

GENERAL
ASSEMBLYASSEMBLEE
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ORIGINAL: ENGLISH

CHANGES IN THE PROVISIONAL RULES OF PROCEDURE: TERMS OF OFFICE OF
MEMBERS ELECTED TO COUNCILS

Report of the Sixth Committee

Rapporteur: Professor K. H. Bailey (Australia)

1. The General Assembly at its forty-sixth plenary meeting, held on 31 October 1946, referred to the Sixth Committee the Report of the Secretary-General on the Terms of Office of Members of Councils (A/143), prepared by the Secretary-General in accordance with a resolution adopted by the General Assembly on 13 February 1946. This report contains the text of such amendments of the Provisional Rules of Procedure as the Secretary-General considered necessary in order to give effect to the resolution of the General Assembly concerning the terms of office of Members elected to Councils.

2. The resolution of the General Assembly was understood at the time to be limited to the single case of members elected in January 1946, for a term of one year. This was natural, because that was the only question which at that time called for definitive decision. Before the first part of this session closed, it was necessary to decide whether or not members of Councils were to be elected during this second part of the session, to succeed the members elected in January for a one-year term.

3. The Sixth Committee thinks the time is now opportune to ensure that the Provisional Rules of Procedure should cover the special case of all the Members elected to Councils in January 1946, and not the one-year members only. The principle adopted for the one case exactly covers the others also. The principle is that the Charter itself prescribes terms of office of one, two or three years, as the case may be, and that it is not competent for Rules of Procedure to alter them.

4. The wording of the Agenda item which was referred to the Sixth Committee may be read as limiting the Committee to a consideration of the manner in which the one-year terms of 1946 are to be provided for by the Provisional Rules of Procedure. Nevertheless, the two and three year terms remain to be dealt with. The course of discussion in the Sixth Committee disclosed an apparently unanimous wish on the part of delegations to apply to them the same principle as that which the General Assembly applied in February to the one-year terms. Even at the risk, therefore, of appearing to exceed its mandate, the Sixth Committee proposes texts which deal with the whole matter. The Committee hopes that this course will best economize the time of the General Assembly.

5. The Sixth Committee has adopted without dissent a recommendation in favour of new texts both for Rule 87 and for Supplementary Rule J of the Provisional Rules of Procedure. The former lays down a general rule, in simple terms, which will govern all future cases. The latter is required in order to deal with the special circumstances attending the election of members of Councils in January and November 1946.

6. The proposed texts are as follows:

"Rule 87.

The term of office of members shall begin on 1 January following their election by the General Assembly, and shall end on 31 December following the election of their successors.

Supplementary Rule J.

Members of Councils elected for one, two and three years during the first part of the first regular session of the General Assembly shall hold office until 31 December 1946, 1947, and 1948 respectively. Their successors shall be elected during the second part of the first regular session and during the second and third regular sessions of the General Assembly respectively, and shall take and continue in office in accordance with Rule 87."

7. The Charter itself lays down the terms for which members of Councils are elected. It is not necessary to repeat these provisions. Rules 91, 94, 96 and 97 prescribe the times at which elections are to take place. All that proposed Rule 87 does therefore is to fix the dates on which the terms of office prescribed by the Charter are to begin and end.

8. Some provision of a transitory character is needed in order to fix (a) the time at which Members are to be elected to succeed those members of Councils which were elected for one year in January 1946; (b) the date at which the terms of office of all members then elected are to expire.

Proposed Supplementary Rule J covers all these cases.

9. In the first part of the first session the election of members of the Security Council took place on 12 January 1946, while the election of members of the Economic and Social Council was completed on 14 January. A fixed date applicable to all countries is plainly desirable. The text proposes 1 January in all cases. In the opinion of the Sixth Committee the General Assembly is fully competent to fix this date.

10. Under the new text proposed by the Sixth Committee, there will normally be an interval between the election of a member and its taking of office. This interval may well, it was suggested in the Sixth Committee, be of advantage both to the members and to the Organization, by giving time for arranging the necessary representation at the headquarters of the Organization.

11. The Sixth Committee points out that if in any year such exceptional circumstances were to arise that it was not found possible to hold any meeting of the General Assembly, the terms of office fixed in the Charter would in the case of some members expire before their successors had been elected. This difficulty however arises directly from the Charter itself, and cannot be rectified by any modification of the Rules of Procedure. The necessity for filling vacancies in the Councils will in itself supply a strong reason for ensuring that the General Assembly does meet before the end of each year.

12. The Sixth Committee recommends to the General Assembly the adoption of the annexed resolution.

Resolution on changes in the Provisional
Rules of Procedure of the General Assembly
Concerning the Terms of Office of Members
Elected to Councils

THE GENERAL ASSEMBLY

1. APPROVES

the report on the terms of office of Members elected to Councils presented by the Sixth Committee (Annex 1).

2. RESOLVES

to replace Rule 87 of the Amended Provisional Rules of Procedure for the General Assembly and Rule J of the Supplementary Provisional Rules of Procedure for the First Session of the General Assembly by the following Rules:

Rule 87

The term of office of Members shall begin on 1 January following their election by the General Assembly, and shall end on 31 December following the election of their successors.

Supplementary Rule J

Members of Councils elected for one, two and three years during the first part of the first regular session of the General Assembly shall hold office until 31 December 1946, 1947, and 1948 respectively. Their successors shall be elected during the second part of the first regular session and during the second and third regular sessions of the General Assembly respectively, and shall take and continue in office in accordance with Rule 87.
