

GENERAL
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COMMITTEE 6RAPPORTEUR'S REPORT: PROVISIONAL RULES OF PROCEDURE

The Chairman of Committee 6 received the following Memorandum from the President of the General Assembly concerning the tasks of Committee 6 with regard to the consideration of the Provisional Rules of Procedure :

"In a consideration of the provisional rules of procedure, Committee 6 should confine itself to the most urgent suggestions for their modification. The formulation of rules should be limited to questions pertaining to the composition of the General Committee, the procedure for the making of nominations and to the inclusion of additional items in supplementary rule T.

"All recommendations on these rules should be referred to the General Assembly at an early date and the study of changes in other provisional rules of procedure should not be done hastily. The problems arising from the application of the rules should be carefully reviewed and a final report to the plenary meeting of the General Assembly on the provisional rules of procedure shall be deferred until the second part of the first session of the General Assembly."

2. Upon consideration of this Memorandum Committee 6, at its meeting on 14 January formed a Sub-Committee on Rules of Procedure consisting of representatives of the following Delegation: Australia, China, Cuba, Ecuador, France, Lebanon, Mexico, Norway, Ukrainian S.S.R., United Kingdom, Yugoslavia. In accordance with the Memorandum the immediate terms of reference of the Sub-Committee were limited to the questions raised by the Delegation of Cuba pertaining to the composition and powers of the General Committee (Document A/C.6/8); by the Delegation of the Ukraine pertaining to the procedure for the making of nominations (Document A/C.6/7); and the question raised by the Delegation of Ecuador concerning the inclusion of an additional item in Supplementary Rule T of the Provisional Rules

of Procedure (Document A/C.6/6).

3. The Sub-Committee held six meetings on 16, 17 and 18 January, and discussed these three questions in considerable detail. On 21 January the Chairman of the Sub-Committee reported to Committee 6 and his report (Document A/C.6/9 Rev.1) was considered by Committee 6 at its meetings on 21, 22 and 23 January. Committee 6 adopted four recommendations concerning the three questions, which it submits for consideration to the General Assembly.

4. With regard to questions pertaining to the composition and powers of the General Committee, Committee 6 recommends that the General Assembly should amend the Provisional Rules of Procedure as follows :

(a) the following sentence should be added at the end of Rule 33:

"It shall not, however, decide any political question".

(b) a new Rule 33 A should be included after this Rule as follows :

"A Member of the General Assembly which has no representative on the General Committee, and which has requested the inclusion of an additional item in the Agenda, shall be entitled to attend any meeting of the General Committee at which its request is discussed, and may participate, without vote, in the discussion of that item".

5. With regard to the procedure for making nominations, Committee 6 recommends that the General Assembly should amend the Provisional Rules of Procedure by adding the following sentence at the end of Rule 73:

"There shall be no nominations".

6. With regard to Supplementary Rule T of the Provisional Rules of Procedure, Committee 6 recommends that it should be amended to read as follows :

"Pending the adoption of the definitive Rules referred to in Article 62, paragraph 4, of the Charter, in connection with the calling of international conferences, the Economic and Social Council may, after having consulted the Members of the United Nations, summon international conferences within the meaning of Article 62 on any matter falling within the competence of the Council, and in particular on the question of international trade and employment, the equitable adjustment of prices on the international market, and public health."

7. In explanation of the amendments recommended pertaining to the composition and powers of the General Committee, it should be stated that the principal amendment proposed by the Cuban Delegation was that the General Committee should consist of the Chairmen of the Delegations of the Members of the United Nations combined with an Executive Committee under its authority. Those who supported this amendment (Document A/C.6/8) in the Sub-Committee felt impelled to do so in order to safeguard the absolute equality of all Members in the General Assembly. If Rule 33 were subject to the understanding that important political questions were excluded, this would, in their view, not be sufficient as the distinction between political questions that are important and that are not important was unreal. Further, the power to decide which questions were important or unimportant might result in the assumption of authority to decide upon political questions which the Committee thought were unimportant but which might be regarded as important by the General Assembly. Those who opposed this amendment in the Sub-Committee agreed that the General Committee should not decide on political questions, but they did not feel that the

creation of a General Committee combined with an Executive Committee or any increase in the membership of the General Committee was desirable as each of these measures would impair the efficiency of the General Committee or duplicate the work of the General Assembly. After discussion the Cuban Delegation, in a spirit of collaboration with the aim of obtaining the maximum of agreement, withdrew its principal amendment. The discussion in the Sub-Committee showed, however, that all its members were in agreement that the functions of the General Committee were exclusively administrative. They only differed as to how this could be best expressed in the rules.

8. In Committee 6 some doubts were expressed as to whether the proposed addition to Rule 33 would not hamper the work of the General Committee, since it was extremely difficult to specify what was a "political question". It was also proposed that Rule 33 might be worded as follows :

"The General Committee shall take no decisions on important political questions without the approval of the General Assembly"

The recommendation of the Sub-Committee was, however, adopted in Committee 6 by a substantial majority.

9. The recommendation for a new additional Rule 33 A, unanimously adopted by Committee 6, safeguards the right of any Member of the General Assembly to be heard by the General Committee with regard to any item that the Member proposes to introduce on the Agenda. This right of audience includes a right of participation in the discussion but not of voting. No prohibition of eligibility of the Members of the General Committee was introduced in the rules because the majority felt that such prohibition would restrict the powers of the General Assembly and deprive it of

the possibility of continuing the services of persons who had gained valuable experience in offices held at prior sessions.

10. In support of the amendment proposed by the Delegation of the Ukrainian S.S.R. (Document A/C.6/7) it was urged in the Sub-Committee that Members of the General Assembly should know the candidates for whom they were voting and what their merits were. In this respect, the Provisional Rules of Procedure were, as the first meeting of the General Assembly had shown, unsatisfactory. Moreover, nominations would reduce the possibility of the formation of blocs. Those who opposed the amendment in the Sub-Committee stated that complete secrecy was the best method of ensuring absolute freedom and independence of vote. If nominations were made in public the prestige of the State making the nominations would be involved as well as that of the person or State nominated. In the course of the debate, however, some of the Delegates who opposed the amendment recognized that the present Provisional Rules of Procedure were unsatisfactory, and that the principle of nominations of persons should be introduced. The Sub-Committee, therefore, adopted by a substantial majority a proposal advanced by way of compromise which it submitted to Committee 6. This proposal expressed unequivocally that in the election by the General Assembly of a person to an office all candidates should be nominated. Nominations could be lodged with the Secretary-General in advance and could be accompanied by a concise biographical account of the candidate. The Secretary-General would circulate such nominations without disclosing the identity of the nominating Member. Moreover, a nomination could be presented orally to the General Assembly on submitting it in writing to the Secretary-General at the election. Not more than four speeches dealing exclusively with the personal qualifications of the candidate - two for and two against - could

be made to the General Assembly. Lastly, when the number of persons nominated did not exceed the number of places to be filled the General Assembly could decide by unanimous vote to proceed to an election by acclamation. In Committee 6 this proposal was defeated by the adoption of the recommendation as quoted in paragraph 5 which had been defended in the Sub-Committee by a minority who had felt strongly that the principle of nominations would prejudice the interests of the small States and was undemocratic. Some Members of Committee 6 considered that the proposal of the Sub-Committee represented a modification of the Charter. Others opposed the proposal because it allowed for nominations in writing in advance and, at the same time, from the floor of the General Assembly. On the other hand it was urged that the principle of nominations should apply to States as well as to persons. It should be noted that the recommendation as quoted in paragraph 6 was carried in Committee 6 by a vote of 22 in favour, 21 against, with 8 members absent.

11. Those who supported the view that the equitable adjustment of prices on the international market should be included in Supplementary Rule T as a matter which the Economic and Social Council may, after consulting the Members of the United Nations, include in the Agenda of an international conference within the meaning of paragraph (4) of Article 62 of the Charter, recalled the preamble to it which expresses the determination of the United Nations to re-affirm faith in the dignity and worth of the human person and to promote social progress and better standards of life. They urged the importance of the problem in question for the peoples of the world and particularly for countries producing raw materials where wages were far below those in industrialized communities. Since the amendment had been referred by the General Assembly to Committee 6, it was certainly within the competence of the Committee to adopt it.

and thereby to recommend the study of the problem specifically to the Economic and Social Council. On the other hand other Delegations felt that, important as the problem was, it was neither necessary nor expedient to include a reference to it in Supplementary Rule T as the Economic and Social Council under this Rule was fully competent to call an international conference on this problem. It should be left to the Economic and Social Council to decide whether the problem should be discussed at a conference and if so in what form. Moreover, the inclusion of illustrative examples of subject matters for international conferences to be convened by the Economic and Social Council tended to restrict its discretion and also to lead to the inclusion of further examples in the Rule. It was suggested that it might be preferable in the circumstances to amend the Rule by deleting altogether the last words giving the examples, which read as follows :

"including the following matters: international trade and employment, and public health."

Against this it was pointed out that these words had been included for reasons of policy by the Preparatory Commission as the problems mentioned in it were considered so pressing that attention should be drawn to them.

12. The Sub-Committee had been almost evenly divided on the amendment proposed by the Delegation of Ecuador. In Committee 6 the proposal to delete the last words of Rule T was rejected by a substantial majority and the amendment itself carried by a substantial majority. It should be noted, however, that those who voted against it in both Committees did not deny the importance of the study of the problem of equitable adjustment of prices on the international market, but felt doubts as to the legal propriety of the adoption of the amendment.

by Committee 6 which is concerned with legal questions. When the vote was taken Delegates of several delegations recorded that their attitude was determined by these considerations. On the other hand, some delegates who had supported the amendment proposed by the Delegation of Ecuador recorded their views that its adoption could not be regarded as a directive to the Economic and Social Council but only as an illustration of the extent of its competence.
