

ARTICLE 20

Table of Contents

	<u>Paragraphs</u>
Text of Article 20	
Introductory Note	1 - 3
I. General Survey	4 - 8
II. Analytical Summary of Practice	9 - 75
A. Regular annual sessions	9 - 62
1. Date of meeting	9 - 25
a. Postponement of opening date	10 - 16
i. By resolution of the General Assembly	12
ii. By consultation of Members at the initiative of the President	13 - 14
iii. By consultation of Members at the initiative of the Secretary-General	15 - 16
b. Change in opening date	17 - 25
2. Adjournment and resumption of session	26 - 42
Determination of the "concurrence" of Members	39 - 42
3. Place of meeting	43 - 51
4. Duration of session	52 - 62
Closing date of session	55 - 62
B. Special sessions	63 - 75
1. Procedure for summoning	63 - 69
a. By the General Assembly	64
b. At the request of the Security Council	65 - 66
c. At the request of Members	67 - 69
2. Emergency special sessions	70 - 75
Resolution 377 A (V), "Uniting for peace"	70 - 75

TEXT OF ARTICLE 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

INTRODUCTORY NOTE

1. The study of Article 20, which provides for regular and special sessions of the General Assembly, has been organized according to the Charter distinction between the two types of session.
2. Thus, II.A deals with procedural questions which have arisen in connexion with the holding and organization of regular annual sessions. These questions concern mainly: the opening date, the duration, the place of meeting and the temporary adjournment of the sessions; related problems have been considered and discussed at one or more of the eight regular sessions.
3. Special sessions of the General Assembly are taken up in II.B which deals first with the action of the Assembly regarding requests for the convocation of special sessions in accordance with the terms of Article 20, and secondly with the decision of the Assembly to provide for the convocation of emergency special sessions, under the terms of resolution 377 A (V), "Uniting for peace".

I. GENERAL SURVEY

4. The General Assembly has met in regular annual session each year since it was first convened in London in January 1946.
5. The first and third regular sessions were divided into two parts, with intervals of eight and four months respectively. The fifth session met from September to mid-December 1950 and was extended for ten months in the following year, having held four meetings in the interval between 1 February and 5 November, when it closed. The meetings of the seventh session were suspended in December 1952 and resumed in February 1953, recessed again in April and resumed once more in August for a period of ten days before the session closed. The eighth session recessed in December 1953 and met again on 20 September 1954 merely to close the session.
6. In addition to the regular annual sessions, the Assembly has held two special sessions on Palestine: one in April 1947 at the request of a Member, with the concurrence of the majority, and another in the same month of the following year at the request of the Security Council. The request submitted in June 1952 by a group of Members for the summoning of a special session to give urgent consideration to the situation in Tunisia failed to obtain the concurrence of the required majority within the thirty-day time-limit provided for in the rules of procedure of the General Assembly.

7. The Assembly has not met in emergency special session nor has a request been made that one should be convened.

8. A table of the opening and closing dates of the eight regular and two special sessions and their approximate duration follows.

	<u>Opening date</u>	<u>Closing date</u>	<u>Approximate duration</u>
First session, part 1	10 January 1946	14 February 1946	5 weeks
First session, part 2	23 October 1946	16 December 1946	8 weeks
First special session	28 April 1947	15 May 1947	3 weeks
Second session	16 September 1947	29 November 1947	10-1/2 weeks
Second special session	16 April 1948	14 May 1948	4 weeks
Third session, part 1	21 September 1948	12 December 1948	12 weeks
Third session, part 2	5 April 1949	18 May 1949	6 weeks
Fourth session	20 September 1949	10 December 1949	12 weeks
Fifth session	19 September 1950	15 December 1950	13 weeks
Fifth session continued ...	3 January 1951	5 November 1951 a/	26 working days
Sixth session	6 November 1951	5 February 1952	13 weeks
Seventh session	14 October 1952	22 December 1952	10 weeks
Seventh session resumed ...	24 February 1953	23 April 1953	8-1/2 weeks
Seventh session resumed ...	17 August 1953	28 August 1953	2 weeks
Eighth session	15 September 1953	9 December 1953 b/	12 weeks (recessed)

a/ G A (V), 1st Com., vol. II, 419th mtg.

b/ See para. 5 above.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Regular Annual Sessions

1. Date of meeting

9. Rule 1 of the rules of procedure of the General Assembly gives effect to Article 20 and provides:

"The General Assembly shall meet every year in regular session commencing on the third Tuesday in September". 1/

Rule 5 provides that the Secretary-General shall notify the Members of the United Nations, at least sixty days in advance, of the opening of a regular session.

1/ The rule recommended by the Executive Committee of the Preparatory Commission, which fixed the opening date at the first Tuesday after 2 September (Report of the Preparatory Commission of the United Nations, PC/20, p. 8, section 3), was amended during the second session (G A resolution 175 (II)). The numbers of the rules given in this text are those appearing in Rules of Procedure of the General Assembly (embodying amendments adopted by the General Assembly up to and including its eighth session) July 1954, A/520/Rev.3.

a. POSTPONEMENT OF OPENING DATE

10. The rules of procedure do not specifically provide for a postponement of the opening date of regular sessions as established in rule 1. On three occasions, however, the Assembly altered that date, without either amending the text of the rule or suspending its application.

11. On one occasion it did so by resolution; on another, the action was initiated by the President of the General Assembly; and on the third, the action was initiated by the Secretary-General.

i. By resolution of the General Assembly

12. During the fifth regular session, the Assembly decided to convene the sixth session in Europe. 2/ At a subsequent meeting, it was decided that the session should be held in Paris and that notwithstanding the provisions of rule 1 of the rules of procedure it should "commence not later than 6 November 1951". 3/

ii. By consultation of Members at the initiative of the President

13. By cablegram dated 9 September 1946, the Secretary-General transmitted to the Members the text of a communication which he had received from the President requesting him, on behalf of a group of Members, to consult with Governments as to whether, in view of the difficulties which would arise if the Assembly were to meet concurrently with the Paris Conference then in progress, it would not be desirable to postpone the opening date of the second part of the first session until 23 October. In his cablegram, the Secretary-General endorsed the suggestion and requested a reply from the Governments not later than 13 September. On that date, the Secretary-General sent a further communication 4/ advising Members that forty-seven replies expressing concurrence had been received and that no objection had been raised. The second part of the first session was, therefore, convened for 23 October and opened on that date.

14. One Member informed the Secretary-General, by letter, that it would abide by the decision of the majority regarding the postponement but wished to state that, in its view, it was not a proper procedure to modify a resolution of the General Assembly 5/ by means of separate consultation with Members; it was hoped that this action would not constitute a precedent for modifying either the decisions or rules of procedure of organs of the United Nations in the future. The Secretary-General replied that the decision to postpone the opening date had been taken only in view of special circumstances and would not establish any precedent.

iii. By consultation of Members at the initiative of the Secretary-General

15. By note verbale dated 29 May 1952, the Secretary-General brought to the attention of Members certain practical considerations which, he stated, might have a bearing on the opening date of the seventh regular session. The Secretary-General pointed out that under rule 1 of the rules of procedure the normal date would fall on 15 September and he noted that many delegations at the Permanent Headquarters had been

2/ G A resolution 497 (V).

3/ G A resolution 499 (V).

4/ G A (I/2), Plen., p. XII, Telegram of Convocation.

5/ G A resolution 29 (I).

considering a postponement of a few weeks. In this connexion, he observed that the completion of the new building for the General Assembly could be carried out more economically and the material arrangements organized with greater convenience for delegations if a few weeks additional time were allowed and pointed out that the closing of the sixth session in February of the same year had shortened the working period between sessions. Making use of the procedures of consultation with Members provided for in the rules of procedure, the Secretary-General, therefore, proposed that the seventh session should be convened on 14 October 1952.

16. No objections were raised to the Secretary-General's proposal. However, some Members, while accepting the suggestion for the reasons given above, indicated that they would have preferred to observe the provisions of rule 1, and to convene at the normal time. One Member added that it wished to make "all reservations as to the interpretation of the rules of procedure followed by the Secretary-General", which it believed could not constitute a precedent.

b. CHANGE IN OPENING DATE

17. The possibility of a permanent change in the opening date of the regular sessions was first suggested by the Secretary-General in his memorandum concerning measures to limit the duration of regular sessions, 6/ which was considered during the seventh session of the General Assembly. The memorandum pointed out that the opening of that session had been postponed until 14 October and suggested that if the Assembly should manage to complete its business by the third week in December it might determine, in the light of its experience during the session, whether a permanent change in the opening date would be desirable. 7/

18. Later in the session, the question was raised again in the General Committee 8/ in connexion with the progress and organization of the work of the Assembly. At that time, a draft resolution 9/ was submitted which proposed that rule 1 of the rules of procedure should be amended so as to provide that regular sessions should commence on the third Tuesday in April. As a consequence of the discussions on this subject, the General Committee recommended the adoption of a draft resolution which would call upon the Secretary-General to prepare a report "on the practical consequences of a change in the opening date of regular sessions from the third Tuesday in September to another date earlier or later in the year". 10/

19. During the eighth session, 11/ the item was referred to the Fifth Committee where the reports 12/ of the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions were considered.

6/ G A (VII), Annexes a.i.50, pp. 2-7, A/2206, paras. 48 and 49.

7/ In view of the decision of the Assembly to refer the Secretary-General's memorandum to a special committee for consideration, this particular suggestion was not pursued further nor, subsequently, did the special committee make any recommendation in this regard.

8/ G A (VII), General Com., 83rd and 84th mtgs., pp. 19-26.

9/ G A (VII), Annexes, a.i.7, p. 15, A/BUR/131, draft resolution submitted by Canada, Chile, Greece and Thailand.

10/ G A (VII), Annexes, a.i.7, p. 16, A/2329. The draft resolution recommended by the General Committee was adopted as resolution 692 (VII) by the General Assembly at its 406th plenary meeting (p. 418).

11/ G A (VIII), Plen., 435th mtg., p. 33.

12/ G A (VIII), Annexes, a.i.52, pp. 1-4, A/2436, A/2553.

20. In his report, the Secretary-General stated that it seemed probable that an opening date during the first half of the year would reduce the risk of postponements followed by a disruption of the work of the Assembly. Pointing out that to fix the opening date in the middle of the calendar year would place the period of most intensive preparatory activity at a time when many members both of delegations and the Secretariat would be absent from the United Nations Headquarters, he took 20 April as a convenient date between the beginning of the year and the early summer months. He outlined the effect of such a change on (1) the pattern of conferences, particularly with regard to the Economic and Social Council and its functional commissions and (2) the financial arrangements of the United Nations with particular regard to the budget, the report of the Board of Auditors, the contribution of Members and the Working Capital Fund; his report included a review of the situation if the period of the financial year were unchanged and of the situation if the year were changed to 1 July - 30 June.

21. The Advisory Committee considered the Secretary-General's report, agreed with the views expressed therein and, noting that neither the Secretary-General nor any Member had submitted a specific proposal for a change, did not itself recommend any change.

22. Among the reasons advanced by the Committee were that for a majority of Member States there was normally more parliamentary activity during the ten-week period beginning 20 April than during the period beginning in the middle of September, and that nothing should be done to enhance the difficulties already confronting Members in the matter of high level representation at Assembly sessions; that the period in question would cover three major groups of meetings, namely, those of the United Nations itself, the World Health Organization and the International Labour Organisation, which might inconvenience treasuries and other government departments; that such a change would call for large-scale readjustment of the conference programme; and that account had to be taken of its effect on the financial arrangements of the United Nations. Attention was drawn to the serious drawbacks or risks foreseen in the Secretary-General's report.

23. While recommending that the existing provision in the rules of procedure concerning the opening date of regular sessions should be maintained, the Committee suggested that a deferment, possibly by two weeks until the first Tuesday in October, might be considered in order to afford more time for preparatory work for the session and in particular for the drafting and printing of the annual report of the Economic and Social Council.

24. There was general agreement 13/ in the Fifth Committee with the observations made by the Advisory Committee. One proposal recommending that the opening date of the ninth session should be deferred until the first Tuesday in October, as an experimental measure, and another proposal recommending that it should be deferred until the fourth Tuesday in September, were rejected.

25. The General Assembly unanimously adopted 14/ the recommendation of the Fifth Committee that the existing provision in rule 1 of the rules of procedure should be maintained.

13/ G A (VIII), 5th Com., 405th mtg., pp. 168-170.

14/ G A (VIII), Plen., 471st mtg., p. 458; G A resolution 783 (VIII).

2. Adjournment and resumption of session

26. Rule 6 of the rules of procedure of the General Assembly provides that: "The General Assembly may decide at any session to adjourn temporarily and resume its meetings at a later date."

27. From the table contained in paragraph 8 above, relating to the duration of the sessions, it is clear that only the second and fourth regular sessions and the two special sessions of the General Assembly opened and closed without a temporary adjournment.

28. In reconvening a session which it had temporarily adjourned, the General Assembly has either fixed the date of reconvening at the time the decision to recess was taken, 15/ or it has established by resolution specific conditions to be met before the meetings were resumed, and has not fixed the date in advance. 16/

29. The discretionary power granted to the President for the reconvening of a session has varied, particularly with respect to the resumption of meetings in connexion with the Korean question, and has been discussed on two occasions.

30. During the seventh session, the Assembly adopted a recommendation 17/ submitted by the General Committee which provided: "that meetings of the seventh regular session of the General Assembly should be suspended not later than 23 December 1952, to be resumed on 24 February 1953 or at an earlier date on the call of the President;".

31. Objections were raised both in the General Committee and in plenary meeting 18/ to the words "or at an earlier date on the call of the President". It was maintained that there was no reason why a final decision should not be taken on a fixed date and that the Members should have at least two months notice of the resumption of meetings; if any emergency should arise, the rules of procedure provided for the calling of a special session. Moreover, it was pointed out, the General Assembly itself and not a single individual, even its President, should decide such questions.

32. In reply to these objections, it was argued 19/ that a procedural problem was involved; although a session could be convened in accordance with the rules of procedure to deal with an emergency, it could not be called to deal with an item still on the agenda of an unfinished session. The proposal in question provided a safeguard for an orderly conduct of the Assembly's business and there was no danger that the President would use his power to reconvene the Assembly at an earlier date unless it was absolutely necessary.

33. The seventh session reconvened on 24 February and recessed again on 23 April. On that day the Assembly requested 20/ the President to reconvene the session to resume consideration of the Korean question under one of two conditions:

15/ G A resolutions 29 (I) and 263 (III).

16/ G A resolutions 705 (VII) and 716 (VIII).

17/ G A (VII), Annexes, a.i.7, p. 16, A/2329.

18/ G A (VII), Plen., 406th mtg., pp. 417 and 418; General Com., 84th mtg., pp. 23 and 24; relevant statements by Czechoslovakia and USSR in General Committee and USSR in plenary meeting.

19/ Relevant statements by Argentina, Philippines and United States in General Committee.

20/ G A resolution 705 (VII). On 26 July 1953, the President informed Members that an Armistice Agreement had been signed and that the session would reconvene on 17 August 1953. The seventh session closed on 28 August.

"(a) upon notification by the Unified Command to the Security Council of the signing of an armistice agreement in Korea; or (b) when, in the view of a majority of Members, other developments in Korea require consideration of this question."

34. During the eighth session, the procedure to be followed in reconvening the session was discussed in the First Committee. 21/ Two draft resolutions 22/ were submitted on the question. The first provided that the Assembly should resolve to stand recessed on or after 8 December 1953 to 9 February 1954, although the President might, for good and sound reasons, convene the Assembly on an earlier or later date for the further consideration of the Korean question. The second draft resolution provided that the Assembly would (1) defer consideration of the Korean question and (2) request the President to reconvene the session whenever in the opinion of a majority of Members developments with regard to any aspect of this question required consideration.

35. The draft resolutions were withdrawn by the sponsors and a revised joint text 23/ was submitted by them as follows:

"The General Assembly

- "1. Resolves that the eighth session of the General Assembly stand recessed;
- "2. Requests the President of the General Assembly to reconvene the eighth session, with the concurrence of the majority of Member States, if (a) in her opinion developments in respect of the Korean question warrant such reconvening, or (b) one or more Member States make a request to the President for such reconvening by reason of developments in respect of the Korean question."

36. An amendment 24/ to delete the phrase "with the concurrence of the majority of Member States" was submitted on the ground that this requirement was based on the rule 25/ relating to the calling of special sessions, which did not apply to the resumption of meetings of a regular session. It was alleged 26/ that the draft resolution placed difficulties in the way of reconvening the session because the concurrence of Members would have to be secured before any action was taken. It was not merely consultation that was provided for, in which case the President would have the possibility of overriding the majority; it was a mandatory clause. It was pointed out that, while, in general, the views of the majority were very important, the polling of sixty Members could cause a serious delay and the Assembly would do well to trust the wisdom of the President on this matter. The proposed amendment would facilitate the reconvening of the session and would bring the text closer to the provisions of rule 6 of the rules of procedure which dealt with temporary adjournment and left the resumption of meetings less obligatory and not conditional upon a

21/ G A (VIII), 1st Com., 682nd mtg., pp. 297-304.

22/ G A (VIII), Annexes, a.i.18, pp. 1 and 2, draft resolutions submitted by India (A/C.1/L.94/Rev.1) and Brazil (A/C.1/L.95).

23/ G A (VIII), Annexes, a.i.18, p. 2, A/C.1/L.96.

24/ G A (VIII), 1st Com., 682nd mtg., p. 297, para. 4, amendment submitted by Poland (A/C.1/L.97).

25/ See rule 9 of the rules of procedure.

26/ G A (VIII), 1st Com., 682nd mtg., pp. 297-304, statements by Poland and USSR.

majority decision. It was further pointed out that the nature of the "developments", referred to in the draft resolution as the basis for reconvening the session, was undefined; each Member would be free to interpret the significance of developments in its own way and this was not only a complicated but a dangerous procedure.

37. On the other hand, some Members 27/ felt that the amendment would make the joint draft resolution very similar to the first proposal which they believed to be a serious departure from precedent. Moreover, under the terms of the amendment, the request of a single Member would make it obligatory to reconvene even though that might be contrary to the wishes of the majority. It was observed, furthermore, that the resolution, as it stood, granted the President effective power of initiative in that he could suggest that the session should reconvene and it would be unlikely that concurrence would be denied. As regards the procedure for ascertaining the views of Members, it was maintained that, inasmuch as most Members had permanent representatives in New York, the President could easily communicate with them and they, in turn, could on short notice present their Governments' position.

38. The amendment was rejected in the Committee. The joint draft resolution, as quoted above, was adopted by the General Assembly. 28/

Determination of the "concurrence" of Members

39. On 11 January 1954, the Secretary-General, at the request of the President of the General Assembly, transmitted to Members 29/ the text of a communication from the President which stated that: (1) the Government of India had requested that the eighth session should be reconvened, in accordance with the terms of General Assembly resolution 716 (VIII); (2) in the considered judgment of the President, the request was warranted by the "developments in respect of the Korean question"; (3) the President considered 9 February as an appropriate date; and (4) Members were requested to concur with the President's initiative.

40. The communication further requested that, in view of the limited time available, replies from Governments should be communicated to the Secretary-General as early as possible and, in any event, prior to 22 January. In conclusion, the President stated that "if, for any reason your reply is not received by that date, I shall venture to presume your concurrence with the initiative I have taken".

41. A number of Members expressed reservations with regard to the course proposed by the President; a Government's position on the question could not be presumed from its failure to reply within the time limit since such a course would be contrary to the rules of procedure of the General Assembly and to all precedent. Moreover, in view of the terms and history of the Assembly decision on the matter and uniform practice in the United Nations, the express concurrence of a majority of Members was required in order to reconvene the session.

42. As a result of these representations and after consultation with the President, the Secretary-General informed all the Members that it had been agreed that a one-week extension should be given for the receipt of their replies. The Secretary-General further stated that the extension of time "reduces the importance of the definition of concurrence" and added that he was nevertheless authorized to state that "Members not

27/ G A (VIII), 1st Com., 682nd mtg., pp. 297-304, relevant statements by France, Peru, United Kingdom.

28/ G A resolution 716 (VIII).

29/ See A/2635.

replying will not be regarded as concurring in the request for reconvening the General Assembly on 9 February 1954". 30/

3. Place of meeting

43. Rule 3 of the rules of procedure provides that:

"Sessions shall be held at the Headquarters of the United Nations unless convened elsewhere in pursuance of a decision of the General Assembly at a previous session or at the request of a majority of the Members of the United Nations."

44. Two regular sessions have been convened away from the Headquarters of the United Nations pursuant to decisions of the General Assembly.

45. During the second session, the Assembly decided 31/ that the third session should be convened in Europe and requested the Secretary-General, in consultation with a committee of nine members to be designated by the President of the General Assembly, to choose the city where it should be held.

46. After considering invitations from various Governments, the Committee advised the Secretary-General that Paris was the most suitable site.

47. The necessary arrangements were concluded by the Secretary-General with the French Government and, on 23 July 1948, the Members were informed that the session would convene in Paris on 21 September.

48. During the fifth session, the Assembly decided 32/ to convene the sixth session in Europe and instructed the President of the General Assembly and the Secretary-General to select the most suitable city and to make the necessary arrangements.

49. On 17 March 1951, the Secretary-General communicated to Members the text 33/ of a letter which he had received from the Acting Representative of France stating that the French Government would welcome the General Assembly to Paris for the duration of its sixth session, but it would be unable to receive the Assembly before 6 November.

50. By resolution 499 (V), the Assembly took note of this information and decided that the session should meet in Paris, to commence not later than 6 November 1951. The Secretary-General was authorized to conclude the agreements "provided that the total estimated cost of holding the sixth session in Paris (including such meetings as may be arranged after 1 January 1952) shall not exceed the amount of \$US2,350,400 provided in the 1951 budget, plus such additional amounts as may be authorized by transfer from other sections of the 1951 budget by the Secretary-General with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions".

30/ On 29 January, the final date, the Secretary-General informed the Members that the number in favour of reconvening the eighth session had been twenty-two, which was less than the required majority.

31/ G A resolution 184 (II), adopted at the 114th plenary meeting, pp. 940-941.

32/ G A resolution 497 (V), adopted at the 324th plenary meeting, p. 663.

33/ G A (V), Annexes, place of meeting of the sixth session of the General Assembly, pp. 6 and 7, A/1788/Rev.1.

51. Following negotiations between the Secretary-General and the French Government, the Members were notified that facilities would be available in time to permit the opening of the session on 6 November.

4. Duration of session

52. The question of the duration of regular sessions has been a subject of discussion at four regular sessions.^{34/} On each occasion, the debate has revolved around amendments which had been proposed to the rules of procedure and proposals concerning the methods and practices of the General Assembly in connexion with the organization of its work and the conduct of its business.

53. The principal factors cited as contributing to the length of the sessions relate to the establishment of the agenda, the consideration by the Assembly of the annual reports of the Economic and Social Council and the Trusteeship Council and the practices which have developed in the debates of the Main Committees. As regards measures which might be taken to limit the duration of sessions, in addition to specific amendments to the rules of procedure, suggestions have been made concerning: the consideration of items in plenary meeting without reference to committee, the consideration of items between sessions, the schedule of meetings of Main Committees during the sessions, and other related matters of internal organization.^{35/}

54. The discussion of this question in the General Assembly has been based on reports submitted either by the Secretary-General or by special committees established by the Assembly. Each succeeding report has pointed out that the length of sessions has been determined mainly by the number and complexity of the proposals brought before the General Assembly and that the co-operation and restraint of Members would contribute as much to a curtailment of sessions as would the application of rigid measures or extensive amendments to the rules of procedure, which might infringe on the functions of the Assembly and limit the rights of individual Members. In the main, two opposing views have characterized the debates on this subject.^{36/} Some Members have felt that it was in the general interest for the Assembly to adopt positive measures which would effectively shorten the sessions without, however, jeopardizing the work of the Assembly, and have urged that the following practical considerations should be kept in mind, lengthy sessions imposed additional financial burdens on Governments and raised difficulties in connexion with the composition of their delegations. Other Members have resisted steps in this direction because they felt that the measures contemplated would have the effect of impairing the absolute right of each State to express fully its views on any of the items on the agenda of a session; the Assembly was composed of sovereign and equal States and its deliberations as the world forum should not be restricted in any way.

^{34/} G A (III/2), Plen., 201st mtg., pp. 223-225; G A (IV), Plen., 235th and 236th mtgs., pp. 151-166; G A (VII), Plen., 387th and 388th mtgs., pp. 135-162, 410th mtg., p. 480; G A (VIII), Plen., 453rd mtg., p. 249.

^{35/} G A (IV), Suppl. No. 12 (A/937); G A (VII), Annexes, a.i.50, pp. 2-7, A/2206; G A (VIII), Annexes, a.i.54, pp. 2-7, A/2402.

^{36/} See G A (VIII), 6th Com., 360th-366th mtgs., pp. 5-36, relevant statements by Canada, Denmark, Greece, Netherlands, New Zealand, Norway, Union of South Africa, United Kingdom, United States, on the one hand, and statements by Argentina, Byelorussian SSR, Czechoslovakia, Iraq, India, Lebanon, Pakistan, Panama, Peru, Poland, Ukrainian SSR, USSR, Uruguay and Yugoslavia, on the other.

Closing date of session

55. During the fourth session, the General Assembly adopted the recommendation of the Special Committee on Methods and Procedures of the General Assembly 37/ to include a new rule in the rules of procedure, as follows:

"On the recommendation of the General Committee the General Assembly shall, at the beginning of each session, fix a target date for the closing of the session."

56. In recommending a target date, the Special Committee stated that it had not wished to adopt proposals which would limit the duration of the sessions in a more rigid manner, although it pointed out that in order to enable Governments to ensure adequate representation, regular sessions should not exceed eight weeks. The Committee's proposal was intended to render permanent and to strengthen the practice of fixing a closing date which would be a target for the Assembly.

57. During the seventh session, the question was considered again in the General Assembly in connexion with a memorandum 38/ submitted by the Secretary-General under the item "Measures to limit the duration of regular sessions of the General Assembly". The memorandum was based on extensive oral consultations with representatives at Headquarters and made certain suggestions relating to procedure, organization and method of work designed to increase the effectiveness of the sessions and to limit their duration. The Secretary-General felt, however, that to set a fixed period for the duration of sessions would impose a clear-cut limitation on the General Assembly and might infringe on the Assembly's functions. While of the opinion that the Assembly should strive to accomplish its work during a period of approximately eight weeks, the Secretary-General was unwilling to make any specific recommendation to that effect.

58. Following a general debate on the question in plenary meeting, 39/ the Sixth Committee was requested to consider the proposed amendments to the rules of procedure which were annexed to the Secretary-General's memorandum, as well as any other amendments proposed by members of the Committee.

59. In the course of the discussion 40/ a draft resolution 41/ was submitted to amend rule 2 of the rules of procedure, as follows:

"On the recommendation of the General Committee, the General Assembly shall, at the beginning of each session, fix a closing date for the session.

"The duration of any regular session shall not exceed six weeks. Any items still pending at the close of the session shall be referred to the next regular session."

60. The representatives opposing the draft resolution 42/ felt that it was impossible to decide in advance that the duration of sessions should invariably be six

37/ G A (IV), Suppl. No. 12 (A/937).

38/ G A (VII), Annexes, a.1.50, pp. 2-7, A/2206.

39/ G A (VII), Plen., 387th and 388th mtgs., pp. 135-162.

40/ G A (VII), 6th Com., 346th-354th mtgs., pp. 233-275.

41/ G A (VII), Annexes, a.1.50, p. 11, A/C.6/L.279, draft resolution submitted by Argentina.

42/ See for example relevant statements by Afghanistan, Australia, Belgium, Brazil, Canada, Colombia, India, USSR, United Kingdom, United States; Yugoslavia.

weeks. They contended that in some cases continued debate was essential and the proposal would lead to limitations endangering freedom of speech in the General Assembly. The draft resolution, these representatives held, emphasized the time factor at the expense of the consideration of the importance of the items to be discussed. Moreover, the suggestion that items not disposed of at a given session should be referred to the next session could lead to repeated postponements in the discussion of "embarrassing" questions.

61. An amendment ^{43/} to the draft resolution was submitted which eliminated the reference to a fixed period for the duration of sessions. The effect of the amendment, it was explained, would be to delete the word "target" from rule 2 of the rules of procedure. Henceforth, the Assembly would fix a definite date for the closing of the session which it could change later if it appeared advisable in the light of the debates. This, it was maintained, was a flexible solution which would make it possible to calculate the duration of sessions on a firmer basis and would leave open the controversial question of the procedure to be followed with respect to items which were not to be dealt with during the session. The amendment was accepted by the sponsor of the draft resolution.

62. On the recommendation of the Sixth Committee the Assembly adopted two resolutions, ^{44/} the second of which provided that rule 2 of the rules of procedure should be amended to read:

"On the recommendation of the General Committee, the General Assembly shall, at the beginning of each session, fix a closing date for the session."

B. Special Sessions

1. Procedure for summoning

63. Article 20 of the Charter provides that "Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations" and rule 7 of the rules of procedure provides that "The General Assembly may fix a date for a special session".

a. BY THE GENERAL ASSEMBLY

64. No special sessions have been called by a decision of the General Assembly taken at a previous session.

b. AT THE REQUEST OF THE SECURITY COUNCIL

65. Rule 8 of the rules of procedure provides that "Special sessions ... shall be held within fifteen days of the receipt by the Secretary-General of a request for such a session from the Security Council,".

66. On 1 April 1948, the Security Council adopted a resolution ^{45/} which requested the Secretary-General, "in accordance with Article 20 of the United Nations Charter, to

^{43/} G A (VII), Annexes, a.i.50, p. 11, A/C.6/L.281, amendment submitted by Belgium.

^{44/} G A resolutions 689 A and B (VII), adopted at the 410th plenary meeting (G A (VII)), Plen., p. 480).

^{45/} S C, 3rd yr., Suppl. for April 1948, pp. 4 and 5, S/714, II.

convoke a special session of the General Assembly to consider further the question of the future government of Palestine". On the same day, the Secretary-General informed all the Members of the Council's decision and notified them that the special session would open on 16 April.

C. AT THE REQUEST OF MEMBERS

67. Rule 9 of the rules of procedure provides:

"(a) Any Member of the United Nations may request the Secretary-General to summon a special session. The Secretary-General shall immediately inform the other Members of the United Nations of the request and inquire whether they concur in it. If within thirty days of the date of the communication of the Secretary-General a majority of the Members concur in the request, a special session of the General Assembly shall be summoned in accordance with rule 8".

68. On 2 April 1947, the United Kingdom requested 46/ the Acting Secretary-General to summon a special session in connexion with the consideration of the question of Palestine (at the second regular session of the General Assembly). The Acting Secretary-General transmitted the United Kingdom request to the other Members and asked that he be notified whether the Governments concurred. On the day that a majority had signified its concurrence, the Secretary-General informed the Members that a special session would be convened. 47/

69. The same procedure of consultation was followed in June 1952 upon receipt by the Secretary-General of a request 48/ by a group of Members that a special session should be summoned to give urgent consideration to the situation in Tunisia. At the expiration of the thirty-day period provided for in the rules of procedure, the Secretary-General notified the Members that the number of replies received signifying concurrence in the request had been less than the majority required for the summoning of the session. 49/

2. Emergency special sessions

Resolution 377 A (V), "Uniting for peace"

70. Article 20 of the Charter provides for regular annual sessions of the General Assembly and for the convocation of special sessions. During its fifth session, the Assembly decided to provide for the convocation of emergency special sessions as well, and amended the rules of procedure accordingly.

46/ G A (S.I.), Plen., p. 183, Annex 1, (A/286).

47/ See A/295 and Corr.1.

48/ A/2137.

49/ See A/2143.

71. The decision arose out of the consideration 50/ of the item "United action for peace". 51/ A joint draft resolution 52/ was submitted in the First Committee dealing specifically with four types of action which the Assembly might take in connexion with the maintenance of international peace and security. Section A of the draft resolution stated as follows:

"1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including when necessary the use of armed force, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by seven members of the Security Council".

72. Doubts were expressed regarding the method envisaged for the calling of an emergency special session; it was felt that action by members of the Security Council taken without an actual vote in the Council itself might be incompatible with the terms of Article 20. A revised draft 53/ was then submitted by the sponsors which modified the procedure, providing that:

"Such emergency special session shall be called if requested by the Security Council on the vote of any seven members or by a majority of the Members of the United Nations;"

73. Other Members, however, objected to this text, as they had done to the first, on the grounds that the Charter did not permit a decision to convoke a special session to be made by any seven members of the Council; it must be a decision of the Council as legally constituted, which required the concurring votes of the five permanent members. Special sessions could be called at the request of the Council and a decision to this effect must be regarded as non-procedural, under Article 27 (3), since a special session would presumably be called for the purpose of putting on its agenda matters which originally had been considered by the Council. The question of constitutional competence to act would therefore be involved, as stated in the last sentence of Article 11 (2). The Assembly would be concerning itself with matters relating to international peace and security which would necessitate a decision of the Council taken by seven affirmative votes, including the concurring votes of the five permanent members. Furthermore, it was obviously for the Security Council itself and not for

50/ G A (V), 1st Com., 354th-371st mtgs., pp. 63-174, see, for example, statements by Australia (p. 125, paras. 27-28, p. 134, para. 61), Byelorussian SSR (p. 106, para. 54, p. 136, para. 14), Czechoslovakia (p. 99, para. 43, p. 131, para. 26), Ecuador (p. 87, para. 2), France (pp. 130-131, paras. 21-22), Iraq (p. 135, para. 2), Israel (p. 116, para. 9, p. 125, para. 26), Netherlands (p. 80, para. 12), Pakistan (p. 127, para. 50), Poland (p. 126, para. 33), Syria (p. 97, para. 20, p. 131, para. 32), Ukrainian SSR (p. 103, para. 20, p. 125, para. 23), Union of South Africa (p. 109, para. 18, p. 137, para. 24), USSR (p. 85, para. 42, pp. 132-133, para. 47), United Kingdom (p. 130, para. 17), United States (p. 117, para. 23, p. 124, paras. 15 and 17), Uruguay (p. 70, para. 11).

51/ See also in this Repertory under Article 11.

52/ G A (V), Annexes, a.i.68, pp. 4-6, A/C.1/576, draft resolution submitted by Canada, France, Philippines, Turkey, United Kingdom, United States and Uruguay.

53/ G A (V), Annexes, a.i.68, pp. 6-8, A/C.1/576/Rev.1.

the General Assembly to decide whether the question was one of substance or procedure; the draft resolution prejudged the Council's right to decide the matter. It was also argued that Article 18 of the Charter required that decisions of the Assembly on important questions should be made by a two-thirds majority; a decision relating to a threat to or a breach of the peace undoubtedly dealt with an important question and should be made by a two-thirds majority of the Members. To provide that a simple majority could properly be authorized to convene a special session would therefore be a violation of Article 18.

74. As against this interpretation, it was pointed out that Articles 20, 21 and 22 appeared in the Charter under the heading "Procedure" and that the Charter provided that decisions of the Security Council on questions of procedure should be taken by the affirmative vote of any seven of its members. Moreover, by resolution 267 (III), the General Assembly had recommended to the Security Council that the request for the convening of a special session should be regarded as a question of procedure. It was obvious that the Assembly could decide for itself on its own procedure. Although Article 20 concerned a case in which the Security Council might request the General Assembly to hold a special session, it was nevertheless true that the Assembly could decide at its discretion respecting those cases in which it would hold a special session. In addition, it was stated, if the Council were unable to take prompt action owing to a lack of unanimity among its permanent members, that same lack would operate against the adoption of a substantive resolution by the Council to call a session of the Assembly. In attempting to find a way to deal with these situations, it would be illogical to insist upon unanimity before the Assembly could be summoned to act.

75. The text, as revised above, was recommended by the First Committee and adopted by the General Assembly. ^{54/} The relevant rules of procedure were amended accordingly ^{55/} and a new rule, ^{64 A,} ^{56/} was adopted, as follows:

"Notwithstanding the provisions of any other rule and unless the General Assembly decides otherwise, the Assembly, in case of an emergency special session, shall convene in plenary session only and proceed directly to consider the item proposed for consideration in the request for the holding of the session, without previous reference to the General Committee or to any other committee; the President and Vice-Presidents for such emergency special sessions shall be, respectively, the Chairmen of those delegations from which were elected the President and Vice-Presidents of the previous session."

^{54/} G A resolution 377 A (V), adopted at the 302nd plenary meeting, (G A (V), Plen., p. 346).

^{55/} See rules 8, 9, 10, 16 and 19.

^{56/} Now rule 65.

