committee constituted an infringement of the incontestable right of the General Assembly to decide, after a full discussion, whether or not a question should be referred to some more technical body for preliminary study. He was therefore opposed to paragraph 12 of the Special Committee's report and still more strongly opposed to sub-paragraph (3) of draft rule 13 (d) of the United Kingdom proposals (A/C.6/L.8).

71. Mr. FITZMAURICE (United Kingdom) said that, in his opinion, his proposal fully met the legitimate requirements defined by the Chilean representative.

72. He quite agreed that the General Committee should not be able to decide without reference to the General Assembly that a social, economic or cultural question should be referred to some such body as the Economic and Social Council. He also agreed that the General Assembly should be able to debate the matter fully. He explained that his proposal represented only a consideration to be taken into account by the General Committee when deciding whether to recommend the inclusion, non-inclusion or postponement of a given item. If the General Committee recommended postponement until an item had been considered by the Economic and Social Council, the General Assembly would, under the rules of procedure, fully discuss the recommendation and would itself reach a decision upon it. If the Assembly saw fit, the item in question would remain on its agenda.

73. Mr. RODRÍGUEZ FABREGAT (Uruguay) observed that paragraph 12 of the Special Committee's report contained a suggestion, but not a recommendation and certainly not a rule of procedure.

It merely reminded a possibly forgetful General Assembly of the powers at its disposal. Perhaps the most important part of the suggestion was the words: "without preliminary debate".

74. Sub-paragraph (3) of rule 13 (d) proposed by the United Kingdom was, on the other hand, a very concrete proposal, which, prior to the United Kingdom representative's explanation, he had interpreted exactly as the Chilean representative had done. Even after that explanation, he felt that the United Kingdom was proposing a severe limitation of the rights of Member States.

75. Article 10 of the Charter in conjunction with Article 12, gave the widest possible competence to the General Assembly, with the single restriction that it could not make recommendations on questions of which the Security Council was seized. Any one of the forty-one States which was not a member of the Economic and Social Council and could not directly propose items for its agenda would find it natural to propose them for inclusion in the agenda of the General Assembly. If the United Kingdom proposal were adopted, the agenda committee or the General Committee would be able to block such an item. True, as the United Kingdom representative had made clear, the General Assembly could still discuss a recommendation to refer the item to the Economic and Social Council, but it should not be forgotten that the discussion would have to take place under the stringent limitations imposed by the revised rules of procedure adopted by the Sixth Committee.

76. The principle that any economic, social or cultural question should be referred to the Economic and Social Council without previous consideration by the General Assembly was contrary to the spirit of the Charter; it was for the General Assembly, after examining the scope of the proposal, to decide whether or not it should first be studied and reported on by a technical body. He was therefore opposed both to paragraph 12 of the Special Committee's report and to rule 13 (d) sub-paragraph (3) of the United Kingdom proposal.

77. Mr. GALAGAN (Ukrainian Soviet Socialist Republic) said that, in the view of his delegation, the General Committee, which was composed of the President and Vice-Presidents of the General Assembly and the Chairmen of the Main Committees, was a sufficiently authoritative body not to require instructions on the manner in which it should deal with items on the provisional agenda.

78. He objected to rule 13 (d) sub-paragraph (3) of the United Kingdom proposal, both on the political ground that it was contrary to the provisions of the Charter and for the practical reason that its adoption might lead the General Committee into discussions of substance. It would, indeed, be impossible for the General Committee, without considering the substance of a question, to determine whether it was exclusively social, economic or cultural, or had political and other aspects. The General Committee's work would thus be unduly complicated and a great deal of its time would be wasted.

79. An item considered at the previous session — the social problems of the aboriginal populations of the American continent — might serve as an example. That item was social, but not exclusively social, since it had to be considered in connexion with racial discrimination, which was certainly a political question.

80. He was unable to accept the United Kingdom proposal.

81. Mr. FITZMAURICE (United Kingdom) replied that the example given by the Ukrainian representative was not covered by the United Kingdom proposal, which spoke of "exclusively" economic, social or cultural questions. The word "exclusively" had been inserted in order to make it quite clear that the provision did not apply to questions of a mixed nature.

82. He thought that the Uruguayan representative did not appreciate the intention of the United Kingdom proposal in its proper sense. That proposal related solely to considerations to be taken into account by the General Committee; the decision would be made not by that Committee but by the General Assembly after full debate.

83. It was quite true that not all Member States had direct access to the Economic and Social Council. Therefore, it might frequently occur that one of them might propose an economic or social item for inclusion in the agenda of the General Assembly. The General Assembly should, however, be free to decide whether to deal with the question directly or to await the report of a technical organ; when that report was discussed, the Member State which had proposed the item would have full opportunity of making its views heard.

84. There was nothing extraordinary or tyrannical in the United Kingdom proposal, if it was remembered that it was intended merely as a guiding principle for the General Committee when it made its recommendations. If it was agreed that a guiding principle was worth while, it should be embodied in some rule of procedure and not allowed to remain in a report, where it would soon be lost sight of. The United Kingdom proposal was not rigid; it merely suggested that whatever committee made recommendations with respect to the inclusion of items in the agenda of the General Assembly should have regard to certain principles. There was nothing in the proposal which in any way curtailed the rights of Members of the United Nations; if adopted, it would facilitate the work of the General Assembly.

85. Mr. TATE (United States of America) said that the Sixth Committee might deal with the various proposals of the United Kingdom and the recommendations of the Special Committee in any one of three ways: by adopting them as rules of procedure, or as recommendations to be included in its report, or by simply referring them to the General Assembly to be considered on their own merits.

86. He was not in favour of the first course, which would confer upon the various recommendations greater dignity than the Special Committee itself had intended and would introduce a discordant note in the clear and factual rules of procedure.

87. While he did not object to the second course, he thought that the third would be most acceptable to the Committee. It would bring the recommendations to the attention of the General Assembly and they could serve as guidance to Members who accepted them.

88. He therefore moved the following draft resolution:

"The Sixth Committee

"Notes the recommendations and suggestions of the Special Committee on Methods and Pro-

cedures, as set forth in paragraphs . . . of its report;

"Requests the Secretary-General to prepare a document embodying the above recommendations and suggestions in convenient form for use by the General Committee and Member States in the General Assembly."

89. Mr. JORDAAN (Union of South Africa) agreed that unless some such action as that proposed by the United Kingdom representative were taken, the recommendations of the Special Committee would be consigned to oblivion. As he could not hope to explain the desirability of the United Kingdom proposal more lucidly than its sponsor had done, he would confine himself to voting for it.

90. Mr. CHOUKAIRY (Syria) doubted the need for guiding principles, especially the one embodied in rule 13 (d) sub-paragraph (3) of the United Kingdom proposal (A/C.6/L.8).

91. He inquired whether the United Kingdom representative could quote from past experience cases of items of an exclusively economic, social or cultural nature being included in the agenda of the General Assembly without previously having been considered by a technical organ; and whether the United Kingdom representative was able to conceive of an item that was exclusively social, economic or cultural.

92. Mr. FITZMAURICE (United Kingdom) replied that the General Assembly had, in fact, experienced considerable difficulty with items not previously considered by the Economic and Social

Council. Furthermore, the desirability of a provision such as that proposed by the United Kingdom should be judged on the basis not only of past experience but of future possibilities. He recalled that the Third Committee of the General Assembly had devoted nearly three months at the third session to the consideration of the Universal Declaration of Human Rights; if that item had not been previously dealt with by the Economic and Social Council and the Commission on Human Rights, the Third Committee might have found its task an impossible one.

93. In reply to the Syrian representative's second question, he said that the word "exclusively" in the United Kingdom proposal was to be interpreted from a practical point of view, as meaning basically, substantially and mainly. A small admixture of a foreign element could not in practice be avoided; but if that element was of any importance, the General Assembly would no doubt decide to deal with the question directly rather than refer it to the Economic and Social Council.

94. Mr. GRAFSTRÖM (Sweden) said that, in the opinion of his delegation, the United Kingdom representative had accurately interpreted the concepts of the Special Committee. He did not think, however, that those concepts should be transformed into rules of procedure; he therefore supported the United States proposal, which would ensure that the attention of the General Assembly was drawn to the various recommendations in question.

The meeting rose at 5.55 p.m.