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Chairman: Mr. Karel PETRŽELKA
(Czechoslovakia).

Amendments to rules 38, 39 and 101 of the rules of procedure of the General Assembly (A/C.6/351; A/C.6/L.382)

1. The CHAIRMAN read out the proposed amendments, as described in the note by the Secretary-General (A/C.6/L.382).
2. Sir Gerald FITZMAURICE (United Kingdom) approved the amendments in question, but did not think the name "Special Political Committee" was very felicitous. It suggested that that Committee had some special function, whereas in fact its work was comparable to that of the Political and Security Committee. He would have preferred both those Committees to be called "Political and Security Committees", with the addition of the word "Additional" or "Supplementary" in the case of the Special Political Committee. Alternatively, the Special Political Committee might be called "First Committee B", to distinguish it from the other Political Committee.
3. Mr. MOROZOV (Union of Soviet Socialist Republics) said that the General Assembly, although it had decided to refer to the Sixth Committee the question of amendments to the rules of procedure, in conformity with rule 164, had in fact contravened the provisions of that rule. Rule 164 provided that the rules of procedure could be amended by a decision of the General Assembly "after a committee has reported on the proposed amendment". Any change in the rules of procedure therefore presupposed a report by a Main Committee. The General Assembly was of course free to determine its rules of procedure, but the purpose of rule 164 was to ensure the necessary stability and the orderly conduct of business. It was the Assembly's duty to respect its own decisions, including that mentioned in rule 164.
4. It could hardly be said that a purely procedural question was involved; often procedural questions were closely related to questions of substance, and it was desirable from the point of view of all delegations, as of all United Nations bodies, that the rules of procedure should be immune from sudden changes in breach of the provisions of rule 164. The Sixth Committee, whose duty it was to ensure that the Charter and the rules of procedure were applied strictly, could not accept the creation of such a precedent.

5. Subject to that reservation, he did not oppose the amendments set forth in the Secretary-General's note, which might form a suitable basis of discussion.
6. Mr. NISOT (Belgium) pointed out that if the General Assembly's decision was adopted by a two-thirds majority it prevailed over any provision of the rules of procedure.
7. Mr. SPIROPOULOS (Greece) said that inasmuch as the particular rule did not distinguish between important and other questions that rule applied.
8. The CHAIRMAN noted that rule 164 of the rules of procedure had not been complied with; but he referred to the explanations given by the President of the General Assembly at the 577th plenary meeting, and added that the Committee was expected only to decide on the amendments to rules 38, 39 and 101 of the rules of procedure.
9. Mr. SPIROPOULOS (Greece) said that, under a strict interpretation of the rules of procedure, the question of amendments to the rules ought first to have been included in the agenda of the General Assembly and then referred to the Sixth Committee.
10. He agreed with the United Kingdom representative that the name Special Political Committee was not ideal. The term "Special" suggested that that Committee had some special function, whereas in fact the Assembly's intention was to make it a permanent body on a par with the other Main Committees. Conceivably it might be called "Second Political Committee", but that name might be construed as meaning that the Committee was less important than the Political and Security Committee. There could be no differences of rank as between the two Committees.
11. Mr. HSUEH (China) said that the General Assembly had decided on two principles: firstly, to amend the English title of the *Ad Hoc* Political Committee and, secondly, to confer a permanent character on that Committee. The Sixth Committee was asked to give effect to those principles and to amend certain rules of procedure accordingly. It was consistent with the provisions of rule 164 that the Sixth Committee had been asked to consider and report on the matter.
12. He supported the various recommendations contained in document A/C.6/L.382, but agreed with the representatives of Greece and the United Kingdom that the name "Special Political Committee" was not a happy choice. He would prefer the name "Political and Security Committee B"; the present First Committee would then become "Political and Security Committee A".
13. The CHAIRMAN said there might be objections to that solution; the full title of the First Committee included, in parentheses, the words: "including the regulation of armaments".
14. Mr. SPIROPOULOS (Greece) said the term "security" should not give rise to difficulties, since it

did not refer to armaments exclusively. It had a very general sense and was used in many places in the Charter.

15. Mr. STAVROPOULOS (Legal Counsel) said that the Secretary-General had consulted the various delegations before suggesting a change in the English title of the *Ad Hoc* Political Committee. The General Assembly had approved the General Committee's recommendation and had decided at the same time to confer a permanent character on the Committee. The Sixth Committee, to which the General Assembly had referred the matter, could hardly change a decision adopted by the Assembly.

16. In addition, the title "Second Political Committee" was a potential source of confusion, since there already was a Second Committee. The solution proposed by the Secretary-General in document A/C.6/L.382 might not be perfect, but it seemed to be the only possible one.

17. Sir Gerald FITZMAURICE (United Kingdom) agreed that the Sixth Committee could not overrule a decision taken by the Assembly, but it could recommend that the Assembly should give a different name to the Special Political Committee.

18. In order to avoid the confusion mentioned by the representative of the Secretary-General, the Committee could adopt the proposal made by the Chinese delegation and decide that the Special Political Committee should become the First Political Committee B, the present First Committee becoming the First Political Committee A.

19. Mr. SPIROPOULOS (Greece) agreed that the Committee could not overrule the Assembly, but it could inform the Assembly that it would prefer a different name. The Assembly could then decide, by a two-thirds majority, to reconsider its earlier decision and to adopt the Sixth Committee's recommendation.

20. He would not oppose the solution suggested by the Chinese delegation.

21. Sir Gerald FITZMAURICE (United Kingdom), replying to a question by Mr. NISOT (Belgium), said that he saw no objection to calling the Special Political Committee the "Political and Security Committee B (including the regulation of armaments)"; the present First Committee would then become "Political and Security Committee A". Perhaps the representative of China would comment on that point.

22. Mr. OSMAN (Sudan) said the Committee was competent to take a decision, for the question had been referred to it by the General Assembly; he suggested that the Special Political Committee should be called the "Standing Political Committee".

23. Mr. NISOT (Belgium) said the Sixth Committee would probably be exceeding its powers if it changed the names of two Committees and added the letter A to the existing name of the First Committee. It would seem simpler to adopt the Secretary-General's proposal.

24. Mr. AMADO (Brazil) said the word "special" did not in any way indicate in advance the work the Committee might be called upon to do. When the General Assembly had in the past set up the *Ad Hoc* Political Committee it had given it a particular function to perform; it had subsequently decided to give the Committee a permanent character because of the volume of the tasks assigned to it. The Committee had been an *Ad Hoc* Committee but had become a Main

Committee like the rest, and its new name was thus simply the confirmation of an established fact.

25. The perfectionism of certain delegations was thus not wholly justified and it would surely be better for the Sixth Committee to adopt the Secretary-General's proposals.

26. Mr. KNOX (Denmark) shared the views of the representative of China and agreed with the United Kingdom representative that the word "special" was not very felicitous. He was not a perfectionist, yet he considered the word misleading, for it failed to express the General Assembly's intention, which had been to transform the *Ad Hoc* Political Committee into a Main Committee.

27. Mr. DUTTA (Pakistan) wished to associate his delegation with those which, at the previous meeting, had congratulated the Chairman, Vice-Chairman and Rapporteur on their election. He supported the Secretary-General's proposals in document A/C.6/L.382. The expression "*Ad Hoc*" by implication circumscribed the competence of that Committee, whereas the word "special" was not restrictive. The word did not mean that the body was not a permanent one but simply that its functions were of a special kind.

28. Mr. PATHAK (India) asked why, in his note, the Secretary-General had replaced the cardinal numbers which preceded the names of the Main Committees in rule 101 of the rules of procedure by the ordinals in parentheses after the name of each Committee (First Committee, and so on).

29. Mr. STAVROPOULOS (Legal Counsel) said that the intention was to avoid confusion; hence the names in current use had been employed. If the Committees had simply been numbered, the Third Committee, for instance, would have appeared as No. 4.

30. Mr. PATHAK (India) said the Committee could properly submit a recommendation to the General Assembly regarding the name of the Special Political Committee. The word "special" was a misnomer, since the Committee was not, strictly speaking, special. The Chinese representative's suggestion was excellent. The word "supplementary", on the other hand, would not be suitable.

31. Mr. AZARA (Italy) supported the Secretary-General's proposals because they left things as they were. To call the two political committees A and B would create difficulties, because it would then be necessary to decide what questions were within the competence of each Committee.

32. Mr. CASTREN (Finland) shared the views of the representatives of China and the United Kingdom. The Sixth Committee could not overrule a decision of the General Assembly, but there was nothing to prevent it from making a recommendation.

33. Mr. ALVES MOREIRA (Portugal) said the Committee should approve the Secretary-General's proposals because they flowed logically from the decision taken by the General Assembly. If the Committee wanted to change the designation of the Special Political Committee along the lines, say, of the Chinese representative's suggestion, it should debate the question and formulate its conclusions in a special recommendation.

34. Mr. BAILEY (Australia) said the Committee was dealing with a procedural problem of some importance: the competence of the General Assembly and of the Sixth Committee, respectively.

35. The General Assembly had taken a decision of substance without considering the amendment of its rules of procedure; consequently the decision did not come within the scope of rule 164 of the rules of procedure. In any case the Sixth Committee was not asked to express an opinion on that point; it was required simply to give effect to the decision of the General Assembly. Similarly, it could hardly, on its own initiative, change a name which had been chosen by the General Assembly.

36. There remained the question of the numerical listing of the various Committees. How could seven items be accommodated by six figures? That was a problem which was arithmetically insoluble. The only possibility, therefore, if the numerical listing were to be maintained, was to give the Special Political Committee the number 7 or radically to rearrange the present numbering, which no one dreamed of doing.

37. To sum up, he thought the Sixth Committee should approve the Secretary-General's proposals, which simply implemented a decision of the General Assembly. It could, in addition, ask the Chairman to inform the General Committee that the question of the name of the Special Political Committee had been raised during the discussion.

38. Mr. GLASER (Romania) said it was evident from the general tenor of the debate that it would have been better had the General Assembly respected rule 164; most of the speakers had been concerned with remedying the consequences of the error committed by the Assembly. The Australian representative had said that the General Assembly had made a ruling of substance; but the distinction between substance and procedure was anything but clear. In fact—as many representatives thought—the General Assembly had respected neither the spirit nor the letter of rule 164. His delegation certainly had grave doubts regarding the regularity of the procedure followed by the General Assembly, which must not be regarded as a precedent: when the Assembly took a decision which concerned, even if only implicitly, its rules of procedure, it should conform to the provisions of rule 164.

39. With regard to the designation in English of the Special Political Committee, he agreed that, for the reasons given by the Secretary-General and by a number of representatives, and without prejudice to the Sixth Committee's right to formulate recommendations, the Committee should approve the Secretary-General's proposals on the understanding that a better name might be found later.

40. Mr. LIMA (Salvador) said that if the decision of the General Assembly were interpreted as a mandatory directive to the Sixth Committee, the latter could not do otherwise than comply and adopt the proposals of the Secretary-General. Such an interpretation was erroneous, however. The General Assembly had requested advice, pursuant to rule 164.

41. He recalled that the *Ad Hoc* Political Committee had been established to assist the First Committee whose workload had become excessive. There should still be six Committees, but the Political Committee should be subdivided into two sections (A and B). It was not necessary to give the full title of the Committee before each section (as would have been done if the proposal of the representative of China had been adopted). It was sufficient to say "Political and

Security Committee (including the regulation of armaments), Sections A and B".

42. Mr. LEMUS DIMAS (Guatemala) approved the proposals of the Secretary-General with the following reservation: rule 31, which was referred to in paragraph 2 of the note by the Secretary-General, should also be mentioned in paragraph 1, because it had the same force as rules 38, 39 and 101.

43. The English name of the "Special" Political Committee was a secondary matter. He was prepared to approve the name proposed by the Secretary-General or any other reasonable name.

44. Mr. LEGARE (Canada) favoured the suggestion of the representative of Australia that the question of the name of the Special Political Committee should be referred to the General Committee. He hoped that the General Committee might also consider the possibility of placing the newly established Committee last on the list in order to avoid changing the present order of the Committees.

45. Mr. NISOT (Belgium) moved that the Secretary-General's proposals should be put to the vote.

46. The CHAIRMAN said he could not put them to the vote until all those on his list had spoken.

47. Mr. NOGUES (Paraguay) said the *Ad Hoc* Political Committee had been formed to relieve the First Committee which did not have time to consider all the political questions placed before the Assembly; that procedure had had to be repeated year after year because the agenda of the First Committee had become heavier and heavier. The words "*ad hoc*" did not properly convey the idea of permanence which it was desired to express. He could not accept the proposal of the Chinese delegation: would the First Committee have a chairman for each section or a single chairman? As "*ad hoc*" was translated by "*spécial*" in French, the simplest solution would be to adopt the same word in English. He agreed that the Special Political Committee should come last on the list.

48. Mr. SPIROPOULOS (Greece) agreed with the representative of the United Kingdom in regretting the Assembly's choice of the name "Special Political Committee" when the questions considered by that body were of exactly the same nature as those dealt with by the First Committee and were therefore not of a special character. The members of the Sixth Committee who shared this view might consult the heads of their respective delegations with a view to the General Assembly reversing its own decision. Meanwhile, the Sixth Committee might accept the proposals of the Secretary-General (A/C.6/L.382), amended in the manner suggested by the representative of Guatemala.

49. Mr. MOROZOV (Union of Soviet Socialist Republics) did not agree with the idea, put forward by the representative of Belgium, that the Assembly could, by a two-thirds majority vote, override the provisions of its rules of procedure. The decision taken by the General Assembly could not constitute a precedent. Were the view of the representative of Belgium to be adopted, the rules of procedure of the Assembly and of other bodies of the United Nations would lose all stability. Delegations should have the assurance that the rules of procedure would not be modified abruptly during the course of a session because of some particular political influence.

50. Several representatives, in particular the representative of Brazil, had said that the name "Special Political Committee" was admittedly an arbitrary one, but had nevertheless supported the Secretary-General's proposal. Bodies were always named in a somewhat arbitrary and conventional manner, and decisions taken could only be approximate. Moreover, a custom had been established, and it should not be abandoned lightly. He would be even more conservative than Sir Gerald Fitzmaurice, whose misgivings he did not understand. The Secretary-General's proposals (A/C.6/L.382) did no more than translate into technical terms the decision of the General Assembly, and their effect was to preserve for the Committee the name to which delegations had been accustomed for years. To change the numbering of the Committees would be to create artificial difficulties calculated to confuse public opinion and cause chaos in the documentation. He therefore supported without reservation the Greek proposal to adopt the amendments proposed by the Secretary-General (A/C.6/L.382), with the change suggested by the representative of Guatemala.

51. Mr. STAVROPOULOS (Legal Counsel) said he feared that he had not been sufficiently explicit. He recalled that, in virtue of rule 99 of the rules of procedure, the Sixth Committee could not and must not introduce a new item on its own initiative. It should therefore limit its action to consideration of the question referred to it by the Assembly: the question of the amendments to be made to the rules of procedure in consequence of the Assembly's decision to change the English title of the *Ad Hoc* Political Committee.

52. Mr. CANAL (Colombia) shared the view of the Legal Counsel. The Sixth Committee would be exceed-

ing its powers if it were to criticize the name given by the Assembly to the new permanent committee. The proposals of the Secretary-General (A/C.6/L.382) should be adopted without change.

53. Mr. PECHOTA (Czechoslovakia) was also in favour of the Secretary-General's proposals, which had the advantage of not changing the name of the Committee in the majority of the official languages.

54. The Czechoslovak delegation thought it regrettable that the General Assembly, in adopting at its 577th plenary meeting an amendment concerning an increase in the number of its Vice-Presidents without referring the question to the Committee, should have contravened rule 164 of its own rules of procedure, under which the rules may be amended only by a decision of the Assembly following a report by a committee.

55. The CHAIRMAN considered that the situation was perfectly straightforward. The Sixth Committee was faced with a *fait accompli*, since the General Assembly had decided to change the title, in English, of the *Ad Hoc* Political Committee. By formally proposing a new change of name, the Sixth Committee would be acting contrary to the decision of the Assembly and its proposal might well fail to receive approval by a two-thirds majority in the Assembly.

56. He noted further that the Sixth Committee was prepared to approve the amendments proposed by the Secretary-General (A/C.6/L.382), amended along the lines indicated by the representative of Guatemala.

It was so decided.

The meeting rose at 1 p.m.