

## HUNDRED AND FORTY-NINTH MEETING

*Held at Lake Success, New York, on Monday, 3 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) (continued)**

1. The CHAIRMAN recalled that the discussion on the proposed amendments to rule 59, dealing with debate on Committee reports, was closed. He suggested that the Committee should vote first on the amendment submitted by Iran (A/C.6/L.12), then on the joint amendment of Chile, Canada and Venezuela (A/C.6/L.11), and lastly on the amendment proposed by the Special Committee in paragraph 27 of its report (A/937).
2. Mr. KORETSKY (Union of Soviet Socialist Republics) pointed out that the first sentence of the Iranian proposal reproduced the existing text of rule 59 of the rules of procedure. In his opinion, it would be desirable to vote first on the joint proposal in order to enable the Committee to decide whether it wished to depart from the Special Committee's text as well as that of the existing rules. If the joint proposal was rejected, a vote should then be taken on the Iranian amendment, and after that on the text proposed by the Special Committee.
3. Mr. FITZMAURICE (United Kingdom) considered that it would be more logical to vote first on the Special Committee's proposal, which was the furthest removed from the text of the existing rules.
4. With regard to the second sentence of the joint amendment of Chile, Canada and Venezuela, he wished to know whether in fact the text meant that the President of the General Assembly must automatically put to the vote the preliminary question whether or not to have a discussion on the Committee reports, irrespective of whether a request had been made to that effect.
5. Mr. NASS (Venezuela) confirmed that that was the meaning of the text proposed by the three delegations, as was indicated by the expression "in each case" appearing in that sentence.
6. Mr. GRAFSTRÖM (Sweden) agreed with the United Kingdom representative on the order of voting. There were in fact not one proposal and two amendments to that proposal, but three separate proposals all amending rule 59 of the rules of procedure. Consequently, rule 120 of the rules of procedure should be applied and the three proposals should be taken in the order in which they had been submitted, that is, first the proposal of the Special Committee, then the joint proposal and lastly the Iranian proposal.
7. Mr. CHAUMONT (France) reached the same conclusion as the United Kingdom representative but starting from a different premise. In his opinion, all three draft amendments before the Committee should be regarded as proposals and not as amendments. For example, it would be impossible to claim that the Iranian proposal was an amendment to the Special Committee's text, since it was very different and reproduced part of the existing rule 59. Consequently, rule 120 of the rules of procedure should be applied and the vote on the three proposals should be taken in the chronological order of their submission.
8. Mr. FERRER VIEYRA (Argentina) agreed with the French representative. There were three proposals, not amendments; therefore they should be decided on in the order of submission.
9. Mr. ABDON (Iran) agreed with the comments of the representatives of the United Kingdom, Sweden and France on the order of voting. In his opinion, the basic text was rule 59 of the rules of procedure. The Committee should therefore vote first on the proposal furthest removed from that basic text, which was indisputably the amendment proposed by the Special Committee, then on the joint proposal of Chile, Canada and Venezuela, and lastly on the Iranian proposal.
10. Mr. NASS (Venezuela) supported the Iranian representative's view. The question on the agenda was the methods and procedures of the General Assembly and not the report of the Special Committee (A/937). Since the Sixth Committee's terms of reference were to consider methods and procedures which would enable the General Assembly to discharge its functions more effectively and expeditiously, the Sixth Committee was examining the amendments to be made to that end in the existing rules of procedure, which therefore constituted the basic text. The Special Committee's proposals were draft amendments to the rules of procedure, like the two other proposals under consideration. The proposal furthest removed from the existing text should therefore be voted on first.
11. The proposals submitted to the Sixth Committee could not be regarded as amendments to the text of the report. Moreover, when the Committee had to deal with draft amendments which did not correspond to any proposal by the Special Committee in connexion with other rules of procedure, it would obviously have to treat them as amendments to the existing rules.
12. Mr. KORETSKY (Union of Soviet Socialist Republics) noted that the Chairman had received the tacit approval of all the delegations when he had stated, during the examination of the preceding articles, that the Committee would take the Special Committee's report as its basis. At the preceding meeting, the representatives of Chile and Iran had submitted their proposals as amendments to the draft amendment in the report. They could not now be transformed into separate proposals, thus changing the procedure adopted to date.
13. Mr. JORDAAN (Union of South Africa) agreed with the French representative as to the advisability of applying rule 120 of the rules of procedure.
14. Mr. WENDELEN (Belgium) thought that reference to General Assembly resolution 271 (III), which laid down the terms of reference of the Special Committee, would be sufficient to show that those terms of reference included amending the rules of procedure. The proposed amendments were therefore not amendments in the technical sense of the term, but proposals designed to amend the existing rules of procedure and not the drafts in the Special Committee's report. Moreover, they often had no direct connexion with the texts in the report or with the

existing rules of procedure. To take another point of view would be to prevent the forty-four delegations not represented on the Special Committee from submitting new proposals to the General Assembly regarding points which were not the subject of proposals in the Special Committee's report.

15. As there were separate proposals, the chronological order of submission should obviously be respected when they were put to the vote.

16. Mr. TATE (United States of America) also supported the application of rule 120; as the Belgian representative had rightly pointed out, the proposals were separate.

17. Mr. MAÚRTUA (Peru) observed that it should not be forgotten that the Special Committee's report was the basis of the current discussions. A proposal could be regarded as a separate proposal only if it contained a new rule. In the case in question, all the proposals submitted to the Committee were intended to limit the repetition in the Assembly of discussions which had already taken place in committee; therefore, they were all intended to amend the earlier rule on that point. Consequently, they were amendments either to the Special Committee's report or to the existing rules of procedure.

18. Mr. ODIÓ (Costa Rica) thought that the Special Committee's report was undeniably the basis of all the new suggestions made with regard to rule 59. The Committee should therefore decide first on the draft amendment proposed in the report. If that was rejected, the other proposals should be put to the vote, beginning with the one furthest removed from the basic text.

19. The CHAIRMAN ruled that the vote would be taken first on the Iranian proposal, then on the joint proposal of Chile, Canada and Venezuela, and lastly on the draft in the Special Committee's report.

20. In his opinion it was impossible to take rule 59 of the existing rules of procedure as the basic text because, in that case, it would be necessary, after voting on the various amendments, to vote on the text of rule 59 itself as it appeared in the existing rules of procedure. It could not, however, be the Committee's intention to vote to confirm one of the rules of procedure currently in force. The two amendments submitted by Iran and by Chile, Canada and Venezuela must therefore be related to the Special Committee's proposal, and not the three texts before the Committee to rule 59 of the existing rules of procedure.

21. Mr. ABDON (Iran) appealed against the Chairman's ruling.

22. Mr. SHANAHAN (New Zealand) considered that, in order to clear up the matter, the Committee should first decide whether the three texts submitted to it were separate proposals to which rule 120 should apply. If that were not the case, the Committee would have to say whether it had before it a proposal and two amendments to that proposal, and then decide the order of voting on those amendments by the application of rule 119.

23. Mr. KORETSKY (Union of Soviet Socialist Republics) agreed with the New Zealand representative's suggestion. The Committee must begin by deciding whether rule 119 or rule 120 of the rules of procedure was applicable.

24. The CHAIRMAN asked the Committee to vote on his ruling, against which there had been

an appeal. That ruling had been to put the Iranian amendment and the joint amendment of Chile, Canada and Venezuela to the vote before the Special Committee's proposal.

*The Chairman's ruling was rejected by 28 votes to 17, with 2 abstentions.*

25. As a result of the vote, the CHAIRMAN stated that the chronological order applied. He put to the vote the text which the Special Committee had proposed to replace rule 59 of the existing rules of procedure (A/937, paragraph 27).

*The Special Committee's text was rejected by 24 votes to 22, with 3 abstentions.*

26. The CHAIRMAN asked the Committee to vote on the joint amendment of Chile, Canada and Venezuela (A/C.6/L.11), the text of which follows:

"The General Assembly may, by a two-thirds majority of Members present and voting, decide that questions on which a Main Committee has submitted a report shall not be discussed in plenary meeting. This preliminary question of whether or not to have a discussion shall in each case be immediately put to the vote by the President and shall be decided without debate."

27. Mr. FITZMAURICE (United Kingdom) asked why the joint amendment was being put to the vote first although it had been submitted after the Iranian amendment.

28. The CHAIRMAN stated that the joint amendment was only a recast and amplified form of an original Chilean amendment which had been submitted before the Iranian amendment.

29. Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) requested that the Committee should vote successively on each of the two sentences of the joint amendment.

30. Mr. WENDELEN (Belgium) asked for a separate vote on the expression "in each case" in the second sentence of the amendment.

31. Mr. BARTOS (Yugoslavia) asked for a separate vote on the words "and shall be decided without debate" in the second sentence of the joint proposal.

32. Mr. RIVERA HERNÁNDEZ (Honduras) stated that he could not vote for the joint amendment. The last part of it would prevent any debate on the advisability of renewing the discussion in the General Assembly and would thus deprive a small minority which was convinced, and perhaps rightly so, of the necessity for that debate, of the opportunity to justify its viewpoint. A debate of that kind would have few disadvantages because it could not involve the repetition of the substantive discussion in committee. If the authors of the joint proposal would not agree to delete the words "and shall be decided without debate", he would prefer the text of rule 59 as it stood.

33. The CHAIRMAN granted the three requests which had just been made for voting in parts and began by putting to the vote the first sentence of the joint proposal of Chile, Canada and Venezuela.

34. In reply to Mr. HSU (China) who asked whether he could still submit a slight amendment to the joint proposal of Chile, Canada and Venezuela, the CHAIRMAN recalled that, under rule 117 of the rules of procedure, no member could interrupt the vote except on a point of order

in connexion with the conduct of the voting or in order to explain his vote.

35. Mr. HSU (China) then stated that, if the authors of the joint proposal did not agree to remove any ambiguity by replacing the words "shall in each case be immediately put to the vote by the President and shall be decided without debate" by the words "shall in each case be raised by the President and shall be decided without debate", he would be obliged to vote against it.

36. Mr. NASS (Venezuela) pointed out that the Chinese amendment might be considered as a drafting amendment intended to clarify the meaning of the joint proposal. He suggested that the Chinese representative should submit it to the drafting committee which would be set up later.

37. Mr. FITZMAURICE (United Kingdom) noted that the reason for the Chinese representative's suggested amendment was the same concern regarding a certain ambiguity in the text of the joint proposal as he had expressed at the beginning of the debate. It was simply a question of drafting.

38. The CHAIRMAN said that it would be for the drafting committee to decide whether the Chinese amendment was substantive or formal.

39. Mr. HSU (China) agreed to the Venezuelan representative's suggestion. If it were accepted, he would vote in favour of the joint proposal on the understanding that he would be able to submit his amendment, which he considered purely formal, to the drafting committee.

40. The CHAIRMAN put to the vote the first sentence of the joint proposal (A/C.6/L.11).

*The first sentence was adopted by 16 votes to 12, with 13 abstentions.*

41. The CHAIRMAN, considering that the Belgian delegation's request was equivalent to a proposal to delete the words "in each case", put that proposal to the vote.

*The proposal to delete those words was rejected by 12 votes to 5, with 29 abstentions.*

42. The CHAIRMAN put to the vote the first part of the second sentence of the joint proposal as follows:

"This preliminary question of whether or not to have a discussion shall in each case be immediately put to the vote by the President . . ."

*That part of the second sentence was adopted by 23 votes to 12, with 12 abstentions.*

43. The CHAIRMAN put to the vote the words "and shall be decided without debate".

*Those words were adopted by 25 votes to 21, with 3 abstentions.*

44. The CHAIRMAN then put to the vote the whole of the second sentence of the joint proposal (A/C.6/L.11).

*The whole of the sentence was rejected by 22 votes to 21, with 7 abstentions.*

45. Mr. PESCATORE (Luxembourg), supported by Mr. FITZMAURICE (United Kingdom) and Mr. SANSÓN TERÁN (Nicaragua), was afraid that there had been some mistake in the result of the vote and asked that a new vote should be taken.

46. The CHAIRMAN pointed out that in principle it was impossible to vote twice on the same question.

47. When Mr. Soto (Chile) pointed out that,

in that particular case, there was some doubt as to the validity of the vote, Mr. KORETSKY (Union of Soviet Socialist Republics) stated that in his opinion there was no doubt; certain representatives were asking for a new vote simply in order to reverse that Committee's decision.

48. Mr. WENDELEN (Belgium) thought that the Committee had reached its decision on the second sentence of the joint proposal as the result of a mistake made in good faith. That mistake justified a fresh examination of the second sentence, and, in accordance with rule 112 of the rules of procedure, he asked the Committee to decide by a two-thirds majority to take a new vote on the second sentence of the joint proposal.

*The Committee decided to take a new vote on the second sentence of the joint proposal by 31 votes to 11, with 5 abstentions.*

49. Mr. FITZMAURICE (United Kingdom) and Mr. SOTO (Chile) asked for a vote by roll-call.

*A vote was taken by roll-call.*

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

*In favour:* Denmark, France, Iceland, Iran, Lebanon, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Belgium, Brazil, Canada, Chile, China.

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

*Abstaining:* Costa Rica, Greece, India, Liberia, Pakistan, Philippines, Turkey, Afghanistan.

*The second sentence of the joint proposal was rejected by 22 votes to 21, with 8 abstentions.*

50. Mr. TATE (United States of America) stated that the deletion of the second sentence of the joint proposal completely altered the meaning and the scope of the first sentence. He would therefore vote against the proposal as a whole, reserving the right to vote in favour of the Iranian proposal when it was put to the vote.

51. Mr. FITZMAURICE (United Kingdom), Mr. GRAFSTRÖM (Sweden), Mr. CHAUMONT (France), Mr. ABDOH (Iran) and Mr. SHANAHAN (New Zealand) indicated that, for the same reasons, they would take the same stand as that of the United States representative.

52. The CHAIRMAN put to the vote the joint proposal submitted by Chile, Canada and Venezuela, as a whole and as amended by the successive decisions the Committee had taken.

*That proposal was rejected by 20 votes to 10, with 14 abstentions.*

53. The CHAIRMAN requested the Committee to vote on the Iranian proposal (A/C.6/L.12).<sup>1</sup>

54. Mr. KORETSKY (Union of Soviet Socialist Republics) and Mr. ROLZ BENNETT (Guatemala) asked that a separate vote should be taken on the two sentences of the proposal.

55. Mr. RIVERA HERNÁNDEZ (Honduras) proposed that the second sentence should be deleted

<sup>1</sup>Text in the summary record of the 148th meeting, paragraph 91.

and that rule 59 of the rules of procedure should be retained in its existing form.

56. Mr. TATE (United States of America) pointed out that to vote separately on each of the two sentences of the Iranian proposal would, in fact, amount to voting on the existing text of rule 59. The Committee was not, however, called upon to vote on that text, which was still in force.

57. Mr. JORDAAN (Union of South Africa) believed that only the second sentence of the Iranian text should be voted on, in view of the fact that the sole purpose of the Iranian proposal was to add that second sentence to rule 59 as it stood.

58. The CHAIRMAN pointed out that the Iranian text was before the Committee, that it consisted of two sentences and that certain representatives had asked for a separate vote on each part. In the circumstances, there was no alternative but to put each of the two sentences of the Iranian proposal to the vote separately.

59. Mr. FITZMAURICE (United Kingdom) asked what would be the position with regard to rule 59 of the existing rules of procedure in the event that both sentences of the Iranian proposal were rejected by the Committee.

60. Mr. KORETSKY (Union of Soviet Socialist Republics) considered that the Chairman's decision was quite clear. The first part of the Iranian proposal, which was identical with rule 59 as it stood, constituted an amendment to the rule 59 proposed by the Special Committee. By voting for that part of the proposal, the Committee would show its intention of retaining, in its present form, rule 59 of the existing rules of procedure.

61. He considered the second part of the proposal to be superfluous, since it was identical with the second part of the joint proposal which had just been rejected by the Committee.

62. Mr. ABDOH (Iran) pointed out that there was a fundamental difference between the second part of his proposal and the second part of the joint proposal. The latter stated that the question whether or not a discussion was necessary should be put to the vote automatically. Under the Iranian proposal, however, the question would only be put to the vote as the proposal of the President or a representative. He urged, therefore, that a vote should be taken on that part of his proposal, since some representatives who had voted against an automatic vote might vote for a conditional vote.

63. Mr. FERRER VIEYRA (Argentina) pointed out that, following what he considered to be the erroneous decision of the Committee to regard the joint draft and the draft submitted by the Iranian delegation as separate proposals and not as amendments, the two parts of the Iranian proposal should be voted upon separately.

64. Mr. FITZMAURICE (United Kingdom) reiterated his objections, pointing out that the attitude of a large number of delegations towards the first part would depend on the adoption or rejection of the second part, which, in point of fact, constituted the substance of the Iranian proposal, since it was an addition to the present text of rule 59.

65. Mr. JORDAAN (Union of South Africa)

observed that the original Iranian proposal had been to add the second part to the existing text of rule 59. In the spirit of its author, therefore, it was clearly an amendment and the Committee could vote on the addition alone.

66. Mr. KORETSKY (Union of Soviet Socialist Republics) was astonished to see some representatives changing their attitude towards the rules of procedure as it suited them.

67. In point of fact, the situation did not give rise to any confusion. Once a separate vote had been asked for, rule 118 of the rules of procedure was automatically applicable; consequently the first part of the Iranian proposal, the sole effect of which would be that the existing text of rule 59 would remain in force, should be put to the vote. Then a vote should be taken on the addition contained in the second part of the proposal.

68. Mr. ABDOH (Iran) said that, in order to clarify the situation, he would be willing to withdraw the first part of his proposal.

69. Mr. KORETSKY (Union of Soviet Socialist Republics) pointed out that the Iranian delegation was no longer entitled to withdraw a proposal it had formally submitted to the Committee; that privilege belonged only to the Committee itself.

70. He protested against the withdrawal of the first part of the Iranian proposal, since that would place delegations in a very difficult position in view of the fact that many of them had voted against the joint proposal in order to vote for the Iranian proposal.

71. If, therefore, the representative of Iran were to withdraw his proposal, Mr. Koretsky would take it up in his own name.

72. Mr. NASS (Venezuela) thought that, following the decision whereby the Committee had resolved to consider the various draft rules as proposals and not as amendments, the request of those delegations who had asked for a separate vote on the Iranian proposal should be complied with.

73. He did not share the apprehensions of the United Kingdom representative, since the vote would be taken only on the Iranian proposal and not on rule 59 of the existing rules of procedure, which would remain unchanged in the event of both parts of the Iranian proposal being rejected.

74. Mr. FERRER VIEYRA (Argentina) pointed out that, on the contrary, by virtue of the very decision to which the representative of Venezuela had referred, any negative vote with respect to the Iranian proposal would amount to a rejection by the Committee of rule 59 of the existing rules of procedure. Delegations who wished to retain rule 59 as it stood would have to vote in favour of the first part of the Iranian proposal and against the second part.

75. Mr. HSU (China) observed that it should first of all be decided whether the Iranian proposal was a substitution for the present text of the rules of procedure or an amendment to it. If it were a substitution, it would be quite in order to proceed to a separate vote, but not if it were an amendment.

76. Mr. STABELL (Norway) considered it out of the question to vote on the first part of the Iranian proposal, which was the same as rule 59 now in force. A vote could of course be taken on a proposal to delete that rule, but not on its

retention by means of a proposal. Consequently, the only part of the Iranian proposal that should be voted on was therefore the second part.

77. Mr. SANSÓN TERÁN (Nicaragua) supported those representatives who had asked for a vote by parts.

78. The CHAIRMAN remarked that the impasse in which the Committee found itself was the logical consequence of its decision to regard the joint draft and the draft submitted by the Iranian delegation as separate proposals. Since the Committee had already voted on that point, the Iranian draft was at present a proposal and could no longer be considered an amendment. He would therefore put the two parts of the Iranian proposal to the vote separately, in accordance with rule 118 of the rules of procedure.

79. Mr. JORDAAN (Union of South Africa) explained that he had voted for the proposal to consider draft rules submitted as separate proposals because he had understood that they constituted separate proposals with respect only to the text of the Special Committee (A/937, paragraph 27). With respect to the existing text of rule 59, they could not be anything but amendments.

80. Mr. TRUJILLO (Ecuador) thought that a vote should be taken on the second part of the Iranian proposal only, since the first was identical with rule 59 of the rules of procedure. He pointed out, incidentally, that the Spanish translation of the second sentence of the Iranian proposal was devoid of any meaning.

81. In conclusion, he announced that, after the Iranian proposal had been voted upon, he would submit a compromise text to replace the existing text of rule 59.

82. Mr. FERRER VIEYRA (Argentina), Rapporteur, stated that the exact and literal translation

of the French text into Spanish should be the following:

*"Cualquier propuesta en este sentido no será debatida, debiendo ser puesta inmediatamente a votación."*

83. Mr. WENDELEN (Belgium) formally proposed that the following sentence should be added to the existing rule 59: "Any proposal to this effect shall not be debated, but shall be put immediately to the vote." He asked the representative of Iran whether he would be willing to withdraw his proposal in favour of the above.

84. Mr. ABDOH (Iran) agreed to withdraw his proposal in order to expedite the Committee's work.

85. The CHAIRMAN noted that the Belgian proposal simply consisted in deleting the first part of the Iranian proposal and had been accepted by the representative of Iran. Since, however, the USSR representative had said earlier that he would take up the Iranian proposal in his own name if it were withdrawn, the Chairman proposed to put to the vote the first part of the Iranian proposal, which had now become the USSR proposal, in accordance with rule 111.

86. Mr. JORDAAN (Union of South Africa) protested against the Chairman's ruling and stated that rule 119 of the rules of procedure should be applied in that particular instance.

87. The CHAIRMAN pointed out that the Committee had in fact decided, by its first vote, to depart from the application of rule 119.

88. Mr. LOUTFI (Egypt) moved the adjournment of the meeting.

89. The CHAIRMAN noted that that motion had priority; there being no objection, he declared the meeting adjourned.

The meeting rose at 1.10 p.m.