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Chairman: Mr. Manfred LACHS (Poland).

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, A/C.6/L.366, A/C.6/L.367) (*continued*)

GENERAL DEBATE (*concluded*)

1. Mr. VALLAT (United Kingdom) said that the Secretary-General's admirable report (A/2977), together with the Australian and Venezuelan draft resolutions (A/C.6/L.364/Rev.1, A/C.6/L.365) cast considerable light on the question of voting procedure. That did not necessarily mean, however, that the Committee should accept the amendments suggested in them. If the rules of procedure were to be amended, the resultant change must represent a real improvement. Efforts to embody in those rules every practice developed over the years might deprive the prevailing system of its flexibility and possibly lead to some misunderstandings.

2. In order to be acceptable, an amendment had to satisfy three conditions: first, it had to be so worded as to express exactly the intended idea and no more, secondly, it had to be free from ambiguities, and thirdly, as read in its context, it had to be proof against false inferences.

3. It was by no means certain whether any amendment concerning corrections of votes was really necessary. Even if corrections were permitted after the result of a vote had been announced, they should not be allowed to affect the result. Paragraph 94 of the Secretary-General's report (A/2977) seemed to indicate that the Secretary-General shared that view.

4. Operative paragraphs 1 and 2 of the Australian draft resolution (A/C.6/L.364/Rev.1) were in no way essential; furthermore, they were open to abuse. They would make it possible for representatives to vote out of turn and seemed to conflict with the essential purpose of rule 89. Paragraphs 3 and 4 were also open to criticism. The opening phrase of those paragraphs lent itself to various constructions; when parts of a proposal were put to the vote separately, it might be difficult to determine the precise moment of the "conclusion of voting". Similarly, the words "under these rules", in paragraph

3, presumably referred to rule 97; if that was the intention, the reference should be explicit. So far as paragraphs 5 and 6 were concerned, he said that they went too far in the direction of making the announcement of a result "final and conclusive". This did not seem consistent with the power of the presiding officer under rules 35 [108] and 36 [109]. Those paragraphs also raised difficulties in relation to rules 85 and 87 and rule 73 [114].

5. The Venezuelan draft resolutions (A/C.6/L.365) had been submitted with little enthusiasm and had evoked a lukewarm response. The purpose of resolution A was in any case largely covered by the existing right to explain a vote and the apparent implication that corrections could not be made until after the announcement of the result appeared too restrictive.

6. Referring to Venezuelan draft, resolution B, he said that there seemed little virtue in the electrical recording of votes. A machine, at the very best, could only prevent errors in counting but never mistakes made by representatives. In any event, the cost of the equipment would not be justified.

7. For those reasons, it seemed to him that none of the proposals was really acceptable. In all probability, the best course for the Committee, would be to recommend no action but merely to take note of the Secretary-General's report.

8. Mr. TAMMES (Netherlands) agreed that it would be a hopeless endeavour to try to draft amendments designed to meet every contingency. The rules of procedure and the practice which had developed were the fruits of many years of experience in international bodies, and purely speculative changes were obviously undesirable. Provision should, however, be made for the type of case which had actually given rise to uncertainty and dissatisfaction. The question of the correction of votes and its effect on announced results was a case of that nature. The French delegation had indeed submitted its original proposal (A/2700) in the belief that the rules of procedure were unsatisfactory in that very respect. The French proposal had expressly referred to instances which had been contrary to logic and common sense.

9. Since such specific difficulties had arisen in the past, the proper course was to adopt an explicit rule to prevent their recurrence. In order to eliminate any possibility of abuse, however, it was also necessary to emphasize that corrections of votes should be admissible only after the announcement of the result and that they could have no decisive effect.

10. Consequently, Venezuelan draft resolution A (A/C.6/L.365), which took all those factors into account, appeared satisfactory.

11. The Australian draft resolution (A/C.6/L.364/Rev.1) was a valuable contribution towards a clarification

tion of the issue, but failed to state with sufficient clarity that corrections could not affect the final outcome of the vote. Secondly, the considerations raised in its operative paragraphs 1 and 2 required further study. Lastly, the formal announcement mentioned in paragraphs 3 and 4 might give rise to difficulties which had never arisen in the past.

12. With regard to the question of electrical voting equipment, he said it was true that this equipment had the inherent advantage of guaranteeing accuracy. Experience had shown, however, that arithmetical errors could usually be dealt with satisfactorily; the expenditure required for the installation consequently seemed unwarranted. It might be better to introduce a system whereby the count would be made by two tellers on opposite sides of the conference room. Finally, the more rapid count obtainable by means of the electrical voting equipment might not always be an advantage. Some delegations felt that in the case of complicated issues a slower ballot was preferable.

13. Mr. SEN (India) said that the somewhat artificial debate had failed to convince him of the existence of any real problem. A change in the rules of procedure could be justified only if the existing rules had proved inadequate or unsatisfactory. The Secretary-General's report (A/2977), however, seemed to indicate that the accepted procedure had never given rise to serious difficulties in United Nations bodies. Errors were exceedingly rare and problems had always been quickly settled. It was, therefore, clear that the present system afforded a potent safeguard against any genuine error on a vital issue. In the case of non-controversial matters, on the other hand, mistakes were never of fundamental importance.

14. United Nations procedure could not be determined by written rules alone. Practice and accepted precedent played an equally important part. Attempts to lay down rigid rules for every contingency might give rise to difficulties where none had previously existed. In that connexion, the Secretary-General's report had at least exposed the fallacy on which the original request for an inquiry had been based.

15. Operative paragraphs 1 and 2 of the Australian draft resolution (A/C.6/L.364/Rev.1), although unobjectionable in principle, tended to limit the discretionary power of the Chair and seemed superfluous. Paragraphs 3 and 4 might give rise to more serious complications. Besides the ambiguous opening phrase, to which the United Kingdom representative had drawn attention, the text purported to turn into an absolute rule a practice which had always been followed as a matter of course. Paragraphs 5 and 6 would allow the Chair to reopen the count; such a power would impose an added burden on the Chair and the result would represent no tangible improvement.

16. In those circumstances, the Committee should merely take note of the Secretary-General's report and take no further action on the matter. His delegation, together with the delegations of Brazil and Syria, would propose a joint draft resolution to that effect (A/C.6/L.367).

17. Mr. DARDEN (United States of America) expressed the view of his delegation that any proposal to amend the Assembly's rules must be most carefully considered. An amendment could cause more problems than it solved. In most cases it was wiser to rely on

the abilities of presiding officers to apply the existing rules to meet particular situations. He did not believe that the Assembly's rules concerning voting suffered from any clearly demonstrated deficiencies which could or should be remedied by amendment. A review of Assembly and Committee practice did not reveal a significant number of situations in which the question of correcting votes had given rise to any serious trouble; in no case would a happier solution than the one resulting from the application of the existing rules have been brought about by a more precise and rigid formula. In this connexion, where precedents could give valuable guidance, the usefulness of a repertory of practice became apparent, and the United States delegation hoped that the Secretariat would give thought to the preparation of such a repertory.

18. On a vote by a show of hands, a mistake in counting was a possibility. It was then always possible to call for a re-count or for a second vote by roll-call; that course was permissible under the rules of procedure as they stood and had on occasion been followed on the initiative of the Chair. The Australian draft amendment to rules 89 and 128 (A/C.6/L.364/Rev.1, paras. 1 and 2) would establish as a regular practice something which should be exceptional and rare, if it was to occur at all. The proposed amendment would, moreover, open the way to abuses.

19. Proposals for corrections of votes already given, as contained in the draft resolutions of Australia and Venezuela, could lead to undesirable results. For example, the proposed amendments appeared to preclude absolutely the possibility of resorting to a new count in a situation where delegates had been confused as to the question which had been put to the vote.

20. The United States delegation opposed proposals for introducing electrical voting equipment. Not only was the Assembly able, under the existing rules and practices, to conduct its voting in a satisfactory manner, but also the heavy expense which would be involved made it inadvisable to explore the possibilities of electrical equipment further.

21. Mr. JAMIESON (Australia) said that, in effect, the Australian proposals expressed some of the ideas mentioned in paragraphs 100 to 103 of the report to the Secretary-General (A/2977). Their only purpose was to embody in a set of rules certain powers which were in any case vested in the Chair. The powers and duties of the Chair were to be clarified by means of certain small provisions intended to fill a few obvious gaps in the rules of procedure.

22. All the proposals included in the Australian revised draft resolution (A/C.6/L.364/Rev.1) came well within the terms of General Assembly resolution 901 (IX), which spoke of "possible provisions designed to prevent and correct any mistakes which might occur during the voting procedure". The terms of that resolution were much wider than was suggested by the short title of agenda item 51, "Question of the correction of votes in the General Assembly and its Committees". Resolution 901 (IX) went much further than the original French proposal concerning the correction of votes.

23. It had been suggested that the proposal for a second roll-call might be open to abuse. Any rule could be frustrated if carried to extremes, but the fact that abuse was possible would not justify dispensing with a

rule and leaving matters entirely at the discretion of the Chair. Besides, delegations were unlikely to resort to abusive practices which were apt to injure their country's reputation.

24. At the previous session, the Committee had postponed the item under discussion. The matter was not very complex and the Committee had now before it the carefully prepared Secretary-General's report (A/2977). The Committee could, by solving some drafting difficulties, agree on a text which would ease the task of the Chair in future. The United Nations worked under a written Charter and under written rules of procedure: precedent and custom were therefore not always a good guide. It was necessary to state in a specific rule that the Chair announced the result of a vote, and to lay down the manner in which that result would be announced. As matters now stood, a delegation might conceivably challenge the Chair's announcement of a decision on the grounds that the Chair had no written powers to make such an announcement.

25. His delegation would not press for a vote on operative paragraphs 1, 2, 5 and 6 of its revised resolution. A vote on paragraphs 3 and 4 was, however, called for. The draft rule 93a [132a] therein proposed was a codification of existing practice: It confirmed the powers which were in fact exercised by the Chair. He explained that in the opening phrase of the two draft rules the words "proposal or amendment" should be interpreted to mean also any part of a proposal or an amendment.

26. Mr. HOLMBÄCK (Sweden) agreed with the representatives of the United Kingdom and the United States of America in opposing the Australian revised draft resolution (A/C.6/L.364/Rev.1). Even operative paragraphs 3 and 4 of that resolution were not necessary. Any attempt to introduce ultimate refinements in the rules ran the risk of inviting confusion. Under the existing practice in the Assembly, the Chair announced the result of an election in the same manner as now is proposed regarding any other vote. But if the proposed new rule 93a [132a] were adopted, one would wonder why the rules did not prescribe that the Chair should announce the results of an election in the same way.

27. Referring to the Venezuelan draft resolution (A/C.6/L.365), he said that the new provision proposed in resolution A patently applied to clerical errors only; but no such new clause was necessary, for the existing practice made adequate provision for such situations.

28. He noted that rule 93a [132a] proposed in the Venezuelan draft resolution was entitled "Corrections of vote", whereas no such heading appeared in the corresponding clause proposed in the Australian revised draft resolution. Perhaps the Secretariat could tell the Committee whether the headings which appeared in the rules of procedure of the General Assembly had been formally adopted by the General Assembly or had been inserted by the Secretariat. If those headings had been adopted by the Assembly, then a heading was necessary on the lines of that appearing in the Venezuelan draft resolution. If, on the contrary, those headings had not been voted by the General Assembly, then no such heading should be inserted in whatever text the Committee voted on.

29. With regard to draft resolution B of Venezuela, he recalled that the proposal for the use of electrical equipment had originally been made by the delegations

of the Scandinavian countries six years previously.¹ Such equipment would be an advantage, but it was not a pressing need and his delegation would agree to a postponement of the question until the following session when more information might be available. Electrical equipment could not, of course, be used for a secret ballot and its use would make all votes tantamount to roll-call votes, in so far as each single vote would be registered. In that connexion, he said that the practice in the Swedish legislature was that the votes of members which appeared on an electrical indicator were not, in the absence of an express request, recorded individually in the minutes of the meetings. A request of that nature was tantamount to a request for a roll-call vote in the General Assembly of the United Nations.

30. Mr. LIANG (Secretary to the Committee) said that the headings of the rules of procedure, by which he meant the words in italics preceding each particular rule, and the table of contents, had been approved when the second session of the General Assembly adopted the bulk of those rules. They had thus received the stamp of General Assembly approval, although he had no recollection of any discussion on the actual headings. Rule 163 of the rules of procedure made it clear, however, that no undue importance should be attached to the table of contents or to the notes in italics since it specifically laid down that they "shall be disregarded in the interpretation of the rules".

31. Further rules had been added at later General Assembly sessions. The history of those additional rules was given in the introduction to the revised edition of the rules of procedure (A/520/Rev.3, pp. ix and x). In approving those new rules, the General Assembly had adopted them, most of them with headings. In the rare cases in which no headings had been voted by the General Assembly, the Secretariat had supplied such headings.

32. In further reply to the Swedish representative, he explained that a delegation could, of course, attach a heading to a proposal which it had introduced. If the proposal were adopted together with the heading, both would be inserted in the rules of procedure.

33. Mr. EL ERIAN (Egypt) said experience had shown the soundness and effectiveness of the existing rules of procedure. Those rules constituted, if properly applied, an excellent instrument for the conduct of business in United Nations bodies.

34. He recalled that the Egyptian delegation had voted in favour of resolution 901 (IX) because of the intention expressed therein of making an investigation of certain parliamentary practices. A thorough analysis of voting procedures and modern techniques had been made in the Secretariat report (A/2977). The Committee should take note of the conclusions of that report, but it should not recommend any change of rules of procedure of the General Assembly. There was no urgent need for any such change. Errors had been few and far between, and such few errors as had occurred had been satisfactorily settled under the existing rules of procedure.

35. With reference to draft resolution B of Venezuela (A/C.6/L.365), he said he would vote against any recommendation for the study of the use of electrical voting equipment, because the slight advantages ex-

¹ See *Official Records of the General Assembly, Second part of third session, Plenary Meetings, Annexes*, document A/825.

pected from such use did not justify the very heavy expense that would be involved.

36. Mr. BIHIN (Belgium) said that the general consensus appeared to be that the rules of procedure of the Assembly and its Committees had worked satisfactorily so far. Accordingly, while appreciating the value of the proposals before the Committee, he would suggest that no further action should be taken on the Australian, Venezuelan and Guatemalan draft resolutions (A/C.6/L.364/Rev.1, A/C.6/L.365 and A/C.6/L.366, respectively) and that the Rapporteur should include a passage in his report along the following lines:

"It is the opinion of the majority (or the unanimous opinion) of the Committee that the amendments to the rules of procedure proposed by Australia and Venezuela are not necessary, in so far as they refer to: (a) the manner in which the votes are to be counted and in which the President is to announce the result of the voting; and (b) corrections of votes after announcement of the result of the voting.

"They are unnecessary because the established United Nations practice in any case applies the system they recommend, *viz*: (a) at the conclusion of voting, except in the case of elections, the President [Chairman] shall announce the number of votes in favour, the number against and the number of abstentions and shall state whether the proposal or amendment has been adopted or rejected or that a second vote will, under these rules, be required as the case may be; (b) correction of his vote by a representative after announcement of the result of the voting by the President [Chairman] shall not modify the result announced."

37. Such a solution should meet all the points covered by the Guatemalan draft resolution (A/C.6/L.366) except that of voting by division, an innovation to which his delegation was strongly opposed on the ground that a sufficiently wide choice of voting procedures was already open to the Assembly. He hoped that the representative of Guatemala would not press that part of his proposal.

38. It should be possible to settle the question of voting by electrical equipment after a brief discussion. While inclined to favour such a method, his delegation was not opposed to further study of its desirability.

39. Mr. PEREZ PEROZO (Venezuela) withdrew part A of his delegation's draft resolution in favour of the solution advocated by the Belgian representative.

40. Mr. RODIL-MACHADO (Guatemala), introducing his delegation's draft resolution (A/C.6/L.366), apologized for the length of the proposed new rule 89a but added that some articles of the Charter also went into considerable detail. The object of the rule, which was based on the experience of the General Assembly and centuries of parliamentary practice, was to make adequate provision for both the checking of votes and the correction of errors. The fact that no serious problems had arisen in the past might be good ground for not investing in costly electrical equipment, but could hardly justify neglect to provide for the possibility of grave difficulties in the future.

41. After outlining the proposals contained in operative paragraph 1 of his delegation's draft resolution, he said that in view of the Belgian representative's suggestion and the action of the Venezuelan representative, he wished to withdraw that part of the proposal and also the third paragraph of the preamble.

42. The proposal contained in operative paragraph 2 was practically identical with that in part A of the Venezuelan draft, the only difference being that it sought, by using the term "explanation", to avoid the ambiguity inherent in the phrase "correction of votes".

43. Mr. SALAMANCA (Bolivia) said that the Committee appeared to have exhausted the subject. His delegation agreed with those delegations which opposed changes in the rules of procedure, and it saw no point in the use of electrical equipment. It welcomed the Belgian representative's proposal, though it did not think that the latter's text had to be included in the joint draft resolution (A/C.6/L.367).

44. Since closure of the debate was the logical implication of the Belgian proposal, he would make a formal motion to that effect.

45. The CHAIRMAN said that if there was no objection, he would consider the motion adopted and declare the debate closed.

It was so agreed

CONSIDERATION OF DRAFT RESOLUTIONS AND PROPOSALS BEFORE THE COMMITTEE

46. Mr. VALLAT (United Kingdom) said that it would be more in keeping with the Belgian proposal and the action of the Venezuelan and Guatemalan delegations, if the joint draft resolution (A/C.6/L.367) were put to the vote first. Such a course might spare delegations the embarrassment of having to vote against proposals with the principles of which they were in agreement.

It was so agreed.

47. Mr. PEREZ PEROZO (Venezuela) withdrew draft resolution B of his delegation's draft resolution (A/C.6/L.365).

48. Mr. RODIL-MACHADO (Guatemala) also withdrew the remainder of his delegation's draft resolution (A/C.6/L.366).

49. Mr. MAÚRTUA (Peru) pointed out that adoption of the joint draft resolution as it stood would preclude further action with regard to the suggestion of the Belgian representative.

50. After a procedural discussion, Mr. BIHIN (Belgium) proposed that full discretion be left to the Rapporteur to insert an appropriate reference to the views of the Belgian delegation in his report.

It was so agreed.

51. Mr. SCOTT (New Zealand) proposed an amendment to the joint draft resolution (A/C.6/L.367): the words "draws the attention of the Member States to" should be deleted from operative paragraph 2.

52. Mr. SPIROPOULOS (Greece), supported the New Zealand amendment and proposed that the words, "and recommends that Member States should continue to study the question" be added at the end of operative paragraph 3.

53. After discussion, Mr. SEN (India) announced that the joint authors of the draft resolution were willing to accept both the New Zealand and the Greek amendments.

54. Mr. CARPIO (Philippines) requested a separate vote on the amendment proposed by the Greek delegation.

55. The CHAIRMAN put the Greek amendment to the vote.

The amendment was adopted by 30 votes to 1, with 14 abstentions.

56. The CHAIRMAN put to the vote the joint draft resolution proposed by the Brazilian, Indian and Syrian

delegations (A/C.6/L.367), as amended by the New Zealand and Greek proposals.

The draft resolution, as amended, was adopted by 44 votes to none, with 2 abstentions.

The meeting rose at 6.30 p.m.