

External Affairs  
Supplementary Paper

No. 53/29 MEASURES TO LIMIT THE DURATION OF

REGULAR SESSIONS OF THE GENERAL

ASSEMBLY

Statement made on October 6, by Mr. Alan A.

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Canada in the Sixth (Legal) Committee.

Since the item "Measures to Limit the Duration of Regular Sessions of the General Assembly" was first debated some years ago, the Canadian delegation has consistently taken the position that it would support any practical and effective measures to limit the duration of regular sessions of the General Assembly and would support any proposal which it considered would lead to economy in the time and expense of carrying out the work of the United Nations. My delegation has also emphasized, and we once again emphasize, that we will oppose any move or proposal which we consider would unnecessarily restrict freedom of discussion and the inviolable right of any member state to freely and adequately express its view on all issues which come before the United Nations. We stated last year during the debate on this item in this Committee that the Canadian delegation "would be among the first to oppose any moves which would have the effect of preventing free and full discussion or deny the right of any representative to be heard. In this sense, we are opposed to any unreasonable suggestions or proposals to limit debates in the General Assembly or any of its committees."

On the other hand, the Canadian delegation maintains that there must be limits and reasonable restrictions on the right of debate if we are to conduct our business in an orderly and effective manner and in the best interests of the United Nations as a whole. This right must not be abused. There have been incidents in the past which have convinced us that this right has been abused with the result that regular sessions of the Assembly and the different committees were unduly and unnecessarily extended. I think we can assume that these abuses will continue to occur unless we take steps to prevent their recurrence. One effective method to achieve this is to amend the rules of procedure where such amendments can be made without the danger of infringing the sovereign right of a member state to freely present its view on any given issue before the Assembly. We do not believe that the best interests of the United Nations are always best served by those who speak the most and the longest. We share the view of those delegations which pointed out that our rules of procedure, no matter how perfectly drafted, and measures which of themselves would automatically limit the duration of regular sessions, may be useless and self-defeating unless they are accompanied by an improvement in methods and practices and particularly a genuine willingness on the part of all delegations to cooperate in their enforcement.

Mr. Chairman, the Canadian delegation has followed this general debate closely and we have observed, as some delegations have already pointed out, that our present debate is pretty well a repetition of the debate in this Committee on this item during the seventh session. We are pleased to note, however, that some concrete progress has been made since our last session. We now have the report of the Special Committee, which met earlier this year to give further study to this problem and report back to the assembly at this session. We have carefully studied that report (Document A/2402) and I want to say that my delegation is in general agreement with the observations and conclusions contained in it. We were particularly impressed with the moderate and restrained suggestions for improvement which the Special Committee has made. This report will be a very useful and valuable document for future reference and guidance. We hope that it will not be buried or lost sight of in the future conduct of the business of the United Nations, but will be kept readily available and accessible for the use of all delegations and committees in the future. At this point, my delegation wishes to record its appreciation of the initiative and effort of the distinguished delegate from Norway in preparing his draft resolution and annex for our consideration. His annex is an excellent resume of the suggestions contained in the report of the Special Committee. We do not think, however, that any consolidation or outline of the Special Committee's report should be added to the rules of procedure as an annex. All delegations seem to be agreed that such an annex would have no legal validity and consequently would not be binding or enforceable in the sense that the rules of procedure themselves are. This is certainly the view of my delegation. At best, it would simply serve as a guide for delegations, the President of the General Assembly, and the chairmen of the various committees and, as such, they would be free to comply with or ignore the suggestions in such an annex. Apart from the fact that it has no legal validity, we fear that, instead of providing a means of limiting the duration of debates, such an annex might instead give rise to unnecessary doubt and ambiguity and consequently be the cause of longer debates and unnecessary delays in the work of the United Nations in the future. We consider that the rules of procedure of an organization such as the United Nations are an extremely important factor in the orderly and efficient conduct of the work of the United Nations. Consequently, they must be most definite, clear unequivocal, and binding on all members of the United Nations. As we acquire more experience in the debates and the work of the United Nations, we may be able to eventually incorporate in our rules of procedure some or all of the suggestions in the annex proposed by the distinguished delegate from Norway in his revised draft resolution.

For these reasons, Mr. Chairman, the Canadian delegation will support the amendment to the Norwegian resolution which has been proposed by Brazil and France. The proposed resolution as thus amended will provide for only two minor, but appropriate and desirable amendments to the existing rules of procedure.

The first will make a light change to Rule 38 of the rules of procedure. We have observed that no delegation

has objected to this proposed amendment, which will enable the Chairman of the Ad Hoc Political Committee to participate in the work of the General Committee in the same manner as the chairmen of other main committees of the General Assembly. The second amendment concerns Rule 73 (113). It is this proposed amendment which has given rise to most of the debate and considerable confusion at the present session. Some delegations seem to be doubtful about its effect. They suspect that it will place an unnecessary restriction on the right of freedom of speech. The Canadian Delegation does not share this view. The Canadian Delegation has listened attentively to those delegates and particularly to the distinguished delegate from the Soviet Union who attempted to argue that this amendment would restrict the right of free debate and infringe the sovereign right of member governments to freely express their views on any issue before the United Nations. The Soviet delegate's argument on this point, Mr. Chairman, was, in our view, very weak and completely unconvincing.

We thought that the distinguished delegates from China and Greece pointed out, in a very clear and convincing manner, that the proposed amendment to Rules 73 and 113, could have no other effect than to limit the debate on a purely procedural point. Its purpose is solely to limit the time of the debate on whether the debate on the item before the assembly or committee should be limited. We entirely agree that this is the only interpretation that can rightly be put on the words of the proposed amendment. In other words, its purpose is solely to limit the time of a procedural debate and in no way could it prevent any delegation from freely expressing the views of its government on the main item under consideration. We do not see the logic of the argument that a possible limitation of the time for a procedural debate would, in itself, be a means of preventing any Member State from presenting its view on the item under consideration. A procedural debate would, by its nature, be restricted to a point of procedure and must exclude the merits of the item on the agenda. This must be clear to all delegations in this committee. Moreover, we do not think that the debate on the main item before the Assembly should be unnecessarily delayed or extended by a long, time-consuming procedural debate in which sixty delegates might make lengthy speeches on a procedural point. Surely lengthy procedural debates are not in the best interests of the United Nations or in the spirit of the Charter.

The Soviet delegate was, in our view, on very weak ground when he tried to convince this committee that this proposed amendment would prevent delegations from freely expressing their government's views on any item on the agenda of the United Nations. He neglected to emphasize, and I think this is important for all delegations to keep in mind when considering this proposed amendment, that Rule 73 (113), as amended, will still be subject to the wishes of the majority of delegations in the General Assembly or any of the committees. If the majority of delegations do not want to limit the procedural debate, they do not have to. They can simply vote against any

motion which might be made to limit such a debate. This point was clearly explained by the distinguished delegate from Greece, at our last meeting. The Canadian delegation does not consider it is a good practice, or one which is in the best interests of the United Nations, to allow a small group or a minority of delegations, which for reasons of their own, endeavour to prolong the consideration of an item on the agenda by means of a debate on a procedural point, particularly when the majority of delegations do not favour such a debate.

In resumé, Mr. Chairman, the Canadian delegation will support the amendment to the Norwegian resolution which has been sponsored by Brazil and France. We consider, that by adopting the resolution thus amended, this Committee and this Session of the General Assembly will have made some concrete progress towards limiting the duration of regular sessions of the General Assembly, without at the same time restricting in any way the sovereign right of Member States to freely and adequately express their views on any matter that comes before the United Nations.

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