

## UNITED NATIONS PALESTINE COMMISSION

## DRAFT RULES OF PROCEDURE

Working Paper Prepared by the Secretariat

## INTRODUCTION

1. The resolution on the Future Government of Palestine, adopted by the General Assembly at its one hundred and twenty-eighth plenary meeting on 29 November 1947, by which the Palestine Commission was established, does not contain any reference to the Rules of Procedure of the Commission.
2. Rule 149 of the Rules of Procedure of the General Assembly adopted on 17 November 1947, which came into force on 1 January 1948, reads as follows:

"The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions. The rules relating to the procedure of committees of the General Assembly, as well as Rules 38 and 55, shall apply to the procedure of any subsidiary organ, unless the General Assembly or the subsidiary organ decides otherwise."

3. Until the adoption, therefore, of particular Rules of Procedure for the United Nations Palestine Commission, Chapter XII of the Assembly's Rules, and Rules 38 and 55, should be applied.

However, owing to the extraordinary character of the Commission, some adaptations, modifications, and additional Rules may be considered necessary. In this connection, the attached Draft Rules of Procedure are submitted by the Secretariat for the consideration of the Commission. The proposed modifications and additional Rules are mainly based on the Rules of Procedure of the United Nations Special Committee on Palestine, and of other United Nations organs. The number of the corresponding Rule of Procedure of the General Assembly or United Nations Special Committee on Palestine is indicated in brackets after each Rule. Additional Rules and modifications in the Rules of Procedure of the General Assembly are underlined. It is suggested that any Rules of Procedure that may be adopted at present should be considered as provisional in order to allow for any changes which may become necessary later on in the light of experience.

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/I. MEETINGS

## I. MEETINGS

Rule 1 (1)

The United Nations Palestine Commission (hereinafter called "the Commission") shall meet as and when it deems necessary for the conduct of its business. Meetings shall be held in pursuance of a decision of the Commission at a previous meeting, or if convened by the Chairman or at the request of any Member.

Rule 2 (2)

The date and place of each meeting, if not decided on at the previous meeting of the Commission, shall be notified to the members of the Commission by the Secretariat whenever possible not less than twenty-four hours in advance.

## II. AGENDA

Rule 3 (12)

The provisional agenda for each meeting of the Commission shall be drawn up by the Secretariat in consultation with the Chairman and shall be communicated to the members of the Commission as early as practicable before the opening of the meeting.

Rule 4 (11)

The provisional agenda shall include:

1. Items proposed by the Commission at any previous meeting;
2. Items proposed by any member of the Commission;
3. Items proposed by the General Assembly;
4. Items proposed by the Security Council;
5. Items proposed by a sub-commission, or committee or sub-committee of the Commission;
6. All items, communications, or reports which the Chairman or the Secretariat may deem necessary to put before the Commission.

Rule 5 (New Rule)

The first item on the provisional agenda for each meeting of the Commission shall be the adoption of the agenda;

## III. OFFICERS OF THE COMMISSION

Rule 6 (94)

The Commission shall elect from among its members a Chairman and Vice-Chairman. These elections shall be held by secret ballot.

Rule 7 (96)

If the Chairman finds it necessary to be absent during a meeting or any part thereof, the Vice-Chairman shall take his place. The Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman. If any officer of the Commission is unable to perform his functions, a new officer shall be elected.

Rule 8 (97)

The Chairman shall declare the opening and closing of each meeting of the Commission; shall direct its discussions, 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 of the Commission and over the maintenance of order at its meetings.

IV. SECRETARIAT

Rule 9 (38)

The Secretary-General shall act in that capacity in all meetings of the Commission and such subsidiary bodies as it may establish. He may designate a member of the staff to act in his place at these meetings.

Rule 10 (39)

The Secretary-General shall provide and direct the staff required by the Commission and such subsidiary bodies as it may establish.

Rule 11 (40)

The Secretariat shall receive, translate, and distribute the documents of the Commission and its subsidiary bodies; prepare working papers; interpret speeches made at the meetings as necessary, prepare and circulate the records of the meetings; have the custody and proper preservation of the documents; publish the reports of the meetings, and generally shall be responsible for all the necessary arrangements for meetings and other activities of the Commission, and its subsidiary bodies.

Rule 12 (142)

No decision involving expenditures shall be voted by the Commission until the Secretariat has had an opportunity of stating the effect of the proposal upon the budget estimates of the Commission.

V. LANGUAGES, RECORDS

Rule 13 (5 of UNSCOP)

The Commission will conduct its work in English and French except when it may agree that the interpretation may be dispensed with.

Rule 14 (6 of UNSCOP)

Persons who are unable to employ any of the official languages of the United Nations shall as a rule provide their own interpreters. If a person who appears at the instance of the Commission is unable to employ any of the official languages and provide his own interpreter, the Secretariat shall provide for the interpretation.

Rule 15 (7 of UNSCOP)

As a general rule, only summary records of meetings shall, whenever possible, be drawn up, unless the necessity for verbatim records in respect of a specific meeting or part of a meeting is recognized by the Commission, after consultation with the Secretariat. The records shall be made available as soon as possible to the representatives. The representatives shall inform the Secretariat not later than twenty-four hours after receipt of the records, of any corrections they wish to have made.

Rule 16 (new rule)

The records in which no corrections have been requested or which have been corrected in accordance with Rule 19 shall be considered as the official records of the Commission.

VI. PUBLICITY OF MEETINGS, PRESS COMMUNIQUE AND VERBAL BRIEFINGS

Rule 17 (new rule)

The Commission shall decide in each instance which of its meetings are to be open to the public. Persons other than members of the Commission and its official staff shall attend its closed meetings only on the express invitation of the Commission.

Rule 18 (11 of UNSCOP)

Official press communique shall be issued following each closed meeting.

VII. CONDUCT OF BUSINESS

Rule 19 (98)

A majority of the members of the Commission shall constitute a quorum.

Rule 20 (99)

No representative may address the Commission without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 21 (100)

The Chairman or the Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by the subsidiary body.

Rule 22 (101)

The Commission may limit the time to be allowed to each speaker.

Rule 23 (102)

During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the Chairman in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chairman. The appeal shall immediately

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be put to the vote, and the Chairman's ruling shall stand unless over-ruled by a majority of the members present and voting.

Rule 24 (103)

The Secretary-General or a member of the Secretariat designated by him as his representative, may make to the Commission or any of its subsidiary bodies any oral or written statement.

Rule 25 (104)

During the course of a debate the Chairman may announce the list of speakers, and, with the consent of the Commission, 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.

Rule 26 (105)

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one representative may speak in favour of, and one against the motion, after which the motion shall be immediately put to the vote.

Rule 27 (106)

A representative may at any time move the closure of the debate on the item under discussion whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to one speaker opposing the closure, after which the motion shall be immediately put to the vote. If the Commission is in favour of the closure the Chairman shall declare the closure of the debate.

Rule 28 (107)

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motion shall be immediately put to the vote.

Rule 29 (108)

Subject to Rule 27, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the item under discussion;
- (d) for the closure of the debate on the item under discussion.

Rule 30 (109)

Proposals and amendments should normally be introduced in writing and handed to the Secretariat, which shall circulate copies to the delegations.

Rule 31 (110)

Subject to Rule 33, any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Rule 32 (111)

A motion may be withdrawn by its proposer at any time before voting on it has commenced provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

## VIII. VOTING

Rule 33 (113)

Each member of the Commission shall have one vote.

Rule 34 (116)

Decisions in the Commission shall be taken by a majority of members present and voting.

Rule 35 (115)

For the purposes of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Rule 36 (116)

The Commission shall normally vote by show of hands, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the members. The name of each member shall be called in any roll-call and he shall reply "Yes", "No" or "Abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the members.

Rule 37 (117)

After the Chairman has announced the beginning of voting, no representative shall interrupt the vote except on a point of order in connection with the actual conduct of the voting. Explanations of their votes by members may however be permitted by the Chairman either before or after the voting.

Rule 38 (118)

Parts of a proposal shall be voted on separately if a representative requests that the proposal be divided. The resulting proposal shall be put to the vote in its entirety.

Rule 39 (119)

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to a vote. If one or more amendments are adopted, the amended proposal shall be then voted upon. A motion is considered an amendment if it merely adds to, deletes from or revises part of a proposal.

Rule 40 (120)

If two or more proposals relate to the same question, the Commission shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 41 (121)

If when only one person or member is to be elected, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot, the votes are equally divided, and a majority is required, the Chairman shall decide between the candidates by drawing lots.

Rule 42 (122)

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

#### IX. SUBSIDIARY BODIES

Rule 43 (123)

The Commission may set up such sub-commissions and other subsidiary bodies as it deems necessary.

Rule 44 (new rule)

Unless otherwise decided by the commission, each sub-commission and other subsidiary body shall elect its own officers.

Rule 45 (new rule)

The rules of procedure of the Commission shall apply to the proceedings of its sub-commissions and other subsidiary bodies in so far as they are applicable.

#### X. REPRESENTATIVES OF THE MANDATORY AND RECOGNIZED LEGAL BODIES

Rule 46 (31 of UNSCOP)

The Mandatory Power, and, until the establishment of the Provisional Council of Government of the Arab or Jewish State, the Arab Higher Committee, and the Jewish Agency for Palestine may on the invitation of the Commission,

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designate representatives to the Commission who shall supply such information or render such other assistance as the Commission may require. Such representatives on being invited by the Commission to attend a meeting, may speak only when called upon by the Chairman. These representatives may, on their own motion, present at the discretion of the Commission such information as they may think advisable.

#### XI. ORAL AND WRITTEN STATEMENTS

##### Rule 47 (32 and 33 of UNSCOP)

The Commission may at its discretion invite representatives of Governments or organizations or private individuals to submit oral or written statements.

##### Rule 48 (34 of UNSCOP)

The Commission may refer to a sub-commission for examination and recommendation such requests to present oral statements as it deems advisable

##### Rule 49 (35 of UNSCOP)

The Commission in consultation with the Secretariat shall in such case decide the time and place of the hearing of any person or group of persons from whom it may decide to receive an oral statement. The Commission may advise any person to submit his statement in writing.

##### Rule 50 (36 of UNSCOP)

The Commission may limit either the number of persons desiring to present an oral statement or the time to be allowed to such persons.

##### Rule 51 (37 of UNSCOP)

The Commission may refer to a sub-commission for study and report such written statements as it may deem advisable.

#### XII. SPECIAL RAPPORTEURS

##### Rule 52 (new rule)

1. The Commission may appoint from among its members or the members of the Secretariat special Rapporteurs to report on particular matters.

#### XIII. TECHNICAL EXPERTS

##### Rule 53 (new rule)

2. The Commission may seek the advice of individual technical experts or establish advisory commissions of technical experts, chosen for their competence and integrity.

#### XIV. JOINT MEETINGS

##### Rule 54 (new rule)

The Commission may call joint meetings with representatives of the Provisional Councils of Government of the Arab or Jewish States, as it may deem necessary. Such representatives may participate in the proceedings without the right to vote.



XV. REGULATIONS

Rule 55 (new rule)

In the discharge of its administrative responsibilities, the Commission shall issue necessary regulations. These regulations shall not enter into force before their publication in the Official Gazette of the Commission. The publications shall be made in English, Arabic and Hebrew.

XVI. REPORTS

Rule 56 (Assembly's Resolution p. 6)

1. The Commission shall render periodic monthly progress reports, or more frequently if desired, to the Security Council.
2. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

XVII. AMENDMENTS AND SUSPENSIONS

Rule 57 (38 of UNSCOP)

These rules of procedure may be amended or suspended by decision of the Commission taking by a majority of the members present and voting.

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