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**Fifty-eighth session**

Agenda item 55

**Revitalization of the work of the General Assembly****Historical and analytical note on the practices and working methods of the Main Committees****Note by the Secretariat****I. Introduction**

1. In section B, paragraph 8, of the annex to its resolution 58/126 of 19 December 2003, the General Assembly requested the Secretary-General:

“With a view to identifying best practices and working methods, and recognizing the ongoing efforts of the Main Committees to streamline their work, ... drawing on the experience of previous Chairmen of the Main Committees, to submit a historical and analytical note on the practices and working methods of the Main Committees for the consideration of the General Committee by 1 April 2004”.

2. The present note is submitted pursuant to that request.

3. Improvement of the procedures and working methods of the General Assembly and its Main Committees was recognized by Member States as a necessary and vital first step towards the revitalization of the Assembly as a whole. It has been emphasized that the work of the General Assembly and the Main Committees should be better organized to permit the Assembly to concentrate on its core tasks, as prescribed in the Charter of the United Nations.

4. The purposes of the present report include determining how best to achieve this aim. It is therefore necessary to outline the current practice from which one would be departing in pursuit of that aim.

5. Currently, the principal organs of the General Assembly are its plenary and six Main Committees, which are:<sup>1</sup>

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<sup>1</sup> By its resolution 47/233 of 17 August 1993, the General Assembly decided to merge the Special Political Committee and the Fourth (Trusteeship) Committee by amending rule 98 of the rules of procedure of the Assembly, reducing the number of Main Committees to six.

Disarmament and International Security Committee (First Committee)  
Special Political and Decolonization Committee (Fourth Committee)  
Economic and Financial Committee (Second Committee)  
Social, Humanitarian and Cultural Committee (Third Committee)  
Administrative and Budgetary Committee (Fifth Committee)  
Legal Committee (Sixth Committee).

6. The Main Committees of the General Assembly correspond to the major fields of responsibility of the Assembly. They consider agenda items referred to them by the General Assembly and submit recommendations and draft resolutions for adoption by the Assembly. The practices and working methods of the Main Committees closely follow the rules of procedure of the General Assembly and the annexes thereto, as well as the various resolutions and decisions adopted by the General Assembly.

7. Each Main Committee elects a Chairman, three Vice-Chairmen and a Rapporteur.<sup>2</sup> While the Chairmen of all of the Main Committees are elected at least three months before the opening of the session,<sup>3</sup> the election of the other officers, namely the Vice-Chairmen and the Rapporteurs, is held at the latest by the end of the first week of the session. In addition, while the General Assembly decided upon a pattern for the election of the Chairmen of the six Main Committees,<sup>4</sup> each Committee has its own practice in terms of the election of its Vice-Chairmen and Rapporteurs. As is the case with the Chairmen, however, the bureaux of the Main Committees are now elected three months in advance.<sup>5</sup>

8. The Main Committees hold brief organizational sessions once the General Assembly has taken decisions on the agenda, before the commencement of the general debate.<sup>6</sup> The bureaux of the Main Committees meet earlier to draw up recommendations on the organization and programme of work. The Main Committees meet in substantive session only after the end of the general debate.

9. On the basis of these electoral, organizational and procedural practices, the respective bureaux of the Main Committees have to a large extent taken measures further to enhance the effectiveness of each Committee's work and to improve its working methods. A consensus remains however, both within and beyond the Main Committees, that more needs to be done to make the work of the Main Committees more streamlined and better coordinated.

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<sup>2</sup> The election of the officers of the Main Committees is governed by rule 103 of the rules of procedure of the General Assembly, which stipulates that each Main Committee shall elect a Chairman, two Vice-Chairmen and a Rapporteur. At its fifty-second session, however, the General Assembly decided to amend the first sentence of rule 103 to read: "Each Main Committee shall elect a Chairman, three Vice-Chairmen and a Rapporteur" (resolution 52/163 of 15 December 1997).

<sup>3</sup> Pursuant to resolution 56/509 of 8 July 2002, in which the General Assembly amended rule 99 (a) of its rules of procedure.

<sup>4</sup> Resolution 48/264 of 29 July 1994.

<sup>5</sup> Resolution 58/126; this innovation is being implemented for the first time at the fifty-eighth session.

<sup>6</sup> As stipulated in resolution 51/241 of 31 July 1997, annex, paras. 30 and 31.

10. The present note, in contributing to the pursuit of that goal, summarizes the working methods and practices of the Main Committees with respect to:

- Election of members of the bureaux and division of work among them
- Programme of work of the Main Committees
- Decision-making process in the Main Committees
- Best practices of the Main Committees

and each subject is both discussed in the text and enumerated in the annexes. As requested in resolution 58/126, a set of recommendations has also been drawn from and attached to this analysis.

## **II. Detailed analysis of the working methods of the Main Committees**

### **Disarmament and International Security Committee (First Committee)**

11. The Disarmament and International Security Committee, also known as the First Committee, provides a broad forum for general debate regarding issues of international security.

12. Over the years, efforts were made to rationalize the work of the Committee, concentrating on rearranging its agenda and improving its organization of work. From the outset, a two-track approach was adopted to the reform of the First Committee, targeting both substantive and procedural aspects. Member States believed that, although there was little room for change with respect to procedure, a strategic opportunity existed to re-examine the agenda. Later, however, the attempt to streamline the agenda of the First Committee encountered both political and conceptual difficulties.

13. The election of the Chairman of the First Committee has proceeded by rotation between regional groups since the forty-ninth session of the General Assembly. The regional group from which the Rapporteur comes holds the Chairmanship of the Committee the following year.

14. One productive innovation from which the First Committee has benefited is the General Assembly decision to cluster agenda items allocated to the Committee into 10 broad topic areas. Since then, debates have been conducted around themes rather than individual agenda items.<sup>7</sup> In its decision 52/416 B of 8 September 1998, concerning the rationalization of the work of the First Committee, the General Assembly decided that the First Committee would hold no less than 30 meetings and

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<sup>7</sup> The 10 broad topic areas are nuclear weapons; other weapons of mass destruction; conventional weapons; regional disarmament and security; confidence-building measures, including transparency in armaments; outer space (disarmament aspects); disarmament machinery; other disarmament measures; international security; and related matters of disarmament and international security. The items entitled "Reduction of military budgets" and "Objective information on military matters" were merged into one item entitled "Reduction of military budgets".

that the time frame for its work would not exceed five weeks. Reducing the five weeks to four has been suggested, as has devoting the second week to an interactive dialogue, which might include a high-level segment. In accordance with the recommendations of the Ad Hoc Committee of the General Assembly, the First Committee decided to biennialize and triennialize some of the items on its agenda and also to merge items.

15. The First Committee has encouraged Member States to reduce the number of draft resolutions they submit annually and to avoid the introduction of “routine” draft resolutions. It has also been suggested in the Committee that these “routine” or “procedural” draft resolutions could be adopted as decisions of the First Committee proposed by the Chairman in consultation with Member States.

16. The First Committee works in three stages spread over five weeks: general debate, which lasts for two weeks; thematic discussions, which last for another two weeks; and consideration of and action on proposals, which lasts one week. This three-stage approach has proved to be useful and has made the work of the Committee more effective and efficient.

17. In the First Committee, there is an established pattern of proposals that are adopted by consensus and those that are traditionally adopted by a vote.

18. As the work of the First Committee is considered in context, a consensus seems to be emerging that the present disarmament machinery — the First Committee, the United Nations Disarmament Commission and the Conference on Disarmament — could be further streamlined and better coordinated. At the same time, consensus on the ways and means of achieving that remains elusive.

19. One other procedural adaptation bears noting in a broader context. At its fifty-second session, acting on repeated requests from smaller delegations, the General Assembly agreed that no parallel meetings of the First and Fourth Committees would be scheduled or held. This innovation, which was positively received, is felt to have facilitated and enhanced the work of the two Committees and of the Assembly as a whole.

### **Special Political and Decolonization Committee (Fourth Committee)**

20. The Special Political and Decolonization Committee (Fourth Committee) was created in accordance with General Assembly resolution 47/233 of 17 August 1993, whereby the Assembly decided to merge the Special Political Committee and the Fourth Committee into one committee. Very little has changed since then regarding the practices, items and focus of the Committee.

21. At the fifty-sixth session of the General Assembly, the Committee adopted a new methodology of rotation for the election of the members of the Bureau, based on the English alphabetical order of the names of the regional groups.

22. The General Assembly, for the past several years, has allocated 11 items to the Special Political and Decolonization Committee (Fourth Committee).<sup>8</sup> Related items

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<sup>8</sup> Items mostly relate to the broad topics of atomic radiation, the peaceful uses of outer space, review of the peacekeeping operations, Palestine refugees, decolonization and Non-Self-Governing Territories.

are clustered. No item of the agenda of the Committee is biennialized or triennialized.

23. Currently, the practice of the Committee is to hold one general debate covering all the decolonization-related items allocated to it. The Committee hears the representatives of Non-Self-Governing Territories and petitioners during this period. Bodies and individuals having an interest in the question of the Falkland Islands (Malvinas) can also be heard in the Committee in conjunction with the consideration of the item in plenary meetings.

24. Individual debates are held on all the other items allocated to the Committee. The item entitled "Comprehensive review of the whole question of peacekeeping operations in all their aspects" is considered in the Committee during the main part of the session of the General Assembly, and action on related substantive proposals is taken by the Committee at the resumed session, after it receives the report of the Special Committee on Peacekeeping Operations. However, given the increasing importance of peacekeeping, which is involving growing numbers of Member States in greater and greater depth, the possibility of examining peacekeeping in plenary meetings, rather than in the Special Political and Decolonization Committee, is also being increasingly considered.

25. The Committee has, in recent years, established the practice of having an interactive dialogue with some of the substantive departments of the Secretariat, such as the Department of Peacekeeping Operations and the Department of Public Information. During these interactive dialogues, the Committee goes beyond the hearing of formal statements and raises specific questions concerning the work of the departments. Delegations have welcomed this practice and indicated that they wish it to continue.

26. Some draft resolutions are submitted to the Fourth Committee as Chairman's texts or by Member States individually or as a group. Some proposals are contained in the annual reports of subsidiary bodies, such as the Special Committee on Peacekeeping Operations, the Committee on Information, and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

27. Action on proposals relating to the decolonization items is taken right after the general debate and the hearing of the petitioners. However, proposals submitted under the items entitled "United Nations Relief and Works Agency for Palestine Refugees in the Near East" and "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" are acted upon together, as a package, at the end of the general debates on the two items.

28. At the fifty-eighth session, the Committee decided to consolidate draft resolutions under the item "United Nations Relief and Works Agency for Palestine Refugees in the Near East" and consequently adopted five draft resolutions in place of the customary seven.

29. There is an established pattern by which the Committee adopts proposals on some issues by consensus and others by vote.

30. In the broader context, the Committee is also believed to benefit from the practice by which no parallel meetings of the Fourth and First Committees are held, thus allowing fuller, more active coverage of the two bodies by smaller delegations.

31. Other possible improvements that have been or could be discussed in the Fourth Committee include the allocation of issues or themes to each Committee for thematic debate during each session; tentative approval of the programme of work of the next session at the end of the current session; taking action on proposals in clusters rather than by specific items; and further interactive dialogues between Committee members and the Secretariat.

### **Economic and Financial Committee (Second Committee)**

32. The substantive remit of the Economic and Financial Committee (Second Committee) includes issues relating to economic growth and development such as macroeconomic policy questions, sustainable development, human settlements, globalization and the eradication of poverty.

33. The Second Committee's working methods and practices have evolved over the years and a number of resolutions have been adopted to improve its working methods.

34. The election of the Chairperson has normally been on the basis of geographical rotation. It could be useful to consider the current practice of the Economic and Social Council, by which the senior Vice-President of the Council is normally elected President of the next session, thus ensuring continuity without sacrificing the principle of geographic rotation.

35. With regard to the election of Vice-Chairmen and Rapporteur, however, an analysis over the last 12 years does not indicate a pattern of geographical rotation. It has also been the Committee's experience that rapporteurs are usually selected on a collegial basis among the members of the Bureau, on the basis of their interest and expertise. The division of labour among Bureau members is decided in like manner.

36. The General Assembly has decided upon both the biennialization and the clustering of agenda items of the Second Committee.<sup>9</sup> Clustering served as the basis for the organization of the Committee's work at its fifty-eighth session, allowing better focus, visibility and participation. At that session, the General Assembly, by decision 58/553 of 23 December 2003, further streamlined the agenda of the Second Committee. It is thought, however, that the focus of the general debate in the Second Committee could be improved further with the introduction of key themes or areas, which could be drawn from the Millennium Declaration, the medium-term plan, or other sources.

37. The Second Committee holds consultations on its programme of work before the start of its general debate. The programme of work is prepared to a large extent taking into account the availability of substantive reports, some of which, particularly on trade issues, are dependent upon intergovernmental processes.

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<sup>9</sup> By its resolution 50/227 of 24 May 1996. By decision 58/553, the General Assembly adopted a new clustering of agenda items for the Committee.

38. In accordance with past practice, a three-day general debate is held at the start of the Committee's work. Following the general debate, substantive discussions begin on individual clusters of items. In addition, numerous round tables, panel discussions, briefings and other interactive events are held with the participation of delegations, the Secretariat, agency representatives, non-governmental organizations and outside experts.

39. Draft resolutions and decisions in the Committee are tabled by the chairpersons of some major groups of States or by individual Member States. Consultations are held later in the session, so that proposals are submitted and adopted towards the end of the completion of the work of the Committee rather than immediately following the debate on the item.

40. An analysis of the number of draft resolutions emanating from the Second Committee since 1997 reveals an almost steady rise in numbers, an average of 36 being adopted per year. Draft resolutions are often repetitive over the years, mainly because of the need to reach compromise using previously adopted language. Past initiatives by the Committee to contain the growing number of draft resolutions have focused on the clustering, biennialization and triennialization of agenda items and the production of omnibus resolutions.

41. Decision-making in the Second Committee has traditionally been by consensus. This has not precluded decision-making through a vote on some issues.

42. In a broader context, the General Assembly has recommended<sup>10</sup> that greater coherence and complementarity between the work of the Second and Third Committees be promoted.<sup>11</sup> Pursuant to this, the bureaux of the two Committees convened a joint meeting during the fifty-eighth session to examine ways and means of considering, in a more coordinated manner, issues for action by the two Committees. This initial exercise proved to be useful.

43. Three other recommendations that have been made could also be further considered.

44. The first of these was that consideration could be given to moving those agenda items that would be better considered in the plenary and, at the same time, allocating the Second Committee items currently considered in the plenary.

45. The second was that it might be useful to refer to the Economic and Social Council, in a more systematic manner, topical development issues that require coordinated action by the United Nations system and the international community as a whole.

46. The third concerned relations with civil society. The General Assembly has emphasized<sup>12</sup> the need to encourage partnerships with civil society organizations especially with regard to the integrated and coordinated implementation of and follow-up to the major United Nations conferences and summits. Following the practice adopted at Monterrey and Johannesburg, intergovernmental bodies

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<sup>10</sup> Resolutions 50/227 and 57/270 B.

<sup>11</sup> Greater coherence between the work of the two Committees is to be achieved through the use of mechanisms such as joint informal debates, single presentation of reports by the Secretariat on issues that straddle the two Committees, coordination of the agendas and review of their respective programmes of work.

<sup>12</sup> In resolution 50/227, for example.

including the Second Committee could benefit from the input of civil society actors and stakeholders in round tables and informal plenary meetings. At present, the Secretary-General's High-level Panel on Civil Society is working to produce a set of practical recommendations on how to improve the relationship between the United Nations and civil society and the private sector. When available, these recommendations, and the arrangements set out in Economic and Social Council resolution 1996/31, could well help the General Assembly to enact legislation for increasing the participation of civil society in its work and in the deliberations of its Main Committees.

### **Social, Humanitarian and Cultural Committee (Third Committee)**

47. The Social, Humanitarian and Cultural Committee (Third Committee) deals with issues relating to the treatment of refugees, population, famine, social welfare, racial discrimination, human rights, ageing, crime prevention, drug control, advancement of women, protection of children and indigenous people.

48. At the forty-fifth session, the General Assembly established an open-ended Working Group on the Rationalization of the Work of the Third Committee to consider appropriate ways and means of rationalizing the Committee's programme of work. It was agreed that the primary focus of the rationalization exercise would not be simply to reduce the Committee's agenda, but to reorganize its work in a manner that would improve both the quality of debates and the impact of its deliberations and decisions.

49. In the Third Committee, there is no established practice of rotation among the regional groups for the position of Chairman or for the other members of the Bureau.<sup>13</sup> It is the practice of the Bureau to divide among the Vice-Chairmen and the Rapporteur the task of monitoring draft resolutions being prepared and negotiated under the various items of the Committee. Rather than assigning items to the Vice-Chairmen and the Rapporteur, the Chairman allows each to select items of particular interest. The Bureau and Secretariat are kept informed of the status of negotiations on all proposals. In certain cases, one of the Vice-Chairmen may be called upon to facilitate the negotiations on a draft resolution, which is then presented as a Chairman's text.

50. The agenda of the Third Committee has undergone little change since the adoption of General Assembly resolution 50/227 of 24 May 1996, by which 13 items were allocated to the Committee. Currently, the Committee has 14 items on its agenda, which has expanded slightly over the past few years to include the implementation of and follow-up to three world conferences. The Committee has not eliminated any items from its agenda recently. Third Committee items have not been biennialized or triennialized, but the submission of reports under some items has

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<sup>13</sup> Over the past 10 years, the Group of African States has held the Chairmanship of the Committee three times, whereas the Group of Eastern European States has held it only once, the remaining regions each having held the position twice. The position of Rapporteur, in the same 10-year period, has been held five times (three years in succession) by the Eastern European States, three times by the Asian States and once each by the Latin American and Caribbean States and the African States, while the Group of Western European and Other States has not held the position in 10 years.



been biennialized. In the past, the Third Committee has followed the practice of clustering related items.

51. An informal meeting is held after the Bureau is elected, to consider the programme of work of the Committee. The Third Committee does not hold a general debate. Items are considered either individually or in a cluster. It is the established practice, at the time of consideration of items or clusters of items, for the executive heads and senior members of the Secretariat to introduce reports. Following the introductions, there is an interactive dialogue between the officials and the members of the Committee as part of the formal proceedings. Under some agenda items time is set aside for dialogues with the special rapporteurs and representatives who report on their activities.

52. The submission of proposals in the Third Committee follows an established pattern that has remained consistent over the past 10 years. Certain draft resolutions are tabled each year, often by the same delegation. Others are tabled by a delegation on behalf of a regional group or by some major groups of States.

53. The General Assembly, by its resolution 45/175 of 18 December 1990, on the rationalization of the work of the Third Committee, encouraged delegations to draw up omnibus resolutions to the extent possible. The Committee has been able to adopt this procedure for one item. For other items, the practice has evolved towards the adoption of "comprehensive" draft resolutions that encompass many but not all of the issues. That has, however, led to a reduction in the number of draft resolutions adopted under a given item.

54. The Committee adopts proposals throughout the session after the conclusion of the consideration of an item or cluster of items. An evolving practice has been to set aside Thursday afternoons for action on proposals. This provides a certain "lead time" during which delegations can obtain appropriate instructions from their capitals. At the end of the session, however, the Committee is prepared to take action on draft resolutions at any given meeting, provided the members have been notified 24 hours in advance.

55. Decision-making over the past 10 years has changed very little in the Third Committee. There is an established pattern by which some proposals are adopted by consensus while others are adopted by a vote, the latter most typically in the human rights cluster of items. A decision was, however, taken at the fifty-eighth session, under rule 129 of the rules of procedure, by which, when a paragraph of any draft resolution is put to a vote, the entire draft resolution is then put to the vote also.

56. In a broader context, there is in the Third Committee, as in the Second, the sentiment that further streamlining might be possible on issues or areas that straddle the competence of the two Committees. A single report on a given topic might serve both Committees, as might, in certain contexts, joint meetings, panels, dialogues, and other forums.

### **Administrative and Budgetary Committee (Fifth Committee)**

57. The Fifth Committee is the Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters.<sup>14</sup>

58. At the forty-ninth session, the Bureau of the Fifth Committee held a number of informal meetings on its working methods. At the fifty-second session, a further attempt was made and a proposal was prepared on improving the working methods of the Fifth Committee (A/C.5/52/L.58), but no decision was taken.

59. The Chairman of the Fifth Committee is elected by the General Assembly on the basis of geographical distribution. The Committee has maintained a rotation in the selection of its Rapporteur from the regional group that served as Chairman the previous year, filling the positions of Vice-Chairmen from the three remaining regional groups. The practice of the Bureau has been, to the extent possible, to designate its members to perform functions as coordinators of informal consultations on given items or questions on the agenda of the Committee. This practice has greatly benefited the work of the Committee.

60. The Fifth Committee has biennialized a number of items for consideration in odd or even years.<sup>15</sup> The Committee has tried hard to adhere to the guidelines given by the General Assembly on this matter but, owing to the postponement of the consideration of certain reports from session to session, it has not been possible to adhere strictly to those guidelines. During its fifty-seventh and fifty-eighth sessions, the General Assembly, on the recommendation of the Fifth Committee, decided that some of the reports of the Secretary-General would be biennialized<sup>16</sup> and consolidated.<sup>17</sup> Further consideration of the question of biennialization will continue at the fifty-ninth session.

61. The Fifth Committee has over the past 10 years held at least three sessions a year. During the main part of the session of the General Assembly, the Committee considers principally items that are time bound. Owing to the nature and length of those negotiations, a number of issues that do not require immediate consideration often remain on the agenda and are postponed to the first part of the resumed session, which is normally held for a period of four weeks in March. According to the timetable endorsed by the General Assembly in its resolution 49/233 A of 23 December 1994, the Committee resumes its work annually for a period of four weeks in May to consider the administrative and budgetary aspects of the financing of peacekeeping operations and any other questions or items that the Committee needs to consider.

62. The practice of the Fifth Committee regarding the submission of draft resolutions on a given item or question is to hold informal consultations (with interpretation) under the chairmanship of a designated coordinator following the

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<sup>14</sup> As indicated in resolutions 45/248 B of 21 December 1990 and 56/253 of 24 December 2001.

<sup>15</sup> In accordance with General Assembly resolution 46/220 of 20 December 1991.

<sup>16</sup> The reports of the Secretary-General on gratis personnel (resolution 57/281 B of 18 June 2003) and on standards of accommodation for air travel (decision 57/589 of 18 June 2003).

<sup>17</sup> The reports of the Secretary-General on the accounts on the United Nations and its funds and programmes and on 10 closed peacekeeping missions. On the recommendation of the Fifth Committee, the General Assembly at its fifty-eighth session decided that the reports of the Secretary-General on the 10 closed peacekeeping missions would be submitted as a single report instead of 10 separate reports.

conclusion of the general discussion of the item. The first segment of the informal consultations consists of an extensive question-and-answer period with the senior officers of the relevant substantive offices. Once those consultations are concluded, the coordinator, designated by the Bureau, distributes a proposal, which is normally prepared by the secretariat on behalf of the coordinator, for consideration by the Member States.

63. The coordinator requests delegations to provide contributions for inclusion in the text by an established deadline. The Committee then considers, in informal consultations, the draft proposed by the coordinator, containing the inputs received. Some items require lengthy negotiations and, where extreme positions are taken and difficulties arise, the Committee resorts to informal “informals” (without interpretation). When consensus emerges, the proposals are “adopted” in an informal meeting and only then are they issued in the “L” series for action. This practice has been followed for the past 10 years and is a cost-effective method of avoiding the issuance of draft resolutions in the six official languages which are subject to further change.

64. After draft resolutions or decisions are issued as “L” documents, they are adopted at a formal meeting of the Committee. The Fifth Committee functions on the premise that no effort should be spared in the search for consensus before resorting to a vote.<sup>18</sup> For political considerations, this method is applied not only to the outline of the programme budget but also to all other draft resolutions and decisions, without exception. This approach has often led to delegations making consensus on one agenda item dependent on consensus on other items, a process which has necessitated lengthy negotiations. Only on very rare occasions has the Fifth Committee adopted a proposal by vote.

65. In the broader context, during the fifty-seventh and fifty-eighth sessions the Committee secretariat has organized, at the request of Member States, prior to the start of the work of the Fifth Committee, seminars and/or briefings by the substantive offices, on a number of issues such as the scale of assessments for the apportionment of the expenses of the United Nations, the scale of assessments for the apportionment of the expenses of United Nations peacekeeping operations, the proposed programme budget and results-based budgeting, human resources management and procurement. Delegations found those seminars to be most useful.

### **Legal Committee (Sixth Committee)**

66. The Legal Committee (Sixth Committee) deals with legal issues. In particular, it assists the General Assembly in the discharge of its responsibilities under Article 13 of the Charter of the United Nations in the progressive development of international law and its codification.

67. In the Sixth Committee, a consistent pattern of rotation of all regional groups has emerged since the forty-ninth session of the General Assembly and has been followed in the election of the Chairman. Such a system of rotation has yet to be

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<sup>18</sup> Implementing paragraph 7 of section II of resolution 41/213 of 19 December 1986, in which the General Assembly considered it desirable that the Fifth Committee should continue to make all possible efforts to obtain the broadest possible agreement on the outline of the programme budget before submitting its recommendations to the General Assembly.

fully developed in respect of the positions of the Vice-Chairmen and the Rapporteur. Invariably, however, the Rapporteur is not elected from the same regional group as at a previous session. Accordingly, the rotation does not systematically cover all regional groups in an equal manner. This subsequently reflects on the rotation of the Vice-Chairmen. When fully constituted, the Bureau of the Committee has held meetings at least once a week to review the work of the Committee or to discuss any issues that might require special attention and consultations.

68. The agenda of the Sixth Committee has remained quantitatively constant in the past 10 years. The General Assembly has allocated 10 to 17 items to it in a session. The reports of the various subsidiary and ad hoc committees and expert bodies remain core items. Some items are considered on an annual basis. Others, as part of a long-established practice, have been biennialized,<sup>19</sup> triennialized<sup>20</sup> or staggered<sup>21</sup> over a longer period.

69. The Sixth Committee holds informal consultations prior to the formal commencement of its deliberations. Such consultations, to which all representatives of Permanent Missions covering the Sixth Committee are invited, have been conducted by the Legal Counsel and have focused on matters concerning the Bureau, the Committee's work programme and the status of documentation. A tentative programme is prepared by the Secretariat quite early in the year. It is posted on the Committee's web site and is updated as appropriate. Since the adoption of resolution 56/509, the Chairman-elect of the Sixth Committee has been consulted on the draft programme.

70. For consideration in the Committee, items concerning requests for observer status in the General Assembly have tended to be clustered together for purposes of the organization of the debate. A consistent pattern has emerged in respect of the timing of the consideration of certain items over the years which takes into account, inter alia, the consideration of other items of a legal nature and the availability of documentation, in particular the reports of the relevant subsidiary bodies. This clustering of items of a legal nature is intended to accommodate the participation of legal advisers from capitals.

71. The Committee has also structured the debate on the report of the International Law Commission in such a way as to ensure that the debate is more focused and interactive. A work programme for this two-week debate is circulated well in advance and posted on the Committee's web site for delegations. The report now has chapters which flesh out the achievements of the Commission and the issues on which it wishes to have specific comments by States. The Chairman of the Commission introduces the report in the Sixth Committee by cluster of chapters and discussion proceeds on that basis. Rapporteurs on the various topics on the Commission's agenda also appear before the Committee to discuss and respond to specific questions from delegations. This has facilitated a greater exchange of views between the Committee and the Commission.

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<sup>19</sup> Item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

<sup>20</sup> Item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

<sup>21</sup> Item entitled "Progressive development of principles and norms of international law relating to the new international economic order".

72. During the fifth-eighth session, the Committee agreed upon further suggestions aimed at making the discussions on the report more interactive. Time has therefore been allotted, following the formal debate, for informal consultations on the various topics.

73. Draft resolutions and decisions are submitted by the Bureau, by individual States on their behalf, and/or by a group of States. In recent years, the number of draft resolutions submitted on behalf of the Bureau has increased. The proposals are usually subject to discussion in informal consultations, which are either open-ended or between the sponsors or coordinators and interested delegations, bilaterally or in groups. The Bureau has on occasion offered its assistance in bringing together sponsors of draft resolutions on difficult questions with a view to reaching an amicable solution. In some cases, a draft resolution is prepared in the context of the work of a working group or a subsidiary or ad hoc committee, and recommended for adoption by the Committee.

74. Although initially draft resolutions were adopted towards the end of the session, increasingly the Bureau is encouraging delegations to submit proposals as soon as the debate on an item is concluded. Draft resolutions are accordingly adopted as soon as they are ready. Draft resolutions on a related subject are usually adopted at the same sitting unless further consultations are required on any of them.

75. In the past 10 years, the Sixth Committee has adopted most of its draft resolutions and decisions without a vote. In the exceptional and rare circumstances in which a draft resolution or decision has been put to a vote, the Committee has done so after exploring other possible alternatives for compromise. In some instances, a vote has been requested on a paragraph, while the draft resolution as a whole has been adopted without a vote.

76. In its relations with some of its ad hoc committees, the Sixth Committee has established a pattern whereby the work of an ad hoc committee that meets earlier in the year is followed, during the regular session of the General Assembly, by a working group of the Committee. This two-stage approach has facilitated intersessional consultations among States, leading in some cases to the early conclusion of legal texts, for example the international conventions on terrorism. Moreover, the outcome of the work of the subsidiary or ad hoc committees or expert bodies which meet earlier in the year is available for consideration and decision by the Committee within the same calendar year (Charter Committee and International Law Commission).

77. The web site of the Committee has also become an important tool for information-sharing on its activities in the progressive development and codification of international law. The web site contains information relating to each session dating back to the fifty-second session, constituting an historical archive.

### **III. Recommendations**

78. Both singly and collectively, the practices of the Main Committees as discussed above reveal a number of issues where examination, discussion and decision could lead to solid innovation and improvement. In the paragraphs that follow, an attempt has been made to highlight and expand upon a number of those

issues. The suggestions offered are neither exhaustive nor selective, but rather indicative of points of departure towards other issues and innovations.

79. In examining the various practices of the Main Committees and the issues they raise, the first realization is that the reform of the work of the Main Committees is a comprehensive task and needs to be tackled in an integrated manner. As will be seen in the paragraphs that follow, both the range and the depth of the observations and suggestions offered have been maximized.

### **Elections**

80. The election of the bureaux of the Main Committees, in accordance with resolutions 56/509 and 58/126, at least three months before the opening of the session at which they are to serve provides an opportunity to the Committees and the bureaux-elect better to plan and organize their work. Every effort should be made by the Committee Secretaries and the current bureaux to engage the bureaux-elect in their work to ensure a smooth transition from one session to the next.

81. In this context, it could also be useful to consider the current practice of the Economic and Social Council, by which the senior Vice-President is normally elected President of the next session, thus ensuring continuity with the previous session without sacrificing the principle of geographic rotation.

### **Agenda**

82. In resolution 48/264 of 29 July 1994, annex I, paragraph 5, the General Assembly specified how the Main Committees could review their respective agendas, taking into account, inter alia, the following:

(a) Agenda items concerning issues of closely related substance could be merged within a single agenda title or be incorporated as sub-items where this is possible without loss of focus on the items or sub-items concerned;

(b) Items that cover related matters or issues could be considered in agreed clusters;

(c) Biennialization and triennialization of items on the agenda of the Main Committees could be considered in accordance with the relevant resolutions of the General Assembly;

(d) The existing broad division of work among the Main Committees should be maintained.

83. Although each Committee has been engaged in streamlining its agenda through the biennialization, triennialization and clustering of items, a more focused and coordinated approach is needed. The Main Committees could give specific attention to the rationalization of each of their future agendas, for instance by:

(a) Clustering agenda items under broad themes to facilitate better focused debates, the adoption of omnibus resolutions and the reduction in the number of requests for reports;

(b) Exploring the possibility of shifting agenda items from the plenary to the Main Committees or vice versa;

(c) Referring to the Economic and Social Council, in a more systematic manner, topical development issues that require coordinated action by the United Nations system and the international community as a whole.

#### **Provisional programme of work**

84. The Second, Third and Fifth Committees adopt a provisional programme of work at the end of the main part of a session for the upcoming session to help them better plan, prepare and organize. Other Committees could adopt this practice. It facilitates planning on behalf of delegations and the Secretariat alike. Having an advance programme of work, the Secretariat can efficiently slot the documentation required and ensure its timely issuance.

#### **General debate in the Main Committees**

85. Some Main Committees hold a general debate before the commencement of debates on substantive items, while others do not have such a practice. There is a strong sentiment that the general debate should be re-examined and re-engineered. One Committee suggested that the duration of its debate should be reduced from two weeks to one. Some Committees that have general debates also expressed their desire for more interactive debates. Perhaps more thought could be given to the question whether general debates in the Committees are really necessary. At least the Main Committees could explore their procedures with regard to general debates and devise ways to make the debates more interactive.

#### **Debate on substantive items**

86. Debates on substantive items are held either on individual items or on a cluster of themes. All Committees utilize both options depending on the nature of the items. The Committees could explore which method better suits their objectives and how it could be improved. Where appropriate, the practice of thematic debates should be promoted.

87. More interactive debates and panel discussions could be organized, with the participation of Secretariat officials, Member States, outside experts, non-governmental organizations and business and academic communities, where appropriate, in parallel to the formal meetings of the Main Committees, so as to enhance the formal discussion and bring together experts from various fields.

88. "Question time" in all Main Committees would permit a dynamic and candid exchange with the respective Secretariat officials to facilitate the work of the Main Committees in their assessment of fulfilment of mandates, productivity and related issues. "Question time" could also involve presentations by senior officials, special rapporteurs and special representatives of the Secretary-General. To further expedite the process, texts of introductory statements by Secretariat officials could be circulated to delegations in advance.

#### **Reports and resolutions**

89. The Main Committees should exercise restraint in making proposals containing requests for new reports and should consider integrating, biennializing or triennializing the presentation of reports. For instance, reports could be consolidated according to items and not be a product of each resolution.

90. The Main Committees should work towards shortening some resolutions. Resolutions on procedural questions could be changed into decisions. The Main Committees could identify and recommend individual items or clusters of related items that could be effectively considered in omnibus resolutions.

91. It would also be useful to encourage the notion that resolutions should focus primarily on new elements. There could be an open, informal session of the Committee, between the discussion of the items of a cluster and the introduction of proposals, to discuss the number of draft resolutions needed under each item or cluster of items. If a draft resolution is deemed necessary, then the proponents or drafters could be requested to identify new elements contained in it.

92. Sponsors of draft resolutions could also be given a role in actively monitoring the implementation of their resolutions in following years, thus creating a sense of accountability.

93. It would also be useful for the Bureau to support the drafting processes from the outset, in order to ensure that draft resolutions are concise and clearly formulated, and incorporate a clear message.

94. Draft resolutions and decisions, as far as possible, should be issued as official "L" documents only after the text is finalized through informal consultations (with interpretation), as is the practice in the Fifth Committee. This would lead to better utilization of resources.

#### **Action on proposals**

95. Each Committee has a different practice with regard to taking action on proposals. Some committees adopt draft resolutions and decisions immediately following debate on an item or cluster of items, some adopt them towards the end of the main part of the session and some utilize a combination of the two practices.

96. Certain committees believe that their working method needs to be changed in relation to the time of adoption of draft resolutions. Since it would not be efficient to recommend one method as "the best method" for all the committees, when each Committee is distinct and separate, it would be best for each Main Committee to examine in more detail whether its current practice needs to be changed.

97. Consideration could also be given to the whole notion of consensus. While consensus is worthwhile and indeed necessary on some matters, in other cases it is often time-consuming and results in decisions that provide little added value.

#### **Better coordination among the Economic and Social Council and the Second and Third Committees**

98. In resolution 57/270 B of 23 June 2003, the General Assembly recommended that greater coherence and complementarity between the work of the Second and Third Committees be promoted by such means as:

- (a) Joint informal debates to inform the work of each Committee;
- (b) Coordination of the agendas of the two Committees by their bureaux;
- (c) Joint events outside of the formal meetings such as panel discussions or briefings by the Secretariat;



(d) Review of their respective programmes of work in order to exchange information on the issues discussed in each.

99. The joint meeting convened by the bureaux of the two Committees during the fifty-eighth session of the General Assembly to examine ways and means of considering issues for action by the two Committees proved useful, and it was felt that it could be helpful to convene further such meetings in the future.

100. Further and broader use of joint meetings, panels, dialogues and other forums could also prove beneficial.

101. In resolution 57/270 B, as in resolution 50/227, the General Assembly also called for more coherence between its work and that of the Economic and Social Council. Specifically the need to strengthen the role of the General Assembly as the highest intergovernmental mechanism for the formulation and appraisal of policy was underlined. In this connection, it could be envisaged that the annual report of the Economic and Social Council in its entirety be considered in plenary meetings of the General Assembly, as is the annual report of the Security Council. The deliberations of the Economic and Social Council, a principal organ under the Charter, also deserve the full attention of the Assembly.

#### **Relations with civil society**

102. Following the practice adopted at Monterrey and Johannesburg, intergovernmental bodies could benefit from the input of civil society actors and stakeholders in round tables and informal plenary meetings.

103. When available, the recommendations of the Secretary General's High-level Panel on Civil Society could well help the General Assembly to enact legislation for increasing the participation of civil society in its work and in the deliberations of its Main Committees.

104. While each of the steps and innovations just mentioned is important in itself, consideration by the General Assembly of the ways it can best incorporate them into its own decision-making will be essential if their full impact is to be realized.

#### **Working group of each Main Committee**

105. As was done in the Third Committee at the forty-fifth session, a separate working group of each Main Committee could be established to consider appropriate ways and means of rationalizing the work of each Committee.

#### **Implications for the work of the plenary**

106. A number of the possibilities mentioned in the course of this note have clear implications for the work of the plenary.

107. Among them, the current practice of examining the Economic and Social Council and its work in the Second and Third Committees could benefit from reconsideration. Given the status and focus of the Economic and Social Council as a principal organ of the United Nations, it is possible that the input of the General Assembly to the Council's work could be rendered more effective and efficient were it to be taken up directly in the plenary.

108. Given the increasing importance of peacekeeping, which, as noted earlier, is involving growing numbers of Member States in greater and greater depth, the possibility of examining peacekeeping in the plenary could also bear serious consideration.

109. In the broader context of discussions on reform and revitalization (both of which are also plenary items), the innovation of transferring those two questions (peacekeeping and the report of the Economic and Social Council) to the plenary could also be considered as a means of placing them on a par with issues such as the consideration of the report of the Secretary-General on the work of the Organization and the annual report of the Security Council.

110. In that same context, and to counterbalance that change, some of the specific agenda items now dealt with in the plenary could be allocated to the relevant Main Committee.

111. Consideration of the issues of relations with civil society generally and of participation by civil society actors in the General Assembly in particular would also seem to offer promising means of enhancing both the work and the outreach of the Assembly.

## Annex I

### Election of the Bureaux and division of work among the members of the Bureaux of the Main Committees

	<i>Election of the Bureau</i>			<i>Division of work</i>
	<i>Chairman</i>	<i>Vice-Chairman</i>	<i>Rapporteur</i>	
First Committee	Geographical distribution and rotation based on regional groups	Geographical rotation based on regional groups	The regional group from which the Rapporteur is elected holds Chairmanship the following year	Work is divided among Bureau members in accordance with the rules of procedure of the General Assembly
Fourth Committee	A new methodology of rotation began as from the fifty-sixth session	A new methodology of rotation began as from the fifty-sixth session	A new methodology of rotation began as from the fifty-sixth session	Work is divided among Bureau members in accordance with the rules of procedure of the General Assembly
Second Committee	Geographical distribution and rotation based on regional groups	No established practice	No established practice	Work is divided among the Bureau members based on their expertise and knowledge
Third Committee	No established practice	No established practice	No established practice	Individual Bureau members select the items of interest to them to work on and keep the Bureau and the Secretariat informed of the developments
Fifth Committee	Geographical distribution and rotation based on regional groups	Regional groups that do not provide the Chairman or Rapporteur	Regional group that served as Chairman the previous year	Individual Bureau members are designated as coordinators of the informal consultations on given items
Sixth Committee	Geographical distribution and rotation based on regional groups	Regional groups other than those occupying the positions of Chairman and Rapporteur	Rapporteur is not elected from same regional group	Individual Bureau members are designated as coordinators of various proposals

## Annex II

## Programme of work of the Main Committees

	<i>Agenda</i>	<i>Consideration of items</i>
First Committee	<ul style="list-style-type: none"> <li>• 16-20 items, some with sub-items, are allocated to the Committee each session.</li> <li>• Some items are biennialized and triennialized.</li> <li>• Items are clustered thematically in the agenda. The same clustering is used for the debate on items.</li> </ul>	<ul style="list-style-type: none"> <li>• Session lasts for five weeks.</li> <li>• The Committee works in three stages: general debate, thematic discussions and consideration of and action on proposals.</li> </ul>
Fourth Committee	<ul style="list-style-type: none"> <li>• 10 items are allocated to the Committee each session.</li> <li>• Agenda items of the Committee have not evolved.</li> </ul>	<ul style="list-style-type: none"> <li>• One general debate is held for all decolonization items.</li> <li>• Individual debates are held for other items.</li> </ul>
Second Committee	<ul style="list-style-type: none"> <li>• 10 items, some with sub-items, are allocated to the Committee each session.</li> <li>• Some items are biennialized.</li> <li>• Items in the agenda are clustered thematically and for the debates the same clustering is used.</li> </ul>	<ul style="list-style-type: none"> <li>• After consultations with the Bureau on its programme of work, a three-day general debate is held, which is followed by a substantive debate on individual items or clusters of items.</li> </ul>
Third Committee	<ul style="list-style-type: none"> <li>• 14 items, some with sub-items, are allocated to the Committee each session.</li> <li>• The agenda of the Committee has not evolved since the adoption of resolution 50/227.</li> <li>• Items are clustered thematically in the agenda and the same clustering is used for the debates.</li> </ul>	<ul style="list-style-type: none"> <li>• Items are considered individually or in a cluster.</li> <li>• At the time of consideration, senior officials of the Secretariat present reports. Following that, interactive dialogues begin.</li> <li>• Under some items, special rapporteurs present reports also.</li> </ul>
Fifth Committee	<ul style="list-style-type: none"> <li>• 33-35 items, some with sub-items, are allocated to the Committee.</li> <li>• Some items are biennialized.</li> </ul>	<ul style="list-style-type: none"> <li>• Three sessions are held during a regular session to consider the items.</li> <li>• Items that are time bound are considered during the main part of the session.</li> <li>• Other items are considered during the first resumed session, which is for four weeks in March.</li> <li>• Items related to financing of peacekeeping operations are considered at the second resumed session, which is for four weeks in May.</li> </ul>

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	<i>Agenda</i>	<i>Consideration of items</i>
Sixth Committee	<ul style="list-style-type: none"><li>• 10-17 items are allocated to the Committee each session.</li><li>• Items are biennialized, triennialized or staggered.</li><li>• Items are not clustered for the debates.</li></ul>	<ul style="list-style-type: none"><li>• Informal consultations are held prior to formal deliberations.</li><li>• Programme of work is made available well in advance.</li><li>• Items of a legal nature are clustered together for consideration.</li><li>• Time is set aside for informal consultations after the formal debate.</li></ul>

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### Annex III

#### Decision-making process in the Main Committees

	<i>Submission of proposals</i>	<i>Action on proposals</i>
First Committee	<ul style="list-style-type: none"> <li>Proposals are submitted by individual States, by one State on behalf of a regional or other political group or by a group of States.</li> </ul>	<ul style="list-style-type: none"> <li>Action on all proposals is taken together after thematic discussion of the items.</li> <li>The Committee has an established pattern for proposals that are adopted without a vote or with a vote.</li> </ul>
Fourth Committee	<ul style="list-style-type: none"> <li>Proposals are submitted by individual States, by a group of States, as a Chairperson's text, or are contained in the annual reports of the subsidiary bodies.</li> </ul>	<ul style="list-style-type: none"> <li>Action on proposals is taken at the end of the debate on the items.</li> <li>The Committee has an established pattern for proposals that are adopted without a vote or with a vote.</li> </ul>
Second Committee	<ul style="list-style-type: none"> <li>Majority of the proposals are submitted by regional groups and some by individual delegations.</li> <li>Informal consultations are held on these proposals.</li> </ul>	<ul style="list-style-type: none"> <li>Proposals are adopted mainly towards the end of the main part of the session.</li> <li>Proposals are mostly adopted by consensus.</li> </ul>
Third Committee	<ul style="list-style-type: none"> <li>Proposals are submitted by individual States on their behalf or on behalf of a regional group and/or by a group of States.</li> <li>Informal consultations are held on these proposals.</li> </ul>	<ul style="list-style-type: none"> <li>Proposals are mostly adopted throughout the session, after the consideration of an item or cluster of items.</li> <li>Action on proposals generally is taken on Thursday afternoons.</li> <li>The Committee has an established pattern for proposals that are adopted by consensus or with a vote.</li> </ul>
Fifth Committee	<ul style="list-style-type: none"> <li>Following informal consultations, the Secretariat prepares proposals. Further consultations are held on these proposals. When the proposal has a consensus, the Committee issues it as an "L" document for adoption.</li> </ul>	<ul style="list-style-type: none"> <li>After a general discussion, informal and possibly informal/informal consultations are held on an item.</li> <li>Proposals are negotiated and adopted by consensus.</li> </ul>

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*Submission of proposals*

*Action on proposals*

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Sixth Committee

- Proposals are submitted by individual States on their behalf or on behalf of a regional group. Sometimes the Bureau itself or a group of States also submit proposals.  
Informals are held on proposals before a final draft is ready for action.

- Proposals are adopted after the debate on the item.
  - Most proposals are adopted without a vote, with a few exceptions.
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**Annex IV****Best practices of the Main Committees***Best practices*

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| First Committee  | <ul style="list-style-type: none"> <li>• A three-stage approach to consideration of items has been extremely useful.</li> <li>• No parallel meetings with the Fourth Committee.</li> </ul>   |
| Fourth Committee | <ul style="list-style-type: none"> <li>• Interactive dialogues are held with the involvement of the Secretariat and Member States.</li> <li>• The number of draft resolutions adopted under the item entitled “United Nations Relief and Works Agency for Palestine Refugees in the Near East” has been reduced from 7 to 5.</li> <li>• No parallel meetings with the First Committee.</li> </ul>  |
| Second Committee | <ul style="list-style-type: none"> <li>• Panel discussions and interactive dialogues are held with the participation of the Secretariat, Member States, agency representatives and external experts.</li> <li>• Joint meetings of the Bureaux of the Second and Third Committees, as from the fifty-eighth session.</li> </ul>   |
| Third Committee  | <ul style="list-style-type: none"> <li>• Interactive dialogues are held with the participation of the Secretariat and Member States.</li> </ul>  |
| Fifth Committee  | <ul style="list-style-type: none"> <li>• Informal consultations are held by the Coordinator prior to the submission of proposals.</li> <li>• Seminars or briefings are held by the substantive departments for delegations before the start of a session.</li> </ul>   |
| Sixth Committee  | <ul style="list-style-type: none"> <li>• Pre-session informal consultations are held on organizational matters.</li> <li>• Number of organizational decisions taken on the first day of business regarding the conduct of the meetings.</li> <li>• Debate on the report of the International Law Commission has been structured to make it more focused and interactive.</li> <li>• After formal debates on items, time is allowed for informal consultations.</li> <li>• The work of the ad hoc committees is followed by a working group of the Committee.</li> <li>• The outcome of the work of the subsidiary and expert bodies and ad hoc committees is made available for consideration and action within the same calendar year.</li> <li>• Wealth of information is made available on the Committee’s web site.</li> </ul> |
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