

PROCEDURES AND ORGANIZATION OF THE GENERAL ASSEMBLY

(Item 16 of the Provisional Agenda for the Second Regular Session)

Analysis of the Revised Provisional Rules of Procedure of the General Assembly
Recommended by the Committee (Document A/388 of 23 September 1947)

Memorandum of the Delegation of Canada

The Canadian delegation submits to the General Assembly this analysis of the revisions which the General Assembly's Committee on Procedures and Organization has recommended should be made in the provisional rules of procedure of the Assembly. The Canadian delegation hopes that this analysis will help the Members of the General Assembly to form their own conclusions on the nature, extent and value of the proposed revisions. While the Canadian delegation is itself in favour of the revisions, it has tried to prepare a completely objective memorandum.

1. Part Three of the report of the Committee (document A/388 of 23 September 1947) gives on the right hand side of the page the text of the existing provisional rules of procedure of the General Assembly and on the left hand side of the page, the redraft of these provisional rules of procedure proposed by the Committee.
2. The column on the left hand side contains not only the text of the revised provisional rules of procedure recommended by the Committee but also a comment on each change.
3. The revisions are substantial in their number and in their importance. Of the existing 117 rules of procedure, the Committee has recommended the revision or deletion of 59. (Some of the revisions are minor in importance; it may be a matter merely of adding a comma or two to the existing rule.) The Committee has recommended no change in 58 of the existing rules.
4. The Committee has recommended a considerable number of new rules. The total number of rules is increased in the Committee's draft from 117 to 150. Some of the new rules are based upon an existing rule or rules. Others are entirely new. Of the twelve entirely new rules, seven are in Chapter XII on the conduct of business. These twelve new rules are Rules 6, 35, 75, 78, 79, 80, 84, 85, 86, 92, 117 and 118.

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5. The Committee decided not to consider the revision of three chapters of the existing rules of procedure - Chapter IX on languages, Chapter X on records and Chapter XVII on the admission of new members. It also decided not to consider anything but minor drafting changes to Chapter VII on administrative and budgetary questions.

6. The revisions recommended by the Committee might usefully be discussed under three heads:

First The main drafting changes recommended for the sake of clarity;

Second The new rules recommended in order to codify existing practices; and

Third The main substantive changes recommended.

Recommendations for drafting changes in the interests of clarity

7. Six drafting changes of some importance have been recommended in the interests of clarity.

8. (1) Chapter II (Separation of provisions relating to the agenda of special sessions from those relating to the agenda of regular sessions). The new rules in Chapter II on the agendas of regular and special sessions of the Assembly separate the provisions for special sessions from those for regular sessions and each set of provisions has been grouped together.

9. (2) Proposed Rule 13 (Supplementary and additional items on the agenda). In order to avoid confusion between items which are added to the supplementary list of items proposed for the agenda and items which are added after the closing of the supplementary list, an item requested for inclusion in the supplementary list has been called a "supplementary" item and not, as at present, an "additional" item.

10. (3) Proposed Rules 41 and 70 (Order of rules). A number of rules do not at present seem to be in their logical place in the rules of procedure. Some of these rules have therefore been shifted. Thus existing Rule 109 becomes Rule 70 and existing Rule 112 becomes Rule 41.

11. (4) Proposed Rule 96 (Second vote). The intent of existing Rule 85 is that if a vote in the Assembly on matters other than elections is equally divided, a second vote shall be taken within forty-eight hours of the first vote. The rule, however, is so worded that it might make it impossible for the Assembly, during the forty-eight hour period, to hold a meeting for any other purpose than to take the second vote. This ambiguity has been removed.

12. (5) Proposed Rule 107 (Elections to Trusteeship Council). Existing Rule 96, which governs the elections which should take place to the Trusteeship Council when a Member which was not previously an

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administering authority becomes an administering authority, has been reduced to half its present length and the intent of the rule made more clear.

13. (6) Chapter XVI (Committees) Existing Rule 107 provides that the procedure set forth in existing Rules 65 to 76 shall apply to proceedings of committees of the Assembly. Experience has demonstrated that the necessity to refer back to a previous chapter has made this chapter difficult to use. The Committee has therefore recommended that, instead of referring to the rules by number, the text of all rules which apply to the proceedings of committees should be given in the chapter on committees.

Recommendations for the codification of existing practices

14. In the absence of precise provisions in the rules of procedure, certain useful practices have already become established. The Committee has proposed that some of these practices should now be codified.

15. (1) Proposed Rule 35 (Alternates on the General Committee). It has been the custom that a Vice-President of the Assembly may designate a member of his delegation to represent him on the General Committee and that a Chairman of a Main Committee should, if he cannot attend a meeting of the General Committee, designate the vice-chairman of his Committee as his substitute. The proposed new Rule 35 confirms this practice.

16. (2) Proposed Rules 25, 43 and 46 (Appointment, not election of certain committees). The Credentials Committee, the Advisory Committee on Administrative and Budgetary Questions and the Committee on Contributions have in the past not been elected but appointed. This is made clear in proposed Rules 25, 43 and 46.

17. (3) Proposed Rule 49 (Representation of the Secretary-General in meetings of the committees and subsidiary organs of the Assembly). Under Article 98 of the Charter, the Secretary-General is instructed to "act in that capacity in all meetings of the General Assembly". Existing Rule 45 states that the Secretary-General should act in that capacity not only in all meetings of the General Assembly, but also in all meetings of its committees and subsidiary organs. The rule goes on to say that he may appoint a member of his staff to act in his place at the meetings of the General Assembly. The practice has been established that he should also have the right to designate a member of his staff to act in his place in the meetings of the committees and subsidiary organs of the Assembly. Proposed Rule 49 codifies this practice.

18. (4) Proposed Rule 78 (Closing the list of speakers). The practice has been established that the chair may announce the list of speakers and, with the consent of the members present, declare the list closed. This practice, together with a necessary safeguard, has been embodied in proposed Rule 78.
19. (5) Proposed Rule 90 (Determination of majority). A chairman of a committee at the second part of the First Session of the Assembly ruled that a motion which had just been voted on had not been adopted since the number of affirmative votes (19) was not greater than the total of negative votes (14) and abstentions (16). His ruling was challenged and he was over-ruled by the committee by a vote of 46 to 4 with one abstention. This decision of the Members of the Assembly has been codified in proposed Rule 90 which provides that, for the purposes of the rules of procedure, the term "Members present and voting" means Members casting an affirmative or negative vote and that Members who abstain from voting are considered as not voting.
20. (6) Proposed Rule 114 (Representation of a delegation on a committee). While each delegation gives the Secretariat a list of the members of the delegation assigned to a committee, the Assembly has recognized the right of any delegation at any time to change its representation on a committee. The existence of this right is made clear in proposed Rule 114

Recommendations for changes of substance

21. (1) Proposed Rules 73, 79, 80, 83 and 84 (The order in which proposals, amendments, etc., should be put to the vote). A great deal of debate has taken place at previous sessions of the Assembly over the order in which proposals and amendments should be put to the vote. Very often the discussion of the substance of a question will have been exhausted and every member of the committee will be anxious that the committee should come to a decision as quickly as possible. The committee may, however, have a number of proposals and amendments before it and some member of the committee will naturally raise the question which proposal or amendment should be voted on first. The result may be a long debate over this procedural question. Such a debate has at times wasted an entire meeting of a committee. In order to lessen the danger of this happening in future, three new rules - 79, 80 and 84 - have been drafted. Existing Rules 75 and 76 have been combined in a new Rule 83 and their texts made more precise. Existing Rule 68, which becomes Rule 73, remains unchanged; this rule has to do with the immediate putting to the vote of an appeal by a representative against a ruling of the chair on a point of order.

22. If the Assembly adopts the recommendations of the Committee, the following will be the order in which points of order, motions, proposals and amendments should be put to the vote:

- (i) Appeals against the ruling of the chair on a point of order.
(Proposed Rule 73).
- (ii) Procedural motions in the following order:
 - (a) Motions to suspend the meeting;
 - (b) Motions to adjourn the meeting;
 - (c) Motions to adjourn the debate;
 - (d) Motions for the closure of the debate. (Proposed Rule 80).
- (iii) A motion calling for a decision on the jurisdiction of the General Assembly to decide on a question submitted to it. (Proposed Rule 79).
- (iv) Amendments in the following order - the amendment furthest removed in substance from the original proposal and then the amendment next furthest removed and so on. This conforms with the existing practice of the General Assembly. (Proposed Rule 83).
- (v) Proposals in the following order - first the most far-reaching proposal and then the next most far-reaching and so on. (The most far-reaching proposal is defined as the proposal, the adoption of which would result in the greatest change from the existing situation.) (Proposed Rule 84).

23. (2) Chapter XVI (Rules of procedure of committees). The existing rules of procedure for the conduct of the plenary session of the Assembly are deficient. But since not all these existing rules apply now to committees of the Assembly, the rules of procedure applying to committees are even more deficient. It would clearly, therefore, not have been sufficient for the committee merely to have recommended filling the gaps in the existing rules governing the conduct of business at plenary meetings. The committee has, therefore, recommended that the committees of the Assembly should be governed not only by some of the new rules which have been proposed for the plenary meetings of the Assembly, but also by some of the existing rules for plenary meetings which do not now apply to committees.

24. (3) Proposed Rules 94 and 95 (Deadlocks in elections). There is at present in the rules no provision to facilitate the breaking of a deadlock in elections when a two-thirds majority is required. Since it might be easier for the Assembly to reach agreement on such a provision now rather than when a specific case arises, a proviso has been added to existing Rules 83 and 84, which become 94 and 95 under the new numbering, that after a third inconclusive ballot the vote should not be

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confined to the candidates voted on in the three inconclusive ballots, but that votes might be cast for any eligible person or state.

25. (4) Proposed Rule 14 (Addition of important and urgent items to the agenda). Under the existing rules of procedure, a Member may have an item placed on the agenda of a regular session of the Assembly in one of three ways:
- (a) If his proposal reaches the Secretary-General sixty days before the opening of the session it is placed on the provisional agenda;
 - (b) If his proposal reaches the Secretary-General twenty-five days before the opening the item is placed on the supplementary list;
 - (c) If his proposal gets in too late to go on the supplementary list he can, either in the twenty-five days before the Assembly opens or at the Assembly itself, propose the addition of the item to the agenda.

The earlier an item is placed on the agenda, the more thoroughly can Members prepare for debate on that item. The Committee's recommendation is that items may not be placed on the agenda after the closing of the supplementary list unless they are "of an important and urgent character" and that important and urgent items added to the agenda should not, unless the General Assembly by a two-thirds majority decides otherwise, be considered by a plenary meeting of the Assembly until seven days after they have been placed on the agenda and until a committee has reported on them. These recommendations are embodied in proposed Rules 13 and 14, which are revisions of existing Rules 13 and 15.

26. (5) Proposed Rule 86 (Reconsideration of a proposal). There is at present no rule laying down a procedure under which a proposal which has been adopted or rejected can be reconsidered at the same session of the Assembly. In the absence of a rule there might be prolonged debate on whether or not a proposal may be reconsidered at the same session by a decision of a majority of the Members. It is, therefore, recommended that, to fill the gap in the existing rules, there should be a new Rule 86, providing that a proposal, once adopted or rejected, cannot be reconsidered at the same session of the Assembly unless the General Assembly by a two-thirds majority decides that the proposal should be reconsidered.
27. (6) Proposed Rule 92 (Interruption of a Vote). Difficulties have arisen in the past because members have interrupted a vote in order to explain their vote or for some other reason. The Committee has, therefore, recommended in proposed Rule 92 that, after the chair has announced the beginning of a vote, no member should interrupt the vote, except on a point of order in connection with the actual conduct of the vote.

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The Committee has also recommended that there should be attached to this new rule a safeguard giving the chair authority to permit Members to explain their votes either before or after the vote.

28. (7) Proposed Rule 85 (Withdrawal of a motion). There is at present no rule on the withdrawal of a motion. This might give rise to a procedural debate on whether the proposer of a motion has the right to withdraw the motion or whether he needs the consent of the Assembly or the committee concerned in order to withdraw. The Committee has, therefore, proposed a new Rule 85 providing that a motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. Sometimes, however, the reason why a Member has not himself introduced a motion is that it is satisfied with the motion another Member has already presented. If that other Member withdraws its motion after a deadline which has been agreed on for the introduction of new motions, other members interested in the question will not be able to have the question discussed. Therefore, the Committee has recommended that a motion which has been withdrawn by its proposer may be reintroduced by any Member even though a deadline may have been set for the introduction of new motions.
 29. (8) Proposed Rule 75 (Suspension or adjournment of a meeting). While the existing provisional rules contain a rule governing motions for the adjournment of a debate, they do not contain any rule on motions for suspension or adjournment of a meeting. Proposed Rule 75 fills this gap.
 30. (9) Proposed Rule 91 (Roll-call votes). Under existing Rule 80 roll-call votes always begin with the state whose name comes first in the English alphabetical order of the names of the Members. It would seem to be fairer to all Members that each roll-call should start with the state whose name is drawn by lot by the chair.
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