

## HUNDRED AND SIXTY-FIFTH MEETING

*Held at Lake Success, New York, on Monday, 17 October 1949, at 11 a.m.*

*Chairman: Mr. LACHS (Poland).*

### Methods and procedures of the General Assembly (*continued*)

REPORT OF THE DRAFTING COMMITTEE (A/C.6/L.29 and A/C.6/L.29/Add.1) (*continued*)

1. The CHAIRMAN called upon the Committee to state its views on the text of amendments and additions to the rules of procedure of the General Assembly, as revised by the Drafting Committee (A/C.6/L.29 and A/C.6/L.29/Add.1).
2. Mr. BARTOS (Yugoslavia) said on a point of order, that paragraphs 14, 15, 16 and 17 of the summary record of the Committee's 164th meeting did not give a true account of what occurred when his delegation's explanation of the vote was made. He therefore asked the Chairman either to delete all reference to the incident in question, or to set the facts in their true light.
3. The CHAIRMAN assured the Yugoslav representative that the requisite corrections would be made to the record where necessary.
4. Mr. CHAUDHURI (India) said that the Drafting Committee, over which he had had the honour to preside, had adopted unanimously the text of amendments and additions to the rules of procedure. It had made some minor amendments which were underlined in the document.
5. The Czechoslovak representative had drawn the Drafting Committee's attention to the word "any" in the English text of rules 65 and 103 because he wondered whether that word made it as clear as the French text did that those rules referred to a specific question only.
6. The Drafting Committee believed that it had followed the Committee's wishes in regard to rules 81 and 118 by adding the words "or of an amendment" in every case after the words "of a proposal".
7. Finally, Mr. Chaudhuri drew the Committee's attention to his note to the Committee in the document A/C.6/L.29/Add.1 reproducing revised rules 82 and 119, which the Drafting Committee had left unamended.
8. Mr. FITZMAURICE (United Kingdom) suggested deleting the comma between the words "item" and "the inclusion" near the end of the last sentence of the English text of revised rule 35. The words "which have been approved" in the fourth sentence of rules 81 and 118 should be replaced by "which are subsequently approved" since parts of a proposal or amendment were put to the vote only after the vote on the motion for division.
9. Mr. CHAUMONT (France), recalling the remarks of the Chairman of the Drafting Committee on rules 65 and 103, said that the French text of those rules was perfectly clear and only the English text would have to be amended if that were necessary.
10. Mr. BARTOS (Yugoslavia) suggested that the Drafting Committee's document should be discussed rule by rule.
11. Mr. DUYNSTEE (Netherlands) said that if an amendment was to be treated in the same way as a proposal, as had been done by the Drafting

Committee, the question would arise whether all rules of procedure on proposals applied also to amendments. It was obvious that certain rules, especially rule 74 on the reconsideration of a proposal already adopted or rejected, could not apply to amendments.

12. The CHAIRMAN invited the Committee to examine paragraph by paragraph the text of the amendments and additions to the rules of procedure submitted by the Drafting Committee.

13. In reply to Mr. RODRÍGUEZ FABREGAT (Uruguay) who wished to know whether the members of the Committee were entitled to reopen discussion on the substance of that text and submit amendments, the CHAIRMAN said that the discussion was closed, and that drafting amendments only could be made.

*New rule 1 (a)*

*The text proposed by the Drafting Committee for that rule was adopted.*

*Revised rule 14*

*The text proposed by the Drafting Committee for that rule was adopted.*

*New rule 11 (a) which would now be rule 19*

*The text proposed by the Drafting Committee for that rule was adopted.*

*New rule 19 (a) which would now be rule 19 (b)*

*The text proposed by the Drafting Committee for that rule was adopted.*

*New rule 19 (b) which would now become rule 19 (c)*

*The text proposed by the Drafting Committee for that rule was adopted.*

*Revised rule 31*

14. Mr. CHAUMONT (France) said that, after the Committee had completed the consideration of those texts, the rules of procedure should be renumbered so as to avoid several rules appearing under the same number, with letters (a), (b), (c), etc. added.

15. The CHAIRMAN thought that the Rapporteur could make the necessary technical adjustments to the final text.

*New rule 31 (a)*

16. Mr. DUYNSTEE (Netherlands) emphasized that, in his opinion, the second and third sentences of new rule 64 should be incorporated either in new rule 31 (a) or in revised rule 31.

17. The CHAIRMAN replied that the question raised by the Netherlands representative had already been decided, in principle, by the Committee, since it had agreed that rules 31 and 31 (a) should deal exclusively with the general powers of the President.

*New rule 34 (a)*

18. Mr. KORETSKY (Union of Soviet Socialist Republics) was opposed to the Drafting Committee's suggestion that the words "ad hoc committees" should be replaced by "other committees". Hitherto all committees (other than the Main Committees) established by the General Assembly to meet during the session which were composed of all the Members of the United Nations,

had always been known as special or *ad hoc* committees. That was an established usage which should be retained.

19. In regard to the French representative's proposal that the numbering of the rules of procedure should be changed so as to avoid the use of letters, he pointed out that since most of the rules were known to representatives by their numbers, the changing of those numbers should be avoided as much as possible.

20. That did not apply to new rule 34 (a), which logically be incorporated in rule 33 dealing with the composition of the General Committee.

21. Mr. CHAUMONT (France) pointed out that that was only a partial solution and did not dispose of the question of all rules which were indicated by numbers and letters.

22. Mr. Chaumont also asked the representative of the Netherlands not to press his proposal to incorporate the second and third sentences of rule 64 in the new rule 31 (a) or in revised rule 31, since the Committee had decided, as a result of the French delegation's proposal, to include those rules under the heading "General Powers of the President".

23. Mr. FITZMAURICE (United Kingdom) supported the USSR representative's observations on the phrase "other committees" which appeared in the title of rule 34 (a). He considered that it would be logical to insert that rule after rule 33, which dealt with the composition of the General Committee.

24. Mr. GRAFSTRÖM (Sweden) likewise considered that rule 34 (a) should be inserted after rule 33. He did not see how any ambiguity could result from the title of that rule since it referred only to committees set up by the General Assembly to meet during sessions and which were composed of all the Members of the Organization.

25. Mr. WENDELEN (Belgium) thought that the best solution was the one proposed by the USSR representative to include rule 34 (a) in rule 33 and thus to delete the heading, which was ambiguous.

26. Mr. CHAUDHURI (India), referring to the USSR proposal, pointed out that there was no rule in the rules of procedure which was divided into two paragraphs. Moreover, he thought that the objections to the heading of rule 34 (a) were not justified since, at all events, under the provisions of rule 151, the heading would be disregarded in the interpretation of the rule.

27. Mr. KORETSKY (Union of Soviet Socialist Republics) was of the opinion that it was not necessary to attach excessive importance to the fact that no rule of the rules of procedure was divided into two paragraphs. That might prove advisable upon occasion; for example, it was obvious that, if rule 14 had been divided into two parts, many misunderstandings would have been avoided. The Charter itself contained numerous Articles sub-divided into paragraphs. Mr. Koretsky thought, therefore, that the Committee could not reject a proposal solely to avoid having rules containing several paragraphs.

28. The CHAIRMAN put to the vote the USSR proposal to incorporate new rule 34 (a) into rule 33.

*The USSR proposal was adopted by 32 votes to one, with 11 abstentions.*

29. The CHAIRMAN said that, since the proposal had been adopted, the heading of rule 34 (a) would be deleted.

30. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) pointed out that, after the deletion of the heading for new rule 34 (a), the Committee still had to decide whether there was any need to amend the first part of the sentence which was now added to rule 33 in order to indicate clearly whether it concerned committees other than the Main Committees.

31. Mr. STABELL (Norway) thought that for greater clarity the word "other" should be inserted before the word "committees".

32. Mr. KORETSKY (Union of Soviet Socialist Republics) thought that the addition of the word "other" would not indicate sufficiently clearly which committees were meant. In principle, the text adopted by the Drafting Committee could remain as it was; if, however, the Committee wished to make the wording more precise, it might be advisable to insert the words "special" or "*ad hoc*" before the word "committees".

33. Mr. CHAUDHURI (India) would prefer the word "other", which was more general and consequently embraced both special and *ad hoc* committees. He inquired whether the USSR representative was proposing to add "special" or "*ad hoc*" or both before the word "committees". In his opinion, the text would be fuller if both terms were used than if one only of the two qualifying adjectives were used.

34. Mr. KORETSKY (Union of Soviet Socialist Republics) suggested that the formula "special committees" should be adopted and that "*ad hoc*" should be inserted in parenthesis.

35. Mr. WENDELEN (Belgium) thought that the word "other" would define the committees sufficiently by contrast with the six Main Committees referred to in the last sentence of the present text of rule 33. The term "special or *ad hoc* committees" might not be clear enough; it did not appear in the rules of procedure and it had never been clearly defined.

36. Mr. KORETSKY (Union of Soviet Socialist Republics) recalled that those terms had been used many times in the last four years to indicate committees on which all the Member States were represented. It would thus be better to revert to that established formula, since there was no doubt about its meaning.

37. Mr. FERRER VIEYRA (Argentina) observed that there were several categories of special or *ad hoc* committees; some included all and others only a few of the Members of the United Nations. Moreover, some of them met during sessions and others during the interval between sessions. Consequently, that definition was not clear. It was therefore preferable to adopt the word "other", which indicated that the rule referred to committees other than the Main Committees without specifying which category was meant.

38. Mr. TATE (United States of America) was of the opinion that those committees were already clearly defined in the text of rule 34 (a) itself. The word "other" therefore would be sufficient to distinguish them from the Main Committees.

39. Mr. KORETSKY (Union of Soviet Socialist Republics) suggested that the Committee should decide first whether in the sentence under consideration the word "committees" should be quali-

fied at all and if so what word or phrase should be used, that is, "special (*ad hoc*)" or "other".

40. The CHAIRMAN asked the Committee to take a decision on those two points.

*It was decided, by 26 votes to 4, with 12 abstentions, to add a qualifying term.*

*The Committee rejected, by 17 votes to 7, with 16 abstentions, the USSR proposal to add the words "special (*ad hoc*)".*

*The Committee decided, by 32 votes to 4, with 7 abstentions, to insert the word "other" before the word "committees" at the beginning of rule 34 (a).*

*Rule 34*

41. Mr. PÉREZ PEROZO (Venezuela) pointed out that the Chairmen of the Main Committees were not yet elected when the General Committee met at the beginning of a session. Therefore, the Chairman of a Main Committee could not designate the Vice-Chairman of his Committee as his substitute in meetings of the General Committee. That deficiency should be rectified.

42. The CHAIRMAN agreed that the Committee had not solved that problem since it had decided to leave the text of rule 34 unchanged.

*Revised rule 35*

43. Mr. KORETSKY (Union of Soviet Socialist Republics) drew the Committee's attention to the fact that the Russian text of rule 35 contained the word "directly", although it had been decided to delete it.<sup>1</sup>

44. Mr. FERRER VIEYRA (Argentina) pointed out that the same error occurred in the Spanish text.

45. The CHAIRMAN said that the two texts must be corrected. The Committee had clearly expressed its intention to delete the word "directly", which appeared only in the English text proposed by the Special Committee.

*It was so decided.*

46. Mr. FITZMAURICE (United Kingdom) recalled that he had asked for the deletion of the comma after the word "item" near the end of the English text of rule 35.

47. Mr. CHAUDHURI (India) agreed that the point had been overlooked by the Drafting Committee and he approved the deletion of the comma, which added nothing to the text and would only complicate it.

*It was so decided.*

*New rule 35 (a)*

*The text of rule 35 (a) was approved.*

*New rule 35 (b)*

*The text of rule 35 (b) was approved.*

*New rule 56 (a)*

48. Mr. UMALI (Philippines) asked that the word "and" be substituted for the word "or" in the title and text of the rule, so as to make it clear that the minute's silence was dedicated to prayer and meditation.

49. Mr. CHAUMONT (France) objected that such an amendment would bring up the substance of the problem again. As the rule in its existing form had been adopted almost unanimously, he asked the Philippine representative not to press his suggestion.

50. Mr. UMALI (Philippines) withdrew his proposal.

*The text of the new rule 56 (a) was approved.*  
*Revised rule 59*

*The revised text of rule 59 was approved.*

*Revised rule 64*

51. Mr. SHANAHAN (New Zealand) recalled that the Netherlands representative had pointed out that part of rule 64 would be more in place under another heading. Certainly, the second and third sentences of the rule came under the President's general powers and did not apply solely to the points of order which were the subject of rule 64. Those two sentences should be inserted in rule 31 and only the first and last sentences should be retained in rule 64.

52. Mr. KORETSKY (Union of Soviet Socialist Republics) said that, in amending rule 64, the Committee had not wished to change the whole structure of the rules of procedure, but merely those provisions which related to points of order. The rule was, therefore, perfectly in place in the chapter dealing with the conduct of business. If rule 64 were to be moved, it would be logical also to change the place of other rules, such as rule 66, which also dealt with the conduct of business and were consequently concerned with the President's powers.

53. Mr. SHANAHAN (New Zealand) observed that rule 31 dealt with both the President's powers and with points of order. The same was also true of the second and third sentences of rule 64; it would therefore be perfectly logical to insert them in the text of the revised rule 31.

54. The CHAIRMAN recalled that the rules of procedure were methodically classified according to both the functions of the President and the functioning of the General Assembly and the Committees. If the New Zealand suggestion were adopted, everything which dealt with the exercise of the President's functions in the General Assembly and the Committees would have to be grouped under the heading of the President's powers, thus changing the existing order of the rules from top to bottom. In fact, the second and third sentences of rule 64 did not refer to the functions of the President but to the rights which delegations could exercise during the debate.

55. Mr. FITZMAURICE (United Kingdom) drew attention to the fact that new rule 31 (a) laid down that the President, in the exercise of his functions, remained under the authority of the General Assembly, but did not specify how that authority was to be exercised. It was reasonable to suppose that such control was exercised by the right of delegations to appeal against the President's decisions. If an explicit reference to that right was made only in connexion with points of order in rule 64, however, the conclusion might be drawn that it was not applicable to other rulings by the President.

56. Since, therefore, the purpose of rule 31 (a) was quite clear and since it necessarily implied the right of appeal against any ruling by the President, in order to avoid misunderstanding, the second and third sentences of rule 64 should either be deleted or added to new rule 31 (a).

57. Mr. KORETSKY (Union of Soviet Socialist Republics) pointed out that rule 64 in the text adopted by the Drafting Committee gave a complete outline of the procedure applicable to points

<sup>1</sup> See the Summary Record of the 146th meeting, paragraph 48.

of order. It was therefore undesirable to delete an important section of that rule, as proposed by the delegations of the Netherlands and New Zealand.

58. To include under rule 31 all points relating to the powers of the President would make the rule unwieldy and would alter the character of the rules of procedure by grouping questions not according to function but according to the persons charged with their execution. The rules of procedure would thus cease to be the practical handbook for reference that they had hitherto been.

59. Mr. KORETSKY therefore considered that the text of rule 64 adopted by the Drafting Committee was preferable to all the proposals submitted on it.

60. Mr. SHANAHAN (New Zealand) did not think that the amendment he had proposed would make the rules of procedure more difficult to apply, since the right of appeal against rulings by the President on points of order would find its logical place under the heading of powers of the President.

61. Moreover, the point made by the United Kingdom representative should not be overlooked, namely, that new rule 31 (a) would be incomplete unless it defined the manner in which the General Assembly exercised control over the President's functions.

62. Mr. TATE (United States of America) shared the USSR representative's view. He considered that new rule 31 (a) set forth an important principle and would be weakened by the inclusion of a reference to the conditions under which the General Assembly controlled the functions of the President. Although the remarks of the New Zealand representative were to some extent justified, it was therefore preferable to retain everything relating to points of order in rule 64.

63. The CHAIRMAN put to the vote the New Zealand proposal that the second and third sentences of rule 64 should be included in the text of the revised rule 31.

*The proposal was rejected by 28 votes to 4, with 10 abstentions.*

64. Mr. DUYNSTEE (Netherlands) suggested that the second and third sentences of revised rule 64 should just be deleted or else made the subject of a separate rule.

65. The CHAIRMAN pointed out that deletion of the two sentences would represent an amendment of substance. He put to the vote the proposal that they should be made the subject of a separate rule.

*The proposal was rejected by 27 votes to 2, with 10 abstentions.*

*Rule 64 was adopted in the text proposed by the Drafting Committee.*

*Revised rule 65*

*The text of revised rule 65 was adopted.*

*Revised rule 67*

66. Mr. BARTOS (Yugoslavia) was afraid that the last sentence of the French text in the new drafting might be interpreted to mean that the President had the power to impose a time-limit on all speeches, whereas, in the case in point, it concerned only representatives rising to move the adjournment of the debate. He wondered whether it would not be possible to make the French text of rule 67 more precise.

67. Mr. WENDELEN (Belgium) explained that the words *permettes aux représentants* had been

substituted for the words *faites par les représentants* in the French text in order to improve the style. He did not consider that the Yugoslav representative's apprehension was justified, since the last sentence explicitly stated that the rule applied only to speakers rising "under this rule", which meant, without any possible doubt, speakers rising to move the adjournment of the debate.

68. Mr. CHAUMONT (France) said that the French-speaking delegations had considered the question and had come to the conclusion that no misunderstanding was possible because the context clearly indicated the type of speech for which the President might impose a time-limit.

69. Mr. BARTOS (Yugoslavia) said he would not press for rule 67 to be altered, provided his remarks and those of the representatives of Belgium and France were included in the Committee's report to the General Assembly.

*The text of revised rule 67 was approved.*

*Revised rule 68*

*The text of revised rule 68 was approved.*

*Revised rule 69*

*The text of revised rule 69 was approved.*

*Revised rule 72*

*The text of revised rule 72 was approved.*

*New rule 76 (a)*

*The text of new rule 76 (a) was approved.*

*Revised rule 80*

*The text of revised rule 80 was approved.*

*Revised rule 81*

70. Mr. DUYNSTEE (Netherlands), reverting to his remarks on rule 81, asked whether the Drafting Committee had meant, by its amendment of that rule, that rules relating solely to proposals, such as rule 74, should be extended to apply to amendments.

71. The CHAIRMAN said it was not the function of the Drafting Committee to give a decision on the application of rules not formally referred to it.

72. Mr. FERRER VIEYRA (Argentina) recalled that, in connexion with new rule 76 (a), the Committee had decided to put proposals relating to important questions and amendments bearing on such proposals on the same footing. In his opinion, when proposals and amendments were the subject of a motion for votes in parts, it was advisable that they should be treated in a similar manner.

73. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) pointed out that the provisions of rule 81 had never been interpreted literally by the General Assembly and that, in practice, the division of amendments had been accepted on the same grounds as those for the division of proposals. The change proposed by the Drafting Committee would therefore only legalize the practice presently followed.

74. Mr. STABELL (Norway) drew the Committee's attention to rule 71 of the rules of procedure, which expressly mentioned amendments in order to make it quite clear that its provisions applied to both proposals and amendments. The Norwegian delegation shared the view of the Drafting Committee on rule 81, and considered that that precedent might be followed and mention of amendments be made in the body of rule 81.

75. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) pointed out that the word "amendment" had a meaning distinct

from that of the word "proposal"; only the word "motion" embraced both at one and the same time.

76. Mr. RODRÍGUEZ FABREGAT (Uruguay) recalled that his delegation had always defended the principle that, if a representative so requested, proposals should be voted on in parts. In the same spirit, he would support any amendment to ensure a wider application of that principle. He would therefore vote for the text proposed by the Drafting Committee, although in Spanish a proposal was by definition anything that might be proposed

by a delegation, whether it was a complete draft, a motion, an amendment to a text or a proposal to substitute another text.

77. Mr. WENDELEN (Belgium) pointed out that, if the United Kingdom amendment<sup>1</sup> were adopted, it would be necessary to change the fourth sentence of rule 81 as follows: "If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall then be put to the vote as a whole".

The meeting rose at 1.5 p.m.

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