

ARTICLE 21

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TEXT OF ARTICLE 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

INTRODUCTORY NOTE

1. At each of its regular sessions, the General Assembly has amended or considered questions bearing on the revision of its rules of procedure. Certain general questions have emerged during its discussions, such as those of the relationship of the rules to the functions and powers of the Assembly under the Charter and the methods by which amendments to the rules should be made. These are mentioned briefly in the first section of the Analytical Summary of Practice. Since questions concerning the conformity with the Charter of proposed amendments to the rules have arisen repeatedly in connexion with various categories of rules, the reader is referred to the second section of the Analytical Summary for a description of the context in which such questions have arisen.

2. The second section of the Analytical Summary of Practice concerns some of the significant features of the rules adopted by the Assembly. Following an initial review of the general characteristics of the rules, this section presents under broad subject-headings particular categories of questions, such as those relating to the agenda (in which are included questions concerning the General Committee since the main functions of that body relate to the agenda of sessions), to some of the differences between the rules governing proceedings in plenary meeting and in committee, and to the powers of presiding officers. The rules concerning sessions, admission of new Members, elections to principal and subsidiary organs are not considered in this study, since they relate to matters specifically provided for in other Articles of the Charter; as appropriate, they have been dealt with in the studies in this Repertory relative to the application of Articles 20, 4, 23, 61, 86 and 22.

3. The third section of the Analytical Summary of Practice relates to the election of the President of the General Assembly. In addition to the question of nominations for election to that office, this section also considers questions relating to the election of Vice-Presidents, to which no specific reference is made in the Charter.

I. GENERAL SURVEY

4. The rules of procedure of the General Assembly are divided into eighteen chapters, entitled "Sessions", "Agenda", "Delegations", "Credentials", "Presidents and Vice-Presidents", "General Committee", "Secretariat", "Languages", "Records", "Public and private meetings: plenary meetings; meetings of committees and sub-committees", "Minute of silent prayer or meditation", "Plenary meetings" (conduct of business, voting), "Committees" (creation, officers, conduct of business, voting), "Admission of new Members to the United Nations", "Elections to principal organs", "Administrative and budgetary questions", "Subsidiary organs of the General Assembly" and "Interpretations and amendments".

5. The General Assembly has considered questions involving its rules at each of its first eight regular sessions. At both parts of its first session, 1/ it amended the provisional rules of procedure recommended by the Preparatory Commission. At its second session, 2/ it undertook a thorough revision of these rules, both in form and content;

<u>G A resolution</u>	<u>Subjects dealt with</u>
<u>1/</u> 17 (I) General Committee (present rules* 41 and 43); Elections in plenary meeting (present rule 94). 2 (I) Languages (present rules 51-59). 15 (I) Advisory Committee on Administrative and Budgetary Questions (present rule 156); Committee on Contributions (present rule 159). 73 (I) Committee on Contributions (present rule 160). 77 (I) Date of regular session of General Assembly (present rule 1). 87 (I) Terms of office of members elected to Councils (present rule 140). 88 (I) Election of members of the International Court of Justice (present rule 152).	
<u>2/</u> 116 (II) Admission of new Members (present rules 135, 136, 138 and 139). 173 (II) (a) <u>Adoption of new rules concerning:</u> Place of meeting of regular sessions (present rule 4); Substitute members on General Committee (present rule 39**); Conduct of business in plenary meetings (present rules 75, 78**, 79, 81, 82 and 83); Voting in plenary meetings (present rules 88, 90** and 93); Chairman and Absence of officers of committees (present rules 106, 107 and 108**); Conduct of business in committees (present rules 110**, 111, 112, 114**, 115**, 116, 117**, 118**, 119**, 120, 121, 122, 123 and 124); Voting in committees (present rules 125, 127, 128, 129**, 130**, 131**, 132, 133** and 134); Information on the cost of resolutions (present rule 155); Subsidiary organs (present rule 162); Interpretation of the rules (present rule 163); (b) <u>Amendment of rules concerning:</u> Regular and special sessions, agenda, credentials, President and Vice-Presidents, General Committee, Secretariat, languages, public and private meetings, plenary meetings, committees and elections to principal organs.	

* The numbers of the rules used throughout are those of the rules of procedure of the General Assembly appearing in the edition of July 1954 (United Nations Publication, Sales No.: 1954.1.17).

** The rules marked with two asterisks were further amended subsequent to the revision indicated in the present text.

it adopted the revised rules as its rules of procedure, deciding that they should no longer be considered as provisional. At the third, 3/ fourth, 4/ fifth, 5/ seventh, 6/ and eighth sessions, 7/ the Assembly amended its rules, the amendments adopted at the fourth session being extensive. At the sixth session, it considered proposals concerning its procedures for dealing with legal and drafting questions but decided 8/ to establish a special committee to study the question further and to report at the seventh session.

6. The most extensive discussions concerning the rules of procedure have taken place in the light of studies which the Assembly called for in order to enable it to function more efficiently, economize its time and reduce the length of its sessions. Thus, a Committee on Procedures and Organization of the General Assembly was established at the second part of the first session and reported 9/ at the second session; a Special Committee on Methods and Procedures of the General Assembly was established at the second part of the third session and reported 10/ at the fourth session, and a Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly was established at the seventh session and reported 11/ at the eighth. In addition to undertaking various studies from time to time on particular questions, the Secretary-General, upon the request of the Assembly, submitted to the Assembly at its second and seventh sessions reports 12/ concerning the general question of measures to limit the duration of sessions, and recommended certain amendments to the rules of procedure.

<u>G A resolution</u>	<u>Subjects dealt with</u>
<u>3/</u> 262 (III)	Amendments to provide for addition of Spanish to working languages of General Assembly (present rules 51-55).
<u>4/</u> 362 (IV) (a)	Adoption of new rules concerning: Duration of session (present rule 2**); Agenda items (present rules 20, 22 and 23); General powers of the President (present rule 36); General Committee (present rules 41 and 42); Minute of silent prayer or meditation (present rule 64); Committees (present rules 100** and 109);
	(b) Amendment of rules concerning: Additional items for agenda, the President, the General Committee, plenary meetings and committees;
	(c) Adoption of annex containing recommendations and suggestions of the Special Committee on Methods and Procedures.
<u>5/</u> 377 A (V)	Adoption of annex concerning special sessions: amendments to rules 8, 9, 10, 16 and 19, and addition of new rule 65.
	475 (V) Adoption of new rule concerning: voting on amendments to proposals and on parts of proposals relating to important questions (present rule 86).
<u>6/</u> 684 (VII)	Adoption of methods and procedures for dealing with legal and drafting questions (annex II to the rules of procedure).
	689 B (VII) Amendment of rule concerning closing date of session (rule 2).
<u>7/</u> 791 (VIII) (a)	Amendment of rules concerning the composition of the General Committee (rules 38 and 39);
	(b) Amendment of rule concerning priorities in the consideration of items in the Main Committees (present rule 100).
<u>8/</u>	G A resolution 597 (VI).
<u>9/</u>	G A (II), Plen., vol. II, pp. 1455-1483, annex 4 (A/388).
<u>10/</u>	G A (IV), Suppl. No. 12 (A/937).
<u>11/</u>	G A (VIII), Annexes, a.i. 54, pp. 2-7, A/2402.
<u>12/</u>	A/316; G A (VII), Annexes, a.i. 50, pp. 2-7, A/2206.

7. The following rules reproduce textually certain Articles of the Charter:

- Rule 49. Notification under Article 12 of the Charter (Article 12 (2));
- Rule 84, 85 and 87. Voting in plenary meetings (Article 18);
- Rule 145. Eligibility of retiring members of the Security Council for re-election (Article 23 (2));
- Rule 147. Eligibility of retiring members of the Economic and Social Council for re-election (Article 61 (2));
- Rule 162 (first sentence). Creation of subsidiary organs of the Assembly (Article 22).

8. In addition, a number of rules are based directly on a provision of the Charter:

- Rule 1. Date of meetings (Article 20);
- Rule 7. Summoning of special sessions (Article 20);
- Rule 25. Composition of delegations (Article 9 (2));
- Rule 31 (first sentence). Election of President (Article 21, second sentence);
- Rule 45 (first part of first sentence). Duties of the Secretary-General (Article 98);
- Rule 50. Regulations concerning the Secretariat (Article 101 (1));
- Rule 143. Annual elections of members of the Security Council (Article 23 (2));
- Rule 144. Qualifications for membership in the Security Council (Article 23 (1));
- Rule 146. Annual elections of members of the Economic and Social Council (Article 61 (2)).
- Rule 149. Term of office and re-eligibility of non-administering members of the Trusteeship Council (Article 86 (1) (c)).

II. ANALYTICAL SUMMARY OF PRACTICE

A. Adoption and amendment of the rules of procedure

1. Question of the relationship of the rules to the functions and powers of the Assembly under the Charter

9. The discussions in the General Assembly with regard to the adoption and amendment of the rules have concerned two main ideas: the improvement of its methods of work, on the one hand, and, on the other, the preservation intact of its functions and powers under the Charter, including the rights of the individual Members of the Organization. Some Members have stressed the first consideration, others the second, although all have agreed that the Assembly must give due attention to both. Thus, there have been discussions as to whether particular amendments to the rules, aimed at curtailing the length of debates, did not, in fact conflict with the right of full expression of views, based, it has been maintained, on the sovereign equality of Members as recognized in the Charter (Article 2 (1)). Further, it has been pointed out that since discussion is one of the principal functions of the Assembly (under Articles 10 and 11), the question arises as to how far the Assembly, in seeking to limit discussions, would, in fact, be limiting its own powers and diminishing its role as a forum for the widest possible examination of international problems. On the other hand, it has been maintained that the role of the Assembly and the rights and interests of its Members would be best protected by orderly procedures and by arrangements under which sessions could be sufficiently short to allow leading statesmen of Member countries to attend them.

10. Throughout the discussions, Members have been concerned that the Assembly should adopt rules of procedure in accordance with its constituent instrument -- the Charter.

11. The general constitutional question arising throughout these discussions would therefore appear to have been the relationship of the rules to the functions and powers of the Assembly under the Charter. The question has arisen most frequently in connexion with proposals to limit debate, to grant more specific powers to presiding officers, particularly in connexion with such limitation, and to adopt limitations on the inclusion of items in the agenda. The problem has also arisen in connexion with the Assembly's powers in relation to other organs. Some of the occasions on which the question has arisen are treated below.

a. DISCUSSION OF MAIN COMMITTEE REPORTS

12. At the second and fourth sessions, ^{13/} some differences of view were expressed regarding restrictions of discussion on the reports of the Main Committees in plenary meeting (see also paragraphs 51-54 below). At the fourth session, objection was made to a proposed revision of the rules providing that questions on which a Main Committee has reported should not be discussed in plenary meeting unless, after a vote taken without debate, one third of the Members voted in favour of it. This, it was said, would limit the powers of the Assembly in violation of the Charter and would prejudice the rights of Members to free expression of opinions. Those representatives supporting the proposed revision agreed on the necessity for preserving the powers of the Assembly and the rights of Members under the Charter, but disagreed with the contention that these were endangered by the proposed change. (For text of the rule as adopted, see paragraph 54 below.)

b. POWERS OF PRESIDING OFFICERS

13. At the fourth, seventh and eighth sessions, ^{14/} the need for preserving the powers of the General Assembly and its right to freedom of discussion was emphasized, in particular in relation to proposals for granting more explicit powers for limiting debate to presiding officers (see paragraphs 58-77 below). On the one hand, it was emphasized that the Organization was based on the sovereign equality of its Member States, which implied the "inalienable right" of their representatives to free expression of views. The Assembly was not entitled to curtail this right by any rule of procedure. Furthermore, discussion was a chief function of the General Assembly, under Article 10 of the Charter, and the Assembly would be acting contrary to that Article in adopting provisions for limiting discussions. Concerning the powers of the President, it was stated that, while he should have all the authority necessary to bring the work of the Assembly to a successful issue, he should not be assigned rights which belonged exclusively to Members. It was maintained that, in granting him powers to limit debates, the Assembly would cease to be master of its own proceedings. On the other hand, the view was expressed that the proposed restrictions on debate were purely of a procedural character and aimed only at expediting proceedings and that there was no intention of limiting freedom of speech in the Assembly; it was always understood that the presiding officer remained under the control of the body over which he presided.

^{13/} For texts of relevant statements, see G A (II), 6th Com., 57th mtg., pp. 145 and 146; G A (IV), 6th Com., 146th-150th mtgs., pp. 23-43; G A (IV), Plen., 236th mtg., pp. 157-165.

^{14/} For texts of relevant statements, see G A (IV), Plen., 235th and 236th mtgs., pp. 152-165; G A (IV), 6th Com., 144th-146th mtgs., pp. 12-20; G A (VII), 6th Com., 347th-353rd mtgs., pp. 235-272; G A (VIII), 6th Com., 360th-366th mtgs., pp. 5-34.

In order to make this clear a provision was adopted at the fourth session specifically stating this principle in the rules. 15/

c. THE AGENDA

14. With regard to the rules pertaining to the agenda (see paragraphs 28-46 below), opposition was expressed at the fourth session 16/ to a draft resolution 17/ which would state in the rules certain criteria governing the examination by an agenda committee (which it was proposed should be established) or by the General Committee of proposed agenda items. On the basis of these criteria, recommendations would have been made to include or exclude agenda items or, in certain cases, to refer them to other organs (see paragraph 17 below). It was maintained that this would limit both the rights of Members to propose and discuss agenda items and the right and duty of the Assembly to discuss the questions brought before it. Similar objections were expressed 18/ to the amendment submitted by the Special Committee, that a two-thirds majority should be required for the inclusion of additional items in the agenda. In favour of that amendment, it was urged that the two-thirds majority adequately safeguarded the position of the Assembly and the rights of Members and would have the practical advantage of discouraging the submission of items at the last moment. The proposed amendment was rejected, and it was decided to provide for a simple majority (see also paragraphs 43 and 44 below). At the first session 19/ fears had also been expressed that the General Committee might infringe the powers of the Assembly. To guard against this, an express provision stating that the General Committee might not decide any political question was written into the rules of procedure. At the fourth session, when the functions of the General Committee were further elaborated in the rules, provisions were inserted to limit the scope of its power to discuss the substance of any item 20/ (see paragraph 41 below).

d. THE POWERS OF THE ASSEMBLY IN RELATION TO OTHER ORGANS

15. The question of the bearing on the powers of the Assembly to adopt rules of procedure, of the functions and powers of the Security Council, has also been raised. Thus, the Committee on procedure for the admission of new Members, according to its report, 21/ had borne in mind that it was beyond its competence to make recommendations which did not conform to the spirit and letter of the Charter. A majority of the Committee further agreed that it could not suggest any procedural rules which would have the effect of defining or limiting the powers and jurisdiction of the Security Council in relation to the admission of new Members. However, during the discussions of the Committee's report in the First Committee, 22/ the view was expressed that the rights conferred on the Assembly by Article 10 could not be restricted in any way by rules of procedure. The rules proposed by the Committee on procedure were adopted.

15/ Present rules 36 and 109.

16/ For texts of relevant statements, see G A (IV), 6th Com., 153rd mtg., pp. 66-68.

17/ G A (IV), 6th Com., Annex, pp. 5 and 6, A/C.6/L.8.

18/ For texts of relevant statements, see G A (IV), 6th Com., 143rd and 144th mtgs., pp. 7-12; 145th mtg., p. 14.

19/ G A (I/1), Plen., 2nd mtg., pp. 50-57.

20/ See rule 40.

21/ G A (II), 1st Com., annex 7 (A/384), p. 547.

22/ G A (II), 1st Com., 116th mtg., p. 526.

16. At the second part of the third session, 23/ during the discussion on a report of the Interim Committee, it was objected that suggested revisions to the rules of procedure to provide for the appointment of a rapporteur or conciliator by the President of the General Assembly were contrary to the Charter as conflicting with the Charter provisions concerning the functions of the Security Council. The revisions were referred back to the Interim Committee for further study.

17. At the fourth session, the Special Committee on Methods and Procedures drew attention in its report 24/ to the power of the Assembly to decide to refer certain items to other organs of the United Nations, without preliminary debate. In particular, it was suggested that questions of an exclusively economic, social or cultural nature should not, as a rule, be submitted to the Assembly until they had first been considered by the Economic and Social Council. A draft resolution 25/ was submitted to write this suggestion into the rules of procedure. The view was expressed in the Sixth Committee 26/ that this draft resolution was unconstitutional; it would limit the powers of the General Assembly, which had the duty to discuss the items placed before it and also, under Article 13, to initiate studies on economic, social, cultural and educational matters. The relevant parts of the proposal were withdrawn and the Committee decided not to approve the relevant paragraph of the report of the Special Committee (see paragraph 45 below). Opposition was also expressed 27/ to the recommendation that international conventions negotiated by international conferences at which all Members of the United Nations had been represented by government representatives should not be examined in detail by the General Assembly. It was stated that this recommendation was contrary to Article 60 of the Charter, under which the General Assembly was asserted to have final responsibility for international conventions. While primary responsibility for drafting conventions relating to international economic and social co-operation rested with the Economic and Social Council, the power of the General Assembly to revise the work of the Council should not be limited. On the other hand, it was stated 28/ that it was impracticable for the General Assembly to draft conventions, and that its final authority to discuss them and to give its general views on them was expressly provided for. The paragraph of the Special Committee's report relating to the limitation of examination of international conventions by the Assembly was approved. With regard to the suggestion by the Special Committee 29/ that the Assembly might consider calling conferences of plenipotentiaries to draft conventions, the view was expressed 30/ that this would be a violation of the Charter which provided that such conferences were to be convened by the Economic and Social Council. The relevant paragraph of the Committee's report was however, approved.

18. At the seventh and eighth sessions, 31/ the need for preserving the powers of the Assembly to review the work of the Economic and Social Council and of the Trusteeship Council was also stressed in discussions concerning procedures for considering the reports of these organs.

23/ G A (III/2), Ad Hoc Pol. Com., 29th mtg., pp. 3-5.

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

25/ G A (IV), 6th Com., Annex, pp. 5 and 6, A/C.6/L.8.

26/ G A (IV), 6th Com., 153rd mtg., pp. 66-68.

27/ G A (IV), 6th Com., 155th mtg., pp. 75-78.

28/ Ibid.

29/ G A (IV), Suppl. No. 12 (A/937), para. 14.

30/ G A (IV), 6th Com., 155th mtg., p. 73.

31/ See also in this Repertory under Article 15.

e. RELATION OF THE RULES TO SPECIFIC CHARTER PROVISIONS

19. The question whether the rules must be related to specific Charter provisions has also been raised. For example, at the second part of the third session, 32 in the discussions concerning the Interim Committee's suggested amendments to the rules to provide for the appointment by the President of a conciliator or arbitrator (see paragraph 16 above), it was objected that neither Article 21 nor Article 14, nor any other provision of the Charter, indicated that the President should at any time act as rapporteur or conciliator in the settlement of international disputes and that the proposed amendments to the rules thus had no foundation in the Charter. On the other hand, the view was expressed that while, for the time being, no useful purpose would be served by proposing amendments to the rules, the Charter could be interpreted in such a way as to enable the United Nations effectively to perform its essential task -- the maintenance of peace.

2. Method and procedures employed in adopting and amending the rules

20. As stated in the General Survey, the rules of procedure of the General Assembly have frequently been amended as a result of general studies of the Assembly's procedures. In some cases, amendments to the rules have been made to give effect to previous decisions of substance. Such amendments have been adopted either as part of the initial decision of substance, as in the case of the provision for special emergency sessions under the General Assembly resolution entitled "Uniting for peace" adopted at the fifth session, or as a result of a prior decision of principle by the Assembly, as, for example, its decision at the first part of the third session to adopt Spanish as one of its working languages. On other occasions, the general principles have first been discussed in plenary meeting, as, for example, the question of nominations of officers discussed at the first part of the first session and the memorandum of the Secretary-General on measures to limit the duration of regular sessions of the General Assembly discussed at the seventh session; after such general discussion, detailed consideration of any relevant amendments to the rules of procedure has been entrusted to the Sixth Committee.

21. Although questions concerning revisions to the rules of procedure have, on occasion, been submitted to other committees, the practice of referring such questions to the Sixth Committee has become general and has received specific approval by the Assembly. At the sixth and seventh sessions, 33/ the General Assembly considered the question of its methods and procedures for dealing with legal and drafting questions and adopted the recommendation, contained in resolution 684 (VII), that, "whenever any Committee contemplates making a recommendation for the adoption by the General Assembly of any amendment to the rules of procedure of the General Assembly, the matter shall, at some appropriate stage of its consideration by that Committee, be referred to the Sixth Committee for advice on the drafting of such amendment and of any consequential amendment". This principle had received considerable support at the sixth session, and had been embodied in the recommendations of the Special Committee 34/ established at that session. No amendments to this recommendation were submitted at the seventh session.

32/ G A (III/2), Ad Hoc Pol. Com., 29th mtg., pp. 3-5; Plen., 197th mtg., pp. 165-167.

33/ G A (VI), 6th Com., 296th-263rd mtgs., pp. 26-67, and 266th mtg., p. 79;

G A (VII), 6th Com., 306th-312th mtgs., pp. 5-51; Plen., 391st mtg., pp. 183-185.

34/ G A (VII), Annexes, a.i. 53, pp. 2-6, A/2174, para. 40 (c).

22. The question of the majority required for adoption of the rules arose on one occasion. At the first part of the first session, 35/ when the Assembly was considering an amendment to the rule concerning nominations of officers, the Chairman suggested that, in view of the importance of the question, the Assembly might wish to take its decision by a two-thirds majority. Certain representatives stressed that questions relating to procedure, however important, should be decided by a majority of those present and voting, and the amended rule was adopted by the Assembly by 25 votes to 18, with 8 delegations absent.

B. Some significant features of the rules

1. General characteristics of the rules

23. The question of how explicit the rules of procedure of the Assembly should be has been raised on various occasions. For example, at the fourth session, 36/ the Sixth Committee considered the recommendation of the Special Committee on Procedures and Organization for a new rule providing that all items proposed for inclusion in the agenda "shall be accompanied by a memorandum and, if appropriate, by basic documents or by a draft resolution". The deletion of the last part of the proposed rule was suggested on the ground that it was unnecessary because it was optional and that it might give rise to misunderstanding. It was maintained that the rules of procedure should contain only precise provisions of a mandatory nature. On the other hand, it was held that the provision was useful and that it should not give rise to misunderstandings since the Special Committee's intentions were clearly stated in its report. The proposed rule was amended to specify that the memorandum should be "explanatory" and that the other documentation should be submitted "if possible" rather than "if appropriate".

24. Similarly, during the discussions at that session 37/ concerning the powers of the President and of Chairmen of committees to limit debate, the question was raised whether it was sufficient to include a specific provision in one rule, or whether a provision was required in each of the relevant rules stating specifically that the President (or Chairman) was subject to the authority of the General Assembly which could reverse his ruling if it so desired. Some representatives felt that this was implicit in the rules, that a provision in one rule for appeal against the ruling of the President could be taken as applying to another rule, that it was clear from the report of the Special Committee that it was intended that the President should always be subject to the authority of the Assembly and that, if there was any doubt, mention of the possibility of appeal could be made in the records of the meeting. On the other hand, it was maintained that the rules must be self-explanatory and that neither another rule nor the record of a meeting could be relied upon to interpret the rules. It was later 38/ decided to add an explicit provision stating that the President and the Chairmen of committees remained under the authority of the bodies over which they presided.

Annexes to the rules

25. Certain general guiding principles have, from time to time, been inserted as annexes to the rules of procedure. At the fourth session, the Sixth Committee reviewed

35/ G A (I/1), Plen., 18th mtg., pp. 292-295.

36/ G A (IV), 6th Com., 143rd mtg., pp. 4-6.

37/ G A (IV), 6th Com., 144th-146th mtgs., pp. 12-21.

38/ G A (IV), 6th Com., 151st mtg., pp. 50-53.

various recommendations and suggestions that had been made by the Special Committee but had not been embodied in suggested revisions to the rules of procedure. The Sixth Committee approved certain paragraphs and took note of others. 39/ After considering a proposal 40/ that the suggestions be annexed to the rules of procedure, it decided to recommend 41/ that the Secretary-General be requested to prepare a document embodying the approved recommendations and suggestions in convenient form for use by the General Committee and delegations. These are reproduced as annex I of the rules of procedure.

26. Again, in connexion with the discussion of the methods and procedures of the Assembly for dealing with legal and drafting questions, principles which the Assembly did not choose to incorporate in its rules of procedure were later included in an annex. A draft resolution 42/ submitted at the sixth session provided for the consideration by a legal committee of amendments to the rules of procedure to give effect to certain proposals, among others, that legal questions (including proposals to request an advisory opinion of the International Court of Justice, proposals to refer a matter to the International Law Commission and proposals entailing an amendment of the rules of procedure) should be referred to the Sixth Committee or to a legal sub-committee. However, during both the sixth and seventh sessions, doubts were expressed concerning the advisability of making the suggested provisions mandatory. At the sixth session, a draft resolution 43/ was submitted which would incorporate certain of the suggestions which had secured general approval as a guide for the General Assembly and its committees as an annex to the rules of procedure under the title of "Suggestions of the Legal Committee on the Assembly's methods and procedures for dealing with legal and drafting questions". The draft resolution was not voted on, as it was decided, under resolution 597 (VI), to appoint a committee to study the question further. At its seventh session, however, the General Assembly decided, under resolution 684 (VII), to incorporate these recommendations in an amended form, as well as certain paragraphs of the report of the Special Committee, in an annex to the rules of procedure of the Assembly. 44/

27. A draft resolution 45/ which would provide for the incorporation in an annex of certain paragraphs contained in the report of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly was, however, not adopted at the eighth session. Criticisms of the Committee's recommendations had been expressed on the grounds that they would either restrict the freedom of the Assembly and of Members or that, by being either obvious or permissive, they would serve no useful purpose. The view was also expressed that it would be useless to incorporate the Committee's recommendations in an annex to the rules of procedure, where they would have no legal validity. 46/

39/ G A (IV), 6th Com., 155th and 156th mtgs., pp. 74-84.

40/ G A (IV), 6th Com., Annex, pp. 5 and 6, A/C.6/L.8.

41/ G A (IV), Plen., Annex, pp. 181-190, A/1026 and Corr.1, para.63; the recommendation was adopted in resolution 362 (IV).

42/ G A (VI), Annexes, a.i. 63, pp. 2 and 3, A/C.6/L.175.

43/ G A (VI), Annexes, a.i. 63, pp. 6 and 7, A/C.6/L.184.

44/ These now form annex II to the rules.

45/ G A (VIII), Annexes, a.i. 54, pp. 7-9, A/C.6/L.292/Rev.1.

46/ G A (VIII), 6th Com., 360th-366th mtgs., pp. 5-36.

2. The Agenda

28. The rules provide for the following procedure for drawing up the agenda:

(1) The provisional agenda for a regular session is drawn up by the Secretary-General and communicated to Members at least sixty days before the opening of the session; 47/
 (2) It includes certain particular types of items, including items proposed by principal organs, by Members and by the Secretary-General; 48/ (3) The inclusion of supplementary items may be requested up to thirty days before the opening of a session and such items are placed on a supplementary list; 49/ (4) Additional items "of an important and urgent character" proposed for inclusion less than thirty days before the opening of, or during, a session may be placed on the agenda, if a majority of the Members present and voting so decides. 50/ No additional item may, however, be considered until seven days have elapsed since it was placed on the agenda, unless the Assembly by a two-thirds majority decides otherwise, and until a committee has reported upon the question concerned.

29. Separate rules 51/ govern the provisional agenda, supplementary items and additional items for special sessions.

30. The rules also provide that the provisional agenda and the supplementary list, together with the report of the General Committee, shall be submitted to the General Assembly for approval as soon as possible after the opening of the session; 52/ that items may be amended or deleted by the Assembly by a majority of the Members present and voting; 53/ and that debate on the inclusion of an item, when that item has been recommended for inclusion by the General Committee, shall be limited to three speakers in favour of and three against the inclusion, 54/ with the further provision that the President may limit the time to be allowed to speakers under this rule.

31. Closely linked with the rules concerning the agenda are those concerning the General Committee. These provide for its composition. 55/ (the President of the General Assembly, the seven Vice-Presidents, the Chairmen of the six Main Committees and the Chairman of the Ad Hoc Political Committee when one is established) and lay down its functions. Rules 40 and 41 state:

"The General Committee shall, at the beginning of each session, consider the provisional agenda, together with the supplementary list, and shall make recommendations to the General Assembly with regard to each item proposed, concerning its inclusion in the agenda, the rejection of the request for inclusion, or the inclusion of the item in the provisional agenda of a future session. It shall, in the same manner, examine requests for the inclusion of additional items in the agenda, and shall make recommendations thereon to the General Assembly. In considering matters relating to the agenda of the General Assembly, the General Committee shall not discuss the substance of any item, except in so far as

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- 47/ Rule 12.
 - 48/ Rule 13.
 - 49/ Rule 14.
 - 50/ Rule 15.
 - 51/ Rules 16-19.
 - 52/ Rule 21.
 - 53/ Rule 22.
 - 54/ Rule 23.
 - 55/ Rule 38.

this bears upon the question whether the General Committee should recommend the inclusion of the item in the agenda, the rejection of the request for inclusion, or the inclusion of the item in the provisional agenda of a future session, and what priority should be accorded to an item the inclusion of which has been recommended.

"The General Committee shall make recommendations to the General Assembly concerning the closing date of the session. It shall assist the President and the General Assembly in drawing up the agenda for each plenary meeting, in determining the priority of its items, and in the co-ordination of the proceedings of all committees of the General Assembly. It shall assist the President in the general conduct of the work of the General Assembly which falls within the competence of the President. It shall not, however, decide any political question."

32. In addition, the rules provide that the General Committee shall meet periodically throughout each session to review and make recommendations concerning progress. It may also meet at such other times as the President deems necessary or upon the request of any of its Members. 56/ A Member, which has requested the inclusion of an item but is not represented on the General Committee, is entitled to attend any meeting of the Committee at which its request is discussed, and may participate, without vote, in the discussion of that item. 57/ The rules also provide that the General Committee may revise the resolutions adopted by the Assembly, changing their form but not their substance; any such changes are to be reported to the General Assembly for its consideration. 58/

33. At its fourth session, the General Assembly considered the question of the establishment of a special agenda committee. The Special Committee on Methods and Procedures referred in its report 59/ to proposals for such a committee to meet before the opening of regular sessions to make recommendations to the plenary meeting concerning the agenda. It was also suggested that the committee might consider questions relating to the organization of the session, the allocation of items to committees and the priority to be given to the consideration of certain items. In view, however, of the doubts of some of its members concerning the usefulness of the proposed agenda committee, the degree of authority it would possess and the nature of its relationship to the General Committee, the Special Committee decided to bring the question to the attention of the Assembly and to ask the Secretary-General to prepare a study on the proposals previously submitted, to report on the technical, legal and financial aspects of the question and to submit to the Assembly his views on the composition and functions of an agenda committee.

34. The Secretary-General in his memorandum, 60/ after reviewing the previous history of the question, stated the opinion that there were no legal obstacles to the establishment of a special agenda committee to meet between sessions and to be empowered to make recommendations on the agenda of a subsequent session. He thought, however, that it was doubtful whether the various problems relating to the agenda, which were outlined in the memorandum, could be more satisfactorily dealt with by a new committee than by the General Committee. In the Sixth Committee, a large measure

56/ Rule 42.

57/ Rule 43.

58/ Rule 44.

59/ G A (IV), Suppl. No. 12 (A/937), para. 15.

60/ G A (IV), 6th Com., Annex, pp. 1-4, A/997.

of agreement with this view was expressed, and the Committee approved 61/ the Secretary-General's conclusions regarding the establishment of an agenda committee by 24 votes to 4, with 17 abstentions. Parts of a proposal 62/ to insert specific provisions for an agenda committee in the rules were withdrawn.

35. This proposal, however, also provided that, if it were decided not to establish an agenda committee, certain "principles and considerations", which it was recommended should be taken into account by that committee, should be considered by the General Committee in deciding whether to recommend the inclusion, non-inclusion or postponement of a given item, and its allocation to a Main Committee. A provision to that effect, it was proposed, should be written into the rules. The "principles and considerations" included the relative importance and urgency of the item concerned, the length of time which its consideration was likely to occupy, and the fact that, as a general rule, questions of an exclusively economic, social and cultural nature should not be submitted to the Assembly until they had first been submitted to the Economic and Social Council. A number of representatives 63/ opposed this part of the proposal on the ground that it would involve the General Committee in discussions of substance and would detract from the rights of the Assembly, and it was withdrawn (see also paragraphs 17 and 45). Certain of the principles (that is to say, the drafting of conventions by other bodies, the desirability of allocating items to the committee with the lightest agenda, the direct consideration of items in plenary meetings), formulated as recommendations in the report of the Special Committee, were approved by the General Assembly 64/ but, with the exception of a statement that the General Committee should recommend which items should be considered in plenary meeting, these principles, as adopted, did not refer to the functions of the General Committee.

36. During the discussions in the Sixth Committee, however, the view was expressed 65/ that the question of the preparation of the agenda was one of fundamental importance and that it would be well to instruct a particular body, such as the Interim Committee, for example, to undertake a detailed examination of the agenda before the opening of each session and to make recommendations on it to the Assembly.

37. As regards the rules of procedure concerning the agenda, the principal questions, as indicated above (paragraph 14) would appear to have arisen out of the desire of the Assembly to protect the rights of its Members and to preserve its own functions and powers. They chiefly concern: (1) the delegating questions of substance regarding the items on the provisional agenda to a body with limited membership; and (2) limitations on the agenda.

38. The first question was raised at the first part of the first session of the Assembly, 66/ when the view was expressed that the powers of the General Committee might be so interpreted as to infringe those of the Assembly, and that the principle stated by the Preparatory Commission's Sub-Committee on the General Committee 67/ that the General Committee could not take decisions on "important political questions" might be susceptible to varying interpretations by the Committee and by the Assembly. Moreover, in order to decide what constituted an important political question, the

61/ G A (IV), 6th Com., 156th mtg., p. 84.

62/ G A (IV), 6th Com., Annex, pp. 5 and 6, A/C.6/L.8.

63/ G A (IV), 6th Com., 153rd mtg., pp. 66-68

64/ G A resolution 362, (IV), annex II.

65/ G A (IV), 6th Com., 156th mtg., p. 83.

66/ G A (I/1), Plen., 2nd mtg., pp. 50-57.

67/ Report of the Preparatory Commission of the United Nations, PC/20, 23 Dec. 1945, appendix II, p. 124.

General Committee would have to engage in a discussion of the substance of the items. An amendment 68/ was submitted to provide that the General Committee should consist of the heads of all the delegations, and that it should have an executive committee functioning under its authority. During the discussions on this amendment in the Sixth Committee and in the Sub-Committee appointed by it, it was generally agreed 69/ that the functions of the General Committee were purely administrative. The relevant rule 70/ was amended to provide that the General Committee should not decide any political question and a new rule was added to provide that any Member which had requested the inclusion of an item in the agenda but was not represented on the General Committee should participate, without vote, in the discussion of the item. 71/

39. More explicit provisions concerning the functions of the General Committee were adopted at the fourth session on the recommendation of the Special Committee on Methods and Procedures, and the General Committee's right to recommend to the Assembly not to include a question in the agenda or to include it in the provisional agenda of a future session was specifically stated. 72/ A limitation was, however, added to state that the General Committee was not to discuss the substance of any item

"except in so far as this bears upon the question whether the General Committee should recommend the inclusion of the item in the agenda, the rejection of the request for inclusion, or the inclusion of the item in the provisional agenda of a future session, and what priority should be accorded to an item the inclusion of which has been recommended".

The revised rule was approved unanimously, without discussion. 73/

40. At the sixth session, there was some discussion as to whether the General Committee had the power to recommend an indefinite postponement of the consideration of an item. The Committee had recommended 74/ that the item on the supplementary list relating to the Moroccan question "be postponed for the time being". It had also recommended that the request for the inclusion of the additional item relating to the representation of China be rejected and that the Assembly decide "to postpone consideration for the duration of the meeting in Paris of the sixth regular session", of any further proposals on this question.

41. During the discussions of the General Committee's recommendations in the Assembly, 75/ certain representatives expressed the view that, under rule 40, the General Committee was obliged to recommend one of the three courses of action provided in the rule and did not have the power to recommend indefinite postponement; in doing so it infringed the rights of the Assembly. One representative 76/ interpreted the recommendation on the Moroccan question as meaning that the item should be considered later in the session. Another representative 77/ expressed the view that, since the

68/ G A (I/1), Plen., 2nd mtg., pp. 55 and 56.

69/ G A (I/1), pp. 559-563, annex 1 A (A/14), paras. 7, 8 and 9.

70/ Present rule 41, see para. 31 above.

71/ Present rule 43.

72/ Present rule 40, see para. 31 above.

73/ G A (IV), 6th Com., 146th mtg., p. 21.

74/ G A (VI), Annexes, a.i. 7, pp. 14 and 16, A/1950, para. 5.

75/ G A (VI), Plen., 342nd, 353rd and 354th mtgs., pp. 96-98, 236-269, on the Moroccan question; G A (VI), Plen., 342nd mtg., pp. 99-104, on the question of the representation of China.

76/ G A (VI), Plen., 342nd mtg., pp. 96 and 97.

77/ G A (VI), Plen., 354th mtg., pp. 249-251.

General Committee had the power to recommend the rejection of a request for the inclusion of an item, it followed that it also had the power to recommend that a decision on the inclusion of an item be postponed, even if this was not expressly provided for in the rules.

42. The General Assembly adopted the General Committee's recommendation for postponement by 28 votes to 23, with 7 abstentions, in the case of the Moroccan question and by 37 votes to 11, with 4 abstentions, in the case of the question of the representation of China.

43. The question of limitations to be placed on the inclusion of items on the agenda is also illustrated by the discussions of the Assembly at the fourth session concerning the majority required for the inclusion of additional items in the agenda. The Special Committee on Methods and Procedures recommended 78/ an amendment to the rules to provide that a two-thirds majority should be required for the inclusion of additional items in the agenda, whether proposed during a regular session or during the thirty-days before the opening of a regular session. The Special Committee considered that the inclusion of such items should be exceptional, because it might result in burdening the agenda because it did not allow adequate time for consideration by delegations.

44. In the Sixth Committee, 79/ objections were raised; it was stated that it was an infringement of the rights of Members and contrary to Article 18 of the Charter, and that the two-thirds majority requirements should not be unduly extended. On the other hand, the view was expressed that the two-thirds majority would be a suitable criterion for judging whether a new item was important or urgent, that the inclusion of a new item submitted less than thirty days before the opening of a session might be held to constitute an important question within the meaning of Article 18 (3) which gave the Assembly the right to determine whether that category of questions should be decided by a two-thirds majority, and that, in any event, the rules of procedure already provided for the application of the two-thirds requirement to certain questions of procedure. The Sixth Committee rejected the proposed amendment to the rules, adopting instead a revised version of the rule providing for a simple majority. However, it also adopted a new rule providing that items on the agenda might be amended or deleted by a simple majority; a further rule adopted provided for limitation of debate on the inclusion of items in the agenda. 80/

45. Discussions concerning the question of limitations on the agenda also arose in connexion with the Special Committee's statement drawing the attention of the Assembly to its power to decide to refer certain items without discussion to other organs of the United Nations. In particular, the Special Committee emphasized that questions of an exclusively economic, social or cultural nature should not, as a rule, be submitted to the Assembly until they had been considered by the Economic and Social Council. Several representatives objected to this statement as constituting a restriction of the functions of the Assembly under the Charter, and the Sixth Committee decided 81/ by 23 votes to 12, with 7 abstentions, not to approve this paragraph (see also paragraphs 17 and 35 above).

78/ G A (IV), Suppl. No. 12 (A/937), para. 11.

79/ G A (IV), 6th Com., 143rd and 144th mtgs., pp. 7-12; 145th mtg., p. 14.

80/ Present rules 22 and 23.

81/ G A (IV), 6th Com., 155th mtg., p. 75.

46. At the seventh and eighth sessions, 82/ objections on similar grounds were also expressed to the suggestions for pruning the agenda, contained in the memorandum of the Secretary-General 83/ and in the report of the Special Committee on Measures to Limit the Duration of Regular Sessions; 84/ these suggestions covered assigning of priorities, and establishment of provisions that recurring items should not be considered at each session and that reports by subsidiary organs should not automatically be placed on the agenda of the Assembly. Other representatives, however, stressed the practical need for curtailing the agenda so as to make shorter sessions possible.

3. Organization of sessions

47. The organization of sessions may be summarized briefly as follows. On the basis of a report by the General Committee, the General Assembly adopts its agenda and allocates the different agenda items to committees, on which all Members have the right to be represented, for consideration and report to the plenary meeting. The rules 85/ provide for six Main Committees: (1) the Political and Security Committee (including the regulation of armaments); (2) the Economic and Financial Committee; (3) the Social, Humanitarian and Cultural Committee; (4) the Trusteeship Committee (including Non-Self-Governing Territories); (5) the Administrative and Budgetary Committee; and (6) the Legal Committee. The rules 86/ also provide that the Assembly may set up such committees as it deems necessary for the performance of its functions; under this provision the Assembly, at the first and second sessions, established various other committees on which all Members had the right to be represented, and at the third and all subsequent regular sessions it established an Ad Hoc Political Committee.

48. The committee structure is that originally proposed by the Preparatory Commission. The Chairmen of the Main Committees have always been represented on the General Committee. At the fourth session, 87/ the Assembly made provision for the participation in the discussions of the General Committee, without vote, of Chairman of other committees upon which all Members had the right to be represented and which were established by the General Assembly to meet during the session. At its eighth session, 88/ recognizing the special position which the Ad Hoc Political Committee had achieved, the Assembly adopted an amendment to the rules to grant the Chairman of that Committee, when one was established, membership with the right of vote in the General Committee.

49. Certain questions have arisen concerning the relationship between the plenary meetings and the Main Committees. One relates to the discussion of agenda items. The rules of procedure 89/ provide that the General Assembly shall not, unless it decides otherwise, make a final decision on any item until it has received the report of a committee on that item.

82/ G A (VII), Plen., 387th and 388th mtgs.; G A (VIII), 6th Com., 360th-366th mtgs., pp. 5-36.

83/ G A (VII), Annexes, a.i. 50, pp. 2-7, A/2206.

84/ G A (VIII), Annexes, a.i. 54, pp. 2-7, A/2402.

85/ Rule 101.

86/ Rule 98.

87/ G A resolution 362 (IV), annex I, revised rule 33 (present rule 38).

88/ G A resolution 791 (VIII).

89/ Rule 67.

50. This rule as amended does not differ substantially from that originally proposed by the Preparatory Commission. In its report at the fourth session, 90/ the Special Committee on Methods and Procedures observed that time might be saved if certain questions were considered directly in plenary meeting, without preliminary reference to committee and suggested that this method should be introduced on an experimental basis. The fear was expressed 91/ that, if this provision were approved, it might be contrary to the rule relating to reference of items to committees. Other representatives 92/ held that the proposed provision would not conflict with the existing rule, since consideration in plenary meeting without reference to a committee would be exceptional; they supported the recommendation, noting the suggestion of experimental application. The relevant paragraph was approved by 25 votes to 1, with 17 abstentions.

51. Differences of opinion have also been expressed concerning the discussion in plenary meeting of the General Assembly of the reports of the Main Committees. The provisional rules of procedure had provided that the discussion should take place if one third of the members of the relevant committee considered it necessary. At the second session 93/ the view was expressed that this rule reduced the Assembly in plenary meeting to a mere recording machine and prejudiced the rights of minorities of Members and of those Members which could not be represented in all committees. It was decided to amend the rule to provide that discussion should take place if one third of the Members present and voting in plenary meeting, rather than one third of the Members of the committee, considered it to be necessary.

52. The Special Committee on Methods and Procedures in its report at the fourth session 94/ of the Assembly recommended a revision of this rule, to state that "questions on which a Main Committee has submitted a report shall not be discussed in plenary meeting unless, after a vote taken without debate, at least one third of the Members present and voting indicate that they consider discussion necessary". It was objected 95/ that the proposed amendment would endanger the basic principle of free discussion, would prejudice the rights of Members and would reduce the plenary meeting to a formality contrary to the specific Charter provision that the Assembly had the right to discuss and study any questions falling within its competence. The functions of the Assembly must not be limited and it must not be deprived of its rights under the Charter. The composition of the General Assembly in committee and in plenary meeting was not identical, because the representatives who attended the committees were generally technical experts while the delegations present in the plenary meetings served in a political capacity. Therefore, it was to the Assembly, as the only sovereign body, that Member States should be able to appeal in the last resort and it was before that body that the minority should be able to defend its viewpoint.

53. On the other hand, it was stated 96/ that all Members of the United Nations could be represented in the Main Committees, that all that was intended was to prevent

90/ G A (IV), Suppl. No. 12 (A/937), para. 23.

91/ G A (IV), 6th Com., 155th mtg., p. 79.

92/ Ibid., pp. 79 and 80.

93/ G A (II), 6th Com., 57th mtg., pp. 145 and 146.

94/ G A (IV), Suppl. No. 12, (A/937), para. 27.

95/ G A (IV), 6th Com., 146th-150th mtgs., pp. 23-43; G A (IV), Plen., 236th mtg., pp. 157-165.

96/ Ibid.

the needless repetition of arguments in committees and in the Assembly, and that the provision for discussion if one third of the Members present and voting so desired was sufficient to safeguard minorities of Members, if the question was an important one or if there were any question of reversing a committee's recommendation, the required one third of the votes would be found. Moreover, amendments could be submitted and would have to be circulated at least one day in advance of the meeting at which they were to be discussed or voted on; therefore, delegations attending the plenary meeting would be familiar with the subjects under consideration. It was agreed that it was essential to preserve the wide competence of the General Assembly, but it was also necessary to preserve its prestige and authority by enabling it to complete its work within a sufficiently short time to allow eminent representatives of all countries to attend. After the rejection, by 24 votes to 22, with 3 abstentions, of the text proposed by the Special Committee, and by a series of votes, of an amendment 97/ which would have provided that a debate should not take place if two thirds of the Members present and voting so decided, it was decided by 23 votes to 21, with 4 abstentions, to retain 98/ the existing rule, with the addition of a clause stating that any proposal to discuss a report should not be debated, but should be put immediately to the vote. The revised rule was adopted in plenary meeting by 28 votes to 24, with 3 abstentions. 99/

54. The relevant rule 100/ therefore reads:

"Discussion of a report of a Main Committee in a plenary meeting of the General Assembly shall take place if at least one-third of the Members present and voting at the plenary meeting consider such a discussion to be necessary. Any proposal to this effect shall not be debated, but shall be immediately put to the vote."

55. Certain differences exist between the procedures set forth in the rules for the plenary meeting and those for the committees. In committee, all decisions are taken by a simple majority, 101/ except that a two-thirds majority of the members present and voting is required for the re-consideration of a proposal. 102/ A further difference in the voting procedures is that in the plenary meeting, if a vote is equally divided on matters other than elections, a second vote is taken at a subsequent meeting within forty-eight hours; 103/ in committee, however, a proposal on which there has been an equally divided vote is regarded as rejected. 104/ Other differences exist regarding competence (see paragraph 80 below) and quorum (see paragraph 89 below).

56. The general question of the difference in procedures relating to plenary meetings and to meetings of the Main Committees was raised during the fourth session of the General Assembly. The view was expressed that the committees were technical bodies and that it was for the Assembly in plenary meeting to assess the work of the committees from a political point of view. On this ground, certain Members opposed limitations on the debate by the General Assembly on committee reports (see paragraph 52 above).

97/ G A (IV), 6th Com., 149th mtg., para. 26, A/C.6/L.11. A similar amendment G A (IV), Plen., 236th mtg., (A/1041, p. 161) was rejected in the plenary meeting by 28 votes to 17, with 9 abstentions.

98/ G A (IV), 6th Com., 150th mtg., paras. 14 and 15, A/C.6/L.12.

99/ G A (IV), Plen., 236th mtg., para. 147.

100/ Rule 68.

101/ Rule 126. See also rules 85-87 concerning voting in plenary meeting.

102/ Rule 124.

103/ Rule 97.

104/ Rule 134.

Amendments stating more specifically the powers of the Chairmen of committees to propose limitation of debate were also opposed. 105/ In this connexion, it was contended that it was impossible mechanically to adapt the rules of the General Assembly to its committees. In the committees it was often necessary for the representatives to speak repeatedly in order to examine different aspects of a problem as well as to clarify any new question which might be raised in the course of the debate. Limitation of discussion in the committees would be harmful since it was there that questions were considered in substance and draft resolutions were prepared for presentation to the General Assembly. Moreover, it was maintained that, by recommending provisions to limit debate in committee, the Sixth Committee would destroy the arguments advanced in favour of limiting the debates in plenary meeting. On the other hand, it was stated 106/ that a distinction could not be drawn between the functions of the President of the General Assembly and the Chairman of a committee in this matter.

57. The relations between the respective Main Committees have also given rise to some discussion. At the fourth session of the Assembly, 107/ the Special Committee's recommendation that questions falling within the competence of two or more committees should, preferably, be referred to the committee with the lightest agenda was approved, without discussion, by 35 votes to none, with 8 abstentions. The question was again raised at the sixth and seventh sessions 108/ in connexion with the consideration of the procedures of the General Assembly for dealing with legal and drafting questions. It was objected that the provisions contained in draft resolutions 109/ before the two sessions which would have stated that a Main Committee was to refer certain legal questions to the Sixth Committee for advice would, to some extent, subordinate other committees to the Sixth. Every committee, some representatives considered, should be left free to decide for itself whether or not to adopt the procedures suggested; a certain flexibility should be retained. Two amendments 110/ to the relevant draft resolution adopted at the seventh session provided for optional rather than mandatory consultation of the Sixth Committee by other Main Committees with reference to requests to the International Court of Justice for advisory opinions and the referral of matters to the International Law Commission.

4. Powers of presiding officers

58. The question of the extent of the powers of presiding officers has arisen most frequently in connexion with proposals to extend or to render more explicit their power to propose certain limitations on the right to speak or to impose such limitations. The relevant discussions and decisions, in so far as they apply to the powers of the presiding officers, are dealt with here rather than in the paragraphs entitled "Limitations on the right to speak".

105/ G A (IV), 6th Com., 151st mtg., pp. 50-52.

106/ G A (IV), 6th Com., 151st mtg., p. 5.

107/ G A (IV), 6th Com., 155th mtg., p. 79.

108/ G A (VI), 6th Com., 256th-263rd mtgs., pp. 31-67; G A (VII), 6th Com., 306th-312th mtgs., pp. 5-37.

109/ G A (VI), Annexes, a.i. 63, pp. 2 and 3, A/C.6/L.175; G A (VII), Annexes, a.i. 53, p. 6, A/C.6/L.234.

110/ G A (VII), Plen., 391st mtg., p. 184. The amendments were adopted respectively, by 25 votes to 20, with 6 abstentions, and by 22 votes to 20, with 7 abstentions.

59. The rules 111/ contain the following statement of the general powers of the President:

"In addition to exercising the powers which are conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the session, shall direct the discussions in plenary meeting, ensure observance of these rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order, and, subject to these rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The President may, in the course of the discussion of an item, propose to the General Assembly the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate. He may also propose the suspension of the adjournment of the meeting or the adjournment of the debate on the item under discussion."

60. It is further stated 112/ that the President, in the exercise of his functions, remains under the authority of the Assembly.

61. There are various other provisions throughout the rules concerning the powers and functions of the President. In certain instances these give him the power to limit the time to be allowed to speakers as distinguished from the power to propose such a limitation to the General Assembly.

62. Thus, he may limit the time to be allowed to speakers in debates concerning: the inclusion of an item in the agenda when the item has been recommended by the General Committee; 113/ the adjournment of debate; 114/ closure of debate; 115/ and suspension or adjournment of meeting 116/. He may also limit the time to be allowed for explanations of vote, and the rules in this instance provide that he "shall not permit the proposer of a proposal or of an amendment to explain his vote" on that proposal or amendment. 117/

63. Similar rules 118/ apply to the Chairmen of the Main Committees.

64. The general question of the extent of Presidential powers arose at the fourth session of the Assembly 119/ in connexion with various amendments to the rules of procedure proposed by the Special Committee on Methods and Procedures. The debate concerned provisions relating both to the President's power to propose to the Assembly limitations on discussion, as well as to his power to limit the number of speakers in the above-mentioned instances without reference to the Assembly. Objections were raised in particular to suggested provisions regarding the President's powers in the latter category. On the other hand, it was stated that the measures proposed were purely technical in character, that it was advisable to limit long procedural

111/ Rule 35.

112/ Rule 36.

113/ Rule 23.

114/ Rule 76.

115/ Rule 77.

116/ Rule 78.

117/ Rule 90.

118/ Rules 108, 109, 117, 118, 119 and 129.

119/ G A (IV), 6th Com., 144th-146th mtgs., pp. 12-20.

discussions and that, in any event, it was understood that the President remained under the authority of the Assembly.

65. The following decisions were taken at the fourth session concerning these provisions. The Sixth Committee rejected by 26 votes to 7, with 8 abstentions, an amendment to delete the provision, proposed by the Special Committee, that the President might limit the time to be allowed to speakers in the debate on the inclusion in the agenda of items recommended by the General Committee; it rejected by 15 votes to 14, with 16 abstentions, a further amendment to include in the relevant rule a statement of the right of appeal against the President's ruling. 120/ It was the opinion of the Sixth Committee that the rejection of the latter amendment in no way deprived the Assembly of its power to overrule the President. Amendments to the rules to provide that the President might limit the time to be allowed to speakers on the adjournment or closure of debate, and on the suspension or adjournment of the meeting were approved. 121/ Similar amended rules were approved to apply to the Chairmen of committees. 122/

66. With regard to the amendment 123/ to the rules, proposed by the Special Committee, to the effect that the President (Chairman) might permit explanations of vote and might limit the time to be allowed for such explanations, the objection was raised in the Sixth Committee 124/ that representatives had a right to explain their votes, particularly if they had not already spoken in the debate. An amendment to provide that the President might only limit the time to be allowed for explanations to representatives who had already spoken in the debate was rejected by 20 votes to 8, with 8 abstentions, and the amended rule proposed by the Special Committee was approved by the Sixth Committee by 26 votes to 7, with 3 abstentions. In the plenary meeting, two further amendments 125/ were adopted: the first adopted by 36 votes to 6, with 9 abstentions, provided that there would not be explanations of vote on a secret ballot; and the second, adopted by 31 votes to 15, with 8 abstentions, provided that the proposer of a proposal or amendment would not be permitted to explain his vote.

67. The powers of presiding officers with regard to measures for limiting debate on the substance of a question are confined to their powers to propose such measures to the Assembly (or the committee). With regard to the general powers of the President (see paragraph 59 above) and the Chairmen of committees, the Special Committee proposed, 126/ at the fourth session of the Assembly, a further definition to enable the President (or the Chairman) "at any time and without any reflection on his impartiality, to draw members' attention to measures likely to expedite their proceedings." Accordingly, it was proposed that the President (or Chairman) might, in the course of the discussion of an item, propose to the Assembly (committee) the limitation of the time to be allowed to speakers, the limitation of the number of times each representative might speak on any question, the closure of the list of speakers or the closure of debate, as well as the suspension or the adjournment of the meeting or the adjournment of the debate on the item under discussion. It was

120/ G A (IV), 6th Com., 145th mtg., paras. 48 and 49; *ibid.*, para. 53, A/C.6/L.13.

121/ G A (IV), 6th Com., 150th mtg., pp. 47 and 48.

122/ G A (IV), 151st mtg., p. 56.

123/ G A (IV), Suppl. No. 12, A/937, para. 32.

124/ G A (IV), 6th Com., 151st mtg., p. 48.

125/ G A (IV), Plen., 236th mtg., para. 154, A/1037/Rev.1.

126/ G A (IV), Suppl. No. 12, (A/937), para. 38.

pointed out during the discussions 127/ that the President (and Chairmen) already had these general powers, but certain representatives considered that a statement of these powers in the rules would strengthen the authority of the presiding officers. One representative 128/ voted for the amended rule on the understanding that the list of powers was not exclusive.

68. However, various representatives considered that this amendment, as well as the amendments to permit presiding officers to limit the time to be allowed to speakers in procedural debates (see paragraphs 64-66 above), gave them powers that should be retained by the Members of the Assembly. In order to make it clear that the balance of power was not upset, an amendment 129/ to add a general statement that "The President (Chairman), in the exercise of his functions, remains under the authority of the General Assembly (committee) " was submitted and adopted.

69. The rules, as amended at the fourth session, provide 130/ that "The General Assembly" or "The committee" may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. In connexion with these rules, the Special Committee proposed an amendment which stated that when a debate was limited and a representative had spoken his allotted time, the President (Chairman) was to call him to order without delay. In the Sixth Committee, 131/ some representatives considered this provision obvious and superfluous, for there was no need to tell the President what he should do in case of violation of an adopted procedure. On the other hand, it was stated that the object of the provision was both to strengthen the hand of the President by obliging him to take certain action which he might otherwise be reluctant to take, and to make his position easier. A proposal to delete the sentence was rejected by 23 votes to 15, with 5 abstentions.

70. In his memorandum 132/ to the Assembly, at its seventh session, the Secretary-General stated that he believed that these rules would be applied more readily, where appropriate, if the initiating party were specified. He therefore proposed "the deletion of the broad term 'The General Assembly (Main Committee)' and the substitution of the phrase 'The President (Chairman) or any representative', on the understanding that this amendment would not affect other general or specific powers as granted to the presiding officers in the rules of procedure." "It is thought, further", the memorandum continued "that such initiative would be taken more readily if the mover knew in advance that his action would not lead to a long procedural debate". It was also proposed that the President (Chairman) as well as any representative might move the adjournment or closure of debate. 133/ The Secretary-General also proposed that a provision be added to the rules to state that when the debate on an item was concluded because there were no further speakers, the President (Chairman) was to declare the debate closed and that this was to have the same effect as closure by the consent of the General Assembly (committee).

127/ G A (IV), 6th Com., 145th and 146th mtgs., pp. 18-20.

128/ *Ibid.*, p. 19.

129/ G A (IV), 6th Com., 151st mtg., para. 11, A/C.6/L.14.. For the discussion, see *ibid.*, paras. 8-52.

130/ Present rules 74 and 115.

131/ G A (IV), 6th Com., 150th mtg., paras. 37-69.

132/ G A (VII), Annexes, a.i. 50, pp. 2-7, A/2206, paras. 32 and 33.

133/ Rules 76 and 117, and rules 77 and 118.

71. During the discussions at the seventh session, 134/ opposition was expressed to these amendments and in particular to the last-mentioned proposal. The Sixth Committee stated in its report 135/ to the Assembly that some representatives participating in its work had expressed the opinion "that the amendments, if adopted, would limit freedom of speech and hamper discussion, without shortening the duration of the sessions. They felt that the rules of procedure of the General Assembly had to be considered in the light of the principles of the Charter. The Charter was based on the sovereign equality of States, and the rules of procedure, in guaranteeing freedom of speech to those States, simply reflected that principle." "Some representatives", the report further stated, "felt that the proposal for granting powers of initiative to the President of the General Assembly and the Chairmen of Main Committees with respect to procedural motions would give to the presiding officers powers extending beyond the normal function of directing debates and would enable them to influence the course of discussions." "Some representatives", it added, "considered that motions to limit the time to be allowed to each speaker and the number of times each representative might speak on a question were of such importance that no restrictions should be placed on their consideration".

72. Those representatives favouring the proposals, the Sixth Committee stated, in its report, 136/ "were confident that the presiding officers would not abuse their powers and would not be in a position to do so, as the ultimate decision on matters of procedure would continue to rest in each case with the Assembly or the Committee. The limitation of the number of speakers on motions to limit the time and the number of speakers in a debate was justified, in their opinion, by similar restrictions on debates which already existed with respect to other procedural motions."

73. A draft resolution, 137/ which was submitted to the Sixth Committee, proposed to include in the rules all the Secretary-General's suggested amendments except that relating to the closure of debate by the President or the Chairman; an amendment 138/ to the draft resolution which would also incorporate that proposal was withdrawn at the 351st meeting. The Sixth Committee recommended, however, and the General Assembly decided upon, 139/ the establishment of an ad hoc committee to consider the Secretary-General's report and any other relevant information communicated by Member States and to make recommendations at the eighth session.

74. This ad hoc committee, the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly, in its report endorsed only two of the amendments 140/ to the rules of procedure proposed by the Secretary-General in his memorandum. It stated 141/ that it had considered the proposal to replace in rules 73 and 113 (present rules 54 and 115) the broad term "The General Assembly (the committee)" by the phrase "The President (Chairman) or any representative", and

134/ G A (VII) Plen., 387th and 388th mtgs., pp. 135-162; G A (VII), 6th Com., 347th-353rd mtgs., pp. 235-272.

135/ G A (VII), Annexes, a.i. 50, pp. 14 and 15, A/2349, paras. 13 and 15.

136/ Ibid., para. 12.

137/ G A (VII), Annexes, a.i. 50, pp. 10 and 11, A/C.6/L.278.

138/ G A (VII), Annexes, a.i. 50, p. 12, A/C.6/L.282/Rev.1. The amendment stated that the President "may", instead of "shall" as in the original amendment, declare the debate closed.

139/ G A resolution 689 (VII).

140/ These amendments concerned the limitation of speakers under present rules 74 and 115 (see para. 84 below) and the composition of the General Committee.

141/ G A (VIII), Annexes, a.i. 54, pp. 2-7, A/2402, paras. 33, 34 and 37.

that the majority of its members agreed that these rules would be used more freely if the text indicated clearly who might propose a motion thereunder. The majority, it was stated, were also of the opinion that while explicit reference in these rules to the President and the Chairmen would not confer any right which they did not already possess under rules 35 and 106 (present rule 108), such a reference would help to overcome a certain hesitancy regarding the application of those rules which the present wording appeared to occasion. The same views prevailed in the Special Committee concerning similar modifications to rules 75 and 115 (present rule 116) and 76 and 116 (present rule 117). Some members of the Special Committee, however, objected in principle to the measures proposed because they believed that such measures would curtail the rights of Member States freely to express their views on items on the agenda of the Assembly.

75. In the discussions at the eighth session, 142/ the same objections, broadly speaking, to this recommended practice were put forward as had been expressed at the seventh session to the amendments to the rules proposed by the Secretary-General. A draft resolution 143/ was submitted which proposed that the Assembly (1) refer to the report of the Special Committee; (2) state that it recognized the importance of adopting measures calculated to limit the duration of its regular sessions, without restricting the right of Members to speak fully and freely in the debates in plenary meetings and in the various committees; (3) adopt the two specific amendments to its rules proposed by the Special Committee; and (4) annex to its rules of procedure the "outline of practices recommended by the Special Committee in its report". The proponent of the draft resolution stated 144/ that his delegation felt that a separate vote should be taken on each paragraph of the proposed annex so as to make it clear which practices recommended by the Special Committee were acceptable. An amendment 145/ to delete the paragraph of the draft resolution concerning an annex was, however, adopted in the Sixth Committee by 32 votes to 13, with 4 abstentions.

76. A further power 146/ of the President is to decide on points of order in accordance with the rules of procedure. It is provided that a representative may appeal against the President's ruling, that his appeal is to be put to the vote immediately and that the President's ruling is to stand unless overruled by a majority of the Members present and voting. "A representative rising to a point of order," it is further provided, "may not speak on the substance of the matter under discussion."

77. This last provision was inserted at the fourth session on the recommendation of the Special Committee on Methods and Procedures. 147/ During the discussions, 148/ certain representatives expressed the view that it would be difficult to distinguish between substance and points of order in every case, and in this connexion attention was called to the definition of points of order given in the Special Committee's report; it was suggested that some such definition might be included in the relevant rule, in a footnote to the rule or in a passage in the Committee's report to the Assembly. The suggestion was not, however, formally put forward. In his memorandum 149/ to the Assembly, at its seventh session, the Secretary-General proposed

142/ G A (VIII), 6th Com., 360th-366th mtgs., pp. 5-35.

143/ G A (VIII), Annexes, a.i. 54, pp. 7-9, A/C.6/L.292/Rev.1.

144/ G A (VIII), 6th Com., 366th mtg., para. 22.

145/ G A (VIII), Annexes, a.i. 54, p. 10, A/C.6/L.296.

146/ Rule 73. A similar rule, rule 114, applies to the Chairmen of committees.

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

148/ G A (IV), 6th Com., 150th mtg., pp. 44 and 45.

149/ G A (VII), Annexes, a.i. 50, pp. 2-7, A/2206, paras. 36-41.

that a definition be included in the relevant rule to the effect that a point of order might relate only to such questions as lay within the competence of the President (Chairman). During the discussion, 150/ this was supported by some delegations as a useful clarification, but others considered that the proposed amendment was restrictive and would hamper proceedings and that it was impossible to define a point of order in advance since such points frequently arose out of the substance of the question under consideration. It was stated in reply 151/ that this argument confused procedural motions with points of order. Similar points concerning the definition and explanation suggested by the Special Committee were raised at the eighth session. 152/

5. Questions of competence

78. Rule 81 concerning decisions on competence in the General Assembly states:

"Subject to rule 79, 153/ any motion calling for a decision on the competence of the General Assembly to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question."

79. The rules adopted at the second session provided that a motion calling for a decision on competence should be put to the vote "immediately before a vote is taken on the proposal in question". At the fourth session, 154/ there was some discussion concerning the interpretation to be placed on these words. Some representatives held that the words implied that the vote on competence would have to take place before any discussion, and pointed out that it was not always possible to dissociate questions of competence from the substantive question involved. Other representatives interpreted the wording to mean that the vote on competence would take place immediately before the vote on the substantive proposal, but subsequent to the discussion. To avoid ambiguity, it was decided to delete the word "immediately". In its report to the Assembly, 155/ the Sixth Committee stated that its recommendation was intended to confirm the prevailing interpretation to the effect that motions on competence were to be discussed simultaneously with proposals on questions of substance but that motions on competence had to be voted on first.

80. As regards the phrasing of the rule concerning motions relating to the competence of committees which, as adopted at the second session, was identical with that applying to plenary meetings, the point was raised at the fourth session 156/ that the competence of the General Assembly was a matter that a committee had no right to decide. Moreover, it meant that there were two rules relating to the competence of the Assembly and none relating to the competence of a committee. It was proposed that the words "the General Assembly" in that rule should be replaced by the words "the committee". To this it was objected that the committees could not decide on

150/ G A (VII), 6th Com., 347th-353rd mtgs., pp. 235-272.

151/ *Ibid.*

152/ G A (VIII), Annexes, a.i. 54, pp. 2-7, A/2402, paras. 41 and 42.

153/ This rule gives precedence to certain procedural motions.

154/ G A (IV) 6th Com., 157th mtg., pp. 93-96.

155/ G A (IV), Annex, pp. 181-190, A/1026 and Corr.1, para. 33.

156/ G A (IV), 6th Com., 157th mtg., pp. 93-96.

their own competence, which was determined by the General Assembly itself; no committee could refuse to deal with a question referred to it by the General Assembly. As a compromise, it was decided that the rule 157/ should refer to "any motion calling for a decision on the competence of the General Assembly or of the committee ...".

6. Limitations on the right to speak

81. Most of the discussions in the General Assembly concerning proposed amendments to the rules have hinged on this question. On the one hand, it has been maintained that it was in the interests of the dignity and prestige of the Assembly to limit the duration of its sessions and so make possible the attendance at its sessions of eminent statesmen of all countries. On the other hand, it was asserted that the sovereign rights of Members to free expression of views and the rights and duties of the Assembly in regard to full discussion of the questions brought before it had to be maintained (see paragraphs 12-14 above).

82. In addition to the powers given to presiding officers to propose, or to place, certain limitations on the right to speak (see paragraphs 58-77 above), the rules contain various provisions restricting somewhat this right both with regard to discussions on the substance of items on the agenda and with regard to procedural discussions.

83. With regard to discussions on the substance of items, it is provided 158/ that the General Assembly may limit the time to be allowed to each speaker and the number of times each representative may speak on any question.

84. The original rule had provided that the Assembly might limit the time to be allowed to each speaker; at the fourth session, on the recommendation of the Special Committee, the provision for the limitation of the number of times each representative might speak on a question was added. In favour of the amended rule, it was concluded that its purpose was merely to safeguard against any abuse of the limitation of time. On the other hand, it was urged that representatives needed to speak repeatedly in order to reply to points which were made and by way of explanation. 159/ Proposals at the seventh and eighth sessions to facilitate application of this rule by providing that the President or any representative might move such limitations were not approved by the Assembly (see paragraphs 70-75 above). Amendments to this rule were also proposed, both in the memorandum of the Secretary-General to the Assembly at its seventh session 160/ and in the report of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly at the eighth session, 161/ to add the provision that, in addition to the proposer of such a motion, "two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote". In favour of the proposed amendment, it was stated that, in line with similar provisions in other rules, it was intended to avoid lengthy procedural discussions. Against the proposed amendment, it was objected that it would seriously curtail freedom of speech. 162/ As stated above (see paragraph 73), the Assembly at its seventh session decided to appoint a committee to study the matter further. At the eighth session, the Sixth Committee decided, by

157/ See rule 122.

158/ Rule 74; rule 115 is concerned with committees.

159/ G A (IV), 6th Com., 150th mtg., pp. 45-47.

160/ G A (VII), Annexes, a.i. 50, pp. 2-7, A/2206, para. 32.

161/ G A (VIII), Annexes, a.i. 54, paras. 35 and 36.

162/ G A (VIII), 6th Com., 360th-365th mtgs., pp. 5-35.

24 votes to 21, with 3 abstentions, 163/ to delete the relevant paragraph of a draft resolution 164/ providing for the incorporation of this phrase in the rules.

85. The rules 165/ also provide that during the course of a debate the President may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. He may, however, accord the right of reply to any Member if a speech delivered after he has declared the list closed makes this desirable. This provision was included in the rules, without discussion, at the second session, on the recommendation of the Committee on Procedures and Organization. 166/ The Committee stated that the new rule confirmed a procedure followed during previous sessions of the Assembly.

86. A further limitation on the right to speak is constituted by the provision 167/ that discussion of a report of a Main Committee in a plenary meeting of the Assembly shall take place if at least one third of the Members present and voting at the plenary meeting consider such a discussion to be necessary. Any proposal to this effect shall not be debated, but shall be immediately put to the vote. This provision occasioned considerable discussion at the fourth session (see paragraphs 52 and 53 above).

87. As regards restrictions on procedural discussions, the rules provide that the number of speakers shall be limited as follows: in debate on the inclusion of items in the agenda recommended by the General Committee, to three speakers in favour and three against; 168/ on adjournment of debate, to two speakers in favour and two against, in addition to the proposer of the motion; 169/ on closure of debate, to two speakers opposing the closure; 170/ and on motions for division of proposals or amendments, to two speakers in favour and two against. 171/ It is provided that a motion for suspension or adjournment of the meeting is not to be debated but is to be put immediately to the vote. 172/ The question of the limitation of the number of speakers under these rules has not given rise to significant debate.

7. Questions of quorum

88. No problems would appear to have arisen regarding the rule providing that a majority of the Members of the General Assembly shall constitute a quorum, which is the rule as originally proposed by the Preparatory Commission. 173/

89. As regards the rule applying to the quorum for committees, however, certain objections were expressed at the fourth session of the Assembly 174/ to the proposal of the Special Committee on Methods and Procedures that the rule be amended to state that the Chairman might declare a meeting open when one third of the members was present

163/ G A (VIII), 6th Com., 366th mtg., p. 35; G A (VIII), Annexes, a.i. 54, p. 9, A/C.6/L.293 and p. 10, A/C.6/L.296.

164/ G A (VIII), Annexes, a.i. 54, pp. 7-9, A/C.6/L.292/Rev.1.

165/ Rule 75; rule 116 is concerned with committees.

166/ G A (II), Plen., vol. II, p. 1455, annex 4 (A/388).

167/ Rule 68.

168/ Rule 23.

169/ Rule 76; rule 117 is concerned with committees.

170/ Rule 77; rule 118 is concerned with committees.

171/ Rule 91; rule 130 is concerned with committees.

172/ Rule 78; rule 119 is concerned with committees.

173/ Report of the Preparatory Commission of the United Nations, PC/20, 23 December 1945, p. 14, rule 56.

174/ G A (IV), 6th Com., 151st mtg., pp. 53-56.

but that a majority would still be required for a question to be put to the vote. It was stated that this placed undue emphasis on voting at the expense of discussion, whereas the main function of the United Nations was to consider and discuss problems. The Charter, it was stated, implied that more than half the members of a body should be considered a quorum. The view was also expressed that it was undesirable for members to participate in a vote without having taken part in the related discussions. On the other hand, it was stated that the establishment of the requirement of one third rather than of a majority for a quorum would enable a minority to ensure discussion of an item in which it was interested. To make it clear that a meeting could not begin with one third of the members and then continue even though certain of the members had left, an amended version 175/ of the rule was proposed and adopted providing that:

"One third of the members of a committee shall constitute a quorum. The presence of a majority of the members of the committee is, however, required for a question to be put to the vote."

There were 15 votes in favour, 12 against and 3 abstentions. This was adopted on the understanding 176/ that a majority was required for decisions on procedure as well as on substance.

8. Questions of participation

90. Neither the Charter nor the rules of procedure of the General Assembly provide specifically for the participation of non-member States in the discussions of the Assembly. Article 11 of the Charter, however, provides that the Assembly may consider matters brought before it by non-member States in accordance with Article 35 (2), and that paragraph, in turn, provides that a non-member State may bring to the attention of the Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the Charter. The rules of procedure 177/ of the Assembly accordingly provide for the inclusion of such items in the provisional agenda, but no such questions have been brought before the Assembly by non-member States.

91. Non-member States have, however, been invited to participate in meetings of the Main Committees of the Assembly in the discussion of items with which they were particularly concerned. Thus, Albania and Bulgaria were invited to appear before the First Committee during the second session in connexion with the consideration of the Greek question. On that occasion, the First Committee adopted a draft resolution 178/ inquiring whether Albania and Bulgaria were prepared to agree to apply the principles and rules of the Charter in the settlement of the Greek question. The two Governments replied 179/ that, although they were in general willing to respect the principles of the Charter, they refused to make a declaration to this effect as a condition of their invitation to participate in the discussion of the Greek question. The Committee then adopted a draft resolution 180/ stating that the two Governments "having failed to furnish a satisfactory reply to the request made to them by the First Committee, the latter has decided to hear the statements of the Bulgarian and Albanian delegations on the Greek question and requests them to place themselves at the disposal of the

175/ Ibid., p. 56, paras. 90 and 91.

176/ G A (IV), Annex, pp. 181-190, A/1026 and Corr.1, para. 43.

177/ Rule 13.

178/ G A (II), 1st Com., 60th mtg., p. 12; ibid., p. 593, annex 15e (A/C.1/194).

179/ G A (II), 1st Com., p. 594, annex 15f (A/C.1/197), and annex 15g (A/C.1/198).

180/ G A (II), 1st Com., 62nd mtg., p. 31; ibid., p. 596, annex 15i (A/C.1/200).

Committee in order to reply to any questions which may be put to them". The two Governments accepted the invitation 181/ and made statements before the Committee. 182/ At the second part of the third session, 183/ representatives of Bulgaria and Hungary and at the fourth session 184/ the representative of Romania, were invited to participate, without vote, in the consideration in the Ad Hoc Political Committee of the items relating to the observance of fundamental rights and freedoms in those countries. The invitations were, however, refused 185/ on the grounds that the matters were outside the competence of the United Nations.

92. That representatives of non-member States should be heard by the Assembly in committee rather than in plenary meeting was implied in a recommendation made by the Special Committee on Methods and Procedures and approved by the General Assembly at its fourth session 186/ that the consideration of matters in plenary meeting without reference to a committee would be especially appropriate in connexion with questions which did not require either the presence of representatives of non-member States or the hearing of testimony.

93. A particular case of the participation of a non-member State in the discussions of the General Assembly is that of Italy, which has participated in discussions of the Fourth Committee as the Administering Authority for the Trust Territory of Somaliland. At the fifth session of the Assembly, 187/ Italy was invited to participate, without vote, in the discussions of the draft Trusteeship Agreement for the Territory. At the sixth session, 188/ the Fourth Committee agreed to the request of Italy to be represented during the discussions both of the report of the Trusteeship Council and of the question of the full participation of Italy in the work of that Council. At the seventh and eighth sessions, 189/ the Committee agreed to Italy's request to be represented during the discussions of the report of the Trusteeship Council.

94. As regards the participation of non-member States in the election of the judges of the International Court of Justice, the rules of procedure 190/ provide that the election shall take place in accordance with the Statute of the Court. Article 4 of the Statute states that the conditions under which a State which is a party to the Statute of the Court but not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon the recommendation of the Security Council. These conditions, which were adopted by the General Assembly at its third session under resolution 264 (III), include a provision that such a non-member State is to participate in the General Assembly in electing the members of the Court in the same manner as the Members of the United Nations. At the third session Switzerland and at the sixth and eighth sessions both Switzerland and Liechtenstein participated in elections of members of the Court. No significant questions arose in the Assembly in this connexion.

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- 181/ G A (II), 1st Com., p. 597, annex 15k (A/C.1/203) and annex 15l (A/C.1/204).
182/ G A (II), 1st Com., 64th mtg., pp. 41-47.
183/ G A (III/2), Ad Hoc Pol. Com., 34th mtg., p. 65.
184/ G A (IV), Ad Hoc Pol. Com., 7th mtg., p. 27.
185/ G A (III/2), Ad Hoc Pol. Com., Annexes, pp. 9 and 10, A/AC.24/57, and pp. 10 and 11, A/AC.24/58; G A (IV), Ad Hoc Pol. Com., 10th mtg., p. 39.
186/ G A resolution 362 (IV), annex II, para. 23.
187/ G A (V), 4th Com., 174th mtg., p. 195.
188/ G A (VI), 4th Com., 204th mtg., p. 19.
189/ G A (VII), Plen., 279th mtg., p. 201; G A (VIII), Plen., 377th mtg., p. 413.
190/ Rule 151.

95. In resolution 253 (III), the General Assembly requested the Secretary-General to invite the Secretary-General of the Organization of American States to be present as an observer at sessions of the General Assembly. In resolution 477 (V), the General Assembly requested the Secretary-General to invite the Secretary-General of the League of Arab States to attend sessions of the General Assembly as an observer. During the discussions at the third session, 191/ adoption of the former resolution was opposed on the ground that the status of observer had not been provided for in the Charter, nor had any decision been taken by the General Assembly to that effect. It was stated that, since the rules of the Assembly provided for public meetings, there was no need to make special provision for the presence of an observer in that case. At the fifth session, the Sixth Committee in its report 192/ noted the understanding of supporters of its relevant draft resolution that the invitation to be addressed to the Secretary-General of the League of Arab States did not imply that the Arab League was or was not a regional agency within the meaning of Chapter VIII of the Charter. It was also the sense of the Committee that such an invitation, being an act of courtesy, could not be construed as establishing a precedent which might bind the General Assembly in the future.

96. During the consideration of the item entitled "Admission of new Members to the United Nations, including the advisory opinion of the International Court of Justice" by the Assembly at the fifth session, a draft resolution 193/ was submitted which concerned the participation of certain non-member States in the General Assembly. In the preamble, the draft resolution stated that nine States, which had received the affirmative vote of nine members of the Security Council but had not been recommended for membership because of the opposition of one of the permanent members of the Council,

"while not yet Members of the United Nations can contribute very effectively to the work of the United Nations if they are given the opportunity of being heard in the General Assembly in matters connected with its fundamental obligation of maintaining international peace and security,".

Under the draft resolution, the Assembly would resolve:

"2. That the Secretary-General should invite each of the Governments of the States to which this resolution applies to send an observer to sessions of the General Assembly and its committees, including the Interim Committee, in order to enable them to express their views and furnish information whenever consulted by the delegation of any Member State; and

"3. That documents and letters sent by the said States to the Secretary-General for the information of the United Nations should be distributed to the delegations to the General Assembly or, if the Assembly is not in session, to the foreign offices of Member States and the permanent delegations to the United Nations".

97. During the discussions in the Assembly, 194/ doubts were expressed concerning the constitutionality of the proposal. No observer status was provided for in the Charter. Moreover, it was doubtful whether such an intermediate status was adequate for sovereign States and would be acceptable to the countries concerned. Further, it was

191/ G A (III/1), Plen., 151st mtg., p. 362.

192/ G A (V), Annexes, a.i. 58, p. 6, A/1442, para. 5.

193/ G A (V), Annexes, a.i. 19, pp. 3 and 4, A/1585.

194/ G A (V), Plen., vol. I, 318th mtg., pp. 565-587.

already the practice to invite non-member States to participate in discussions in the Assembly of matters of particular concern to them. The draft resolution was also opposed on the ground that, in singling out nine of the States whose applications were pending, it was discriminatory. In support of the draft resolution, it was urged that it would be a gesture of rapprochement which was not only not prohibited by the Charter but which was vitally necessary in the existing impasse and to bridge the gap between non-member States and the Organization. It would offer the States concerned an opportunity for co-operation which would be valuable to their Governments. It was not intended to offer them a substitute for membership; the draft resolution also provided for the reconsideration of their applications. All the States mentioned were those which, as the Assembly itself had previously determined, fulfilled the conditions of membership. The attendance of observers was nothing new; for example, invitations had been sent to the Secretary-General of the Organization of American States and to the Secretary-General of the League of Arab States.

98. To meet the contention that the contemplated invitation might not be acceptable, a modification in the wording was suggested 195/ to provide that, "pending admission to membership", each of the States concerned should be allowed an opportunity to send an observer to sessions of the General Assembly. The amendment was accepted by the sponsor.

99. The General Assembly rejected 196/ the relevant preambular paragraph of the draft resolution (see paragraph 96 above) by 20 votes to 7, with 22 abstentions. Operative paragraph 2, as amended, providing for the invitation to send observers, was rejected by 27 votes to 11, with 16 abstentions. Operative paragraph 3, providing for the circulation of documents, received 18 votes in favour, 15 against and 21 abstentions. The President ruled that, as the paragraph had financial implications, it required a two-thirds majority and it was therefore not adopted.

100. The agreements 197/ bringing the specialized agencies into relationship with the United Nations provide that representatives of the agencies are to be invited to attend meetings of the General Assembly for purposes of consultation, and to attend meetings of the Main Committees of the General Assembly when matters within the scope of their activities are under discussion and to participate, without vote, in such discussions. The administrative heads of certain of the agencies have addressed plenary meetings of the Assembly at the third, 198/ sixth 199/ and eighth sessions. 200/ The following are some instances of occasions on which representatives of the agencies have participated in meetings of the Main Committees of the General Assembly: representatives of the Food and Agriculture Organization of the United Nations and of the World Health Organization took part at the sixth session 201/ in the Second Committee's discussions of chapter II of the report of the Economic and

195/ G A (V), Plen., vol. I, 318th mtg., para. 272.

196/ Ibid., pp. 587 and 588.

197/ See the article relating to reciprocal representation of the agreement with each of the agencies. The wording of the article varies slightly, the most noticeable variation being that in the agreement with the Universal Postal Union where it is provided that representatives of the Union may participate without vote in the deliberations of the Main Committees of the General Assembly "with respect to items concerning the Union". (Agreements between the United Nations and the specialized agencies, United Nations Publications, Sales No. 1951.X.1).

198/ G A (III/1), Plen., 147th mtg., pp. 253-265.

199/ G A (VI), Plen., 337th mtg., pp. 35-41; 338th mtg., pp. 48-51.

200/ G A (VIII), Plen., 451st mtg., pp. 223 and 224.

201/ G A (VI), 2nd Com., 182nd mtg., p. 228; 183rd mtg., p. 235.

Social Council, in particular concerning a draft resolution on "Food and Famine"; a representative of the United Nations Educational, Scientific and Cultural Organization took part at the same session 202/ in the discussions of the Fifth Committee concerning the liquidation of the International Institute of Intellectual Co-operation; a representative of the Food and Agriculture Organization took part at the seventh session 203/ in the discussions of the Second Committee concerning the economic development of under-developed areas; and a representative of the International Labour Organisation took part at the eighth session 204/ in the discussions of the Third Committee concerning forced labour.

101. Representatives of other organizations have been heard by the General Assembly in committee on matters of particular concern to them. For example, at the first special session, hearings were granted in the First Committee to the Jewish Agency for Palestine and to the Arab Higher Committee. Representatives of these organizations made statements before the Committee and answered questions put to them. 205/

102. In this connexion, the Assembly had before it a draft resolution, 206/ proposed by the General Committee, to the effect that communications from the Jewish Agency for Palestine and other organizations requesting that they be permitted to express their views on the Palestine problem should be referred to the First Committee for its decision. A second draft resolution 207/ was submitted which would provide that representatives of the Jewish Agency for Palestine should be invited to appear before the plenary meeting of the Assembly for the purpose of stating their views on the question. During the discussions, 208/ the view was expressed that it was not in accordance with the Charter for non-governmental organizations to be heard by the Assembly. Indeed, the Charter only provided for the participation of non-member States in the case of disputes to which they were parties. To grant hearings to witnesses, would, furthermore, be contrary to parliamentary practice which normally provided for such action in committee and it would detract from the dignity of the Assembly. On the other hand, it was stated that there was nothing in the Charter to preclude the granting of hearings by the Assembly, that the practice of the United Nations was still too new for a precedent to have been established and that the Assembly should have before it the point of view of those most directly concerned. The Assembly rejected 209/ the second draft resolution and adopted resolution 104 (S-1), 210/ providing that the First Committee grant a hearing to the Jewish Agency for Palestine and that other communications of a similar character received from the Palestinian population be sent to that Committee.

103. The First Committee adopted a draft resolution 211/ deciding to grant a hearing to the Jewish Agency for Palestine and to the Arab Higher Committee. The Arab Higher

202/ G A (VI), 5th Com., 338th mtg., p. 328.

203/ G A (VII), 2nd Com., 202nd mtg., pp. 60 and 61; 226th mtg., p. 223.

204/ G A (VIII), 3rd Com., 531st mtg., pp. 280 and 281.

205/ G A (S-I), Main Committees, 1st Com., 50th mtg., pp. 108-116; 52nd mtg., pp. 178-181 and pp. 189-198; 54th mtg., pp. 251-259; 55th mtg., pp. 266-275.

206/ G A (S-I), Plen., p. 195, annex 10 (A/299).

207/ G A (S-I), Plen., 73rd mtg., p. 71.

208/ G A (S-I), Plen., 72nd-75th mtgs., pp. 65-113.

209/ G A (S-I), Plen., 75th mtg., pp. 114 and 115.

210/ For texts of draft resolutions and amendments withdrawn in favour of the draft adopted by the General Assembly as resolution 104 (S-I), see G A (S-I), Plen., pp. 195 and 196, annexes 11-15, A/300-A/304.

211/ G A (S-I), Main Committees, p. 367, annex 6 (A/C.1/151).

Committee, however, withdrew its request for a hearing, and representatives of the Arab States in the First Committee refused to participate in the discussion and in the voting on the ground that the General Assembly, which was a superior body to the First Committee, had discriminated against the Arabs of Palestine 212/ in inviting the Jewish Agency and in sending other requests for hearings to the First Committee. A draft resolution was then adopted by the First Committee 213/ proposing that a plenary meeting be called to consider a resolution providing that the First Committee grant a hearing to the Arab Higher Committee. The General Assembly, on the proposal of the President, adopted resolution 105 (S-1), affirming that the decision of the First Committee to grant a hearing to the Arab Higher Committee gave a correct interpretation of the Assembly's intention.

104. Representatives of the Jewish Agency for Palestine and the Arab Higher Committee were also invited 214/ to participate at the second regular session in the deliberations of the Ad Hoc Committee on the Palestinian Question and at the second special session in the discussions of the First Committee; they did so and made statements before the Committees.

105. During the consideration of the item entitled "The problem of the independence of Korea" at the second session of the Assembly, a draft resolution 215/ was submitted in the First Committee providing that, inasmuch as the Korean question was primarily a matter for the Korean people itself and concerned its freedom and independence, and could not be correctly and fairly resolved without the participation in the discussion of representatives of the indigenous population, the First Committee invite elected representatives of the Korean people from northern and southern Korea to take part in the discussion of the question.

106. During the discussions, 216/ while it was generally agreed in principle that the representatives of the Korean people should be consulted, it was objected that it was not practicable to invite them to participate in the discussions in the First Committee since this would involve undue delay. The question was also raised as to how the representatives who were to take part in the Committee's discussions of the Korean question would be chosen, since it had hitherto been impossible to reach agreement as to who were the true representatives of the Korean people and it had been objected that free elections were not possible in the presence of the occupation forces.

107. An amendment 217/ was accordingly submitted which provided for the establishment of a United Nations Temporary Commission on Korea to facilitate and expedite the participation of the representatives of the Korean people in the consideration of the Korean question, and to ensure that the Korean representatives were in fact duly elected by the Korean people and not mere appointees of the military authorities in Korea; the Commission was "to be present in Korea with right to travel, observe and consult throughout Korea".

212/ G A (S-I), Main Committees, 1st Com., 46th mtg., p. 8, A/C.1/145; *ibid.*, 47th mtg., pp. 25-27 and 76-78, statements by Egypt, Iraq, Lebanon, Saudi Arabia and Syria.

213/ G A (S-I), Main Committees, 1st Com., 48th mtg., p. 103.

214/ G A (II), Ad Hoc Com. on the Palestinian question, 1st mtg., p. 2; G A (S-II), Main Committees, 1st Com., 118th mtg., p. 4.

215/ G A (II), 1st Com., p. 606, annex 16d (A/C.1/229).

216/ G A (II), 1st Com., 89th-91st mtgs., pp. 258-282.

217/ G A (II), 1st Com., p. 606, annex 16e (A/C.1/230).

108. In support of the draft resolution and in opposition to the amendment, it was maintained that, as a matter of principle, the United Nations should hear representatives of the Korean people before taking a decision concerning the question of Korean independence. It could be left to the Korean people themselves to decide on how to appoint their representatives. In the Palestine question, it was pointed out, the General Assembly had decided to hear non-governmental representatives of the people of Palestine (see paragraphs 102-104 above). To establish a commission to hear the representatives of the Korean people would only cause further delay.

109. It was objected that the amendment pertained to the substantive question and was not properly an amendment to the draft-resolution, which itself dealt only with procedure. The Committee, however, by 43 votes to 6, with 4 abstentions, decided that it should be regarded as an amendment to the draft resolution. A draft resolution 218/ to provide that the First Committee discuss the amendment when it discussed the substance of the Korean question was rejected by 40 votes to 6, with 5 abstentions.

110. A further amendment 219/ to add to the above-mentioned amendment a provision that the elected representatives of the Korean people be invited to take part in the consideration of the Korean question "in the First Committee and at the plenary meeting of the General Assembly" was rejected by 36 votes to 6, with 9 abstentions.

111. The draft resolution, as amended, was adopted by the Committee in paragraph-by-paragraph votes. Before the voting, certain representatives 220/ declared that, as the Korean question could not properly be discussed without the participation of Korean representatives, they could not take part in the voting on the amendment.

112. The original draft resolution was also voted on and was rejected by 35 votes to 6, with 10 abstentions. The Committee also rejected, by 33 votes to 6, with 12 abstentions, another draft resolution 221/ which would have stated that the Committee considered it inexpedient to discuss the question in the First Committee and at the General Assembly without participation of the elected representatives of the Korean people, and therefore decided to defer consideration of the examination of the Korean question.

113. Subsequently, 222/ certain representatives did not take part in the voting on the draft resolution adopted by the First Committee on the substance of the question; they stated that they considered that the absence of elected representatives of the Korean people, at a time when questions affecting the independence of their country were being discussed, contravened the provisions of the Charter and the right of self-determination of peoples. Similar criticisms of the draft resolution were expressed in plenary meeting 223/ where, again, certain representatives stated that they would not take part in the vote, and one representative stated that his delegation would not and could not take part in the work of a commission such as had been proposed (see paragraph 107 above).

218/ G A (II), 1st Com., p. 607, annex 16h (A/C.1/233).

219/ G A (II), 1st Com., p. 608, annex 16i (A/C.1/234).

220/ G A (II), 1st Com., 91st mtg., pp. 279 and 280.

221/ G A (II), 1st Com., p. 608, annex 16j (A/C.1/235).

222/ G A (II), 1st Com., 94th mtg., p. 305.

223/ G A (II), Plen., vol. II, 111th mtg., pp. 823-838; 112th mtg., pp. 839-859.

114. At the third session, 224/ in connexion with its consideration of the report of the United Nations Temporary Commission on Korea, the First Committee rejected, by 34 votes to 6, with 8 abstentions, a draft resolution 225/ inviting the delegation of the Korean People's Democratic Republic to participate in the examination of the problem of the independence of Korea. It adopted by 39 votes to 6, with 1 abstention, a second draft resolution 226/ inviting the delegation of the Republic of Korea to participate, without the right to vote, in the debate in the First Committee on the Korean question. In favour of the first draft resolution, the representative character of the Democratic People's Republic of Korea was stressed and the representative character of the Government of the Republic of Korea was challenged. It was urged that the representatives of the Democratic People's Republic of Korea be invited so that all aspects of the question might be considered. In opposition to the first draft resolution, it was stated that the North Koreans had boycotted the Temporary Commission and had flouted the previous resolution of the Assembly, and that, since the Temporary Commission had only been able to observe the elections in South Korea, there was no guarantee that the Democratic People's Republic of Korea was truly representative.

115. At the fourth session, the Ad Hoc Political Committee similarly adopted 227/ a draft resolution 228/ inviting representatives of the Republic of Korea to participate in its discussions without the right to vote and rejected another draft resolution 229/ to extend a similar invitation to representatives of the Democratic People's Republic of Korea.

116. The Fourth Committee has also granted oral hearings to petitioners from Trust Territories, and representatives have addressed questions to the petitioners. For example, at the eighth session of the Assembly, the Fourth Committee heard a representative of the Ngoa-Ekélé Community from the Cameroons under French administration, concerning the adjustment of the Community's land complaint; 230/ representatives of the Joint Togoland Congress, of the Parti Togolais du Progrès and of the All-Ewe Conference concerning the Ewe and Togoland unification problem; 231/ and of the Somali Youth League during consideration of the report of the Trusteeship Council on Somaliland under Italian administration. 232/

117. At the sixth session, 233/ the Fourth Committee, after having decided to grant hearings to certain chiefs and headmen of the Herero, Nama, and Berg Damara tribes "and/or other spokesmen designated by them" in connexion with its consideration of the question of South West Africa, decided to hear the Reverend Michael Scott, pending the arrival in Paris of the tribes' representatives and spokesmen. It was stated that it

224/ G A (III/1), 1st Com., 200th mtg., pp. 630-634; 229th mtg., pp. 936-946; 230th mtg., pp. 946-955.

225/ G A (III/1), 1st Com., Annexes, p. 45, A/C.1/367.

226/ G A (III/1), 1st Com., Annexes, p. 64, A/C.1/395.

227/ G A (IV), Ad Hoc Pol. Com., 2nd mtg., pp. 4-6; 3rd mtg., pp. 7 and 8.

228/ G A (IV), Ad Hoc Pol. Com., 2nd mtg., p. 4, A/AC.31/4.

229/ G A (IV), Ad Hoc Pol. Com., Annex, vol. 1, p. 67, A/AC.31/5.

230/ G A (VIII), 4th Com., 382nd mtg., pp. 446-448; 387th mtg., pp. 489-491.

231/ G A (VIII), 4th Com., 365th mtg., pp. 320-324; 366th mtg., pp. 325-331; 367th mtg., pp. 333-339; 368th mtg., pp. 341-347; 369th mtg., pp. 349-355; 370th mtg., pp. 357-363; 375th mtg., pp. 320-360; 376th mtg., pp. 403 and 408.

232/ G A (VIII), 4th Com., 377th mtg., pp. 414-416; 378th mtg., pp. 417-421; 379th mtg., pp. 423-426.

233/ G A (VI), 4th Com., 204th mtg., p. 19; 219th mtg., p. 107.

was unnecessary to adopt a further resolution to enable the Reverend Scott to address the Fourth Committee as a spokesman for the tribes, since this was already provided for in the Fourth Committee's resolution, and the question was then raised as to whether he would be addressing the Committee as an individual. The Chairman stated that he would be heard as a spokesman of the tribes. One delegation 234/ withdrew from the Fourth Committee's debate on the ground that its action in inviting the representatives of the tribes was unconstitutional, since the Charter only allowed petitioners from Trust Territories to be heard. The Fourth Committee's action was again criticized as unconstitutional on this ground in the General Assembly, 235/ and also on the ground that the Reverend Michael Scott was speaking as an individual. On the other hand, it was urged that the Assembly had the right and the duty to hear the representatives of the peoples concerned

9. Suspension of the rules

118. At the fourth session of the General Assembly, 236/ it was suggested that a study might be made of ways of preventing, if necessary, an arbitrary suspension of the rules, and of the advisability of inserting a rule to that effect in the rules of procedure. The view was expressed that such a study might imply that the Sixth Committee approved to a certain extent the principle of the suspension of the application of the rules. Since it was inconceivable that the rules of procedure should contain a provision of that kind, it was maintained, such a study would be useless. The question did not arise again.

C. Election of the President of the General Assembly

1. Question of nominations

119. The question of nominations in connexion with the office of President arose at the first part of the first session, 237/ when one candidate was nominated and another was elected, without prior nomination, by 28 votes to 23. It was objected 238/ that this was unconstitutional, that a nomination should be discussed before a secret ballot was taken, and that, when two nominations were put forward, it was customary for one of them to be withdrawn in the interests of unanimity. Adoption by a majority reflected on the dignity of the Assembly and, to some extent, on the authority of the President. An amendment to the rules was proposed, to state that "each candidature must be brought forward at a meeting and be open to discussion before a vote is taken, except in cases where the Assembly decides unanimously to vote by acclamation". The amendment was referred to the Sixth Committee, and was referred by it to a Sub-Committee on Rules of Procedure. The Sub-Committee recommended 239/ the addition of new rules laying down a procedure for nominations, which allowed for nominations in writing as well as orally. An amendment was, however, adopted by the Sixth Committee 240/ by 22 votes to 21, with 8 delegations absent, to state that "There shall be no nominations". This amendment to the rules was adopted by the Assembly in plenary meeting 241/ by 25 votes to 18, with 8 delegations absent.

234/ G A (VI), Annexes, a.i. 36, pp. 18 and 19; A/C.4/196.

235/ G A (VI), Plen., 361st mtg., pp. 355-363; 362nd mtg., pp. 365-377.

236/ G A (IV), 6th Com., 158th mtg., p. 97.

237/ G A (I/1), Plen., 1st mtg., pp. 45 and 46.

238/ G A (I/1), Plen., 2nd mtg., pp. 57 and 58.

239/ G A (I/1), 6th Com., pp. 35-39, annex 2 b (A/C.6/9/Rev.1).

240/ G A (I/1), 6th Com., 4th mtg., p. 10.

241/ G A (I/1), Plen., 18th mtg., pp. 295 and 296.

120. During the discussions in plenary meeting, 242/ it was stated that the principle of nominations would result in lobbying, that it ran counter to the Charter provision for a secret ballot in all elections, and that it would cause embarrassment to discuss publicly the rival merits of various candidates. In favour of the principle, it was contended that to forbid nominations was undemocratic, and that Members had the basic right to make proposals on every matter within the competence of the General Assembly, that qualified candidates, particularly from small countries, might be insufficiently known, that to forbid nominations would lead to manoeuvres behind the scenes and would reflect on the prestige of the Assembly.

2. Election of Vice-Presidents

121. No provision exists in the Charter concerning the election of Vice-Presidents. Since the first election, 243/ it has been accepted that States rather than individuals should be elected to the office of Vice-President. The provisional rules of procedure 244/ stated that the Assembly was to elect seven Vice-Presidents on the basis of ensuring the representative character of the General Committee. At the second session, 245/ following some discussion, it was decided to amend the rule to provide that the Vice-Presidents should be elected after the Chairmen of the Main Committees.

242/ G A (I/1), Plen., 2nd and 18th mtgs., pp. 62-64 and 279-291.

243/ G A (I/1), Plen., 3rd mtg., pp. 69 and 70.

244/ Report of the Preparatory Commission of the United Nations, PC/20, 23 Dec. 1945,
p. 11, rule 26.

245/ G A (II), 6th Com., 56th mtg., p. 131.

