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**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. There was no change to the rules of procedure of the General Assembly during the period under review. Relevant discussions of the Assembly (including its subsidiary bodies) are summarized in section IIA. The practice of the Assembly concerning the elections of its President is found in section IIB.

## **I. GENERAL SURVEY**

2. During the period under review, the rules of procedure of the General Assembly remained unchanged. Even so, the Assembly continued its work aimed at the rationalization of its work and procedures. Thus, several bodies have been involved in relevant discussions. In some cases, recommendations regarding the preparation of potential future amendments to the rules of procedure of the Assembly were made. Relevant activities involved the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,<sup>1</sup> the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations,<sup>2</sup> the 1985 UNITAR Meeting of Presidents of the General Assembly on the occasion of the fortieth anniversary of the United Nations,<sup>3</sup> and the Fifth Committee.<sup>4</sup>

3. At the same period, the Assembly, each year, requested the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to keep the question of the rationalization of the procedures of the United Nations under active review.<sup>5</sup>

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<sup>1</sup> See paras. 3-5 of this study.

<sup>2</sup> See paras. 6-8 of this study.

<sup>3</sup> See para. 9 of this study.

<sup>4</sup> See paras. 5, 7 and 8 of this study.

<sup>5</sup> G A resolutions 40/78, 41/83, 42/157 and 43/170. See also in this connection *Repertory, Supplement No.7*, vol. II, under Article 13 (1) (a), para. 41, footnote 101.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. Adoption and amendment of the rules of procedure of the General Assembly

#### *a) Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization*

4. During the 40<sup>th</sup> - 43<sup>rd</sup> sessions of the General Assembly,<sup>6</sup> the Special Committee considered a working paper submitted by France and the United Kingdom,<sup>7</sup> addressing various issues of the procedures of the United Nations including the issues of the procedures of the General Assembly such as: the need to review the Committee's 1984 conclusions which had been already approved by the Assembly for reproduction as an annex to its rules of procedure;<sup>8</sup> a close link of the rationalization of procedures with the substantial issues of financing and optimal use of reduced resources;<sup>9</sup> the importance of adopting resolutions and decisions of the Assembly by consensus, along with the goal that this principle, among others, should be reflected in the rules of procedure of the General Assembly;<sup>10</sup> the use of electronic voting;<sup>11</sup> the need to put forward before the end of each session of the Assembly suggestions by the General Committee about the organization and rationalization of the work of the next Assembly;<sup>12</sup> the rationalization of the agenda of the Assembly;<sup>13</sup> the possibility of convening certain Main Committees successively;<sup>14</sup> the distribution of agenda items between the Main Committees and the plenary sessions of the Assembly;<sup>15</sup> the representation of all regional groups on the Bureau of each Main Committee;<sup>16</sup> creation and discontinuation of subsidiary organs;<sup>17</sup> the dates and length of the sessions of intersessional bodies;<sup>18</sup> meetings away from

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<sup>6</sup> G A (40), Suppl. No. 33, A/40/33; G A (41), Suppl. No. 33, A/41/33; G A (42), Suppl. No. 33, A/42/33; G A (43), Suppl. No. 33, A/43/33.

<sup>7</sup> A/AC.182/L.43, at a later stage A/AC.182/L.43/Rev.1 and A/AC.182/L.43/Rev.2.

<sup>8</sup> Yearbook of the United Nations 1985, p. 397.

<sup>9</sup> Yearbook of the United Nations 1986, p. 381.

<sup>10</sup> G A (41), Suppl. No 33, A/41/33, para. 32 (A/AC.182/L.43/Rev.1, para. 1).

<sup>11</sup> A/AC.182/L.43/Rev.1, para. 2.

<sup>12</sup> *Ibid.*, para. 3.

<sup>13</sup> *Ibid.*, para. 4.

<sup>14</sup> *Ibid.*, para. 5.

<sup>15</sup> *Ibid.*, para. 6. See also G A (42), Suppl. No. 33, A/42/33, para. 26.

<sup>16</sup> G A (41), Suppl. No 33, A/41/33, para. 32 (A/AC.182/L.43/Rev.1, para. 7). See also G A (42), Suppl. No. 33, A/42/33, para. 27.

<sup>17</sup> G A (41), Suppl. No 33, A/41/33, para. 32 (A/AC.182/L.43/Rev.1, para. 8). See also G A (42), Suppl. No. 33, A/42/33, para. 28.

<sup>18</sup> G A (41), Suppl. No 33, A/41/33, para. 32 (A/AC.182/L.43/Rev.1, para. 9). See also G A (42), Suppl. No. 33, A/42/33, paras. 28-31.

Headquarters;<sup>19</sup> reducing the number of resolutions and requests for observations from States and reports by the Secretary-General.<sup>20</sup>

5. Relevant issues raised in the first revised version of the working paper were further addressed in its second revised version presented at the 1987 session of the Special Committee<sup>21</sup> and subsequently discussed by the Committee at its 1988 session.<sup>22</sup> During the discussion on the paper, reference was made to relevant recommendations on the improvement of the functioning of the General Assembly made by the Working Group of the Whole of the Asian-African Legal Consultative Committee,<sup>23</sup> to the recommendations of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations,<sup>24</sup> to the findings of the Fifth Committee and relevant provisions of General Assembly resolution 41/213 entitled “Review of the efficiency of the administrative and financial functioning of the United Nations”.<sup>25</sup>

*b) Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations*

6. At its 40<sup>th</sup> session in 1985, the General Assembly established, by its resolution 40/237, a Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations with a term of one year. Its goal was to provide the Assembly with a report containing observations and recommendations of the Group regarding the improvement of the efficiency of the United Nations administrative and financial functioning.<sup>26</sup> Among the numerous recommendations made by the Group of High-level Intergovernmental Experts, some concerned the organization of the work of the General Assembly directly; e.g. reducing the number, frequency and duration of meetings of its subsidiary bodies; biennialization and rationalization of conferences and meetings; streamlining the procedures and methods of work of the Assembly and its subsidiary organs.<sup>27</sup>

7. In 1986, following the General Assembly decision made at its 41<sup>st</sup> session, the Fifth Committee undertook a factual examination of the report of the Group of High-level

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<sup>19</sup> G A (41), Suppl. No 33, A/41/33, para. 32 (A/AC.182/L.43/Rev.1, para. 10). See also G A (42), Suppl. No. 33, A/42/33, para. 32.

<sup>20</sup> G A (41), Suppl. No 33, A/41/33, para. 32 (A/AC.182/L.43/Rev.1, para. 11). See also G A (42), Suppl. No. 33, A/42/33, para. 33.

<sup>21</sup> Yearbook of the United Nations 1987, p. 367.

<sup>22</sup> See G A (42), Suppl. No. 33, A/42/33, para. 34 (A/AC.182/L.43/Rev.2). See also G A (43), Suppl. No. 33, A/43/33, paras. 62-103. See also Yearbook of the United Nations 1988, p. 819.

<sup>23</sup> See A/41/437 and G A (43), Suppl. No. 33, A/43/33, paras. 74 and 93.

<sup>24</sup> G A (41), Suppl. No. 49, A/41/49. See also G A (43), Suppl. No. 33, A/43/33, paras. 87, 91, 93 and 96.

<sup>25</sup> See G A (43), Suppl. No. 33, A/43/33, para. 96.

<sup>26</sup> G A resolution 40/237, para. 2.

<sup>27</sup> G A (41), Suppl. No. 49, A/41/49, IIA, Recommendations 2 (b), 3 (b).

Intergovernmental Experts (also having before it relevant documents of other bodies and of the Secretary-General)<sup>28</sup> and submitted its findings to the plenary.<sup>29</sup>

8. In its resolution 41/213, the Assembly decided that the recommendations as agreed upon and as contained in the report of the Group of High-level Intergovernmental Experts should be implemented in the light of the findings of the Fifth Committee<sup>30</sup> and subject to further provisions of the resolution, including a request addressed to the Committee for Programme and Co-ordination, assisted by the Joint Inspection Unit and other bodies, to evaluate the implementation of the recommendations relating to the intergovernmental machinery and its functioning.<sup>31</sup> In paragraph 5 of the same resolution it was reaffirmed that in regard to the planning, programming and budgeting process, the decision-making process would be governed by the provisions of the Charter of the United Nations and the rules of procedure of the General Assembly.<sup>32</sup> The Assembly agreed that, without prejudice to the above paragraph 5 of the resolution, the Committee for Programme and Co-ordination “should continue its existing practice of reaching decisions by consensus; explanatory views, if any, shall be presented to the General Assembly”.<sup>33</sup> The Assembly also considered desirable that the Fifth Committee, before submitting its recommendations on the outline of the programme budget to the Assembly in accordance with the provisions of the Charter and the rules of procedure, should continue to make all possible efforts with a view to establishing the broadest possible agreement.<sup>34</sup> The Assembly also requested the Secretary-General to submit to it such supplementary rules and regulations as may be deemed necessary for the improvement in the planning, programming and budgeting process.<sup>35</sup>

*c) 1985 UNITAR Meeting of Presidents of the  
General Assembly on the occasion of the fortieth anniversary of the  
United Nations*

9. The year 1985 marked the 40<sup>th</sup> anniversary of the United Nations. Notable among the activities held in this regard in June 1985 in New York was the UNITAR meeting of the former and current Presidents of the General Assembly.<sup>36</sup> One of the main purposes of this meeting was the “improvement of the General Assembly”.<sup>37</sup> The

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<sup>28</sup> A/41/795, paras. 1 and 2.

<sup>29</sup> A/41/795.

<sup>30</sup> *Ibid.*

<sup>31</sup> G A resolution 41/213, I paras. 1 and 1(f).

<sup>32</sup> *Ibid.*, II para. 5.

<sup>33</sup> *Ibid.*, para. 6.

<sup>34</sup> *Ibid.*, para. 7. In the legal opinion by the Legal Counsel of the United Nations regarding draft paragraphs 5 to 7 it was stated that they do not “prejudice the provisions of Article 18 of the Charter of the United Nations or of the relevant rules of procedure of the General Assembly giving effect to this Article” (see Annex II to the G A resolution 41/213).

<sup>35</sup> G A resolution 41/213, II, para. 8. In the context of budget process, in para. 11 of Annex I to the G A resolution 41/213 a reference was made to “the relevant provisions of The Financial Regulations and Rules.”

<sup>36</sup> A/40/377.

<sup>37</sup> *Ibid.*, Annex, Introduction, para. 2.

recommendations made by the Presidents of the General Assembly concerning the rationalization of the procedures of the Assembly touched on various elements, such as: organization of the session (election of officers,<sup>38</sup> General Committee, schedule of meetings, Agenda, reduction in the number of items, grouping of items, staggering of items, allocation of items, general debate); work of the Main Committees; documentation (reduction of documentation, reports, communications from Member States); resolutions (number of resolutions, content of resolutions, voting procedure); and subsidiary organs.<sup>39</sup> Some of the recommendations suggested that the rules of procedure would have to be amended as proposed in the main conclusions.<sup>40</sup> The main conclusions and the recommendations made by the Presidents of the Assembly were transmitted to the Secretary-General for circulation to Member States.<sup>41</sup> The Presidents of the Assembly, noting that a number of “practical suggestions aimed at improving the procedures of the Assembly” had been made by them, specifically pointed out that a “measure which would increase considerably the impact of the decisions of the General Assembly would be to reduce the number and, possibly, the length of resolutions adopted by the Assembly.”<sup>42</sup>

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<sup>38</sup> In this connection, see also para. 10 of this study.

<sup>39</sup> A/40/377, Annex, appendix.

<sup>40</sup> *Ibid.*, appendix, paras. 2 and 4.

<sup>41</sup> Yearbook of the United Nations 1985, p. 403. See A/40/377 and A/41/437, Annex, Introductory note.

<sup>42</sup> See A/40/377, Annex, III, para.19.

## **B. Elections of the President of the General Assembly**

10. In 1985, the Meeting of Presidents of the General Assembly, on the occasion of the 40<sup>th</sup> anniversary of the United Nations, made a recommendation on the election of officers as follows: “The President of the General Assembly and the Chairmen of the Main Committees should be elected, or at least nominated, before the conclusion of the work of the previous session in December”.<sup>43</sup>

11. While at the beginning of the 40<sup>th</sup>, the 41<sup>st</sup> and the 42<sup>nd</sup> session only one candidate was nominated, the President of the General Assembly was in each case elected by acclamation, taking into account the provisions of paragraph 16 of the Annex VI of the rules of procedure.<sup>44</sup> At the 40<sup>th</sup> session, Mr. Jaime de Pinies (Spain) was elected President; at the 41<sup>st</sup> session, Mr. Humayun Rasheed Choudhury (Bangladesh); and at the 42<sup>nd</sup> session, Mr. Peter Florin (German Democratic Republic).

12. Unlike the previous sessions, at the beginning of the 43<sup>rd</sup> session, there were two candidates for the President of the General Assembly. In accordance with rule 92 of the rules of procedure, the Assembly proceeded to elect the President by secret ballot.<sup>45</sup> Having obtained the required majority, Mr. Dante Caputo (Argentina) was elected President of the 43<sup>rd</sup> session of the General Assembly.

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<sup>43</sup> A/40/377, Annex, appendix, para. 1.

<sup>44</sup> G A decision 40/302; A/40/PV.1, p. 11; G A decision 41/302; A/41/PV.1, p. 12; G A decision 42/302; A/42/PV.1, p. 6.

<sup>45</sup> G A decision 43/302; A/43/PV.1, p. 11-20.