

## HUNDRED AND FIFTIETH MEETING

*Held at Lake Success, New York, on Monday, 3 October 1949, at 3 p.m.*

*Chairman: Mr. LACHS (Poland).*

### **Methods and procedures of the General Assembly: report of the Special Committee (A/937) (continued)**

1. The CHAIRMAN reopened the discussion on the Iranian proposal (A/C.6/L.12) concerning rule 59 of the rules of procedure of the General Assembly.
2. Mr. LOUTFI (Egypt) called attention to the fact that proposals and amendments which had been made at the previous (149th) meeting after the beginning of voting should, in accordance with rule 117, be considered out of order.
3. Mr. TATE (United States of America) thought that, in spite of some procedural confusion, the situation was simple. The first part of the Iranian proposal, which was in fact identical with the existing rule 59, had not been intended by its author as a new proposal and should not be considered as such. The whole proposal should be put to the vote; the United States would vote for it.
4. Should the two parts be put to the vote separately, however, the United States would vote in favour of both.
5. Mr. GRAFSTRÖM (Sweden) remarked that a few members of a Committee whose task was to speed up the work of the General Assembly were deliberately making it difficult for the Committee to pursue that task.
6. If, despite numerous protestations, the two parts of the Iranian proposal were voted on separately, the Swedish delegation would vote in favour of the first part, not in order to mark its approval of the existing rule 59, but as a preliminary to the second part, which it considered essential.
7. Mr. KORETSKY (Union of Soviet Socialist Republics) thought that there was no ground for the Swedish representatives opening remark, especially in view of the fact that the vote taken at the previous meeting was almost evenly divided.
8. Mr. ROLZ BENNETT (Guatemala) remarked that his delegation was anxious to find the best means of improving the General Assembly's rules of procedure and expediting its work. It was in

that spirit that his delegation maintained its request that the Iranian proposal, which the Committee had agreed to consider as a new proposal, should be put to the vote in two parts.

9. The CHAIRMAN said that the Swedish representative's remark implied some criticism of the conduct of business by the Chairman. He had, however, endeavoured to apply the rules of procedure and to put into practice the advice of the Special Committee, of which the Swedish representative had been Rapporteur, to respect the rights of minorities as well as majorities (A/937, paragraph 39).

10. Mr. AMADO (Brazil) observed that the Committee was divided into two camps: some members thought that the restrictions proposed by the Special Committee menaced the freedom of speech and the rights of Member States, while many others held that it was the duty of responsible men to avoid wasting time on a debate which could not possibly alter a majority decision. It appeared, in fact, that the provision that one-third of the Members present and voting could decide that the report of a Main Committee should be discussed in plenary meeting was a sufficient safeguard of the rights of minorities. Nevertheless, the Brazilian delegation had hesitated to accept the text of rule 59 as proposed by the Special Committee (A/937, paragraph 27) because it represented a serious restriction of the freedom of speech. It had therefore welcomed the joint Chilean, Canadian and Venezuelan proposal (A/C.6/L.11). As that text had been rejected, his delegation would vote in favour of the Iranian proposal, but would not be satisfied with retaining the existing rule.

11. In reply to a question by the representative of the UNION OF SOVIET SOCIALIST REPUBLICS as to the effect of the adoption or rejection of the Iranian proposal on the text recommended by the Special Committee, the CHAIRMAN pointed out that the Special Committee's text was no longer before the Committee.

12. With reference to a point raised by the United Kingdom representative, he stated that a rejection of the first part of the Iranian proposal would in no way affect the existing rule 59, which would remain in force unless superseded by the Iranian proposal as a whole.

13. Mr. JORDAAN (Union of South Africa) said that he had challenged the Chairman's ruling at the previous meeting under the impression that if the first part of the Iranian proposal, which was a repetition of the existing rule 59, was rejected, rule 59 itself would be deleted. He did not insist on that challenge, on the clear understanding that, unless the Iranian proposal was accepted as a whole, the existing rule 59 would remain in force.

14. The CHAIRMAN put to the vote the first sentence of the Iranian proposal (A/C.6/L.12) as follows:

"Discussion of a report of a Main Committee in a plenary meeting of the General Assembly shall take place if at least one-third of the Members present and voting at the plenary meeting consider such a discussion to be necessary."

*The first sentence of the Iranian proposal was adopted by 40 votes to none, with 7 abstentions.*

15. The CHAIRMAN then put to the vote the second sentence of the Iranian proposal, reading as follows:

"Any proposal to this effect shall not be debated, but shall be put immediately to the vote."

*The second sentence of the Iranian proposal was adopted by 24 votes to 22, with 2 abstentions.*

*At the request of the USSR representative, the vote on the Iranian proposal as a whole was taken by roll call.*

*Australia, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Belgium, Bolivia, Brazil, Canada, China, Denmark, France, Iceland, Lebanon, Netherlands, New Zealand, Norway, Pakistan, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina.

*Against:* Australia, Burma, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Guatemala, Honduras, India, Iraq, Mexico, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

*Abstaining:* Byelorussian Soviet Socialist Republic, Chile, Greece, Peru.

*The Iranian proposal was adopted by 23 votes to 21, with 4 abstentions.*

16. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) said that, the procedural discussion being over, he wished to clarify, in accordance with the request of the Sixth Committee, the difference between amendments and proposals as laid down in rules 119 and 120 of the rules of procedure.

17. He quoted the following passage from the summary record of his statement made before the Sixth Committee on 12 November 1948 (A/C.6/SR.102):<sup>1</sup>

"With regard to rules 119 and 120 of the rules of procedure, he wished to state that the question of procedure with regard to amendments and proposals had been thoroughly discussed in Sub-Committee 3 of the Sixth Committee in 1947. Some delegations had suggested that no difference should be made between amendments and proposals and that they should all be grouped together. The Chairman and the Committee would then determine which was the furthest removed from the original proposal and therefore to be voted on first. That suggestion had not been accepted by the Sixth Committee or the General Assembly. It was for that reason that rules 119 and 120 had been written into the rules of procedure. He clarified the point that it is not the title which a delegation gave to its text which decided whether a motion was an amendment or a proposal. A motion was an amendment if it added to the original text of the proposal, deleted a part of the original proposal, or revised or substituted a part of the proposal. On the other hand, a motion for complete deletion or complete substitution was not an amendment within the meaning of rule 119 but a proposal in the sense of rule 120. Amendments were voted on in order, beginning with the furthest removed. Proposals were voted on in the order of their submission, unless the Committee decided otherwise. When there was a proposal for complete deletion and another for complete substitution, they were not amendments but proposals and should be voted on in the order of their presentation. When complete deletion was voted, it de-

pendent entirely on the will of the Committee to decide according to rule 120 whether a further vote should be taken on substitution."

18. He hoped that the foregoing would clarify the distinction made in the rules of procedure between amendments and proposals and the different manner of voting prescribed with respect to each of those categories.

19. The CHAIRMAN opened the discussion on rule 64 as proposed by the Special Committee (A/937, paragraph 37).

20. Mr. TRUJILLO (Ecuador) asked what was meant by the suggested provision that a representative rising to a point of order could not speak on the substance of the matter under discussion; in a number of cases, it would be extremely difficult to distinguish between substance and points of order.

21. Mr. GRAFSTRÖM (Sweden) explained that the Special Committee, in proposing the amended text of rule 64, had sought to clarify the meaning of the existing rule and to enable representatives to direct the President's attention to violations or mis-applications of the rules of procedure and to raise points of order dealing with the conduct of the meeting, requests for information, material arrangements, documents and so forth. Representatives rising to such points of order should not speak on the substance of the matter under discussion.

22. Mr. WENDELEN (Belgium) said that his delegation would support the proposed rule. He agreed with the representative of Ecuador that it might be difficult to distinguish between substance and points of order, and he suggested that to remedy that situation a definition of what constituted legitimate points of order might be included in the proposed rule.

23. In the opinion of his delegation, the challenge of any decision of the President could be made on a point of order. If that interpretation were adopted, the representatives in the General Assembly would be enabled to challenge the President's decisions without any explicit provision to the effect that those decisions could be reversed.

24. Mr. RODRÍGUEZ FABREGAT (Uruguay) thought the point raised by the representative of Ecuador was most pertinent. The addition to rule 64 proposed by the Special Committee represented yet another limitation, to be added to the series of limitations already adopted by the Committee, the most drastic of which, that contained in the approved rule 59, constituted a change of principle. The existing rule 64 already contained certain limitations; appeals against the President's ruling had to be put to the vote immediately and, consequently, without discussion. That provision had worked well in the past and had sufficed for all practical purposes.

25. If, as the Belgian representative had suggested, a definition of what constituted points of order were inserted in rule 64, yet another limitation would be added.

26. If the only object of the Committee was to enable the General Assembly to save time, the logical conclusion would be to abolish all debate. That was not, however, the real task of the Committee; it should not act in that spirit. Each new

limitation should be considered not individually, but as forming part of a system which must be made as harmonious as possible in order to serve the true purposes of the General Assembly.

27. He therefore preferred to maintain the existing rule 64, although he might change his position if convincing arguments were advanced in favour of the text proposed by the Special Committee.

28. Mr. FERRER VIEYRA (Argentina) said that the proposed rule would in fact protect freedom of discussion. It was only logical to suspend consideration of substance when a point of order was raised, and to settle that point first, inasmuch as the decision would regulate the order of the debate. Points of order should, as suggested by the Special Committee, be raised only in relation to the conduct of the meeting, the lack of documents, the order in which amendments should be put to the vote and so forth.

29. He supported the Special Committee's text for rule 64.

30. Mr. ZIAUDDIN (Pakistan) remarked that the proposed amendment would be very difficult to apply in practice. As it was sometimes next to impossible to draw a line between a point of order and the substance of the matter, it might well happen that under the proposed rule debate would be lengthened rather than shortened.

31. Mr. RUDZINSKI (Poland) thought that the addition proposed by the Special Committee was neither necessary nor clearly stated. It was not necessary, because the existing rule already said that a point of order should be immediately decided by the President; "immediately" could only mean without debate. Moreover, it was not entirely clear from the text that the intention was to rule out the substance of the matter discussed before the point of order was raised.

32. With reference to the definition of points of order suggested by the Belgian representative, he recalled that the same question had been raised by the Committee of Experts of the Security Council which, when adopting a similar rule, had agreed to leave the decision on what constituted points of order to the future experience of the Security Council.

33. Nevertheless, in view of the fact that the rules adopted by the Committee conferred new powers on the President and that the question had been raised whether decisions taken under those powers could be challenged under rule 64, he felt that some clarification was required. Such clarification might be furnished by a definition in the rule itself, by a footnote to the rule, or by a passage in the Committee's report to the General Assembly. Some action should be taken to dispel any doubt that the provisions of rule 64 applied to appeals from the President's decisions taken in accordance with the amended rules adopted by the Committee.

34. Mr. ABDOH (Iran) agreed in principle with the Special Committee's proposal for rule 64 but drew attention to the fact that in certain cases it was impossible to separate substance from procedure. Referring to rule 119 dealing with the order in which amendments should be put to the vote, he gave the following example: if the President were to put to the vote an amendment which was least removed in substance from the original proposal, a representative raising the point

<sup>1</sup> See *Official Records of the third session of the General Assembly, Part I, Sixth Committee, page 427.*

of order that the President's action was in violation of the rules of procedure would be obliged to touch upon the substance of the question in explaining the situation. It would consequently be difficult to prohibit a discussion of substance under rule 64. He therefore suggested that the Committee might state in its report that representatives could touch upon the substance of a matter in cases where it was inseparable from the question of procedure.

35. Mr. MAÚRTUA (Peru) supported the remarks of the representative of Iran. The Argentine representative's interpretation of a point of order was inadequate. For example, a representative might raise a point of order to ask the President for an explanation of the meaning of a question being put to the vote, in which case the substance of the question must be involved.

36. The CHAIRMAN put to the vote the Special Committee's proposed text for rule 64 (A/937, paragraph 37).

*Rule 64, as proposed by the Special Committee, was adopted by 26 votes to 5, with 11 abstentions.*

37. The CHAIRMAN then called for consideration of rule 65, as proposed by the Special Committee (A/937, paragraph 30).

38. Mr. KORETSKY (Union of Soviet Socialist Republics) noted that the Special Committee's proposal for rule 65 contained two new provisions: first, that the General Assembly could limit the number of times each speaker could speak on any question; and secondly, that the President should call to order any speaker exceeding his allotted time.

39. The second provision was obvious and superfluous, for there was no need to tell the President what he should do in case of violation of an adopted procedure. That would be an expression of lack of confidence in his ability to conduct the debates and an unnecessary complication of the rules. The shorter the rules of procedure, the easier and better their application.

40. Regarding the first new provision proposed for rule 65, he noted that the confusion regarding procedure which had been manifested at the preceding (149th) meeting had been a good example of cases where thorough discussion was necessary to clarify certain questions. It was the duty of all Members of the United Nations to state their views and to listen to the views of others, in an attempt to reach general agreement.

41. While the number of statements of each representative on a procedural matter could be limited, there was no reason for limiting his statements on questions of substance. The desire to arrive at the truth should be put before formal considerations, which in that case would infringe fundamental democratic principles and the rights of the minority.

42. The number of times a representative should be allowed to speak depended on the importance and nature of the question under consideration and the course which the debate had taken. It should therefore not be limited by the rules of procedure.

43. In view of those considerations, Mr. Koretsky was in favour of retaining rule 65 in its existing form; he could not support the provisions proposed by the Special Committee.

44. Mr. FITZMAURICE (United Kingdom) asked

for some clarification of the procedure followed by the Committee.

45. Rules 64 to 81 were duplicated in subsequent rules dealing with the procedure of Committees of the General Assembly. The United Kingdom had in fact submitted a proposal (A/C.6/L.8) for an amalgamation of the two sets of rules.

46. The suggestion had been made earlier by the representative of Norway that the parallel rules should be discussed together. The ruling of the Chairman, however, had been that the rules should be discussed in the order in which they were presented in the working paper.<sup>1</sup> In view of the fact that the number of representatives present varied from meeting to meeting, however, he suggested that, after considering and voting upon a rule of procedure of the General Assembly, the Committee should take up the corresponding rule for Committees, so as to facilitate the discussion and to make sure that the votes on the two corresponding rules would not be affected by any change in the number of representatives attending the meeting.

47. In reply to the USSR representative's remarks concerning the Special Committee's proposals for rule 65, he stated that the proposed provisions were new in form only and were really consequential on the language of the existing rule 65. The purpose of the proposal was to prevent the object of the rule from being defeated, that is, to prevent representatives from speaking several times and thus circumventing a decision the General Assembly might take under that rule to limit the time of each speaker.

48. Speaking on the second provision proposed by the Special Committee, he agreed with the USSR representative that it might be considered superfluous; but Mr. Fitzmaurice pointed out that it was sometimes very embarrassing and difficult for the President to call to order a representative who was exceeding the time allotted to him. As in the case of the earlier rules, the object of the provision was to strengthen the hand of the President by obliging him to take certain action which he might otherwise be reluctant to take, and to make his position easier.

49. Mr. LOUTFI (Egypt) supported the United Kingdom proposal on procedure. He suggested that the proposed rules 65 and 103 should be discussed together because they were identical in substance, the only difference being that one dealt with the General Assembly and the other with Committees.

50. The provisions of rule 65 as proposed by the Special Committee were, he considered, useful. In the past, speakers in the General Assembly had abused the right of free speech, and even when the time of speakers had been limited under the existing rule 65, they had not adhered to the agreed limitation. Consequently, it was logical for the President to call such speakers to order, and the provision to that effect was reasonable. In view of those considerations he would support the Special Committee's proposal for rule 65.

51. Mr. RODRÍGUEZ FABREGAT (Uruguay) recalled the discussion concerning the Special Committee's proposal for rule 31, which provided that the President of the General Assembly could,

<sup>1</sup> The working paper (A/C.6/L.1) presented the new texts proposed by the Special Committee in the order in which the rules to be amended appear in the rules of procedure.



during the discussion of a question, propose the limitation of the time of each speaker, the limitation of the number of times each representative could speak, the closure of the list of speakers or the closure of the debate. He had pointed out during that discussion that the provisions of that rule conflicted with the existing rule 65, which laid down the power of the General Assembly to limit the time of each speaker. On the other hand, the new provisions of rule 65 proposed by the Special Committee seemed to imply that the President of the General Assembly did not know the rules of procedure and therefore needed to be told that he should call to order representatives who exceeded their time. He pointed out, in that connexion, that the General Assembly had always elected Presidents who had been able to conduct its debates, and that it had found no reason so far to incorporate such a provision in its rules of procedure.

52. Furthermore, the provision that the number of times each representative could speak on any question could be limited seemed to duplicate the provisions of rule 31, which gave the President the power at any time during the debate, to establish a new procedure and to limit the time and the number of speeches of each speaker; it was therefore unnecessary. The provision of the existing rule 65 that the General Assembly could limit the time to be allowed to each speaker already implied the right of a representative to speak and the power of the General Assembly to limit his time.

53. He was therefore opposed to the Special Committee's proposal for rule 65.

54. Concerning the United Kingdom proposal of procedure, he disagreed with the remark made by the Egyptian representative that there was no difference between the rules of the General Assembly and those of the Committees. While there might be no difference in form, it should not be thought that the work of the General Assembly and of the Committees was the same and thus required the identical procedure. He recalled, in that connexion, the statement he had made in reply to the United Kingdom representative's remark that the Sixth Committee was a technical organ, that it should deal with questions from a technical point of view and should leave political considerations to the General Assembly. Mr. Rodríguez Fabregat had pointed out at the time that the General Assembly, the highest organ of the United Nations, must consider questions from every angle, including the political. Consequently the Committee must consider the rules of procedure of the General Assembly and of the Committees separately and in the light of their respective needs.

55. With regard to the United Kingdom representative's remark concerning the varying number of representatives at different meetings, he felt that the Committee's decisions should be taken on the basis of the particular considerations applying to each rule under consideration. He therefore felt that each rule should be put to the vote separately.

56. Mr. MAÚRTUA (Peru) felt that limitation of speech must be achieved through the good will of the representatives themselves. Any provision to that effect must be relatively elastic, for it should not only respect the right of Members of the United Nations to state their views, but also enable each question to receive the consideration

which it deserved. He was therefore opposed to the Special Committee's proposal for rule 65, which he considered too restrictive.

57. Mr. FERRER VIEYRA (Argentina) agreed with the representative of Uruguay that, in adopting draft rule 31, which gave special powers to the President to propose limitation of the time and number of speeches of each representative, the Committee had recognized the power of the General Assembly to impose such limitations. Consequently it would be illogical to delete that provision from the rule under discussion.

58. However, he was opposed to the second provision proposed by the Special Committee for rule 65, since it could be left to the good judgement of the President of the General Assembly to call a representative to order when necessary.

59. Mr. KORETSKY (Union of Soviet Socialist Republics) wished to stress that it was impossible to limit the number of times a representative could speak. Noting that many references had been made to the abuse of the right of free speech in the General Assembly, he urged members of the Committee not to suspect ulterior motives in all representatives who availed themselves of their right to speak. The Committee should search for the best method of ensuring full discussion of questions. Some representatives considered it abuse if a member felt compelled repeatedly to utter the truth, particularly if the truth was unpalatable. The purpose of the United Nations, however, was to discuss and to attempt to reach general agreement. As representative of a country where it was customary to speak the blunt truth, he felt that repetition of the truth was not abuse; to consider it so was contrary to the basic principle of co-operation of the United Nations. To limit the number of times a representative could speak would work against the rights of the minority, which would have fewer opportunities of stating its views than the majority.

60. Other rules contained provisions authorizing the President to limit the number of speakers and the time of speeches on certain procedural questions. The rule under consideration, however, involved matters of substance and, consequently, no limitation of the number of times representatives could speak should be provided.

61. He therefore felt that the Special Committee's proposal for rule 65 was unacceptable. He proposed that the two provisions contained in it should be deleted. He asked for a separate vote to be taken on each part.

62. Concerning the United Kingdom proposal, he agreed with the representative of Uruguay that the rules should be considered separately. When the corresponding rules for Committees were dealt with, the Chairman could draw the Committee's attention to the decisions taken earlier on the parallel rules. He therefore preferred the procedure proposed by the Chairman of considering the rules in their numerical order, as they were listed in the working paper.

63. Mr. STABELL (Norway) thought that it would seem strange if, after having adopted the Special Committee's proposal for rule 31 under which the President could propose certain limitations, the Committee were to reject the proposal for rule 65, thereby depriving the General Assembly of the power to decide on those limitations.

64. He therefore felt that, in order to be con-

sistent, the Committee should approve the Special Committee's proposals for rule 65.

65. The CHAIRMAN, without entering into the substance of the question, pointed out that any proposal by the President under rule 31 had to be approved by the General Assembly, whose powers were wider than those of the President.

66. He noted the proposal of the Union of Soviet Socialist Republics for the deletion of the first and second provisions proposed by the Special Committee. In accordance with the USSR representative's request, they would be put to the vote separately.

67. He put to the vote the USSR representative's proposal that the following words proposed by the Special Committee in rule 65 should be deleted: "and the number of times each representative may speak on any question."

*The USSR proposal for deletion of those words was rejected by 25 votes to 13, with 4 abstentions.*

68. The CHAIRMAN then put to the vote the USSR proposal that the second sentence proposed by the Special Committee for rule 65 should be deleted: "When debate is limited and a representative has spoken his allotted time, the President shall call him to order without delay".

*The USSR proposal that the second sentence proposed by the Special Committee for rule 65 should be deleted was rejected by 23 votes to 15, with 5 abstentions.*

69. The CHAIRMAN then put to the vote the Special Committee's proposal for rule 65 as a whole.

*The Special Committee's proposal for rule 65 was adopted by 25 votes to 13, with 4 abstentions.*

70. The CHAIRMAN put to the vote the text proposed by the Special Committee for rule 67 (A/937, paragraph 31).

*Rule 67 was adopted by 30 votes to 6, with 3 abstentions.*

71. Mr. FITZMAURICE (United Kingdom) observed that that might be the moment for the Chair to rule on the point he had raised earlier. Unless a ruling were given at that juncture, the Committee might find that the first set of proposed rules had been covered and that it was beginning work on the second group without a decision from the Chair.

72. After listening to the representative of Uruguay, Mr. Fitzmaurice thought that a few words of explanation might be in order. The purpose of his suggestion had been to ensure that the decision taken by the Committee on each question was not affected by the attendance of certain members on some days and their absence when the second group of rules was under discussion.

73. Mr. KORETSKY (Union of Soviet Socialist Republics) considered that the United Kingdom representative's suggestion would not expedite the Committee's business. If such a proposal were followed, the Committee would have to set up a special working group to consider which proposed new rules could be grouped together. He was afraid that in that way much time would be lost.

74. Mr. STABELL (Norway) pointed out that a few days earlier he had made a proposal similar to that just made by the United Kingdom representative. He would support the United Kingdom suggestion. He thought that when the Committee

had agreed to consider the rules one by one it had been unaware of the fact that some of the proposed new rules were similar and in many cases identical. If that fact had been made clear at the outset, the Committee might have adopted another procedure. If the United Kingdom suggestion were approved, it would be advisable, in his opinion, to revert to rule 64 and take up consideration of new rule 102.

75. The CHAIRMAN, ruling on the point raised by the representative of the United Kingdom, considered that the Committee should be guided by the views of members present at each particular meeting and not by regard for those who might be absent from future meetings. The wisest course would be to endeavour to have all members present at all meetings. For that reason, the Committee should continue to follow the procedure it had adopted and consider the proposed new rules one by one. The suggested new rules of procedure for the General Assembly would thus be considered separately from those proposed for the Committees. Furthermore, an amalgamation of proposed new rules might lead to confusion.

76. In reply to the representative of Norway, the Chairman stated that, when the Committee had adopted the procedure it was following, he had believed that members were fully acquainted with the material to be discussed.

77. Mr. FITZMAURICE (United Kingdom) agreed that the rules for the General Assembly were quite distinct from the rules governing the Committees and should be taken up and voted on separately. What he had suggested was that the Committee might find it useful to consider related or similar rules one after another and thus avoid duplication in its discussions.

78. The CHAIRMAN felt that it would be wiser for the Committee to conclude its consideration of the rules pertaining to the General Assembly before undertaking consideration of the rules governing Committees.

79. The Chairman then opened discussion on the Special Committee's proposal for rule 68 (A/937, paragraph 31).

80. Mr. KORETSKY (Union of Soviet Socialist Republics) proposed that rules 68, 69 and 80 should be voted on together since they involved the same basic principle.

81. Mr. RODRÍGUEZ FABREGAT (Uruguay) was of the opinion that the proposals could not be voted on together. He pointed out that in draft rule 59, which the Committee had adopted, no debate was allowed before a vote on whether certain items should be discussed in plenary meeting. Under rule 64, further restrictions were placed on speakers, who were prohibited from discussing the substance of a matter when they had asked to speak on a point of order. Rule 65 enabled the General Assembly to limit the number of times a representative might speak on any question and, in addition, gave the President the power to call to order a representative who had spoken his allotted time. Rule 67 enabled the President to limit the time to be allowed to speakers. Rules 68 and 69 contained the same limitation with regard to motions for closure of the debate and for suspension or adjournment of the meeting. Rule 80 gave the President the power to permit members to give an explanation of their votes and to limit the time to be allowed for such explanations. It was thus clear that quite definite

considerations were involved in those rules although at first glance they might seem very similar. Some rules served the dual purpose of expediting the work of the Organization while imposing limitations and restrictions on intervention in debate. In that connexion, Mr. Rodríguez Fabregat recalled that his Government favoured measures to facilitate the work of the Organization, but did not feel that the rights of Members should be sacrificed for those ends.

82. He therefore did not feel that the USSR proposal should be adopted.

83. The CHAIRMAN put to the vote the text of the proposed rule 68.

*Rule 68 was adopted by 26 votes to 8, with 3 abstentions.*

84. Mr. BARTOS (Yugoslavia) explained that he had voted against rule 68 since, under its provisions, Member States would be unable to explain why they had opposed a motion of closure. His delegation felt that the rule was undemocratic and that it did not recognize the right of Members to defend their views.

85. The CHAIRMAN opened discussion on the Special Committee's proposal for rule 69 (A/937, paragraph 31). In the absence of any debate the Chairman put to the vote the proposed rule 69.

*Rule 69 was adopted by 42 votes to 3, with 5 abstentions.*

86. The CHAIRMAN opened discussion on the Special Committee's proposal for rule 80 (A/937, paragraph 32).

87. Mr. BARTOS (Yugoslavia) thought that it was undesirable to limit the time allowed Members to explain their votes. If such a rule were adopted in the interest of saving time the Organization might just as well adopt mechanical signals, which representatives could use to clarify their position.

88. Mr. RODRÍGUEZ FABREGAT (Uruguay) considered that the proposed new amendment to existing rule 80 was not particularly clear. Under the existing rule, Members were able to explain their votes either before or after the voting and the rule had worked very well. In the opinion of his delegation, the right to explain votes was elementary and for those schooled in parliamentary traditions, a rule consecrated by time. If the proposed amendment were adopted, a representative would have to depend upon the generosity of the President for permission to explain his vote; and the President, even if he did grant that representative permission to speak, still had the power to limit the length of his speech.

89. Mr. Rodríguez Fabregat asked for clarification of the proposed amendment and of the reasons which had impelled the Special Committee to deprive representatives of a right which had been theirs and to confer that power upon the President. His delegation would prefer to maintain the rule in force.

90. Mr. LOUTFI (Egypt) stressed the fact that during debate on any question, every representative had the right to express his country's point of view. For that reason members of the Special Committee had thought it would be possible to limit the time allotted for explanations of votes. Under the old rules, members had often had to listen to explanations of votes lasting three-quarters of an hour. It had been thought wise to

institute certain limitations in order to avoid recurrence of that situation.

91. Mr. RODRÍGUEZ FABREGAT (Uruguay) said that, although the proposed rule also left it to the discretion of the President to decide whether or not to allow explanations of votes, its effect would not be the same as that of the existing rule 80 because of the changes and limitations in new rules 59, 64, 65, 67, 68 and 69. The amendments which had been made, as he had pointed out in a previous statement, would change matters considerably. He felt that it would be excessive to give the President the power to decide whether explanations of votes should be permitted and what time was to be allowed for such explanations. In his opinion, the basic rights of members, who were representatives of sovereign States, were being infringed.

92. Mr. BARTOS (Yugoslavia) recalled that, during the discussion on general limitation of speeches, it had been claimed in answer to those who did not wish to place a limit on debate that Members would be able to explain their votes and thus make their position perfectly clear. It was now being suggested, however, that explanations of vote should depend on the discretion of the President, who would also have the power to limit the time allowed for such explanations. The consequence would be that the President, who in most cases was the leader of the majority, would be able to suppress completely the right of the minority to discuss a question. Such a rule would mean the transformation of the General Assembly into a voting machine. For those reasons, his delegation was opposed to the text of rule 80 as drafted by the Special Committee.

93. Mr. TRUJILLO (Ecuador) thought that it was unjust to permit the President to limit the time allowed to speakers. Members who had already intervened in the debate could be limited, but representatives who had not spoken during the discussion on the substance of the question, and had therefore not given their Governments' position, should be allowed to speak, at length if they wished. He could see the advantage of a procedure which would save time, but the Committee should not sacrifice the representatives' freedom of speech to that end.

94. In order to conciliate the opposing points of view, he suggested that the last sentence of the proposed rule 80 should be amended to read: "The President may limit the time to be allowed for such explanations to representatives who have spoken during the debate." In his opinion, that text offered an equitable solution.

95. The CHAIRMAN put to the vote the Ecuadorean proposal to add to rule 80 the following words: "to representatives who have spoken during the debate".

*The amendment was rejected by 20 votes to 8, with 8 abstentions.*

96. The CHAIRMAN then put to the vote as a whole the Special Committee's proposal for rule 80 (A/937, paragraph 32).

*Rule 80 was adopted by 26 votes to 7, with 3 abstentions.*

97. Mr. GLASHEEN (Australia) wished to explain his country's position regarding rules 67, 68, 69 and 80, although those issues had already been covered in the debate on rule 19 (b). He had abstained from voting because it was the view of his Government that those rules would deprive

the General Assembly of control over its affairs and would place undue power in the hands of its President. The powers of the President were clearly defined and amply covered in rule 31. Under the provisions of that rule "the President may, in the course of the discussion of an item, propose to the Assembly the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate". It was clear that under that rule the President could be overruled by the members of the General Assembly. His delegation doubted, however, whether in the light of the unequivocal powers granted to the President under rules 67, 68, 69 and 80 as adopted by the Committee, the General Assembly would be able to overrule a decision of the President. For those reasons, his delegation had been unable to support the proposals of the Special Committee for rules 67, 68, 69 and 80.

98. The CHAIRMAN opened discussion on the Special Committee's proposal for rule 81 (A/937, paragraph 33).

99. Mr. KORETSKY (Union of Soviet Socialist Republics) had not objected to the rules which the Committee had just adopted because all Members would be affected equally by their provisions. His delegation considered, however, that the last sentence of the proposed rule 81 was unacceptable, because it made the first part of the proposed rule 81 redundant. Furthermore, if the parts of a proposal were voted on and accepted, that did not mean that the sum total of those parts constituted an acceptable proposal; an affirmative vote on parts of a question indicated a Government's position on the parts of the question alone and not on the question as a whole. Therefore a vote on the whole was necessary. The proposed wording of the last sentence, however, suggested that Members could reject all parts of a proposal and that it would then be unnecessary to give their opinion on the proposal as a whole.

100. He did not feel that course was logical. If the purpose was to save time, the Committee might discover that it had been saving pennies

and losing dollars. It had lost considerable time that day by starting the meeting late but no one had objected to that. Yet it was concerning itself with the problem of saving the two or three minutes it might take to hold a vote on a proposal as a whole. He thought that in reality the amendments had only been devised in an attempt to avoid taking votes on proposals as a whole. He did not feel that the true purpose of the proposed amendment was to save time but, if that were the real motive, in his opinion the problem had been approached incorrectly.

101. Mr. CHAUMONT (France) agreed with the representative of the USSR. He felt that little time would be saved through the adoption of that procedure which, in his view, was contrary to a fundamental principle of the United Nations. He could conceive of a case where a delegation had voted in a certain sense on all the parts of a proposal and yet would vote differently on the proposal as a whole because certain of the parts which it had favoured had been rejected during the voting. Furthermore, since its creation the United Nations had in practice voted on proposals as a whole and he thought it would be unwise to change the rule in force. He therefore asked the Committee to reject the proposed new rule 81.

102. Mr. FITZMAURICE (United Kingdom) referred to the text of the existing rule 81, which pre-supposed that, after a vote on parts, some proposal would still remain. He thought that that rule defeated the very purpose the representatives of the USSR and France were trying to achieve.

103. In his opinion, if all the operative parts of a proposal had been rejected, it should follow that the whole of the proposal had been rejected. In any case that would seem to be the effect of the existing rule 81.

104. The Special Committee had recommended a new text for rule 81 in an attempt to clarify the provisions of the existing rule.

105. Mr. BARTOS (Yugoslavia) moved that the meeting should be adjourned.

106. Mr. STABELL (Norway) seconded that motion.

The meeting rose at 6.05 p.m.