

FIFTH SESSION

COMMITTEE ON PROCEDURAL QUESTIONS

SUMMARY RECORD OF THE FIFTH MEETING

Held at Lake Success, New York, on Monday,
28 July 1947, at 11:15 a.m.

Present:

Chairman:	Mr. Davidson	(Canada)
	Mr. Wu	(China)
	Mr. Osuna	(Cuba)
	Mr. Pitlik	(Czechoslovakia)
	Mr. de Folin	(France)
	Mr. van der Mandele	(Netherlands)
	Mr. Seyersted	(Norway)
	Mr. Kamenev	(Union of Soviet Socialist Republics)
	Mr. Alexander	(United Kingdom)
	Mr. Kotschnig	(United States of America)
Secretariat:	Mr. Dumontet	
	Mr. Fabry	

Continuation of the Discussion of Rules of Procedure of Commissions of the
Economic and Social Council (Document E/460)

Rules 28-34

DECISION: Rules 28 to 34 inclusive were accepted as read.

Rule 35

Mr. VAN DER MANDELE (Netherlands) said that the General Assembly Draft Rules of Procedure had special provisions for abstentions and asked whether it would not be desirable to extend Rule 35 to cover abstentions.

The CHAIRMAN pointed out that the Economic and Social Council had not as yet taken a positive stand on the point, and since the General Assembly had also not yet finally adopted its provisional Rules of Procedure, it would be more appropriate to let Rule 35 stand until such time as final decisions had been made by those senior bodies.

DECISION: Rule 35 was accepted as read.

Rules 36, 37 and 38

DECISION: Rules 36, 37 and 38 were accepted as read.

Rules 39 and 40

Mr. ALEXANDER (United Kingdom) drew attention to the difficulties that the Economic and Employment Commission had experienced when more than two candidates received equal numbers of votes.

The CHAIRMAN suggested deleting the word "two" in line 3.

/DECISION

DECISION: After further discussion, the Committee decided, on the suggestion of Mr. WU (China) that Mr. ALEXANDER (United Kingdom) and the Secretary should redraft Rules 39 and 40 to meet the point.

Rule 41

Mr. KOTSCHNIG (United States of America) pointed out that it would be desirable to speed up the procedure of voting by shortening the waiting period.

Mr. VAN DER MANDELE (Netherlands) and Mr. WU (China) agreed with the representative of the United States comments.

DECISION: The Committee agreed that Rule 41 should read:

"If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected."

Rules 42 and 43

DECISION: Rules 42 and 43 were accepted as read.

Rule 44

Mr. SEYERSTED (Norway) enquired why summary records were not circulated before the close of the session.

The CHAIRMAN said that it was to avoid confusion, should revision of a record be necessary. He pointed out that draft summary records were issued to the members of the Commissions, whose amendments were incorporated into the final text which was then circulated.

Mr. SEYERSTED (Norway) said that Secretaries of Delegations had had considerable difficulty in obtaining working papers which had been referred to in Summary Records. After discussion with the Assistant Secretary-General in charge of Conferences and General Services, it had been agreed that working papers would be distributed to Delegations on request. Mr. Seyersted proposed that words to that effect be inserted in Rule 44.

The CHAIRMAN said that as long as it was understood that working papers were available on request, he did not think it was necessary to amend the rule.

DECISION: Rule 44 as read was accepted.

The CHAIRMAN drew attention to the words "the Commission, its committees, its sub-commissions and subsidiary bodies", in line 1 of Rule 44 which had been deleted in Rules 24 and 27.

DECISION: The Committee decided to let the words stand, but that when the final text was under review, the wording of Rules 24, 27 and 44 would be revised to read consistently.

/Rule 45

Rule 45

DECISION: After discussion Rule 45 was adopted to read:

"The Commission shall report to the Economic and Social Council on the work of each session.

"This Report shall be presented to the Council by the Rapporteur or by such other Member of the Commission as the Commission may decide."

Rule 46

Mr. KOTSCHNIG (United States of America) proposed the following additional phrase to be added at the end of Rule 46:

"...and all those non-governmental organizations in Category 'B' brought into relationship with the Commissions."

Mr. ALEXANDER (United Kingdom) asked that it be made quite clear that this should apply only to non-governmental organizations which had been brought into relationship with Commissions.

The CHAIRMAN said that Rules of Procedure would be drafted for all Commissions separately.

DECISION: Rule 46 was accepted with the amendment proposed by the United States representative.

The CHAIRMAN said that with regard to the Rules of Procedure for the Narcotics Commission he had ascertained that the Rules of Procedure which were now under discussion by the Committee would be taken as a basis for all commissions including the Narcotics Commission, but that certain adjustments would have to be made to meet individual requirements.

Rule 47

Mr. SEYERSTED (Norway) enquired whether it would not be more appropriate to amend Rule 47 to read: "The summary records and relevant documents of private meetings of the Commission, its committees, sub-commissions and subsidiary bodies shall be distributed to Members of the United Nations unless the Commission decides otherwise."

Mr. PITLIK (Czechoslovakia) thought that there should be some provision whereby the Economic and Social Council could request distribution to Members of the United Nations of such documents. He pointed out that as the rule now stood, the executive prerogative was with the Commission and not the Council.

Mr. ALEXANDER (United Kingdom) said that he thought the Commission should be given as much latitude as possible in this connection and that in any event it did not detract from the powers of the Council which could overrule any decisions the Commissions might take. He felt that the rule should stand as it was.

DECISION: Rule 47 as read was accepted.

/Mr ALEXANDER

Mr. ALEXANDER (United Kingdom) said he would like to see inserted in Section VII, between Rules 26 and 27, a rule similar to Rule 30 of the Economic and Social Council Rules of Procedure (document E/33/Rev.3). He thought Commissions should be encouraged to see their work in more realistic terms. Commissions should learn to establish the order of priorities of their work with availabilities of funds as the main factor.

The CHAIRMAN thought that the proposal of the United Kingdom representative would undoubtedly have an educational and salutary value. He pointed out, however, that the Commission could not take any decision involving expenditure as all such decisions were subject to the approval of the Council.

Mr. KOTSCHNIG (United States of America) said that since the Chairman had pointed out the educational value of such a Rule, he would support it.

DECISION: The Committee decided that a rule along the lines of Rule 30 of the Economic and Social Council Rules of Procedure should be drafted by the Secretary and inserted at the appropriate place.

Rule 48

DECISION: Rule 48 as read was accepted.

Rule 49

DECISION: The last word was amended to read "decisions", and the Rule as read was accepted.

Rule 50

DECISION: Mr. ALEXANDER (United Kingdom) asked that Rule 50 be revised by the Secretary in the light of Rule 25, document E/452.

Rule 51

Mr. SEYERSTED (Norway) drew attention to the amendment proposed by his delegation (document E/374).

The CHAIRMAN pointed out that should the proposal be adopted, it would commit the Council to make the same change in its Rules. He added that in reviewing the Rules of Procedure they sought to improve the Rules.

Mr. ALEXANDER (United Kingdom) supported the Norwegian representative's proposal.

Mr. SEYERSTED (Norway) said that the Norwegian delegation had not proposed the amendment to the Council's Rules since they had not yet been discussed but that they would do so at the appropriate time.

DECISION: Rule 51 was adopted to read: "During the discussion of any matter, a Member may move the adjournment of the debate. Any such motion shall have priority in the debate. In addition to the proposer of the motion, one Member may speak in favour of, and two against the motion."

Rule 52

DECISION: Rule 52 as read was accepted.

Rule 53

DECISION: Rule 53 was amended to read as the Norwegian proposal (document E/374): "A Member may at any time move the closure of the debate whether or not any other Member has signified his wish to speak. In addition to the proposer of the motion, one Member may speak in favour of, and two against the motion."

Rule 54

Mr. KAMENEV (Union of Soviet Socialist Republics) moved that Rule 53 of the Rules of Procedure of the Economic and Employment Commission (document E/445) should replace Rule 54.

Mr. VAN DER MANDELE (Netherlands) thought that the twenty-four hours mentioned were too long.

Mr. ALEXANDER (United Kingdom) agreed with the Netherlands representative and said that the point had been discussed at length by the Commissions as it was difficult to define what was considered "substantive". The rule had been omitted purposely from the Rules to enable Commissions to proceed with the work as expeditiously as possible.

DECISION: Rule 54 was amended to read:

"Resolutions, motions and amendments of a substantive character, such as those affecting the organization or field of work of the Commission, or drafted for presentation to the Economic and Social Council, shall be deferred until ('the next day', this phrase to be redrafted by the Secretary) during which time the Secretary shall circulate in writing copies of the proposed text."

Rule 55

DECISION: Rule 55 was amended to read: "Parts of a proposal may be voted on separately if a member so requests."

Rule 56

The CHAIRMAN noted the change proposed by the Norwegian delegation (document E/374) and read both versions of the rule.

Mr. WU (China) suggested the rule should be left as it stood.

Mr. SEYERSTED (Norway) said that the Norwegian delegation regarded their amendment to the rule as important since the rule as it now stood had caused a lot of discussion and confusion.

The CHAIRMAN pointed out that this Rule was still under discussion by the senior bodies of the United Nations, including the Economic and Social Council, and he questioned the advisability of taking a final decision at the present time.

/DECISION:

DECISION: It was agreed that the Norwegian and United Kingdom representatives should work out an amendment which would be discussed at a later date.

Rule 57

DECISION: It was agreed that Rule 57 should be considered and revised together with Rule 56.

Rule 58

Mr. ALEXANDER (United Kingdom) said the United Kingdom delegation felt it should be left to the Economic and Social Council to define the powers of sub-commissions, and Commissions should be asked only to recommend the powers and composition.

The CHAIRMAN read the United States amendment to Rule 58 (document E/320).

DECISION: After considerable discussion it was agreed that Rule 58 should be amended to read:

"The Commission shall set up such sub-commissions as may be authorized by the Economic and Social Council. Unless otherwise determined by the Council, the Commission shall define the functions and composition of each sub-commission."

Rule 59

DECISION: It was agreed that the words "and adopt its own Rules of Procedure" be deleted. Rule 59 was accepted as amended.

Rule 60

DECISION: Rule 60 was adopted with the following amendments:

"The Rules of Procedure of the Commission shall apply to the proceedings of sub-commissions and other subsidiary bodies in so far as they are applicable."

Mr. KOTSCHNIG (United States of America) pointed out that the number of meetings to be held by sub-commissions had not been specified.

The CHAIRMAN said that the Council had passed a resolution* stating that sub-commissions "should normally meet once a year and in any event not more than twice a year."

The discussion was adjourned.

The meeting rose at 1:40 p.m.

* See Resolutions adopted by the Economic and Social Council during its Fourth Session, page 44, No. 55 (IV)