

# ARTICLE 20

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### 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. During the period under review, the General Assembly held three regular annual sessions, its eleventh, twelfth and thirteenth. The most significant new practice in connexion with the application and interpretation of Article 20 was the convening of three emergency special sessions. This is discussed under additional subheadings in section II B 2.

## I. GENERAL SURVEY

2. In accordance with the provisions of Article 20 of the Charter and of the rules of procedure of the General Assembly, <sup>1/</sup> regular sessions of the General Assembly were held in 1956, 1957 and 1958 at the Headquarters of the United Nations in New York.

3. The opening date of the eleventh session was postponed from 18 September 1956 to 12 November 1956. The meetings of that session were adjourned in March 1957 and were reconvened on 10 September 1957. The twelfth session met from 17 September to mid-December 1957. The meetings of the thirteenth session were adjourned in December 1958 and were resumed in February 1959.

4. In addition to the regular annual sessions, the General Assembly held three emergency special sessions in accordance with its rules of procedure and pursuant to its resolution 377 A (V), "Uniting for peace".

5. A table showing the opening and closing dates of the three regular annual sessions and the three emergency special sessions, and their approximate duration, is given below.

	<u>Opening date</u>	<u>Closing date</u>	<u>Approximate duration</u>
Eleventh session .	12 November 1956	8 March 1957	16 1/2 weeks
Eleventh session, resumed . . . . .	10 September 1957	14 September 1957	1/2 week
Twelfth session . .	17 September 1957	14 December 1957	12 1/2 weeks
Thirteenth session.	16 September 1958	13 December 1958	12 1/2 weeks
Thirteenth session, resumed . . . . .	20 February 1959	13 March 1959	3 weeks
First emergency special session .	1 November 1956	10 November 1956	1 1/2 weeks
Second emergency special session .	4 November 1956	10 November 1956	1 week
Third emergency special session .	8 August 1958	21 August 1958	2 weeks

## II. ANALYTICAL SUMMARY OF PRACTICE

## A. Regular annual sessions

1. *Date of meeting*

6. There was no proposal for amending rule 1 of the rules of procedure of the General Assembly, which provided that the General Assembly should meet every year in regular session commencing on the third Tuesday in September.

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<sup>1/</sup> A/4700 (United Nations Publication, Sales No.: 61.I.4), rules 1 and 3.

## a. POSTPONEMENT OF OPENING DATE

By consultation of Members at the initiative of a group of Members

7. The opening date of the eleventh session was postponed from 18 September 1956 to 12 November 1956 by consultation of Members at the initiative of a group of Members. 2/

## b. CHANGE IN OPENING DATE

8. Although the opening date of the eleventh session of the General Assembly was postponed from 18 September 1956 to 12 November 1956, there was no discussion of a constitutional character, nor, as stated in paragraph 6 above, was there any proposal for amending rule 1 of the rules of procedure.

2. *Adjournment and resumption of session*

9. On 8 March 1957, the General Assembly decided 3/ "... to adjourn its eleventh session temporarily and to authorize the President of the General Assembly, in consultation with the Secretary-General and with the Member States the representatives of which are serving on the General Committee during the session, to reconvene the General Assembly as necessary in order to consider further items 66 or 67". The meetings were adjourned on 8 March 1957 and were reconvened from 10 September to 14 September 1957.

10. During the discussion, one representative stated that he wanted to make clear for the record his delegation's view 4/ that "in instances requiring temporary adjournment rather than adjournment, sessions should normally be reconvened with the concurrence of a majority of the Members of the Assembly, as was done at the seventh and eighth sessions with regard to the Korean question". 5/

11. During the thirteenth session, the General Assembly adjourned its session on 13 December and decided 6/ to resume its thirteenth session on 20 February 1959 for exclusive consideration of the question of the future of the Trust Territories of the Cameroons under French administration and the Cameroons under United Kingdom administration.

3. *Place of meeting*

12. The three regular annual sessions and the three emergency special sessions met at the Headquarters of the United Nations.

4. *Duration of session*Closing date of session

13. At the eleventh session, the General Assembly, in accordance with rule 2 of its rules of procedure, adopted 7/ the report of the General Committee recommending that

2/ See Repertory, Supplement No. 1, vol. I, under Article 20, paras. 6-9.

3/ G A resolution 1119 (XI).

4/ G A (XI), Plen., vol. II, 668th mtg., para. 319.

5/ See Repertory, vol. I, under Article 20, paras. 26-42.

6/ G A resolution 1281 (XIII).

7/ G A (XI), Plen., vol. I, 577th mtg., para. 35; G A (XI), Annexes, vol. I, a.i. 8, p. 12, A/3349, para. 3.

15 February 1957 should be the closing date of that session. On 15 February 1957, the General Assembly further decided 8/ to amend its decision and to continue its meetings beyond 15 February 1957, as necessary. The session adjourned on 8 March 1957 and resumed from 10 September to 14 September 1957.

14. Following the suggestions of the Secretary-General, 9/ which were accepted and recommended by the General Committee, 10/ the General Assembly decided 11/ to set the closing date for its twelfth and thirteenth sessions on 14 December 1957 and 12 December 1958, respectively. The twelfth session closed on the scheduled date. During its thirteenth session, the General Assembly decided, 12/ at the request of the First Committee, to extend its date of adjournment to 13 December 1958. On 5 December 1958, the General Assembly decided 13/ to resume its thirteenth session on 20 February 1959.

## B. Special sessions

### 1. Procedure for summoning

15. Except for those relating to the emergency special sessions described below, no proposal was made to convene a special session of the General Assembly during the period covered by this Supplement.

### 2. Emergency special sessions

16. Three emergency special sessions were held during the period under review. The first emergency special session met from 1 November 1956 to 10 November 1956 to discuss the question considered by the Security Council at its 749th and 750th meetings, concerning the situation in Egypt. The second emergency special session was convened on 4 November 1956 to consider the situation in Hungary; it adjourned on 10 November 1956. The third emergency special session met from 8 August to 21 August 1958, to discuss the questions considered by the Security Council at its 838th meeting, on 7 August 1958, concerning the situation in Lebanon and Jordan.

#### a. PROCEDURE FOR SUMMONING

17. The rules of procedure of the General Assembly prescribed the three methods set forth below, for summoning an emergency special session.

#### 1. At the request of the Security Council

18. Emergency special sessions "pursuant to General Assembly resolution 377 A (V) shall be convened within twenty-four hours of the receipt by the Secretary-General of a request for such a session from the Security Council, on the vote of any seven members thereof ..." 14/

8/ G A resolution 1109 (XI).

9/ G A (XII), Annexes, a.i. 8, p. 4, A/BUR/146, para. 6; G A (XIII), Annexes, a.i. 8, p. 11, A/BUR/149, para. 4.

10/ G A (XII), Annexes, a.i. 8, p. 10, A/3670, para. 16; G A (XIII), Annexes, a.i. 8, p. 15, A/3926, para. 22.

11/ G A (XII), Plen., 682nd mtg., paras. 163 and 164; G A (XIII), Plen. 752nd mtg., para. 131.

12/ G A (XIII), Plen., 788th mtg., paras. 196 and 197.

13/ G A resolution 1281 (XIII).

14/ Rule 8 (b) of the rules of procedure of the General Assembly (A/4700, United Nations Publication, Sales No.: 61.I.4).

19. All three emergency sessions during this period were convened at the request of the Security Council. The Security Council, at its 751st meeting, on 31 October 1956, adopted a resolution 15/ in which it decided to call an emergency special session of the General Assembly, in order to make appropriate recommendations on the situation in Egypt. On 4 November 1956, the Security Council adopted 16/ a resolution to call the second emergency special session of the General Assembly, to consider the situation in Hungary. The third emergency special session was requested 17/ by the Security Council, at its 838th meeting, on 7 August 1958, to consider the situation in Lebanon.

ii. At the request of a majority of Members

20. Rule 8 (b) of the rules of procedure further provided that emergency special sessions "shall be convened within twenty-four hours of the receipt by the Secretary-General of a request ... of a majority of the Members of the United Nations expressed by vote in the Interim Committee, or otherwise ...". No emergency special sessions were called by this method during the period under review.

iii. At the request of any Member with the concurrence of a majority of Members

21. Under rule 9, 18/ any member of the United Nations might request the Secretary-General to summon an emergency special session; the "Secretary-General shall immediately inform 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 concurred in the request, an emergency special session of the General Assembly was to be summoned. The Secretary-General was to communicate with other Members by the most expeditious means of communication available. No emergency special sessions were called in this way during the period under review.

b. QUESTION OF THE LEGALITY OF CONVENING THE  
EMERGENCY SPECIAL SESSION

22. At the 749th meeting of the Security Council, on 30 October 1956, under the agenda item consisting of a letter from the United States concerning "The Palestine question: steps for the immediate cessation of the military action of Israel in Egypt", a draft resolution 19/ was submitted by the United States and amended by China, which would call for a cease-fire, call upon Israel to withdraw its armed forces behind the established armistice lines and call upon all Members to refrain from the use of force or threat of force in the area. It failed of adoption 20/ owing to the negative votes of two permanent members of the Council.

23. At the 750th meeting of the Council, under the same agenda item, another draft resolution 21/ calling for a cease-dire and the withdrawal of armed forces of Israel behind the armistice lines, submitted by the Union of Soviet Socialist Republics and amended by China, also failed of adoption 22/ owing to the negative votes of two

15/ S C, 11th year, Suppl. for Oct.-Dec., p. 116, S/3721.

16/ Ibid., p. 127, S/3733.

17/ S C, 13th year, Suppl. for July-Sept., p. 126, S/4083.

18/ Rule 9 (a) and (b) of the rules of procedure of the General Assembly.

19/ S C, 11th yr., Suppl. for Oct.-Dec., p. 110, S/3710.

20/ S C, 11th yr., 749th mtg., para. 186.

21/ S C, 11th yr., Suppl. for Oct.-Dec., p. 112, S/3713/Rev.1.

22/ S C, 11th yr., 750th mtg., para. 23.

permanent members of the Council. After explanations of the vote were given, the President (France) declared that the discussion of the agenda item proposed by the United States was completed, and that the Council would proceed to the next item on the agenda.

24. This item consisted of a letter from Egypt relating to the action taken by the United Kingdom and France against Egypt. At the 751st meeting of the Council, during the discussion of the Egyptian complaint, a draft resolution 23/ was submitted by Yugoslavia which read:

"The Security Council,

"Considering that a grave situation has been created by action undertaken against Egypt,

"Taking into account that the lack of unanimity of its permanent members at the 749th and 750th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

"Decides to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations."

25. The question of the legality of convening the first emergency special session was raised at the 751st meeting of the Security Council and at the 561st meeting of the General Assembly.

26. Those who contended that the convening of an emergency special session was illegal maintained 24/ that there had been no manifestation of lack of unanimity among the permanent members of the Security Council on the item before the Council. The Yugoslav draft resolution referred to the 749th and 750th meetings of the Security Council, at which the item on the agenda had been the letter of the United States. On the item currently under consideration, the Egyptian complaint, no substantive draft resolution had been submitted, and consequently no vote had been taken. Moreover, General Assembly resolution 377 A (V) provided that the General Assembly, meeting in emergency session, should be seized of a matter "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". Thus, the resolution could only be invoked following action under Chapter VII of the Charter. Action under Chapter VII was dependent upon a determination by the Council of the existence of a threat to the peace, a breach of the peace or an act of aggression. The two rejected draft resolutions contained no such findings. They were clearly within the framework of Chapter VI, not Chapter VII. So far as the Egyptian complaint was concerned, therefore, there was no manifestation of lack of unanimity; so far as the two rejected draft resolutions were concerned, they were not submitted under the agenda of the 751st meeting of the Council, and they were not under Chapter VII of the Charter. For these reasons, the Yugoslav draft resolution was inconsistent with resolution 377 A (V).

23/ S C, 11th yr., 751st mtg., paras. 71 and 78, S/3719.

24/ S C, 11th yr., 751st mtg., paras. 81-86, 94, 96-98, 104 and 108; G A (ES-I), Plen., 561st mtg., paras. 17-23.

27. Those who claimed that convening such an emergency special session was legal maintained 25/ that there existed not only a threat to the peace but also a breach of the peace. The landing of armed forces on the territory of an independent country and the bombarding of its cities certainly constituted a breach of the peace. The Security Council had failed to agree because of the veto. Moreover, the contention that no draft resolution had been submitted on the item under consideration, and no vote had been taken, was not sound because the Egyptian complaint was covered by paragraph 2 (a) of the United States draft resolution, which had been rejected by veto. Both aspects of the problem in respect of which an emergency special session should be convened were therefore covered by the United States draft resolution (S/3710).

28. One member maintained 26/ that the considerations on which the legality of convening an emergency special session of the General Assembly was challenged were of a technical nature. If pressed too far, they would be tantamount to an invitation to put such a draft resolution before the Council, to put it to vote and then to bring about the failure that would fulfil the technical requirements which had been advanced. In reply to this point of view, it was contended that if a draft resolution of the kind were put to the vote, it could not obtain the seven votes needed for adoption, and consequently the conditions laid down in resolution 377 A (V) would not be fulfilled.

29. The United Kingdom moved that a vote should be taken on its contention that the Yugoslav draft resolution was out of order. The motion was rejected 27/ by 6 to 4, with 1 abstention. The Yugoslav draft resolution 28/ was finally adopted 29/ by the Security Council by 7 votes to 2, with 2 abstentions. France and the United Kingdom reserved their position on the legality of convening the first emergency session of the General Assembly.

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25/ S C, 11th yr., 751st mtg., paras. 89, 106 and 107.

26/ S C, 11th yr., 751st mtg., paras. 110 and 114.

27/ Ibid., para. 127.

28/ S C, 11th yr., Suppl. for Oct.-Dec., p. 116, S/3721.

29/ S C, 11th yr., 751st mtg., para. 147.

