

HUNDRED AND FORTY-FIFTH MEETING

Held at Lake Success, New York, on Thursday, 29 September 1949, at 11.15 a.m.

Chairman: Mr. LACHS (Poland).

**Methods and procedures of the General
Assembly: report of the Special Com-
mittee (A/937) (*continued*)**

1. The CHAIRMAN put to the vote the amendment to rule 14 of the rules of procedure of the General

Assembly, submitted by the delegations of Australia, Sweden and Yugoslavia (A/C.6/L.2), which had been discussed at the preceding 144th meeting.

That amendment was adopted by 33 votes to none, with 7 abstentions.

2. The CHAIRMAN took up the consideration of draft rule 19 (a) proposed by the Special Committee (A/937, paragraph 11).

3. Mr. CHAUMONT (France) stated that his delegation supported the text of the rule proposed by the Special Committee, which it considered to be entirely consistent with Article 18 of the Charter and with the other rules of procedure of the General Assembly. It might be said that that power of the Assembly was self-evident, but all the same an express provision on it would be useful.

4. The CHAIRMAN put to the vote the draft rule 19 (a) proposed by the Special Committee.

That rule was adopted by 39 votes to none, with 5 abstentions.

5. The CHAIRMAN recalled that the next draft rule to be considered, rule 19 (b) proposed by the Special Committee (A/937, paragraph 26), had been discussed at the preceding meeting and that suggestions had been made to amend the second sentence of the proposed draft, or to add a provision to the effect that an appeal against the ruling of the President was always possible. Some members thought it preferable to add such a provision to one of the more general rules, such as rule 31, rather than to rule 19 (b). There was before the Committee an amendment to that effect submitted by the delegations of India, Poland and the Union of South Africa (A/C.6/L.3).

6. Mr. FITZMAURICE (United Kingdom) called attention to an error in the second sentence of the amendment, and proposed that the word "overruled" should be replaced by the word "decided".

It was so decided.

7. Mr. KORETSKY (Union of Soviet Socialist Republics) objected to placing the general provision concerning appeals in rule 31. Rule 19 (b) contained no provision on rulings of the President which might require overruling; it merely stated that the President could limit the time of speakers in the General Assembly.

8. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) explained that, at the previous meeting, members of the Committee had wished to see the provision concerning the possibility of appeal against any decision of the President added to a rule of a general nature, such as rule 31, the title of which was: "General powers of the President". That rule contained the provision that "in addition to exercising the powers which are conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting . . ." as well as other general provisions. The delegations of Poland, India and the Union of South Africa had thought that that was the best place in the rules of procedure for the insertion of the general provision concerning the possibility of appeal against the Chair's rulings. It would then apply universally and there would be no necessity of repeating it throughout the rules.

9. Mr. KORETSKY (Union of Soviet Socialist Republics) replied that rule 31 did not refer to such a power as that contained in rule 19 (b), namely, the power to limit the time to be allowed to speakers in favour of and against the inclusion of items on the agenda. That was a specific and new power which was conferred upon the Presi-

dent; that was the power which the Committee wished to make subject to appeal. He did not think that rule 31, even if it were amended as proposed, would be applicable to the case provided for in rule 19 (b).

10. Mr. JORDAAN (Union of South Africa) recalled that, at the preceding meeting, the consensus of opinion in the Committee had been that the President should not be given discretionary power to limit the time of speeches on inclusion or not of agenda items, but that an appeal against his ruling should be possible. It was considered advisable, however, to avoid the repetition of that right of appeal in each rule mentioning the President's power to limit debates.

11. He was of the opinion that rule 19 (b) could be accepted as recommended by the Special Committee, and that it would be subject to rule 31, to which the addition proposed by his delegation and those of India and Poland could be made when the Committee came to discuss that rule.

12. Mr. WENDELEN (Belgium) stated that his delegation adhered to its view that the general provision concerning the possibility of appeal should not be included in rule 31, where it might entail lengthy debates, but should form part of rule 64. That rule dealt with points of order; rulings on them were subject to appeal and the appeal was put to the vote immediately. His delegation preferred to see the provision added to rule 64, but on the whole considered any such provision unnecessary.

13. Mr. CHAUMONT (France) believed that it would be dangerous to accept the proposed amendment. As Mr. Koretsky had explained, the provisions of rule 31 did not fundamentally concern the power of the President which was mentioned in rule 19 (b). The only part of rule 31 that was applicable to that power was the part referring to the recognition of speakers.

14. If the amendment under consideration were accepted, it might result in Members appealing against routine decisions of the President, such as the opening and closing of sessions. It was advisable to shorten debates and expedite the work of the Assembly, but adopting such a general provision would not accomplish that. In his opinion, it was more logical to mention the appeal against the Chair's decision to limit the time of speeches in the text of rule 19 (b). A general provision concerning appeal might achieve the reverse of what was needed in the case under consideration.

15. Mr. FERRER VIEYRA (Argentina) stated that all the members of the Committee recognized that the General Assembly could always challenge and overrule the Chair's decisions. That was already implicit under the original rule 31. He thought, however, that a general provision to the effect that an appeal was always possible should be added at the end of rule 31.

16. The CHAIRMAN proposed that the Committee should dispose of rule 19 (b), and then proceed with rule 31 and discuss the issues involved.

17. Mr. RODRÍGUEZ FABREGAT (Uruguay) recalled that rule 65 provided that the General Assembly could limit the time to be allowed to speakers, and he questioned the advisability of adopting the last part of rule 19 (b) and then adopting the several provisions included in the

proposed amendment to rule 31. It would be merely a transposition of the functions or powers of the General Assembly to the President. He stressed the importance of safeguarding the right of the Assembly to limit speeches. To extend the discretionary power of the President, as was proposed in rule 19 (b), would limit the fundamental rights of the Assembly and the right of the representatives of sovereign States to express their views freely.

18. Moreover, the safeguard consisting of the appeal provided for in the proposed amendment would be largely theoretical. If the President imposed a time-limit and his decision was overruled, that would show a lack of confidence in the Chair, just as his decision would show a lack of confidence in the representatives. That was a serious implication of the proposed amendment.

19. To adopt the amendment under consideration would have the effect of amending rule 65. His delegation adhered to the view which it had expressed at the preceding meeting.

20. Mr. CHAUDHURI (India) stated that his delegation believed that the power of the President to limit the time to be allowed to speakers should be subject to revision by the General Assembly. As had been said, rule 65 contained the general provision that the General Assembly might limit the time of speeches. Rule 19 (b) made a special provision which might be said to amount to a complete surrender of that power by the General Assembly to the President. The delegation of India did not wish to see the power of the General Assembly surrendered to the President. Some provision should be included in the rules of procedure to the effect that the General Assembly could revise the decisions of the Chair.

21. The representative of the United Kingdom had pointed out that, if that statement were included in rule 19 (b), it should be added to each rule mentioning similar powers of the President. That would encumber the rules. For that reason the delegation of India considered that the most appropriate place for the provision was in the general rule 31.

22. If rule 19 (b) were adopted in the form in which it was proposed by the Special Committee, and no amendment were added to rule 31, then the power of the General Assembly would be surrendered to the President.

23. The delegation of India did not think that rule 64 was adequate to provide for the case mentioned in rule 19 (b); it was not sufficiently general; it dealt only with points of order. He did not believe that the President's decision to limit the time of speeches could be considered under a point of order. A general rule providing for appeal against the President's decision was needed.

24. Mr. ZIAUDDIN (Pakistan) stated that all the members agreed on the principle involved in the amendment under consideration; they differed only in their opinions as to the wording of the provision and its proper place in the rules of procedure. He suggested that the principle should be adopted and that the wording and location should be decided later by the drafting committee which was to be appointed.

25. Mr. LOUTFI (Egypt), while still preferring the Belgian and United Kingdom suggestion that

a mention in the report of the right to appeal from decisions of the President was sufficient, agreed with the proposal of the representative of Pakistan.

26. Mr. ABDOL (Iran) agreed with the representative of Pakistan that the majority appeared to be in favour of permitting an appeal from the President's decisions. The question was: in what rule should a provision to that effect be inserted?

27. The method of including such a provision in every rule dealing with the new powers of the President was unduly cumbersome. The solution proposed by the sponsors of the joint amendment would be preferable, but the fears expressed by the representatives of the USSR and France were fully justified: on the one hand, a provision inserted in rule 31 might not apply to the specific case mentioned in rule 19 (b), and on the other, it might be held to apply to such purely formal functions of the President as opening and closing a meeting and recognizing speakers. Perhaps the best solution of all might be to state in rule 31 that representatives might appeal from decisions made by the President under rule 19 (b) and all other rules which conferred new powers on the President, listing those rules by number.

28. The CHAIRMAN drew attention to a mistake in the French text of A/C.6/L.3. In both of the proposed amendments, the words "en vertu du présent article" should be replaced by: "en vertu du présent règlement".

29. Mr. GRAFSTRÖM (Sweden) remarked that his colleagues on the Special Committee must, like himself, be astonished at the length and fervour of the discussion provoked in the Sixth Committee by the provision contained in the second sentence of the proposed rule 19 (b). The Committee tended, perhaps, to forget the first sentence of that rule, which made it clear that the new power granted to the President applied only when the inclusion in the agenda of items recommended by the General Committee was discussed. No long discussions on such a recommendation were required and there was no question of any surrender of power on the part of the General Assembly. Furthermore, he agreed with the Belgian representative that the existing rule 64 made it possible to appeal from the President's decision in such cases.

30. To meet all points of view, however, he suggested that the second sentence of rule 19 (b) might be amended to read: "The President may propose to the General Assembly the limitation of the time to be allowed to speakers under this rule."

31. Mr. TATE (United States of America) felt that the discussion had progressed from the specific case covered in rule 19 (b) to the general subject of the powers of the President. He suggested that the first sentence of that rule should be put to the vote at the current meeting, while decision on the second sentence should be postponed until the Secretariat had prepared a study both of that provision and of all other provisions granting new powers to the President, in the light of which the Committee would be better able to come to a decision.

32. Mr. HSU (China) supported the suggestion of the United States representative.

33. Mr. RODRÍGUEZ FABREGAT (Uruguay) also endorsed that suggestion. Serious questions of principle were involved which should be settled together. If the Committee were to vote at once on the second sentence of rule 19 (b), those questions would remain unresolved and would arise anew in connexion with other rules of procedure granting special powers to the President.

34. Mr. KORETSKY (Union of Soviet Socialist Republics) was opposed to the United States representative's suggestion. The Committee was quite familiar with the amendments proposed by the Special Committee and could come to a decision on rule 19 (b), bearing in mind the possible consequences. That decision would of course pre-judge to some extent the action taken on subsequent rules; it was also quite possible that the final results of the Committee's work might not be entirely harmonious. It would then be the task of a drafting sub-committee, such as would no doubt be constituted later, to straighten them out. He therefore urged the Committee to proceed with a vote on the proposed rule 19 (b), sentence by sentence.

35. Mr. JORDAAN (Union of South Africa), Mr. CHAUDHURI (India) and Mr. RUDZINSKI (Poland), who had jointly sponsored the amendment to rule 31 (A/C.6/L.3), withdrew their amendment in favour of the one proposed by the Swedish representative.

36. Mr. BARTOS (Yugoslavia) said that, in the view of his delegation, the General Assembly itself should decide whether to limit the time allowed to speakers, as it was indeed expressly authorized to do in rule 65 of the rules of procedure. As the Swedish proposal safeguarded that right, he was not opposed to it in substance; such a provision would, however, be superfluous because, under rule 31 as recommended by the Special Committee, the President would have the right to propose to the General Assembly the limitation of the time to be allowed to speakers in any debate. The simplest and best solution would therefore be to delete entirely the second sentence of rule 19 (b). He moved that deletion.

37. The CHAIRMAN called for a vote on the first sentence of the proposed rule 19 (b).

The first sentence of the proposed rule 19 (b) was adopted by 36 votes to none, with 4 abstentions.

38. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department), speaking with reference to the Swedish amendment, remarked that its adoption would alter radically the whole concept of the Special Committee which—whether rightly or wrongly was for the Sixth Committee to judge—had proceeded on the assumption that, in order to expedite the work of the Assembly and to shorten its sessions, it was necessary to give additional powers to the President. Under the proposed rule 31, the President was empowered to propose certain limitations of the debate, even when that debate was on substance. Under rule 19 (b) and other rules dealing with procedural matters, it had been the intention of the Special Committee to empower the President not merely to propose but also to impose certain limitations, subject of course to an overriding decision of the General Assembly. If the President was allowed to do no more than propose a limitation in a procedural question, there was the danger that his

proposal might give rise to a lengthy debate and thus waste time instead of saving it.

39. It was for the Sixth Committee to decide whether or not it wished to follow the course charted by the Special Committee. If it agreed in principle with the Swedish amendment, it might be best, as the Yugoslav representative had suggested, to delete the second sentence of rule 19 (b) altogether, since the provision of the Swedish amendment was already covered in the proposed rule 31.

40. Mr. ABDON (Iran) agreed with the Assistant Secretary-General. In his opinion, the conception of the Special Committee should be upheld and the need to grant the President additional powers to expedite the work of the General Assembly should be recognized. He therefore opposed the Swedish amendment.

41. Mr. BARTOS (Yugoslavia) did not share the view of the Assistant Secretary-General that the question at issue was one of procedure; rather, it was a question of justice. Under Article 10 of the Charter, the General Assembly was competent to include in its agenda all questions within the scope of the Charter; refusal by the Assembly to include any item in its agenda consequently was not an admission of incompetence but of disinclination to deal with the matter. Inclusion or rejection of an item was a matter of policy which it was beyond the powers of the President to deal with.

42. Mr. CHAUMONT (France) fully shared the view expressed by the Assistant Secretary-General and the Iranian representative. As it would be poor drafting to repeat in a rule dealing with a specific case a provision already contained in a general rule, he appealed to the Swedish representative to reconsider his amendment.

43. Mr. GRAFSTRÖM (Sweden) thereupon withdrew his amendment.

44. Mr. WENDELEN (Belgium) supported the United States suggestion to postpone debate on the powers of the President until a study had been prepared by the Secretariat. It might, however, be possible to vote at once on the principle of permitting an appeal from a decision by the President, and later to record the Committee's attitude either in the rules of procedure or in the Committee's report to the General Assembly.

45. The CHAIRMAN pointed out that the amendment proposed by India, Poland and the Union of South Africa to rule 31 had been withdrawn in favour of the Swedish proposal, which in turn had been withdrawn in the light of subsequent observations.

46. In reply to the Assistant Secretary-General's observation regarding the Swedish proposal, he pointed out that, even if the President was given the power to limit the time of speakers, the possibility of a discussion in the General Assembly, if the latter wished to overrule his decision, would still exist. He therefore considered the Swedish proposal to be logical.

47. Mr. CHAUDHURI (India) re-introduced, in view of the withdrawal of the Swedish amendment, the amendment to rule 31 submitted jointly by his delegation and those of Poland and the Union of South Africa.

48. The CHAIRMAN noted that the Committee had before it three proposals: first, the Yugoslav

proposal for the deletion of the second sentence of the proposed rule 19 (b); secondly, the joint amendment of Poland, India and the Union of South Africa to rule 31; and thirdly, the procedural United States proposal, which had not been moved under rule 108 of the rules of procedure and therefore had no precedence over the other proposals.

49. He called for a vote on the Yugoslav amendment to delete the second sentence of rule 19 (b) proposed by the Special Committee.

The Yugoslav amendment was rejected by 26 votes to 7, with 8 abstentions.

50. Mr. RODRÍGUEZ FABREGAT (Uruguay) asked for a clarification of the procedure followed by the Chairman. After the substantive proposals had been put to the vote, it would be too late to vote on the procedural United States proposal for deferring consideration of the proposed rule 19 (b), a proposal which had been supported by a number of representatives.

51. The CHAIRMAN replied that it was his understanding that the United States proposal had not been moved under rule 108 of the rules of procedure, and consequently did not have precedence over the other proposals. If the question was decided in substance, the procedural motion would cease to exist.

52. In reply to a question by Mr. JORDAAN (Union of South Africa), the CHAIRMAN stated that the vote on the joint amendment of India, Poland and the Union of South Africa would bear on the text only, and that the question of where to place it in the rules of procedure would be referred to a drafting committee together with other drafting matters which might arise in the course of the Committee's work.

53. He then called for a vote on that joint amendment (A/C.6/L.3), which, after the corrections¹ already referred to, read as follows:

"Any decision of the President under these rules shall be subject to appeal to the General Assembly. The appeal shall immediately be put to the vote and may be decided by a majority of the Members present and voting."

The joint amendment proposed by India, Poland and the Union of South Africa (A/C.6/L.3) was rejected by 15 votes to 14, with 16 abstentions.

54. The CHAIRMAN explained that the fact that the proposed amendment had been rejected did not deprive the General Assembly of the power to overrule the decisions of the President.

55. Mr. RODRÍGUEZ FABREGAT (Uruguay) interpreted the vote just taken as an indication that that important question needed further study, as had been proposed by the United States representative. He thought that the entire matter might be raised once again before the General Assembly.

56. The CHAIRMAN stated that the Committee's report to the General Assembly would take full account of the discussion and voting on the question, as well as of the general understanding that the decision just taken in no way deprived the General Assembly of its power to overrule the President's decisions.

57. Mr. LOUTFI (Egypt) suggested that the right of representatives to appeal against a deci-

sion of the President under rule 19 (b) should be stated clearly in the Committee's report, as proposed by the United Kingdom and Belgium at the previous meeting.

58. Mr. RUDZINSKI (Poland) noted there was complete agreement on the principle that the General Assembly should have the power to overrule the President's decision to limit the time of speakers. Consequently, the result of the vote—which had been almost equally divided—was due, not to a lack of recognition of that principle, but rather to the drafting of the amendment. The expression "any decision" seemed to suggest to some representatives that even in simple routine matters the President's ruling would be subject to appeal. Further consideration should therefore be given to the question before submitting a report to the General Assembly.

59. Mr. Rudzinski reserved the right to revert to the matter at a later opportunity, and to submit a generally acceptable proposal which would take into account the considerations put forward by various representatives.

60. In connexion with a remark by Mr. CHAUMONT (France) regarding the impossibility of reverting to a matter which had been decided on by a vote, the CHAIRMAN stated that under rule 74 of the rules of procedure, the Committee could decide to reconsider a previously settled question.

61. He then put to the vote rule 19 (b) as a whole, as proposed by the Special Committee.

Rule 19 (b), as proposed by the Special Committee, was adopted by 29 votes to none, with 12 abstentions.

62. The CHAIRMAN then turned to rule 31 as proposed in paragraph 38 of the Special Committee's report (A/937).

63. In reply to a suggestion made by Mr. STABELL (Norway) that the proposed rule 31 should be considered together with the proposed rule 97, which involved a similar change, the CHAIRMAN stated that the Committee should adhere to the previously agreed procedure of considering each proposed rule separately. The Committee would keep in mind the discussion on rule 31 when considering rule 97.

64. Mr. MAYRAND (Canada) stated that his delegation would vote in favour of the proposed rule 31. While it might be said that the President, under the existing rules, already enjoyed the rights set forth in that proposed rule, it would be well to state them explicitly in order to avoid any accusation that he was exceeding his authority. On the other hand, such action would not impair the rights of the General Assembly, since it was clearly understood that he was always subject to the Assembly's authority.

65. Mr. KORETSKY (Union of Soviet Socialist Republics) said that the provisions added to rule 31 stated nothing new; every representative could make such a proposal, consequently also the President.

66. Mr. RODRÍGUEZ FABREGAT (Uruguay), noting that the discussion which had taken place on rule 19 (b) had also borne on the provisions of the proposed rule 31, stated that there was no need to repeat the arguments already advanced.

67. He wished to point out, however, that the Committee should bring the new provisions into

¹ See paragraphs 6 and 28 of this summary record.

harmony with those already adopted, since the revised rules of procedure must form an integrated document which should serve to save the time and work of the General Assembly. In adopting rule 19 (b), the Committee had granted broader powers to the President in contradiction to rule 65 of the rules of procedure.

68. Hence the Committee must consider the proposed rule 31 in the light of the new situation, which would require a re-examination of existing rules 65 to 69. While hitherto the General Assembly alone had been empowered to limit the time of speakers under rule 65, the proposed rule 31 granted special power to the President to propose, on any question including those of substance, the limitation of the time of speakers, the limitation of the number of times each speaker might speak on any question, the closure of the list of speakers or the closure of the debate, as well as the suspension or adjournment of a meeting or a debate. Thus, the proposed rule 31 substantially modified the existing system.

69. The purpose of the current debate was to save the time of the General Assembly. Giving the President powers which belonged to the General Assembly, however, would not improve its work, would not increase the authority of the President before the General Assembly, and would not enhance the world prestige of the General Assembly. It would merely serve to impair the

rights of representatives of Member States of the United Nations who were called upon to express the views of their Governments. Consequently he felt that, as regards the limitation of the time of speakers, the existing rule 65, which empowered the General Assembly to impose such a limit, was sufficient. With regard to the other provisions of the proposed rule 31, he thought that they were already covered by other provisions in the rules of procedure, which had proved to be sufficient.

70. The President was elected by all Members of the General Assembly to conduct its debates, and he was required to consult it in making rulings to expedite the work.

71. Mr. Rodríguez Fabregat also pointed out that, under rule 31, a President might make a decision to limit the time of speakers when a debate was already in progress. In that case, previous speakers whose time had not been limited would be at an advantage over those who spoke subsequent to that decision.

72. In conclusion, he reiterated his doubts regarding the advisability of considering the proposed rule 31 after having decided in rule 19 (b) that the President should have the power to limit the time of speakers. He preferred that there should first be a clear decision that an appeal from the President's decisions was always possible.

The meeting rose at 1.05 p.m.