

ARTICLE 20

CONTENTS

	<i>Paragraphs</i>
Text of Article 20	
Introductory note	1
I. General survey	2-6
II. Analytical summary of practice	7-73
A. Regular annual sessions	7-44
1. Date of meeting	7
**(a) Postponement of opening date	
**(b) Change in opening date	
2. Adjournment and resumption of session	8-34
3. Place of meeting	35
4. Duration of session	36
5. Closing date of session	37-44
B. Special sessions	45-57
1. Procedure for summoning	45-51
(a) By the General Assembly	47-51
**(b) At the request of the Security Council	
**(c) At the request of Members	
**2. Date of meeting	
3. Closing date of session	52-57
C. Emergency special session	58-73
1. Procedure for summoning	59-66
**(a) By the General Assembly	
(b) At the request of the Security Council	60-62
(c) At the request of Members	63-65
(d) Question of the legality of convening the sixth emergency special session	66
2. Closing date of session	67-71
3. Adjournment and resumption of session: question of the legality of resuming the seventh emergency special session	72-73

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 six regular sessions, two special sessions and four emergency special sessions. The seventh emergency special session was resumed several times during the period.

I GENERAL SURVEY

2. In accordance with the provisions of Article 20 of the Charter and of rules 1 and 3 of the rules of procedure of the General Assembly,¹ the Assembly resumed its thirty-third regular session and held its thirty-fourth to thirty-ninth sessions from 1979 to 1984 at the Headquarters of the United Nations in New York.

3. The thirty-third to thirty-ninth regular sessions of the General Assembly were adjourned the year following the opening of each session. As indicated in *Supplement No. 5*, the thirty-third session was resumed in January 1979 for two weeks and again in May for a week. The thirty-fourth session was closed on 7 January 1980. The thirty-fifth session was suspended on 17 December 1980; it was resumed in 1981 several times: for two days on 15 and 16 January, for one week from 2 to 6 March and for one day on 11 May, and was officially closed on 14 September 1981. The thirty-sixth session was suspended on 18 December 1981; it was resumed for two weeks between 16 and 29 March 1982, for one day on 28 April and was closed on 20 September 1982. The thirty-seventh session was suspended on

21 December 1982 and resumed for one week from 10 to 13 May 1983; it was closed on 19 September 1983. The thirty-eighth session was suspended on 20 December 1983 and resumed for one day on 26 June 1984; it was closed on 17 September 1984. The thirty-ninth session was suspended on 18 December 1984 and resumed for four days between 9 and 12 April 1985; it was closed on 16 September 1985. As from the thirty-ninth session, the Assembly has closed its sessions the following year on the day preceding the opening of the next session.

4. In addition to the regular sessions, the General Assembly held two special sessions: the eleventh special session in 1980 and the twelfth in 1982.

5. During the period under review, the General Assembly held four emergency special sessions: the sixth emergency special session in 1980, the seventh in 1980, the eighth in 1981 and the ninth in 1982.

6. The following table shows the opening and closing dates and the approximate duration of the sessions held during this period:

	<i>Opening date</i>	<i>Closing date</i>	<i>Approximate duration</i>
<i>Regular sessions</i>			
Thirty-third			
Resumed	15 January 1979	29 January 1979	2 weeks
Resumed	23 May 1979	31 May 1979	1 week
Thirty-fourth	18 September 1979	20 December 1979	13 ½ weeks
Resumed	27 December 1979	7 January 1980	1 week
Thirty-fifth	16 September 1980	17 December 1980	13 weeks
Resumed	15 January 1981	16 January 1981	2 days
Resumed	2 March 1981	6 March 1981	1 week
Resumed	11 May 1981		1 day
Resumed	14 September 1981		1 day
Thirty-sixth	15 September 1981	18 December 1981	13 ½ weeks

	<i>Opening date</i>	<i>Closing date</i>	<i>Approximate duration</i>
Resumed	16 March 1982	19 March 1982	4 days
Resumed	29 March 1982		1 day
Resumed	28 April 1982		1 day
Resumed	20 September 1982		1 day
Thirty-seventh	21 September 1982	21 December 1982	13 weeks
Resumed	10 May 1983	13 May 1983	4 days
Resumed	19 September 1983		1 day
Thirty-eighth	20 September 1983	20 December 1983	13 weeks
Resumed	26 June 1984		1 day
Resumed	17 September 1984		1 day
Thirty-ninth	18 September 1984	18 December 1984	13 weeks
Resumed	9 April 1985	12 April 1985	4 days
Resumed	16 September 1985		1 day
<i>Special sessions</i>			
Eleventh	25 August 1980	15 September 1980	3 weeks
Twelfth	7 June 1982	10 July 1982	5 weeks
<i>Emergency special sessions</i>			
Sixth	10 January 1980	14 January 1980	1 week
Seventh	22 July 1980	29 July 1980	1 week
Resumed	20 April 1982	28 April 1982	1 week
Resumed	25 June 1982	26 June 1982	2 days
Resumed	16 August 1982	19 August 1982	4 days
Resumed	24 September 1982		1 day
Eighth	3 September 1981	14 September 1981	2 weeks
Ninth	29 January 1982	5 February 1982	1 week

II. ANALYTICAL SUMMARY OF PRACTICE

A. Regular annual sessions

1. DATE OF MEETING

7. There was no amendment to rule 1 of the rules of procedure of the General Assembly, which provides that the Assembly "shall meet every year in regular session commencing on the third Tuesday in September".

**** (a) Postponement of opening date**

**** (b) Change in opening date**

2. ADJOURNMENT AND RESUMPTION OF SESSION

8. The thirty-third regular session of the General Assembly, suspended on 21 December 1978, was resumed on 15 January 1979.² The President of the General Assembly recalled Assembly decision 33/432 of 20 and 21 December 1978, by which it decided that the thirty-third session would be resumed for the

sole purpose of concluding the consideration of a number of agenda items.³

9. The General Assembly met from 24 to 29 January 1979 and concluded the consideration of the items listed in decision 33/432.⁴ Recalling the provisions of paragraph 14 of Assembly resolution 33/182 A of 21 December 1978, the President informed the Assembly that the date of the resumption devoted to the consideration of the question of Namibia would be announced in due time.⁵

10. On 23 May, the General Assembly resumed its thirty-third session solely in order to take up the question of Namibia and concluded its consideration of the item on 31 May.⁶ The session was closed on the same day.

11. At the 108th plenary meeting of the thirty-fourth session, the President recalled to the General

Assembly that 18 December had been established as the closing date of the session. However, despite an unprecedented number of ballots, the results of the voting for the election of one non-permanent member of the Security Council were inconclusive and some other items still remained to be considered. The Assembly decided to extend its session by one day.⁷

12. On 19 December, the President proposed "that the Assembly extend the present session by one additional day to dispose of all its regular work on the agenda, completing all Fifth Committee items tomorrow and then recessing until 26 December when the only item left in suspense would be the election of a non-permanent member of the Security Council". The General Assembly agreed to the proposal.⁸

13. The General Assembly resumed on 27 December and met until 31 December. The results of the ballots taken at those meetings were inconclusive. Consequently, a meeting of the General Committee was convened on 31 December.

14. The General Assembly decided, on the recommendation of the General Committee, to recess until Friday, 4 January 1980, in the morning and, if necessary, in the afternoon, on the understanding that if the situation so required it could meet before that date and also could meet again on Monday, 7 January, in the morning.⁹

15. At the request of the General Assembly, the Legal Counsel read out a legal opinion he had submitted to the President of the General Assembly in that connection:

"In conclusion, while the failure of the General Assembly to elect a non-permanent member of the Security Council would be inconsistent with Article 23 of the Charter, such an act of omission could not produce legal consequences for the function of the Security Council, which is the organ primarily responsible for the maintenance of international peace and security. In such a situation, it would be the view of the Office of Legal Affairs that decisions of the Security Council taken in accordance with the relevant provisions of Article 27 of the Charter would constitute valid decisions. This is not to say, however, that the exceptional situation created by such a failure on the part of the General Assembly is either legally or constitutionally desirable. But in the interests of maintaining the authority of the Security Council and the balance of powers between the General Assembly and the Council it is essential that the General Assembly should

fulfil its obligations and responsibilities under the Charter."¹⁰

16. Further inconclusive ballots followed. At the 120th plenary meeting, held on 7 January 1980, the President reported to the General Assembly that he had been officially informed by the Chairman of the Group of Latin American States that the Group had formally endorsed the candidature of Mexico, subsequent to the decision of the Governments of Cuba and Colombia to withdraw their candidacies. On the 155th ballot, having obtained the required two-thirds majority, Mexico was elected a non-permanent member of the Security Council for a two-year term ending on 31 December 1981. At the same meeting, the President declared the thirty-fourth regular session of the General Assembly closed.¹¹

17. On 15 December 1980, at the 96th plenary meeting of the thirty-fifth session, the representative of India introduced a revision of a draft resolution and proposed that voting on the revised draft resolution be postponed until 15 January 1981. The General Assembly decided to defer its consideration of that text to the resumed session in January. On the proposal of the President, the Assembly also decided to extend the main part of the session by 24 hours until 17 December 1980.¹² At the 99th plenary meeting on 17 December, the Assembly decided to resume the session on 15 January 1981 for the sole purpose of considering four pending items.¹³

18. When the General Assembly reconvened on 15 January 1981, it decided to consider three items and to take up the fourth item at a later date after appropriate consultations had been held. However, as the consideration of only one item was concluded, the Assembly decided to request the President to pursue consultations and to report to the Assembly on the outcome of those consultations at a later date.¹⁴

19. At its 111th plenary meeting, on 6 March, the General Assembly concluded its consideration of one of the remaining items. Before suspending the session, the Assembly decided to take up the other two remaining items at a later date after appropriate consultations had been held.¹⁵

20. The General Assembly reconvened, on 11 May 1981, to consider a request from the President of the Third United Nations Conference on the Law of the Sea concerning the resumed tenth session of the Conference.¹⁶ The Assembly adopted decision 35/452, by which it approved the reconvening of the tenth session of the Conference at Geneva and of the Drafting Committee of the Conference, and recommended that the Secretary-General should

provide the necessary facilities for those meetings. The Assembly further decided to consider the two remaining items at a later date following further consultations.¹⁷

21. On 14 September 1981, the General Assembly decided to include the two remaining items in the draft agenda of the thirty-sixth session¹⁸ and closed its thirty-fifth regular session.¹⁹

22. During the thirty-sixth session, at the 97th plenary meeting, on 14 December 1981, the President of the General Assembly recalled that, at its 4th plenary meeting, the General Assembly had decided to set 15 December as the date for the closure of the thirty-sixth session and informed the members that, as the Fifth Committee had not yet finished its work, the reports of that Committee would not be ready until 17 December. On the proposal of the President, the Assembly decided to extend the session until 18 December.²⁰

23. At the 105th plenary meeting, on 18 December, the General Assembly decided to resume the session at a date to be announced for the sole purpose of considering a number of items still remaining on the agenda,²¹ and suspended the thirty-sixth session.²²

24. On 16 March 1982, the General Assembly resumed its work in accordance with its decision 36/461 of 18 December 1981 and the programme of work announced at a plenary meeting held on 5 February 1982 during the ninth emergency special session.²³ The Assembly met from 16 to 19 March and on 29 March.²⁴

25. When the General Assembly resumed its thirty-sixth session on 29 March, it appointed the United Nations Commissioner for Namibia and concluded its work on other items. The President reminded the Assembly that consultations concerning one of the remaining agenda items were still going on and indicated that, should a meeting be necessary, it would be announced in the *Journal*.

26. At the 16th plenary meeting of the seventh emergency special session, held on 23 April, the President informed the General Assembly that he intended to reconvene the thirty-sixth session of the Assembly on 28 April.²⁵ The thirty-sixth session was resumed on 28 April for one meeting but was unable to conclude the consideration of the item for which consultations had been held.²⁶ The Assembly reconvened its thirty-sixth session for the last time on 20 September to conclude the items remaining on its agenda.²⁷

27. On 21 December 1982, at the 115th plenary meeting of the thirty-seventh session, the President of

the General Assembly, before suspending the session, stated that, in the light of action taken, the Assembly would resume the session, at a date to be announced, for the sole purpose of considering specific agenda items.²⁸

28. The General Assembly resumed its thirty-seventh session on 10 May 1983 pursuant to decision 37/452 of 21 December 1982.²⁹ After the Assembly had concluded two of the items, the President declared the session suspended on 13 May.³⁰

29. The General Assembly subsequently reconvened on 19 September to conclude its consideration of the two remaining items.³¹

30. At the 104th plenary meeting of its thirty-eighth session, on 20 December 1983, the General Assembly decided to resume the session, at a date to be announced, for the sole purpose of considering six items still remaining on the agenda.³²

31. On 26 June 1984, the President of the General Assembly declared the thirty-eighth session of the General Assembly resumed in accordance with Assembly decision 38/456 of 20 December 1983 to consider two of the items listed in the decision. Having concluded one of the items, the Assembly "decided that the [other] item be maintained on the agenda of its thirty-eighth session and that contacts among delegations on this question be continued with a view to the convening of another round of informal meetings in the early part of September to consider appropriate action by the Assembly before the closure of the session".³³ The President, recalling decisions 38/456 and 38/448 B, declared the thirty-eighth session suspended.³⁴

32. On 17 September, the General Assembly resumed its thirty-eighth session in accordance with decision 38/456 and decided to include the remaining items in the draft agenda of the thirty-ninth session.³⁵

33. At the 105th plenary meeting of its thirty-ninth session, on 18 December 1984, the General Assembly decided to resume the session, at a date to be announced, for the sole purpose of considering a number of items remaining on the agenda.³⁶

34. On 9 April 1985, the General Assembly resumed its thirty-ninth session in accordance with decision 39/456 of 18 December 1984.³⁷ After the Assembly had concluded the consideration of five of the 13 items remaining on the agenda, the President declared the session suspended on 12 April.³⁸ On 16 September, the Assembly resumed its work in accordance with decision 39/456 and decided to include the remaining items in the draft agenda of the fortieth session.³⁹

3. PLACE OF MEETING

35. All the sessions held during the period under review met at the Headquarters of the United Nations in accordance with rule 3 of the rules of procedure.

4. DURATION OF SESSION

36. By its resolution 2837 (XXVI) of 17 December 1971, the General Assembly had decided that the duration of 13 weeks for regular sessions should not be changed and that, in any case, the sessions should end before Christmas. At the beginning of each regular session during the period under review, the General Assembly, in accordance with rule 2 of its rules of procedure, set the closing date of each session bearing in mind the 13-week stipulation. As can be seen on the table in paragraph 6 above, this provision was generally adhered to for the main part of the session, with the reconvening of sessions becoming more and more an accepted practice.

5. CLOSING DATE OF SESSION

37. The dates for the closing of the session recommended by the General Committee and approved by the General Assembly were generally observed during the period for the first part of each session.⁴⁰

38. At the thirty-third session, the date originally recommended by the General Committee and approved by the General Assembly was 19 December 1978.⁴¹ The session was resumed twice in 1979, as described in paragraphs 8 to 10 above, and closed on 31 May.⁴²

39. At the thirty-fourth session, the date originally recommended by the General Committee and approved by the General Assembly was 18 December 1979.⁴³ The Assembly reconvened the session once, as explained in paragraphs 11 to 16 above, for the sole purpose of electing one non-permanent member of the Security Council. The session was closed on 7 January 1980.⁴⁴

40. At the thirty-fifth session, the date originally recommended by the General Committee and approved by the General Assembly was 16 December 1980.⁴⁵ The session was resumed four times in 1981, as described in paragraphs 17 to 21 above, and closed on 14 September.⁴⁶

41. At the thirty-sixth session, the date originally recommended by the General Committee and approved by the General Assembly was 15 December 1981.⁴⁷ The session was resumed four times in 1982, as described in paragraphs 22 to 25 above, and closed on 20 September.⁴⁸

42. At the thirty-seventh session, the date originally recommended by the General Committee and approved by the General Assembly was 21 December 1982.⁴⁹ The session was resumed twice in 1983, as described in paragraphs 27 to 29 above, and closed on 19 September.⁵⁰

43. At the thirty-eighth session, the date originally recommended by the General Committee and approved by the General Assembly was 20 December 1983.⁵¹ The session was resumed twice in 1984, as described in paragraphs 30 to 32 above, and closed on 17 September.⁵²

44. At the thirty-ninth session, the date originally recommended by the General Committee and approved by the General Assembly was 18 December 1984.⁵³ The session was resumed twice in 1985, as described in paragraphs 33 and 34 above, and closed on 16 September.⁵⁴

B. Special sessions

1. PROCEDURE FOR SUMMONING

45. 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".

46. Two special sessions were held during the period under review. The eleventh special session was held from 25 August to 15 September 1980; the twelfth special session was held from 7 June to 10 July 1982.

(a) *By the General Assembly*

47. The eleventh special session was summoned by the General Assembly at its thirty-second regular session. By its resolution 32/174 of 19 December 1977, the General Assembly decided "to convene a special session of the General Assembly in 1980, at a high level, in order to assess the progress made in the various forums of the United Nations system in the establishment of the new international economic order and, on the basis of that assessment, to take appropriate action for the promotion of the development of developing countries and international economic cooperation, including the adoption of the new international development strategy for the 1980s".

48. By its resolution 34/207 of 19 December 1979, the General Assembly decided "to hold the special session at a high political level for two weeks at a suitable time between mid-August and mid-September 1980".

49. In compliance with the decisions set forth in those resolutions, the Secretary-General, by a note verbale dated 1 August 1980, informed the permanent representatives of Member States that the eleventh special session would open on 25 August 1980.

50. At its tenth special session, in 1978, the General Assembly had decided that "a second special session of the General Assembly devoted to disarmament should be held on a date to be decided by the Assembly at its thirty-third session".⁵⁵ At its thirty-third regular session, the Assembly decided "to convene a second special session of the General Assembly devoted to disarmament in 1982 at United Nations Headquarters in New York".⁵⁶

51. In compliance with the decisions set forth in those resolutions, the Secretary-General, by a note verbale dated 20 May 1982, informed the permanent representatives of Member States that the twelfth special session would open on 7 June 1982.

**** (b) At the request of the Security Council**

**** (c) At the request of Members**

****2. DATE OF MEETING**

3. CLOSING DATE OF SESSION

52. By its decision 34/448 of 19 December 1979, the General Assembly had decided "that the dates for the special session of the Assembly on development should be from 25 August to 5 September 1980, with the possibility of extending the session for a few days if that should be necessary".

53. The eleventh special session was extended several times. On 4 September, the President of the General Assembly stated that consultations with the chairmen of the Ad Hoc Committee of the Eleventh Special Session and the two working groups indicated that negotiations were still under way to produce a final text and that the extension of the session beyond 5 September would seem to be justified. The Assembly decided to extend the session until 9 September.⁵⁷

54. On 9 September, on the basis of the numerous consultations he had held with the chairmen of the committees as well as with various delegations, the President proposed that the work of the special session should be extended until 12 September to enable negotiations to reach a successful conclusion. The Assembly adopted the President's proposal.⁵⁸ On 12 September, on the proposal of the President, the

Assembly decided to extend the special session until 13 September to enable the negotiations in the Ad Hoc Committee to reach a successful conclusion.⁵⁹ On 13 September, once again on the proposal of the President, the Assembly decided to extend the special session until 15 September.⁶⁰

55. On 15 September, the General Assembly adopted resolutions S-11/3 and S-11/4 and decision S-11/24 and declared closed its eleventh special session.⁶¹

56. The closing date of 9 July 1982 for the twelfth special session of the General Assembly, recommended by the Preparatory Committee for the Second Special Session of the General Assembly devoted to Disarmament, was endorsed by the Assembly in resolution 36/81 A of 9 December 1981. At the 27th plenary meeting, on 9 July, the President of the General Assembly drew the attention of the Assembly to the fact that the Ad Hoc Committee of the Twelfth Special Session would still need some time to conclude its work. He proposed that the closure of the session be postponed until 10 July. The Assembly agreed to the proposal.⁶²

57. At its 28th plenary meeting, on 10 July, the General Assembly, in its decision S-12/24, approved the report of the Ad Hoc Committee of the Twelfth Special Session as the Concluding Document of the Twelfth Special Session.⁶³ Following a large number of statements by representatives who wished to explain their position or express reservations concerning the items before the Assembly, the President declared closed the twelfth special session.⁶⁴

C. Emergency special sessions

58. Four emergency special sessions were held during the period under review. The sixth emergency special session was held from 10 to 14 January 1980 to discuss the question considered by the Security Council at its 2185th to 2190th meetings, concerning the situation in Afghanistan. The seventh emergency special session was first convened from 22 to 29 July 1980 and was resumed four times between 20 April and 24 September 1982 to discuss the question of Palestine. The eighth emergency special session was held from 3 to 14 September 1981 to discuss the question of Namibia. The ninth emergency special session was held from 29 January to 5 February 1982 to examine the situation in the occupied Arab territories.

1. PROCEDURE FOR SUMMONING

59. A detailed analysis of the procedure for summoning an emergency special session appears in *Supplement No. 2*.

******(a) *By the General Assembly*

(b) *At the request of the Security Council*

60. The sixth and ninth emergency special sessions were convened at the request of the Security Council.

61. On 9 January 1980, the Security Council adopted a draft resolution submitted by Mexico and the Philippines,⁶⁵ the main parts of which read as follows:

"The Security Council,

"...

"Taking into account that the lack of unanimity of its permanent members at the 2190th meeting 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 to examine the question contained in document S/Agenda/2185."

The Secretary-General immediately notified the permanent representatives of Member States and the sixth emergency special session convened on the following day, 10 January, at 3 p.m.

62. On 28 January 1982, the Security Council adopted a draft resolution,⁶⁶ the main parts of which read as follows:

"The Security Council,

"...

"Taking into account that the lack of unanimity of its permanent members at the 2329th meeting 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 to examine the question contained in document S/Agenda/2329/Rev.1."

The Secretary-General immediately notified the permanent representatives of Member States and the ninth emergency special session convened on the following day, 29 January, at 10.30 a.m.

(c) *At the request of Members*

63. The seventh and eighth emergency special sessions were summoned at the request of Member States.

64. By a letter dated 1 July 1980, the Permanent Representative of Senegal to the United Nations requested that an emergency special session of the General Assembly be held pursuant to Assembly resolution 377 A (V) on 3 November 1950 in order to discuss the question of Palestine.⁶⁷ The letter read, *inter alia*, as follows:

"In paragraph 7 of its resolution 34/65 A, adopted on 29 November 1979, the General Assembly once again urged the Security Council to consider and take, as soon as possible, a decision on the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, contained in document A/31/35 and endorsed by the Assembly in its resolutions 31/20, 32/40 and 33/28 A.

"At the repeated urging of the Committee, the Security Council discussed this matter in the course of seven meetings during March and April. A draft resolution, presented by Tunisia (S/13911), was not adopted owing to a negative vote of one of the permanent members of the Council. Further efforts have since been pursued but have failed completely to achieve any concrete results towards the acceptance of the Committee's recommendations endorsed by the General Assembly.

"In paragraph 8 of resolution 34/65 A, the General Assembly authorized and requested the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in the event of the Security Council failing to take a decision on the Committee's recommendations by 31 March 1980, to consider that situation and to make the suggestions it deemed appropriate.

"In these circumstances, and in terms of its mandate, the Committee, over which I have the honour to preside, has considered the situation as required by the General Assembly in paragraph 8 of its resolution 34/65 A. Having in mind the escalating tension brought about by the events that occurred in the area during the intervening period, which further aggravate the already existing serious threat to international peace and security, and the continuing failure of the Security Council, because of lack of unanimity of its permanent members, to

exercise its primary responsibility in this respect, the Committee has suggested that an emergency special session of the General Assembly should be held to discuss the item entitled 'Question of Palestine'."

By a note verbale dated 21 July 1980, the Secretary-General informed the permanent representatives of Member States that a majority of Members had concurred in the request and that the seventh emergency special session would convene on 22 July, at 10.30 a.m.

65. By a letter dated 12 August 1981, the Permanent Representative of Zimbabwe to the United Nations requested that an emergency special session of the General Assembly be convened pursuant to its resolution 377 A (V) in order to discuss the situation in Namibia.⁶⁸ The letter read, *inter alia*, as follows:

"I have the honour to refer to paragraphs 28 and 29 of General Assembly resolution 35/227 A of 6 March 1981, by which the Assembly called upon the Security Council 'to act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime aimed at frustrating the legitimate struggle of the Namibian people' and 'to convene urgently to impose comprehensive mandatory sanctions against South Africa, as provided for under Chapter VII of the Charter of the United Nations, in order to ensure South Africa's immediate compliance with the resolutions and decisions of the United Nations relating to Namibia'.

"As you know, pursuant to a request of the representative of Uganda acting as Chairman of the African Group, the Security Council convened on 21 April 1981 to respond to the call addressed to it by the General Assembly. At the conclusion of 11 meetings devoted to this subject, the Council considered four resolutions proposed to it to implement the General Assembly's recommendations; however, each of these four resolutions failed of adoption by reason of the negative votes of several permanent members of the Security Council.

"Subsequent negotiations have failed to resolve or even to advance towards the resolution of the issues addressed by the General Assembly and the Security Council.

"Consequently, I have the honour to request, as the representative of the Republic of Zimbabwe, and as current Chairman of the African Group at the United Nations, that an

emergency special session of the General Assembly be convened pursuant to its resolution 377 A (V) in order to discuss these important questions."

By a note verbale dated 2 September 1981, the Secretary-General informed the permanent representatives of Member States that a majority of Members had concurred in the request and that the eighth emergency special session would convene on 3 September, at 3 p.m.

(d) *Question of the legality of convening the sixth emergency special session*

66. At the opening meeting of the sixth emergency special session, the representative of Afghanistan made a statement expressing

"the strongest and most categorical objections to the discussion of the so-called question of the situation in Afghanistan. The convening of a special session of the General Assembly on this issue constitutes an open and flagrant interference in the internal affairs of the Democratic Republic of Afghanistan. It contradicts the provisions of Article 2, paragraph 7, of the Charter of the United Nations ... The recent developments in Afghanistan, including the Soviet military assistance requested by the Democratic Republic of Afghanistan, are entirely domestic and bilateral issues. They do not constitute any threat to peace and security in the area, let alone the world at large ... Some Powers, prompted by their imperialist and hegemonistic ambitions, try to use the events in Afghanistan as a cover and pretext to justify their efforts aimed at further aggravation of tension in our region, in the Middle East and beyond that area. ... Guided by those considerations, my delegation is against the adoption of the proposed agenda".⁶⁹

2. CLOSING DATE OF SESSION

67. Rule 2 of the rules of procedure notwithstanding, no closing date was fixed for an emergency special session. The emergency special sessions which have been held since the adoption of General Assembly resolution 377 A (V), entitled "Uniting for peace", were declared closed at the conclusion of work. The emergency special sessions held during the period under review were thus closed, with one exception.

68. At the 11th plenary meeting of its seventh emergency special session, on 29 July 1980, the General Assembly adopted resolution ES-7/2, paragraph 14 of which reads as follows:

“14. Decides to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.”

The President made a statement and announced the temporary adjournment of the seventh emergency special session in accordance with resolution ES-7/2.⁷⁰

69. By a note verbale dated 14 April 1982, the Secretary-General, recalling paragraph 14 of resolution ES-7/2, informed the permanent representatives of Member States that:

“Having received such a request, the President of the thirty-sixth session of the General Assembly has decided to reconvene the seventh emergency special session of the Assembly on Tuesday, 20 April 1982, at 3 p.m.”

70. At the 20th plenary meeting, held on 28 April, the General Assembly adopted resolution ES-7/4, the last paragraph of which read exactly as paragraph 14 of resolution ES-7/2. The President declared the seventh emergency special session of the General Assembly adjourned in accordance with the terms of paragraph 17 of resolution ES-7/4.⁷¹

71. The seventh emergency special session was resumed three additional times during the period under review: on 25 June, 16 August and 24 September 1982.⁷² At the conclusion of each resumption, the General Assembly adopted a resolution which had the same wording in the final paragraph as paragraph 14 of resolution ES-7/2.⁷³ The seventh emergency special session, therefore, has not yet been officially closed.

3. ADJOURNMENT AND RESUMPTION OF SESSION:
QUESTION OF THE LEGALITY OF RESUMING THE
SEVENTH EMERGENCY SPECIAL SESSION

72. On 14 April 1982, the Secretary-General informed the permanent representatives of Member States of the resumption of the seventh emergency special session of the General Assembly, which had adjourned temporarily on 29 July 1980. On 19 April 1982, the Permanent Representative of the United States of America to the United Nations wrote to the President of the thirty-sixth session of the General Assembly (“the President of the latest regular session” as stipulated in resolution ES-7/2) to state her country’s “reservations with regard to the proposal to ‘resume’ the seventh emergency special session”. The letter continued as follows:

“On 29 July 1980 it adopted resolution ES-7/2, operative paragraph 14 of which recites the Assembly’s decision ‘to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States’. Accordingly, the President at that time, Foreign Minister Salim, stated on 29 July 1980 that the session ‘is temporarily adjourned’ (A/ES-7/PV.11, p. 96).

“... ”

“In the opinion of the United States, it is not possible some 21 months after adjournment to ‘resume’ the old session. We cannot understand how the word ‘temporary’ can be stretched to cover a gap of this duration.”

At the request of the Permanent Representative, the communication from the United States of America was issued, on 20 April, as a document of the General Assembly.⁷⁴

73. On 20 April 1982, the President of the General Assembly replied to the Permanent Representative of the United States. The letter read, *inter alia*, as follows:

“It is, to be sure, an unprecedented situation where a President is obliged to reconvene an emergency special session after the passage of a considerable period of time and, indeed, after several sessions of the General Assembly have intervened subsequent to the ‘temporary’ adjournment of the said emergency special session.

“However, it is my understanding that the intent of the sponsors of resolution ES-7/2 was precisely to permit such a resumption to take place even though other sessions intervened. The legislative history of the resolution makes this fact very clear ...

“Thus I consider the present session, which was suspended but never closed, is duly reconvened in accordance with the terms of resolution ES-7/2.”

The reply of the President was also issued, on 20 April, as a document of the General Assembly.⁷⁵

NOTES

¹ A/520/Rev.15 (United Nations publication, Sales No. E.85.I.13).

² G A (33), Plen., 92nd mtg., para. 1; see also *Repertory, Supplement No. 5*, vol. I, under Article 20, para. 22.

³ G A (33), Plen., 92nd mtg., paras. 9 and 10.

⁴ Ibid., 96th mtg.

⁵ Ibid., para. 90.

⁶ Ibid., 97th mtg., para. 5, to 108th mtg.

⁷ G A (34), Plen., 108th mtg., paras. 173-175.

⁸ Ibid., 110th mtg., para. 35.

⁹ Ibid., 113th mtg., paras. 19 and 20.

¹⁰ Ibid., 118th mtg., para. 41.

¹¹ Ibid., 120th mtg., paras. 6, 12 and 20.

¹² G A (35), Plen., 96th mtg., paras. 251-258.

¹³ Ibid., 99th mtg., para. 139; see also G A decision 35/450.

¹⁴ Ibid., 100th mtg., paras. 2 and 10; 101st mtg.

¹⁵ Ibid., 111th mtg., para. 155.

¹⁶ A/35/803.

¹⁷ G A (35), Plen., 113th mtg., para. 9.

¹⁸ G A decisions 35/453 and 35/454.

¹⁹ G A (35), Plen., 114th mtg., paras. 2 and 29.

²⁰ G A (36), Plen., 97th mtg., para. 9.

²¹ G A decision 36/461.

²² G A (36), Plen., 105th mtg., paras. 147 and 184.

²³ G A (ES-9), Plen., 12th mtg., paras. 314-317.

²⁴ G A (36), Plen., 106th-109th mtgs.

²⁵ A/ES-7/PV.16, pp. 57 and 58.

²⁶ G A (36), Plen., 110th mtg.

²⁷ Ibid., 111th mtg.

²⁸ G A (37), Plen., 115th mtg., paras. 40 and 62; see also G A decision 37/452.

²⁹ G A (37), Plen., 116th mtg.

³⁰ Ibid., 121st mtg., para. 160.

³¹ Ibid., 122nd mtg., para. 63.

³² G A (38), Plen., 104th mtg., para. 192; see also G A decision 38/456.

³³ G A decision 38/448 B.

³⁴ G A (38), Plen., 105th mtg., paras. 19, 22 and 23.

³⁵ Ibid., 106th mtg., paras. 12-17, 68-76.

³⁶ G A (39), Plen., 105th mtg., para. 132; see also G A decision 39/456.

³⁷ Ibid., 106th mtg.

³⁸ Ibid., 107th mtg., paras. 98 and 99.

³⁹ Ibid., 108th mtg., paras. 22-63.

⁴⁰ See para. 6.

⁴¹ A/33/250, para. 8.

⁴² G A (33), Plen., 108th mtg., para. 187.

⁴³ A/34/250, para. 7.

⁴⁴ G A (34), Plen., 120th mtg., para. 20.

⁴⁵ A/35/250, para. 6.

⁴⁶ G A (35), Plen., 114th mtg., para. 82.

⁴⁷ A/36/250, para. 6.

⁴⁸ G A (36), Plen., 111th mtg.

⁴⁹ A/37/250, para. 6.

⁵⁰ G A (37), Plen., 122nd mtg., para. 65.

⁵¹ A/38/250, para. 7.

⁵² G A (38), Plen., 106th mtg., para. 78.

⁵³ A/39/250, para. 9.

⁵⁴ G A (39), Plen., 108th mtg., para. 78.

⁵⁵ G A resolution S-10/2, para. 119.

⁵⁶ G A resolution 33/71 H, sect. III, para. 1.

⁵⁷ G A (S-11), Plen., 16th mtg., paras. 384-386.

⁵⁸ Ibid., 18th mtg.

⁵⁹ Ibid., 19th mtg., paras. 35-37.

⁶⁰ Ibid., 20th mtg.

⁶¹ Ibid., 21st mtg., para. 116.

⁶² G A (S-12), Plen., 27th mtg.

⁶³ Ibid., 28th mtg., para. 30; see also A/S-12/32.

⁶⁴ Ibid., Plen., 29th mtg., para. 282.

⁶⁵ S C resolution 462 (1980).

⁶⁶ S C resolution 500 (1982).

⁶⁷ A/ES-7/1, annex.

⁶⁸ A/ES-8/1, annex.

⁶⁹ G A (ES-6), Plen., 1st mtg., paras. 18-20.

⁷⁰ A/ES-7/PV.11, p. 96.

⁷¹ A/ES-7/PV.21, p. 27.

⁷² A/ES-7/PV.22, pp. 2-5; A/ES-7/PV.25, p. 2; A/ES-7/PV.32,

p. 2.

⁷³ G A resolutions ES-7/5, ES-7/6 and ES-7/9; see also A/ES-7/PV.24, p. 59; A/ES-7/PV.31, p. 57; A/ES-7/PV.32, p. 172.

⁷⁴ A/ES-7/16.

⁷⁵ A/ES-7/17.