HUNDRED AND FIFTY-SIXTH MEETING

Held at Lake Success, New York, on Saturday, 8 October 1949, at 11.10 a.m.

Chairman: Mr. LACHS (Poland).

Methods and procedures of the General Assembly: report of the Special Committee (A/937, A/997) (*continued*)

1. The CHAIRMAN invited the Committee to examine the first of the questions listed on which no specific recommendations had been made by the Special Committee on Methods and Procedures (A/C.6/L.15). That question concerned the establishment of an agenda committee which would meet before the opening of the session of the General Assembly. The Special Committee, after examining a number of proposals on the matter, had asked the Secretary-General to prepare a study on the technical, legal and financial aspects of the problem (A/937, paragraph 15). The Secretary-General's conclusion, as set out in his memorandum A/997, had been against the establishment of an agenda committee, whose potential functions were actually being performed by the Secretariat, which presented to the General Committee of the General Assembly full data on factors affecting the agenda, together with specific recommendations. Paragraph 37 of that memorandum stated that no time would be saved if a special agenda committee were to be set up and to present its report to the General Committee, since that would result in an unnecessary repetition of discussions on the same problem.

2. Mr. CHAUMONT (France) thought that the question should not give rise to lengthy discussion. Indeed, the Secretary-General's memorandum clearly indicated the disadvantages of establishing an agenda committee. Furthermore, the United Kingdom delegation which had submitted a complete and detailed plan for the creation of an agenda committee (A/C.6/L.8, paragraph 1), had withdrawn its proposal. The work to be performed

by such a committee was done by the General Committee, which was known to have fulfilled it at the beginning of the current session in a completely satisfactory manner. The French delegation would therefore oppose the establishment of a special body for the preparation of the agenda.

3. Mr. FITZMAURICE (United Kingdom) recalled that he had withdrawn the part of his proposals relating to the establishment of an agenda committee because he had realized that the Committee was not disposed at the time to write provisions for a body of that nature into the rules of procedure. The fact remained, however, that the problem was of such importance that it could not be passed over in silence.

4. The United Kingdom delegation did not entirely share the Secretariat's view in that regard. The core of the problem was the obvious need, becoming more pressing with each session, for a careful preparation of the agenda, which had a tendency to expand indefinitely and which would soon become so overloaded that it would be impossible to deal with its numerous points within a reasonable period. It was therefore necessary that the agenda should be studied and specific recommendations transmitted to the General Assembly, in particular regarding the postponement of certain items until a later session.

5. It was true that certain amendments to the rules of procedure, already approved by the Sixth Committee, had defined the General Committee's powers in that regard, but it should be kept in mind that the General Committee could not function until the Chairmen of the Main Committees had been elected. It had only one or two days in which to formulate recommendations on the allocation of items to the Main Committees and on the order of priority. It was obviously not in a position to discharge its functions, within so short a period, with all the necessary care. It therefore confined itself to a rapid consideration of the agenda and to proposing the postponement until a later session of one or two items which were not of great importance. It could thus almost be said that the General Committee confined itself to automatically recommending the adoption of the agenda in the form in which it had been submitted to the General Committee.

6. For those reasons, it would be well to instruct a particular body, whether an agenda committee or the General Committee of the preceding session, to proceed to a detailed consideration of the agenda before the opening of the session, with a view to presenting useful recommendations thereof to the General Assembly. The body which would be entrusted with that work would obviously not have any wider powers than did the General Committee, and it would be for the General Assembly in the last instance to accept or reject its suggestions.

7. In view of those considerations it was clear that the problem required very thorough study.

8. Mr. BARTOS (Yugoslavia), supported the conclusions contained in the Secretary-General's memorandum, (A/997) as well as the view expressed by the representative of France, and drew attention to the fact that barely one-thirteenth of the items on the agenda had been placed there at the initiative of Member States or of the Secretary-General. All the other questions which figured on it came either under provisions of the Charter or in pursuance of previous resolutions. It would therefore be superfluous, and furthermore contrary to the spirit of economy pervading the current work of the General Assembly, to set up a special body which, if it complied with the Charter, as would be its duty, could make recommendations on only five or six agenda items.

9. Mr. MELENCIO (Philippines) pointed out that the establishment of an agenda committee would restrict the powers of the General Committee, by reducing its functions merely to those of a committee for the direction of the work of the General Assembly, and would also cause useless repetition of debates on the agenda. The Special agenda committee would duplicate the work of the General Committee since the former recommendations would have to be studied by that organ before submission to the Assembly. The Secretary-General had rightly pointed out in his memorandum that such overlapping of work would cause an appreciable increase in expenditure.

10. The Assembly of the League of Nations had an Agenda Committee which had not proved as useful as had been hoped; it had often served only to bury a number of questions, which had never been included in the agenda.

11. Mr. Melencio added that the number of commissions, sub-commissions, committees and sub-committees created by the United Nations was already so large that restraint should be used in creating new ones which would make the Organization more cumbersome and would considerably reduce the speed of its functioning.

12. The delegation of the Philippines considered therefore that there was no need for a special agenda committee.

13. Mr. STABELL (Norway) stated that, although the Secretary-General's arguments in regard to the establishment of an agenda committee were fairly convincing, he thought that it would be advisable to give fuller consideration to the question of establishing a committee which could examine the agenda with all the necessary care, at the beginning of sessions, in order to distribute the items among the Committees.

14. The CHAIRMAN recalled that the United Kingdom proposal concerning the establishment of an agenda committee had been withdrawn; he stated that no draft resolution on that subject had been submitted.

15. Mr. CHAUMONT (France) suggested applying to that question the procedure which had been adopted, at the 155th meeting, for the paragraphs of the Special Committee's report that were analysed in document A/C.6/L.16 and Corr.1. In accordance with that procedure, the Committee had decided in each case, by a vote, whether to approve the paragraph under discussion, to take note of it, or simply to reject it.

16. Mr. RODRÍGUEZ FABREGAT (Uruguay) recalled that the question of the preparation of the agenda had, so far, been studied by the Committee only from the practical point of view of saving time. That was the point of view which had been involved in all its decisions concerning the rules of procedure and their application. That question, however, should also be examined from a wider angle. The Special Committee had considered the methods and procedures which would enable the General Assembly and its Committees to discharge their functions more effectively and

expeditiously from two points of view. The Special Committee's primary aim had been to save time for the Assembly, but it had also paid particular attention to the study of the general problem raised by the preparation of the agenda; that was precisely the subject of paragraph 15 of its report (A/997) and of some of the annexes of that document. Since then, the United Kingdom delegation had submitted specific proposals concerning that problem. Whatever the decision of the Sixth Committee might be on that point, it could not be denied that that question, one of fundamental importance, had been raised, and that it could not be set aside by the fact that the United Kingdom proposals had been withdrawn, or that the Committee might consider that it should not discuss paragraph 15 of the report.

17. Among the concrete proposals and suggestions concerning the preparation of the agenda which the Special Committee had considered, there was one to which the representative of Uruguay wished to call the attention of the Sixth Committee. It was the proposal that the preparation of the agenda, instead of being entrusted to a restricted committee, which could meet only a few weeks before the session, should be referred to the Interim Committee, which was the most appropriate subsidiary organ of the General Assembly. That Committee offered the double advantage that all the Members who wished to attend its meeting were represented on it and that it met regularly between sessions. It could, therefore, prepare an agenda in an orderly fashion, collect the necessary documents and even make recommendations for the study of the various items of the agenda. That work could, therefore, be performed with all the care and detail desirable by an organ which was already in existence. Requests for the inclusion of items in the agenda could be referred to the Interim Committee, either by the General Assembly or directly by the Member States.

18. The representative of Uruguay would be glad if the Sixth Committee were to discuss the problem of the preparation of the agenda. All modifications to the rules of procedure which had been adopted so far had only an experimental value, and their success would depend, finally, on the result of their application in the course of the Assembly's work. That was why the consideration of a problem of such importance could not be set aside *a priori* as it would continue to arise, whatever the existing attitude of the Committee was in regard to the various solutions proposed.

19. It was that problem that required the most serious attention, rather than deprecating the overloading of the agenda which, far from being an evil, showed that the interest of the whole world was focused on the General Assembly.

20. Mr. Rodríguez Fabregat, while he approved the procedure suggested by the representative of France, considered that the Special Committee should discuss more thoroughly the problem of the preparation of the agenda.

21. The CHAIRMAN pointed out that the Member States were not all represented on the Interim Committee, since some of them had decided, for well-known reasons, not to attend its meetings.

22. Mr. RODRÍGUEZ FABREGAT (Uruguay) said that he had that matter in mind when he stated that all Members who wished to do so could sit on the Interim Committee.

23. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) thought that the situation which the Committee faced was very clear. The Special Committee had made no recommendation in regard to the establishment of an agenda committee, and the United Kingdom had withdrawn its proposal. It did not seem, therefore, that the Sixth Committee could apply to the present case the previous procedure whereby recommendations were to be approved, rejected or merely noted. It could close the debate on that paragraph and take up the following item, it being understood that it would be permissible, when the joint draft resolution of Denmark, Iceland, Norway and Sweden (A/C.6/L.23) was to be voted upon, to request the Secretariat to examine that question more thoroughly within the framework of a general survey of the rules of procedure.

24. Mr. CHAUMONT (France) did not share that point of view. In his opinion, there was a specific proposal concerning paragraph 15, that of the Secretary-General advising against the establishment of an agenda committee as inopportune.

25. If, therefore, the Committee were to apply the voting procedure as had been done at the previous meeting, the approval of paragraph 15 would be tantamount to approving the Secretary-General's conclusions prepared in execution of that paragraph. If the Committee merely took note of paragraph 15, that would imply that it drew the attention of the General Assembly to the problem as stated in the report (A/937), to the comments set forth therein and to the Secretary-General's opinion (A/977). If, finally, the Committee were to decide against paragraph 15, that decision would imply that it considered that the General Assembly need not examine either that paragraph or the Secretary-General's memorandum.

26. That method of voting, which would not present any serious drawbacks, would avert a procedural debate brought on by the view of certain delegations that the problem raised by that paragraph should be considered.

27. Mr. CARTER (Canada) approved, in principle, the view of the Assistant Secretary-General.

28. Paragraph 15 summarized the discussions which had taken place on the establishment of an agenda committee, and merely requested the Secretary-General to prepare a memorandum on that point. That memorandum had been written and its conclusions seemed clear and convincing. In the circumstances, there was no need to take a vote on paragraph 15 which called neither for approval nor disapproval. As there were no proposals on that subject, there seemed no need for a vote.

29. Mr. JORDAAN (Union of South Africa) thought that the procedure proposed by the French representative was perfectly in order.

30. There was no doubt that the General Assembly session should not last longer than eight to ten weeks, primarily for reasons of economy and also because the Ministers and diplomats attending the Assembly could not be absent from their countries for a longer time. A time-limit for each item on the agenda should, therefore, be fixed in advance and priority lists should be established.

31. It had been suggested that that work should be done by a special committee, but there were other possible solutions. For example, an agenda committee could be set up with the Secretariat itself, presided over by the Secretary-General and consisting of officials who were regularly responsible for servicing the Main Committees. The Committee should, therefore, take note of paragraph 15 and should request the Secretary-General to continue the consideration of that question within the terms of the joint draft resolution of Denmark, Iceland, Norway and Sweden (A/C.6/L.23).

32. Mr. STABELL (Norway) agreed with the Assistant Secretary-General on the question of procedure. Paragraph 15, which was restricted to stating the different opinions expressed in the Special Committee, did not contain a single proposal, and a vote on that paragraph would not affect the conclusions contained in the Secretariat's memorandum.

33. Since, however, the Uruguayan representative's most interesting conclusions had drawn attention to a possible solution, which was to instruct the Interim Committee to draw up an agenda, the Uruguayan delegation should submit that suggestion as a regular proposal, which his delegation would gladly support. That question, moreover, had already been examined in part by the Interim Committee. That body had only adjourned the discussion of that point because it was being discussed simultaneously by the Special Committee. The Secretary-General's most convincing arguments against the establishment of a special agenda committee would no longer be valid if the Interim Committee were responsible for the preparation of the agenda.

34. Mr. RODRÍGUEZ FABREGAT (Uruguay) objected that it would be difficult to submit a concrete proposal on that matter since the principle of the permanency of the Interim Committee, as well as its terms of reference, was to be discussed by another Committee, and the final decision would depend upon the General Assembly. Any proposals to instruct the Interim Committee to prepare the agenda would for the moment, therefore, be of theoretical value only.

35. He would like the Sixth Committee to state in its report that it had studied the problem raised by paragraph 15, and was annexing to the report the proposals which had been made on the preparation of the agenda.

36. The CHAIRMAN thought it would be difficult to annex to the Committee's report proposals which had been withdrawn.

37. Mr. FERRER VIEYRA (Argentina), Rapporteur, assured the representative of Uruguay that the Committee's report would mention the problem and would include a summary of the discussions and proposals to which that problem had given rise.

38. Mr. KORETSKY (Union of Soviet Socialist Republics) observed that, if the procedure indicated by the Chairman were followed, a procedure of which he himself approved, and if, as a result, paragraph 15 were not put to the vote, no reference to that paragraph could be made in the report, since the Committee would not have adopted any definite attitude towards it.

39. Mr. FERRER VIEYRA (Argentina), Rapporteur, said that it was still his intention to devote one paragraph of the report to the matter under discussion, in view of the fact that any delegation could request the deletion or amendment of that paragraph when the report was examined.

40. Mr. CHAUMONT (France) stressed that it was to avoid the difficulties that would inevitably arise when the report was to be adopted that he had suggested that the Committee should vote on paragraph 15 as it had on the other paragraphs. If the question was not put to the vote, the report could hardly note the opinion of certain members of the Committee; it should really reflect the opinion of the Committee as a whole.

41. Mr. BARTOS (Yugoslavia) pointed out that the penultimate sub-paragraph of paragraph 15 (A/937) showed that no firm opinion had emerged from the discussions in the Special Committee. The Sixth Committee must, therefore, either vote on the conclusions of the Secretariat memorandum (A/997), approval of which would dispel the uncertainty which had prevailed in the Special Committee, or must be content with noting in its report the differences of opinion recorded in paragraph 15, which would be of no advantage whatever.

42. Mr. ZIAUDDIN (Pakistan) thought the simplest course would be for the United Kingdom representative, who had started the whole discussion, to submit a precise proposal on which the Committee could take a clear vote.

43. The CHAIRMAN recalled that he had not been in favour of putting paragraph 15 to the vote. However, in view of the fact that several delegations had expressed their views on the matter and since, in principle, the report could only note the opinion of the Committee as a whole, he proposed that a vote should be taken on the unfavourable conclusions regarding the establishment of an agenda committee contained in the Secretary-General's memorandum (A/997), so as to avoid any disagreement when the report came to be drafted. That would be one way of deciding whether the Sixth Committee's report should make any reference to paragraph 15.

The Committee approved the Secretary-General's conclusions regarding the establishment of an agenda committee by 24 votes to 4, with 17 abstentions.

44. The CHAIRMAN invited the Committee to examine the question of the use of mechanical and technical devices in debates in the General Assembly (A/C.6/L.15, item 2). That subject was dealt with in paragraph 29 of the Special Committee's report (A/937) and in the Secretary-General's memorandum appearing as annex II to that report.

45. Mr. GRAFSTRÖM (Sweden) recalled that the question had been raised by the Scandinavian delegations and that, at the request of the Special Committee, the Secretary-General had made a study of the matter (A/937/annex II). Mr. Grafström suggested that the Committee should recommend that the study of that problem be pursued so that specific recommendations could be made, *inter alia,* regarding the application of new methods at the permanent headquarters of the United Nations, now under construction. That suggestion was in fact made in the joint draft resolution submitted by Denmark, Iceland, Norway and Sweden (A/C.6/L.23).

46. He thought the matter should first be studied by the technical and budgetary services and that it did not really fall within the competence of the Sixth Committee.

47. Although the question of electrical voting was rather complicated and might raise objections, the problem of warning signals, which were undoubtedly useful, seemed a much simpler one. A practical solution for it should be found.

48. Mr. TATE (United States of America) agreed with the Swedish representative's remarks and the suggestion he had made. The question of the use of mechanical and technical devices did not fall exclusively within the competence of the Sixth Committee, which should wait for studies to be made by other competent organs before taking any decision in the motter. It could recommend that such studies should be made when the joint draft resolution came up for discussion.

49. Mr. MELENCIO (Philippines) thought there was no legal aspect to the question; it was a technical and financial question and should rather be referred to the Fifth Committee.

50. The CHAIRMAN, while recognizing the validity of the Philippine representative's comment, pointed out that the Special Committee had studied the problem in its report and, that, consequently, the Sixth Committee was regularly seized of the matter.

51. Mr. BARTOS (Yugoslavia) considered that the question of electrical voting had a legal aspect which could not be ignored. In point of fact, it raised the question of the guarantees which must surround the taking of a vote, if its freedom and sincerity were to be ensured.

52. Mechanical voting was already used in certain parliaments and considerably reduced voting time, without in any way affecting the accuracy of the results, since the voters could themselves control the recording of their vote. The saving of time was clearly shown in the table included in the Secretary-General's memorandum (A/937, annex II).

53. In view of the fact that the method was of great practical utility and offered every desirable guarantee as regards the secrecy of the vote, the Yugoslav delegation proposed that paragraph 29 of the Special Committee's report should be approved, without prejudice to the technical and financial solution of the matter.

54. Mr. KORETSKY (Union of Soviet Socialist Republics) was opposed to referring the question to the Fifth Committee, which was only competent to deal with technical and financial matters. Voting was a political act, since it was intended to express a political opinion. The Committee should, therefore, adopt the same attitude to the problem as the Special Committee and, before making any final decision, should request the Secretary-General to continue his investigation. Reference to the Fifth Committee would be premature.

55. Mr. ABDOH (Iran) shared the views of the USSR representative.

56. The Committee could not decide on the substitution of new mechanical devices for the existing method of voting laid down in rule 79 of the rules of procedure before knowing what those devices were and before being able to decide whether they provided all the necessary guarantees of accuracy in recording votes.

57. The Iranian delegation thought that the matter should not be referred to the Fifth Committee but that the Secretary-General should be asked to continue the studies he had undertaken on the matter.

58. Mr. JORDAAN (Union of South Africa), noting that the majority of the members of the Committee seemed to want fuller information before coming to any decision, drew attention to the last part of the draft resolution submitted by Denmark, Iceland, Norway and Sweden (A/C.6/L.23), which he thought should satisfy them.

59. He therefore proposed that the discussion should be closed.

The motion for closure was adopted by 31 votes to 1, with 8 abstentions.

60. The CHAIRMAN proposed that the Committee's report should contain a reference to its desire that the Secretary-General should be requested to undertake further studies on the question dealt with by the Special Committee in paragraph 29 (A/937).

The Chairman's proposal was adopted by 40 votes to none, with 5 abstentions.

61. The CHAIRMAN invited the members of the Committee to examine paragraph 34 of the Special Committee's report regarding proposals requiring a two-thirds majority in the General Assembly for adoption (A/C.6/L.15, item 3). He also threw open the discussion on draft rule 76 (*a*) submitted by the Belgian delegation (A/C.6/L.22).

62. Mr. WENDELEN (Belgium) said it would be a mistake to conclude from the brevity of paragraph 34 that the Special Committee had considered the subject as one of secondary importance or else had found it impossible to formulate concrete recommendations despite the fact that it had examined the question in detail. Paragraph 34 consisted of only a few lines because, due to lack of time, the Special Committee had only been able to examine the question very superficially.

63. The Belgian delegation considered it essential that the General Assembly should make it clear what majority was required, on the one hand, for the adoption of parts of proposals on important questions when they were put to the vote separately as a result of requests to that effect, and on the other hand, for the adoption of amendments to such proposals. Article 18, paragraph 2, of the Charter stated that: "Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting", but neither the Charter nor the rules of procedure contained any provisions regarding amendments or parts of proposals. However, the voting on amendments and parts of proposals had a decisive influence on the contents of the proposal subsequently put to the vote in its entirety.

64. According to the practice followed at previous sessions of the General Assembly, a simple majority vote was sufficient for the adoption of an amendment to an important proposal, while a two-thirds majority vote was necessary for the adoption of parts of a proposal put to the vote separately. In the Belgian delegation's opinion, the application of the rule to amendments to important proposals was illogical, since it enabled a provision to be added to a draft resolution by

a simple majority vote whereas it could only have been adopted by a two-thirds majority if it had not been submitted as an amendment. Further, it might happen that, after an amendment had been adopted by a simple majority, the amended original text might not obtain a two-thirds majority. Could the President of the General Assembly then put the original text to the vote and declare it adopted if it received a two-thirds majority? The Belgian delegation thought that he could, for if it were decided otherwise, undesirable procedural manoeuvres would be authorized. It would allow anyone to prevent the adoption of an original text requiring a two-thirds majority by submitting an amendment which received a simple majority. But it should be recognized that the matter at issue was perplexing in view of the fact that it could be maintained that the original text no longer existed because of the adoption of the amendment.

65. In the circumstances, if it were desired that the rule of a two-thirds majority should be strictly adhered to, it seemed more logical to specify that the preliminary vote should be taken in the same conditions as those of the vote on the final proposal in the case of an important question. The Belgian delegation proposed that the Committee should recommend to the General Assembly the addition to the rules of procedure of a new rule 76 (*a*) worded in those terms (A/C.6/L.22) as follows:

"Decisions of the General Assembly on amendments bearing on proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting."

66. Mr. Wendelen wished to emphasize the fact that the purpose of the Belgian proposal was not to change the substance of the existing rule but only to define its application more accurately. The provisions of rule 76 (*a*) should not be too rigidly applied, it being understood that the system in force for deciding whether a question should or should not be considered important applied equally to amendments and parts of proposals. The President of the General Assembly and the Assembly itself could decide, as they had done heretofore, that a two-thirds majority was not necessary for the adoption of a non-essential amendment or for a certain non-essential part of an important proposal.

67. In view of the fact that the purpose of the Belgian proposal was only to facilitate the application of an existing provision and that it in no way changed the system in force, the Committee could adopt that proposal without making the thorough legal study recommended by the Special Committee. If, however, the Committee decided not to adopt the Belgian proposal, owing to the doubts some delegations might have regarding the competence of the Sixth Committee and the Special Committee to interpret Article 18 of the Charter, or regarding the legal nature of the preliminary votes, it should, at least, submit to the General Assembly some suggestions for solving so important a question. In that event, the Belgian delegation would make new proposals at the appropriate time.

68. Mr. CHAUMONT (France) supported the Belgian delegation's proposal.

69. He suggested, however, a slight amendment in the wording. He proposed that the provisions in the first sentence of the existing rule 76 and those of the draft rule 76 (*a*) proposed by the Belgian delegation, should be combined in one text. That text, which should replace the first sentence of rule 76, would be worded as follows:

"Decisions of the General Assembly on proposals relating to important questions, on amendments bearing on such proposals and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting."

70. Mr. WENDELEN (Belgium) said he would accept the French representative's proposal if the majority of the Committee were of that opinion, unless it was felt that amending rule 76 of the rules of procedure, which was worded in exactly the same way as Article 18, paragraph 2, of the Charter, would be a departure from the provisions of the Charter.

71. Mr. BARTOS (Yugoslavia) asked the Assistant Secretary-General to explain to the Committee the practice followed in plenary meetings of the General Assembly for the adoption of amendments to important proposals and for parts of those proposals, put to the vote separately. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) replied that, for the former, a simple majority vote was sufficient while the latter required a two-thirds majority.

72. Mr. STABELL (Norway) felt some doubts regarding the Belgian proposal. He feared, in fact, that by adopting that proposal, a condition which was required by the Charter only for proposals would be extended to amendments and parts of important proposals.

73. Furthermore, it seemed excessive to submit all the provisions of an important proposal, even those relating only to questions of pure form, to the two-thirds majority rule. As currently applied, the system in force allowed some delegations not forming a two-thirds majority to delete certain unimportant provisions of an important proposal, and thus join other delegations in favour of the proposal as a whole, in order to form the required two-thirds majority. That could not happen if the Belgian proposal were adopted.

74. For those reasons, the Norwegian delegation was inclined to vote against the Belgian proposal.

75. Mr. BARTOS (Yugoslavia) said that his delegation could not support the Belgian proposal for reasons of principle and from practical considerations.

76. In a parliament, even when a stated majority was required for the adoption of certain laws, it was generally admitted that a simple majority was sufficient when those laws were voted upon article by article. If all decisions on the provisions of an important proposal were required to be taken by a two-thirds majority vote, the provisions of the Charter would be overstepped. Article 18 provided for an exception to the simple majority so far as important proposals were concerned. As exceptions to that rule were restricted, it would be inadvisable to extend the application of that exception to amendments regarding such proposals. It was clear that, if the authors of the Charter had wished to lay down a two-thirds majority vote both for proposals and for amendments to those proposals or parts put to the vote separately, they would not have failed expressly to say so in Article 18.

77. Moreover, the advantage of reaching the greatest measure of agreement on proposals under

discussion should not be underestimated. If it were decided that amendments would be adopted by a simple majority vote, there would be more chance of arriving at a compromise solution. It should not be forgotten, either, that the Committee at one of its previous meetings had decided that the division of a vote should not be automatic. Such a decision was unfavourable to the minority. The Belgian proposal was also unfavourable. He felt that, just as a simple majority vote would be sufficient to decide whether a proposal should or should not be divided into several parts, the same majority should be sufficient for a decision on amendments relating to the deletion or modification of those parts.

78. The Belgian proposal tended to alter the procedure hitherto followed by the General Assembly and established by numerous precedents. That procedure had allowed a considerable number of resolutions to be adopted. International co-operation would not be promoted if the Belgian proposal were accepted. On the contrary, the adoption of resolutions would be made more difficult, the number of unsolved problems would be increased and the only result would be to overload the General Assembly's agenda.

79. Mr. Shanahan (New Zealand) would have been inclined to support the Belgian delegation's proposal but, since the position was, in the opinion of the New Zealand delegation, more complicated than it appeared, and since several delegations had expressed serious misgivings, he felt that it would be wiser to act carefully and to take decisions only after a thorough legal study of the problem. He foresaw, for example, that difficulties would arise from the fact that the form to be given to amendments (for the deletion of a part of a proposal or for its substitution) would be of special importance if the two-thirds majority was required in both cases.

80. Mr. Loutfi (Egypt), supporting the Belgian proposal, stated that he preferred the wording proposed by the French delegation. The procedure recommended by the Belgian delegation was logical. It would prevent contradictory votes and often regrettable manoeuvres.

81. Article 18, paragraph 2, of the Charter referred to "decisions" of the General Assembly. In the Egyptian delegation's opinion, a distinction could not be drawn between proposals submitted to the Assembly and amendments bearing on those proposals. Both of them became decisions of the Assembly after the vote.

82. Mr. Fitzmaurice (United Kingdom) agreed that, from the point of view of logic, the Belgian proposal was satisfactory. It was clear that, in the absence of a rule of the type proposed in the rules of procedure, it was easy to set the two-thirds majority rule at naught by submitting a proposal in the form of an amendment to an existing proposal. Under the system in practice, that amendment could be adopted by a simple majority while it would have had to obtain a two-thirds majority if it had been submitted as a separate proposal.

83. The United Kingdom delegation had therefore been ready to vote for the Belgian proposal. In view of the convincing arguments advanced against the adoption of that proposal, however, his delegation thought it would be preferable to postpone any decision until there had been a thorough study of the question. If it was not possible to entrust such a study to a sub-committee of the Sixth Committee, either a special committee or the Secretary-General might be requested to examine the problem and report to the Committee at the following session.

84. Mr. Rodríguez Fabregat (Uruguay) said that a serious problem not susceptible of an easy solution was involved.

85. He recognized that, from the point of view of logic, the Belgian proposal could be justified. The Norwegian representative had, however, looked at the matter from another angle and his doubts were equally justified. While it was true that an amendment might apply only to a part of a proposal that was of secondary importance, an amendment might also bear on an essential part of the proposal. If the adoption of an amendment were made more difficult by requiring a two-thirds majority, the adoption of an important proposal as a whole would also be made more difficult.

86. Doubts might be expressed, too, with respect to the interpretation of the word "decisions" as used in Article 18 of the Charter; the point at issue was whether the adoption of an amendment really constituted a decision of the General Assembly. Article 18 listed a number of questions to be considered important; it might be held, therefore, that amendments proposed during a debate were not an integral part of the General Assembly's final decision but helped to prepare that decision. In his opinion, the submission of amendments which might facilitate the final solution of an important question by the General Assembly should be encouraged to the fullest extent compatible with the express provisions of the Charter.

87. He thought it would be preferable to take no decision on the substance of the Belgian proposal at that juncture, and to recommend that a more detailed study should be made of the question.

88. Mr. Abdoh (Iran) shared the views expressed by the representatives of Norway, the United Kingdom and Uruguay. Like them, he thought that from the point of view of logic the Belgian proposal was well-founded, but that the Special Committee had been right in recommending that the problem should be examined with particular care and that a final decision should be reached only after a thorough analysis of the question.

89. He drew attention to the fact that rule 76 of the rules of procedure repeated the language of Article 18 of the Charter and that any amendment of that rule would therefore be tantamount to adding to the provisions of the Charter. On that point, he shared the concern expressed by the Belgian representative with respect to the French representative's amendment.

90. He therefore thought that the General Assembly should take the same view as the Special Committee and postpone a final decision on the question until its next session.

91. Mr. Wendelen (Belgium) left it to the Committee to decide whether it wished to continue its consideration of the Belgian proposal as amended by the French delegation.[1]

[1] See paragraph 69 above.

92. He assumed that, if the proposal were to be put to the vote at once, it would be opposed by the majority of the Committee, for, although no criticism had been made of the substance of the proposal, it had given rise to much doubt.

93. The representatives of Norway and Yugoslavia had stated that the effect of the Belgian proposal would be to make the provisions of rule 76 still more restrictive. The restrictions referred to by the Norwegian representative were inherent in Article 18 of the Charter and consequently in rule 76 of the rules of procedure; the purpose of the Belgian proposal had been simply to provide an interpretation of the existing texts, in particular of the word "decisions", and thereby to facilitate procedure.

94. The Yugoslav representative had said that the aim of a proposed amendment was frequently to effect a compromise enabling the General Assembly to reach a final decision. Mr. Wendelen thought, however, that the preparatory work of conciliation was in any case performed by the Committees, and that, if a Committee had been unable to reach a compromise, there was little chance that the General Assembly could do so in plenary meeting.

95. The representative of Uruguay, for his part, had said that the whole of a proposal might be rejected for the simple reason that an amendment applying to a non-essential part of that proposal had previously been rejected by a two-thirds majority; Mr. Wendelen recalled that, under rule 77, the General Assembly itself should decide whether or not a question should be decided by a two-thirds majority.

96. Some delegations had suggested that the question should be given more thorough study, and the United Kingdom delegation had proposed entrusting such a study to a special committee or to the Secretariat.

97. If neither of those suggestions was adopted, the Belgian delegation would propose seeking an advisory opinion on that question from the International Court of Justice. Nevertheless, he thought it preferable that the General Assembly itself should decide with respect to difficulties arising from its own rules of procedure and that it should consult the International Court of Justice only as a last resort.

98. Mr. CHAUMONT (France) thought that a detailed study of the question could hardly be a solution satisfactory to the Belgian representative. He himself did not think it wise; in fact, he wondered why a committee of lawyers should not be able to take a positive decision on the Belgian proposal.

99. Moreover, he could not accept the argument that the Belgian proposal would be tantamount to amending the provisions of the Charter; on the contrary, the only purpose of that proposal was to ensure that those provisions were better applied.

100. Article 18 of the Charter and rule 76 of the rules of procedure used the term "decisions". A vote on an amendment was unquestionably a decision; when an amendment was adopted after a vote, it could not be gainsaid that the General Assembly had taken a decision. There was therefore no question of altering the provisions of the Charter. Rather, current practice was a violation of the Charter and the Belgian proposal gave the correct interpretation of Article 18.

101. Furthermore, all the speakers who had spoken on the Belgian proposal had recognized its logic. Nothing therefore should prevent the adoption of a measure which was unanimously recognized to be logical.

102. Finally, Mr. Chaumont thought that recourse to the International Court of Justice was the only possible solution rather than adjournment of the examination of the question *sine die*.

103. Mr. BARTOS (Yugoslavia) recalled that he had opposed the Belgian proposal for juridical as well as practical reasons. The fact that the French and the Belgian delegations interpreted Article 18 of the Charter in a particular way did not exclude the possibility of other delegations interpreting its provisions in a different way. Moreover, he insisted on the importance of the precedents created by the General Assembly as to the application of Article 18 of the Charter and of rule 76 of the rules of procedure.

104. That question was of considerable importance from the political as well as the practical point of view. He admitted the logic of the Belgian proposal; it was none the less true that a logical proposal could give rise to considerable difficulties. It was with a view to avoiding those difficulties that a more exhaustive study of the question seemed necessary in order to arrive at a rational solution.

105. Mr. GLASHEEN (Australia) was indebted to the Belgian delegation for the initiative it had taken in drawing the attention of the General Assembly to a vitally important question.

106. If, however, the Belgian proposal were to be put to the vote as it stood, the Australian delegation would be obliged to oppose it. He shared the opinion of those who thought that the Belgian proposal would be considered contrary to the provisions of the Charter.

107. The Belgian representative had stressed the importance of the word "decisions" in Article 18 of the Charter and rule 76 of the rules of procedure; for his part, Mr. Glasheen emphasized the importance of the word "questions" because the stipulation of a two-thirds majority clearly applied to the whole of questions under discussion, and therefore to a proposal as a whole. That followed from the examples cited in Article 18 itself.

108. The drafting proposed by the representative of France showed even more clearly that a question of revision of the provisions of the Charter was involved.

109. Heretofore, the General Assembly had consistently followed a procedure by which only a simple majority vote was required on amendments; the purpose of an amendment was to obtain agreement and consequently to facilitate the approval of a previously unacceptable proposal. As a result, that procedure had increased the number of proposals adopted by a two-thirds majority. On the other hand, it did not appear that the procedure suggested by the Belgian delegation was likely to produce equally satisfactory results.

110. In any case, if the Belgian proposal were adopted, it would be necessary to decide to what extent an amendment could be considered important or not. Consequently, rule 77 of the rules of procedure would also have to be amended.

111. He thought that the Special Committee's recommendation (A/937, paragraph 34) should

be retained; and he reserved the right to express a more precise opinion on that question when it had been more thoroughly examined.

112. Mr. TATE (United States of America) had been struck by the logic of the Belgian and French representatives' arguments. He thought that the Belgian proposal was also justified by practical considerations. In reality, facilitating the adoption of an amendment to a proposal might result in making more difficult the adoption of the proposal as a whole by a two-thirds majority.

113. On the other hand, Mr. Tate considered it would be premature at that stage to resort to the International Court of Justice. He thought that the Sixth Committee should continue its consideration of the question, and in particular the interpretation of Article 18 of the Charter; in any case, the General Assembly should first give its opinion on the matter.

114. For that reason, he wondered whether the Belgian delegation might not agree that the Sixth Committee should recommend a more thorough study of the question and, accordingly, add a paragraph to that effect to the draft resolution submitted by the Scandinavian countries on the entire question of methods and procedures (A/C.6/L.23).

115. Mr. ABDOH (Iran) explained that his delegation was not opposed to the substance of the Belgian proposal. He realized that, while the Belgian proposal was not contrary to the provisions of the Charter, as it was then worded it might be considered so.

116. In his opinion, the question was one of interpretation of the provisions of the Charter; and obviously nothing prevented the General Assembly from giving its interpretation after receiving an advisory opinion from the International Court of Justice or after the question had been studied more thoroughly.

117. His delegation would give a definitive opinion once that detailed study had been made.

118. Mr. WENDELEN (Belgium) thought that the Committee should not take a decision as to how the question should be disposed of until every delegation had been given an opportunity to explain its views on the substance of the problem.

119. Furthermore, if the question was to be the subject of exhaustive study by a special body, that body should be in a position to consider the opinions expressed by all the representatives during the debate.

120. Mr. Wendelen therefore preferred that the debate on the question should be continued at the next meeting. He therefore proposed that the meeting should be adjourned.

121. The CHAIRMAN put the proposal to adjourn to the vote.

The proposal was adopted by 24 votes to 2, with 11 abstentions.

The meeting rose at 1.45 p.m.