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Chairman: Mr. Manfred LACHS (Poland).

AGENDA ITEM 54

Registration and publication of treaties and international agreements: report of the Secretary-General (A/2971, A/3010)

1. The CHAIRMAN said that the Assembly had referred the item relating to the registration and publication of treaties and international agreements to the Fifth Committee because of its financial and budgetary implications (A/2980, para. 10). When the Fifth Committee had studied those aspects of the problem, the item would be referred to the Sixth Committee. The latter would then consider whether the Fifth Committee's recommendations were compatible with the provisions of the Charter concerning the registration of treaties; it would also discuss any recommendations which might be made for the drafting of new regulations to govern such registration.

2. The foregoing procedure had been agreed upon after consultations with the Secretary-General and with the Chairman of the Fifth Committee. If there were no comments, he would assume that the Committee agreed to his action.

It was so agreed.

AGENDA ITEM 51

Question of the correction of votes in the General Assembly and its Committees: report of the Secretary-General (A/2977, A/C.6/L.364/Rev.1, A/C.6/L.365) (*continued*)

GENERAL DEBATE (continued)

3. Mr. PEREZ PEROZO (Venezuela) said that the main intention of the French delegation, which had originally proposed at the ninth session that the item should be included in the agenda, had been to prevent any corrections of votes from influencing a final decision (A/2700). That is why it had made a proposal for the inclusion of a new rule to that effect in the rules of procedure of the General Assembly.

4. Subsequently, the French delegation had suggested instead an investigation of parliamentary practices con-

cerning corrections of votes (A/2700/Rev.1). After discussion in the Sixth Committee, the General Assembly, at the latter's recommendation, had adopted resolution 901 (IX), and the Secretary-General's report (A/2977) was the consequence of that resolution.

5. The Australian revised draft resolution (A/C.6/L.364/Rev.1) placed the debate on a broader footing, in that it proposed a number of new articles for the Assembly's rules of procedure. He thought that such a revision of the rules was not necessary, for no serious problem had arisen concerning voting procedures in the General Assembly and its Committees, as pointed out in paragraph 99 of the Secretary-General's report (A/2977).

6. The matter had been further complicated by the mention of the possibility of voting by electrical equipment (A/2977, paras. 63 to 70 and 104 and 105), a costly project. In mentioning that possibility, the Secretary-General had related the question of the correction of votes to the questions referred to in paragraph 6 of resolution 362 (IV) of the General Assembly.

7. The Venezuelan delegation considered that the use of electrical equipment should be studied as a separate matter. Accordingly, the Venezuelan draft resolution consisted of two parts (A/C.6/L.365). Draft resolution A concerned corrections of vote and proposed a new rule 93a [132a] to the effect that when a vote was taken on a matter other than an election, a representative might correct his vote immediately after the President (Chairman) had announced the result of the vote, but that corrections could not modify a result already announced.

8. That meant a return to the original French proposal, except that the Venezuelan delegation had deemed it superfluous to stipulate in what manner the Chair should announce the results of the vote. The adoption of draft resolution A of Venezuela would obviate the appointment of a sub-committee. Unlike the Australian revised draft resolution (A/C.6/L.364/Rev.1), it went no further than the General Assembly had intended. The Australian proposals, in mentioning such matters as a second roll-call, seemed to be concerned more with giving delegations every opportunity of voting than with the correction of votes.

9. He hoped that the question of voting by means of electrical equipment would not be dealt with by the Sixth Committee. If, however, any action were to be recommended in that respect, it would be advisable to adopt draft resolution B proposed by Venezuela, which called for a report by the Secretary-General on the financial implications and for comments by Member States, with a view to the inclusion of the question in the provisional agenda of the eleventh session of the General Assembly. It was to be hoped that the matter would then be referred by the General Assembly in the first instance to the Fifth Committee.

10. Mr. SURJOTJONDRO (Indonesia) recalled that the French delegation had originally proposed the amendment of the rules of procedure with a view to filling an obvious gap in those rules, which did not stipulate in what manner the Chair should announce the results of a vote and also did not offer delegations an opportunity to correct their votes during or after voting. There were two courses open to the Committee: either to devise rules for every possible contingency, or to leave it to actual practice to shape the rules as the need arose.

11. The Indonesian delegation reserved its position on both the Australian revised draft resolution (A/C.6/L.364/Rev.1) and the Venezuelan draft resolution (A/C.6/L.365).

12. Mr. AMADO (Brazil) expressed regret at the French delegation's absence, which made it impossible to learn more about its proposal. The Secretariat's report (A/2977) contained many useful suggestions for the prevention of errors in the actual voting process, but no proposals concerning the actual correction of votes. The Secretariat's suggestions had inspired the Australian proposals.

13. Ten years' experience in the United Nations showed that the voting procedure had never given rise to any serious dispute. In spite of political divergencies and serious conflicts of interests, there had never been any real difficulty in connexion with voting. There was, therefore, no reason to amend a voting procedure which had served its purpose so well.

14. The Australian proposal for a second roll-call might have the consequence that a delegation wishing to vote on the side of the majority would deliberately abstain in the first roll-call vote.

15. Paragraphs 3 and 4 of the Australian revised draft resolution (A/C.6/L.364/Rev.1) concerning the Chair's announcement of the result of the vote were superfluous. Besides, the proposed provisions did not apply to elections, where there could be no question of votes for or against a proposal. By explicitly excluding elections, however, the impression might well be given that there was a special voting procedure for them and that the Chair did not have to announce the result of a vote relating to an election.

16. The Australian revised draft resolution contained two separate sets of proposals because of the distinction in the English language between the "President" of the Assembly and the "Chairman" of a Committee. In Spanish and French there was no such distinction.

17. Finally, the Australian proposal that, except in the case of clerical or arithmetical errors, the results of a vote as announced by the Chair would be final and conclusive, was needlessly elaborate, for it did little more than confirm an existing practice.

18. The Brazilian delegation would vote against any proposed amendment of the existing rules of procedure; the Committee should simply take note of the Secretary-General's report (A/2977).

19. Mr. RODIL-MACHADO (Guatemala) said that the question of using electrical equipment for voting was not related to that of the correction of votes. Besides, the considerable expense involved in installing such equipment would not be justified. The publication of the International Law Commission's documents was a more desirable expenditure and would cost much less.

20. The Guatemalan delegation could not agree to the Australian proposal for a second roll-call, since this

might encourage undesirable practices by enabling a delegation to vote out of turn.

21. In certain parliaments, provision was made for the correction of votes. But there was a great difference between the members of parliament in a national legislature and the representatives attending United Nations meetings. Not all members of parliament had received an education comparable to that of the members of delegations to the United Nations. The latter usually had a thorough knowledge of the subjects under discussion and often also had to conform to instructions from their Governments. Therefore, there was no need for provisions to be included in the General Assembly rules of procedure for the correction of votes. If a delegate made an error in voting, he could, by explaining his vote, make a correction.

22. The only addition to the rules of procedure which appeared justified would be a provision which would make it possible to correct an arithmetical error in the counting of votes.

23. Mr. MOROZOV (Union of Soviet Socialist Republics) said that the decision at the Assembly's ninth session to defer further consideration of the question pending the collection of information concerning generally accepted voting practices had been largely prompted by the inability of the Committee to reach agreement, many delegations being of the opinion that the question did not call for far-reaching changes in procedure.

24. The proposals submitted by the delegations of Australia and Venezuela exceeded the scope of the agenda item. He was among those who would prefer to confine the discussion to the original agenda item, namely, the question of the correction of votes in the General Assembly and its Committees.

25. After the impressive statement by the Brazilian representative and the objections raised by the Greek and other delegations, there was really little for him to add. He agreed that the holding of a second roll-call for those members who had omitted to vote, as proposed in operative paragraphs 1 and 2 of the Australian draft resolution (A/C.6/L.364/Rev.1), might well detract from the value of a roll-call vote and defeat the very purpose for which the method of proceeding in alphabetical order from a delegation chosen by lot had been adopted. Such a practice might introduce an undesirable element of agitation and uncertainty into what should be a solemn procedure. There was, admittedly, some justice in the arguments put forward in support of the Australian proposal but the balance of pros and cons was undoubtedly in favour of retaining the existing procedure.

26. The second Australian proposal, contained in operative paragraphs 3 and 4 of the draft resolution, did no more than give formal sanction to an established procedure. There was, however, no need to stipulate the obvious and he felt sure that the delegations of countries whose legislation was mainly based on customary law would join in opposing such unnecessary additions to the rules of procedure. Indeed, if the Australian approach was adopted with respect to the entire rules of procedure, it would be found that logic would require a surprisingly large number of amendments, which, although undoubtedly steps in the right direction, could hardly be described as necessary.

27. Due regard should be paid to the considered view of the Secretary-General, after an objective study of

current practice in national assemblies, that the procedure of the General Assembly was, by and large, in keeping with that of those parliaments about which information was available. The Secretary-General did not appear to be in favour of revising the existing procedure, and the Soviet Union delegation, while grateful to the Australian delegation for the pains it had taken in formulating proposals which shed much light on the question, hoped that it would not press them further.

28. The third Australian proposal (A/C.6/L.364/Rev.1, paras. 5 and 6) concerned the possibility of a delegation's changing its vote after the result of the voting had been announced by the Chair. Although, from personal experience, he fully appreciated how difficult it was to avoid bewilderment and error when voting on isolated words and phrases culled from a number of different proposals, he did not consider that changes of votes after the event were calculated to enhance the prestige of the United Nations. He, therefore, sided with those who believed that the results of voting as announced by the Chair should be final and conclusive. On the rare occasions in which the problem had arisen in the past, the cause had always been some purely technical oversight. Any future problems could be settled, as in the past, by the Chair as they arose. He saw no need for a comprehensive rule which treated mistakes as if they were a normal occurrence and which might ultimately prove a source of confusion. In fact, as worded, at present, the Australian proposal contained in operative paragraphs 5 and 6 of the draft resolution might be interpreted as casting doubt on the finality of the result announced by the Chair.

29. The Venezuelan draft resolution (A/C.6/L.365) appeared somewhat at variance with that delegation's general position, with which the USSR delegation was in substantial agreement. The principle that a correction should not modify the result already proclaimed was absolutely sound. If, however, the result could not be modified, it was difficult to see the point of including a provision in the rules of procedure enabling a representative to correct his vote immediately after the Chair had announced the result of the voting. There was, in any case, nothing new in that practice. It was a right that could not be denied to representatives and which had been frequently exercised by them in the past.

30. Grateful as he was to the Venezuelan delegation for having clarified the position, he was afraid that he could not support its proposals.

31. As far as voting by means of electrical equipment was concerned, he was sure that no delegation was in principle opposed to technical advances which would lighten the Secretariat's burden and facilitate the work of the General Assembly. The Secretary-General himself, however, did not appear to be very enthusiastic about the use of equipment which would cost no less than \$300,000 to install. To adopt such a proposal would be inconsistent with the Committee's economical approach to the question of publishing the documents of the International Law Commission, which would cost only one-tenth of the sum that electric voting equipment would involve. In view of the large sum involved, it was inadvisable to take any decision on the matter until the resources of the United Nations budget were large enough to render considerations of economy of less vital importance.

32. The Committee could not do better than adopt the proposal of the Brazilian representative to thank the

Secretary-General for the very thorough report which he had submitted, to take due note of it, and to refrain from modifying the existing rules of procedure on voting.

33. Mr. BIHIN (Belgium) said that the French delegation, which had first raised the question of improving the rules on voting procedure was not alone in considering that the Assembly's rules of procedure suffered from certain defects, such as the failure to provide for the announcement by the Chair of the results of votes and the failure to indicate the circumstances in which representatives might be permitted to correct the positions taken by them during a ballot.

34. At both the current and the previous sessions of the Assembly, many delegations had expressed the opinion that, in view of the considerable body of case-law which had accumulated during the ten sessions of the General Assembly and the fact that no serious problem had so far arisen in connexion with voting, no change in the rules of procedure was required. He disagreed with those delegations on the first point, because he belonged to a school of legal thought which held that the true function of law was not to anticipate social evolution, and above all not to attempt to direct it, but on the contrary to confirm its progress in written texts by giving it the force of law and a certain degree of stability. And so far as the second objection was concerned, he was not convinced that it was really true that voting had always proceeded with exemplary smoothness in the past. The explanatory memorandum submitted by the French delegation at the ninth session (A/2700, Rev.1) referred to cases where certain Presidents had admitted that a motion of which they had just announced the rejection had nevertheless been adopted, and he, himself, could recall a certain amount of confusion in the Committee itself during the eighth session when some members had corrected their votes on the preparatory work in connexion with the possible revision of the Charter.

35. As the United Kingdom representative had pointed out at the ninth session (438th meeting, para. 32), votes could be corrected in two possible ways: either by taking a fresh vote, in which case there would be a strong temptation for one or two delegations to reverse a closely contested decision, or else by allowing delegations to correct their votes, it being clearly understood that the result of the voting would not be affected thereby. A correction of this kind, which would not affect the result of the voting, was regarded by many speakers as pointless. It had, however, one essential point in its favour: it enabled a delegation which had misvoted to put its true position on record.

36. The existing state of affairs could easily be remedied by a few minor changes in the rules of procedure. The proposal was not, in fact, as radical as it might at first appear, since only in very rare cases would representatives fail to realize their mistake and rectify it before the result was announced.

37. Lastly, since the Secretary-General had acknowledged (A/2977, para. 57) that the system of voting by electrical equipment was fast, accurate and completely satisfactory, it was hardly correct to describe his attitude towards the method as unenthusiastic. The system had worked so satisfactorily in the Belgian Upper Chamber, a body not generally addicted to revolutionary change, that its introduction in the Lower Chamber was contemplated. He hoped that the Committee would give the proposal the serious consideration that it deserved.